

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

Dallas Oversight Division
1100 Commerce Street, Room 4C22
Dallas, TX 75242-1027

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

Appellant: [appellant's name]

Agency classification: Environmental Engineer
GS-819-13

Organization: [appellant's immediate organization]
Superfund Division
[Region]
Environmental Protection Agency
[city, state]

OPM decision: Environmental Engineer
GS-819-13

OPM decision number: C-0819-13-01

/s/ Bonnie J. Brandon

Bonnie J. Brandon
Classification Appeals Officer

February 1, 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:

[appellant's name and address]

[appellant's Human Resources Office]

Director
Office of Human Resources and Organizational Services
Environmental Protection Agency
1200 Pennsylvania Avenue, NW.
Washington, DC 20460

Introduction

On August 22, 2001, the Dallas Oversight Division of the U.S. Office of Personnel Management (OPM) accepted a classification appeal from [the appellant]. We received the agency's administrative report on September 21, 2001. The appellant's position is currently classified as Environmental Engineer, GS-819-13. The agency uses the organizational title of Senior On-Scene Coordinator (OSC) for the appellant's position. The appellant believes the classification of the position should be Environmental Engineer, GS-819-14. He is assigned to the [appellant's Section, Branch], Superfund Division, [Region], Environmental Protection Agency (EPA), in [location]. The appellant previously filed an appeal with EPA headquarters, which sustained the current classification of his position. We have accepted and decided this appeal under section 5112 of title 5, United States Code (U.S.C.).

In reaching our classification decision, we have carefully reviewed all information furnished by the appellant and his agency, including the official position description, [number]. A representative from OPM also conducted an on-site audit with the appellant and interviewed the appellant's immediate and second-level supervisors during an on-site visit.

General issues

The appellant suggests that we refer to Personnel Management Memorandum (PMM) 511-60A (dated December 13, 1989), an internal classification guide developed by EPA for Superfund project manager positions, and the classification standard for the Environmental Engineering Series, GS-819, for an adequate representation of his duties and responsibilities. He also indicates that PMM 511-60A should be used in determining the grade of his position. Further, the appellant requests that we compare his position to GS-15 Federal Coordinating Officer positions at the Federal Emergency Management Agency. EPA may find PMM 511-60A useful in ensuring internal classification consistency for its OSC positions. However, by law, we must classify positions solely by comparing their 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 EPA's internal guide or to the classification of other positions, which may or may not be classified properly, as a basis for deciding his appeal.

Position information

The appellant believes that his position description accurately lists the major duties. His immediate supervisor certified that the position description is accurate and complete.

The mission of the [appellant's] Branch is to plan, develop, coordinate, and implement regional oil and hazardous materials programs, the emergency response program, the Superfund program, and the oil and hazardous materials contingency planning programs under the authorities of the Comprehensive Environmental Response, Compensation, and Liability Act; Superfund Amendments and Reauthorization Act; title III; the Oil Pollution Act; and the Clean Water Act. The Branch maintains a 24-hour capability to respond to oil and hazardous materials incidents resulting from human accidents, terrorist events, or natural disasters.

The Branch comprises only one section, the [Section]. Within the Section, four teams consist of OSC's who are responsible for emergency response activities, on-scene monitoring, and direction of cleanup and removal of accidental spills and releases of oil and hazardous materials. The Section's activities include the following:

- reviewing hazardous waste sites and conducting in-depth site investigations to determine imminent and substantial endangerment to public health and the environment;
- conducting Superfund removal actions, oversight of contractor operations, and oversight of potentially responsible party removal actions; and
- providing technical assistance to State and local personnel involved in oil or hazardous material cleanup, including response exercises for contingency plan development and chemical safety audits.

As one of [a number of] OSC's in the Region, the appellant coordinates activities relating to the investigation, evaluation, and removal of hazardous materials at Superfund and Clean Water Act sites. A significant aspect of the appellant's position is the coordination of contractors, other Federal and State entities, and private industry potentially responsible parties to ensure compliance with Federal and State laws and statutes and with the requirements of contract and cleanup action plans. Major duties of the appellant's position include the following:

- consulting with and advising agency staff and managers; representatives of potentially responsible parties; and engineers, environmental scientists, or other officials of other Federal and State agencies regarding hazardous waste site cleanup processes and compliance with administrative orders, consent decrees, or other enforcement actions;
- managing and overseeing Federal contractors, Federal agencies, and State agencies involved in removal/release project activities and potentially responsible party actions;
- serving as project officer for contracted efforts in site removal or spill mitigation where the Federal Government assumes the cleanup duties and evaluating the contractor's compliance with provisions of the contract;
- planning and conducting data interpretation phases of technical and program support projects, assuring accuracy and adequacy of project findings, analyzing results, and making recommendations for action;
- reviewing the status of potential removal sites and developing and maintaining appropriate project plans, preparing and reviewing plans and specifications for removal activities, and recommending approval of or modifications to the plans;
- representing the agency when Federal emergency response is required to address threats to human health or the environment;

- directing the assessment of biological and physical damage caused by release of a hazardous substance for use in agency enforcement actions, to provide assistance to other agencies, or for future research; and
- preparing technical recommendations on cases which will be used as the basis for removal actions or agency policy decisions and coordinating with State officials and legal staff to ensure enforcement actions are initiated as recommended and satisfactorily resolved.

The appellant's duties require knowledge of physical and life sciences and environmental engineering, including concepts, principles, and practices sufficient to plan and coordinate activities for the removal of hazardous materials and the mitigation of damage to the environment of a response site. The appellant's position description and other material of record provide more information about his duties and responsibilities.

Series, title, and standard determination

In his appeal, the appellant indicated that the GS-340 Program Management Series may be more appropriate for his position. The GS-340 series includes positions with duties to manage or direct, or to assist in a line capacity in managing or directing, one or more programs when the paramount qualification requirement is management and executive knowledge and ability. Positions in the GS-340 series do not require competence in a specialized subject-matter or functional area. Positions that have specialized subject-matter or functional competence as a qualification requirement are classified in whichever specialized or general series is most appropriate. Because the appellant's position requires specialized competence in the physical or biological sciences or environmental engineering, it is excluded from the GS-340 series.

The agency determined that the appellant's position is an interdisciplinary professional position involving duties and responsibilities closely related to more than one professional occupation. We agree. The nature of the work is such that a person with education and experience in biological or physical sciences or in environmental engineering would be considered equally well qualified. In interdisciplinary position cases, the final classification of the position is determined by the qualifications of the person selected to fill it. The appellant's education and experience in engineering is the basis of his qualification for the position; therefore, we concur with the appellant's agency that his position is properly classified in the GS-819 Environmental Engineering Series. The appellant's position is properly titled *Environmental Engineer*.

We used the grading criteria in the GS-819 standard to evaluate the appellant's position. In addition, we used the grade level criteria in the GS-1300 Job Family Standard for Professional Physical Science Work as a cross reference for this appeal because we have accepted an appeal from another EPA employee who is currently assigned as an Environmental Scientist, GS-1301-13, to the same interdisciplinary position.

Grade determination

Evaluation using the GS-819 standard

The GS-819 standard is written in the Factor Evaluation System (FES) format. This format uses nine factors. Each factor is evaluated separately and is assigned a point value consistent with the factor level definitions described in the standard. The points for all nine factors are then totaled and converted to a grade based on the standard's grade conversion table. Under the FES, each factor level description describes the minimum characteristics needed to receive credit at the level described. Therefore, if a position fails to fully meet the criteria in a factor level description, it must be credited at the next lower level. Conversely, the position may exceed those criteria in some aspects and still not be credited at a higher level. For evaluation of some of the factors for the appellant's position, we also referred to the Primary Standard (the "standard for standards") for a thorough understanding of the full intent of the factor.

The appellant believes that Factors 2, 3, 4, 7, and 9 are not evaluated properly and do not accurately reflect the level and importance of his responsibilities as an EPA OSC. He does not disagree with the agency headquarters' evaluation of the other factors. We have reviewed all of the factors and disagree with the agency headquarters' evaluation of Factors 6 and 7. Our evaluation of the nine factors follows.

Factor 1, Knowledge required by the position

This factor measures the nature and extent of information or facts that the engineer must understand to do acceptable work (e.g., steps, procedures, practices, rules, policies, theories, principles, and concepts) and the nature and extent of skills necessary to apply this knowledge.

Knowledge at Level 1-8 includes mastery of one or more specialty fields to the extent that the engineer is capable of applying new developments and experienced judgment to solve novel or obscure problems and the skill sufficient to extend or modify existing techniques and develop new approaches for use by other engineering specialists in solving a variety of engineering problems. Typically, the employee is a recognized expert in a specialty field. The standard provides several illustrations indicative of knowledge and skill at Level 1-8. For example, a position at this level requires the employee to have knowledge and skill to serve as a technical authority on all aspects of one or more specialty areas with responsibility for providing expert advice on the interpretation and implementation of technical policy directives and programs. Employees in such positions review plans and specifications and provide consultation concerning the full range of environmental engineering facilities. Another example is a position that requires the employee to have knowledge and skill to review and evaluate the work of others (for example, environmental and other engineers) and approve, disapprove, or modify features of projects. Also illustrative of a position at this level is one that requires knowledge and skill to provide advice, consultation, and review to others and to coordinate work in a specialty area. The standard also provides benchmarks that are comparable to the factor level descriptions. At the GS-13 level, benchmark 5 describes a position in a regulatory and enforcement agency where the work requires mastery of concepts, principles, and practices of environmental engineering that enables the employee to serve as technical authority for the development of basin, areawide,

and facility plans to achieve and maintain the chemical, physical, and biological integrity of a state's rivers and tributaries, streams, and lakes.

Positions at Level 1-9 require mastery of one or more specialty fields and recognized skill in generating new hypotheses, developing new concepts, and planning and evaluating long-range programs and projects; or skill sufficient to function as a nationally recognized consultant and expert. The standard provides an illustration where the work requires the employee to have knowledge and skill to serve as a recognized expert consultant to an agency that has responsibility for the construction of environmental engineering facilities of unusual size and complexity with responsibility for observing, advising, and reporting on environmental engineering activities nationwide or worldwide. The standard includes only one benchmark that describes a position at Level 1-9. Benchmark 1 at the GS-15 level relates to an environmental engineer who serves as a nationally recognized expert on the staff of a regulatory and enforcement agency with responsibility for observing, advising, and reporting on the technological and economic feasibility of processes, systems, and components for conversion of solid waste into different energy and reclamation of paper, magnetic materials, aluminum, and glass. This work requires mastery of advanced principles and practices of environmental engineering that enable the engineer to investigate and provide consultative services on the entire range of systems, processes, and components for the recovery of energy value from refuse.

The primary purpose of the appellant's position is to plan and coordinate emergency responses at hazardous or contaminated sites. The appellant determines the nature and extent of the hazard and the threat posed to humans and the environment, decides on the best course of action, and implements the action plan. In the course of his duties, the appellant provides direction and oversight to contractors involved in removal of the hazardous materials, e.g., oil spills, copper contamination, and for cleanup and repair of the site. Very often there is little advance information available on the site and the nature of the threat and damage involved. Therefore, the appellant must have thorough knowledge of various types of chemical contaminations and their possible threats and effects on humans and the environment. He must possess knowledge of testing techniques and methods suitable for the type of suspected hazard and knowledge of appropriate removal actions and storage options. He also must have knowledge of contract negotiation and administration sufficient for exercise of the EPA's contract warrant for scientific and labor services while on site. As at Level 1-8, the appellant must have knowledge to apply new developments and experienced judgment to solve the unique problems that may be presented at each emergency response site. He must have knowledge and skill sufficient to extend or modify existing techniques for hazardous substance cleanup, removal, and storage and to develop new approaches when existing techniques are not suitable, appropriate, or economically feasible. The knowledge required for the appellant's position compares favorably to the illustrations for Level 1-8 and benchmark 5 for the GS-13 grade level. The appellant's position fully meets the knowledge required for Level 1-8.

The appellant's position does not meet Level 1-9. The appellant does not develop new hypotheses or concepts for processes involved in hazardous chemical removal or methods of repairing the environment. Most of the appellant's assignments are of short duration, usually less than six months, though it is possible for cleanup and removal efforts to last a year or more. The appellant is not involved in planning and evaluating long-range programs and projects.

Although he is considered the Region's OSC subject-matter expert on the EPA's contract warrant, he does not function as a nationally recognized consultant and expert. Further, the appellant's position does not require him to develop new concepts and plan and evaluate long-range programs and projects as envisioned for Level 1-9.

We evaluate this factor at Level 1-8 and assign 1,550 points.

Factor 2, Supervisory controls

This factor covers the nature and extent of direct or indirect controls exercised by the supervisor, the engineer's responsibility, and the review of completed work.

In its appeal decision, EPA headquarters assigned Level 2-4 for this factor. The appellant believes that Level 2-5 is appropriate.

At Level 2-4, the supervisor sets the overall objectives and resources available. The engineer and supervisor, in consultation, develop the deadlines, projects, and work to be done. The engineer, having developed expertise in the specialty area, is responsible for planning and carrying out the assignment, resolving most of the conflicts that arise, coordinating the work with others as necessary, and interpreting policy on own initiative in terms of established objectives. Completed work is reviewed only from an overall standpoint in terms of feasibility, compatibility with other work, or effectiveness in meeting requirements or expected results.

At Level 2-5, the supervisor provides administrative direction with assignments in terms of broadly defined missions or functions. The engineer has responsibility for planning, designing, and carrying out programs, projects, studies, or other work independently. Results of work are considered as technically authoritative and are normally accepted without significant change. If work should be reviewed, the review concerns such matters as fulfillment of program objectives, effect of advice and influence of the overall program, or the contribution to the advancement of technology. Recommendations for new projects and alteration of objectives usually are evaluated for such considerations as availability of funds and other resources, broad program goals, or national priorities.

The appellant's supervisor or one of the four team leaders usually assigns a specific response site to the appellant. Occasionally, the appellant seeks out a response site through personal contacts, e.g., a State agency representative who has worked with the appellant in the past may call the appellant about a possible hazardous substance release site. In such cases, the appellant contacts either his team leader or the supervisor, informing them that he is investigating a potential site. Once the appellant has received an assignment, he independently plans the goals and objectives of a particular response site and develops and initiates the first phase of an action memorandum. The action memorandum includes a brief history and background on the site, a determination of the nature of the hazard, whether there is an imminent and substantive threat to humans or the environment, and an estimated cost of cleanup activities. The memorandum must be approved by the division director, after the supervisor has reviewed it, and the Region's legal and contracting entities must concur before action can begin. The appellant independently coordinates with other scientists, engineers, State and local representatives, and potentially

responsible parties to ensure compliance with laws, statutes, and regulations. The appellant regularly keeps the supervisor informed of any major problems or controversial issues that occur on site. The appellant's supervisor may, on rare occasions, visit cleanup sites to review progress. The appellant's completed work is normally accepted as technically proficient but is reviewed for conformance with EPA policy, regulations, site compliance standards, and efficiency and effectiveness of actions in the mitigation of threat to humans and the environment. The appellant's position fully meets Level 2-4.

The appellant does not have the full technical authority indicative of positions at Level 2-5. Though the appellant has wide latitude within his area of responsibility in terms of planning, designing, and implementing solutions for site cleanup and the alleviation of damage caused by hazardous substances, he must receive approval from the division director and concurrence from various Region entities prior to full implementation of the action memorandum. Although the appellant occasionally seeks out possible response sites on his own initiative, most sites are assigned by his team leader, the supervisor, or the Region OSC telephone duty officer. Emergency response objectives and budgetary constraints for projects are set in EPA policy and regulations, and the appellant must provide justification and seek approval to exceed established limits. The supervisory controls for the appellant's work assignments, responsibility for carrying out the work, and review of the appellant's work do not meet the intent of independence and responsibility envisioned for positions at Level 2-5.

We evaluate this factor at Level 2-4 and assign 450 points.

Factor 3, Guidelines

This factor covers the nature of the judgment needed to apply guidelines. Since individual assignments vary in the specificity, applicability, and availability of guidelines, the constraints and judgmental demands placed upon engineers also vary. For this factor, guidelines refer to standard guides, precedents, methods, and techniques including agency manuals of instructions and operations, standard textbooks, and governing policies and procedures of the agency.

EPA headquarters assigned Level 3-4. The appellant believes that his position meets Level 3-5.

Guidelines at Level 3-4 are often inadequate in dealing with the more complex or unusual problems. The engineer is required to use resourcefulness, initiative, and judgment based on experience to deviate from or extend traditional engineering methods and practices in developing solutions to problems where precedents are not applicable. This level may include responsibility for the development of material to supplement and explain agency headquarters guidelines.

At Level 3-5, the engineer, working chiefly under broad and general policy statements, regulations, and laws, exercises considerable judgment and ingenuity in interpreting and adapting guides that exist and in developing new and improved hypotheses, approaches, or concepts not previously tested or reported in the literature of the field. Frequently, the engineer is recognized as a technical authority in the specialty area, with responsibility for the development of policies as well as nationwide standards, procedures, and instructions to guide operating personnel.

The appellant has numerous guides available for use in the performance of his duties. Guidelines include statutes (such as the Clean Water Act, Oil Pollution Act, Superfund Amendments and Reauthorization Act, and the Stafford Act); the National Priorities List; the National Contingency Plan; various Federal, State, and local regulations; and EPA policies and standards. The appellant also has access to EPA historical information on proven remedies for site cleanup and reduction of environmental damage. As at Level 3-4, the appellant's guidelines are often inadequate to meet the challenges involved at sites where standard methods cannot be used to correct the situation without precedent. In such instances, the appellant must use personal experience and judgment to adapt current practices or extend traditional methods to solve problems encountered on site. The guidelines for the appellant's position fully meet Level 3-4.

The appealed position does not meet Level 3-5 in that the appellant is not required to use considerable judgment and ingenuity in developing new and improved hypotheses, approaches, or concepts not previously tested or published. Further, the appellant does not have regular responsibility for the development of policies or nationwide standards for either the OSC program or EPA.

We evaluate this factor at Level 3-4 and assign 450 points.

Factor 4, Complexity

This factor covers the nature and variety of tasks, steps, processes, methods, or activities in the work performed and the degree to which the engineer must vary the work, discern interrelationships and deviations, or develop new techniques, criteria, or information.

EPA headquarters assigned Level 4-5. The appellant believes that the complexity of his work meets Level 4-6.

The basic unit of measuring this factor is the "complex feature." The standard describes a complex feature as an individual engineering problem, broadly defined, that requires (1) modification or adaptation of, or compromise with, standard guides, precedents, methods, or techniques or (2) special considerations of planning, scheduling, and coordination. In crediting a complex feature to a position, the following conditions must be met.

- The duties and responsibilities of the position involve a specific, difficult problem requiring substantial analysis and evaluation of alternatives.
- The engineer in the position solves the problem although it may be subject to preliminary discussion of background and possible approaches, and the solution may be reviewed by the supervisor or others for technical adequacy as well as for conformance with policy.
- The solution of the problem involves (a) substantial modification or adaptation of, or compromise with, standard guides, precedents, methods, and techniques or (b) difficult or unusual planning, scheduling, negotiating, or coordination.

- The engineer applies a thorough knowledge of a variety of standard guides, precedents, methods, techniques, and practices in solving the problem.

The standard provides some examples of complex features. Illustrations include the following.

- Special planning and scheduling is necessary to integrate completion dates for phases of Government work with phases to be performed by contractors.
- The engineer presents special written analysis and justification to higher organizational entities regarding the economic, social, ecological, and other benefits that the general public will derive from the proposed work in comparison with estimated cost of such work.
- When proposed work infringes on State or municipal structures or requires approval of such authorities, the engineer coordinates with State and local civil authorities by personal contact and correspondence.
- The engineer must analyze and choose from among two or more standard methods from the standpoint of economy and engineering feasibility, when each approach contains advantages and disadvantages that do not readily or clearly outweigh those of the others. For example, cost considerations may dictate a compromise between a theoretically ideal method and a more economical but technically less satisfactory one. There may be social, ecological, or other environmental considerations that make it necessary to analyze and weigh alternatives.

At Level 4-5, assignments are of such breadth, diversity, and intensity that they involve many varied complex features. The work requires that engineers be especially versatile and innovative in adapting, modifying, or making compromises with standard guides and methods to originate new techniques or criteria. Individual assignments typically contain a combination of seven or more complex features that involve serious or difficult-to-resolve conflicts between engineering and management requirements.

At Level 4-6, assignments concentrate on the limitation of proven concepts and practices of a broad and complex subject-matter field or functional area where issues and factors to be considered are largely undefined, requiring extensive probing and analysis to determine the nature and scope of the problems. The assignments are characterized by unusual demands that are frequently due to extraordinary emergency, public interest, or economic restraints that create a need for the engineer to take shortcuts or make compromises that are considered risky or extreme within the context of standard guides, precedents, methods, and techniques. Analysis, as envisioned at this level, is carried to the point where either a solution is delivered on various problems or alternative projects (pursued concurrently or sequentially with the support of others within or outside the organization) or initiated to alter standard concepts or theories, the objectives, and/or previously formulated requirements and criteria.

Comparable to positions at Level 4-5, the appellant's work assignments involve problem analysis, often with limited data available as to the type and extent of human threat and environmental contamination; the development of solutions suitable to the variables associated with each unique response site and the coordination of removal and disposal of hazardous

substances; and budgetary limitations regarding costly, necessary cleanup activities. The cleanup process is also complicated by interaction with State and local political officials and agencies, negotiations with potentially responsible parties and contractors, the presence of television and print media, and various special interest groups. The combination of the various factors creates a complex situation where conflicts exist between the appellant's duties and interested parties' expectations. The complexity of the appellant's position is consistent with assignments described for Level 4-5.

The complexity of the appellant's work does not meet Level 4-6 in that the appellant does not deal with largely undefined issues and factors. Though information is initially limited, investigation and standard testing by the appellant or contractors rapidly lead to in-depth information on the nature of the hazard at a response site. After the initial investigation, the appellant rarely encounters largely undefined variables, and he is quickly able to initiate necessary actions. The nature of the appellant's hazardous sites does not typically present unusual demands as a result of extraordinary emergency, public interest, or economic restraints indicative of positions at Level 4-6. Further, the appellant is not required to make compromises that are considered risky or extreme as envisioned at Level 4-6.

We evaluate this factor at Level 4-5 and assign 325 points.

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. Effect measures such things as whether the work output facilitates the work of others, provides timely services of a personal nature, or affects the adequacy of research conclusions.

EPA headquarters assigned Level 5-4. The appellant does not disagree with EPA's assessment for this factor.

At Level 5-4, the purpose of the work is to provide expertise as a specialist in a particular specialty field by furnishing advisory, planning, or reviewing services on specific problems, projects, programs, and functions. The work may include the development of criteria, procedures, or instructions for major agency activities. Work products have an impact on a wide range of the agency's engineering program. The Primary Standard states that work products or services affect a wide range of agency activities, major activities or industrial concerns, or the operation of other agencies.

At Level 5-5, the purpose of the work is to resolve critical problems or to develop new approaches or methods for use by other engineering specialists. Often serving as consultant or project coordinator, the engineer provides expert advice and guidance to officials, managers, and other engineers within or outside the agency, covering a broad range of engineering activities. Results of the efforts affect the work of other engineering experts both within and outside the agency or the development of major aspects of agency engineering programs. The Primary Standard states that work at this level involves isolating and defining unknown conditions,

resolving critical problems, or developing new theories. Further, the Primary Standard states that the work products or services affect the work of other experts, the development of major aspects of administrative or scientific programs or missions, or the well-being of substantial numbers of people.

As an OSC, the appellant develops and implements practical and effective solutions for cleanup of contaminated sites, removal of hazardous materials, and mitigation of damage to the environment within the Region. Similar to positions at Level 5-4, he provides guidance to and coordination for contractors and potentially responsible parties. The effects of the appellant's actions are normally limited to programs of Regional organizations and State and local agencies within the Region. The appellant may also act as a consultant to State and local agencies when site cleanup is handled at that level, providing guidance on the various stages of the cleanup project from initiation to completion. Comparable to Level 5-4, the appellant's work affects and facilitates the work of entities contracted to test and clean up a site, the potentially responsible parties, and the Region. His work helps to ensure that Federal, State, and local laws are upheld; that the work is in compliance with Federal regulations; that the site sustains no further damage; and that the damage does not spread into other environments.

Although the appellant provides expert advice and guidance to others, his duties as consultant and project coordinator do not cover a *broad* range of remedial and enforcement activities as intended at Level 5-5. While some of the appellant's action plans may be innovative, they are usually unique to the individual response sites and do not equate to Level 5-5. For example, his work does not routinely result in the development of *major* aspects of EPA's Superfund program or in the development of new theories. Overall, the scope and effect of the appellant's position do not fully meet Level 5-5.

We evaluate this factor at Level 5-4 and assign 225 points.

Factor 6, Personal contacts

This factor includes face-to-face and telephone contacts with persons not in the supervisory chain. Levels described are based on what is required to make the initial contact, the difficulty of communicating with those contacted, and the setting in which the contact takes place.

EPA headquarters assigned Level 6-4, and the appellant does not disagree.

At Level 6-3, personal contacts include a variety of officials, managers, professionals or executives of other agencies and outside organizations. Typical contacts at this level are manufacturers' representatives, private architecture-engineer firms, specialist at contractor plants, and engineers and architects from other Federal agencies and State and local governments. The Primary Standard states that contacts at this level occur in a moderately unstructured setting. For example, the contacts 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. The Primary Standard also states that typical contacts are attorneys; contractors; or representatives of professional organizations, the news media, or public action groups.

Personal contacts at Level 6-4 are with high ranking officials from outside the agency, including key officials and top engineering and scientific personnel of other agencies, State and local governments, private industry, and public groups. The engineer may also participate, as a technical expert, in committees and seminars of national or even international importance. The Primary Standard also states that contacts are with high-ranking officials from outside the employing agency at national or international levels in highly unstructured settings. For example, contacts are characterized by problems where officials may be relatively inaccessible; arrangements may have to be made for accompanying staff members; appointments may have to be made well in advance; each party may be very unclear as to the role and authority of the other; and each contact may be conducted under different ground rules. The Primary Standard states that typical contacts at Level 6-4 are those with Members of Congress, leading representatives of foreign governments, presidents of large national or international firms, nationally recognized representatives of the news media, presidents of national unions, State governors, or mayors of large cities.

The appellant's personal contacts include various levels of management within EPA and other Federal agencies, including engineers and scientists, other Regional and or Federal agency emergency response teams; State and local level public officials; senior private industry officials for potentially responsible parties; television and print news media representatives; concerned citizens' groups; the general public; and, occasionally, representatives from Congressional offices. These contacts and the settings in which they occur are comparable to those described at Level 6-3.

The appellant's contacts are not equivalent to those described at Level 6-4. For example, his contacts with news media representatives are not typically with those who are recognized on a national basis. His contacts with representatives of Congressional offices do not typically include Senators or Representatives themselves. The appellant's typical contacts, the settings in which the contacts take place, and the preparation required for those contacts do not meet the full intent of Level 6-4.

We evaluate this factor at Level 6-3 and assign 60 points.

Factor 7, Purpose of contacts

The purpose of contacts varies from factual exchanges of information to situations involving significant or controversial issues and differing viewpoints, goals, or objectives. The personal contacts that serve for the level selected for this must be the same as the contacts that are the basis for the level selected for Factor 6.

EPA headquarters assigned Level 7-2 for this factor. The appellant believes that Level 7-3 is met.

At Level 7-2, the purpose of contacts is to plan and coordinate work efforts with co-workers, discuss contract requirements, and generally clarify problems and reach agreement on overall plans and schedules. The persons contacted are usually working toward a common goal and generally are cooperative.

At Level 7-3, the purpose of contacts is to influence or persuade other engineers to adopt technical points and methods about which there are conflicts, to negotiate agreements with agencies and contractors where there are conflicting interests and opinions among organizations or among individuals who are also experts in the field, or to justify the feasibility and desirability of work proposals to top agency officials. The Primary Standard also states that contacts at this level may be fearful, skeptical, uncooperative, or dangerous. Therefore, the employee must be skillful in approaching the individual or group in order to obtain the desired effect, such as gaining compliance with established policies and regulations by persuasion or negotiation, or gaining information by establishing rapport with a suspicious informant.

The purpose of the appellant's personal contacts exceeds Level 7-2. When coordinating site cleanup efforts and environmental repairs, the appellant negotiates with potentially responsible parties, contractors, and State and local governments. Such negotiation is characteristic of Level 7-3 in that the appellant must persuade the individuals to accept his plans and decisions in order to ensure compliance with Federal, State, and local laws and negotiated agreements. Similar to Level 7-3, the appellant may also be required to defend his decisions to senior regional EPA management officials in order to gain support of his action plan for specific Superfund and Clean Water Act response and removal sites. The appellant is the EPA representative when on site and, as such, acts as the spokesperson when confronted by media representatives, State and local political officials, or environmental action groups. However, he regularly keeps his team leader or supervisor informed of any conflicting interests or controversial issues. The appellant's participation on a team that negotiated the long-term, multiyear contract for the labor, cleanup, and removal of hazardous materials for EPA emergency response and removal sites is indicative of Level 7-3. The appellant's position fully meets Level 7-3.

The purpose of the appellant's contacts does not meet Level 7-4 where engineers often represent their agencies in professional conferences or on committees to plan extensive and long-range engineering programs and to develop standards and guides for broad activities. Further, the Primary Standard explains that the purpose of contacts at this level usually involves active participation in conferences, meetings, or presentations involving problems or issues of considerable consequences or importance such as presenting an argument to a congressional subcommittee on the necessity for stronger clean water laws. Although the appellant may sit on work groups that develop policy for EPA at both the regional and national level, there is no indication that he plans extensive and long-range engineering programs, develops standards and guides for broad activities, and presents arguments to congressional subcommittees as expected at Level 7-4.

We evaluate this factor at Level 7-3 and assign 120 points.

Factor 8, Physical demands

This factor covers the requirements and physical demands placed on the engineer by the work assignment. This includes physical characteristics and abilities and physical exertion involved in the work. To some extent, the frequency or intensity of physical exertion is also considered.

The work at Level 8-2 requires regular and recurring construction or field inspections, investigations, or surveys in which there is a considerable amount of walking, stooping, bending, and climbing.

The appellant can be on site at various locations to investigate and evaluate a site and to monitor and coordinate cleanup efforts for at least 75 percent of the year. Site responses are of such a nature that the appellant regularly engages in a large amount of walking, stooping, bending, and climbing in the performance of his duties.

We evaluate this factor at Level 8-2 and assign 20 points.

Factor 9, Work environment

This factor considers the risks and discomforts in physical surroundings or job situations and the safety required.

EPA headquarters assigned Level 9-2. The appellant believes that his work environment meets Level 9-3.

At Level 9-2, there is regular and recurring exposure to moderate discomforts and unpleasantness, such as high noise levels, high temperatures, adverse weather conditions, irritant chemicals, or fumes. The Primary Standard further describes positions at Level 9-2 as those where employees may be required to use protective clothing or gear, such as masks, gowns, coats, boots, goggles, gloves, or shields.

At Level 9-3, work involves regular and recurring exposure to potentially dangerous or hazardous situations, e.g., working at heights of 100 or more feet above the ground with potential weather extremes, terminal winds, or thunderstorms; working in areas infested by snakes and reptiles; or working near tanks devoid of oxygen, containing bacteria, or emitting hydrogen sulfide. The Primary Standard also states that employees at this level may be subject to possible physical attack or mob conditions or similar situations where conditions cannot be controlled.

The appellant's position meets Level 9-2. The appellant works in both office and field settings. While on site at Superfund and Clean Water Act response sites, the appellant may be exposed to unfavorable weather conditions and rough terrain, for example, a train derailment in remote areas. Similar to Level 9-2, the appellant's assignments may require the use of protective clothing and equipment such as paper gloves and face masks because of exposure to hazardous and/or toxic materials and contaminated water (e.g., fumes from toxic chemicals released at a train derailment or oil spills in lakes and waterways). The appellant occasionally may be required to use full body suits and supplied air, as described at Level 9-3. However, most of the sites do not require anything other than the protective clothing and gear typical of Level 9-2. Consequently, the appellant's position falls short of meeting the full intent Level 9-3.

We evaluate this factor at Level 9-2 and assign 20 points.

Summary

<i>Factor</i>	<i>Level</i>	<i>Points</i>
1. Knowledge required by the position	1-8	1,550
2. Supervisory controls	2-4	450
3. Guidelines	3-4	450
4. Complexity	4-5	325
5. Scope and effect	5-4	225
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	20
<i>Total</i>		3,220

The appellant's position is credited with 3,220 points, which falls within the point range (3,155 to 3,600) for the GS-13 level. Therefore, in accordance with the grade conversion table in the standard, the position is properly graded at GS-13.

Evaluation using the GS-1300 standard

The GS-1300 standard is written in narrative format and includes appropriate language from the law and grade level criteria, i.e. the standard.

Consistent with the law, the standard, and the illustrations, the appellant's position meets the GS-13 level where employees perform their duties under administrative direction with wide latitude for the exercise of independent judgment, and the work is of unusual difficulty and responsibility requiring extended professional, scientific, or technical training and experience which has demonstrated leadership and marked attainments in work assignments. This is a senior expert level involving work for which technical problem definitions, methods, and/or data are highly incomplete, controversial, or uncertain. The employee's evaluations and recommendations are accepted by others as those of a technical expert. Characteristically, GS-13 scientists represent their program, organization, or the Government's interests (for example, they represent the agency before public bodies on controversial projects).

The appellant's position is comparable to the illustration for the GS-13 level where the employee serves as a site manager for a large environmental cleanup project that includes extensive analysis during the site selection process and ongoing management responsibility for a large construction effort. The employee represents the agency in public hearings and in negotiations with local jurisdictions or State regulatory bodies on matters concerning the site. For this illustration, the employee serves as an expert on interpretation of regulations and technical issues associated with the site and oversees the work of contractors. The employee determines approaches to be used and is responsible for results. While demonstrating a marked degree of professional independence and technical expertise, the employee also keeps the supervisor informed of general progress and direction of the work. The employee's work is reviewed from

an overall standpoint in terms of feasibility, compatibility with other work, or effectiveness in meeting requirements or expected results.

The appellant's position does not meet the GS-14 level where employees plan and direct or plan and execute major professional, scientific, technical, administrative, fiscal, or other specialized programs, requiring extended training and experience which has demonstrated leadership and *unusual* attainments in professional, scientific, or technical research, practice, or administration. Assignments at the GS-14 level typically include a wide area of responsibility carried out under administrative direction in terms of broad agency policies, objectives, and mission statements. Although the appellant plans and directs the cleanup at complex hazardous sites and provides oversight of various Federal, State, local, and private entities involved, he does not work with the level of independence and authority intended for the GS-14 level. The scope and effect of the appellant's duties and assignments are almost entirely at the Regional level.

Decision

The proper classification of the appellant's position is Environmental Engineer, GS-819-13.