

**U.S. Office of Personnel Management
Classification Appeal Decision
Under section 5112 of title 5, United States Code**

Appellant: [appellant's name]

Agency classification: Aviation, Environmental, Safety and
Health Program Manager
GS-301-14

Organization: Immediate Office of the Assistant
Administrator
Office of Corporate Services
Office of the Administrator
[agency subcomponent]
U.S. Department of Energy
[city, state]

OPM decision: Safety and Occupational Health Manager
GS-018-12

OPM decision number: C-0018-12-09

/s/ [Judith A. Davis]

Robert D. Hendler
Classification and Pay Claims
Program Manager
Merit System Audit and Compliance

10/16/2012

Date

As provided in section 511.612 of title 5, Code of Federal Regulations (CFR), 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 (Introduction)*, appendix 4, Section G (address provided in appendix 4, section H).

Since this decision changes the series and lowers the grade of the appealed position, it is to be effective no later than the beginning of the sixth pay period after the date of this decision, as permitted by 5 CFR 511.702. The applicable provisions of parts 351, 432, 536, and 752 of title 5, Code of Federal Regulations, must be followed in implementing the decision. If the appellant is entitled to grade retention, the two-year retention period begins on the date this decision is implemented. As discussed in this decision, the appellant's position description (PD) of record must also be revised to meet the PD standard of adequacy in the *Introduction*. Within 30 days from the effective date of the personnel action taken, the servicing human resources office must submit a compliance report to the U.S. Office of Personnel Management (OPM) office that accepted this appeal. The report must contain the revised PD and a Standard Form 50 showing the personnel action taken.

Decision sent to:

[name and address of appellant's representative]

[name and address of appellant's servicing personnel office]

Director
Human Capital Policy Division
U.S. Department of Energy
1000 Independence Avenue, SW., room F-4033
Washington, DC 20585

Introduction

On May 25, 2012, the OPM Dallas Oversight office accepted a classification appeal from [appellant's name]. The appellant's position is currently classified as Aviation, Environmental, and Safety and Health Program Manager, GS-301-14. The appellant believes the position, as it is currently structured, does not support the GS-14 grade level and should be classified in a different series. The position is located in the Immediate Office of the Assistant Administrator, Office of Corporate Services, Office of the Administrator, [agency subcomponent], U.S. Department of Energy (DOE), in [city, state]. We received the agency's administrative report (AAR) on July 13, 2012, and comments on the AAR from the appellant's representative on July 18, 2012. Between the time of acceptance of the appeal and receipt of the AAR, the appellant's representative provided many documents and electronic mail messages regarding the work of the position and suggested the position should be classified in the General Schedule's (GS) GS-800 Engineering and Architecture Group. We have accepted and decided this appeal under section 5112 of title 5, United States Code (U.S.C.).

Background and general issues

The appellant makes various statements about [agency subcomponent's] evaluation of her position, specifically referring to previous PDs, classification determinations made by several different contract personnel hired separately by the appellant and [agency subcomponent], and a position description prepared by a contractor hired by [agency subcomponent]. The appellant believes her position is operating at a lower grade level because her official PD does not include the agency-level responsibilities the contractor indicated would support the GS-14 grade level. In her initial request for appeal, the appellant said her objective is to be given appropriate GS-14 level duties.

In adjudicating this appeal, our responsibility is to make our own independent decision on the proper classification of the appellant's position. By law, we must make that decision solely by comparing the appellant's duties and responsibilities to OPM position classification standards (PCS) and guidelines (5 U.S.C. 5106, 5107, and 5112). Since comparison to standards is the exclusive method for classifying positions, we cannot compare the appellant's position to others, including her previous positions, which may or may not have been classified correctly, as a basis for deciding her appeal. Similarly, we cannot consider the position description the contractor prepared for [agency subcomponent]. Further, management's decision to assign duties to a position is not an appealable issue. See 5 U.S.C. 302. Because our decision sets aside all previous agency decisions, the appellant's concerns regarding her agency's classification review process are not germane to this decision and will not be addressed further.

Position information

[Agency subcomponent] is one of four power marketing administrations (PMA) within DOE with the responsibility for marketing hydropower, primarily from multiple-purpose water projects operated by the Bureau of Reclamation, the U.S. Army Corps of Engineers (COE), and the International Boundary and Water Commission. DOE considers the four PMAs to be bureau-level entities. As such, the PMAs operate relatively independently from DOE

headquarters, developing and establishing their own policy and guidance within broad parameters established by DOE.

[Agency subcomponent] markets and delivers hydroelectric power in [state], [state], [state], [state], [state], and [state] from [number] COE multipurpose dams primarily to public bodies such as rural electric cooperatives and municipal utilities, which make up more than 100 “preference” customers. [Agency subcomponent] operates [number] miles of high-voltage transmission lines, three substations, and a communications system that includes microwave, VHF radio, and state-of-the-art fiber optics. Staff members work from offices located in [city, state]; [city, state]; [city, state]; and [city, state].

The organizational structure differs at each of the four PMAs, and responsibilities for the aviation, environmental, safety, and occupational health programs are aligned differently within each PMA. [Agency subcomponent] consists of five offices subordinate to the Office of the Administrator: Office of General Counsel, Office of Washington Liaison, Office of Corporate Operations, Office of Corporate Services, and Office of Corporate Facilities. Each of the Corporate offices has subordinate organizations. At the time the appellant submitted her request for an appeal, the aviation, environmental, safety, and health function was in the Office of Corporate Facilities, Office of the Administrator, [agency subcomponent], in [city, state]. The appellant and two contract employees carried out the aviation, environmental, safety, and health programs, with the appellant reporting directly to the Assistant Administrator for the Office of Corporate Facilities. [Agency subcomponent] had classified the appellant’s position, PD number [number], as Aviation, Environmental, Safety and Health Program Manager, GS-301-14.

After we accepted the appeal and received the AAR, [agency subcomponent] reassigned the appellant from the Office of Corporate Facilities to the Office of Corporate Services, with an effective date of July 29, 2012. The appellant now reports to the Assistant Administrator for the Office of Corporate Services. The Director of Human Resources Management at [agency subcomponent] stated the duties of the appellant’s position did not change with the reassignment, and the PD number and classification remained the same. The appellant and her current supervisor also said the reassignment had no effect on the duties and responsibilities assigned to the position.

The appellant and her current supervisor signed statements attesting to the accuracy of the official PD of record, number [number]. After evaluating all of the material in the appeal record and information obtained during the telephone interviews with the appellant and her current and previous supervisors, we have concluded the appellant’s PD contains a number of duties the appellant does not actually perform or does not perform at the level described in the PD. For example, the appellant does not perform the supervisory-related duties listed in the PD. Although she assembles and leads teams for specific projects (such as investigation of an accident) and may provide performance feedback to team members’ respective supervisors, she does not serve as a supervisor for any employee. Other supervisory-type duties in the PD that the appellant does not perform include the following: actively promoting, supporting, and ensuring compliance with the Equal Employment Opportunity and Affirmative Action Programs; supporting the upward mobility program and special employment programs for veterans, disabled individuals, and students; supporting programs relating to training and advancement of

employees; and supporting equal opportunity for all employees for promotions, training, awards, and recognition. Descriptions of various other duties are substantially overstated and do not reflect the actual duties performed. For example, the description of liaison activities misrepresents the appellant's level of involvement with DOE leadership. Other duties in the PD that misrepresent work the appellant actually performs include, but are not limited to, drafting testimony and supporting documentation for congressional hearings; consulting with DOE and the PMAs on emerging needs of DOE's environmental programs; assisting in DOE-wide safety and occupational health guidance and procedures; drafting legislation in support of [agency subcomponent's] mission; and participating in national conferences with other Federal agencies, Federal regulatory agencies, and think tanks. In a few instances, duties are described as ones the appellant may perform rather than ones she actually performs. For example, one duty states the appellant may serve on teams composed of DOE, PMAs, or members of various agencies to identify emerging problems, formulate solutions and/or develop new or better practices or procedures in the areas of worker safety and occupational health. The appellant indicated that she does not serve on such teams. We found no evidence that the appellant performs many of the major duties as they are described in the PD.

A PD is the official record of the major duties and responsibilities assigned to a position or job by an official with the authority to assign work. Major duties are normally those occupying a significant portion of the employee's time. They should be only those duties currently assigned, observable, identified with the position's purpose and organization, and expected to continue or recur on a regular basis over a period of time. PDs must meet the minimum standard of adequacy as described in the *Introduction*. Therefore, the appellant's PD must be revised so that there is a clear understanding of the duties and responsibilities representing the approved classification. Regardless, an OPM decision classifies a real operating position and not simply the PD. We have decided this appeal based on an assessment of the actual work assigned to and performed by the appellant.

To help decide this appeal, we conducted separate telephone interviews with the previous supervisor and the [agency subcomponent] Director of the Division of Human Resources Management on August 29, 2012, the appellant on August 30, 2012, and the immediate supervisor on August 31, 2012. In reaching our classification decision, we carefully considered all of the information gained from these interviews, as well as the written information furnished by the appellant and [agency subcomponent].

According to the appellant's PD and information provided during the telephone conversations, the appellant performs the following major duties.

- Serves as Special Assistant to the Assistant Administrator on aviation, environmental, and safety and occupational health matters.
- Develops and maintains policies, instructions, and guides for assigned program areas and works with management officials to make any needed changes.
- Provides advice to management officials and employees on environmental, safety, and occupational health issues, including compliance with laws, regulations, and [agency subcomponent] and DOE requirements.

- Using teams as needed, conducts risk and safety assessments and environmental inspections and evaluations and recommends corrective measures or solutions for violations of standards, such as standards set by the Department of Labor Occupational Safety and Health Administration (OSHA), to the appropriate management or supervisory official.
- Collects and analyzes data to identify job safety and health hazards, prepares reports, and presents findings and recommendations to appropriate leadership.
- Conducts accident investigations and prepares necessary documentation.
- Reviews and reports loss incidents and maintains a statistical spreadsheet to calculate incident rates.
- Prepares a budget for [agency subcomponent's] medical program and contract medical officer and oversees the medical processes to ensure they are efficient, current, and confidential.
- Recommends, coordinates, and schedules environmental, safety, and occupational health training for [agency subcomponent] personnel; provides instructions to employees on various safety requirements; and coordinates with the contracting office and aviation technical consultants regarding training for [agency subcomponent] personnel involved with the aviation program.
- Conducts monthly safety meetings.
- Arranges for contract aircraft services and associated personnel relating to aerial patrol of transmission lines and maintains the aviation standards operating manual for [agency subcomponent].
- Prepares a budget to fund disposal of contaminated electrical equipment.
- Procures services of contractors for various environmental studies, for example, asbestos, lead, and radon.

To perform these duties, the appellant must have knowledge of environmental, safety, and occupational health concepts, principles, practices and procedures, laws, and regulations and industrial hygiene laws, standards, principles, regulations, techniques, practices, and precedent decisions applicable to [agency subcomponent]. She must also have knowledge of analytical techniques; the types of medical services, tests, and vaccines required for [agency subcomponent's] workforce; risks and safety hazards associated with high-voltage electrical transmission lines; and requirements for use of aircraft services.

Series, title, and standard determination

The GS classification system recognizes that some positions are a mix of duties and responsibilities covered by two or more occupational series and classified by more than one PCS or guide. The proper series is determined based on the primary work of the position, the paramount qualifications required, sources of recruitment and line of progression, the reason for establishing the position, and the background knowledge required.

The appellant disagrees with her agency's assignment of her position to the GS-301 Miscellaneous Administration and Program Series. She suggests the GS-850 Electrical Engineering Series may be appropriate because the position requires high-voltage electrical

knowledge sufficient to identify potential life threatening safety hazards. The appellant also stated she is not qualified to perform professional electrical engineering work.

The GS-850 series covers positions that manage, supervise, lead, and/or perform professional engineering and scientific work concerned with utilizing and exploring electrical and electronic phenomena and the motion, emissions, conduction, and behavior of electrical energy currents; designing electrical equipment, components, or systems; and generating and transmitting electrical energy in an efficient manner. As previously discussed, the appellant's work relating to high-voltage electrical circuits revolves around identifying safety hazards that could be life threatening. Based on information obtained during the interviews and documentation in the appeal file, the appellant's work neither requires professional engineering knowledge nor meets the GS-850 series definition.

[Agency subcomponent] did not provide an evaluation statement or other written explanation to support classification of the position in the GS-301 series which includes positions the duties of which are to perform, supervise, or manage nonprofessional, two-grade interval work for which no other series is appropriate. The essential criteria for classifying positions in the GS-301 series are that (1) the primary work of the position is of an administrative, two-grade interval nature and (2) the primary work of the position is not classifiable in any other series. Although the appellant performs a number of duties related to environmental issues and serves as the aviation manager for [agency subcomponent], both the appellant and her immediate supervisor stated the safety and occupational health duties are paramount for the appealed position and occupy most of the appellant's work time. The aviation manager duties are basically safety-related and require a small amount of the appellant's time. Similarly, the appellant's environmental work accounts for a relatively small portion of the major duties and focuses on ensuring [agency subcomponent's] environmental programs comply with applicable laws, rules, and regulations and are the appropriate scope for an electric utility organization. The paramount qualifications required to perform the work of the appellant's position are associated with safety and occupational health. Because the principle duties, responsibilities, and qualification requirements of the appellant's position fit best in the GS-018 Safety and Occupational Health Management Series, assignment of the position to the GS-301 series is inappropriate.

The GS-018 series involves the management, administration, or operation of a safety and occupational health program or performance of administrative work concerned with safety and occupational health activities and includes the development, implementation, and evaluation of related program functions. The purpose of the work is to eliminate or minimize human injury and property and productivity losses, caused by harmful contact incidents, through the design of effective management policies, programs, or practices. Safety and occupational health management work requires application of the knowledge of (a) the principles, standards, and techniques of safety and occupational health management and (b) pertinent elements of engineering, physical science, ergonomics, psychology, industrial hygiene, physiology, sociology, and other scientific and technological fields that contribute to the achievement of comprehensive safety and occupational health objectives. Safety and occupational health activities include developing a comprehensive plan for safety and occupational health; achieving compliance with the intent of safety and occupational health legislation and related standards, order, rules, and regulations; analyzing accident and illness data, applicable legislation, and job

hazards to design appropriate education activities; and inspecting work areas to identify and eliminate unsafe and unhealthful environmental conditions. Positions in the GS-018 series require broad knowledge of safety and occupational health principles, methods, and techniques and skill in recognizing hazardous or potentially hazardous conditions, developing measures to eliminate or control these conditions, and effectively communicating the appropriate measures to resolve these problems. Based on interviews with the appellant and her current and previous supervisors and information we developed as part of our fact-finding process, we conclude the appellant's position is properly assigned to the GS-018 series.

The GS-018 PCS authorizes the title of Safety and Occupational Health Manager for positions responsible for planning, organizing, directing, operating, and evaluating a safety and occupational health program for a bureau. Since [agency subcomponent] is considered to be the equivalent of a bureau within DOE and the appellant's paramount duties involve management of [agency subcomponent's] safety and occupational health programs, as previously discussed, the proper title for the appellant's position is Safety and Occupational Health Manager. The published GS-018 PCS must be used to evaluate the position.

Grade determination

The GS-018 PCS is written in the Factor Evaluation System (FES) format, under which factor levels and accompanying point values are assigned for each of the nine factors. The total is converted to a grade level by use of the grade conversion table provided in the PCS. Under the FES, each factor-level description demonstrates the minimum characteristics needed to receive credit for the described level. Therefore, if a position fails to meet the criteria in a factor-level description in any significant aspect, it must be credited at a lower level unless an equally important aspect that meets a higher level balances the deficiency. Conversely, the position may exceed those criteria in some respects and still not be credited at a higher level.

Our evaluation with respect to the nine FES factors addressed in the GS-018 PCS follows.

Factor 1, Knowledge Required by the Position

This factor measures the nature and extent of information or facts that the safety and occupational health manager must understand to do acceptable work (for example, steps, procedures, practices, rules, policies, theories, principles, and concepts) and the nature and extent of the skills of a safety and occupational health manager related to the planning, organizing, directing, and evaluating of a safety program.

At Level 1-7, the work requires knowledge of a wide range of safety and occupational health concepts, principles, practices, laws, and regulations applicable to the performance of complex administrative responsibilities that require the planning, organizing, directing, operating, and evaluation of a safety and occupational health program. Alternatively, work at this level may require comprehensive knowledge of regulations, standards, procedures, methods, and techniques applicable to a broad range of safety and occupational health duties in one or more specific areas of safety and occupational health. Safety and occupational health managers at this level must have knowledge and skill sufficient to manage a safety and occupational health

program with diverse but recognized hazards, achieving compliance with regulatory provisions and effectively communicating multiple safety and occupational health practices and procedures to staff and line personnel and to modify or significantly depart from standard techniques in devising specialized operating practices concerned with accomplishing project safety and occupational health objectives.

In addition to the knowledge and skills described at Level 1-7, work at Level 1-8 requires expert knowledge of safety and occupational health concepts, principles, laws, regulations, and precedent decisions that provide the capability to recommend substantive program changes or alternative new courses of managerial action requiring the extension and modification of existing safety and occupational health management techniques critical to the resolution of safety and occupational health management problems. Alternatively, managers at Level 1-8 must have knowledge sufficient to serve as a technical authority and make significant, far-reaching decisions or recommendations in the development, interpretation or application of the principal agency safety and occupational health policies or critical criteria. The PCS includes the following illustrations of Level 1-8 work:

- applying expert knowledge of special hazards (for example, ballistic missile research) and recommending control measures devised thorough extension of present guidelines or analysis of new safety procedures;
- using expert knowledge of special analytical techniques (for example, fault tree analysis and risk tree analysis) sufficient to identify high safety risks to military flight and supporting ground systems of a major military command and recommend program changes affecting the testing, maintenance, and operation of these systems;
- applying knowledge sufficient to (1) manage a program in a worldwide setting for military explosives and hazardous materials (munition, chemical, and radiological substances), (2) develop and apply safety policies, controlling their use, storage, handling, and transportation, and (3) authorize exemption from critical explosive requirements;
- using knowledge sufficient to manage the safety and occupational health program of a major industrial operation requiring the development and application of technical standards to major industrial operations (for example, shipyards and airfields) and advise top management on methods and procedures controlling the introduction of new equipment and toxic and radiological materials; and
- applying knowledge to develop and recommend to the agency administrator critical programs that (1) require modification of known safety and occupational health techniques and (2) are applicable to an extensive range of health care operations and highly hazardous health research activities.

The appellant's position meets Level 1-7. The appellant is responsible for integrating and managing the [agency subcomponent] safety and occupational health program and facilitating the broad range of health safety activities at work sites involving material handling and maintenance work activities, use of large equipment such as large mobile cranes, electrical facilities, safety awareness, and life safety. She advises managers and supervisors at the four work sites on safety and occupational health issues and conducts inspections to determine compliance with laws, rules, regulations, and policies. Similar to Level 1-7, the appellant's work

requires comprehensive knowledge of the techniques and procedures applicable to facility safety and industrial and environmental hygiene sufficient to resolve complex problems and to develop guidelines or techniques related to safety and health issues encountered by employees at the four work sites. The appellant's work requires her to document the results of inspections and evaluations to explain her findings and the corresponding corrective actions or recommendations for preventing or abating hazards. As at Level 1-7, she implements changes and modifications to work processes, operation of equipment, or protective devices to minimize hazards when possible. The appellant's work is comparable to the Level 1-7 descriptions of work requiring modifying standard techniques to devise specialized operating practices.

The appellant's position does not meet Level 1-8. While the appellant's scope of responsibility involves the abatement or elimination of significant potential hazards, those hazards are largely known and identifiable, falling short of the special hazards and high-risk activities equivalent to the ballistic missile research illustration or the other illustrations described at Level 1-8. Although the appellant is responsible for a wide range of safety and occupational duties for [agency subcomponent] and is considered to be the local expert because of her knowledge, her work does not involve the types of far-reaching, DOE-wide programs described at Level 1-8.

Level 1-7 is credited for 1250 points.

Factor 2, Supervisory Controls

This factor covers the nature and extent of direct or indirect controls exercised by the supervisor, the responsibility of the safety and occupational health manager, and the review of completed work.

At Level 2-4, the supervisor sets the overall safety and occupational health objectives and management resources available to achieve the expected results. Program or specialized requirements and time constraints typically are developed in consultation with the supervisor. At this level, the employee typically has responsibility for independently planning and carrying out a safety and occupational health program or a significant assignment and resolving most conflicts and hazardous situations. The work is coordinated with principal organizational representatives, and initiative must be taken to interpret safety and occupational health policy, standards, and regulations in terms of established objectives. The course of action to be taken or methods and techniques to be applied may also be determined by the employee. The supervisor is kept informed of progress, potentially controversial safety and occupational health matters, or far-reaching implications. Completed work such as reports of program accomplishments are reviewed only from an overall standpoint in terms of compatibility with other activities, or effectiveness in meeting safety and occupational health objectives.

The appellant's position meets Level 2-4. The supervisor assigns overall objectives and authorizes support resources. The appellant independently plans and carries out the aviation, safety, and occupational health programs for [agency subcomponent], setting objectives and determining how the resources will be used to meet the objectives. For example, the appellant has authority to use a credit card with a \$3,000 limit to obtain products and services relating to environmental and safety matters and, as needed, may use the contract employees assigned to her

organization to accomplish program objectives. Comparable to Level 2-4, the appellant consults with subject-matter experts as needed and exercises considerable judgment and discretion in applying methods and procedures to resolve complex safety problems. She brings controversial matters to the attention of her supervisor. While the appellant is considered a technical authority, she coordinates findings or potential findings with the supervisor and makes recommendations for corrective measures or courses of actions. The supervisor reviews the work for effectiveness in achieving intended program objectives.

At Level 2-5, the supervisor provides administrative direction with assignments in terms of broadly defined safety and occupational health mission or functional goals. The safety and occupational health manager independently plans, designs, and carries out programs within the framework of applicable laws. As the safety and occupational health manager at this level typically provides technical leadership, work results are considered authoritative and are normally accepted without significant change. If the work is reviewed, the review usually is focused on such matters as fulfillment of program objectives, effect of advice, or the contribution to the advancement of safety and occupational health management. Recommendations for changes in program direction or the initiation of new safety and occupational health management projects are usually evaluated for such considerations as availability of funds and other resources and relationship to broad program goals or national priorities.

Level 2-4 describes work carried out with a high degree of independence and recognized expertise and as such fully represents the manner in which the appellant's position operates. In contrast, Level 2-5 recognizes not only independence of action but also a higher degree of responsibility for independently planning, designing, and carrying out a significant program or function with only broad administrative policy direction. The appellant functions within the parameters of [agency subcomponent] regulations and standards, which are more definitive than the statutory framework cited at Level 2-5, and provides observations, recommendations, and other information to her supervisor who communicates overall findings to the [agency subcomponent] Administrator. Regardless of how independently the appellant works in completing assignments, the nature of her work is not such that it would permit the exercise of the level of responsibility and authority found at Level 2-5.

Level 2-4 is credited for 450 points.

Factor 3, Guidelines

This factor covers the nature of guidelines and the judgment needed to apply them.

At Level 3-4, the available guidelines tend to lack specificity for many applications such as departmental or agency policies, recent developmental results, and findings and approaches of nationally recognized safety and occupational health organizations. These guidelines also are often insufficient to resolve highly complex or unusual work problems such as determining the potential hazard of detonating various experimental explosive devices in a research and development environment. The safety and occupational health manager must modify and extend accepted principles and practices in the development of solutions to problems where available precedents are not directly applicable. Experienced judgment and initiative are required to

evaluate new trends for policy development or for further inquiry and study leading to new methods for eliminating or controlling serious hazards to life and property.

At Level 3-5, work is performed chiefly under basic legislation, agency policies, and mission statements requiring extensive interpretation and ingenuity for adaptation. As a technical authority, the safety and occupational health manager develops new approaches and concepts where precedent does not exist, as well as nationwide standards, procedures, and instructions to guide operating safety and occupational health personnel.

The appellant's position meets Level 3-4. Similar to this level, the appellant's guidelines tend to lack specificity for many applications and are often insufficient to resolve unusual work problems. The appellant modifies and extends accepted principles and practices in developing solutions to problems for which precedents are not directly applicable. Examples include editing the safety handbook used primarily by the craft workforce to ensure currency with regulations and DOE policy, adapting an aviation safety manual to fit [agency subcomponent's] needs, and developing safety guidelines regarding regulatory requirements for wearing fire retardant clothing in certain situations. The appellant's work requires adapting known safety and occupational health regulations and techniques to eliminate or reduce serious hazards to life and property as described at Level 3-4.

The appellant's position does not meet Level 3-5. The appellant's guidelines are more specific than the basic legislation and broad policy statements expected at Level 3-5. Her guidelines include national standards from OSHA, Environmental Protection Agency (EPA), and other health organizations; DOE policy and regulations; Federal, State, and local codes; and previous inspection reports. The appellant adapts the guidelines to specific work situations, devising approaches and measures meeting the intent of the guides. Unlike Level 3-5, the appellant does not develop new approaches and concepts where precedent does not exist. The appellant's position is not responsible for originating and developing nationwide standards, procedures, and instructions to guide operating safety and occupational health personnel as described at Level 3-5.

Level 3-4 is credited for 450 points.

Factor 4, Complexity

This factor covers the nature, number, variety, and intricacy of tasks, steps, processes, or methods in the work performed; the difficulty in identifying what needs to be done; and the difficulty and originality involved in performing the work.

At Level 4-4, assignments cover a wide range of work operations and environmental conditions involving a substantial number and diversity of hazards or a wide variety of independent and continuing assignments in a specialized area of safety and occupational health that have exacting technical requirements. The safety and occupational health manager evaluates a variety of complex, interrelated physical conditions, operating practices, hazardous human-machine interaction, and serious mishaps. Assignments require analysis of unconventional safety and occupational health problems or circumstances, inconclusive facts or data and are characterized

by the uncertainty of accepted control or abatement methods that are available for selection and use. The nature of the hazards is such that generally no single approach is adequate to control or eliminate a given problem; rather, the adaptation of proven safety and occupational health techniques is necessary. The work typically requires interpretation of a variety of occupational circumstances to adapt known control or protective measures to eliminate or minimize hazardous situations.

The appellant's position meets Level 4-4. Her position is characterized by management responsibilities for a fully developed safety and occupational health program. She identifies, investigates, analyzes, and resolves safety problems in various work settings. The appellant must be concerned with implementation of Federal and State statutes, adapting standard control methods or procedures to specific circumstances. Similar to Level 4-4, the appellant monitors work procedures and habits, inspects and evaluates all safety problem areas, recommends safety and protective equipment for staff, conducts literature searches to identify and evaluate the nature and extent of hazards, and provides guidance on risks to safety and occupational health. She evaluates [agency subcomponent's] safety and occupational health program, identifies areas of concern, devises plans to address common areas of concern, works with [agency subcomponent] staff to correct the problem, and ensures issues are resolved. Comparable to Level 4-4, the appellant interprets and adapts techniques to situations at hand to control hazards for local application.

At Level 4-5, the work includes broad and diverse assignments requiring innovative analysis of high safety risk activities. The safety and occupational health manager weighs, considers and evaluates (1) high safety risks in a field with constantly changing hazards, or (2) serious conflicts between operational requirements involving hazardous materials and the application of safety and occupational health standards that require protective measures affecting the timeliness of mission accomplishment, or (3) diverse hazardous work processes and environmental conditions for a broad field characterized by a wide variety of problems such as extreme fluctuation in workforce employees assigned high safety risk jobs, large number of visitors engaged in hazardous activities, or widespread geographic dispersion of operations. In many instances, elimination or control of unsound but often traditional work practices and dangerous physical conditions threatening individual safety and property requires the development of new accident prevention techniques for modification of accepted specialized safety procedures.

The appellant's position does not meet Level 4-5. Unlike Level 4-5, the appellant's work does not require weighing, considering, and evaluating high risks in a field with constantly changing hazards. [agency subcomponent] operations and associated hazards are stable and can be resolved by adapting established methods and techniques. Her work does not involve evaluating diverse hazardous work processes and environmental conditions for a broad field characterized by a wide variety of problems such as extreme fluctuation in workforce employees assigned high safety risk jobs, large number of visitors engaged in hazardous activities or widespread dispersion of operations. Further, [agency subcomponent] operations do not routinely require control of unsound but often traditional work practices and dangerous physical conditions threatening individual safety and property requiring the development of new accident prevention techniques for modification of accepted specialized safety procedures so as to warrant crediting the appellant's position at Level 4-5.

Level 4-4 is credited for 225 points.

Factor 5, Scope and Effect

This factor covers the relationship between the nature of the work, as measured by the purpose, breadth, and depth of the assignments, and the effect of work products or services both within and outside the organization.

At Level 5-4, the purpose of the work is to assess the effectiveness of specific programs, projects, or functions. The safety and occupational health manager plans alternative courses of specialized action to resolve hazardous conditions and unsafe working practices. The work often involves the development of safety and occupational health criteria and procedures for major agency activities. Work products affect (1) a wide range of agency safety and occupational health programs or (2) safety and occupational health programs of large, private sector establishments.

At Level 5-5, the purpose of the work is to resolve critical safety and occupational health problems often involving serious hazards of unpredictable consequences to humans and property. The work requires the development of new guides, approaches, and methods often under difficult circumstances such as when confronted by conflicting viewpoints and resource constraints. At this level, the safety and occupational health manager or specialist often serves as a consultant providing expert advice and guidance covering a broad range of safety and occupational health activities to officials, principal program managers, and other safety and occupational health managers or specialists. The work efforts affect the activities of safety and occupational health managers and specialists both within and outside the agency.

The appellant's position meets Level 5-4. The appellant is responsible for planning and conducting a safety and occupational program for [agency subcomponent] that involves developing and applying methods, techniques, and abatements to control or eliminate unsafe acts or conditions for a broad range of activities. As at Level 5-4, she assesses the adequacy of existing safety and occupational health safeguards, conducting evaluations to ensure safety practices are observed and require or recommend changes when needed. She works closely with managers, supervisors, and employees throughout [agency subcomponent] in interpreting established guidance to identify hazardous conditions and to provide general and localized safety measures. Her work efforts result in eliminating or reducing unsafe acts and conditions and affect a wide range of safety and occupational health activities within [agency subcomponent].

The appellant's position does not meet Level 5-5, which describes a broader program (for example, policy level) than the appellant's delegated program responsibilities. While the appellant's work may involve some critical safety and health issues, the appellant does not routinely resolve critical problems involving hazards of unpredictable consequences of high hazard, high-risk operations as described at Level 5-5. Rather than developing new guides or methods to reduce or eliminate hazards, the appellant generally adapts or develops procedures for local use based on Federal and DOE standards, regulations, and guidelines. She does not provide expert advice and guidance to or oversee the activities of other safety and occupational

health specialists or managers as required at Level 5-5, for example, at the agency or departmental level or at a regulatory agency responsible for issuing standards and instructions. Her work efforts result in minimizing unsafe acts and conditions but do not affect the activities of safety and occupational health managers and specialists both within and outside the agency.

Level 5-4 is credited for 225 points.

Factor 6, Personal Contacts

Personal contacts include face-to-face and telephone contacts with persons not in the supervisory chain.

At Level 6-3, personal contacts of a nonroutine nature are with a variety of individuals, for example, managers, administrative law and Federal judges, and professionals from other agencies or outside organizations. Contacts also include individuals such as managerial representatives of privately owned businesses, contractors and consultants, university professors, State and local government officials, representatives of professional societies and national safety associations, safety engineers, and safety and occupational health specialists from private establishments.

Personal contacts at Level 6-4 are with high ranking officials from outside the agency such as key public and corporate executives; elected representatives; top scientific personnel of other departments and agencies, State, county, and municipal governments; private industry; national safety and health organizations; public groups; and national research organizations. Safety and occupational health managers at this level may participate as technical experts on committees and seminars of national and international stature.

The appellant's contacts meet Level 6-3. As at this level, the appellant has regular contact with managers, superintendents, action officers, and other employees within [agency subcomponent]; engineers and subject-matter experts at other PMAs; contractors; and regional staff at OSHA and EPA. These contacts and others are consistent with Level 6-3.

The appellant's contacts do not meet Level 6-4 in that she does not engage in regular and recurring contacts with high ranking officials from outside the agency, such as key public and corporate executives, elected representatives, and top scientific personnel of other departments and agencies. Further, the appellant does not participate as a technical expert (in contrast to participating as an attendee) on committees, in conferences, and in seminars of national and international stature as would be found at Level 6-4.

Level 6-3 is credited for 60 points.

Factor 7, Purpose of Contacts

This factor covers the purpose of personal contacts, which ranges from factual exchanges of information to situations involving significant or controversial issues and different viewpoints, goals, or objectives.

At Level 7-3, the purpose of contacts is to influence, motivate, and encourage unwilling, skeptical and often uncooperative individuals to adopt or comply with safety and occupational health standards, practices, procedures, or contractual agreements. For example, contacts are established to (1) persuade and negotiate agreements involving agency managers or private sector executives where there are serious technical disagreements and complex employee-management relations or (2) justify changes in operational programs to agency managers. This level also includes deposing, making affidavits, and testifying in a court of law where an opposing attorney may challenge the competence of a safety and occupational health manager including work methods or findings.

At Level 7-4, the purpose of contacts is to justify, defend, negotiate, or settle highly significant, controversial, and often very sensitive safety and occupational health issues. At this level, the safety and occupational health manager often represents the agency as a participant in professional conferences, hearings, national safety congresses, or committees to develop, change, or modify safety and occupational health standards and criteria that have a wide application and a major occupational impact. Typically, persons contacted have diverse viewpoints or opinions concerning a significant safety and occupational health policy, precedent, or objective that require extensive compromise efforts to achieve a mutually satisfactory conclusion. Illustrative of this level is having contacts with top agency managers to justify proposed agency policies; recommend substantive changes in safety criteria; negotiate the development, acceptance and application of new standards; and represent the agency at national conferences, congresses, and interagency meetings by proposing, supporting, defending, or criticizing innovative policies, standards, methods, techniques, and practices and participating in efforts to arrive at acceptable solutions to sensitive safety and occupational health problems.

The purpose of the appellant's contacts meets Level 7-3. As at this level, the appellant must use persuasive techniques to convince managers, employees, and contractors to accept safety considerations where following safe working practices represents a change in work habits or conditions. For example, she reasoned with reluctant managers to get them to accept the requirement to use fire retardant clothing when they believed the safety regulations did not apply to their work situations. Comparable to this level, the appellant's contacts with managers and employees involves providing guidance on existing and changing safety requirements, performing safety assessments, investigating safety-related accidents, and negotiating on safety issues to ensure adherence to Federal and [agency subcomponent] requirements.

The purpose of the appellant's contacts does not meet Level 7-4. The appellant's position does not require her to justify and defend actions in highly controversial situations or to act as the DOE or [agency subcomponent] representative in high-level meetings. The appellant's assignments do not involve having contact with people with safety policy viewpoints requiring she justify, defend, negotiate, or settle issues with [agency subcomponent]-wide or DOE-wide application and major occupational impact.

Factor 8, Physical Demands

This factor covers the requirements and physical demands placed on the employee by the work assignment. This includes physical characteristics and abilities and the physical exertion involved in the work.

The appellant's position fully meets Level 8-1, where work is generally sedentary and may require some walking, standing or bending, and carrying of small and light objects.

The appellant's position exceeds Level 8-1 but does not fully meet Level 8-2 where the work requires regular and recurring physical exertion related to frequent inspections and surveys requiring considerable standing, walking, climbing, bending, crouching, stretching, reaching or similar movements. At this level, the work may require some degree of agility and dexterity. The frequency of the appellant's site visits falls short of the Level 8-2 description of frequently performing duties that require extended periods of standing, walking, climbing, bending, or similar movements.

Level 8-1 is credited for 5 points.

Factor 9, Work Environment

This factor considers the risks and discomfort in the employee's physical surroundings or nature of the work assigned and the safety and occupational health regulations required. Although the use of safety and occupational health precautions can practically eliminate a certain danger or discomfort, such situations typically place additional demands upon the employee in carrying out safety and occupational health regulations and techniques.

As at Level 9-1, the appellant's work is performed in an office setting with some infrequent exposure to hazards when visiting work sites where special safety precautions are required. When the appellant visits field sites, she said she wears a hard hat and stays clear of power lines and other potential hazards.

The appellant's position does not meet Level 9-2, where work involves regular and recurring exposure to hazards, unpleasantness, and discomforts such as moving machine parts, shielded radiation sources, irritant chemicals, acid fumes, physical stresses, high noise levels, adverse weather conditions, and high temperatures from steam lines. At this level, protective equipment and clothing may be needed, including hard hat, metatarsal shoes, ear muffs or plugs, goggles, respirators, and gloves. The appellant's work does not regularly expose her to a variety of hazardous situations or require the protective clothing or equipment described at Level 9-2.

Level 9-1 is credited for 5 points.

Summary

<i>Factor</i>	<i>Level</i>	<i>Points</i>
1. Knowledge Required by the Position	1-7	1250
2. Supervisory Controls	2-4	450
3. Guidelines	3-4	450
4. Complexity	4-4	225
5. Scope and Effect	5-4	225
6. Personal Contacts	6-3	60
7. Purpose of Contacts	7-3	120
8. Physical Demands	8-1	5
9. Work Environment	9-1	<u>5</u>
<i>Total</i>		2,790

A total of 2,790 points falls within the GS-12 range (2,755 to 3,150) on the grade conversion table in the PCS.

Decision

The position is properly classified as Safety and Occupational Health Manager, GS-018-12.