

U.S. Office of Personnel Management
Division for Human Capital Leadership and Merit System Accountability
Classification Appeals and FLSA Programs

Center for Merit System Compliance
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-028-12

Organization: [division]
[directorate]
[region]
National Park Service
Department of the Interior
[city and State]

OPM decision: Environmental Protection Specialist
GS-028-13

OPM decision number: C-0028-13-01

/s/ Linda Kazinetz

Linda J. Kazinetz
Classification Appeals Officer

11/01/03

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]

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Introduction

On June 17, 2003, the Center for Merit System Compliance (formerly the Merit System Compliance Group) 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-028-12, in the [division] under the [directorate], [region], National Park Service (NPS), Department of the Interior (DOI), in [city and State]. [Appellant] requested that her position be classified at the GS-13 level. This appeal was accepted and decided under the provisions of section 5112 of title 5, United States Code.

A telephone audit was conducted by an OPM appeals program representative on September 23, 2003, a follow-up on-site audit on October 20, 2003, and interviews with the appellant's supervisor, [name], on October 17, 2003, and with the chief of the environmental management group at the NPS Washington Office, [name], on October 7, 2003. This appeal was decided by considering the audit findings and all information of record furnished by the appellant and her agency, including her official position description [number], and other material received in the agency administrative report on July 17, 2003.

General issues

As support for upgrading her position, the appellant stated that counterpart positions in the other six NPS Regions are classified at the GS-13 level. We did not consider this in adjudicating her appeal because, by law, we must classify positions solely by comparing their 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 her appeal. Other positions which appear superficially similar to a given position may involve work that is more complex or broader in scope, may include additional duties that form the basis for the grade, or may be classified incorrectly.

Position information

The appellant is the environmental compliance program coordinator for the [region], with responsibility for establishing priorities and overseeing the accomplishment of required activities within the thirteen park units under the Region's jurisdiction. This involves developing and implementing a diverse range of programs to ensure that the Region's operations are in compliance with Federal, State, and local environmental laws and regulations.

The appellant manages the process for contaminated site cleanup under the Comprehensive Environmental Response Compensation Liability Act (CERCLA). This includes contract development, supervision of contractor field work and remediation plan development, determination of responsible parties, and coordination with involved Federal and State jurisdictions. She oversees hazardous materials storage and disposal under the Resource Conservation Recovery Act (RCRA), including managing the hazardous waste contract for all parks within the Region, conducting inspections, and identifying required corrective measures. She ensures that construction activities undertaken within the parks are in compliance with the

Clean Water Act and that appropriate permits have been obtained. She implements a DOI-mandated system of environmental compliance audits at all [region] sites by managing the audit contracts and overseeing implementation of corrective actions. She provides technical support to the U.S. Park Police on environmental crimes by evaluating crime sites, interpreting the applicable statutes, advising on analytical testing procedures, and providing expert testimony. She reviews and advises on all proposed land acquisitions and disposals within the Region based on their environmental implications. She serves as the NPS representative on regional, multi-State task groups, working with staff from other Federal agencies, the [city] government, environmental groups, and university professors on technical projects affecting NPS lands within the Region. She is the point of contact for all budgetary requests for environmental compliance projects or programs within the Region totaling up to \$1.5 million in annual expenditures, including establishing fiscal year requirements, coordinating and prioritizing park needs, and submitting and justifying requests to DOI. She is responsible for other associated functions, such as coordinating training for park staff on environmental regulations.

Series determination

The appellant's position is properly assigned to the Environmental Protection Specialist Series, GS-028, which covers positions involved in administrative or program work relating to environmental protection programs. 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. 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 fully meets Level 1-7, and exceeds it in several key respects. At that level, work requires knowledge of the principles and procedures

applicable to a wide range of duties in one or more program or functional areas, and a high level of skill in applying this knowledge in solving complex problems involving diverse aspects of environmental protection (e.g., performing investigations, inspections, or oversight activities of greater than average difficulty, as in a new program or a program that is being redefined). The work requires knowledge of environmental laws, regulations, permitting requirements, and precedent decisions in planning, implementing, or monitoring environmental programs and services (e.g., evaluating program effectiveness or assuring compliance with regulations). Employees at this level provide advisory, reviewing, evaluating, training, or problem-solving services on specific problems, projects, programs, or functions. The standard provides the following illustration of Level 1-7 work:

- The specialist plans, coordinates, directs, and evaluates an environmental quality program to protect and conserve tribal resources in a multistate area. He/she provides technical oversight to environmental coordinators in field agencies that administer to the tribes and/or pueblos in the area; reviews or coordinates preparation of environmental documents for any project or activity that may impact trust resources . . .; develops procedural manuals and in-service training programs for agency and area personnel; advises agency and tribal officials on complex environmental issues; and monitors compliance activities.

The standard also provides several other Level 1-7 illustrations for more specialized functional assignments, including: serving as audit team leader for the on-site surveillance of disposal contractors, purchasers of hazardous property, and facilities for the temporary storage of hazardous property throughout a multistate area; investigating and preparing complex cases of environmental violations and negotiating settlements or pursuing enforcement actions; coordinating Clean Water Act compliance activities for all projects associated with a major agency water resource development project; and assisting in developing complex regulations and operating guidance to implement Superfund programs.

This level covers the appellant's position to the extent that it addresses performing "a wide range of duties . . . involving diverse aspects of environmental protection"; that it describes planning, implementing, and monitoring environmental programs; and that the illustrations describe a number of her program responsibilities, such as hazardous waste management, environmental audits, and environmental violations. These are the common functional responsibilities of a comprehensive environmental compliance program. For example, the Level 1-7 illustration cited above broadly outlines the basic parameters of the appellant's position in its description of coordinating the basic elements of an environmental quality program in a multistate area. However, the distinction between Levels 1-7 and 1-8 for operating-level work is largely a function of the environment in which the position operates. In that respect, the appellant's position aligns more closely with Level 1-8, as is addressed below.

At Level 1-8, work requires mastery of program principles, concepts, practices, and techniques to apply new developments and theories to major problems not susceptible to treatment by accepted methods. The employee is recognized as an authority in a particular program or function. The work requires expert knowledge of environmental laws and regulations to make decisions or recommendations significantly changing, interpreting, or expanding important

agency or national policies and programs (e.g., developing agency options for a regulatory framework and strategy for a new national program, or evaluating regulatory implementation by regions, State and local agencies, and the private sector). Employees at this level resolve problems of major significance to agency environmental programs (e.g., developing agency guidelines governing environmental operations, developing an agencywide management information system, or advising agency officials at all levels on environmental program management). Among the illustrations provided in the standard of Level 1-8 work are the following:

- The specialist serves as an environmental coordinator for a large military installation with an invasive mission (i.e., research, test, and development activities involving pilot plants and other test facilities and unique and untried combat systems, materials, and chemicals) located in an environmentally sensitive area. He/she manages/coordinates the hazardous materials and solid and hazardous waste management programs, environmental restoration, and other environmental programs to assure the installation is in compliance with all environmental requirements; develops an environmental master plan to document the status of existing projects and identify funding requirements for future projects; plans and implements a waste minimization program to reduce the volume and toxicity of wastes generated by testing activities; and resolves intractable disposal problems involving chemical agents, munitions, and ordnance-related materials about which little is known.
- The specialist secures environmental permits and permit modifications for the construction and operation of prototypical chemical demilitarization facilities. He/she coordinates the preparation, review, and approval of various permit applications, working with other offices and commands, other agencies, Federal and State regulators, and local health and emergency response officials; participates in public meetings and hearings, and responds to public comments; conducts environmental audits and evaluates contractor performance; prepares reports, opinion papers, briefings, etc.; and develops solutions to problems that are without precedent and that will be used as the basis for decisions as the program progresses.
- The specialist serves as a staff advisor in an agency headquarters office. He/she reviews environmental documentation prepared by regional offices; manages the preparation of environmental documentation for programs that are highly visible or politically sensitive; monitors implementation of major agency programs such as the Chesapeake Bay cleanup initiative; prepares and reviews policy recommendations and technical proposals on environmental issues that are unusually controversial, precedent-setting, or very costly; and, as an authority in the area of environmental assessment and audit, formulates policies and guidelines relating to the agency's environmental audit program and coordinates reviews of reports by departmental auditors, regulatory agencies, etc.

Level 1-8 does not require that a position be organizationally located at agency headquarters level or be involved exclusively in staff-type policy/program development work. It encompasses work that involves making decisions or recommendations “significantly changing, *interpreting*, or expanding important agency/national policies and programs.” This allows for field-level positions to be evaluated at this level if its overall intent is otherwise met. This is evidenced by the first and second illustrations cited above, which clearly depict field-level assignments. Level 1-8 is designed to measure the *knowledge requirements* of a position, not its organizational level or the geographic scope of the work, which is more properly addressed under Factor 5. Although the level of authority and expertise expected at this level would most commonly be *applied* to the performance of policy/program development work, an equivalent level of knowledge and skills may be required to perform the more complex, intensive, or sensitive operational assignments.

The key elements of the basic Level 1-8 criteria are: (1) the projects involve major problems and are of considerable consequence to the agency; and (2) the employee is recognized as an authority in a program or functional area. These elements are translated into actual operating situations within the context of the illustrations provided. For example, “major problems” may derive from unprecedented technical issues (such as in the first and second illustrations above), or from the political or public interest engendered (as in the third illustration). Environmental projects may represent major agency activities in terms of their scale, taken either singly (as the Chesapeake Bay project in the third illustration) or as a group of related undertakings (as in the second illustration), or in terms of their level of public interest. Status as an “authority” derives largely from the work situation and the degree to which it requires either formulating policies and operating guidelines to be followed by other environmental professionals, or providing direct advice or consultation to high level agency officials or outside parties. It should be noted that illustrations provided in a standard are not intended to be all-inclusive of work performed at a given factor level, nor to depict the only possible combination of circumstances or elements that would satisfy the associated factor level criteria. They must be considered within the broader context of the factor level criteria as *examples* only.

The appellant manages eleven CERCLA projects for the [region], most of which are in the immediate [city and State] environs. This is the largest CERCLA program in the NPS, resulting from the Region’s urban environment and the prevalence of past industrial and railroad sites in the area. The majority of these sites are contaminated NPS-owned land along the [river], with two on the [canal] and one at [park]. They encompass a range of contaminants arising from various sources, such as old landfills, an active tannery, and a former railroad yard, mine site, gasification plant, and nursery. The [river] sites occupy a several-mile long stretch of the river in the heart of [city and State]. The NPS is the largest landholder along this river, having inherited a number of large tracts with significant environmental issues. Since the [river] has been identified as one of the five most polluted rivers in the country, this is a major environmental undertaking both in terms of its scale and its public visibility. The cleanup of these sites will ultimately extend well into the millions of dollars. There is considerable attention focused on these activities both publicly and Congressionally, with a number of environmental groups monitoring progress. The appellant arranges and attends public meetings as the NPS technical expert, briefs park superintendents prior to meetings with the public and press, and prepares briefings for the Director, NPS, as requested. This work interfaces with the [river] Water Toxics Alliance, which is a consortium of representatives from a number of other agencies and

organizations, including the Environmental Protection Agency, Fish and Wildlife Service, the Department of Defense, Army Corps of Engineers, the [city] Navy Yard, the [city] government, [city] Gas Company, and [power company]. The appellant serves as the NPS representative to this alliance. Although these CERCLA projects do not entail the types of extreme technical issues depicted in the first and second illustrations above, they compare favorably with the type of large-scale, complex, “highly visible or politically sensitive” projects described in the third illustration.

As the only employee in the Region engaged in environmental compliance work, the appellant is recognized as an authority in litigation proceedings related to cost recovery and environmental crimes, testifying as an expert witness as required. She also serves as the NPS representative on regional, multi-state task groups, such as the [river] Water Toxics Alliance referenced above, working groups associated with the Chesapeake Bay Program, and a regional Clean Marina Program. She developed and implemented the Region’s Green Marina Program, the first marina compliance program in the Federal government. This program is a partnership between the NPS and the [city] government designed to enforce compliance with Federal and State regulations and promote the implementation of best management practices. The appellant works with the [city] government in overseeing its implementation at both NPS and [city] facilities. The program has been endorsed by the Environmental Protection Agency and the U.S. Coast Guard, and received national-level recognition by the American Planning Association in its award as “Outstanding Federal Planning Program” in 2002. Because of the program’s success, the appellant was asked by the Department of the Interior to manage the National Clean Marina contract to implement a nationwide NPS marina program. She serves on a task group comprised of attorneys, concessionaires, concession specialists, and marine industry professionals to develop this program. The basis for the program is the [region] Green Marina Initiative developed by the appellant and other related State programs. The appellant serves as the NPS representative, on a national level, for the National Clean Boating Campaign to promote the NPS program. These extra-bureau activities, acting as the NPS representative, indicate that the appellant is considered as an authority in the programs and functions which she is representing.

Level 1-8 is credited (1550 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 2-4. At that level, the supervisor sets the overall objectives, program emphasis, and resources available. The employee and supervisor, in consultation, develop the deadlines, projects, and work to be done. The employee has continuing responsibility for independently planning and carrying out the work, resolving conflicts, coordinating with others, interpreting policy, and keeping the supervisor informed of progress and potential controversies or far-reaching problems. Work is reviewed for conformance to overall requirements and accomplishment of objectives.

This basically describes the manner in which the appellant operates. The appellant develops an annual work plan which is discussed with and approved by the supervisor. Within these parameters, the appellant is fully responsible for determining the Region's resource requirements for all environmental compliance activities and for preparing funding requests to accomplish the work; establishing scopes of work for all projects under contract and monitoring their accomplishment; and planning and carrying out her ongoing program responsibilities. She resolves most of the problems that arise with contractors and park staff, coordinates her work independently both within the agency and with other Federal, State, and local officials as required, and interprets policy and regulations largely on her own, although she may request legal guidance from the bureau's attorneys. The appellant keeps the supervisor informed of general progress and significant problems or conflicts that may develop, but otherwise her work is reviewed primarily from the standpoint of her overall effectiveness in accomplishing the work plan and in providing support to the parks within the Region's jurisdiction.

The position does not meet Level 2-5. At that level, the supervisor makes assignments in terms of broadly defined missions or functions and provides only administrative and policy direction. As a recognized authority in a program or functional area, the employee has complete responsibility and authority to plan, design, schedule, and carry out major programs or projects independently. Work is reviewed by management officials only for potential influence on broad agency policy and program goals, fulfillment of program objectives, or contribution to the advancement of knowledge in the field. Recommendations for new projects or program objectives are evaluated for such considerations as availability of funds and other resources, broad program goals, or national priorities.

There are three basic components encompassed by Factor 2 - supervisory controls, employee responsibility, and supervisory review. These components are interrelated, i.e., the supervisory controls and review exercised over the work are a function of the degree of authority (or responsibility) delegated to the employee. Under Level 2-5, the employee is responsible for a major program and for determining the projects to be accomplished within *broadly defined missions or functions*, with *complete* responsibility for planning, designing, and carrying out the work. The work is reviewed for broad considerations (e.g., "availability of funds," "national priorities"), rather than for the "fulfillment of established objectives" as at Level 2-4. In other words, at Level 2-5 the employee should be determining the content of the program to some degree. In the appellant's case, she works with a considerable degree of independence in carrying out her program activities, but most of these activities are prescribed by the national program rather than self-initiated, or they derive from agency commitments made at higher management levels. Independence of action and the absence of technical supervision, without the attendant level of program authority to define the types of activities that will be undertaken, are not in themselves sufficient for crediting of Level 2-5.

Level 2-4 is credited (450 points).

Factor 3, Guidelines

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

The guidelines used by the appellant match Level 3-4. At that level, policies and precedents, regional or area directives, agency regulations, and scientific and technical references are usually applicable but are stated in general terms. For example, operating guidance provides a broad overview of program goals, strategies, and priorities but does not detail how to accomplish the work. The employee must deviate from or extend traditional methods and practices or develop new or substantially modified methods, criteria, or policies.

The appellant is the technical authority for the Region on all environmental compliance matters. She works within the broad framework of Federal guidelines and more specific program directives developed by DOI and NPS. However, her work is assigned in terms of functional responsibilities and she is responsible for determining how best to carry them out. For example, although there is a prescribed *process* for conducting site remediation under CERCLA, the appellant must make many judgments regarding the scope and nature of the site assessment work, the relative advantages of alternative plans, and the actions required to seek cost recovery.

The position does not meet Level 3-5. At that level, guidelines consist of broadly stated or nonspecific policy statements, court decisions, etc., that require extensive interpretation. The employee interprets and revises existing policy and regulatory guidance for use by others within or outside the employing agency. Some employees may review proposed legislation or regulations that would significantly change the basic character of agency programs, or they develop major program guidance for use by others at subordinate echelons in the organization. The employee is recognized as an authority in the development and/or interpretation of guidance on environmental planning and administration in one or more national programs or functional areas.

The appellant has participated in the development of operational guidelines for bureauwide use, and is currently managing the National Clean Marina contract as part of a multidisciplinary task group charged with developing a bureauwide program for marina environmental compliance. However, this work falls under the coverage of Level 3-4 in its description of “developing and recommending new or substantially modified methods, criteria, or policies,” rather than the type of policy development described under Level 3-5. The source materials for these operational guidelines are not “broadly stated policy statements and court decisions” but rather fairly comprehensive Federal regulations that prescribe the processes for assuring compliance with environmental laws, such as RCRA and CERCLA. Although these manuals may be considered as “major program guidance” for use by subordinate echelons, they were developed or revised in 1995 and 1999, respectively, so this is not a recent or continuing responsibility. In terms of her role as the Region’s technical expert, the appellant does not revise “existing policy and regulatory guidance” but rather develops *implementing* guidelines for park use.

Level 3-4 is credited (450 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 exceeds Level 4-4. At that level, work typically involves full responsibility for well-established aspects of one or more programs or functional areas and includes a wide variety of duties involving diverse and complex technical or administrative problems. Decisions regarding what needs to be done depend on the assessment of unusual facts or conditions; variations in approach depending on the environmental and political setting, available resources, impact on populations, involvement of State and local organizations, etc.; and incomplete or conflicting data.

This level describes assignments that are complex but "well-established," meaning that the employee is responsible for the ongoing operation of an established program. In contrast, the appellant has directly developed and/or implemented several major Regional environmental initiatives, for example, the environmental audit program and the marina compliance program. This is a continuing responsibility inherent to her role as the sole environmental specialist for a major NPS Region.

The position meets Level 4-5. At that level, work includes a wide variety of duties requiring many different and unrelated processes and methods applied to a broad range of activities involving a number of facilities, sites, programs, etc. (e.g., planning and conducting/coordinating inspections to identify and evaluate violations in a variety of complex establishments throughout a multistate area), or intensive analysis and problem solving as a recognized expert in a program or functional area. Decisions regarding what needs to be done depend on assessment of very complex, diverse circumstances that involve major areas of uncertainty in approach, methodology, or interpretation resulting from such elements as continuing program changes, technological developments, new or unconventional methods, unique or controversial aspects, or conflicting interests. The work requires devising new methods and techniques to produce effective results or implement advances; establishing criteria for administering or evaluating environmental programs; or developing policy guidance and procedural material for use by operating personnel.

The appellant's work encompasses the full range of environmental compliance functions required by Federal statute, including CERCLA clean-up projects, hazardous waste removal, Clean Water Act compliance, and implementation of an environmental management system and environmental audits, plus other Region-specific special initiatives (i.e., "a wide variety of duties requiring many different and unrelated processes"). The Region encompasses thirteen park sites throughout [States] ("a multistate area"). The appellant has been very active in developing a marine compliance program for the Region, and her experience has been tapped to extend this initiative as a national-level program. The work is made complex by the unique political setting in which she operates, where actions and recommendations often attract Congressional attention and scrutiny, and requires devising and implementing advanced techniques for environmental clean-up in the area of CERCLA compliance.

Level 4-5 is credited (325 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 5-4. 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 or analyzing a variety of unusual conditions or questions; or providing advisory or oversight services to regional and operating personnel. Assignments involve problems that are particularly difficult, widespread, or persistent, or that are systemic in nature. The work directly influences the effectiveness of total environmental protection systems or programs affecting a wide range of agency activities, major activities of industrial or commercial concerns, or the operation of other agencies.

The appellant plans and coordinates all environmental compliance activities for the Region. She determines program requirements and priorities for the parks; prepares and submits funding requests; develops operating guidelines for park use; establishes the scope of work for contracts for hazardous waste removal, CERCLA cleanup, and compliance audits and continuously monitors its accomplishment; participates in the investigation of environmental crimes and permit requests; and participates on regional and local task groups for cooperative environmental initiatives. The work directly affects the accomplishment of all environmental compliance activities in the thirteen parks under the Region's jurisdiction.

The position does not meet Level 5-5. At that level, the purpose of the work is to carry out major environmental projects or programs. The work involves determining the soundness of agencywide programs and plans; developing new approaches and methods for use by operating personnel; resolving critical agency problems; providing authoritative advice and technical assistance to Federal, State, and local environmental officials; or developing regulations or standards affecting a large segment of the regulated community. The work affects the development of major aspects of the agency's environmental programs and policies; the work of State and local officials or top-level agency/department managers; important national programs and goals; or the well-being of substantial numbers of people. The employee's recommendations often result in official positions or obligate substantial program resources.

This level basically covers positions at bureau or agency level with responsibility for major projects or programs. There is a considerable degree of authority inherent at this level to shape agency policy and develop the content of the overall agency program (i.e., "obligate substantial program resources"). Occasional participation in the development of operating guidelines is not equivalent to the scope and effect depicted at this level.

Level 5-4 is credited (225 points).

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

This factor includes face-to-face and telephone contacts with persons not in the supervisory chain. 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 3 (the highest level described under this factor), where contacts are with persons from outside the employing agency in a moderately unstructured setting, such as contractors, attorneys, community leaders, elected officials, representatives of Federal or State regulatory agencies, the news media, or action groups. This level may also include contacts with the head of the employing agency or program officials several managerial levels removed from the employee on an ad-hoc basis. The appellant has contacts with contractors, NPS and DOI solicitors, representatives of community-based groups, local and State government officials, staff of other Federal agencies, and the general public.

The purpose of the appellant's contacts is consistent with Level c (the highest level described under this factor), where contacts are to influence, motivate, or persuade others who are skeptical, resistant, or uncooperative (e.g., negotiating compliance requirements, representing the agency on controversial permit requests, or justifying funding requirements). The nature of the appellant's work is such that adversarial contacts are frequent, both internal to the agency (e.g., in advocating enforcement actions that are politically sensitive, and in justifying funding requests for park clean-up projects to the Department), and external in such situations as explaining compliance requirements and attempting cost recovery from private parties.

Level 3c is credited (180 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 the work requires regular and recurring physical exertion such as prolonged standing, bending, or stooping to observe work operations and identify leaking containers in a treatment, storage, or disposal area. The appellant physically inspects CERCLA sites, which may involve walking or climbing over rough terrain and prolonged standing. She also inspects storage facilities, which may require moving large canisters.

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 work involves regular and recurring exposure to moderate risks requiring special safety precautions (e.g., working at a storage, disposal, or spill site where there is risk of exposure to pesticides, hazardous chemicals, or other pollutants) and the use of protective clothing and/or gear. Inspections of CERCLA sites involve risks associated with working around heavy equipment and contaminants and require the use of hard hats, gloves, and protective suits.

Level 9-2 is credited (20 points).

Summary

<u>Factors</u>	<u>Level</u>	<u>Points</u>
Knowledge Required	1-8	1550
Supervisory Controls	2-4	450
Guidelines	3-4	450
Complexity	4-5	325
Scope and Effect	5-4	225
Personal Contacts/Purpose of Contact	3c	180
Physical Demands	8-1	20
Work Environment	9-1	<u>20</u>
Total		3220

The total of 3220 points falls within the GS-13 range (3155-3600) on the grade conversion table provided in the standard.

Decision

The appealed position is properly classified as Environmental Protection Specialist, GS-028-13.