

U.S. Office of Personnel Management
Division for Human Capital Leadership & Merit System Accountability
Classification Appeals Program

Philadelphia Field Services Group
600 Arch Street, Room 3400
Philadelphia, PA 19106-1596

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

Appellant: [appellant's name]

Agency classification: Industrial Hygienist
GS-690-11

Organization: Safety Office
Facilities Management Service
VA [name] Healthcare System
U. S. Department of Veterans System
[location]

OPM decision: Industrial Hygienist
GS-690-11

OPM decision number: C-0690-11-01

/s/ Robert D. Hendler

Robert D. Hendler
Classification Appeals Officer

July 29, 2003

Date

As provided in section 511.612 of title 5, Code of Federal Regulations (CFR), 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*, (PCS's) appendix 4, section G (address provided in appendix 4, section H).

Decision sent to:

[appellant's name]
[address]
[location]

[name]
Human Resources Officer
U. S. Department of Veterans Affairs
VA [name] Healthcare System
[address]
[location]

Deputy Assistant Secretary for
Human Resources Management
U. S. Department of Veterans Affairs
810 Vermont Avenue, NW
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Introduction

On April 24, 2003, the Philadelphia Field Services Group of the U. S. Office of Personnel Management (OPM) accepted a classification appeal from [appellant's name]. The appellant's position is currently classified as Industrial Hygienist, GS-690-11. However, she believes that the position should be classified as Industrial Hygienist, GS-690-12 or Safety Manager, GS-018-12. We received the complete appeal administrative report on May 16, 2003. The appellant works in the Safety Office, Facilities Management Service, VA [name] Healthcare System, U. S. Department of Veterans Affairs (DVA), [location]. We have accepted and decided her appeal under section 5112 of title 5, United States Code (U.S.C.)

Background information

The record shows that the appellant requested that her agency conduct a desk audit to identify and document the duties she performs as well as examine the level of supervision she receives. The record shows that the agency conducted a desk audit in August 2001. Based on results of the agency-conducted desk audit, the agency determined that the level of supervision and the functions performed precluded classification at the GS-12 grade level. The agency concluded that the position was properly classified as Industrial Hygienist, GS-690-11.

General issues

The appellant maintains that her current position description (PD) [number], developed in 1988, has not been updated to reflect all the duties and responsibilities she currently performs. She points to a September 14, 1999, e-mail message from a member of the activity's human resources office staff which states that the appellant's PD is obsolete. The appellant takes issue with the agency's analysis of her work and believes that she performs the work contained in the Industrial Hygienist, GS-690-12 PD's used at other VA medical centers in the Northeastern United States. She takes issue with the activity's decision to have her report to a Supervisory Safety Engineer, GS-803-12, position which did not exist when she was hired into her current position.

These statements raise procedural issues that must be addressed. By law, we must classify positions solely by comparing their current duties and responsibilities to OPM PCS's and guidelines (5 U.S.C. 5106, 5107, and 5112). Other methods or factors of evaluation are not authorized for use in determining the classification of a position, e.g., comparisons to the duties and responsibilities of other positions that may or may not be classified correctly. It is management's right and responsibility to determine the number and types of positions required to accomplish its mission and what work will be assigned to position (5 U.S.C. 7106). We cannot decide for the agency what is the most effective and efficient use of its workforce. Therefore, the appellant's concerns regarding organizational changes subsequent to her initial employment are not germane to the classification appeal process.

Like OPM, the appellant's agency must classify positions based on comparison to OPM PCS's and guidelines. Section 511.612 of title 5 of the CFR, requires that agencies review their own classification decisions for identical, similar, or related positions to ensure consistency with

OPM certificates. Thus, the agency has the primary responsibility for ensuring that its positions are classified consistently with OPM appeal decisions. If the appellant believes that her position is classified inconsistently with others, she may pursue this matter by writing to her agency headquarters human resources office. In so doing, she should specify the precise organizational location, series, title, grade, duties, and responsibilities of the positions in question. The agency should explain to her the differences between her position and the others, or grade those positions in accordance with this appeal decision.

A PD is the official record of the major duties and responsibilities assigned to a position or job by an official with the authority to assign work. A position is the duties and responsibilities that make up the work performed by an employee. Classification appeal regulations permit OPM to investigate or audit a position and decide an appeal on the basis of the actual duties and responsibilities currently assigned by management and performed by the employee. An OPM appeal decision classifies a real operating position, and not simply the PD. This decision is based on the work currently assigned to and performed by the appellant and sets aside any previous agency decision. Therefore, the classification practices used by the appellant's agency in classifying her position are not germane to the classification appeal process.

Position information

The appellant performs industrial hygiene and related safety and occupational health functions for two campuses within the VA [name] Healthcare System. One campus is located at [location] and one located at [location]. They are 45 miles apart. The appellant spends approximately four days a week at the [location] campus and one day a week at the [location] campus. The [location] campus is a tertiary care facility with approximately 120 beds. It is a teaching hospital, providing a full range of patient care services, with state-of-the-art technology and research programs. Comprehensive health care is provided through primary, acute, tertiary and long-term care in areas of medicine, surgery, psychiatry, physical medicine and rehabilitation, neurology, oncology, dentistry, geriatrics, and extended care. The [location] campus is an ambulatory facility that provides primary and specialty care. In fiscal year 2002, the VA [name] Healthcare System provided care to approximately 50,000 veterans.

The appellant is responsible for developing, coordinating, and monitoring a comprehensive industrial hygiene program for the [location] and [location] campuses. Her duties consist of environmental monitoring, record keeping, medical surveillance, personal protection equipment, and waste disposal. The appellant is responsible for conducting industrial hygiene inspections and making determinations with regard to compliance with occupational health, safety, and environmental standards. Additional duties include conducting samplings using a variety of sampling instruments to detect and measure the presence of hazardous materials; preparing sampling and inspections reports; analyzing and interpreting findings and outcomes from sampling and inspections; recommending corrective measures to reduce and eliminate toxic hazards; and ensuring that toxic materials are properly secured and stored according to prescribed measures and regulations. The appellant is expected to respond to requests and complaints from management, employees, and visitors concerning occupational health and safety issues, and to conduct training sessions for management and employees in order to eliminate and/or reduce workplace accidents and injuries.

The appellant works under the supervision of the Supervisory Safety Engineer, GS-803-12. She works independently with only the most complex or unusual problems requiring the involvement of the supervisor or other VA personnel.

To help decide this appeal, we conducted telephone audits with the appellant on June 27 and July 16, 2003, and a telephone interview with her supervisor on July 15, 2003. Based on our review of the record, including materials provided by the appellant on April 17, May 20 and June 19, 2003, we find that the PD of record does not adequately describe the full range of functions that the appellant performs, e.g., ergonomic and safety support duties, and should be changed to reflect the facts as discussed in this decision.

Series, title, and standard determination

The agency has placed the appellant's position in the Industrial Hygienist Series, GS-690. In her appeal request, the appellant asked that the position be classified either to the GS-690 series or to the Safety and Occupational Health Management Series, GS-018.

The GS-018 series covers positions which primarily involve the elimination or control of physical (such as mechanical) conditions, operating practices or other factors which may result in traumatic injury to persons or damage to property and which require knowledge of the principles, standards, and techniques of safety are classified in the Safety Management Series, GS-018. In contrast, industrial hygiene is concerned with potential health hazards associated primarily with chemical, biological, and physical agents, and requires a fundamental grounding in the basic sciences. Thus, safety management primarily focuses on the workplace and industrial hygiene primarily focuses on the prevention of occupational illness or disease. Some overlap occurs between these occupations, e.g., either might conduct evaluations of stresses involving ergonomic factors, or observe safety hazards and suggest corrective measures.

We find that the appellant's position is properly allocated as Industrial Hygienist, GS-690. The appellant's primary and paramount functions require the application of the scientific knowledge covered by the GS-690 series. Typical of some GS-690 positions, the appellant's industrial hygiene work overlaps with occupational safety and health duties and responsibilities commonly performed by positions in both the GS-018 and GS-690 occupations as discussed previously. Because her work is properly classified to the GS-690 series, it must be evaluated for grade level purposes by application of the published Industrial Hygiene Series, GS-690 PCS.

Grade determination

The GS-690 PCS uses the Factor Evaluation System (FES), which employs nine factors. Under the FES, each factor level description in a standard describes the minimum characteristics needed to receive credit for the described level. Therefore, if a position fails to meet the criteria in a factor level description in any significant aspect, it must be credited at a lower level. Conversely, the position may exceed those criteria in some aspects and still not be credited at a higher level. Each factor level has a corresponding point value. The total points assigned are converted to a grade by use of the grade conversion table in the standard.

The appellant agrees with the agency's crediting of Levels, 3-4, 4-4, 6-3, 7-3, 8-2, and 9-2. The appellant disagrees with the agency's crediting of Levels 1-7, 2-3 and 5-3. Based on our review of the record, we find that the appellant's position is properly evaluated at Levels 4-4, 6-3, 7-3, 8-2, and 9-2 and have so credited the positions. Therefore, our evaluation of the position focuses on Factors 1, 2, 3, and 5.

Factor 1, Knowledge required by the position

This factor measures the nature and extent of information or facts which the industrial hygienist must understand to do acceptable work (e.g., steps, procedures, practices, rules, policies, theories, principles and concepts) and the nature and extent of the skills needed to apply those areas of knowledge.

Level 1-7 involves the application of professional knowledge and skills of industrial hygiene related to a wide range of industrial settings or in a specialty area of industrial hygiene. Examples of work assignments at this level are: skill in identifying, evaluating, and controlling a wide variety of occupational health hazards associated with the entire range of industrial work operations; skill in modifying approaches or applications within a specialty area to such difficult problems as sampling method development, high temperature exhaust ventilation control, and establishing personal protective equipment requirements; and knowledge of the full range of sampling techniques and control measures, as well as a knowledge of administrative and managerial principles and procedures, to plan, implement, and evaluate an industrial hygiene program covering occupational health hazards found in all but the most complex industrial environments.

Illustrative of Level 1-7 work is applying the knowledge and skills necessary to conduct a full range of industrial hygiene sampling techniques and control measures, and a knowledge of administrative practices necessary to manage an industrial hygiene program covering light to moderately complex industrial operations, such as industrial shops, laboratories using some hazardous materials, supply depots, warehouses where hazardous material is stored or transported, building construction and similar environments. Work at this level entails directing or performing such functions as planning and initiating surveys or work operations, processes and materials to detect potentially hazardous conditions; and determining the location and number of sampling points, equipment requirements, and applying methods and techniques of data analysis.

The appellant's position meets Level 1-7 as defined in the PCS and the representative illustration. She is responsible for developing a comprehensive industrial hygienist program for an organization with technical complexities and work operations comparable to Level 1-7; i.e., laboratory, shop, and installation maintenance and repair exposure to hazardous chemicals typical of hospital operations. The work consists of environmental monitoring, record keeping, medical surveillance, and dealing with personal protection equipment and waste disposal requirements. The appellant also conducts inspections on worksites to determine compliance with occupational health and safety, Environment Protection Agency (EPA), and VA regulations. The work requires knowledge of the operations and processes, materials and equipment used and

the by-products generated by the [location] and [location] facilities. The appellant is also required to possess skill in the use of a variety of sampling instrumentation and knowledge of sampling strategies and analytical methods, as well as knowledge of a wide variety of health hazards, toxic chemicals, radiation and noise to perform this work.

As at Level 1-7, the appellant interacts with the various laboratories at the [location] facility to ensure that hazardous and toxic materials utilized in research and medical programs conducted at the facility are stored, secured and disposed of properly and according to safety, occupational and environmental regulations. The appellant independently conducts various inspections and sampling of water and air quality to ensure compliance with EPA regulations. These inspections and samplings are conducted either on a routine assessment basis or in response to emergency situations that occur at both the [location] and [location] facilities. Her fire safety protection program duties include assessing the facilities on a regular basis to ensure equipment such as sprinkler and alarm systems, are designed and operational in accordance with fire and life safety codes. Applying knowledge and skill typical of this level, the appellant conducts training sessions for DVA staff at all levels that include use of personal protective equipment, proper storage and securing of hazardous and toxic materials, interpreting and explaining current and new laws, regulations, standards, policies and procedures associated with occupational safety, health and environmental issues.

The appellant's duties and responsibilities do not meet Level 1-8. Work at Level 1-8 requires the mastery of industrial hygiene professional concepts, principles, and practices that enable the application of experienced judgment and knowledge of new developments to solve novel or obscure problems and the ability to modify existing techniques and skill in developing new approaches which may be adopted by other industrial hygienists. At Level 1-8, the employee is recognized as an expert in the broad practice of industrial hygiene. Other examples of Level 1-8 work includes serving as an agency expert who makes decisions or recommendations that significantly affect the context, interpretation or development of agency policies and programs concerning industrial hygiene matters, or applying this level of knowledge to manage a comprehensive program for a major facility or region covering large, complex industrial operations. While the appellant works independently in the course of carrying out her duties associated with the industrial hygiene, fire, and safety management programs, the extent of her duties are not at the level which would provide the opportunity for innovation and implementation of new approaches impacting on the direction of the industrial hygiene and safety programs throughout the agency. Laboratory and other operations at the two medical facilities are not comparable to the large complex industrial operations; experimental work involving a wide variety of chemical agents; or dealing with hazardous chemical, bacteriological or radiological agents at undeveloped or critical stages found at Level 1-8.

This factor is evaluated at Level 1-7 and 1,250 are assigned.

Factor 2, Supervisory controls

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

The agency has evaluated this factor at Level 2-3. At Level 2-3, the supervisor generally makes assignments by defining objectives, priorities, and deadlines; and assists the employee with unusual situations which do not have clear precedents. Completed work is usually evaluated for technical soundness, appropriateness of recommendations, and conformity to policy and requirements and methods used in the decision-making process are usually not reviewed in detail.

At Level 2-4, the role of the supervisor is to set the overall objectives and resources available. The employee and supervisor, in consultation and collaboration, develop the deadlines, projects and work to be done; or in some cases, the employee may have continuing responsibility for a particular geographical or subject-matter area. The employee, having developed expertise in industrial hygiene, is responsible for planning and carrying out the assignment, for resolving most conflicts that arise, for coordinating the work with others as necessary, and for interpreting policy on own initiative in terms of established objectives. For most inspections, evaluations, and special studies, the employee determines the approach to be taken and the methodology to be used. The employee keeps the supervisor informed of progress, potentially controversial matters, or far-reaching implications. 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.

The record shows that the appellant's position meets Level 2-4. She is responsible for developing and implementing a comprehensive industrial hygiene program for the VA Connecticut Healthcare System. Typical of Level 2-4, her work assignments are identified in consultation and collaboration with her supervisor. The appellant is empowered to designate the priority and importance of each planned assignment as well as how the assignments are implemented and carried out. Planned assignments may include routine water and air samplings, coordinating OSHA inspections, and routine and on-going disposal of hazardous and toxic material. As at Level 2-4, she has independence and discretion in addressing and responding to emergency situations such as spills, odors, leaks, or fire safety situations that occur. She is responsible for deciding the appropriate methods, techniques, approaches and courses of action to address, monitor and implement courses of action to maintain a safe work environment for employees, patients and visitors. Her completed work is subject to the limited review typical of Level 2-4.

The factor is evaluated at Level 2-4 and 450 points are assigned.

Factor 3, Guidelines

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

At the Level 3-3, guidelines include Federal standards and criteria documents, standards published by recognized organizations and professional societies, technical literature, agency policies and regulations, precedents, office files, and standard practices. These guidelines may not always be completely applicable to industrial hygiene and occupational, safety and environmental safety situations that arise.

As at Level 3-3, guidelines available to the appellant for reference in exercising her duties and responsibilities include published health standards, criteria documents, the DVA Manuals and Policies, the DVA Environment of Care Manual, and DVA circulars. The appellant uses Occupational and Health Administration (OSHA), EPA, and Centers for Disease Control guides, National Fire Protection Administration guides, professional journals, and reference material on industries and industrial processes. VA guidelines occasionally change, but the appellant has access to the most current information. OSHA guidelines provide general guidance but make reference to other source materials such as the National Fire Protection Administration guidance for more specific information on appropriate methods, techniques or courses of action. As at Level 3-3, the appellant operates within established laws, regulations, policies and industry standards that contain specific information and guidance and protocol for the storing, securing, monitoring, and disposal of hazardous and toxic materials. Typical of that level, handling situations involves applying standard practices to new situations.

At Level 3-4, the guidelines available are essentially the same except the work assignments are such that these guidelines are often inadequate in dealing with the more complex or unusual problems, such as treating hazards for which very little information on toxicity is available. The industrial hygienist must adapt and apply industrial hygiene principles and practices to situations where precedents are not directly applicable and must use experienced judgment and initiative. The appellant's program does not require improvisation or creation of new approaches or techniques with the frequency required to credit Level 3-4. For example, the appellant does not routinely treat hazards for which very little information on toxicity is available and medical center laboratory and clinical procedures use commercially available equipment and chemicals for which hazards are well documented.

This factor is evaluated at Level 3-3 and 275 points are assigned.

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 and services both within and outside the organization.

At Level 5-3 work involves investigating and analyzing a variety of problems or conditions in the workplace which may adversely affect the health of workers, and to provide or recommend ways of eliminating problems. The work affects the design and operation of equipment, work processes, or systems; the adequacy of inspections or surveys; and the health and well-being of employees, patients and visitors. As at Level 5-3, the appellant's work efforts affect the quality of surveys and inspections conducted, the adequacy of methods and techniques applied to control or eliminate hazards, and the physical safety and health of employees, patients and visitors.

The appellant's position does not meet Level 5-4 which involves providing expertise as a specialist in the broad practice of industrial hygiene, or in a specialty area of industrial hygiene, by furnishing advisory, planning, or reviewing services on specific problems, projects, or programs, and operating conditions directly affecting worker health and safety. At Level 5-4 work may include the development of criteria, procedures, or instructions for major agency

activities, or the investigation, analysis, and evaluation of complex problems and situations. Work products or decisions affect a wide range of the agency's occupational health and safety programs or major activities of industrial concerns. The appellant's work does not involve her functioning as a VA expert. Her organization is not assigned responsibility for developing criteria, procedures, or instructions for major VA activities. Instead, the purpose of her position is to manage an activity level program the effect of which is local in nature.

This factor is evaluated at Level 5-3 and 150 points are assigned.

Summary

In summary, we have evaluated the position as follows

Factor	Level	Points
1. Knowledge required by the position	1-7	1,250
2. Supervisory controls	2-4	450
3. Guidelines	3-3	275
4. Complexity	4-4	225
5. Scope and effect	5-3	150
6. Personal contacts	6-3	60
7. Purpose of contacts	7-3	120
8. Physical demands	8-2	20
9. Work environment	9-2	<u>20</u>
	Total Points	2,570

A total of 2,570 points falls within the GS-11 grade level point range of 2,355-2,750 points in the PCS's Grade Conversion Table.

Decision

The position is properly classified as Industrial Hygienist, GS-690-11.