

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

Atlanta Oversight Division
75 Spring Street, SW., Suite 972
Atlanta, GA 30303-3109

**Classification Appeal Decision
Under section 5112 of title 5, United States Code**

Appellant: [Appellant]

Agency classification: Environmental Protection Technician
GS-029-7

Organization: Department of the Navy

OPM decision: GS-029-7
(Title to be determined by agency)

OPM decision number: C-0029-07-01

/s/

Timothy P. Heath
Classification Appeals Officer

2/13/01

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]

Director
Human Resources Service Center Southeast
Department of the Navy
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Stennis Space Center, MS 39522-0002

Office of the Deputy Assistant Secretary of
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Chief, Classification Appeals
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1400 Key Boulevard, Suite B-200
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Introduction

On August 30, 2000, the Atlanta Oversight Division of the U.S. Office of Personnel Management accepted a classification appeal for the position of Environmental Protection Technician, GS-029-7, [name] Department, [name] Division, Naval Air Station (NAS), Department of the Navy, [city, state]. The appellant is requesting that his position be classified as Environmental Protection Specialist, GS-028-7, or Safety and Occupational Health Specialist, GS-018-7.

This appeal has been accepted and processed under section 5112(b) of title 5, United States Code. This is the final administrative decision on the classification of the position subject to discretionary review only under the limited conditions and time outlined in part 511, subpart F, of title 5, Code of Federal Regulations.

General issues

The appellant believes the work he performs is more properly classified as specialist work rather than technical work. He does not contest the grade of his position.

The agency has determined that the position is properly graded at the GS-7 level. We concur with the agency's evaluation and our decision will only address the series determination of the position.

Position information

The appellant is assigned to position description number [#]. The appellant and the supervisor certified the accuracy of the position description with minor pen and ink changes.

The appellant functions as an Environmental Protection Technician in the [name] Division which has overall responsibility for administering the environmental program for four installations: [installations]. The organization ensures that installation-level program policies and procedures are in place and adhered to, and all tenant activities comply with environmental laws and regulations. The appellant performs assessment inspections of all types of buildings to determine the presence of asbestos-containing materials. The appellant identifies and informs his supervisor of requirements for the most effective and efficient means of conducting inspections. His activities include gathering samples of materials suspected of containing asbestos for testing by laboratory personnel; preparing field drawings of sample areas or locations of suspected or actual contamination; and evaluating the physical condition of the contaminants. He determines the appropriate course of action, priority, and resources required for accomplishing abatement and uses this information to prepare management plans to effect compliance with Federal, state and local regulatory requirements.

The appellant works under the administrative supervision of the Supervisory General Engineer who assigns work, identifies work objectives and priorities, and provides background information and guidance. Any unusual problems during the course of carrying out assignments

are referred to the supervisor. Review of completed work is in terms of quality, timeliness and adherence to regulations, instruction and policy.

Standard determination

Environmental Protection Specialist Series, GS-028, March 1995.

Safety and Occupational Health Management Series, GS-018, August 1981.

Environmental Protection Assistant Series, Handbook of Occupational Groups and Families, January 1999.

Series and title determination

The agency determined that the appellant's position is best covered by the Environmental Protection Assistant Series, GS-029, and titled *Environmental Protection Technician*. The appellant believes the position should be placed in the Environmental Protection Specialist Series, GS-028, or the Safety and Occupational Health Specialist Series, GS-018. We agree with the agency's determination that the work performed by the position is properly placed in the GS-029 series. Since there is no published standard for this series and therefore, no authorized titles, the agency may assign a title following the guidance in the Introduction to the Position Classification Standards.

The GS-028, Environmental Protection Specialist Series, includes positions that involve advising on, managing, supervising, or performing administrative or program work relating to environmental protection programs (e.g., programs to protect or improve environmental quality, control pollution, remedy environmental damage, or ensure compliance with environmental laws and regulations). Many programs focus on specific pollutants (e.g., noise, radon, asbestos, pesticides, medical waste, acid rain) or on protecting a specific medium. These positions require specialized knowledge of the principles and methods of administering environmental protection programs and the laws and regulations related to environmental protection activities.

The GS-029, Environmental Protection Assistant Series, includes positions which involve performing a variety of technical support work in connection with the operation of environmental protection programs. This work may take the form of assisting higher level environmental protection personnel in an area of assignment or it may involve independent performance of limited assignments in a prescribed segment of an environmental protection program. This work requires the ability to apply established instructions, rules, regulations, and procedures relevant to environmental protection activities.

The standard for the GS-028 series provides guidance for distinguishing between Environmental Protection Specialist and Environmental Protection Assistant positions. The Environmental Protection Specialist is concerned with developing, analyzing, evaluating, and modifying environmental programs, policies and procedures. They exercise judgment and broad perspective in applying a thorough knowledge of the principles, concepts, and practices relating to environmental protection programs as they concern problems of organizing, planning, funding, and controlling environmental activities.

The Environmental Protection Assistant performs support work in the environmental protection and improvement field. The work involves extensive practical knowledge gained through experience and/or specific training. Assistants carry out tasks, procedures, and/or computations that can be performed by (1) applying and adapting standardized techniques and methods, and (2) using practical judgment with only an elementary grasp of the basic principles of environmental protection work. Environmental Protection Assistants perform duties such as:

- Reviewing files and records and summarizing relevant factual information in connection with compliance reviews;
- Providing information to the regulated community on procedural requirements and formats for filing permits, grant applications, compliance-related forms, etc.;
- Collecting, tracking, computing, and summarizing statistical data in chart and narrative form.

The appellant's primary duties and responsibilities are characteristic of those of an Environmental Protection Assistant. The appellant is responsible for independently accomplishing assignments involving specific inspection, survey and sampling tasks to determine the presence of asbestos-containing contaminants. The appellant conducts inspections of buildings prior to renovation or demolition by contractors. He prepares field drawings showing sample areas and locations of suspected or identified contamination; evaluates the physical condition of the contaminant; estimates the amount of contaminant material; takes samples for laboratory analysis to identify the material; and determines a proposed course or method of corrective action. When an inspected building is being used by the installation, the appellant will also provide information on the effect of airflow on the material and the potential impact on personnel occupying the structure. If the laboratory analysis identifies the sample material as asbestos, the appellant develops a management plan that formalizes the inspection findings, the corrective action to be taken, and resources required for abatement of the hazard.

The appeal record contains no evidence that the appellant's duties and responsibilities involve the development, analysis, evaluation, and modification of environmental programs, policies and procedures. There is also no evidence that he performs work requiring a thorough knowledge of environmental protection program principles, concepts, and practices. His work is limited to the identification and safe elimination of asbestos.

The GS-018, Safety and Occupational Health Specialist Series, includes positions which involve 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 include the development, implementation, and evaluation of related program functions. The primary objective of this work is the design of effective management policies, programs, or practices to eliminate or minimize human injury and property and productivity losses caused by harmful contact incidents. 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 is essential.

The GS-018 series is not appropriate for the appellant's position. The work he performs is primarily concerned with the detection and abatement of material, which has already been established to be hazardous to human health in the work environment. There is no evidence that the skill to recognize other hazardous or potentially hazardous conditions is required of the appellant's position. Also, his duties and responsibilities are not related to the managing, administering, or operating a safety and occupational health program.

Decision

The appellant's position is properly classified as GS-029-7, with the title to be determined by the agency.