



United States  
**Office of  
Personnel Management**

Dallas Oversight Division  
1100 Commerce Street, Room 4C22  
Dallas, TX 75242-9968

In Reply Refer To: Your Reference:

MSO:APP

November 15, 1996

**OPM decision number:** C-0028-11-01

Mr. Barry Foster  
Director, Human Resources Office  
Department of the Navy  
368 South Avenue  
Pensacola, FL 32508-5124

Dear Mr. Foster:

Enclosed is a copy of our decision on a request from [appellant's representative] to reopen and reconsider our decision on the appeal he filed on behalf of [appellant] on the classification of her position. [Appellant] is currently employed at the Naval Air Station in [city, state], in the position of Supervisory Environmental Protection Specialist, GS-028-11. [Appellant's representative] requested that we reevaluate the environmental protection work personally performed by [appellant].

We have carefully reviewed all of the documentation in the appeal record and the information obtained from additional telephone interviews with the appellant, her immediate supervisor, and other agency officials. After considering all of this information, we have concluded that the personal work performed by the appellant is correctly classified at the GS-9 grade level. Since the supervisory duties control the grade of the position, the appellant's position is properly classified as Supervisory Environmental Protection Specialist, GS-028-11.

Please note that, in the attachment, we discuss some discrepancies between [appellant's] position description and information obtained during our telephone interviews. We ask that your office take the necessary steps to correct the position description to eliminate or revise language unsupported by our finding. If you have any questions regarding revision of the position description, you may call our office at 214/767-0561.

This decision constitutes a classification certificate issued under the authority of section 5112(b) of title 5, United States Code. This certificate is mandatory and binding on all administrative, certifying, payroll, disbursing, and accounting officials of the Government.

Sincerely,

/ s/ Peter D. Dickson

Peter D. Dickson  
Director

Enclosure

cc: [appellant's representative]

Director, Office of Civilian Personnel Management  
Department of the Navy  
800 N. Quincy Street  
Arlington, VA 22203-1998

Director for Classification, Staffing, and Compensation  
Office of Civilian Personnel Management  
Department of the Navy  
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Chief, Field Service Advisory Division  
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1400 Key Boulevard  
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[Appellant's representative]

Dear [Appellant's representative]:

This letter responds to your request of June 27, 1996, that we reopen and reconsider our decision on the appeal filed by you on behalf of [appellant] on the classification of her position at the Naval Air Station in [city, state]. Our decision, issued May 22, 1996, denied the appeal and found [appellant's position] to be properly classified as Supervisory Environmental Protection Specialist, GS-028-11. You requested that we reevaluate our evaluation of the work personally performed by [appellant].

We have carefully reviewed all of the documentation in the appeal record and the information obtained from additional telephone interviews with the appellant, her immediate supervisor, and other agency officials. After considering all of this information, we have concluded that the personal work performed by the appellant is correctly classified at the GS-9 grade level. Since the supervisory duties control the grade of the position, the appellant's position is properly classified as Supervisory Environmental Protection Specialist, GS-028-11. A copy of our evaluation statement addressing the work personally performed by [appellant] is enclosed.

We are asking the agency to correct the position description to eliminate or revise language unsupported by our finding. If you have any questions regarding revision of the position description, you may discuss your concerns with a representative of the servicing personnel office.

This decision constitutes a classification certificate issued under the authority of section 5112(b) of title 5, United States Code. This certificate is mandatory and binding on all administrative, certifying, payroll, disbursing, and accounting officials of the Government.

Sincerely,

/s/ Peter D. Dickson

Peter D. Dickson  
Director

Enclosure

cc: Mr. Barry Foster  
Director, Human Resources Office  
Department of the Navy  
368 South Avenue  
Pensacola, FL 32508-5124

Director, Office of Civilian Personnel Management  
Department of the Navy  
800 N. Quincy Street  
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**OPM decision number:** C-0028-11-01, 11/15/96

## **EVALUATION OF WORK PERSONALLY PERFORMED**

**APPLICATION OF STANDARD FOR ENVIRONMENTAL PROTECTION SPECIALIST, GS-028**

### **INTRODUCTION**

The appellant manages the environmental protection programs administered by the Naval Air Station. She performs both supervisory and nonsupervisory duties. The appellant reported that she spends approximately 30 percent of her time on supervisory duties and personally performs environmental protection specialist work about 70 percent of the time. In our decision issued on May 22, 1996, we found the appellant's position is properly classified as Supervisory Environmental Protection Specialist, GS-028-11. The grade of the position is based on our evaluation of the appellant's supervisory duties against criteria in the General Schedule Supervisory Guide. We also determined that the nonsupervisory duties would not be graded any higher than the GS-11 level. The appellant contends that the nonsupervisory duties should be classified at a higher grade and has requested that we reevaluate these duties. In the letter requesting reconsideration of our decision, neither the appellant nor her personal representative provided specific information to support their contention that the appellant's personal work should be evaluated at a level higher than GS-11. In determining the proper grade for the work personally performed by the appellant, we considered all documentation in the appeal record and conducted additional telephone interviews with the appellant, her supervisor, and other agency officials. Our detailed evaluation of the environmental protection work personally performed by the appellant follows.

### **POSITION INFORMATION**

The primary purpose of the appellant's position is to manage, supervise, and perform work relating to environmental protection programs under the jurisdiction of the Naval Air Station. Duties include providing technical advice and assistance to managers, conducting studies and surveys to identify problems, recommending modifications to operations, and developing environmental documentation in relation to assigned programs. Other duties include assuring the conduct of on-site surveillance of environmental hazardous waste disposal processes at the station; ensuring compliance with applicable regulations, etc.; evaluating program goals and objectives; and providing project support documentation and preliminary studies which lead to the funding of projects for facility improvements related to any environmental program. The appellant also develops and implements plans to accomplish program goals and modifies policies and procedures to comply with changes to applicable laws and regulations. The appellant may act as the Commanding Officer's representative in

environmental meetings, consultations, and conferences. The appellant's immediate supervisor is the Public Works Officer.

## **SERIES AND TITLE DETERMINATION**

As stated in our decision issued on May 22, 1996, we allocated the appellant's position to the GS-028 series with the title of Supervisory Environmental Protection Specialist. The appellant does not disagree with either the series or title of her position.

## **GRADE LEVEL DETERMINATION**

The GS-028 standard uses the Factor Evaluation System (FES), which employs nine factors. Under the FES, each factor level description in a standard 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. Conversely, the position may exceed those criteria in some aspects and still not be credited to a higher level. Our evaluation with respect to the nine FES factors follows.

### **Factor 1, Knowledge Required by the Position**

This factor measures the nature and extent of information or facts that an employee must understand to do acceptable work (e.g., steps, procedures, practices, rules, policies, theories, principles, and concepts) and the nature and extent of the skills needed to apply this knowledge. The agency evaluated this factor at Level 1-6.

Knowledge required by the appellant's position meets Level 1-6. At this level, the work requires knowledge and understanding of recognized reference standards, regulatory requirements, and pertinent statutes sufficient to assure environmental compliance and provide routine technical assistance to operating personnel and managers. Further, the regulatory framework is well established and defined, and there are standard or conventional procedures and techniques (reviewing documents, analyzing evidence, writing supporting documents) that apply to most situations encountered and that can be carried out with minor modification or adaptation. Similarly, the appellant must have knowledge of Federal and State laws, regulations, and policies concerning environmental compliance and protection to conduct inspections and surveys. The work in the appellant's position requires skill in using standard data gathering and analysis techniques to collect and review technical information on environmental activities and to identify and solve problems of a procedural or factual nature. For example, the appellant conducts inspections, reviews monthly reports on wastewater, prepares hazardous waste and annual polychlorinated biphenols inventory reports, and corresponds in writing with other Federal agencies (e.g., Fish and Wildlife Service and Corps of Engineers), State and local organizations, and the Historical Society. Such

activities match those described at Level 1-6 in the standard where procedures and concepts are well defined, standard, and conventional.

The appellant's position does not meet the intent of Level 1-7. For instance, the appellant's work does not require knowledge of program principles and procedures to solve *complex* problems involving *diverse* aspects of environmental protection (e.g., performing investigations, inspections, or oversight activities of *greater than average difficulty* where procedures require *frequent* modification and change); making *significant* departures from previous approaches to solve similar problems; and evaluating, modifying, or adapting *new* methods to meet the requirements of particular situations. Further, work at this level requires management, administrative, or coordinative knowledge and skill sufficient to develop, coordinate, review, and evaluate the implementation of work plans for *complex* long-term toxic waste cleanup projects. For example, specialists at this level modify policies and procedures to comply with *frequent* changes to applicable laws and regulations, coordinate the preparation of environmental impact documents for *complex* water and land projects, investigate and prepare *complex* cases of environmental violations and negotiate settlements or pursue enforcement actions, or assist in developing *complex* regulations and operating guidance for environmental protection programs. Although the appellant's position description indicates that skill in interpreting *highly complex*, technical regulations and policies is required, the appellant did not provide examples where this level of skill has been required or where she has demonstrated this skill. While the appellant's position description contains verbiage from the first work illustration provided under Level 1-7, there is no evidence that the appellant's position fully meets the intent of this level. In the context of the first work illustration, the environmental programs discussed are for a complex, multimission military installation located in a rapidly expanding urban area that is beginning to legislate environmental issues. In our decision issued on May 22, 1996, we found that the Naval Air Station and its environs do not meet the criteria for a very large serviced population or large, complex, multimission installation. In comparison to the other illustrations provided for work at Level 1-7, we find no evidence in either the record or additional information provided by the appellant that her position requires the level of expertise expected at Level 1-7 in the GS-028 standard.

This factor is evaluated at Level 1-6, and 950 points are credited.

## **Factor 2, Supervisory Controls**

This factor covers the nature and extent of direct or indirect controls exercised by the supervisor, the employee's responsibility, and the review of completed work. The agency evaluated this factor at Level 2-3.

The appellant's position meets Level 2-3. Consistent with the description at this level in the standard, the appellant's supervisor makes assignments with instructions as to areas of emphasis and results desired. The appellant usually establishes her own

goals, objectives, and priorities and is expected to accomplish ongoing assignments with a considerable degree of independence. She exercises discretion and judgment in determining when to broaden or narrow the scope of projects and studies. The appellant's supervisor reviews her work and provides assistance with controversial or especially difficult situations. These supervisory controls correspond with those described at Level 2-3.

The appellant's position does not meet the minimum level described for Level 2-4 on page 17 of the standard. For instance, at Level 2-4, the specialist has continuing responsibility for *independently* planning and carrying out important environmental protection programs or projects, interpreting policy in terms of established objectives, and resolving most conflicts that arise. At this level, the specialist keeps the supervisor informed of progress, potentially controversial matters, and problems with far-reaching implications. Although the appellant develops plans to accomplish goals, these plans are approved by her supervisor. Further, when significant modifications to policies or procedures are needed, the appellant consults with her supervisor, higher Command officials within the Department of the Navy, or Federal or State program officials. Finally, neither the written file nor the results of our telephone audits reflects that the appellant is confronted with problems that have far-reaching implications as expected for positions at Level 2-4.

This factor is evaluated at Level 2-3, and 275 points are credited.

### **Factor 3, Guidelines**

This factor covers the nature of guidelines and the judgment needed to apply them. The agency evaluated this factor at Level 3-3.

The appellant's guidelines meet Level 3-3. Her position description reflects that guidelines include laws, regulations, and administrative policies and precedents established by [the State] and various components of the Federal Government, including the Department of Defense and the Department of the Navy. Although the appellant may be required to modify or deviate from these guidelines to some extent, she executes her work within established policies, regulations, and laws. When substantial interpretation of the guidelines is needed, the appellant confers with her supervisor, State program officials, or officials at higher Command organizations, e.g., the Chief of Naval Air Training and the Naval Facilities Engineering Command. In comparison, employees at Level 3-3 use a variety of guidelines that are not always completely applicable to specific work assignments, but precedent materials are available for reference. At this level, the employee uses judgment in choosing, interpreting, and adapting guidelines and precedents to specific issues and problems in accordance with established policies and accepted practice; researching regulations and determining the relationship between the guidelines and State and Federal needs and requirements; and in recommending changes to procedures to enhance services,



correct deficiencies, etc. The appellant's guidelines parallel those described at Level 3-3.

The appellant's guidelines do not meet the intent of Level 3-4 described on page 19 of the GS-028 standard. That is, neither the documentation in the appeal file nor information provided during the telephone interviews reflects that the appellant exercises considerable judgment and ingenuity in interpreting and adapting guidance, in developing new approaches, or in recommending policies.

This factor is evaluated at Level 3-3, and 275 points are credited.

#### **Factor 4, Complexity**

This factor covers the nature, number, variety, and intricacy of 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. The agency evaluated this factor at Level 4-3.

The work of the appellant's position meets Level 4-3. For example, her recommendations for solving problems are based upon study and collation of apparently unrelated factors that affect the feasibility of alternative methods or systems. Similarly, at Level 4-3, the work includes a variety of duties involving different and unrelated processes and methods (e.g., performing site inspections, reviewing documents, evaluating results, writing reports, recommending corrective action, coordinating with installation officials). Although the appellant's position description reflects that unique problems and opportunities for innovation and interpretation are caused by constantly changing environmental regulations, implementation of new industrial processes, and the nature and scope of the problems, information obtained through the telephone interviews and documentation in the appeal file do not exhibit evidence that the appellant has encountered such problems and opportunities. While the appellant's work is made more complex by different Federal, State, and local laws and regulations applicable to each situation, there are well-established standard operating procedures which cover the various program areas. Some modification of existing policy may be required, but the appellant discusses substantial issues with her supervisor, higher Command officials, other Federal agency officials, or State program officials. These aspects of the appellant's work are characteristic of work at Level 4-3. Overall, the work of the appellant fully meets Level 4-3.

Level 4-4 is not met. At this level, the work typically involves full responsibility for well-established aspects of one or more programs and includes a *wide variety* of duties involving *diverse and complex* technical program or administrative problems (e.g., recommending improved procedures and cost effective alternative technologies, developing and negotiating mitigation projects). Decisions regarding what needs to be done depend on the assessment of *unusual* facts or conditions (e.g., practical

economic or operating problems such as changing technology or program priorities, inadequate controls, unacceptable management practices, abatement plans that are expensive to implement). The standard provides illustrations at Level 4-4 where the specialist develops *new* approaches to overcome reluctance to cooperate, considers a *wide range* of unusual issues (e.g., cleanup of unconventional hazardous substances), and uses judgment in planning study research and recommending solutions to management problems and revisions to regulations. There is no evidence presented in the written appeal record or information provided during the telephone interviews to indicate that the appellant's work approaches this level of complexity. Further, the appellant did not cite any examples to support evaluation of her work at Level 4-4.

This factor is evaluated at Level 4-3, and 150 points are credited.

### **Factor 5, Scope and Effect**

This factor covers the relationship between the nature of the work; i.e., the purpose, breadth, and depth of the assignment, and the effect of work products or services both within and outside the organization. The agency evaluated this factor at Level 5-3.

The appellant's work meets Level 5-3 in that her work directly influences the effectiveness and acceptability of the environmental protection program for the Naval Air Station. For example, the appellant plans and carries out the environmental program at the station, conducts self-inspections and surveys, and provides assistance to eliminate potential hazardous situations or to protect endangered species or wetlands. In comparison, employees at Level 5-3 plan and carry out a variety of routine project or program activities to ensure compliance with environmental laws and regulations or to improve the administration of environmental protection programs. Work at this level involves identifying, analyzing, and making recommendations to resolve conventional environmental or compliance problems and situations that are covered by established precedents and procedures. The effect of the appellant's work also meets Level 5-3 where the work affects the adequacy of compliance reviews.

The appellant's position does not meet Level 5-4 in that her work neither directly influences the effectiveness and acceptability of *total* environmental protection systems and/or programs nor affects a *wide range of agency* activities, major activities of industrial or commercial concerns, or the operation of other agencies.

This factor is evaluated at Level 5-3, and 150 points are credited.

### **Factor 6, Personal Contacts, and Factor 7, Purpose of Contacts**

Factor 6 includes face-to-face contacts and telephone dialogue with persons not in the supervisory chain. Factor 7 addresses the purpose of contacts credited in Factor 6, ranging from factual exchanges of information to situations involving significant or

controversial issues and differing viewpoints, goals, or objectives. The agency evaluated these factors at Level 2b.

The appellant's personal contacts with agency officials; representatives of Federal, State, and local environmental agencies; contractors; and others are covered at Level 2 where, in a moderately structured setting, the typical contacts include contractors, inspectors, attorneys, representatives of Federal or State regulatory agencies, etc. The purpose of the appellant's personal contacts is similar to Level b as she influences or motivates individuals or groups who are working toward mutual goals and who have basically cooperative attitudes.

The appellant's position does not meet Level 3 where contacts are in a moderately unstructured setting. For example, contacts at this level are not established on a routine basis; the purpose and extent of each contact is different; and the role and authority of each party is identified and developed during the course of the contact. Further, the purpose of the appellant's contacts does not meet Level c. At this level, the employee influences, motivates, or persuades persons or groups who may be fearful, skeptical, uncooperative, or resistant. Such persons must be approached skillfully to obtain the desired effect.

These factors are evaluated at Level 2b, and 75 points are credited.

### **Factor 8, Physical Demands**

This factor covers the requirements and physical demands placed on the employee by the work assignment. The agency evaluated this factor at Level 8-2.

The appellant's work is primarily sedentary, although some physical effort such as walking, standing, carrying light items (e.g., manuals or briefcases), or driving may be required. Such activities meet the description at Level 8-1 in the GS-028 standard. According to the appellant, her work does not require *regular and recurring* physical exertion such as prolonged standing, bending, or stooping as described at Level 8-2.

This factor is evaluated at Level 8-1; 5 points are credited.

### **Factor 9, Work Environment**

This factor considers the risks and discomforts in the employee's physical surroundings or the nature of the work assigned and the safety regulations required. The agency evaluated this factor at Level 9-2.

The appellant's work environment involves everyday risks or discomforts that require normal safety precautions typical of such places as offices, training rooms, and libraries as described at Level 9-1 in the GS-028 standard. The appellant's work does not

require *regular and recurring* exposure to moderate risks or discomforts that require special safety precautions such as use of protective clothing or gear as described at Level 9-2. The appellant cited only one incident where she was required to wear protective clothing.

This factor is evaluated at Level 9-1, and 5 points are credited.

### Summary of Factors

<u>Factor</u>	<u>Level</u>	<u>Points</u>
1 - Knowledge Required	1-6	950
2 - Supervisory Controls	2-3	275
3 - Guidelines	3-3	275
4 - Complexity	4-3	150
5 - Scope and Effect	5-3	150
6 - Personal Contacts and 7 - Purpose of Contacts	2b	75
8 - Physical Demands	8-1	5
9 - Work Environment	9-1	5
Total Points		1885

A total of 1885 points falls into the GS-9 range (1855-2100) on the grade conversion table found on page 8 of the GS-028 standard.

### DECISION

The personal work performed by the appellant is properly classified at the GS-9 grade level. As stated in our decision issued on May 22, 1996, the appellant's supervisory duties and responsibilities are evaluated at the GS-11 level. Since the supervisory duties control the grade of the position, the appealed position is properly classified as Supervisory Environmental Protection Specialist, GS-028-11.