



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT
Washington, DC 20415

Human Capital Leadership
and Merit System
Accountability Division

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

Appellant: [appellant]

Agency classification: Wildlife Biologist
GS-486-13

Organization: Species and Habitats of Federal Interest
Branch
[organization]
[name] Region
U.S. Geological Survey
Department of the Interior
[city and state]

OPM decision: Wildlife Biologist
GS-486-13

OPM decision number: C-0486-13-01

/s/ Robert D. Hendler

Robert D. Hendler
Classification and Pay Claims
Program Manager
Center for Merit System Accountability

October 24, 2006

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]

[name]

Human Resources Officer

[HR address }

Director of Personnel

U.S. Department of Interior

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Introduction

The Dallas Field Services Group of the U.S. Office of Personnel Management (OPM) accepted a classification appeal from [appellant] on June 20, 2006. The appellant's position is currently classified as Wildlife Biologist, GS-486-13, and is located at the Species and Habitats of Federal Interest (SHFI) Branch, [organization], [name] Region, U.S. Geological Survey (USGS), Department of the Interior (DOI), in [city and state]. The appellant does not dispute the series of his position, but believes it should be classified at the GS-14 grade level. We received the agency's administrative report (AAR) on July 14, 2006. We have accepted and decided this appeal under section 5112 of title 5, United States Code.

Position information

[name] is one of 17 USGS science centers nationwide. They provide DOI bureaus, natural resources agencies, and other interested organizations with sound scientific data and technical assistance including research reports and journal publications, predictive models and software, database applications, maps, seminars and workshops, training, and technical assistance. The SHFI Branch is responsible for conducting scientific work on the ecology, habitat requirements, population dynamics, and genetics of many threatened or endangered species. The branch is currently staffed with 17 scientists representing various disciplines including wildlife biology, ecology, zoology, statistics, and conservation genetics. The appellant's position is directly supervised by the SHFI Branch Chief, who currently occupies a GS-401-14, Supervisory Biologist position.

The appellant's position is primarily responsible for conducting habitat assessment work and directing a research program focused on Neotropical migratory birds. The appellant's science work is not funded by the [name] but rather through clients or grants. Whether funded through clients or grants, the appellant's project work usually involves drafting a study proposal for approval by the SHFI Branch Chief, the Center's Deputy Director, and a peer panel; developing an appropriate study methodology; establishing timeframes and deadlines based on client needs; seeking cooperation of scientists from various disciplines when necessary; conducting and overseeing fieldwork; analyzing data; and drafting written findings. He publishes approximately two peer-reviewed manuscripts annually. The appellant's projects typically run several years, so a review of his manuscripts from the past five years revealed that his recent work centered on evaluating the models used to assess whooping crane habitats in the Central Platte River in Nebraska, as well as conducting studies using stable isotope analysis to trace the flight patterns of Neotropical migratory birds.

The U.S. Fish and Wildlife Service (FWS) contracted with the appellant to evaluate the habitat model adopted by FWS to determine the water flow necessary for the whooping cranes at the Central Platte River. The appellant and his four-member team, including a statistician, ecologist, hydrologist, and a whooping crane expert, identified serious flaws in the FWS model that caused the agency to establish a river water depth inconsistent with the team's findings. These findings were particularly visible as the Central Platte River is important to competing interests. The River is a critical stopover for the whooping crane, which is considered endangered under the Endangered Species Act of 1973 (ESA), and is also used agriculturally by three different states.

In addition, the appellant piloted a study using stable isotopes to trace the flight patterns of Neotropical migratory shorebirds between its wintering and breeding grounds. Stable isotopes are those atoms in an element with different atomic weight from the ordinary isotope of that element. The stable isotopes of common elements are easily measured and occur naturally in ecological systems. When birds consume the land's water and food, their feathers are imprinted with the unique isotopic "signature" of the places they traveled. The feathers can then be collected and analyzed to make connections between the birds' breeding grounds and migratory stopover sites. In 2001, the appellant started his work in Argentina by obtaining the cooperation of Argentine scientists, collecting preliminary data, and determining study design. Graduate students from Argentine universities were responsible for collecting bird feathers from widely diverse sites, which were then analyzed by USGS's Stable Isotope Lab in [city and state]. Since study findings were promising, the appellant is working to fund an expansion of this work beyond Argentina and into other countries.

The appellant also provides technical assistance to a diverse group of clients. After the National Environmental Policy Act (NEPA) passed in 1969, there was no standard way of measuring the potential impact of management projects on natural habitats. The appellant developed the Habitat Evaluation Procedures (HEP) and the Habitat Management Evaluation Method (HMEM) in the 1970's and 1980's as methods to evaluating wildlife habitat quality, developing management plans, assessing impact of projects on wildlife, and developing ways to compensate for habitat losses associated with project impact. Due to the methods' popularity, the appellant is regularly requested to collaborate with national and international clients in training and providing workshops on HEP, HMEM, as well as other habitat modeling and environmental assessment issues. The appellant provides recurring assistance in Japan to officials of government agencies, non-governmental environmental organizations, and industry leaders. He has conducted joint workshops where each party has competing interests and requires the appellant to be especially diplomatic and tactful when discussing habitat modeling and environmental assessment issues.

The appellant provided a list of accomplishments over the past ten years with his appeal request. This provides information related to his earlier activities and projects. However, classification appeals, by law (5 USC 5112) must address the currently assigned duties and responsibilities rather than career achievements. For work such as the appellant's, a cycle of work covering the past two to three years would be appropriate to be considered in evaluating his work.

The appellant's position description (PD), number [number], and other material of record furnish much more information about the appellant's duties and responsibilities and how they are performed, and we incorporate it by reference into this decision. To help decide this appeal, we conducted telephone audits with the appellant on August 25, 2006, and September 27, 2006. On October 11, 2006, we conducted separate telephone interviews with the first-level supervisor and the USGS Human Resources Specialist who initially classified the appellant's position. We also interviewed two scientists/environmentalists who are familiar with the appellant's work. In deciding this appeal, we carefully considered all of the information gained from these interviews, as well as all other information of record furnished by the appellant and his agency, including the PD of record.

Series, title, and standard determination

The GS-486 Wildlife Biology series covers positions that perform professional, research, or scientific work that includes conserving, propagating, managing, protecting, and administering wildlife species. Neither the appellant nor the agency question the series of his position. We agree that the GS-486 series is correct and the appropriate title is Wildlife Biologist.

When the appellant filed this appeal, his position was classified as Supervisory Wildlife Biologist. He indicated he had been unsuccessful in his attempts to have the agency update his 1987 PD. As part of the revision and update, the agency removed the supervisory responsibilities. In his comments on the AAR, the appellant stated that although that is technically correct, he still provides technical supervision for two PhD students from Argentina and has supervised technicians at field sites. These responsibilities are considered in his role as team leader for assigned projects. For classification purposes, a supervisory title requires providing both technical and administrative supervision, as well as having a minimum level of delegated supervisory and managerial authority. We do not find that responsibility on a regular and recurring basis in the appellant's position. A Supervisory title is not appropriate.

Work covered under the GS-486 series is properly evaluated using the Job Family Standard (JFS) for Professional Work in the Natural Resources Management and Biological Sciences Group, GS-400.

Grade determination

The GS-400 JFS uses the Factor Evaluation System (FES) format, under which factor levels and accompanying point values are assigned for each of the nine factors. The total is converted to a grade level by use of the grade conversion table provided in each JFS. Under this system, each factor-level description demonstrates the minimum characteristics needed to receive credit for the described level. 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.

The appellant disagrees with the agency's evaluation of Factors 1, 2, 3, and 4. We reviewed the agency's determination for Factors 5, 6, 7, 8, and 9, concur, and have so credited the position. Therefore, our evaluation will focus on Factors 1, 2, 3, and 4.

Factor 1, Knowledge Required by the Position

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

At Level 1-8, wildlife biologists possess a mastery of, and skill in applying, advanced theories, principles, concepts, practices, standards, and methods of the field sufficient to design projects representing a major segment of the agency's operating programs; perform assignments involving initiating, formulating, and planning, as well as executing major studies, or continuing specialized projects; use findings of specialized studies, new analytical developments, and

modified processes to resolve novel, obscure, or highly controversial problems affecting the problem area; and serve as a recognized authority in a specialized area or program.

At Level 1-9, wildlife biologists possess a mastery of, and skill in applying, the theories, principles, and concepts of the field sufficient to develop new theories, concepts, principles, standards, and methods; plan and execute long-range programs and projects of national significance; serve as a recognized expert and consultant in a broad range of subject-matter programs impacting a number of resources; and advance the state-of-the art beyond current discipline parameters.

Level 1-8 is met. The appellant's position requires mastery of, and skill in applying, advanced theories, principles, concepts, practices, standards, and methods sufficient to conduct habitat assessment work and direct a habitat research program focused on Neotropical migratory birds. This work represents a major segment of the SHFI and the Center's programs. Comparable to Level 1-8, the appellant is responsible for the entire research project, which includes developing and drafting the project proposal for panel review, obtaining research funding, conducting necessary fieldwork, analyzing findings, and preparing written findings. Due to problems tracking the path of non-game migratory birds using the bird banding method, which requires attaching leg bands or neck collars to birds to trace flight patterns, he adapted the stable isotopes analyses method to his own work. As at Level 1-8, the appellant has become a recognized expert in this field, and has been asked to speak at conferences about his findings.

Level 1-9 is not met. The appellant developed the HEP and the HMEM approximately 20 years ago, and, other than occasionally refining the methods, the appellant's current position is not responsible for developing new theories, concepts, principles, standards, and methods as expected at Level 1-9. The JFS provides illustrations of Level 1-9 work, which includes developing and applying new concepts and innovative and creative systems for wildlife refuge management; creating and integrating new concepts into applications meeting multiple resource management needs; anticipating needs and changes for agency programs and developing long-range innovating and novel solutions; and publishing ground-breaking studies of substantive wildlife refuge issues leading the wildlife refuge community to adopt new management practices. This does not describe the level of the appellant's position. Instead, his position is comparable to illustrations of Level 1-8 work, which includes serving as a recognized authority for a full range of significant scientific and non-scientific issues and resolving operational and administrative problems for which current information is inconclusive or lacking altogether. The appellant's work in evaluating the FWS models for whooping crane habitats in the Central Platte River may result in the agency's making significant changes to positively impact the conditions for the endangered birds. However, this work does not meet Level 1-9. This level credits work regularly resulting in impact with nationwide significance. The appellant's work is the impetus for change, but his work cannot be construed as regularly resulting in the development of new theories, concepts, principles, standards, and methods, or advancing the state-of-the art beyond current discipline parameters.

Level 1-8 is credited for 1,550 points.

Factor 2, Supervisory Controls

This factor covers the nature and extent of direct and indirect controls exercised by the supervisor. Employee responsibilities, as well as the review of completed work, are included. Employee responsibility depends upon the extent to which the employee is expected to develop the sequence and timing of various aspects of the work, to modify or recommend modification of instructions, and to participate in establishing priorities and defining objectives. The degree of review of completed work depends upon the nature and extent of the review.

At Level 2-4, the supervisor outlines overall objectives and available resources. The employee and supervisor discuss timeframes and scope of the assignment including possible stages and approaches. The employee is responsible for planning and carrying out the assignment; resolving most conflicts that arise; coordinating work with others as necessary; interpreting policy and regulatory requirements; keeping the supervisor informed of progress and potentially controversial problems, concerns, issues, or other matters; developing changes to plans and/or methodology; and recommending improvements to meet program objectives. The supervisor reviews completed work for soundness of overall approach, effectiveness in meeting requirements or producing expected results, the feasibility of recommendations, and adherence to requirements. The supervisor usually does not review the methods used.

At Level 2-5, the supervisor provides administrative and policy direction in terms of broadly defined missions or functions of the agency. The employee is responsible for defining objectives; interpreting policies promulgated by authorities senior to the immediate supervisor and determining their effect on program needs; independently planning, designing, and carrying out the work to be done; and serving as a technical authority. The supervisor reviews work for potential impact on broad agency policy objectives and program goals; normally accepts work as being technically authoritative; and normally accepts work without significant change.

Although slightly exceeding Level 2-4, the supervisory controls of the appellant's position do not fully meet Level 2-5. The appellant works independently in planning and carrying out all research assignments. This includes determining the research focus, drafting study proposals for panel approval, obtaining funding, establishing timeframes, coordinating with national and international partners, and modifying the methodology when necessary. Similar to Level 2-4, the appellant notifies the SHFI Branch Chief and Center Director when research findings are either controversial or have political or policy implications. When he identified major flaws with the FWS models used to assess whooping crane habitats at the Central Platte River, the appellant, along with the SHFI Branch Chief and Center Director, met with the FWS clients to defend and support their findings. Similar to Level 2-5, the immediate supervisor provides primarily administrative supervision over the appellant's position, which includes interpreting non-technical agency policies on the peer-review process for study proposals or publications and reviewing manuscripts for policy (i.e., to ensure neutrality in tone and content). However, the appellant's position does not fully meet Level 2-5. At this level, supervisory guidance or control is exercised primarily through broad, general objectives approved for the program. Wildlife biologists at this level usually operate within the context and constraints of national legislation, agency policy, and overall agency objectives; they determine the validity and soundness of agency-wide or national programs and independently carry out such programs and related

projects, studies, surveys, and investigations. They are also considered a technical authority for the *agency*. In contrast, the appellant's position is not vested with this type of authority. The appellant is widely recognized as an authority for the SHFI and the FORT on areas including but not limited to habitat modeling and assessment, migration modeling, and various technology. However, he is not regularly called upon to act as a technical authority USGS- or DOI-wide.

Level 2-4 is credited for 450 points.

Factor 3, Guidelines

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

At Level 3-4, wildlife biologists use guidelines and precedents that are very general regarding agency policy statements and objectives. Guidelines specific to assignments are often scarce, not applicable, or have gaps in specificity requiring considerable interpretation and/or adaptation for application to issues and problems. Wildlife biologists use judgment, initiative, and resourcefulness in deviating from established methods to deal with specific issues or problems; research trends and patterns; propose new policies and practices; develop new methods and criteria; and/or modify, adapt, and/or refine broader guidelines to resolve specific complex and/or intricate issues and problems.

At Level 3-5, wildlife biologists use guidelines, such as broad policy statements, basic legislation, recent scientific findings, or reports that are often ambiguous and require extensive interpretation. They use judgment and ingenuity and exercise broad latitude to determine the intent of applicable guidelines; develop policy and guidelines for specific areas or work; and formulate interpretations that may take the form of policy statements, regulations, and guidelines.

Level 3-4 is met as the appellant's guidelines are scarce, often not applicable, or have gaps in specificity requiring him to interpret or adapt them to specific issues and problems. The appellant has a wealth of DOI-, USGS-, and Center-issued guidelines applicable to the administrative aspects of his work, including the panel review required for study proposals and draft publications. Otherwise, the appellant's work-related references are limited to broad laws and regulations, including NEPA and the ESA, as well as those scientific methods, tools, protocols, and techniques he determines are relevant to the current project.

However, the appellant's guidelines do not meet Level 3-5 where the work routinely requires determining the intent of guides or formulating policy and regulations. In a July 28, 2006, letter to OPM, the appellant said Level 3-5 is appropriate since his research work "...was conceived, planned, and executed in the absence of any guidelines and precedents." Although study proposals require panel approval, the appellant decides his research work's focus based on client needs or by collaborating with other scientists without any involvement by the SHFI Branch Chief or Center Director. Nonetheless, the appellant's work is not performed with the dearth of guidance found at Level 3-5. We reviewed several of the appellant's published articles which cited a large number of references and, based on the descriptions provided, are directly applicable to the appellant's work. For example, the appellant's article on the initial isotope

work cited findings from other scientists' work that were directly applicable to the appellant's. This included research on linking breeding and wintering grounds of Neotropical migrant songbirds using stable hydrogen isotopic analysis of feathers and carbon isotope ratio of feathers revealing feeding behavior of cormorants. Using stable isotopes to study migration is gaining popularity and other [name] scientists are exploring stable isotope analyses in their work. The appellant's research benefits from the work of other scientists and we conclude those study findings are not so ambiguous and do not require the level of interpretation envisioned at Level 3-5.

Level 3-4 is credited for 450 points.

Factor 4, Complexity

This factor covers the nature, number, variety, and intricacy of tasks, steps, processes, or methods in the work performed; the difficulty in identifying what needs to be done; and the difficulty and originality involved in performing the work.

At Level 4-5, the wildlife biologist's work involves performing a variety of research, testing, or natural resources management duties requiring in-depth analysis of problems and issues covering a wide geographic area or an environmentally varied area; integrated resource analysis and coordinating and planning activities covering multiple resource programs; and developing new methods and techniques for problem and issue resolutions. To decide what needs to be done, the wildlife biologist analyzes issues involving abstract concepts; major uncertainties with regard to the most effective approach or methodology to apply; serious conflicts among scientific requirements and environmental program direction or administrative and legal requirements; continually changing program or work requirements or technological developments; novel and obscure problems involving complicating factors and requirements; and intricate, inconclusive, variable data, and unrelated or conflicting data. Wildlife biologists develop standards, methods, and techniques to extend existing methodological capability; proposes solutions with highly visible political consequences; formulates solutions to unyielding or controversial problems; and anticipates future trends and requirements.

At Level 4-6, the wildlife biologist's work involves exceptionally broad and intensive efforts impacting functional areas and processes; and problems of such scope and complexity that they require dividing work into components conducted concurrently or sequentially or using multi-disciplinary or cross-functional teams. Work may also require continual efforts to establish concepts, theories, or programs, or resolve persistent problems. To decide what needs to be done, the wildlife biologist conducts extensive investigation and analysis of largely undefined factors and conditions. The employee determines the nature and scope of problems and devises solutions under the following conditions: conflicting and changing goals and objectives; highly controversial and politicized programs; complexity in developing or complying with regulatory oversight; theory and practices that are largely undefined; practices that are in a state of development or are extensively affected by advances in technology; unique characteristics of the environment that impose new management requirements; and/or the need to balance environmental and ecological concerns with powerful commercial, industrial, and recreational interests. Wildlife biologists conduct continuing efforts to solve problems that stubbornly resist

resolution. The employee develops policies and strategies, and leads efforts to address environmental or scientific issues in areas where precedents do not exist; establishes new concepts and alternatives to problem identification and resolution; and/or applies a high degree of abstraction to originate concepts, theories, or programs.

The agency credited the appellant's position at Level 4-4, but we found his position fully meets Level 4-5 instead. As at Level 4-5, the appellant performs a wide variety of research and testing duties requiring thorough analysis of problems and issues covering national and international territories involving various resource programs. For example, the appellant's work on tracking the movement of Neotropical migratory shorebirds through stable isotopes analysis requires him to develop an appropriate study methodology, ensure the cooperation of Argentine universities to collect wing feathers from diverse Argentine sites, monitor their work, and analyze and report on the data findings. The research results are promising, so the appellant is working to expand this work and gain cooperation of other countries including Chile, Paraguay, Uruguay, and Bolivia. The work involves major uncertainties regarding the best project approach and methodology to use. Similar to Level 4-5, the appellant adapts the methodology or project approach to account for complicating factors unique to the area that, if not resolved, may affect the validity of the findings. For example, the appellant's stable isotope work in Argentina identifies several issues including the difficulties in getting a lock on those sites' isotopic "signature" and the potential effects from evaporation. Using stable isotopes analysis to trace migratory patterns is fairly new (i.e., within the past 8 – 10 years), so the appellant may consider the work of other scientists' stable isotope work. The work, although related, may not address the same environmental factors complicating the appellant's own research work. Like Level 4-5, the appellant's work involves formulating solutions to unyielding or controversial problems and posing solutions with highly visible political consequences. His work often involves birds identified as threatened or endangered under the ESA, so his findings are typically received in a politically-charged environment. His work refuting the FWS modeling on whooping crane habitats at the Central Platte River was also highly political and controversial as this particular issue was tied to a court case and closely watched by three states interested in the river for agricultural purposes. This is a match for Level 4-5.

Level 4-6 is not met. The appellant's research work is not exceptionally broad and intensive requiring dividing the work into components using multi-disciplinary or cross-functional teams. The appellant works with individuals in other disciplines including hydrologists, ecologists, and statisticians. He coordinates the work of graduate students at Argentine universities. Unlike Level 4-6, the appellant's projects are not so broad as to require establishing teams of multi-disciplinary scientists including hydrologists, ecologists, or statisticians. Working with *teams* of multi-disciplinary scientists requires coordinating and overseeing a breadth of divergent activities currently not present in the appellant's position. In addition, Level 4-6 wildlife biologists identify problems and devises solutions with conflicting and changing goals and objectives. Considering the [name] fee-based science mission, the appellant's work is oftentimes determined by client objectives, goals, and timeframes that rarely conflict or change. The appellant's work also does not address problems stubbornly resisting resolution as expected at Level 4-6.

Level 4-5 is credited for 325 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	5-5	325
6. & 7. Personal Contacts and Purpose of Contacts	3-c	180
8. Physical Demands	8-2	20
9. Work Environment	9-2	<u>20</u>
<i>Total</i>		3,320

A total of 3,320 points falls within the GS-13 range (3,155 to 3,600) on the grade conversion table in the JFS.

Decision

The position is properly classified as Wildlife Biologist, GS-486-13.