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

Dallas Oversight Division
1100 Commerce, Room 4C22
Dallas, TX 75242

Classification Appeal Decision
Under Section 5112 of Title 5, United States Code

Appellant:	[appellant]
Agency classification:	Toxicologist, GS-415-13
Organization:	[bureau component] Department of the Interior [city, state]
OPM decision:	Toxicologist, GS-415-13
OPM decision number:	C-0415-13-01

/s/ Bonnie J. Brandon
Bonnie J. Brandon
Classification Appeals Officer

7/12/99
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:

[appellant's name and address]

[servicing personnel office]

Director of Personnel
US Department of the Interior
Mail Stop 5221
1849 C Street, NW.
Washington, DC 20240

Introduction

The Office of Personnel Management's Dallas Oversight Division accepted a position classification appeal on January 25, 1999, from [the appellant], an employee of the [bureau component], Department of the Interior, [city, state]. The appellant's position is classified as Toxicologist, GS-415-13. He indicates that management requested his position be reclassified to the GS-14 grade level. When the [bureau component's] Human Resources Office denied the request for reclassification, the appellant filed an appeal with this office. This appeal was accepted and decided under the provisions of section 5112 of title 5, United States Code.

To help decide the appeal, an Oversight Division representative conducted a telephone audit of the appellant's position. The audit included interviews with the appellant, his supervisor, and hazardous materials management staff from three field offices.

Position information

The [appellant's organization] role is to provide scientific and technical consulting, information exchange, products and services, analysis and assessment, and design of resource systems for the [bureau component] field offices managing the public lands. These field offices include 11 State Offices and the district and resource areas that operate within those states. There are five specialized groups within the [appellant's organization], i.e., architecture and engineering, geographic sciences, natural resource sciences, resource analysis and assessment, and information and communication. The appellant is assigned to the natural resource sciences group, an organization of approximately 20 employees assigned to a variety of biological and physical science positions. Included among the group's responsibilities is providing technical assistance and development of processes for the hazardous materials management and natural resources damage assessment and restoration programs. The hazardous materials management staff includes the appellant, two geologists, a natural resource specialist, and an environmental engineer. They provide technical direction, consultation, and direct services in the area of groundwater, chemistry, toxicology, and computer applications related to hazardous waste disposal projects in [the bureau component]. They develop standards and guidelines for agency use; provide review and coordination in technical facets of the program that includes environmental laws and regulations; provide technical guidance for remediation of known sites; provide training to [bureau component] personnel; and support the procurement office in national contracts.

The appellant serves as [the bureau component's] principal technical expert in the area of toxicology, health and safety of hazardous waste sites, and environmental chemistry. He serves as the principal contact for technical support and advice in these issues. Briefly, his primary duties include performing site assessment, evaluation, and remedial studies; effecting cleanup and restoration of hazardous waste and abandoned mine sites; and ensuring the technical adequacy of studies done by consulting firms and laboratories under contract to evaluate known or potential hazardous waste sites. He consults and cooperates with other senior level experts and managers both within and outside of [the bureau componenct] and provides training to [bureau component] staff on site characterization and hazardous site health and safety. He participates in the

negotiation of cooperative programs with State, local, and other Federal agencies; assists in characterization and ranking of a wide variety of suspected sites; assists in training [bureau component] personnel in toxicology, hazardous site health and safety, and environmental chemistry; and acts as the Safety Officer [for the appellant's organization].

Series and title determination

The GS-415 Toxicology Series includes positions, the duties of which are primarily to administer, advise on, supervise, or perform research, analytical, advisory, or other professional and scientific work in the discipline of toxicology. Such work involves the study of adverse effects of chemical substances or similar agents on living organisms and/or the environment and the assessment of the probability of their occurrence under specified conditions of use or exposure. The appellant does not question the title or series of his position. We agree with the agency's allocation of the position to the GS-415 series. Toxicologist is the correct title.

Standard determination

The GS-415 classification standard does not include grade level criteria. It does provide guidance for determining published standards and guides for use in evaluating the grade level of the position. The suggested standards to evaluate nonsupervisory and nonresearch positions are the GS-403 Microbiology, GS-414 Entomology, and GS-1320 Chemistry Series. Because the field of toxicology itself involves multidisciplinary knowledges and the emphasis of the appellant's position involves environmental chemistry and the health and safety aspects of hazardous waste sites, we have chosen the GS-1300P Job Family Standard (JFS) for Professional Physical Science Work to determine the grade of the appellant's work. This new GS-1300P JFS superseded the the standard for the GS-1320 Chemistry Series and is now used to grade work performed by chemists and 17 other physical science occupations.

Grade determination

The GS-1300P standard includes appropriate language from the law and the grade level data, i.e., the standard. These are supplemented by illustrations of work appropriate to each grade level.

At the GS-12 level, the law describes positions which are under general administrative supervision, and with wide latitude for the exercise of independent judgment, that perform professional, scientific, or technical work of marked difficulty and responsibility requiring extended professional, scientific, or technical training and experience which has demonstrated leadership and attainment of a high order in professional, scientific, or technical research, practice, or administration. Work assignments typically involve planning, executing, and reporting on original studies or ongoing studies requiring a fresh approach to resolve new problems. The complexity of assignments requires extensive modification and adaptation of standard procedures, etc., and development of totally new methods and techniques to address problems for which guidelines or precedents are not substantially applicable. Assignments

typically include considerable breadth, diversity, and intensity; varied, complex features; and novel or obscure problems. Completed work is reviewed primarily for general acceptability and feasibility, and scientific recommendations are normally accepted as sound without close review unless matters of policy or program resources are involved.

At the GS-13 level, the law describes positions that perform, under administrative direction, with wide latitude for the exercise of independent judgment, work of unusual difficulty and responsibility requiring extended professional, scientific, or technical training and experience which has demonstrated leadership and marked attainments in professional, scientific, or technical research, practice, or administration. The standard indicates this is a senior expert level, involving work for which technical problem definitions, methods, and/or data are highly incomplete, controversial, or uncertain. Scientists at this level represent an authoritative source of consultation for other scientists and program specialists and are called upon to perform a key role in resolving issues that significantly affect scientific programs. They make long-range and controversial proposals and defend their findings and recommendations in public or high level forums. GS-13 level scientists represent their organizations or programs or the Government's interests. Some positions include staff work with responsibility for reviewing and coordinating field work in a narrow program area or reviewing and developing legislative or regulatory proposals. Others may involve planning, organizing, and leading teams to prepare requirements and specifications for new, large scale systems or to evaluate overall plans and proposals for significant systems developed by contractors.

At the GS-14 level, the law describes positions the duties of which are:

(A) to perform, under general administrative direction, with wide latitude for the exercise of independent judgment, work of outstanding difficulty and responsibility along special technical, supervisory, or administrative lines which has demonstrated leadership and unusual attainments;

(C) to plan and direct or to plan and execute major professional, scientific, technical, administrative, fiscal, or other specialized programs, requiring extended training and experience which has demonstrated leadership and unusual attainments in professional, scientific, or technical research, practice, or administration, or in administrative, fiscal, or other specialized activities; or

(D) to perform consulting or other professional, scientific, technical, administrative, fiscal, or other specialized work of equal importance, difficulty, and responsibility, and requiring comparable qualifications.

The standard indicates that responsibilities at this level tend to involve highly unstructured and interconnected problems involving both difficult technology and complex human relations or programmatic issues. The work has special significance for the success of the organization. Typically, assignments include a wide area of responsibility carried out under administrative direction in terms of broad agency policies, objectives, and mission statements. Other recognized

senior technical experts turn to the GS-14 for advice and counsel because of the position and the person's personal reputation in the field.

As indicated previously, the [appellant's organization] serves as a resource for the State Offices charged with responsibility for managing the land. There are hazardous material program responsibilities and staff assigned to the State and field office levels, but individual states may request the [appellant's organization] provide technical assistance with more complex site situations, in situations where they may not have sufficient specialized skills on staff, or where the workload is greater than the assigned staff can handle. Requests for assistance may range from responding to technical questions to playing a major role in providing assistance and defining specifications in the contracting of work. The appellant may determine the best contractors to perform work including sampling, performing site characterizations, determining the most cost effective means of remediation, and/or performing the actual remediation work. He may review and comment on draft reports and may be named as the contracting officer's technical representative. The appellant indicates that approximately half of his work time involves abandoned mine land sites, while leaking underground storage tanks, land fills, and abandoned industrial operations make up the rest of the contaminated site work. The most urgent situations are those where the contaminants are close to or actually are affecting the water supply. The severity of [the bureau component's] hazardous sites may vary from a dumped barrel at the side of a road to a site listed by the Environmental Protection Agency under the provisions of the Resource Conservation and Recovery Act (RCRA) or the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

The appellant provided information on some of his work projects over the past several years and discussed others in his rebuttal to the [bureau component's] evaluation statement. Among the work examples the appellant provided was information related to the proposed [specifically named] low level nuclear waste disposal site, [a specific] National Historic Park, and the [name of an explosives factory] project. [Bureau component] land in [a specific geographic location] was proposed as a disposal site for low level hazardous waste. Questions arose concerning the possibility of that waste seeping into the groundwater. The [bureau component's] California State Office had two other consulting scientists advise them on the protocol for testing and subsequently requested assistance from the [appellant's organization]. The appellant defined the scope of work required of the contractor and reviewed the contractor's work plan for the highly technical deep core drilling and sampling required. The appellant was named as one of two signatory Contracting Officer Representatives. That project has been delayed indefinitely because of political considerations.

The [national historic park] project involves National Park Service (NPS) land that is within the [specifically identified] Superfund site in [a certain state]. At this site, mining, milling, and smelting sediments containing heavy metals and arsenic have accumulated in the [Superfund site] and have contaminated the underlying aquifer. Local wells were found to be contaminated in 1981. It was later found that contamination had been released into [a specific river] during incidents of flooding and ice scouring, and that area was added to the [Superfund] site in 1992.

The appellant provided technical assistance on this project under an interagency agreement with NPS because that agency lacked the specialized expertise to complete the site characterization and risk assessment reports required.

The [explosives factory] was an abandoned and partially demolished site on [bureau component] land where explosives were manufactured in the early 1930's. Residential development is now within a quarter mile of the site. In 1992, children playing on the site found a drum of a chemical used in the explosives manufacturing process. Preliminary sampling was done and the site fenced off while more intensive sampling was completed. In 1994, children playing outside the fenced area found an amount of crystalline material and the area of concern was expanded. The appellant provided technical assistance such as establishing the sampling grid used by the contractor, participating in meetings with local officials and the general public to explain findings and risks in nontechnical language, personally writing to the Director of [the bureau component] to encourage funding for the cleanup, and assisting with the development of the contract for the cleanup.

The supervisor provided a copy of the employee's task status for FY 99. This listing shows 28 projects during the period, 21 of which are still active. Approximately 300 hours have been allocated to preparing and providing classroom training. Of the 21 active projects, 10 have the appellant named as the project lead. The projects accounting for the largest amounts of time include [name of a company] (technical and contract support), [name of a specific site] (site characterization and assistance in preparing evaluation and removal plans), and [a specifically named] Army Depot (assistance and attendance at coordination meetings).

The appellant's organization is headed by a Supervisory Physical Scientist, GS-1301, who serves as the Group's administrative supervisor. The incumbent of that interdisciplinary position is charged with providing managerial and technical leadership in the oversight of the technical program and is responsible for supervisory personnel authorities. The appellant serves as a senior level expert in his specialized field, as do many of the other staff, providing input, advice, and assistance on many assignments and projects requiring that expertise. Those skills may be shared with other Department of the Interior agencies, such as the Fish and Wildlife and National Park Services. The appellant works with other scientists and program specialists in providing advice, characterizing sites, and defining methods used to protect health and safety related to hazardous material sites. Many sites may involve other Federal as well as State agencies, and the appellant may represent [bureau component] at public forums. In projects where work is contracted out, the appellant may define or assist in defining the work to be performed and is responsible for ensuring the technical adequacy of that work. He has been involved in the development of and serves as an instructor for two environmental site characterization courses for [the bureau component's national training center]. The appellant also instructs OSHA Health and Safety training courses several times each year.

The GS-13 level of the standard includes several illustrations that discuss leading projects or teams in making scientific assessments and recommendations in a variety of physical science fields

including the environmental aspects of many of those projects. One illustration describes serving as site manager for a large environmental cleanup project. That manager represents the Department in public hearings and in negotiations with local jurisdictions or state regulatory bodies on matters concerning the site. He or she serves as an expert on interpretation of regulations and technical issues associated with the site and oversees the work of contractors. That manager determines the approaches to be used and is responsible for results. He or she demonstrates a marked degree of professional independence and technical expertise. The supervisor is kept informed of the general progress and direction of the work. Work is reviewed from an overall standpoint in terms of feasibility, compatibility with other work, or effectiveness in meeting requirements or expected results.

We find the GS-13 level of the standard and its illustrations are most comparable to the overall work of the appellant's position. While the appellant may not necessarily be deemed a "site manager" for a large cleanup project, he is frequently designated as the contracting officer's technical representative to assure the technical adequacy of site characterizations, site and risk assessments, and plans to remove contaminants and/or take remedial action on the site. This role usually involves an on-site presence during critical phases of the various operations. Hazardous materials management requires the involvement of a multidisciplinary staff. When the appellant is not designated as a project lead, he is providing his specialized knowledge of toxicology to other scientists with different specializations, working on hazardous materials management problems. The appellant is recognized as a senior expert, as discussed at the GS-13 level of the standard, as are many of the other group staff members. The appellant is the senior toxicologist within the Department of the Interior and the sole toxicologist within [the bureau component]. He shares his knowledge and expertise by providing training and advice to [bureau component] staff as well as other agencies, as requested. The appellant must know and follow the RCRA and CERCLA laws and the regulatory guidance issued by the Environmental Protection Agency. Agency policy and objectives for the [bureau component] hazardous materials program are the responsibility of the program staff in [the bureau component] headquarters. The appellant's assignments are project oriented but are not of the nationwide scope typical of the GS-14 level. His assignments include a variety of specific sites, each of which may have different specific chemical and environmental considerations that must be evaluated. The record does not indicate the appellant's work has special significance to the success of the organization as described at the GS-14 level, e.g., project manager for dismantling a category of nuclear weapons, project chief for multidisciplinary groundwater monitoring projects that are nationwide in scope or have transfer value in defining basic processes that will impact science nationwide. We find that by comparison with the GS-1300P Job Family Standard, the appropriate grade level is GS-13.

Decision

The position is properly classified as Toxicologist, GS-415-13.