

U.S. Office of Personnel Management
Division for Human Capital Leadership & Merit System Accountability
Classification Appeals Program

Dallas Field Services Group
1100 Commerce Street, Room 441
Dallas, TX 75242

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

Appellant: [appellant]

Agency classification: Physical Scientist,
GS-1301-11

Organization: Division of Resources
[name] Field Office
[state] State Office
Bureau of Land Management
Department of the Interior
[location]

OPM decision: Physical Scientist
GS-1301-11

OPM decision number: C-1301-11-02

/s/ Judith Frenzel

Judith L. Frenzel
Classification Appeals Officer

July 8, 2003

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]

Human Resources Officer
[state] State Office
Bureau of Land Management
Department of the Interior
[address]

Director
National Human Resources Management Center
Bureau of Land Management
Department of the Interior
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Introduction

On January 9, 2003, the Dallas Oversight Division, now the Dallas Field Services Group, of the U.S. Office of Personnel Management (OPM) accepted a classification appeal from [appellant]. We received his agency's complete administrative report on February 3, 2003. The appellant's position is currently classified as Physical Scientist, GS-1301-11. The appellant does not dispute the title and series of his position, but believes that it should be classified at the GS-12 grade level. He is assigned to the Division of Resources, [name] Field Office, [state] State Office, Bureau of Land Management (BLM), Department of the Interior, located in [city and state]. We have accepted and decided this appeal under section 5112 of title 5, United States Code.

Background

Because of duties pertaining to Coal Bed Methane (CBM) development in the [geologic basin] and a shifting of work priorities, the supervisor requested the appellant's position description be revised, with a proposed grade increase. In February 2002, the servicing personnel office conducted a desk audit of the appellant's position. They found that while the appellant retained his responsibilities related to soils, he had acquired additional responsibilities for ground and surface water modeling related to the CBM development. They changed the classification from Soil Scientist, GS-470-11, to Physical Scientist, GS-1301-11. The appellant agreed with the series change but disputed the grade level determination. The appellant filed an appeal with BLM's National Human Resources Management Center. In December 2002, the agency's decision sustained the current series and grade of the position. The appellant disagreed with the agency's decision on the basis of the geographic extent of responsibility and the technical complexity of his work and filed an appeal with this office.

An OPM representative conducted telephone audits with the appellant on March 13 and 17, 2003, and a telephone interview with his immediate supervisor on February 27, 2003, to help decide this appeal. In reaching our classification decision, we have carefully considered all of the information gained from these interviews as well as the information furnished by the appellant and his agency, including his official position description, (PD) number [number], dated March 8, 2002. The appellant and his supervisor have certified to the accuracy of the duties described in the PD.

Position information

The [name] Field Office (CFO) has program responsibilities for the management of lands, minerals, rangelands, recreation, cultural resources, wildlife habitat, air and water quality, soils, surface protection, hazardous minerals, and law enforcement within the geographic boundaries of the Field Office. The CFO administered lands lie within four counties and include approximately 1,995,000 acres of public land surface and 2,911,000 acres of Federal mineral estate under privately owned surface, i.e., split estate. The management of these resources requires coordination and cooperation with local, State and other Federal agencies.

The CFO is headed by a Field Manager, GS-340-14, and consists of four divisions: a Support Center, Division of Solid Minerals, Division of Minerals and Lands, and the Division of

Resources. The CFO has a total of 92 employees. The appellant is assigned to the Division of Resources which has a staff of 15 including 2 GS-486 Wildlife Biologists, (a GS-11 and a GS-7); 4 GS-454-11 Range Management Specialists; a GS-1315-11 Hydrologist; a GS-193-11 Archeologist; a GS-023-9 Outdoor Recreation Planner; a GS-401-11 Natural Resources Specialist (Fire); and 4 technician positions in support of the various resource fields. The Division is supervised by an Assistant Field Manager of Resources, GS-301-12

The appellant's current workload is associated with CBM development in the [geologic basin], located in northeast [state] and south-central/southeastern [second state]. Briefly, the appellant is assigned to serve as a specialist on interdisciplinary teams, planning and carrying out studies related to the hydrology of ground and surface water systems, water quality relating to development of CBM resources, investigation of soil chemical and physical properties, and analysis of complex regional groundwater models used to predict cumulative impact of CBM production and coal mining. He serves as the source of soils expertise and ground and surface water modeling for three field offices ([three names]) as the zone specialist, advising other resource specialists on investigation, evaluation, and mitigation of activities impacting soil resources. Examples include surface erosion due to grazing, surface disturbing activities such as oil and gas development, coal mining and road building, and chemical and physical impact from land application of CBM produced water. The appellant serves as the principal contact with cooperating agencies in water and soil resource investigations and as spokesman for BLM for the northeast [state] area.

The position requires a professional knowledge of water resources, hydrologic, and soil resources and practices to analyze natural resource management alternatives and to prepare data and interpretive findings. It also requires familiarity with related fields such as soil and water chemistry, grazing management, petroleum engineering, surface mining, meteorology, and computers to effectively use these elements in planning and conducting soil and water resources investigations. The appellant's major field of study was watershed management with a minor in soils and he has many years of experience in both hydrology and soils work. The information contained in the appeal record provides much more detailed information.

Series, title, and guide determination

The agency placed this position in the General Physical Scientist Series, GS-1301. Positions in this series involve professional work in the physical sciences when there is no other more appropriate series, that is, the positions are not classifiable elsewhere. This position requires professional knowledge of the fields of hydrology and soil science, with neither predominant. It also requires knowledge of soil and water chemistry. We agree with the agency's assignment of this position to General Physical Scientist Series, GS-1301. The basic title for this occupation is Physical Scientist. We used the grading criteria in the GS-1300P Job Family Standard for Professional Physical Science Work.

Grade determination

The GS-1300P standard is written in narrative format and includes appropriate language from the law, supplemented by more specific material, and illustrations of work appropriate to each grade

level. Positions are graded as a whole against the criteria found at differing grades in the standard and are then classified to the grade that best represents the overall demands of the work.

At the GS-11 level, scientists plan and execute complex studies that usually involve intensive investigations into one or more recognized phenomena. The work typically involves conventional methods and techniques, though going beyond clear precedents, and requires adapting methods to the problems at hand and interpreting findings in terms of their scientific significance. Finished products are reviewed for adequacy of conclusions and soundness of the procedures and methods used. Assignments at this level generally do not involve radical departures from past practices or require the development of new, novel, or innovative approaches, methods, or techniques. At the GS-11 level, scientists have wide latitude for exercising independent judgment in performing work of considerable difficulty requiring somewhat extended professional, scientific, or technical training and experience which has demonstrated important attainments and marked capacity for sound independent action or decision.

Illustrations included in the standard at the GS-11 level follow.

Leads or independently performs a multi-year study to assess the occurrence of an important industrial ore as part of a comprehensive land assessment project. Studies background data, analyzes and resolves conflicts in archival information, and locates and obtains substantive unrecorded data from sources such as mine owners and state officials. Leads and performs extensive field work and map alterations around deposits. Evaluates findings to determine the grade of ore, tonnage, quantity of reserves, production and milling costs, and environmental measures. Prepares the geologic portion of the report for publication. Recommendations and conclusions are expected to be logical and the product of a trained scientist and reviewed primarily for the adequacy of conclusions presented.

Analyzes and prepares river volume and flood forecasts for varied river basins with unstable conditions. Disseminates the forecasts to Federal, state, or municipal water resource or emergency management organizations, hydropower and agricultural industries, and the general public. Reviews completed forecasts and adjusts, modifies, or develops complex procedures to improve forecasting accuracy. Calibrates forecasting models to account for changes in land use or the use of municipal, agricultural, or fishery water supplies. Adds new gauging stations where data are unavailable or divides basins into smaller sub-basins to increase forecasting specificity and accuracy.

Reviews timber harvesting plans to determine the potential impact on a watershed area or river basin. Applies conventional water and soil sampling techniques to assess current conditions, including water yield, sediment transport, and soil types and stability. Studies records of how the basin or watershed area has reacted to land management activities in the past. Applies the collected data and the parameters of the harvesting plan (e.g., amount and type of timber to be cut) to a standard watershed analysis model to simulate the effect harvesting will have on the river basin. Reviews precedent cases for standard harvesting or watershed protection strategies and recommends alternatives for minimizing degradation.

Plans and coordinates projects involving the analysis and evaluation of the flow and transport of sediment or pollutants in a river basin. Analyzes basin conditions, water volumes and velocities, and municipal, agricultural, and industrial influences. Searches out, adapts, and applies various sampling procedures, schedules, equipment, and analysis methods throughout the study to assess and evaluate the diverse conditions. Correlates the data, adapts and applies computer modeling techniques to simulate the hydrologic processes of the river basin, and writes reports and findings.

The GS-12 level includes positions which are under general administrative supervision, and with wide latitude for the exercise of independent judgment, 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 assignment 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.

Illustrations that are included at the GS-12 level follow.

Develops long-range hydrologic plans, programs, and/or precedents of an authoritative and state-of-the-science nature. Develops and modifies hydrologic river forecast procedures for a wide variety of basins when existing procedures are not supplying results that are sufficiently accurate and usable. Develops procedures for specialized forecasts for which procedures do not exist (e.g., snowmelt, river ice formation and dissipation, minimum flow, and flash floods). Makes significant technical and scientific recommendations and decisions. Exercises considerable initiative and resourcefulness in carrying out these assignments to completion. Plans projects and makes changes without securing prior technical approval. Represents the agency before public bodies on complex problems that are noncontroversial in nature.

Determines the condition and restoration needs of multiple watersheds over a diverse forest-wide area. Surveys and inspects the watershed areas for adverse conditions, such as landslides or eroded gullies. Utilizes data on water temperature, instream flow and discharge, and soil stability and study records of previous watershed conditions and land and water management activities in the area. Analyzes and evaluates the collected data in relationship to desired conditions and regulatory requirements to determine the cumulative effects of previous land management practices on current watershed conditions. Develops, modifies, and recommends extensive plans, treatments, and projects for restoring conditions; and monitors and evaluates the results to ensure achievement and maintenance of healthy conditions.

Reviews and studies proposals for remediating contaminated ground water when little information on the type and nature of the contaminant and composition of the geographic area is known. Searches for and studies precedent reports for applicable data gathering and analysis techniques. Adapts and devises methods to collect information on soil and rock types and patterns, aquifer locations, ground-water flow, and contaminant types and concentrations in the area. Applies the collected data to geochemical analysis and ground-water flow models to simulate the existing conditions and processes, and to forecast the effects of each decontamination proposal on the hydrologic system. Modifies the models to reflect the nature of the hydrologic process, geographic area (e.g., pumping rates and duration) and correlates the physical- and chemical-analysis results.

The appellant's assignments are comparable to the GS-11 level. His most recent assignments involve work related to the [geologic basin] Oil and Gas Project, a proposal from a group of oil and gas companies with leases in the [geologic basin]. The project involves almost 8 million acres of Federal, State, and private lands, 11 percent administered by BLM, 3 percent by the US Forest Service, and 40 percent of the land is split estate. The planning area for the proposal includes lands in [four county names] counties of [state], which are included in the appellant's zone of responsibility. Following receipt of the companies' proposal, BLM initiated an environmental impact statement (EIS) and proposed amendments to the plan, based on the EIS. Earlier studies found that the amount of CBM was being reduced on the Federal mineral estate lands through drainage from coal operations on private lands, with no royalties coming to the Federal government. BLM has a mixed responsibility to maintain the land in an environmentally sound condition while permitting use of its resources, including energy, needed by the country. While most of the CBM resources are in [state], the [geologic basin] area includes part of [second state] and cooperative memoranda have been developed for the monitoring of water quality. An earlier project had reached the maximum number of wells allowed and no more Federal wells can be drilled without additional environmental analysis. While the [geologic basin] is a large program, it is one of five geologic basins in the western United States recently studied and inventoried as areas containing the bulk of the natural gas and oil resources under public ownership in the U.S. The size of these five areas ranges from 17.6 to 5.8 million acres. Although the area cited for the [name] is 10.7 million acres, the [name] Oil and Gas project assignment affects less than 8 million acres, the areas of the appellant's zone of responsibility.

The appellant's responsibilities involve the analysis and modeling of the effects of CBM development on the ground and surface water. He uses MODFLOW 2000, a software package developed by the U.S. Geological Survey, to simulate groundwater flow in an aquifer system. A telephone interview was also conducted with a co-author of MODFLOW-2000. CBM production results in the release of large amounts of water, with varying degrees of salinity, from the coal seam. Various means of handling this water must be used. While these studies are complex, there are precedents available, although modification and interpretation may be required. The appellant's CBM assignments are most comparable to the first and fourth illustrations described above from the GS-11 level of the standard. The first illustration describes preparing a portion of a comprehensive land assessment project while the fourth described correlating data, adapting and applying computer modeling techniques, and writing reports and findings. These are comparable to the appellant's responsibilities. The record

indicates he has prepared several studies and reports on CBM issues that have been included in EIS documentation. He has also been responsible for soils and water issues in the EIS reporting process. While the appellant is responsible for assigned portions related to his specialty areas, the total EIS process involves input from multidisciplinary teams to address all aspects of the situations, as required. Many reports and the NEPA and EIS assessments must be approved and signed by the State Director.

The appellant's assignments do not meet the GS-12 level. While the studies are complex, they have some precedents, and do not involve new studies or the requirement for a fresh approach to solve new problems as typical of the GS-12 level. Illustrations at the GS-12 level describe conducting new analysis and development of new methods and procedures. One illustration at the GS-12 level describes remediation of contaminated ground water when little information is available on the type and nature of the contaminant and composition of the geographic area. In contrast, the appellant's project has a known cause of contamination and the composition of the geographic area is known.

Decision

The position is properly classified as Physical Scientist, GS-1301-11.