

U.S. Office of Personnel Management
Division for Human Capital Leadership and Merit System Accountability
Classification Appeals and FLSA Programs

Center for Merit System Compliance
1900 E Street, NW., Room 6484
Washington, DC 20415-6000

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

Appellant: [name]

Agency classification: Landscape Architect
GS-807-12

Organization: [park]
[region]
National Park Service
Department of the Interior
[city and State]

OPM decision: Landscape Architect
GS-807-13

OPM decision number: C-807-13-01

 /s/ Marta Brito Perez

Marta Brito Pérez
Associate Director
Human Capital Leadership
and Merit System Accountability

 July 16, 2004

Date

As provided in section 511.612 of title 5, Code of Federal Regulations, this decision constitutes a classification 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 the conditions and time limits specified in title 5, Code of Federal Regulations, sections 511.605, 511.613, and 511.614, as cited in the *Introduction to the Position Classification Standards*, appendix 4, section G (address provided in appendix 4, section H).

Since this decision changes the grade of the appealed position, it is to be effective no earlier than the date of the decision and not later than the beginning of the fourth pay period after the date of the decision. The servicing personnel office must submit a compliance report containing the corrected position description and a Standard Form 50 showing the personnel action taken. The report must be submitted within 30 days from the effective date of the personnel action.

Decision sent to:

[appellant]

[Associate Regional Director for Administration]

Ms. Carolyn Cohen
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Introduction

On November 3, 2003, the Center for Merit System Compliance of the U.S. Office of Personnel Management (OPM) accepted a position classification appeal from [appellant], who is employed as a Landscape Architect, GS-807-12, at [park] in the [region] of the National Park Service (NPS), Department of the Interior, in [city and State]. [Appellant] requested that his position be classified as Landscape Architect, GS-807-13. This appeal was accepted and decided under the provisions of section 5112 of title 5, United States Code.

We conducted a desk audit with the appellant on April 4, 2004, and subsequent interviews with the appellant's supervisor, [name] (Superintendent, [park]), and previous second-line supervisor, [name] (Associate Regional Director for Operations and Education). We decided this appeal by considering the audit findings and all information of record furnished by the appellant and his agency, including his official position description [number] and other material received in the agency administrative report (amended) on February 18, 2004.

Position information

The appellant provides landscape architectural services for parks and sites in the [region], involving both new work and the restoration of existing historic landscapes and structures, from concept design, the preparation of construction drawings and cost estimates, and the presentation of design proposals to external review boards, through final construction. These projects may be multi-disciplinary in nature and require coordination of architectural and engineering services. The appellant is also designated as the Regional Sustainable Practices Team Co-Chair and the Regional Recycling Coordinator, with responsibility for educational and promotional activities and for partnering with other Federal, State, and local government agencies and special interest groups in the development of outreach efforts to encourage recycling and the use of environmentally preferable products.

The appellant was recently reassigned from the [regional office] to [park]. This was an organizational change only. Management has certified that the appellant's duties have not changed and that he will continue to be assigned projects on a Region-wide basis.

Series determination

The appellant's position is properly assigned to the Landscape Architecture Series, GS-807, which covers professional work in the planning and design of landscape construction and maintenance. Neither the appellant nor the agency disagrees.

Title determination

The authorized title for nonsupervisory positions in this series is Landscape Architect. Neither the appellant nor the agency disagrees.

Grade determination

The position was evaluated by applying the criteria in the position classification standard for the Landscape Architecture Series, GS-807. (Some of the appellant's projects have been multi-disciplinary or are not exclusively associated with the field of landscape architecture. However, they were evaluated within the context of this standard since the work generally includes aspects of, or is at least corollary to, that occupation.) This standard is written in a narrative format, with grade level criteria expressed in terms of the *difficulty of assignments* and *responsibility of the position*.

Difficulty of assignments

This refers to those factors inherent to the assignment that make it more or less difficult. The difficulty of assignments is influenced by the following factors *as they each affect the others*:

- the amount of land being dealt with (the standard notes that this factor does not lend difficulty in itself, e.g., an individual site with unusual and unprecedented design problems may be an assignment of greater difficulty than an area composed of a number of sites for which design can be readily worked out on the basis of similar projects);
- the natural, climatic, and topographic features of the terrain, whether they are so unique or varied as to pose unusual or unprecedented design problems;
- the variety of functional purposes or uses of the land, whether there are various types of functions to be accommodated;
- the degree of originality required, the extent to which solutions to design problems can be worked out wholly or partially on the basis of design for similar projects, or require varying degrees of originality in the adaptation of existing designs or the creation of entirely new designs.

The above factors are closely tied to the following factor:

- the knowledges and abilities required, including knowledge of agency philosophy and procedures, ability to coordinate activities and negotiate, and the extent to which the landscape architect is an authority in his field.

The GS-807 standard briefly describes what it refers to as the “physical land planning process,” wherein landscape design work ranges from the broad, initial master planning phase (to determine the allocation of land uses and the physical development of large land expanses), through general site planning (to identify the relation of all major landscape elements to each other), to detailed site planning. In its section titled “Qualifications Required”, the standard notes that landscape architecture requires technical knowledge of the allied physical planning fields of architecture and engineering. However, it also recognizes the equally important requirement for highly developed design capabilities, the ability to relate these to agency philosophy and standards and to public expectations, and skill in negotiating with representatives

of other interested groups to achieve mutually acceptable design solutions. The standard states that not all of these knowledges, skills, and abilities are required to the same degree in all positions, given that landscape architectural services in any given agency may not encompass the entire land planning process. It can be inferred that engineering knowledges are more important in the earlier planning phases of landscape design, whereas design skills would predominate in final site planning. Regardless, neither aspect is of inherently higher grade value than the other, *but rather must be considered within the context of the demands of the assignment.*

At the GS-12 level, employees are recognized as mature professionals equipped to deal with advanced aspects of the profession. Assignments are extensive in scope and importance, contain many difficult features, and largely involve planning and coordination. A typical GS-12 assignment includes responsibility for coordination of master planning and preparation of master plan drawings and narratives for a large tract of land including a number of areas, requiring the cooperation of people from one or more design fields in addition to landscape architecture. Another assignment typical of GS-12 includes responsibility for the landscape design for major roads and adjacent sites on large tracts of land involving the connection of one area with another and requiring extensive coordination with those responsible for the engineering design of the road. Employees at this level may be responsible for the development of landscape architectural standards or criteria for the agency; the review of complex area plans (e.g., arrangements of houses and community facilities) for conformance to agency criteria; or the review of landscape architectural plans for such projects as large subdivisions, housing developments, and hospitals to check for the quality of design, costs, and conformance to agency requirements. These assignments require the knowledge and skill of a senior landscape architect, e.g., the ability to handle advanced architectural problems and to coordinate the activities of a number of groups effectively.

At the GS-13 level, assignments are of unusual difficulty and responsibility and provide considerable opportunity for individual decision-making. GS-13 landscape architects are generally specialists in their area of work. This refers to extensive knowledge of the special requirements of such projects as parks, parkways, roads, highways, recreation facilities, airfields, hospitals, subdivisions, rental housing, and military installations. Employees at this level typically perform such duties as representing the agency at meetings with high-ranking professional personnel from other agencies and organizations, requiring negotiation on the part of the employee to reconcile diverse points of view; making special landscape architectural studies in connection with proposals for projects not within the ordinary master planning concepts; and performing consultant service on landscape architectural matters for a variety of organizational segments within the agency. Some positions at this level act as professional advisors to field office staffs serving a large geographical area; others review plans submitted for approval and develop requirements and schedules for the preparation of plans on an agency-wide basis. Assignments at this level require wide professional experience in landscape architecture; extensive knowledge of agency policies, objectives, and existing legislation and program requirements; and an ability to meet and deal effectively with management, engineers, architects, builders, contractors, and others, since a substantial portion of time at this level is spent in consultation and negotiation.

The NPS evaluation of the appellant's position, which sustains the current GS-12 grade level, rests largely on their interpretation that the GS-807 standard restricts the GS-13 level to positions organizationally located at the agency level. Specifically, their latest evaluation states as follows: "Landscape architects at the GS-13 level typically perform duties and/or responsibilities that represent the agency. This position is at the Regional level and the assignments and duties do not meet the standard's requirement for agency level work . . . Furthermore at the higher level of GS-13, the landscape architect is required to reconcile diverse points of view, make special landscape architectural studies proposals for projects not within the ordinary master plan and perform consultant service on landscape architectural matters on a variety of organizational segments with the agency which is higher than at a Regional level [sic]."

This interpretation is not supported by a careful reading of the GS-13 criteria. The use of the term "agency" in the GS-807 standard is not synonymous with *agency-level*. For example, an employee may represent his or her agency at meetings regardless of the organizational level at which he or she is employed. If the employee is designated as the responsible party or point of contact for a given project or issue, then the employee is representing the agency on that project or issue. Likewise, an employee may "perform consultant service . . . for a variety of organizational segments within the agency" without being at the agency level. (The key word in this phrase is organizational "segments", as distinct from organizational *levels*.) Employees at *all* levels of the organization must know and follow "agency" policies, legislation, and program requirements, since those types of guidance are promulgated at the agency level. (It should be noted that similar references to "agency" appear in the standard at the GS-12 and GS-11 levels.) None of these "agency" citations can be construed to limit assignment of the GS-13 level to positions that are either organizationally located at the agency level or performing work of agencywide scope. In fact, references to staff-level work at the GS-13 level are clearly made within the context of *examples* (e.g., "*some* positions at this level act as professional advisors to field office staffs . . ."; *those GS-13 landscape architects who are engaged* in the review of plans submitted for approval . . . are responsible for the development of requirements and schedules for the preparation of plans on an agency-wide basis . . .") Other portions of the GS-13 criteria describe or suggest operating-level landscape architecture work (e.g., "making special landscape architectural studies"). The GS-13 criteria are crafted largely to depict what the standard describes as *typical* rather than *exclusive* assignments at that grade level. The standard, in its "Notes to Users" section, states that "typical duties performed are not given for all types of positions at every grade level . . . *this does not, however, preclude the existence of such positions at any grade level.*" It also states that "responsibility for the review of landscape architectural plans is not of a higher level than responsibility for origination of design." In short, the primary consideration in this standard is not whether a given position matches any of the examples provided at a particular grade level, but rather the degree to which the position embodies the grade-level concepts presented therein.

The standard recognizes that a position may evolve and increase in complexity in direct relation to an incumbent's experience level, as cited below:

The scope and depth of the knowledge and experience of an individual landscape architect may influence the dimensions of his position. This will be reflected in the complexity of the assignments he receives and the responsibility and authority

with which he performs them. It is intended that the classification criteria measure this relationship. Evaluation of a landscape architect's position should be based on a sufficient span of time to reflect the norm of current assignments and to avoid basing evaluation on a single assignment.

Consequently, since many of the appellant's projects, particularly the more demanding and complex, have spanned one or more years from inception to completion, we looked at the range of assignments he has performed over the past few years as follows:

- The appellant serves as project manager for the rehabilitation of the [theater], located in [park]. This is a multi-million dollar, multi-disciplined project for total upgrade of the exterior and interior structures. The work has encompassed managing the architectural and engineering contracts for rehabilitation of the theater and associated structures; coordinating the review of various phases of the plan within [region]; presenting designs and costs to the NPS Development Advisory Review Board; managing the value analysis contract; developing a spending plan for approval by the NPS budget office; participating in the selection of a construction contractor; and serving as one of two contracting officer's representatives for the management of the construction phase of the project.
- The appellant conceived, planned, and coordinated the 2002 [region] Sustainability Fair. This two-day event took place on the [location] and was designed to cultivate community-based interest in environmental stewardship, with a focus on fostering partnerships between government, businesses, and community groups on environmental issues. Attractions included interpretive materials (e.g., a booklet and large multimedia graphic displays depicting sustainable practices taking place within [region] and local community organizations); booths manned by staff from the parks within [region]; and special exhibits by over 50 other Federal agencies, national environmental associations, and community-based organizations and businesses. The appellant conceived and presented the proposal for the fair to [region] management and defined the approach and emphasis; solicited participation by other Federal and State agencies and environmental and community groups; evaluated applications for consistency with the fair's theme; served as contracting officer's representative for the design, development, and layout of materials; performed overall project coordination and logistics; and presented the fair's opening ceremony speech. This project was one of 26 winners of the 2003 White House "Closing the Circle Award" for leadership in Federal environmental stewardship and is expected to continue as an annual event.
- The appellant developed a partnership between the NPS and [county], [State], in designing and securing the resources necessary for the construction of the [county] September 11th Memorial Grove. This is the first U.S. memorial commemorating the attacks built on public space involving Federal and local government collaboration. Although the appellant performed the architectural design work on a volunteer basis, he obtained NPS sponsorship in the provision of "in kind" services to construct the memorial.

- The appellant developed the master plan for the [park] playground next to the historic [location] in [city], including negotiating with community representatives to achieve a design consensus; scheduling reviews and presenting the proposed design to the Commission of Fine Arts, State Historic Preservation Office, Advisory Neighborhood Council, and [community organization] on behalf of the NPS; and developing the construction documents, obtaining cost proposals, and managing the construction process. This was a highly contentious project with active, competing interests within the community. The appellant was required to attend many community meetings as the NPS representative to achieve eventual agreement on the design parameters. The appellant has subsequently designed a number of smaller playgrounds on [region] sites and has begun work on the upcoming playground for [park] on [location], which will be similar in scale to the [park] project.

The [park] playground has since become the *de facto* design standard, both for playgrounds within [region] jurisdiction and for other similar projects presented to the Commission of Fine Arts by other agencies. Since playgrounds within national parks are not customarily a part of any master planning fundamentals, agency standards on playground design were nonexistent. Their design must address issues of scale, safety, materials, colors, accessibility, context, and sustainable practices in relation to an historic park setting that meet the expectations of the NPS and the various review commissions and boards. The appellant has become the Regional expert on playground safety and design principles integral to the approval of proposed plans.

- The appellant coordinated the review and eventual resolution of a landmark case study involving a permit application by a telecommunications company to construct cell towers in [park]. This included establishing and managing the Administrative Record; answering inquiries from the public, news organizations (local and national), community-based and national environmental organizations, and members of Congress; writing press releases; participating in public hearings; and coordinating with the contractor conducting the environmental assessment and the telecommunications company to ensure consideration of NPS and public concerns. This issue generated extensive public input, heated controversy, and national news coverage, including a feature story on CBS Evening News.
- The appellant was a member of a small team that was formed to produce an interim landscape design for the closing of Pennsylvania Avenue in front of the White House following the Oklahoma City bombing. He was instrumental in producing a design solution based on criteria specified by the White House and input by numerous other parties; developed the drawings and presented them to all concerned parties (e.g., the NPS Director, Secret Service, Commission of Fine Arts, White House officials), and monitored the construction process.

The primary distinguishing features of the GS-13 level, when considered separately from the “typical” assignments described at that level, are: (1) the extensive knowledge requirements associated with a specialized area of landscape architecture work (i.e., “parks, parkways, roads,

highways, recreation facilities, airfields, hospitals, subdivisions, rental housing, and military installations”); (2) the high degree of responsibility exercised by the employee in consultation and negotiation, including independent decision-making; and (3) the unusual difficulty of the assignments. The appellant’s position satisfies these requirements. First, the appellant clearly operates in the capacity of a specialist in landscape architecture for historic park settings. This requires that he possess, in addition to extensive knowledge of the laws and regulations governing environmental compliance, an understanding of the philosophy, aesthetics, and landscape design standards pertaining to historic areas maintained by the NPS. This acquired knowledge relates to such considerations as whether the proposed plans are appropriate to and compatible with the setting, and whether they complement rather than detract from site values, such as historic sight lines and existing topographic features. This level of expertise is required because many of the appellant’s projects must be presented to and approved by various external review entities, most notably the Commission of Fine Arts, which has oversight of design decisions made by the Federal government in [city]. As the only Federal-level design review board in the country, the members of this Commission are respected design professionals appointed by the President and charged with guiding the architectural development of the nation’s capital. The Commission’s interest in maintaining the historic and environmental integrity of the city’s park lands and in enhancing the aesthetics of high-visibility areas demands a level of design skill and sensitivity in the appellant’s work that qualifies as the extensive “specialized” knowledge expected at the GS-13 level.

Second, the appellant exercises a high degree of responsibility and has considerable latitude for independent decision-making. He is expected to present his proposed designs to the Commission independently, and has often been called upon to meet with community representatives to explain and achieve agreement with proposals, sometimes in circumstances of active opposition to the plans. He currently reports to the park superintendent (and previously to a facility manager), and therefore must “sell” his design ideas without prior benefit of an internal critique. He has demonstrated independent action in, for instance, his development and conduct of the Sustainability Fair, which he conceived, planned, and organized and for which he personally received a prestigious Presidential award, and in his initiating a partnership between NPS and [county], [State], in the construction of the September 11th Memorial Grove.

Third, the appellant’s assignments can be considered as “unusually difficult” in relation to the difficulty elements cited in the standard. His individual projects do not involve the large tracts of land normally encountered in the master planning and general site planning phases of landscape design, since most of the park units administered by [region] are in a highly urbanized and developed setting. However, the GS-807 standard specifically notes that difficulty is not directly related to the size of the site but rather to the problems associated with the particular project. In the appellant’s case, the design problems derive less from issues of scale or topography (i.e., the engineering aspects of landscape architecture) than from the diverse public interests inevitable in a densely populated, high-use area, where the user population and concerned constituency groups are influential, vocal, and politically astute. Thus, the design problems relate not to the “natural, climatic, and topographic features of the terrain” or “the variety of functional purposes or uses of the land,” but rather to the competing objectives surrounding the projects and frequently, the organized community and public opposition to the work. Many of the appellant’s more difficult projects have been unique in the sense that there have been no similar precedent projects, e.g.,

[theater], the [park] playground, and the Pennsylvania Avenue plaza. Because of the high visibility of these sites, the design (i.e., aesthetic) aspects of the work are of paramount importance, and the appellant must be acutely knowledgeable of NPS requirements and expectations and be highly skilled in coordinating activities and in negotiating with other organized groups.

Responsibility of the position

This measures the degree of supervision received and the authority to act (i.e., the manner in which work is assigned and reviewed; whether supervision is close and continuous, general, or administrative only, e.g., all work is accepted as technically correct; and the nature of recommendations, decisions, and conclusions made.) It also measures the type of personal contact work performed (i.e., the purpose of the contacts, whether they are for the purpose of receiving or exchanging information and instructions, making commitments, coordinating activities, or negotiating.)

At the GS-12 level, supervisors assign work in terms of broad, general objectives. Employees at this level are relatively free from technical control. Technical decisions and recommendations are seldom changed by higher authority. Completed work is reviewed for adequacy in terms of the broad objectives of the assignment and for compliance with agency policies and regulations. Personal contacts constitute a substantial portion of the work at this level. Employees must coordinate work and maintain liaison with organizations performing related work; planners, architects, engineers, builders, and contractors; State and municipal authorities; related agencies, and the general public.

At the GS-13 level, supervision is usually in the form of administrative direction. Assignments are given in terms of general objectives, and recommendations are accepted as technically sound. Personal contacts are an important factor at this level. Employees act as consultants and negotiators. They may be required to speak before groups on technical matters relating to their work.

Thus, landscape architects at both the GS-12 and GS-13 levels work under largely administrative supervision and have considerable freedom in the technical aspects of their work (i.e., “technical decisions and recommendations are seldom changed” versus “recommendations are accepted as technically sound”). There is no meaningful distinction between these levels in terms of how work is assigned. The primary difference between these levels lies in the nature of the personal contacts. At the GS-12 level, the assignments require primarily *coordination* with others. By contrast, at the GS-13 level, the nature of the assignments is such that they require *negotiation*.

The appellant has been regularly assigned projects that require highly-developed negotiation and presentation skills to achieve a design consensus (e.g., [park] and other similar projects, the Pennsylvania Avenue plaza). He has served as the NPS representative at community meetings to explain plans and overcome objections. He is often required to present and promote design proposals to the Commission of Fine Arts and other external review entities. As a direct consequence of the high visibility setting in which he operates, his contacts frequently require a

degree of persuasiveness and diplomacy that extends well beyond the coordinative work of the GS-12 level.

Summary

The appellant's position meets the GS-13 level under both of the classification factors addressed above.

Decision

The appealed position is properly classified as Landscape Architect, GS-807-13.