

As provided in section 511.612 of title 5, Code of Federal Regulations, this decision constitutes a certificate which 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).

As discussed in the decision, aspects of the appellant's position description (PD) do not meet the standard of accuracy/adequacy as defined in section III.E of the *Introduction*. The appellant's agency must revise his PD to meet this standard." The servicing human resources office must submit a compliance report containing the corrected PD description to the office which accepted this appeal within 30 days from the date of this decision.

Decision sent to:

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Introduction

On July 29, 2008, Chicago Oversight (formerly the Chicago Oversight and Accountability Group) of the U.S. Office of Personnel Management (OPM) accepted a classification appeal from [Appellant]. The appellant's position is currently classified as a Safety and Occupational Health Specialist, GS-0018-12, and is assigned to the [Appellants work Organization] at the [Division] National Aeronautics and Space Administration's (NASA) [Center], in [Location]. He requests his position be reclassified as Program Manager, GS-301-14. We received the appellant's rationale and response to the agency administrative report (AAR) on October 8, 2009, and further comments on February 25, 2010. We received the revised organization chart and mission statement on February 25, 2010, and the appellant's PD of record and other information necessary to complete the AAR on March 3, 2010. We accepted and decided this appeal under section 5112 (b) of title 5, United States Code (U.S.C.).

In reaching our decision, we have carefully reviewed all information furnished by the appellant and the agency, information obtained during a telephone audit with the appellant on December 12, 2009 and a follow-up call on February 25, 2010, and telephone interviews with the previous supervisor on December 15, 2009, and the new acting first-level supervisor on March 25, 2010.

Background

Prior to 2003, the appellant occupied positions in the Security Management Office at [Center], which were classified first as Industrial Security Specialist, GS-080-13, and then as Program Security Officer, GS-080-13. During realignment in 2007, the appellant was reassigned to [Division]. The agency conducted a desk audit of the appellants' position to review accreted duties, which resulted in the servicing Human Resources (HR) Office at [Center] reclassifying the position as a Program Specialist, GS-301-13 (PD # [number], dated March 5, 2007).

In February 2008, the appellant filed a position classification appeal with NASA's central office, asking for his position to be upgraded to Program Manager, GS-301-14. The agency's May 1, 2008, decision determined the work the appellant performed to be covered by the Safety and Occupational Health Management Series, GS -0018, and retitled and reclassified the position as a Safety and Occupational Health Specialist, GS-0018-12. The appellant was downgraded with the position.

General issues

The appellant is currently assigned to PD # [number], which is classified as Safety and Occupational Health Specialist, GS-0018-12. The appellant's supervisor certifies the revised PD is accurate, but the appellant believes his PD is inaccurate and does not fully credit his program responsibilities.

In conducting our factfinding, we determined the appellant's PD does not adequately describe the percentages of work by major duties, particularly the audit portions of his occupational health (OH) program responsibilities. Since PDs must meet the standard of adequacy discussed in section III.E of the *Introduction*, the appellant's agency must revise his PD to meet that standard.

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. The duties and responsibilities of a position make up the work performed by the employee. Classification appeal regulations permit OPM to investigate or audit a position and decide an appeal based on the actual duties and responsibilities currently assigned by management and performed by the employee. An OPM appeal decision classifies a real operating position and not simply the PD. Therefore, this decision is based on the work currently assigned to and performed by the appellant.

The appellant believes his position should be classified as an OH Manager, GS-301-14, in line with several other Program Support Officers and OH managers within his agency. Implicit in the appellant's rationale is a concern his position is classified inconsistently with other agency positions which perform similar work. Like OPM, the appellant's agency must classify positions based on comparison to OPM standards and guidelines. However, the agency also has primary responsibility for ensuring its positions are classified consistently with OPM appeal decisions. If the appellant considers his position so similar to others that they all warrant the same classification, he may pursue the matter by writing to the agency headquarters HR office. In doing so, he should specify the precise organizational location, classification, duties, and responsibilities of the positions in question. If the positions are found to be the same, the agency must correct their classification to be consistent with this appeal decision. Otherwise, the agency should explain to the differences between the appellant's position and the others.

The appellant makes various other statements about his agency and its evaluation of his position. By law, we must classify positions solely by comparing its current duties and responsibilities to OPM position classification standards and guidelines (5 U.S.C. 5106, 5107, and 5112). In adjudicating this appeal, our responsibility is to make an independent decision on the proper classification of the position. Since comparison to standards is the exclusive method for classifying positions, we cannot compare the appellant's position to others as a basis for deciding his appeal. Because our decision sets aside any previous agency decision, the classification practices used by the appellant's agency in classifying his position are not germane to the classification appeal process.

We find the PD of record contains the major duties and responsibilities assigned to and performed by the appellant, and we incorporate it by reference into our decision.

Position information

[Center's] primary mission is to develop science and technology for use in aeronautics and space. [Division] has five teams, but no branches (including the Operations team where the appellant resides) each with a GS-14 team lead position. However, the appellant does not report to the team lead, as all division employees report directly to the Acting [Division] Director or his deputy.

Compliance with NASA OH Program policies delineated in NASA Policy Directive NPD 1800.2B (Effective Date: January 16, 2001; Expiration Date: June 30, 2010), issued by the Office of the Chief Health and Medical Officer, is mandatory. [Division] maintains these

program guidelines, as well as local implementing regulations, in three “manuals” covering the primary elements of Safety, OH, and Environment. The manuals are further divided by individual programs referred to locally as “chapters”. Together the three manuals cover more than 80 “chapters”.

Based on our interviews, we find the appellant spends seventy percent of his time managing OH Programs and overseeing Medical Service and OH-related contracts at [Center]. The appellant is the program lead for all chapters concerning OH. In this role, he manages the Federal Workers Compensation, Ergonomics, and Food Sanitation programs. He develops and issues local implementing instruction for policies related to NASA OH Policy Requirements (NPRs) as promulgated from the Office of the Chief Health and Medical Officer; and, as the local OH expert, interprets NPRs for [Center]. Local management views him as the “expert” on his assessment of assigned chapters.

His Contracting Officer's Technical Representative (COTR) duties cover program oversight and contract performance of the Medical Services and OH-related contracts, including functional oversight of the medical clinic, the employee fitness center, dietician and food services, childcare, and the Employee Assistance Program (EAP). The appellant also administers the Automated External Defibrillator (AED) Program. He also is responsible for notifying the union of changes in working conditions related to changes in NASA OH programs. He also ensures that [Center] employees receive proper OH training.

We also find the appellant spends thirty percent of his time auditing OH chapters. On November 18, 2008, NASA’s Office of the Chief Health and Medical Officer (OCHMO) adopted a three-year cycle for OH reviews. OCHMO stated that the triennial review schedule was established to reduce administrative burdens while continuing to ensure the highest quality OH services across NASA. The next full review for [Center] is scheduled for [Date]. During the intervening years, Centers are to perform self-reviews each year that OCHMO does not conduct an on-site review. Self-reviews are to be as comprehensive as the OCHMO on-site review. Specific requirements for the review format, deadline, and other revised requirements are published in updates to NPR 1800.1B. In this role, the appellant serves as a lead auditor for OH Audit at [Center]; and is now undergoing audit training for the Safety Institutional Inspection and Oversight and the Environmental Health Systems chapters. Management’s goal is for the appellant to serve as a lead auditor for preparation for scheduled external audits conducted by central office staff, as well as for pre-audits, that is, for internal audits of local programs now performed by Safety and OH Specialists (GS-0018-11) on staff who do routine “inspections” of OSHA requirements and audits of [Division] contracts. These specialists do not have program responsibilities, but they do look to the appellant as the [Center] expert on assigned chapters.

Series, title, and standard determination

The agency has placed the position in the Safety and Occupational Health Management Series, GS-018, but the appellant disagrees. In a letter to his congressional representative to outline his appeal, and submitted as his rationale along with his appeal request, he initially compares Administrative Analysis Grade Evaluation Guide (AAGEG) factor-level descriptions to his the factor-level descriptions in his former PD work as the basis of his appeal. Since he no longer

occupies this PD, the appellant's comments on its evaluation are not germane to the adjudication of this appeal. We also find the former PD's factor-level descriptions do not properly describe the work currently assigned to and performed by the appellant. Since the appellant's OH work is directly covered by the subject-matter specific grading criteria in the Position Classification Standard (PCS) for Safety and Occupational Health Management Series, GS-0018, use of the AAGEG to evaluate his position is neither necessary nor appropriate.

The appellant also disagrees with the official title assigned to his position, as he says he does not perform any "safety" related duties. However, positions in which specialized subject-matter or functional competence is a necessary qualification requirement are classifiable to whichever specialized or general series is most appropriate. The 0018 series definition includes positions that involve the management, administration, or operation of a safety and OH program or performance of administrative work concerned with safety and OH activities and includes the development, implementation, and evaluation of related program functions. The primary objective of this work is the elimination or minimization of human injury and property and productivity losses, caused by harmful contact incidents, through the design of effective management policies, programs, or practices. Safety and OH management work requires application of the knowledge of: (a) the principles, standards, and techniques of safety and OH management; and (b) pertinent elements of engineering, physical science, ergonomics, psychology, industrial hygiene, physiology, sociology, and other scientific and technological fields which contribute to the achievement of comprehensive safety and OH objectives.

In addition, NASA's OH Program policy, as contained in NASA Policy Directive (NPD) 1800.2B, Effective Date: January 16, 2001 Expiration Date: June 30, 2010, based on the Occupational Safety and Health Act, is to promote and maintain the physical and mental well-being of its employees, both in the workplace and on international travel and assignment, to ensure compliance with all applicable regulatory requirements, and to implement all program components to the maximum extent possible. The objective is to eliminate the incidence of OH injuries and illness for the NASA workforce. Therefore, since the overall objective of the OH program is to ensure the health **and** safety of agency employees, it is reasonable to assume the inclusion of the word "safety" in the position title is appropriate, as described in the 0018 PCS.

The record shows the work performed by the appellant is primarily involved in the management, administration, or operation of a safety and OH program that is typical of positions in the GS-0018 series. The appellant believes his position should be classified as a Health Programs Manager. The title of *Safety and Occupational Health Manager* is authorized for positions responsible for planning, organizing, directing, operating and evaluating a safety and OH program for an entire agency or subordinate level such as a bureau, command, regional or district office or installation. The GS-0018 PCS titling information does not require a manager to supervise a subordinate staff. The GS-0018 PCS occupational information notes that a fully developed safety and OH program typically consists of a broad range of subfunctions which include planning, organizing, leading, controlling and evaluation. Planning requires conceiving and developing safety and OH program elements; organizing involves the coordination of safety and OH activities through the development of appropriate organizational structures; leading entails initiating and interpreting program goals; controlling involves the setting of program priorities, review of the content of internal and external communications, and correction of

program deficiencies; and evaluation is concerned with the collection, analysis and utilization of data related to accidents, injury and property losses, and program accomplishment.

The appellant does not meet the threshold described for OH program management, as he is assigned only a number of program elements such as inspection, evaluation, training, and responsibility for providing administrative and technical services to management representatives and employees. No supervisory duties are performed. The authorized title for nonsupervisory positions classifiable to this series at the GS-12 grade level or below is *Safety and Occupational Health Specialist*. The PCS does not provide for deletion of “Safety” from this approved title.

Grade determination

Because his work is properly classified to the GS-0018 series, it must be evaluated for grade-level purposes by application of the GS-0018 PCS which is written in the Factor Evaluation System (FES) format under which factor levels and accompanying point values are assigned for each of 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 in a PCS describes 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 aspects and still not be credited at a higher level.

The agency credited Levels 1-7, 2-4, 3-4, 4-4, 5-4, 6-3, 7-3, 8-1, and 9-1. The appellant believes his position should be evaluated at Levels 1-8, 2-5, and 4-5, but does not challenge the evaluation of the remaining factors. After careful review of the record, we concur with the crediting of the undisputed factor levels and will limit further evaluation to those factor levels in dispute.

Factor 1, Knowledge required by the position

This factor measures the nature and extent of information or facts which the employee must understand to do acceptable work, and the nature and extent of the skills needed to apply this knowledge.

At Level 1-7, some positions require knowledge of a wide range of safety and OH concepts, principles, and practices, laws, and regulations applicable to the performance of complex administrative responsibilities which requires the planning, organizing, directing, operating and evaluation of a safety and OH program. Other positions require a comprehensive knowledge of regulations, standards, procedures, methods, and techniques applicable to a broad range of safety and OH duties in one or more specific areas of safety and OH (e.g., identifying, evaluating, and controlling a wide variety of industrial hazards related to the full range of work operations).

In addition to the knowledge and skills described at Level 1-7, Level 1-8 includes either an expert knowledge of safety and OH concepts, laws, regulations, and precedent decisions which provide the capability to recommend substantive program changes or alternative new courses of

managerial action requiring the extension and modification of existing safety and OH management problems; or, 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 OH policies or critical criteria.

As at Level 1-7, the appellant's knowledge requirements more closely match the description for specialist positions, as his duties are restricted to OH subelements and related services, not the broad-based management of an OH program. The appellant is responsible for implementing and overseeing compliance with NASA's Safety and OH Program policies within [Center] for his assigned program areas. When necessary, he develops local supplemental policies and procedures for use. This includes several chapters of the [Center] OH Program Manual (one of three [Division] manuals) covering such subelements as the EAP Program, Critical Incidence Stress Management Program, Ergonomics Program, Food Services Sanitation Program, Federal Workers Compensation Program, and local policy guidance for the Automated External Defibrillators (AED) Program.

Level 1-8 is not met. In NASA, the OH program subfunctions are developed at the agency headquarters level and promulgated to its major Centers through the issuance of policy directives. While the appellant provides training, technical guidance, and oversight for several OH subprograms, the level of technical knowledge required to do so is limited, as he does not manage as full and extensive a program as described at Level 1-8 and does not function as a technical expert within the meaning of the PCS due to the centralization of program policy authority at NASA's central office. In contrast, the appellant's work requires a comprehensive knowledge of safety and OH duties comparable to the special duties described at Level 1-7.

Level 1-7 is assigned and 1250 points are credited.

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 OH manager or specialist, and the review of completed work. Controls are exercised by the supervisor in the way assignments are made, instructions given, priorities and deadlines are set, and objectives and boundaries are defined. Responsibility of the employee depends on the extent to which the safety and OH manager or specialist is expected to develop the sequence and timing of various aspects of the work, to modify or recommend modifications or instructions and to participate in establishing priorities and defining objectives. The degree of review of the completed work depends upon the nature and extent of the review, e.g. close and detailed review of each phase of the assignment; detailed review of the finished assignment, spot check of finished work for accuracy, and review only for adherence to policy.

At Level 2-4, the supervisor sets the overall safety and OH objectives and management resources available to achieve the expected results. Program or specialized requirements and time constraints typically are developed in coordination with the supervisor. At this level, the employee typically has responsibility for independently planning and carrying out a safety and OH 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 OH 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 OH matters, or far-reaching implications.

At Level 2-5, the supervisor provides only administrative direction in terms of broadly defined safety and OH mission or functional goals. The safety and OH manager independently plans, designs, and carries out programs within the framework of applicable laws. As the safety and OH manager at this level typically provides technical leadership, work results are considered as 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 OH management. Recommendations for changes in program direction or the initiation of new safety and OH management projects are usually evaluated for such considerations as availability of funds and other resources, relationship to broad program goals or national priorities.

Level 2-4 is met. The appellant works independently in planning and carrying out work assignments, as required by NPD 800.2B. He keeps his supervisor apprised of any unusual developments or precedent setting situations. The appellant develops and coordinates internal guides necessary to plan and carry out medical services at [Center], but they fall within the framework of established objectives set by NASA guidelines that delineate OH policy. Although the appellant is considered to be the local expert because of his knowledge, his work does not involve the types of far-reaching, agency-wide programs managed at Level 2-5

Unlike Level 2-5, the appellant's responsibilities are constrained by the program parameters established by NASA program managers at the central office. The authority to implement national policy resides in the aforementioned Office of the Chief Health and Medical Officer.. This limits the scope and complexity of the appellant's program functions, as well as his ability to recommend program changes. This, in turn, precludes the appellant from routinely dealing with funding and staff issues expected at Level 2-5. The appellant's oversight of the medical services contract that covers a substantial portion of the OH programs at [Center] is limited to his role as a COTR. While his oversight work is performed with a substantial degree of independence, it is also subject to the restrictions established by the SOW for each contract. Although the appellant works independently and is the program lead for all OH chapters at [Center], he has not been delegated the full scope of both technical and program authority envisioned at Level 2-5.

Level 2-4 is assigned and 450 points credited.

Factor 4, Complexity

This factor covers the nature, number, variety, and intricacy of the 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 OH that have exacting technical requirements. The safety and OH manager or specialist evaluates a variety of complex, interrelated physical conditions and operating practices. Assignments require analysis of unconventional safety and OH problems or circumstances, inconclusive facts or data and are characterized by the uncertainty of accepted control or abatement methods. The nature of hazards is such that generally no single approach is adequate to control or eliminate a given problem. Rather, the adaptation of proven safety and OH techniques is necessary. In this position, judgment is required in evaluating the best approach among possible alternatives.

At Level 4-5, the work includes broad and diverse assignments requiring innovative analysis of high safety risk activities. The safety and OH manager or specialist 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 OH 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.

As at Level 4-4, the appellant evaluates contractors' safety and OH program for such issues as the effectiveness of safety committees, content of safety directives and regulations, and results of employer efforts to solicit and use safety suggestions and to publicize safety activities. He also examines pertinent contract clauses, interpreting terms, specifications and technical requirements and determines compliance by company managers with these criteria which may include the implementation of specific, new measures eliminating and controlling hazards to Government personnel, equipment, and materials.

Level 4-5 is not met. Since program direction is delineated in the aforementioned OH NPD, the appellant is limited by program constraints from developing and applying new or modified innovative analytical techniques envisioned at this level. He does participate on several evaluation committees, but in his oversight role, he does not possess or apply the expertise necessary to resolve technical program issues, as reflected in his minimal involvement in setting up the response program for the H1N1 pandemic. While he serves as the COTR for the medical services contract with Singleton Health Services, the contractor which manages the [Location] Medical Clinic at [Center], the physicians and medical staff actually operate the clinic. He negotiates the contract for the employee fitness center, but otherwise is only involved in the hours of operation. He oversees the food services contract, but he does not conduct inspections, which are done by the dietician, and NASA regulations require specific procedures for emergency review by an epidemiologist, not the appellant. Finally, his involvement with the union is limited to notification of changes in working conditions. Based on the foregoing, we

find the appellant's role does not entail the level of technical involvement on substantive program issues found at Level 4-5.

Level 4-4 is assigned and 225 points are credited.

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>
Total		2790

The total of 2790 points falls within the GS-12 range (2755-3150 points) on the grade conversion table for the GS-0018 PCS.

Decision

The appealed position is properly classified as Safety and Occupational Health Specialist, GS-0018-12.