

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

Chicago Oversight Division  
230 S. Dearborn Street, DPN-30-6  
Chicago, IL 60604-1687

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

**Appellant:** [Name]

**Agency classification:** Physical Scientist  
GS-1301-13

**Organization:** [Name] Unit  
[Name] Group  
[Name] Division  
[Name] Office  
Department of Energy  
[City, State]

**OPM decision:** Physical Scientist  
GS-1301-13

**OPM decision number:** C-1301-13-01

/s/ (Douglas K. Schauer)

---

Douglas K. Schauer  
Classification Appeals Officer

September 10, 2001

---

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:**

[appellant's name and address]

**Agency:**

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

Mr. Timothy M. Dirks  
Director  
Human Resource Management  
U.S. Department of Energy  
1000 Independence Avenue, SW  
Washington, DC 20585

## **Introduction**

On October 20, 2000, the Chicago Oversight Division of the U.S. Office of Personnel Management (OPM) accepted a classification appeal from [Appellant]. The appellant is classified as a Physical Scientist, GS-1301-13 and is assigned to the [Name] Unit of the [Name] Group, [Name] Division, [Name] Office, in the Department of Energy in [City, State]. The appellant believes that the agency determination of the classification of his position is inaccurate, and that he should be classified as Physicist, GS-1310-15. Specifically, he believes that the agency should have credited him with Level 3-5 of the Primary Standard for Factor 3, Guidelines, Level 4-6 for Complexity, Level 5-6 for Scope and Effect, Level 7-4 for Purpose of Contacts and Level 1-9 for Knowledge Required by the Position. The appellant believes that he should be classified to the Physics Series, GS-1310, and he believes the duties he performs coupled with the nonspecific guidelines involved and the complexity of the position through reference to the applicable OPM classification standards warrant classification at the GS-15 level.

## **General issues**

In adjudicating this appeal we will make an independent decision on the proper classification of the duties and responsibilities currently assigned to the appellant. By law, we must make the decision solely by comparing the appellant's current duties and responsibilities to OPM standards and guidelines (5 USC 5106, 5107, and 5112). Also the appellant refers to application of the Primary Standard in the classification of his position. Sound classification principles, however, stipulate that the Primary Standard should only be used in those cases when the factors being measured clearly exceed the levels depicted in the occupation specific standards. If the factors do not exceed the occupation specific standards the Primary Standard is not appropriate for application.

## **Position information**

The [Name] Group provides technical information and assessment in the areas of: safeguards and security; information resources management; environment, safety and health; human resources management; life cycle asset management; and engineering and technical support. This program is accomplished through the utilization of project teams composed of subject matter experts from a variety of disciplines. The appellant is the particle accelerator operation expert for the [Name] Office. The appellant performs assessments and makes recommendations concerning corrective actions for identified weaknesses or deficiencies in accelerator safety programs involving design, construction, startup, operations, and decommissioning of large complex particle accelerators. The position involves planning, organizing and leading or participating on teams to evaluate overall plans and proposals for systems developed by contractors. He provides support to the DOE-[Name] Office. This office has the operational oversight and management responsibility and authority for the safe operation of several of the DOE national laboratories including [Name, Name, Name, Name, and [Name] Laboratories. The appellant provides technical support to the [Name] Office by evaluating overall plans and proposals for accelerator systems. The appellant performs assessments and reviews and makes recommendations for approval/disapproval and corrective actions to the lab director regarding contractor proposals and designs. The appellant must ensure that contractor proposals are

developed in accordance with DOE standards and that the work will ensure or minimize the risk of health and safety hazards to the public. These systems are often in the forefront of scientific technology.

### **Series, title, and standard determination**

The appellant serves as an expert in particle accelerator safety operations. This involves providing evaluations and assessments of design proposals in the design, construction, startup, operations, and decommissioning of particle accelerators. The position requires expert knowledge of physics and accelerator design to evaluate the design and operation of accelerator facilities. He must possess extensive knowledge of the principles, theories, and practices of the various types of radiation interaction with matter to evaluate the design of accelerator facilities. He also must have an expert knowledge of health physics in order to ensure that the design, construction, startup, operation and decommissioning of particle accelerators present no health problems to workers and others. The General Physical Sciences Series, GS-1301, is appropriate for positions whose work involves professional work in the physical sciences when there is no other more appropriate series, or when the work involves a combination of physical science fields when no one is predominant.

The appellant believes that his position should be classified to the Physics Series, GS-1310. The GS-1310 Series is appropriate for positions that advise, administer or perform research or other professional work and scientific work in the investigation and application of the relations between space, time, matter, and energy in the areas of mechanics, sound, optics, heat, electricity, magnetism, radiation, or atomic and nuclear phenomena. We find that the employee does some of this work as when advising management on particle accelerator design issues. We also find that the appellant also performs work classifiable to the GS-1306, Health Physics Series. This series is proper for positions that require primarily application of professional knowledge and competence in health physics, the occupation concerned with the protection of persons and their environment from unwarranted exposure to ionizing radiation. We find that the appellant must possess and utilize knowledge and competencies in both occupations with no one predominant. Therefore, in accordance with instructions provided we assign the position to the General Physical Sciences Series, GS-1301. The basic title for positions in this occupation is Physical Scientist. The GS-1300P Job Family Standard for Professional Physical Science Work provides grading criteria for nonsupervisory professional positions in the physical sciences, including the GS-1301 series.

### **Grade determination**

The GS-1300P standard grading criteria at each grade level includes appropriate language from the law, supplemented by more specific material. Criteria at the GS-9 and above levels are further supplemented by illustrations of work appropriate for each grade level.

According to the standard, work assignments at the GS-12 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, methods, and techniques, 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

and complex features; and novel or obscure problems. Completed work is reviewed primarily for general acceptability and feasibility in relation to the overall program. Scientific recommendations are normally accepted as sound without close review, and study reports and scientific papers are considered to be authoritative scientific documents.

Illustrative of this level are positions which plan very significant projects, advise on improvement of instrumentation or procedural methods, and ensure that special equipment is procured, modified and installed. They plan, coordinate, and implement tests and implement the projects. They may serve as an advisor to other scientists, and they may also serve as a team leader. They use initiative, resourcefulness, and past personal experience to deviate from established approaches and precedents to develop methods and procedures and to apply basic principles and theories. They often develop new methods, techniques or precedents to plan and carry out assignments. Work and conclusions are accepted as technically authoritative and are reviewed only for meeting the assignment's objectives.

The standard states that GS-13 is a senior expert level involving work for which technical problem definitions, methods, and/or data are highly incomplete, controversial or uncertain. This level differs significantly from the GS-12 level in that evaluations and recommendations are accepted by others as those of a technical expert. Typically, 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. Characteristically, GS-13 scientists represent their organizations or programs or the Government's interests, in some cases including representing the agency before public bodies on controversial projects or in high level forums. Some positions 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.

Illustrative of this level is the example of scientists who perform scientific assessments and make recommendations concerning corrective actions for identified weaknesses or deficiencies in radiation protection and/or nuclear safety programs involving chemical processing, mixed and hazardous waste, decommissioning, and construction. Assignments cover numerous energy technologies, waste management, and site service activities that require originality in adapting or developing precedents for complex and unusual situations. They solve problems that would be considered novel or obscure within the occupation, extend and modify existing techniques, and develop new approaches for other experienced scientists to use in solving a variety of problems.

Another illustration provided in the standard is that of scientists who provides expert, comprehensive radiation safety oversight to a segment of a large, complex biomedical research facility. They provide technical guidance to researchers and junior health physicists. They may serve as a radiation safety liaison and technical expert to unique specialty groups within the organization. Evaluations and recommendations made are accepted by others as those of a technical expert in his/her area.

The appellant's position exceeds the GS-12 level as described in the standard. The position compares favorably to the GS-13 level in that it involves reviewing plans and proposals that involve multi-year multi-million dollar projects that present difficult or critical problems because of unusual site conditions and limitations that can occur in environmental safety and health that cannot be adequately determined beforehand. The appellant must apply a seasoned perception

and in-depth analysis to a variety of interrelated and conflicting conditions associated with the projects, programs or proposals to be evaluated. The appellant must apply experienced judgment and extensive technical knowledge of practices and methods to determine the validity and acceptability of proposed systems, methods, approaches and accomplishments. The analysis often times involves unproven methods, innovative approaches, and high risk factors, i.e., improper safety conditions that cannot be accurately measured in advance. The technical programs at the national laboratories are of such high visibility, extreme complexity, and may present a variety of unique safety hazards. Recommendations made by the appellant must be precise to avoid major complex safety hazards.

The position does not meet the GS-14 level in that responsibilities at this level tend to involve highly unstructured and interconnected problems involving both difficult technology and complex human relations or programmatic issues. This level differs significantly from the GS-13 level in that the GS-14 scientist is one that other recognized senior technical experts turn to for advice and counsel. At this level, the work typically has special significance for the success of the organization, e.g., it may have significant direct effects over a wide region or over multiple programs or may include responsibility for a new technology especially critical to the organization's programs. Typically, GS-14 level assignments include a wide area of responsibility carried out under administrative direction in of broad agency policies, objectives, and mission statements. In contrast, GS-13 level assignments generally involve project or program responsibility of a lesser scope that is covered by general guidance such as precedents, recent work, and developments in a specialty area.

The breadth of the appellant's assignments does not compare favorably with the representative assignments at the GS-14 level of the standard. At this level, the work typically has special significance for success of the organization, e.g., it may have significant direct effects over a wide region or over multiple programs or may include responsibility for a new technology especially critical to the organization's programs. The organization is determined to be the DOE and the appellant's impact is predominantly seen with one discipline at a component of the overall organization. The appellant reports to the Deputy Director of the [Name] Group and also receives assignments from a team leader in the group. The team leader assigns the work in terms of objectives and priorities. The appellant independently carries out the work in an interdisciplinary team environment and selects the approaches and methods to be used in carrying out his assignments. The appellant recommends action (s) to be taken, however, it is the [Name] Manager who makes the final scientific determination on whether proposals for design or other recommendations are accepted.

## **Decision**

The position is appropriately classified as a Physical Scientist, GS-1301-13.