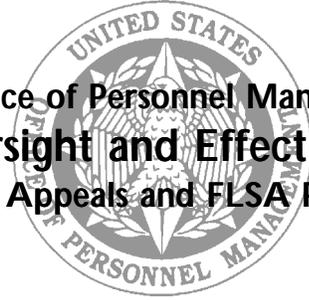


U.S. Office of Personnel Management
Office of Merit Systems Oversight and Effectiveness
Classification Appeals and FLSA Programs



Washington Oversight Division
1900 E Street, N.W.
Washington, D.C. 20415

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

Appellant: [name]

Agency classification: Supervisory Forester
GS-460-11

Organization: [district]
[forest]
[region]
Forest Service
Department of Agriculture
[city and State]

OPM decision: Supervisory Forester
GS-460-11

OPM decision number: C-0460-11-03

Linda Kazinetz
Classification Appeals Officer

12/17/99

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).

Decision sent to:

[appellant]

[servicing personnel officer]

Mr. Roger L. Bensey
Director, Office of Human Resources
Management
U.S. Department of Agriculture
Washington, D.C. 20250

Introduction

On May 12, 1999, the San Francisco Oversight Division of the U.S. Office of Personnel Management (OPM) accepted a position classification appeal from [appellant], who is employed as a Supervisory Forester, GS-460-11, in the [district], [forest], [region], Forest Service, Department of Agriculture, in [city and State]. (The appeal was subsequently reassigned to the Washington Oversight Division.) [Appellant] requested that his position be classified as Supervisory Forester, GS-460-12. This appeal was accepted and decided under the provisions of section 5112 of title 5, United States Code.

Telephone interviews with the appellant were conducted by a Washington Oversight Division representative on October 5 and November 16, 1999, and with the appellant's first-line supervisor, [name], on November 22, 1999. This appeal was decided by considering the audit findings and all information of record furnished by the appellant and his agency, including his official position description, [number], most recently certified by the servicing personnel office as Supervisory Forester, GS-460-11, on February 11, 1999.

Position Information

The appellant serves as a principal assistant to the District Ranger with responsibility for the supervision and management of the watershed, fisheries, range, wildlife, botany, silvicultural planning, and timber sale planning and preparation programs.

Series Determination

The appellant's position is properly assigned to the Forestry Series, GS-460, which covers positions requiring professional knowledge and competence in forestry science. Neither the appellant nor the agency disagrees.

Title Determination

The appellant's position is correctly titled as Supervisory Forester, which is the authorized title for supervisory positions in this series. Neither the appellant nor the agency disagrees.

Grade Determination

Evaluation Using Forestry Series Standard, GS-460

The position was evaluated by application of the criteria contained in the position classification standard for the Forestry Series, GS-460, dated December 1979. This standard is written in the Factor Evaluation System (FES) format, under which factor levels and accompanying point values are to be assigned for each of the following nine factors, with the total then being converted to a grade level by use of the grade conversion table provided in the standard. The factor point values mark the lower end of the ranges for the indicated factor levels. For a position to warrant a given point value, it must be fully equivalent to the overall intent of the selected factor level description. If the position fails in any significant aspect to meet a particular factor level description, the point

value for the next lower factor level must be assigned, unless the deficiency is balanced by an equally important aspect that meets a higher level.

The appellant disagrees with the agency's factor level assignments for factors 3 and 4. Those factors are therefore discussed in more detail below:

Factor 1, Knowledge Required by the Position

The knowledge required by the appellant's position meets Level 1-7, where work requires professional knowledge of forestry science applicable to a wide range of duties, and skill in solving problems covering diverse forestry situations and assignments. Level 1-8 is not met, since there is no evidence that the appellant is responsible for solving critical problems of a particularly unique or highly controversial nature. Further, because his position is located at the lowest organizational level of the agency, he is not involved in developing new approaches for use by other foresters throughout a broader geographic area that impact existing agency policies and programs.

Level 1-7 is credited.

1250 points

Factor 2, Supervisory Controls

The level of responsibility under which the appellant works is comparable to Level 2-4, where the employee works largely independently within identified priorities and administrative constraints but confers with the supervisor on problems encountered. Level 2-5 is not met, where supervision is primarily administrative and the employee's work is considered technically authoritative, and where the employee has significant program management responsibilities. The appellant works under the supervision of the District Ranger, who provides technical consultation and who retains managerial authority for administration of the forest resource.

Level 2-4 is credited.

450 points

Factor 3, Guidelines

This factor covers the nature of the guidelines used and the judgment needed to apply them.

At Level 3-3, guidelines include action plans for related programs or activities, manuals of standard procedures and practices, textbooks, research reports, and other literature. At this level, most assignments have aspects which require the forester to select, adapt, or interpret existing methods, practices, and instructions, or to generalize from several guidelines and techniques, in carrying out the activities, ensuring coordination with other resources, and solving the more complex problems. Some assignments require frequent departures from standardized procedures in order to establish tentative direction for completion. The employee determines when problems require additional guidance.

At Level 3-4, guidelines are often inadequate to deal with the more complex or unusual problems, or problems concerned with novel, undeveloped, or controversial aspects of forestry. The precedents or guides may point toward conflicting decisions; recent court decisions may appear to require a technical decision at variance with existing guides; there may be relatively few precedents or guides pertinent to the specific problems; or proven methods of treating the problem under varying conditions are lacking or incomplete. The employee is required to deviate from or extend traditional forestry methods and practices, or to develop essentially new or vastly modified techniques and methods for obtaining effective results.

The appellant presents two aspects of his position that he believes warrant crediting of Level 3-4. The first aspect relates to the frequently changing interpretations of environmental law that impact on the accomplishment of his planning duties. However, Level 3-4 includes an element of uncertainty or ambiguity in making technical decisions, either due to the novelty or experimental nature of the work or because of conflicting precedents or guidelines. In the appellant's case, there may be frequent court decisions reinterpreting various clauses of environmental law that require him to adjust his operations accordingly, but there is no evidence that the proper course of action would normally be unclear in these instances. Responsibility for resolving serious ambiguities or conflicts in legal requirements relating to the administration of forest resources resides at a much higher organizational level within the agency than that at which the appellant operates.

The second aspect relates to the novel and sometimes experimental nature of stream reconstruction work being undertaken by the appellant's subordinates. However, only nonsupervisory work personally performed by the appellant may be evaluated by this standard, rather than work overseen in a supervisory capacity, and thus this particular aspect of his position cannot be considered here.

The guidelines under which the appellant works are accurately represented at Level 3-3, where technical problems encountered are often complex and frequent adaptations to standard practices and existing methodology are often required. However, consistent with the organizational level at which the appellant works, he must recognize when the magnitude or import of the problem suggests that guidance be sought from higher levels in the agency.

Level 3-3 is credited.

275 points

Factor 4, Complexity

This factor covers the nature, number, variety, and intricacy of the tasks or processes 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, the work includes independent performance of a wide variety of assignments consisting of diverse and complex technical or administrative problems and considerations. Interdependent resource and socioeconomic problems are regularly encountered, which require balancing available economic, staff, or natural resources and the demands of the various publics. The assignments

typically involve land management problems with such complicating factors as extensive programmed developmental activity and heavy resource use; environmental problems and conflicting requirements whose resolutions may have serious public or tribal impacts; or strong, conflicting public or tribal demands and pressures to redirect the land management strategies for the use, or the level of use, of different forest resources. These demands may result in appeals to higher level agency or tribal officials or formal legal action. The work assignments require relating new work situations to precedent situations, extending or modifying existing techniques, or developing compromises with standard forestry practice. Occasionally, the assignments require substantial effort to overcome resistance to change when it is necessary to modify an accepted method or approach.

At Level 4-5, the work includes a variety of assignments and problems arising on a number of geographically and environmentally varied forest units, where the forester is independently responsible for (a) coordination, liaison, and planning activities covering broad resource or subject matter programs, or (b) intensive analysis and problem solving in a particular program area where the forester serves in an authoritative capacity as an expert. The work involves solving problems concerned with novel, undeveloped, or controversial aspects of forestry, with such complicating features as the abstract nature of the concepts involved, past inability to overcome the problems due to their intractability, or the existence of serious conflicts between scientific requirements and program direction.

The appellant argues that his position should be credited at Level 4-5 due to the size and diversity of the forest resources administered and the complexity and controversy of the issues that arise. However, Level 4-5 applies to positions at higher organizational levels, where the employee is responsible either for planning and coordinating activities covering a number of forest units, or for serving as an authority in a particular program area. The difficulty of the appellant's work is accurately represented at Level 4-4, which fully addresses the elements of resource complexity and diversity, and conflicting use requirements and demands, typical of the appellant's situation.

Level 4-4 is credited.

225 points

Factor 5, Scope and Effect

The scope and effect of the appellant's work match Level 5-3, where the purpose of the work is to solve a variety of conventional resource problems and where the work affects the development, protection, and use of a particular resource. Level 5-4 is not met, where scope relates to a broader geographic area with a number of operating units.

Level 5-3 is credited.

150 points

Factor 6, Personal Contacts

The appellant's personal contacts match Level 6-3, where contacts are with other professionals within and outside the agency, and with community leaders, private landowners, and representatives of various groups.

Level 6-3 is credited. 60 points

Factor 7, Purpose of Contacts

The purpose of the appellant's contacts is consistent with Level 7-3, where contacts involve negotiating with and influencing others.

Level 7-3 is credited. 120 points

Factor 8, Physical Demands

and

Factor 9, Work Environment

Level 8-1 is credited. 5 points

Level 9-1 is credited. 5 points

Summary

| <u>Factors</u> | <u>Level</u> | <u>Points</u> |
|----------------------|--------------|---------------|
| Knowledge Required | 1-7 | 1250 |
| Supervisory Controls | 2-4 | 450 |
| Guidelines | 3-3 | 275 |
| Complexity | 4-4 | 225 |
| Scope and Effect | 5-3 | 150 |
| Personal Contacts | 6-3 | 60 |
| Purpose of Contacts | 7-3 | 120 |
| Physical Demands | 8-1 | 5 |
| Work Environment | 9-1 | <u>5</u> |
| Total | | 2540 |

The total of 2540 points falls within the GS-11 range (2355-2750) on the grade conversion table provided in the standard.

Evaluation Using the General Schedule Supervisory Guide

The General Schedule Supervisory Guide (GSSG) is a cross-series guide used to determine the grade level of supervisory positions in the General Schedule. The GSSG has six evaluation factors, each with several factor level definitions and corresponding point values. Positions are evaluated by

crediting the points designated for the highest level met under each factor, and converting the total to a grade by using the grade conversion table provided in the guide.

Neither the appellant nor his agency disagrees with our evaluation of factors 1, 2, 4, or 5. Those factors are therefore addressed very briefly below. The appellant disagrees with the agency's factor level assignment for factor 6, and our evaluation of factor 3 differs from the agency evaluation. Those two factors are therefore discussed in more detail.

Factor 1, Program Scope and Effect

Under *Scope*, the appellant's position meets Level 1-3 in terms of the complexity of the work directed (i.e., professional work), but is otherwise comparable to Level 1-2 in regard to the breadth of the work directed (e.g., a typical agency field office or an area office, such as a national park.) Under *Effect*, the position matches Level 1-2, where services affect area office level or field office operations, rather than Level 1-3, where impact extends to a wide range of agency activities or the work of other agencies.

Level 1-2 is credited.

350 points

Factor 2, Organizational Setting

The appellant's immediate supervisor is at least two levels below the first SES level in the chain of command, consistent with Level 2-1.

Level 2-1 is credited.

100 points

Factor 3, Supervisory and Managerial Authority Exercised

The appellant's delegated supervisory authorities and responsibilities fully meet Level 3-2c. Level 3-3b requires that at least nine additional authorities and responsibilities be met. These are addressed as follows:

1. Credited. The appellant uses subordinate supervisors to oversee the work of the unit. Of the 26 total employees currently comprising his subordinate staff (18 permanent, 8 term), four have some degree of supervisory responsibility over permanent staff. The appellant supervises only eleven employees as a first-line supervisor, the remainder as a second-line supervisor (or a third-line supervisor for several low-graded technicians.)
2. Credited. The appellant has significant responsibilities in coordinating operational and budgetary matters with his counterparts in other units.
3. Not credited. Performance standards are standardized and prescribed by higher organizational levels. The performance appraisal system is pass/fail, allowing minimal variation in rating techniques.

4. Credited. The appellant directs a program segment with an approximately \$2.5 million annual budget.
5. Credited. The appellant makes decisions on work problems presented by subordinate supervisors.
6. Credited. The appellant evaluates the performance of subordinate supervisors and serves as reviewing official for their subordinates.
7. Not credited. Final approval for selections for all positions resides with the appellant's supervisor. Candidates for all positions in the district are screened by review panels comprised of district employees, which rate and rank the applicants and provide the selection certificates directly to the District Ranger for interviewing and selection. The appellant serves on the panels for those positions under his supervision, but has no independent authority to make or recommend selections.
8. Not credited, for the reasons stated under #7 above.
9. Not credited. There have been no group grievances or serious employee complaints during the appellant's tenure in the position. However, his supervisor indicated that she would retain authority to hear and resolve employee issues of this magnitude.
10. Not credited. The appellant's supervisor retains authority for reviewing and approving serious disciplinary actions, such as suspensions.
11. Credited. The appellant makes decisions on nonroutine training needs, such as watershed rehabilitation training.
12. Not credited. The appellant supervises several employees who serve as Contracting Officer's Technical Representatives, but they report directly to the district Contracting Officer in this regard.
13. Not credited. The appellant approves within-grades and travel expenses, but his supervisor retains authority for overtime approval.
14. Credited. The appellant recommends promotions and awards for subordinates.
15. Not credited. Although the appellant is ostensibly responsible for finding and implementing ways to eliminate or reduce significant barriers to production, promote team building, and improve business practices, there is no evidence that he has actually carried out any such activities.

Since only seven of the supervisory authorities and responsibilities listed above are exercised by the appellant, Level 3-3b is not met.

Similarly, Level 3-3a is not met as it relates to the exercise of delegated managerial authority, such as determining overall goals and objectives related to high levels of program management and

development, that clearly resides at a higher organizational level than that represented by the appellant's position.

Level 3-2 is credited. 450 points

Factor 4, Personal Contacts

Subfactor 4A, Nature of Contacts

The appellant's contacts meet Level 4A-2, where contacts are with higher ranking managers and staff throughout the field activity or at higher organizational levels, representatives of local public interest groups, State government employees, local reporters, and case workers in Congressional district offices. The appellant does not have the types of unplanned and independent contacts expected at Level 4A-3, i.e., high ranking managers at agency headquarters, key staff of public interest groups, Congressional committee staff assistants, or local officers of public action groups.

Level 4A-2 is credited. 50 points

Subfactor 4B, Purpose of Contacts

The purpose of the appellant's contacts are consistent with Level 4B-2 (i.e., planning and coordinating work, resolving differences of opinion), rather than Level 4B-3, where the primary purpose of the contacts is managerial in nature, such as representing the organizational unit in negotiations, in obtaining or committing resources, and in gaining compliance with policies, regulations, or contracts.

Level 4B-2 is credited. 75 points

Factor 5, Difficulty of Typical Work Directed

The appellant supervises seventeen employees performing substantive work, including three GS-11's, eleven GS-9's, one GS-8 and two GS-7's. Regardless of the percentage of the GS-11 employees' workload that is actually at that level, it would not exceed 18 percent of the total subordinate workload, which is well short of the 25 percent threshold for crediting. Therefore, GS-9 is considered to represent the highest qualifying level of basic nonsupervisory work supervised.

Level 5-5 is credited. 650 points

Factor 6, Other Conditions

This factor measures the extent to which various conditions contribute to the difficulty and complexity of carrying out supervisory duties, authorities, and responsibilities. If the level selected

under this factor is either 6-1, 6-2, or 6-3, and if three or more of the eight Special Situations described are met, the original level selected is increased by one level.

The appellant's position meets Level 6-3, where supervision requires coordination or integration of work comparable in difficulty to the GS-9 or 10 level. Level 6-4 is not met as it requires substantial coordination of work at the GS-11 level, and the appellant supervises only three employees at that level, less than that required for crediting as the base level under factor 5.

Special Situations

1. Variety of Work

This element is credited. The appellant supervises work in several different professional series, including forestry, wildlife biology, fish biology, hydrology, and civil/environmental engineering. Although he may not be technically qualified to review some aspects of the work, he does have technical and administrative responsibility for the work in the sense of being accountable for its successful accomplishment. All of the occupational fields represented are at least at the GS-9 base level of work.

2. Shift Operations

This element does not apply.

3. Fluctuating Work Force or Constantly Changing Deadlines

This element is not credited. The appellant's workforce does not include a significant seasonal staff. Further, although the work of his unit is subject to changes in budget allocations, and may be additionally affected by weather-related factors (e.g., ice storms that create salvage timber or flooding that washes out roads) and other natural occurrences (such as major insect infestations), these events do not instigate immediate and abrupt changes in work operations. Rather, response to these factors is generally programmed well in advance.

4. Physical Dispersion

This element is not credited. The appellant supervises only two employees who are actually duty-stationed at a different location. Other employees directly supervised by the appellant take occasional one- or two-day trips to field sites. This neither represents a substantial portion of the workload, nor does it increase the difficulty of supervision, as the appellant does not normally need to be in contact with these latter employees while they are in the field. Although there are a few technicians on the staff who spend longer periods of time at remote locations overseeing contractor work, these employees report to two of the appellant's subordinate supervisors and thus do not contribute to the difficulty of his supervisory role.

5. *Special Staffing Situations*

This element does not apply.

6. *Impact of Specialized Programs*

This element may be credited when the supervisor is responsible for a significant workload in grades above the base level of work credited in Factor 5, provided the grades of this work are not based upon independence of action, freedom of supervision, or personal impact on the job.

The appellant is responsible for the work performed by three GS-11's. This is considered a significant workload for purposes of this element given that it represents only one employee less than would be required for crediting as the base level. Further, review of the position descriptions for these three employees does not indicate that the grades are based on independence of action or freedom from supervision.

Since only two of the above special situations apply to the appellant's position, no factor level increase can be conferred.

Level 6-3 is credited.

975 points

Summary

| <u>Factors</u> | <u>Level</u> | <u>Points</u> |
|----------------------------------|--------------|---------------|
| Program Scope and Effect | 1-2 | 350 |
| Organizational Setting | 2-1 | 100 |
| Supervisory/Managerial Authority | 3-2 | 450 |
| Personal Contacts | | |
| Nature of Contacts | 4A-2 | 50 |
| Purpose of Contacts | 4B-2 | 75 |
| Difficulty of Work Directed | 5-5 | 650 |
| Other Conditions | 6-3 | <u>975</u> |
| Total | | 2650 |

The total of 2650 points falls within the GS-11 range (2355-2750) on the grade conversion chart provided in the guide.

Decision

The appealed position is properly classified as Supervisory Forester, GS-460-11.