

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

Chicago Oversight Division
230 S. Dearborn Street, DPN-30-6
Chicago, IL 60604-1687

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

Appellant: [appellant]

Agency classification: Safety and Occupational Health Manager
GS-0018-12

Organization: Department of the Army
Combined Arms Center
[city and state]

OPM decision: Safety and Occupational Health Manager
GS-0018-12

OPM decision number: C-0018-12-04

Ricardo Sims
Operations Supervisor

July 15, 2002
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:

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(address)
(city and state)

Agency:

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Introduction

On March 8, 2002, the Chicago Oversight Division of the U.S. Office of Personnel Management accepted a position classification appeal from (appellant), who is employed as a Safety and Occupational Health Manager, GS-0018-12. On April 5, 2002, the Division received a complete administrative report from the agency regarding the appeal. The appellant serves as the principle safety and occupational health advisor for the Combined Arms Center (CAC) and (installation). (appellant) requested that his position be classified Safety and Occupational Health Manager, GS-0018-14. This appeal was accepted and decided under the provision of section 5112 of Title 5, United States Code.

The appellant appealed the classification of his position to the DoD Civilian Personnel Management Service and their decision was issued January 23, 2002. After that decision was rendered the appellant appealed that determination to OPM. A telephone desk audit was performed by a Chicago Oversight Division representative on June 6, 2002 with a follow-up call on July 8, 2002. The appeal was decided by considering the audit findings and all information of record furnished by the appellant and his agency including the agency appeal decision, his official position description, [number], interviews with servicing personnel officer classification staff and appellate officer classification staff.

General issues

The appellant states that he disagrees with the final grade determination reached by his agency in the adjudication of his classification appeal. He disagrees with the agencies determinations in factors 1, 2, 3, 5, 6, and 7 of the GS-0018 series standard. He also contends that the agency has not given him proper credit for purported Department of the Army and Training and Doctrine Command-wide safety program responsibilities.

Position information

The appellant is assigned to position description [number]. The appellant, his supervisor and the agency have certified the accuracy of the position description. Also, the position description was required to be rewritten and renumbered, based on the findings presented in the agency classification appeal decision. In their January 23, 2002 transmittal letter of the agency classification appeal decision, the deciding official stated "the position description [number], indicates Department of the Army and Training and Doctrine Command-wide safety program responsibilities, when in fact (appellant) responsibilities are primarily for the subcommand Combined Arms Center and (installation)." The appellant serves as the principal safety and occupational health advisor for the Combined Arms Center (CAC) and (installation). He independently plans, develops, coordinates, and organizes the safety and occupational health program for 14 schools within the CAC, (installation) base operations, tenant activities, and the U.S. Disciplinary Barracks (a correctional facility). He provides oversight, comment, and recommendations in the integration of safety procedures in new and/or revised Army Field Manuals, and training materials and publications developed and used by the CAC. The appellant exercises first line supervisory responsibilities (e.g., plan, assign, review/evaluate work; establish priorities; etc.) over a staff of two specialists and one support position, for approximately five percent of the time.

Series, title, and standard determination

The appellant does not contest the occupational series or title of his position.

The agency determined that the appellant's position was properly placed in the Safety and Occupational Health Management Series, GS-0018, which covers positions involving the management, administration, or operation of a safety and occupational health program or performance of administrative work concerned with safety and occupational health 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 through the design of effective management policies, programs, or practices. We agree with the agency determination.

The GS-0018 standard mandates the use of the title Safety and Occupational Health Manager for positions, such as the appellant's, which are responsible for planning, organizing, directing, operating, and evaluating a safety and occupational health program.

Grade determination

The appellant performs both program management and supervisory work. However, the primary purpose of the position is to perform program management work; therefore, the position is evaluated by applying the position classification standard for Safety and Occupational Health Management Series, GS-0018, August 1981. The desk audit findings reveal that the supervisory functions are carried out for approximately 10 percent of the appellant's time, and this was confirmed by the appellant's supervisor. A position may be evaluated on the basis of its supervisory duties only if those duties comprise at least 25 percent of the position's time. Therefore, the grade of his position can only be based on the performance of his nonsupervisory duties, irrespective of his supervision of the safety and occupational health function.

Under the Factor Evaluation System (FES), positions are evaluated in terms of nine factors common to all nonsupervisory General Schedule positions. A point value is assigned to each factor based on a comparison of the position's duties with the factor level descriptions in the standard. 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 to meet any significant aspect of a particular factor level description, the point value for the next lower level must be assigned, unless an equally important aspect of a higher level is creditable. The total points assigned are converted to a grade by use of the grade conversion table in the standard.

Our evaluation with respect to the nine FES factors addressed in the GS-0018 standard follows:

Factor 1. Knowledge Required by the Position

The appellant's primary responsibilities involve serving as the principal safety and occupational health advisor for the CAC and (installation). This involves planning, developing, coordinating, and organizing the safety and occupational health program as it relates to the CAC's mission,

(army installation) installation operations, and the U.S. Disciplinary Barracks' operations. The appellant's responsibilities involve providing oversight, comment, and recommendations in the integration of safety/occupational health/risk management in doctrine and the curriculum for the various (14) schools and centers within the CAC; planning, directing and evaluating the installation's safety program (including the correctional facility and other tenant activities); and updating CAC safety regulations to ensure compliance with Army standards and Federal law. This work requires the appellant to stay abreast of new safety technology; to modify standard or accepted techniques in devising specialized safety practices; and to advise the CAC Commander on safety/risk management issues. He must have knowledge of a wide range of safety and occupational health concepts, laws, regulations, and practices that are applicable to varied assignments.

At Level 1-7, the work requires knowledge of a wide range of safety and occupational health concepts, principles, practices, laws, and regulations applicable to the performance of complex administrative responsibilities which require the planning, organizing, directing, operating, and evaluation of a safety and occupational health program; or comprehensive knowledge of regulations, standards, procedures, methods, and techniques applicable to a broad range of safety and occupational health duties in one or more specific areas of safety and occupational health. In addition, the following knowledge is also required:

- Knowledge of standards, procedures, methods, and techniques applicable to construction projects including construction equipment, materials, and utility systems.

- Sound technical knowledge sufficient to analyze safety design features and specifications and develop new methods and procedures to identify or control hazardous construction processes and equipment usage.

- Knowledge of psychological and physiological factors sufficient to evaluate the relationship of an individual to the working environment and to motivate individuals to perform in a safe manner.

- Knowledge and skill sufficient to: manage a safety and occupational health program with diverse but recognized hazards, achieving compliance with regulatory provisions and effectively communicating multiple safety and occupational health practices and procedures to staff and line personnel; and modify or significantly depart from standard techniques in devising specialized operating practices concerned with accomplishing project safety and occupational health objectives.

The appellant's position compares favorably to Level 1-7.

At Level 1-8 of the GS-0018 standard, in addition to the knowledge and skills described at Level 1-7, the work also requires:

- Expert knowledge of safety and occupational health concepts, principles, 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 occupational health management techniques critical to the resolution of safety and occupational health management programs; 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 occupational health policies or critical criteria.

The position does not achieve Level 1-8.

The appellant serves as the principal safety and occupational health advisor for the CAC (which is a subcommand); he does not represent the Department of Army (DA) as the technical authority/expert on safety and occupational issues. The appellant applies a technical knowledge in recommending revisions of doctrine and modifications to existing regulations. Level 1-8 exceeds the level of technical expertise required to develop new safety methods for a particular piece of equipment or complex operation or activity. Level 1-8 requires a mastery to apply theoretical approaches and new developments to problems that are of a program or policy nature and more far-reaching than a single project or situation. Paragraph one in Level 1-8 of the GS-0018 standard describes this requirement for technical expertise, i.e., expert knowledge, and significant program and policy responsibility, recommend substantive program changes or alternative new courses of managerial action. Likewise, paragraph two in Level 1-8 also describes a requirement for technical expertise, i.e., serve as a technical authority, and significant program or policy responsibility, make significant, far-reaching decisions or recommendations...of principal agency safety and occupational health policies. The difference between Level 1-7 and Level 1-8 lies in the breadth of the program responsibilities.

Although the appellant has technical knowledge to modify, improve, and/or develop safety operations of the installation's safety program, review/assess safety in the preparation and revision of doctrine and report observations from visits to other Training and Doctrine Command (TRADOC) installations, that technical knowledge alone is not sufficient to meet the full intent of Level 1-8. His duties do not encompass the broad program or policy responsibilities described at Level 1-8.

The fact that HQTRADOC Health and Occupational Safety maintains review and approval authority for all technical documents prior to release provides a dampening effect for the requirement to exhibit a mastery of concepts and theoretical approaches.

This factor compares favorably to Level 1-7.

Factor 2. Supervisory Controls

The appellant serves as the principal safety and occupational health advisor for CAC and (army installation); he independently plans, develops, coordinates, and organizes the CAC safety and occupational health program in installation operations, and correctional operations. The work is coordinated with principal organizational representatives, and initiative must be taken to interpret safety and occupational health policy, standards, and regulations in terms of established objectives. The appellant may also determine the course of action to be taken or methods and

techniques to be applied. The supervisor is kept informed of progress, potentially controversial safety and occupational health matters, or far-reaching implications. Completed work, such as reports of program accomplishments, are reviewed only from an overall standpoint in terms of compatibility with other activities, or effectiveness in meeting safety and occupational health objectives.

The appellant's position meets Level 2-4 which describes the supervisor setting the overall safety and occupational health objectives and management resources available to achieve the expected results. Program or specialized requirements and time constraints typically are developed in consultation with the supervisor. At this level, the employee typically has responsibility for independently planning and carrying out a safety and occupational health 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 occupational health policy, standards, and regulations in terms of established objectives. The course of action to be taken or methods and techniques applied may also be determined by the employee. The supervisor is kept informed of progress, potentially controversial safety and occupational health matters, or far-reaching implications. Completed work, such as reports of program accomplishments, is reviewed only from an overall standpoint in terms of compatibility with other activities, or effectiveness in meeting safety and occupational health objectives.

The appellant's position does not meet the intent of Level 2-5. The appellant functions within the parameters of DA and TRADOC regulations and standards which are more definitive than the statutory framework cited at Level 2-5, and his work does not entail the broad program goals or national priorities described at this level. Level 2-5 reflects administrative supervision only, with full technical authority delegated to the employee. Although the appellant has significant technical responsibility, the Chief of Staff is ultimately responsible for administration of the safety and occupational health program for CAC and (installation), and the HQ TRADOC Safety Manager exercises full technical authority for the MACOM. Level 2-4 involves a high degree of independence and responsibility, and thus fully recognizes the technical responsibility assigned to the appellant's position.

The position compares favorably to Level 2-4.

Factor 3. Guidelines

The appellant feels this factor should be credited at Level 3-5. The appellant's guidelines include Occupational Safety and Health Administration (OSHA) standards; Environmental Protection Agency and Department of Transportation standards; U.S. Public Health Service guidelines; Department of Defense, Department of Army, and TRADOC/CAC instructions, directives, manuals and policies; various Federal, State, and local codes; standard textbooks and professional journals; and past inspection summaries. The appellant must adapt these guidelines to the specific work situation he encounters, and devise approaches and measures which meet the intent of the guides. In many cases, the available guidelines are not directly applicable to the situation and require judgment on the part of the appellant in their adaptations and application. For example, the appellant advises and recommends the incorporation of safety guidelines,

methods, and procedures in Army Field Manuals developed by CAC. He also reviews, assesses, coordinates, and comments on new or changed doctrine and/or the execution of curricula in CAC schools.

At Level 3-4, the available guidelines tend to lack specificity for many applications, such as departmental or agency policies, recent developmental results, and findings and approaches of nationally recognized safety and occupational health organizations. These guidelines are also often insufficient to resolve highly complex or unusual work problems, such as determining the potential hazard of detonating various experimental explosive devices in a research and development environment. The safety and occupational health manager or specialist must modify and extend accepted principles and practices in the development of solutions to problems where available precedents are not directly applicable. Experienced judgment and initiative are required to evaluate new trends for policy development or for further inquiry and study leading to new methods for eliminating or controlling serious hazards to life and property.

The position compares favorably to Level 3-4.

At Level 3-5, work is performed chiefly under basic legislation and broad policy statements that require extensive interpretation. As a technical authority, the safety and occupational health manager develops new approaches and concepts where precedent does not exist, as well as nationwide standards, procedures, and instructions to guide operating safety occupational health personnel.

The appellant has guidelines available that are more specific than basic legislation and broad policy statements. The appellant's guidelines include OSHA standards, EPA and DOT standards; U.S. Public Health Service guidelines; DOD, DOA and TRADOC/CAC instructions, directives and manuals. The position does not meet the intent of Level 3-5.

Factor 4. Complexity

The appellant does not contest his agency's assignment of Level 4-5, and we concur. The appellant's work includes high risk activities such as those found in construction, hazardous material removal, electrical maintenance, materials handling, explosives storage, textile operations, facility maintenance, industrial operations, correctional facilities, tactical training, etc. The appellant is responsible for the safety and occupational health program for the installation. In addition to the installation program, the appellant provides consultation and review of a broad and diverse range of Army doctrine and training, combat studies, and material development. All Army doctrine developed by the CAC is Army Tactical Doctrine. As the CAC Safety Manager, the appellant oversees and supports branch schools' safety programs, which consists of several high-risk training operations. There are constantly changing hazards involved due to the Army's transformation (i.e., fighting non-traditional wars), which impacts doctrine and curriculum development; students involved in high risk activities during training; and inmates involved in high risk industrial activities. The appellant assesses the effectiveness of the overall CAC Safety Program; identifies problem areas and recommends remedial action, advises, plans and follows-up on the integration of safety/occupational health/risk management in doctrine and the curriculum for all branch schools and centers within the CAC.

At Level 4-5, the work includes broad and diverse assignments requiring innovative analysis of high safety risk activities. The safety and occupational health manager 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 occupational health 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 work force employees assigned high safety risk jobs, large numbers 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.

Level 4-5 is assigned for this factor.

Factor 5. Scope and Effect

The appellant is responsible for planning and conducting a safety and occupational health program for [the installation]. He is responsible for developing and applying methods, techniques, and abatements to control or eliminate unsafe acts or conditions for a broad range of activities such as heavy construction and industrial contractor operations (e.g., excavation with explosives, building destruction, hazardous material handling, asbestos operations, repair of underground gas lines, high voltage maintenance, etc.). The appellant also serves as the CAC Safety Adviser/Manager, and as such reviews, assesses, and recommends safety procedures and guidelines in Army doctrine development, command level training, and material development. The advisory products the appellant contributes to are normally designed in committees whose resultant products are required to be approved by the TRADOC Health and Safety Manager prior to Army wide dissemination.

The position compares favorably to Level 5-3.

At Level 5-3, the work involves the evaluation and analysis of safety and occupational health problems, conditions, and administrative practices affecting work operations and environmental conditions. Work efforts affect the quality of surveys and inspections conducted, the adequacy of techniques applied to control or eliminate hazards, and the physical safety and occupational health of employees and the general public.

The position does not meet the intent of Level 5-4.

At level 5-4, the purpose of the work is to assess the effectiveness of specific programs, projects, or functions. The safety and occupational health manager or specialist plans alternative courses of specialized action to resolve hazardous conditions and unsafe working practices. The work often involves the development of safety and occupational health criteria and procedures for major agency activities. Work products impact on (1) a wide range of agency safety and occupational health programs; or (2) safety and occupational health programs of large, private sector establishments.

This level applies to those positions operating within the context of a broad safety and occupational health program, where the employee either develops criteria and procedures for, and reviews and evaluates the work of, other safety and occupational health specialists at subordinate agency levels, or analyzes safety measures instituted by large businesses for effectiveness.

The appellant's work does not impact a wide range of agency (Department of Army) safety and occupational health programs or those of large, private sector establishments.

Factor 6. Personal Contacts

The appellant has contacts within and outside CAC/[the installation] to include TRADOC and DA Safety staff members, program managers, supervisors and other employees. Contacts outside the CAC/[the installation] include state and local officials, and representatives of private industry (toxicologist, industrial hygienist), other Federal agencies (OSHA).

At Level 6-3, personal contacts of a non-routine nature are with a variety of individuals, (e.g., managers, administrative law and Federal judges, and professionals from other agencies or outside organizations). Contacts also include individuals such as managerial representatives of privately owned businesses, contractors and consultants, university professors, State and local government officials, representatives of professional societies and national safety associations, safety engineers and safety and occupational health specialists from private establishments.

The appellant's position compares favorably with Level 6-3.

The appellant's contacts do not meet Level 6-4 in that the appellant is not required to have contact with high ranking officials from outside the agency, such as key public and corporate executives, elected representatives, and top scientific personnel of other departments and agencies, State, county, and municipal governments, private industry, national safety and health organizations, public groups, and national research organizations.

Factor 7. Purpose of Contacts

The appellant has responsibility to justify changes in doctrine and training procedures to ensure safety and occupational health standards and procedures are applied.

At Level 7-3, the purpose of the contacts is to influence, motivate and encourage unwilling, skeptical and often uncooperative individuals to adopt or comply with safety and occupational health standards, practices, procedures or contractual agreements. For example, contacts are established to: (1) persuade and negotiate agreements involving agency managers or private sector executives where there are serious technical disagreements and complex employee-management relations; or (2) justify changes in operational programs to agency managers.

The position compares favorably to Level 7-3.

At Factor Level 7-4, the purpose of the contacts is to justify, defend, negotiate or settle highly significant, controversial and often very sensitive safety and occupational health issues. At this level, the safety and occupational health manager often represents the agency as a participant in professional conferences, hearings, national safety congresses, or committees to develop, change, or modify safety and occupational health standards and criteria which have a wide application and a major occupational impact. Typically, persons contacted have diverse viewpoints or opinions concerning a significant safety and occupational health policy, precedent or objective that require extensive compromise efforts to achieve a mutually satisfactory conclusion.

The position does not meet the intent of Level 7-4.

Factor 8. Physical Demands

The appellant conducts regular site visits, surveys, and inspections of field sites that require frequent walking, prolonged standing, and occasional climbing. This matches Level 8-2 where the work requires regular and recurring physical exertion related to frequent inspections and surveys requiring considerable standing, walking, climbing, bending, crouching, stretching, reaching, or similar movements.

This factor is evaluated at Level 8-2.

Factor 9. Work Environment

The appellant's work requires exposure to operating machinery and equipment, hazardous materials, high noise levels, acid fumes, irritant chemicals, and asbestos. This matches Level 9-2, where the work involves regular exposure to hazards, unpleasantness, and discomforts such as moving machine parts, physical stresses, high noise levels, etc. Protective clothing and equipment may be necessary when performing site visits.

This factor is evaluated at Level 9-2.

Summary

In summary, we have evaluated the appellant's position as follows:

<u>Factor</u>	<u>Level</u>	<u>Points</u>
1. Knowledge Required by the Position	1-7	1,250
2. Supervisory Controls	2-4	450
3. Guidelines	3-4	450
4. Complexity	4-5	325
5. Scope and Effect	5-3	150
6. Personal Contacts and	6-3	60
7. Purpose of Contacts	7-3	120
8. Physical Demands	8-2	20

9. Work Environment	9-2	<u>20</u>
	<i>TOTAL</i>	2,845

A total of 2,845 points falls within the range for GS-12, 2,755-3,150 points according to the grade conversion table in the GS-0018 standard.

Decision

The appellant's position is correctly classified as Safety and Occupational Health Manager, GS-0018-12.