

U.S. Office of Personnel Management
Office of Merit Systems Oversight and Effectiveness
Classification Appeals and ELSA Programs



Atlanta Oversight Division
75 Spring Street, SW., Suite 972
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**Classification Appeal Decision
Under Section 5112 of Title 5, United States Code**

Appellant: [Appellants]
Agency classification: Petroleum Engineering Technician
GS-802-10
Organization: [Bureau of Land Management, Interior]
OPM decision: Petroleum Engineering Technician
GS-802-10
OPM decision number: C-0802-10-02

Kathy W. Day
Classification Appeals Officer
2/25/98

Date

As provided in section 511.612 of title 5, Code of Federal Regulations, this decision constitutes a certificate that is mandatory and binding on all administrative, certifying, payroll, disbursing, and accounting officials of the government. The agency is responsible for reviewing its classification decisions for identical, similar, or related positions to ensure consistency with this decision. There is no right of further appeal. This decision is subject to discretionary review only under conditions and time limits specified in the Introduction to the Position Classification Standards, appendix 4, section G (address provided in appendix 4, section H).

Decision sent to:

[Appellants]

Ms. Karen Ryan
Chief, Branch of Human Resources
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Springfield, VA 22153

Mr. Woodrow W. Hopper, Jr.
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Introduction

On May 29, 1997, the Atlanta Oversight Division, Office of Personnel Management (OPM), accepted two classification appeals for the position of Petroleum Engineering Technician, GS-802-10. These positions are assigned to the Bureau of Land Management (BLM), Department of the Interior, [location]. The incumbents are assigned to identical position descriptions (PDs), even though the PD numbers are different.

These appeals have been accepted and processed under section 5112(b) of title 5, United States Code. This is the final administrative decision on the classification of these positions subject to discretionary review only under the limited conditions and time limits specified in part 511, subpart F, of title 5, Code of Federal Regulations.

General issues

As a result of a consistency review conducted by their agency, the appellants' position was reclassified from GS-1801-11, Oil and Gas Inspector, to Petroleum Engineering Technician, GS-802-10. The appellants believe their duties are identical to those performed by Offshore Oil and Gas Inspectors at grades GS-11 and GS-12 in the Department of Interior's Minerals Management Service (MMS). They want their position classified as GS-1801-11 as it was originally. One of the appellants accepted a voluntary reassignment from Supervisory Petroleum Engineering Technician, GS-802-11, to Oil and Gas Inspector, GS-1801-11, prior to the reclassification action. He requests that he be placed back in his supervisory position at a minimum.

By law, OPM must classify positions solely by comparing their current duties and responsibilities to published OPM standards and guidelines. Since comparison to standards is the exclusive method for classifying positions, we cannot compare the appellants' position to others as a basis for deciding their appeal.

In addition, OPM cannot direct an agency to place an employee back in a previously held position. Agency management has the right to assign duties and establish or abolish positions. Any action taken in regard to assigning an employee to a position is at the discretion of the agency.

In processing this appeal, we considered the following information provided by the appellants:

1. Their identical, current PDs numbered [#s];
2. A draft PD written by one appellant;
3. A 1995 BLM report of classification findings on Petroleum Engineering Technician positions;
4. The 1997 Department of Interior classification appeal findings for Petroleum Engineering Technician positions in BLM;
5. Copies of standardized measurement and inspection record forms;

6. A memo from [a] BLM District Manager.

In addition, we conducted telephone interviews with both appellants, their supervisor, the Lead Petroleum Engineer, and the BLM classification specialist familiar with the position.

The BLM Human Resources Office and the supervisor provided the following additional information which we also considered:

1. Supervisory certification that the assigned PDs are accurate. The appellants declined to certify them as accurate;
2. Copy of appellants' performance elements;
3. Organizational information;
4. Sample copies of Form 3160, Notice of incidents of non-compliance, a Minerals Management Service (MMS) monthly report of operations, and oil and gas agreements for [the district];
5. The OPM classification appeal decision dated July 1995 for a GS-802-10, Petroleum Engineering Technician, position at the Colorado BLM office.

Position information

The appellants are assigned to identical PDs, numbered [#s]. They are responsible for conducting inspections of oil and gas drilling and production operations and facilities to determine compliance or non-compliance with Federal regulations, engineer approved drilling or abandonment plans, petroleum industry standards, agency procedures, etc. This entails inspecting numerous technical aspects of equipment, facilities, documents, and processes of varying kinds for oil and gas operations. The appellants direct corrective action or assess fines in cases of non-compliance. When non-compliance with environmental or health and safety requirements is found, the appellants may order operations stopped until compliance is achieved. Depending upon the geographic assignments, the Petroleum Engineering Technicians spend 40 to 50 percent of their time on production verification (including onsite verification) and 50 to 60 percent on drilling and abandonment inspections, which includes environmental and safety inspections.

The appellants are 2 of 3 Petroleum Engineering Technicians assigned to the [office]. The office has jurisdiction over [states] in which there are approximately 1600 oil or gas wells, 100 of which are in state waters, and approximately 800 production sites. The appellants each have a specific geographic assignment which covers parts of or all of 5 to 6 states. Geographic assignments may rotate among them. Due to the large number of sites, each one cannot be inspected annually, therefore, the Petroleum Engineering Technicians participate in the planning and prioritizing of the onsite inspection schedule each year. The appellants report to the Supervisory Geologist, and a Petroleum Engineer provides assistance when necessary.

Although the PDs are 7 years old, we find that they do reflect the major duties and responsibilities of the position and are accurate for classification purposes.

Series and standard determination

After comparison of the appellants' duties to the definitions of professional, administrative, technical, and clerical work as defined in the Introduction to the Position Classification Standards, we determined that the duties are technical in nature. Therefore, the work typically follows a one-grade interval pattern.

Technical work is defined as duties which are "associated with and supportive of a professional or administrative field. It involves extensive practical knowledge, gained through experience and/or specific training less than represented by college graduation. Work in these occupations may involve substantial elements of work of the professional or administrative field, but require less than full knowledge of the field involved. Technical employees carry out tasks, methods, procedures, and/or computations that are laid out either in published or oral instructions and covered by established precedents and guidelines. Depending upon the level of difficulty of the work, these procedures often require a high degree of technical skill, care and precision."

The appellants' duties involve the inspection of oil and gas operations in relation to production operations, engineer approved plans, established Federal regulations and industry standards. These duties are comparable to the definition of technical work. The appellants received technical training in BLM courses on drilling and production and gained technical knowledge and skills on the job, as well as through previous jobs related to oil and gas operations.

The appellants' duties do not match the professional work definition in that their job knowledge is not characteristically acquired through education or training equivalent to a bachelor's degree or higher with major study in a specialized field, nor does the work involve the application of a body of knowledge that is constantly studied to make new interpretations. Their duties also do not match the administrative work definition. The appellants are not concerned with analyzing, modifying, or developing the basic program, policies, and procedures of oil and gas operations. Clerical work also does not adequately define the appellants' work because their duties do not involve "general office or program support" such as processing transactions, maintaining office records, keeping a calendar and informing others of deadlines.

Since the work has been determined to be technical in nature, a review of various technical, one-grade interval series definitions was conducted to determine the best series match for the appellants' duties. The GS-1801, General Inspection, Investigation and Compliance Series, and GS-881, Petroleum Engineer Series, are not applicable because they are used to grade professional positions which are two-grade interval positions.

The agency placed the position in the GS-802 series. We determined after a careful review of the appellants' duties, that the GS-802 series definition adequately describes their duties as performing

“nonprofessional technical work in functions such as . . . inspection, test or operation of engineering facilities, structures, systems and processes, equipment, . . .” Since the duties of this position adequately match the GS-802 series, that series is deemed appropriate.

Title determination

The GS-802 series authorizes the title *Petroleum Engineering Technician* for positions concerned with the discovery, development, production, and conservation of petroleum, natural gas, or helium.

Grade determination

The GS-802 standard defines grade levels GS-1 through 9 and 11 using 2 criteria, *Nature of Assignment* and *Level of Responsibility*. The appellants’ duties and responsibilities must fully meet the grade level criteria at a particular level in order to be graded at that level. The 802 standard states “because positions at GS-10 level were found to be highly individualized, it was not practical to develop standard criteria for positions at this level. Accordingly, positions should be evaluated by comparison with the criteria for GS-9 and GS-11....Positions should not be classified on the basis of merely matching duties with those in the illustrative assignments. Judgment must be applied in determining the degree to which the specific position being classified fits the intent of the standards.”

Nature of Assignment

This includes the scope and difficulty of the work and the skills and knowledge required to complete the assignment.

The standard at the GS-9 level states that engineering technicians “typically perform a variety of work relating to the area of specialization that requires the application of a considerable number of different basic but established methods, procedures, and techniques.” The employee has independent responsibility for planning and conducting a block of work which may be a complete conventional project or a portion of a larger more diverse project. At the GS-9 level, the employee often must deviate from original plans to incorporate additional factors encountered after the beginning of the assignment.

At the GS-11 level, the technician performs work of broad scope and complexity which requires interpreting and adapting many guidelines, engineering principles and practices. At this level, the technician is typically confronted with a variety of complex problems in which considerable judgment is needed to make engineering compromises and decisions. The technician devises new ways of accomplishing objectives.

Based on all the information gathered, the nature of the appellants’ assignments exceeds the GS-9 level due to the complexity of the work created by the variety of different inspections, i.e. drilling, production, plugging and abandonment. The different types of machinery, oil and gas drilling methods, documentation, and geography of the various drilling sites adds to the complexity. The

appellants independently plan and conduct a full range of onsite inspections covering production and drilling operations for major oil companies using the most sophisticated equipment, as well as small marginal operators using equipment that is less advanced and sometimes less than optimal. They use a high degree of technical judgment to determine if equipment and operations are within acceptable limits and functioning properly, to detect unauthorized movement of oil and gas, to recognize improper casing and improper abandonment practices, etc. Equipment and processing can vary widely and may be in unique combinations. There are numerous and detailed guidelines available such as Federal regulations and standards, BLM instructions, field rules, standards and codes for the petroleum industry, safety alert notices, and other operational issuances which apply to the appellants' work.

The appellants' assignments do not fully meet the GS-11 level because they are not required to interpret and adapt engineering standards, make engineering compromises, or devise new ways of accomplishing their objectives. The appellants are considered the "eyes and ears" for the BLM petroleum engineer and environmental specialists because they ensure compliance with engineer approved drilling plans and environmental and safety requirements. They use standardized measurement and inspection records, i.e., Forms 3160-10,11,15, and 17, to determine compliance with Federal regulations and other standards.

Since the *Nature of Assignment* exceeds the GS-9 level but does not fully meet the GS-11 level, it is properly graded at GS-10.

Level of Responsibility

This evaluates the level of the nature and purpose of person-to-person work relationships, and supervision received in terms of intensity of review, as well as guidance received during the course of the work cycle.

At the GS-9 level, the supervisor outlines requirements and furnishes general instructions and priorities. When significant deviations from standard engineering practices must be made, the technicians consult their supervisor. The supervisor observes the work of a GS-9 technician for progress and coordination with work performed by other employees and for adherence to schedules. Standard methods employed by the technician are seldom reviewed. A GS-9 technician has person-to-person contacts with contractors and engineering firms to promote adherence to agency standards and advise of discrepancies.

The GS-11 technician has more freedom to plan and carry out assignments. The supervisor makes assignments in terms of major objectives, and there is little review of the technicians' work during the progress of typical assignments. Technical assistance is infrequently required, but the supervisor may be consulted on unusual or controversial problems or policy questions. Person-to-person contacts are more extensive and concern complex engineering problems carried out without close supervision.

The appellants' level of responsibility and independence exceeds the GS-9 level. Their work is reviewed only occasionally for adherence to operating regulations, inspection policies and guidelines. They are given work priorities and objectives, but independently plan their work schedules. The supervisor does not provide technical assistance, but petroleum engineers and environmental specialists approve major deviations from established plans and become involved with major safety, environmental, or compliance problems encountered by the appellants onsite. Shut downs of drilling operations have been ordered by the Petroleum Engineering Technicians in 2 instances due to safety or environmental problems since 1987. Historically, the working relationships between the appellants and the oil and gas operators has been cooperative, however, the engineer may become involved if an operator is uncooperative.

The appellants' level of responsibility does not fully meet the GS-11 level. Their work assignments represent a more structured environment and do not generally involve the complexity found in GS-11 level assignments. Therefore, the degree of responsibility exercised in the position is necessarily more limited than envisioned at GS-11. Technical assistance is available from the Petroleum Engineer if needed, and the appellants' supervisor does occasionally review their work for conformance to standards.

Level of Responsibility exceeds GS-9 but does not fully meet GS-11, therefore, the GS-10 level is assigned.

Summary

Both *Nature of Assignment* and *Level of Responsibility* equate to the GS-10 level.

Decision

The appellants' position is properly classified as Petroleum Engineering Technician, GS-802-10.