

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

Washington Oversight Division  
1900 E Street, NW., Room 7675  
Washington, DC 20415-6000

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

**Appellant:** [name]

**Agency classification:** Environmental Protection Specialist  
GS-028-9

**Organization:** [section]  
[branch]  
[division]  
[Command]  
U.S. Marine Corps  
[city and State]

**OPM decision:** Environmental Protection Specialist  
GS-028-9

**OPM decision number:** C-0028-09-02

          //s//          

Linda J. Kazinetz  
Classification Appeals Officer

          February 13, 2003          

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 office]

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## **Introduction**

On September 12, 2002, the Washington Oversight Division of the U.S. Office of Personnel Management (OPM) accepted a position classification appeal from [appellant], who is employed as an Environmental Protection Specialist, GS-028-9, in the [section] of the [branch], [division], at the [Command] in [city and State]. [Appellant] requested that his position be classified as Environmental Protection Specialist, GS-028-11. This appeal was accepted and decided under the provisions of section 5112 of title 5, United States Code (U.S.C.).

An on-site position audit was conducted by a Washington Oversight Division representative on February 4, 2003, including an interview with the appellant's supervisor, [name]. 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], and other material submitted in the agency administrative report on December 3, 2002.

## **General issues**

The appellant compared his position to a GS-11 Environmental Protection Specialist position in his section. 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 others as a basis for deciding his appeal. However, we reviewed the GS-11 position description in question and found that although, as written, there is some minor overlap with the appellant's position description, the GS-11 position description also includes other significant duties that are not performed by the appellant. Therefore, these positions are not similar from a classification standpoint.

## **Position information**

The appellant coordinates the disposal of hazardous wastes from the base, including waste identification, manifesting, recordkeeping, and reporting.

## **Series determination**

The appellant's position is properly assigned to the Environmental Protection Specialist Series, GS-028. Neither the appellant nor the agency disagrees.

## **Title determination**

The authorized title for nonsupervisory positions in this series is Environmental Protection Specialist. Neither the appellant nor the agency disagrees.

## **Grade Determination**

The position was evaluated by application of the criteria contained in the position classification standard for the Environmental Protection Specialist Series, GS-028, dated March 1995. 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.

*Factor 1, Knowledge required by the position*

This factor measures the nature and extent of information an employee must understand in order to do the work, and the skills needed to apply that knowledge.

The knowledge required by the appellant's position matches Level 1-6. At that level, work requires knowledge of the established principles and methods of environmental protection program work, and skill in applying this knowledge to a variety of duties involving the management, coordination, monitoring, oversight, or evaluation of routine programs or activities. These are activities for which (1) the regulatory framework is well established and defined and (2) there are standard/conventional procedures and techniques that apply to most situations encountered. The work requires, for example, knowledge of recognized reference standards and regulatory requirements; skill in using standard data gathering and analysis techniques; ability to prepare and conduct briefings and training programs; and knowledge of contracting procedures. One of the illustrations of Level 1-6 work provided in the standard is as follows:

At a field office that receives and disposes of excess items from several military installations, the specialist ensures that hazardous property is received, handled, stored, inspected, documented, and manifested/disposed of in compliance with applicable environmental regulations and safety requirements. The specialist inspects storage areas; provides technical guidance to personnel involved in the handling and disposal of hazardous materials and wastes (e.g., paints, varnishes, lacquers, solvents, fuels, and pesticides); and prepares required reports. Where items are disposed of through commercial contractors, the specialist may act as the contracting officer's representative.

The above illustration is an almost exact representation of the appellant's assignment. He is responsible for coordinating the removal of hazardous waste from the base by commercial contractors. He prepares documentation identifying the materials, checks the packaging to verify that it is secure, signs contractor manifests when the materials are picked up, and tracks the final destruction of the materials. He prepares annual reports (to the Environmental Protection Agency and the Naval Facilities Engineering Service Center) quantifying the total waste disposed of and its eventual disposition. He prepares occasional guidance for base distribution and has given presentations at base training sessions on the handling, disposal, and cleanup of common waste products. He gives feedback to management on contractor performance and recommends cost-saving measures. As at Level 1-6, the procedures and regulatory requirements

that are applied in carrying out this work are well established and defined. For example, although the base contracts with several commercial firms for the removal of different kinds of waste, the processes that the appellant follows do not vary by contract.

In contrast, Level 1-7 describes more complex work requiring broader knowledge within the environmental protection field. At that level, work requires knowledge of program principles and procedures applicable to a wide range of duties. The work requires, for example, skill in solving complex problems involving diverse aspects of environmental protection (e.g., performing investigations, inspections, or oversight activities of greater than average difficulty); knowledge of statutes, regulations, permitting requirements, and precedent decisions governing environmental operations in planning, implementing, or monitoring environmental programs and services (e.g., determining needs, evaluating program effectiveness, assuring compliance with regulations); and management or administrative skill to provide advisory, evaluation, or problem-solving services on specific problems or projects (e.g., developing, coordinating, and evaluating the implementation of work plans, including estimates of staffing needs, equipment, supplies, and detailed instructions for long-term toxic waste cleanup projects). The following illustration of Level 1-7 work (corresponding generally to the Level 1-6 illustration above for installation-level waste management work) is provided in the standard:

The specialist manages the asbestos abatement, underground storage tank, solid waste management, and water and air quality management programs for a complex, multimission military installation located in a rapidly expanding urban area that is beginning to legislate environmental issues. He/she develops and implements plans to accomplish program goals, modifies policies and procedures to comply with frequent changes to applicable laws and regulations, provides technical advice and assistance to installation managers, conducts studies and surveys to identify problems and recommends modifications to operations or obtains and oversees outside contractors to complete projects, and develops and/or reviews all environmental documentation relating to assigned program areas.

The appellant does not perform the “wide range of duties” required at this level as depicted in the illustration above. He performs one primary duty, which is coordinating the removal of hazardous wastes from the base by contractors, and other minor duties (such as preparing reports or informal base instructions) that are directly related and ancillary to this assignment. This function is directly addressed at Level 1-6 above.

Level 1-6 is credited.

950 points

*Factor 2, Supervisory controls*

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

The level of responsibility under which the appellant works is comparable to Level 2-3. At that level, the supervisor outlines objectives, priorities, and deadlines and provides advice on how to

proceed when unusual problems are encountered. Work assignments typically involve continuing responsibility for specific activities within a program area. The employee plans and carries out the work and handles problems in accordance with established policies and applicable precedents. Completed work is reviewed for conformance to policy and requirements, technical soundness, and practicality of recommendations. The methods used in arriving at the end results are not usually reviewed in detail.

As at this level, the appellant has continuing responsibility for hazardous waste disposal under established contracts at the base. Because this work is recurring and carried out in accordance with well-established procedures, the supervisor provides only general oversight of these activities. However, written work products (such as reports) are reviewed closely for technical accuracy and sufficiency, and any actions that deviate from the normal processes must be cleared with the supervisor.

The position does not meet Level 2-4. At that level, the supervisor sets the overall assignment objectives, program emphasis, and resources available. The employee and the supervisor, in consultation, develop the deadlines, projects, and work to be done. The employee has continuing responsibility for independently planning and carrying out important environmental protection programs or projects; determining the approach to be taken and the methods to be used; resolving most of the conflicts that arise; coordinating the work with others as necessary; and interpreting policy. The employee keeps the supervisor informed of progress, potential controversies, and far-reaching implications. Completed work is reviewed for conformance to overall requirements, compatibility with other work, and effectiveness in meeting objectives.

The appellant does not perform project-oriented work that would lend itself to this type of supervisory control and review. His work consists of ongoing functions and tasks involving the same basic processes. Therefore, the work does not impose on him any significant requirements for planning or for determining approach or methodology, nor are there any particular controversies or conflicts that arise during the course of the work. In short, Level 2-4 supervision is predicated on the performance of more difficult assignments than performed by the appellant.

Level 2-3 is credited.

275 points

### *Factor 3, Guidelines*

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

The guidelines used by the appellant match Level 3-3. At that level, guidelines include technical and procedural manuals; Federal, State, and local environmental regulations; and agency regulations and directives. Precedent materials are available for reference, such as environmental reports, plans, and records. The employee must interpret and adapt guidelines and precedents to specific issues or problems in accordance with established policies and accepted practice, and recommend changes to procedures to improve the reliability of data or enhance services.

The appellant is governed by clear regulations, guidelines, and standard operating procedures for identifying, documenting, and manifesting hazardous waste material, and works within the parameters of established contracts in coordinating its disposal.

The position does not meet Level 3-4. At that level, administrative policies and precedents, laws, agency regulations, and scientific and technical references are stated in general terms. Operating guidance may provide a broad overview of program goals and strategies, but does not detail how the activities will be accomplished. The employee must refine or extend traditional practices or develop and recommend new or substantially modified methods, criteria, or policies.

The nature of the appellant's assignment does not afford much latitude for deviating from established practices. The steps that he follows in coordinating hazardous waste disposal are well-defined, e.g., in terms of the documentation that must be completed and the records that must be kept.

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.

The complexity of the appellant's work is comparable to Level 4-3. At that level, the work includes a variety of duties (e.g., performing site inspections, collecting data, reviewing documents, writing reports, recommending corrective action) involving well-established and clearly defined aspects of environmental programs. Decisions regarding what needs to be done depend on the concrete, specific conditions involved in each assignment (e.g., selecting the preferred alternative for disposal of hazardous property.) An illustration provided in the standard of Level 4-3 complexity is as follows:

The specialist ensures that hazardous property is managed according to applicable environmental laws; inspects storage areas; oversees removal by commercial contractors (acting as the contracting officer's representative); prepares environmental reports, plans, and records; and coordinates environmental policies and directives with installation officials, customers, generating activities, etc.

The appellant performs a variety of duties relating directly to the disposal of hazardous waste material generated at the base, including identifying the materials, preparing documentation for its removal by contractors, signing manifests, and tracking it through final disposition. Decisions made at each step of the process are based on factual data, such as applying prescribed methods for packing or cleaning up specific types of waste products.

The position does not meet Level 4-4. At that level, the work typically involves full responsibility for well-established aspects of one or more programs and involves a wide variety of duties involving diverse and complex technical and/or program or administrative problems

(e.g., inspecting various types of hazardous waste treatment and disposal facilities, evaluating operating practices, identifying violations, developing and negotiating mitigation projects). Decisions made in carrying out the work are based on the assessment of unusual facts or conditions. These may involve such considerations as practical economic or operating problems (e.g., inadequate controls, unacceptable management practices, abatement plans that are expensive to implement); political or public impact; and incomplete or conflicting data (e.g., conflicting claims as to substance toxicity). An illustration of Level 4-4 complexity provided in the standard is as follows:

The specialist manages the hazardous material/waste, solid waste management, and resources recovery programs at a large military installation with a variety of industrial activities involving the maintenance, modification, and repair of aircraft. He/she identifies and tracks waste streams, determines regulatory violations and recommends corrective action, and develops and implements resource recovery programs.

The appellant's assignment is more limited than described at this level, in that he is involved in only one aspect of the broader environmental program at the base. Further, the hazardous wastes generated at [base] are not as diverse as expected at this level, and the base does not have the kind of mission that would support a hazardous waste management program of this scale.

Level 4-3 is credited.

150 points

*Factor 5, Scope and effect*

This factor covers the relationship between the nature of the work, and the effect of the work products or services both within and outside the organization.

The scope and effect of the appellant's work match Level 5-3. At that level, the purpose of the work is to plan and carry out a variety of routine program activities to ensure compliance with environmental regulations. The work affects the operation of Federal, State, or local environmental protection programs; the adequacy of such activities as emergency or planned removal actions; or through the elimination of actual or potential environmental hazards, the well-being of persons in surrounding work areas or communities.

The purpose of the appellant's work is to carry out routine, recurring activities related to the removal of hazardous wastes from Federal property. The work affects whether this material is removed in a timely manner and whether required documentation has been accurately completed, and promotes an environmentally sound environment on the base.

The position does not meet Level 5-4. At that level, the purpose of the work is to plan and carry out a variety of important project or program activities. The work involves establishing criteria (e.g., developing operating guidance or procedural manuals for major agency activities); formulating projects; assessing program effectiveness; investigating a variety of unusual conditions; or providing advisory or oversight services to regional and operating personnel. The work directly influences the effectiveness of total environmental protection systems and/or



programs affecting a wide range of agency activities, major activities of commercial concerns, or the operation of other agencies.

This level describes work performed at higher organizational echelons within an agency in terms of its scope, e.g., developing agencywide operating guidance or overseeing regional and operating-level personnel. The appellant's assignment is limited to base environmental program operations.

Level 5-3 is credited.

150 points

*Factor 6, Personal contacts*  
and  
*Factor 7, Purpose of contacts*

*Persons contacted*

This factor includes face-to-face and telephone contacts with persons not in the supervisory chain, and the purpose of those contacts. The relationship between Factors 6 and 7 presumes that the same contacts will be evaluated under both factors.

The appellant's personal contacts match Level 2, where contacts are with other employees outside the immediate office, and with persons from outside the agency in a moderately structured setting, such as service contract representatives. The position does not meet Level 3, where the external contacts are in a moderately unstructured setting. The appellant's contacts with contract employees are structured in the sense that they occur within the limited context of signing manifests for the removal of hazardous waste.

*Purpose of contacts*

The purpose of the appellant's contacts is consistent with Level b, i.e., resolving operating problems with persons who are basically cooperative, such as discussing contract requirements or resolving storage or labeling problems with commercial contractors. The position does not meet Level c, where contacts involve significant aspects of negotiation or persuasion. The appellant has no responsibilities that would require him to, for example, negotiate contract modifications.

Level 2b is credited.

75 points

*Factor 8, Physical demands*

This factor covers the requirements and physical demands placed on the employee by the work situation.

The position matches Level 8-2, where there is regular and recurring physical exertion in, for example, performing inspections in a storage or disposal area.

Level 8-2 is credited.

20 points

*Factor 9, Work environment*

This factor considers the risks and discomforts in the employee's physical surroundings or the nature of the work assigned and the safety regulations required.

The position matches Level 9-2, where special safety precautions and protective clothing may be required in working at a storage, disposal, or spill site.

Level 9-2 is credited.

20 points

*Summary*

<u>Factors</u>	<u>Level</u>	<u>Points</u>
Knowledge required	1-6	950
Supervisory controls	2-3	275
Guidelines	3-3	275
Complexity	4-3	150
Scope and effect	5-3	150
Personal contacts/ Purpose of contacts	2b	75
Physical demands	8-2	20
Work environment	9-2	<u>20</u>
Total		1915

The total of 1915 points falls within the GS-9 range (1855-2100) on the grade conversion table provided in the standard.

**Decision**

The appealed position is properly classified as Environmental Protection Specialist, GS-028-9.