

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



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

Classification Appeal Decision
Under Section 5112 of Title 5, United States Code

Appellant: [the appellant]

Agency classification: Physical Scientist (Environmental)
GS-1301-12

Organization: Technical Section
Hazardous Waste Enforcement Branch
Compliance Assurance & Enforcement
Division
Environmental Protection Agency, Region 6
Dallas, Texas

OPM decision: Physical Scientist (parenthetical title at
agency discretion)
GS-1301-12

OPM decision number: C-1301-12-01

_____/s/
Bonnie J. Brandon
Classification Appeals Officer

_____/01/20/98
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:

[the appellant]

Chief
Personnel Services Section (6MD-AP)
U.S. Environmental Protection Agency
Fountain Place Building
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Director, Office of Human Resources
Management
Environmental Protection Agency
Washington, DC 20460

Introduction

On August 18, 1997, the Dallas Oversight Division of the U.S. Office of Personnel Management (OPM) received a classification appeal from [the appellant]. This position is assigned to the Technical Section, Hazardous Waste Enforcement Branch, Compliance Assurance and Enforcement Division, Region 6, Environmental Protection Agency (EPA), in Dallas, Texas. The agency classified the position (position description (PD) number 6-7-031) as Environmental Scientist, GS-1301-12, after determining that it is an interdisciplinary position classifiable in either the GS-819 or GS-1301 series. At [the appellant's] request, the Personnel Services Section in Region 6 conducted a desk audit on October 30, 1996, and subsequently classified the position as Life Scientist, GS-401-12, with the selection of the series being based on the appellant's educational background in the biological sciences. The appellant disagreed with that finding and appealed to the Director, Office of Human Resources and Organizational Services, at EPA headquarters. That office reclassified the position as Environmental Scientist, GS-1301-12. The appellant does not dispute the title and series of his position but believes the duties performed reflect the GS-13 grade level.

On November 28, 1997, OPM requested that the agency apply the new Job Family Standard for Professional Physical Science Work, GS-1300, which was issued in October 1997. This new standard cancels and supersedes the GS-1301 standard dated August 1971. The agency's comparison of the appellant's position to the new standard resulted in classification of the position as Physical Scientist (Environmental), GS-1301-12 (PD number 6-8-052). Although the PD number was changed, the agency made no changes in the PD itself.

General issues

The appellant compares his position to other GS-13 positions in the agency and notes that his grade and pay may be influenced by what he believes are pay inequities and historically low trends in levels of education and pay in certain geographical areas. In adjudicating this appeal, our concern is to make an independent decision on the proper classification of the duties and responsibilities currently assigned to the appellant. By law, we must make that decision solely by comparing the appellant's current duties and responsibilities to OPM standards and guidelines (5 U.S.C. 5106, 5107, and 5112). 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.

Position information

The mission of the Technical Section of the Hazardous Waste Enforcement Branch is enforcement of the technical remediation of compliance activities in accordance with the Resource Conservation and Recovery Act (RCRA). The program is carried out by remedial project managers such as the appellant and specialists in other fields. The appellant has responsibility for planning and conducting a range of complex and difficult evaluations of data relating to the generation, transportation, storage, and disposal of hazardous waste. The duties require a knowledge of several physical science fields and environmental concepts, principles, and practices sufficient to assess compliance of installations and to recommend corrective actions. Additionally, the appellant coordinates with contractors and other employees to access a geographic information system (GIS) to determine risk index and data

analysis in regard to environmental concerns at targeted sites. The appellant's position description and other material of record provide more information about his duties and responsibilities.

Series, title, and guide determination

The appellant's position is an interdisciplinary position that involves duties and responsibilities closely related to more than one professional occupation. It requires knowledge of related fields such as chemical and environmental engineering and biology. No particular series is dominant. We agree with the agency's assignment of this position to the GS-1301 series which includes work in a combination of physical science fields. The basic title for this occupation is Physical Scientist; however, the agency may include a parenthetical title to reflect the special type of work performed. The agency's title designation of Physical Scientist (Environmental) is appropriate. The GS-1300 Job Family Standard for Professional Physical Science Work is used to evaluate the appellant's position.

Grade determination

The GS-1300 standard grading criteria include appropriate language from the law and grade level data, i.e., the standard. The grade level criteria are supplemented by illustrations of work appropriate for each grade level.

The law

At levels GS-12 and GS-13, employees have wide latitude to exercise independent judgment in performance of their work. GS-12 employees receive general administrative supervision to perform professional, scientific, technical, or administrative 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 work assignments. Similarly, the appellant's supervisor provides general administrative supervision in the form of stated responsibility for a specific site or geographical area with instructions concerning functions, pertinent objectives, and policies. The appellant independently performs these assignments with considerable latitude during the course of the work insofar as selecting the methods used for resolution of complex issues or problems. The appellant's position meets the GS-12 level of the law.

The law describes GS-13 employees as those who, under administrative direction, perform assignments that are of unusual difficulty and responsibility. Employees at this level exercise a more significant leadership role in assignments than that expected by the appellant's position. Although the appellant's assignments are somewhat complex due to variances or unknown elements, they are not characterized by the level of complexity or difficulty intended for the GS-13 level. For example, the appellant does not work under broad administrative guidance where the work is typified by responsibility for developing nationwide policies or new and improved hypotheses, approaches, or concepts not previously tested or reported in the field.

The appellant's position is best evaluated at the GS-12 grade level definition of the law.

The standard

Assignments at the GS-12 level require the employee to extensively modify or adapt standard procedures, methods, and techniques to address problems for which guidelines and precedents are not substantially applicable. Typically, assignments include considerable breadth and diversity requiring the employee to use initiative and resourcefulness. Completed work is reviewed mainly for general acceptability and feasibility in relation to the overall program. Recommendations are normally accepted without close review unless they involve policy or resource issues. Illustrations representing the complexity, depth of independence, and scope of assignments at the GS-12 level follow.

- Uses initiative, resourcefulness, and past personal experience to deviate from established approaches and precedents to develop methods and procedures and to apply basic principles and theories. Often develops new methods, techniques, or precedents to plan and carry out assignments. Work and conclusions are accepted as technically authoritative and are reviewed only for meeting the assignment's objectives.
- Performs scientific and technical evaluation, correlation, synthesis, and presentation of important data in a complex field of science.
- 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. 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.
- Develops and monitors the production of geospatial data to support agency geographic information systems and hardcopy map generation for a staff unit. Works on inter- and intra-agency committees to develop and/or revise Federal standards for geospatial data. Revises agency cartographic standards and specifications. Provides staff advisory, consulting, and reviewing services.

The appellant provides site review and gives advice on handling hazardous waste in accordance with appropriate regulations and statutes. He uses his knowledge and skill to troubleshoot scientific problems requiring the investigation of questionable conditions that are not in compliance with prescribed standards and policy. The appellant may develop technical recommendations or guidelines that will be used as a basis for compliance and enforcement actions. He may also provide comments after review of policy, but he does not have a key role in influencing policy such as would be found in higher level positions. Notably, the appellant developed a new enforcement document (7003-Letter Order) that streamlines remediation and enables a facility to undertake corrective measures more rapidly. This document and most of the plans and recommendations actually implemented by

the appellant generally have project (site) or regional impact, rather than national implications. The appellant plans, conducts, and participates in data interpretation phases of various technical support projects. Namely, he develops methods for data testing and lab designs to document presence, absence, or extent of contamination. After obtaining data and lab results, he critically reviews and evaluates the data to reach a decision threshold based on findings. This may include determining contamination concentration, relative risk analysis, and exposure to surrounding neighborhoods and deciding what problems take precedence. The course of action taken may depend on environmental aspects, disposition of hazardous or nonhazardous material, or a combination of many and varied complex features that differ from one assignment to another. The appellant uses persuasive skills to convince EPA management and facility/company management that his analysis and plan should be implemented. At times, political or controversial aspects of issues may be involved. The appellant's assignments are comparable to those described at the GS-12 level, and the independence with which the appellant works matches the GS-12 description.

The appealed position does not meet the GS-13 level of the standard which describes a senior expert level, involving work for which technical problems, definitions, methods, and/or data are highly incomplete, controversial, or uncertain. Employees at this level are representatives for the agency before public bodies on controversial projects and are recognized as authoritative sources for consultation by other scientists and program specialists with a key role in resolving issues that significantly affect scientific programs. Experience expected at this level suggests that the employee is in an advisory or consultatory role for headquarters or field offices and often performs tasks such as assuring technical adequacy of plans before submission to Congress and developing new or revised guidelines for departmentwide use.

A representative illustration at the GS-13 level is an employee who serves as the water-quality expert for an organization that is comparable to a single or multi-state water-resources program area or a small region in terms of size and complexity; plans and develops new water quality programs and projects by studying and analyzing the information needs of State and local government organizations and Federal agencies and the requirements and objectives of new legislation and regulations; reviews project proposals involving extremely complex water quality problems and issues to determine the feasibility of the projects, based on agency or bureau programs or priorities, the adequacy of work plans, proposed technical approaches and methodology, and human and budgetary resources; and develops broad guidelines for applying state-of-the-science hydrologic data, analysis, and quality assurance techniques to various water-quality projects.

Other illustrations at the GS-13 level, such as those listed below, indicate a level of work that exceeds that required or demonstrated by the appealed position.

- Develops long-range . . . plans, programs, and/or precedents of an authoritative and state- of-the-science nature.
- Leads projects covering a wide variety of geologic conditions and problems associated with geotechnical and/or geophysical issues for an extensive geographical area.

- Independently provides expert, comprehensive radiation safety oversight to a segment of a large, complex biomedical research facility.
- Plans, organizes, directs, and evaluates regional watershed-management programs and studies new or modified legislative or regulatory requirements and agency objectives and formulates policies and approaches for managing the watershed areas in the region.

The appellant deals with a specialty area, i.e., the evaluation of data relating to generation, transportation, storage, and disposal of hazardous waste. He assesses compliance of installations in order to recommend corrective actions where needed and explain policy and limitations to companies when they have not been convinced by the State of the consequences of noncompliance. The appellant uses judgment in adapting and extending guidelines and precedents to fit special situations that may arise. The fundamental guidelines used by the appellant are RCRA references, GIS guidance, Federal and State laws and statutes, and other applicable technical manuals and precedence. As GIS coordinator, the appellant coordinates and provides assistance to other professionals to determine user needs. The appellant adapts, customizes, or develops strategies or criteria for data manipulation. Maintenance and final system upkeep is the responsibility of contract employees. Strategies developed by the appellant are generally project-wide or region-wide. Overall, the level of complexity and difficulty of the appellant's assignments does not meet the criteria for the GS-13 level.

Summary

By comparison to the law and the standard, the appealed position is best evaluated at the GS-12 level.

Decision

The appellant's position is properly covered by the GS-1300 Job Family Standard for Professional Physical Science Work, titled Physical Scientist with an added parenthetical title at the agency's discretion to reflect the type of work performed, and graded at GS-12.