

**U.S. Office of Personnel Management  
Classification Appeal Decision  
Under section 5112 of title 5, United States Code**

**Appellant:** [Appellant]

**Agency classification:** Safety and Occupational Health  
Specialist  
GS-018-11

**Organization:** [Organization]  
[Organization]  
[Organization]  
Veterans Health Administration  
U.S. Department of Veterans Affairs  
[Location]

**OPM decision:** Environmental Protection  
Specialist  
GS-028-11

**OPM decision number:** C-0028-11-04

*//s// Ana A. Mazzi*

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Ana A. Mazzi  
Deputy Associate Director  
Merit System Audit and Compliance

8/24/11

\_\_\_\_\_  
Date

As provided in section 511.612 of title 5, Code of Federal Regulations (CFR), this decision constitutes a classification certificate which 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 5 CFR 511.605, 511.613, and 511.614, as cited in the *Introduction to the Position Classification Standards (Introduction)*, appendix 4, section G (address provided in appendix 4, section H).

As discussed in this decision, the appellant's position description (PD) is not adequate for purposes of classification and the title and series of the appealed position must be changed. Since PDs must meet the standard of adequacy in the *Introduction* the appellant's agency must revise his PD to meet this standard. The servicing human resources office (HRO) must submit a compliance report containing the corrected PD and a Standard Form 50 showing the personnel action taken to include the change in the position title and series. The report must be submitted to the OPM office that accepted the appeal within 45 days of the date of this decision.

**Decision sent to:**

[Appellant]  
[Address]  
[Location]

[Name]  
Human Resources Office (10H)  
[Address]  
[Location]

Director  
Compensation and Classification Service  
Office of Human Resources Management  
Department of Veterans Affairs  
810 Vermont Avenue, NW, Room 240  
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[Location]

## **Introduction**

On March 14, 2011, Philadelphia Oversight of the U.S. Office of Personnel Management (OPM) accepted a classification appeal from [Appellant]. The appellant's position is currently classified as a Safety and Occupational Health Specialist, GS-018-11, and is located in the [Organization], [Organization], [Organization] Veterans Health Administration (VHA), U.S. Department of Veterans Affairs (VA), in [Location]. The appellant believes his position should be reclassified to Environmental Protection Specialist, GS-028-12. We received the complete agency administrative report on April 5, 2011, and have accepted and decided this appeal under section 5112(b) of title 5, United States Code (U.S.C.).

To help us decide the appeal, we conducted telephone interviews with the appellant on June 6, 16 and 27, 2011, and his immediate supervisor on June 9, 2011. We also interviewed the [Organization] [Name] Coordinator on June 22, 2011. In reaching our classification decision, we have carefully considered all of the information obtained from the interviews, as well as all other information of record provided by the appellant and his agency.

## **General issues**

Both the appellant and his supervisor have certified to the accuracy of his PD. A PD is the official record of the major duties and responsibilities assigned to a position by an official with the authority to assign work. A position is the duties and responsibilities which make up the work performed by the employee. Classification appeal regulations permit OPM to investigate or audit a position and decide an appeal based on 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.

In his classification appeal, the appellant states he was told by a HR staff member that the 028 environmental protection specialist series could not be used to classify his position since the series was not included in the guidance provided by [Organization]. He further states the 028 series is used to classify other [Name] Coordinator positions similar to his own at other [Organization] within the same [Organization] as well as nationwide. By law, we must classify positions solely by comparing their current duties and responsibilities to OPM position classification standards (PCSs) and guidelines (5 U.S.C. 5106, 5107, and 5112). Since comparison to OPM PCSs and guidelines is the exclusive method for classifying positions, we cannot compare the appellant's position to other positions, which may or may not be classified properly, as a basis for deciding this appeal.

The appellant alludes to the amount of work he performs by stating the [Name] program has expanded many times during the past five years increasing in size and complexity approximately ten times when compared to how it was envisioned prior to and during implementation. However, volume of work cannot be considered in determining the grade of a position (*The Classifier's Handbook, Chapter 5*).

## **Position information**

The [Location/Organization] is a 28 bed general medical and surgical facility that provides a full-range of primary care services. In addition to primary care services, the [Organization] specialty care programs include Behavioral Health, Cardiology, Dental, Dermatology, Ear/Nose/Throat, Neurology, Optometry, Physical Medicine and Rehabilitation Services, and Women's Health.

As the [Location/Organization] [Name] Coordinator, the appellant is responsible for coordinating the efforts of the [Organization] staff to ensure the [Name] program is developed and implemented in accordance with [Organization] and [Organization] policy and guidance. He is also responsible for ensuring that program results, findings, and conclusions lead to continual improvements of environmental programs; applying environmental science and technology to demonstrate relationships between the operation of the [Organization] and human health, ecosystems, environmental media, and natural resources; and providing leadership and direction to management, professional, and technical personnel regarding the development and implementation of the [Name] program.

The appellant plans, organizes, implements, oversees, and provides technical assistance for projects to resolve environmental problems. Assignments include: domestic and industrial wastewater treatment and disposal; safe drinking water; treatment, storage, and disposal of hazardous and non-hazardous solid waste, air pollution control, and regulatory oversight. He provides technical advice and assistance for the design, modification, operation, and maintenance of [Organization] facilities and infrastructure to ensure compliance with environmental regulations.

He develops and conducts training programs for [Organization] personnel for such programs as hazardous materials (handling and shipping) and handling universal waste, and assists the Safety Manager with developing safety training such as lock-out/tag-out. He ensures the adequacy of the [Name], respiratory protection, and decontamination programs. This involves advising on the overall planning and programming requirements for operations and maintenance of these programs.

The PD states the appellant serves as a technical and program management expert for the [Organization] and provides leadership, guidance, technical assistance, and evaluation for matters dealing with environmental technology and compliance, to include environmental management systems.

The results of our interviews with the appellant, his supervisor, and the [Organization] [Name] Coordinator as well as other material of record show the appellant serves as the [Name] Coordinator with technical responsibility for the program and these duties are incorporated into his PD of record. However, the PD does not address the appellant's responsibility for overseeing the environmental aspects of all construction projects within the [Organization]. This includes evaluating the impact of each project on the environment by conducting a National Environmental Protection Act (NEPA) evaluation by ensuring NEPA laws are followed and completing a checklist; reviewing the design drawings to see which trees will be planted, if recycled materials are being used, and if a rain garden will be included, etc; visiting the construction site to ensure no environmental protection regulations are being violated; and

signing the design drawings once the project is completed. We also find references to the appellant having program management authority and responsibility for developing environmental policies included in his PD are inaccurate. The appellant's supervisor stated program management authority lies with the [Organization] Director who is the Safety Manager. The record shows the appellant develops procedures based on State and Federal polices for local implementation of the program. As a result, the PD fails to meet the standards of PD accuracy for classification purposes as discussed in section III.E of the *Introduction* and must be corrected as part of the compliance report directed on page ii of this decision.

### **Series, title, and standard determination**

In his initial appeal to OPM, the appellant questions the series, title of his position, and use of the Safety and Occupational Health Management Series, GS-018, PCS to evaluate his position. He states he believes his position would be correctly classified if the Environmental Protection Specialist, 028 series was used along with the corresponding PCS to evaluate his position.

The GS-018 Safety and Occupational Health Management Series includes positions the duties of which involve the management, administration, or operation of a safety or occupational health program or performance of administrative work concerned with safety and occupational health activities and includes the development, implementation, and evaluation of related program functions. The primary objective of this work is the elimination or minimization of human injury and property and productivity losses, caused by harmful contact incidents, through the design of effective management policies, programs, or practices.

The GS-028 Environmental Protection Specialist Series includes positions the duties of which involve advising on, managing, supervising, or performing administrative or program work relating to environmental protection programs (e.g., programs to protect or improve environmental quality, control pollution, remedy environmental damage, or ensure compliance with environmental laws and regulations).

The appellant's assigned duties and responsibilities, as previously described, include a small percentage of safety and occupational health duties. The appellant and the immediate supervisor agree that the appellant spends approximately one percent of his time performing traditional occupational health program duties and that the appellant serves as the back-up for the safety function. Thus, the appellant's GS-028 work is series controlling. The appellant's GS-028 work involves advising on, managing, and performing environmental protection program work at the [Location/Organization]. He does this by conducting inspections, assessments, on-site reviews, training, and providing recommendations pertaining to various environmental program issues. Therefore, the position is properly classified in the GS-028 series and is properly titled Environmental Protection Specialist, which is the authorized title for all nonsupervisory positions in the GS-028 series. The GS-028 PCS is appropriate for evaluating the appellant's position.

### **Grade determination**

The GS-028 PCS uses the Factor Evaluation System (FES) under which factor levels and accompanying point values are assigned for each of the nine factors, with the total then being

converted to a grade level by use of the grade conversion table provided in the PCS. Under the FES, each factor-level description in a PCS 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 unless the deficiency is balanced by an equally important aspect that meets a higher level. Conversely, the position may exceed those criteria in some aspects and still not be credited at a higher level. Our evaluation with respect to the nine FES factors follows.

*Factor 1, Knowledge required by the position*

This factor measures the nature and extent of information or facts which the workers must understand to do acceptable work, such as the steps, procedures, practices, rules, policies, theories, principles, and concepts; and the nature and extent of the skills needed to apply this knowledge.

In addition to the knowledge and skills described at Level 1-6, Level 1-7 requires knowledge of program principles and procedures applicable to a wide range of duties in one or more program and/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, where procedures require frequent modification and change in order to incorporate revised theories and techniques); modifying or adapting established methods and procedures or making significant departures from previous approaches to solve similar problems; revising standard methods to improve or extend environmental administration and/or management systems; and evaluating, modifying, or adapting new methods to meet the requirements of particular situations. The work requires knowledge of statutes, regulations, licensing/permitting requirements, and precedent decisions governing environmental operations sufficient to use in planning, implementing, or monitoring environmental programs and services (e.g., determining needs, evaluating program effectiveness, assuring compliance with regulations).

In addition to the knowledge and skills described at Level 1-7, Level 1-8 requires mastery of program principles, concepts, practices, methods, and techniques to apply new developments and theories to major problems not susceptible to treatment by accepted methods. Typically, the environmental protection specialist at this level is recognized as an authority in a particular program or function. The work requires expert knowledge of Federal, State, and local laws and regulations, documentation and reporting requirements, and lawmaking or rulemaking processes sufficient to make decisions or recommendations significantly changing, interpreting, or expanding important agency/national policies and programs (e.g., developing agency options for a regulatory framework and strategy for a new national program; drafting complex rulemaking notices and securing concurrence of affected Federal agencies and offices; evaluating regulatory implementation by regions, State and local agencies, and the private sector). The work requires a comprehensive knowledge of management practices and procedures to resolve problems of major significance to agency environmental programs (e.g., developing and maintaining an agency wide environmental management information system, developing agency guidelines governing environmental operations, analyzing major programs and proposing legislation with

respect to the agency's program goals and objectives, advising agency officials and personnel at all levels on various aspects of environmental program management).

The appellant's position meets the threshold for Level 1-7. Like this level, the appellant's work requires a comprehensive knowledge of principles, procedures, standards, methods, and techniques applicable to a broad range of duties in one or more program areas based on the general environmental program standards provided in the International Organizations for Standards (ISO) 14001 standard. These programs include storm water management, control of hazardous drugs and pharmaceutical waste, purchasing of recycled content and bio-based products, asbestos management, disclosure of lead-based paint, etc. For example, he applies a comprehensive knowledge of the regulations, standards, procedures, and techniques for the control and use of storm water at the [Organization] to deal with discharge into the highly regulated [Location/Name] watershed. The appellant expanded the storm water management program by developing several projects (with the assistance of an outside engineering contracting firm), to protect, preserve, and restore the ecological assets of the surrounding area of the [Organization], including the [Location/Name]. The goal of the storm water project is to allow as little contaminated storm water to leave the [Organization] as possible. The Rain Garden project uses natural and sustainable methods to harvest, clean, and store storm water runoff from the roof of one of the buildings to the rain garden which is a bio-retention area, i.e., a spongy layer soaks up the water and allows it to slowly permeate the soil layer. The rain garden catches and filtrates runoff from the west side of the buildings' roof, as well as a small amount of runoff from the lawn areas located above the building. The bio-retention area is 17 feet by 67 feet and approximately four to five inches deep so it can accommodate runoff from the buildings' roof in a 12 inch rain event. A soil mixture of sand and mulch is used for quick infiltration of water in the garden. The middle of the garden is lower than the edges to create a shallow basin and allows the storm water to drain into the center of the garden. Once the water in the garden reaches a certain height, an underground discharge pipe releases the water to the [Location] storm sewer system. Native plants are used in this area and include over 2,000 known species such as ferns, flowering perennials, woody tree scrubs, and vines. The plants selected thrive in wet or drought conditions since the building partially blocks the sunlight for part of the day and the weather can be unpredictable.

Similar to Level 1-7, the appellant uses knowledge of a number of statutes, regulations, licensing/permitting requirements, and precedent decisions governing environmental operations to control environmental hazards and enforce the [Name] program which affects employees, contract workers, and veterans who use the services of the [Organization]. As part of that process, he provides guidance on environmental policy and procedures and makes recommendations to eliminate known environmental hazards as well as ensure all construction projects adhere to environmental protection laws. Like Level 1-7, he uses his knowledge of statutes and regulations to plan, implement, and monitor the full range of [Organization] environmental programs and services. This includes conducting internal audits and determining how best to advise and/or train employees on safely performing their day-to-day tasks while complying with established environmental laws and regulations. In performing these duties the appellant refers to VA, VHA, and Environmental Protection Agency (EPA) environmental standards and requirements to achieve the installation's environmental goals and objectives. In doing so, like Level 1-7 he develops and modifies standard operating techniques and procedures

by devising specialized local operating practices to meet the [Organization] specific environmental management objectives.

The appellant's assignments and responsibilities do not meet Level 1-8. Although he possesses a mastery of program principles, concepts, practices, methods, and techniques of environmental management issues, and is considered a technical expert in the storm water management program, unlike Level 1-8 he is not in a position to make decisions or recommend significant changes, interpretations, or expansions of important agency/national policies and programs. He is directly concerned with the installation's environmental protection program and is not involved in changing, interpreting, or expanding VA's environmental policies or programs. Such responsibilities are vested in employees at higher [Organization] program levels, rather than at the appellant's operating installation-level program.

This factor is evaluated at Level 1-7 and 1250 points are assigned.

*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.

At Level 2-4, the supervisor sets the overall assignment objectives, program emphasis, and resources available. The environmental protection specialist and supervisor, in consultation, develop the deadlines, projects, and work to be done. The environmental protection specialist, having developed expertise in a particular program or functional area (e.g., municipal solid waste, land disposal, environmental information management) has continuing responsibility for independently planning and carrying out important environmental protection programs or projects; determining the approach to be taken and the methods to be used; resolving most of the conflicts that arise; coordinating the work with others as necessary; and interpreting policy in terms of established objectives. The specialist keeps the supervisor informed of progress, potentially controversial matters, and problems with far-reaching implications.

At Level 2-5, 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 environmental protection specialist has complete responsibility and authority to plan, design, schedule, and carry out major programs, projects, studies, or other work independently. The specialist typically exercises discretion and judgment in determining whether to broaden or narrow the scope of projects or studies. Completed work is reviewed by management officials only for potential influence on broad agency policy and program goals, fulfillment of program objectives, or contribution to advancement of knowledge in the field, and is normally accepted without significant change. Recommendations for new projects or program objectives are usually evaluated for such considerations as availability of funds and other resources, broad program goals, or national priorities.

Level 2-4 is met. Like this level, the appellant works independently in planning and carrying out work assignments but his immediate supervisor may provide input, e.g., in developing operating procedures or making recommendations for changes. He keeps his supervisor apprised of any



unusual developments or precedent setting situations. The appellant develops local operating procedures as necessary and audits, investigates, and resolves various environmental program issues at the [Organization]. However, unlike Level 2-5, these local procedures are based on the framework of established agency ([Organization] and VHA), State, and Federal, e.g., EPA environmental policies and requirements. National policy resides with environmental protection program officials at higher VA program levels. The appellant's [Name] program development and oversight, environmental audit and corrective action plan development, and other duties are performed with a substantial degree of independence. However, the type of installation-level work he carries is not comparable to the responsibility and authority to plan, design, schedule, and carry out major programs, projects, studies found at Level 2-5, e.g., managing complex Superfund or equivalent remediation projects. This, in turn, precludes the appellant from routinely dealing with scope of funding and staff issues expected at Level 2-5. While the appellant is considered to be the local expert on environmental protection, he also has not been delegated the program authority envisioned at Level 2-5.

This 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. Guides used in General Schedule occupations include, for example, desk manuals, established procedures, policies, and traditional practices, and general reference materials such as dictionaries, style manuals, engineering handbooks, and the pharmacopoeia.

At Level 3-3, guidelines are available, including technical and procedural manuals (e.g., agency inspection procedures, case preparation manuals), handbooks, and textbooks; Federal, State, and local environmental regulations; and agency regulations and directives. Guidelines are not always completely applicable to specific work assignments, but precedent materials are available for reference (e.g., environmental reports, plans, and records illustrative of similar projects or assignments). The environmental protection specialist uses judgment in choosing, interpreting, and adapting guidelines and precedents to specific issues or problems in accordance with established policies and accepted practice; researching regulations and determining the relationship between the guidelines and State and Federal needs and requirements; and in recommending changes to procedures to improve the reliability of data, enhance services, correct deficiencies, etc.

At Level 3-4, administrative policies and precedents, laws, 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 and strategies as well as priorities, but does not detail how the identified priorities and activities will be accomplished. The environmental protection specialist uses initiative and resourcefulness in deviating from, refining, or extending traditional methods and practices, or in developing and recommending new or substantially modified methods, criteria, or policies.

Level 3-3 is met. The appellant's guidelines include directives from VA, VHA, OSHA standards, EPA standards, Executive Orders, various city and State environmental codes, ISO

14001 standards, U.S. Public Health Service guidelines, standard textbooks and professional journals, and past inspection summaries. Like Level 3-3, he independently interprets and applies these guidelines to specific situations, and sometimes must modify and adapt them as necessary. Judgment is used in applying standard hazard control practices to differing situations. The appellant works within guidelines and program controls that are more definitive and specific than those described at Level 3-4. The appellant is sometimes faced with challenging work problems, e.g., developing projects for the storm water management project. The applicable Federal regulations do not specify how to develop the projects since each site is different. However, the guidelines applicable to this work are typical of Level 3-3, e.g., the use of bio-retention areas is an increasingly popular and accepted practice to ensure levels of allowable contaminated storm water runoff as specified by regulation and policy are met.

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

#### *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 4-3, the work includes a variety of duties involving different and unrelated processes and methods (e.g., performing site inspections, collecting data, reviewing documents, analyzing evidence, evaluating results, writing reports, recommending corrective action or procedures for compliance, coordinating with installation officials and customers). These duties characteristically involve well-established and clearly defined aspects of environmental programs, projects, studies, etc. Decisions regarding what needs to be done depend upon the analysis and evaluation of the issues or conditions (e.g., item characteristics as related to different classification systems, program requirements, legal authorities, permit status, operational practices, results of monitoring procedures, conditions of noncompliance, extent of violations, degree of hazard, timeliness of action, cost effectiveness, applicability of regulations) involved in each assignment. A course of action may have to be selected from many acceptable alternatives, as, for example, when recommending improved management practices to facility operators or selecting the preferred alternative for disposal of hazardous property. The work involves conditions and elements that must be identified and analyzed to discern interrelationships, e.g., evaluating industrial practices and conditions to identify instances of noncompliance with regulations, determine extent of violations, and make recommendations for possible enforcement and/or corrective actions. Judgment is required to apply a range of established approaches to identifying and resolving problems.

At Level 4-4, the work typically involves full responsibility for well-established aspects of one or more programs and/or functional areas and includes a wide variety of duties involving diverse and complex technical and/or program or administrative problems and considerations (e.g., inspecting or leading a team in inspecting various types of hazardous waste treatment and disposal facilities, evaluating operating practices, recommending improved procedures and cost effective alternative technologies, identifying violations, preparing reports of findings, developing and negotiating mitigation projects). Decisions regarding what needs to be done

depend on the assessment of unusual facts or conditions (e.g., practical economic or operating problems such as changing technology or program priorities, inadequate controls, unacceptable management practices, abatement plans that are expensive to implement); variations in approach depending upon the environmental and political setting, available resources, impact on populations, involvement of State and local organizations, etc; and incomplete or conflicting data (e.g., discrepant claims as to the toxicity of substances, inadequate program information from contractors or grant applicants, new methodologies or new programs for which only a minimum of information is available). The work requires making many decisions concerning such things as interpreting considerable data, planning the work, refining existing criteria, or extending or modifying conventional methods and techniques.

Level 4-3 is met. Like this level, the appellant's work assignments cover a wide variety of different and unrelated processes and methods. These include such duties as conducting site inspections, collecting data, reviewing documents, analyzing evidence, evaluating results, writing reports, recommending corrective action or procedures for compliance, and coordinating with [Organization] officials. He implements and oversees the [Name] program which incorporates clearly defined aspects of environmental programs, projects, studies, etc. The appellant exercises oversight over and provides technical support to all [Organization] organizations by applying and interpreting existing policies to eliminate known environmental hazards and disseminating applicable guidelines within the [Organization] and to contractors as appropriate. His analysis of potential hazards requires adapting established techniques and methods to adequately measure risks to employees. Each employee within each service is responsible for performing day-to-day tasks that fall within the various environmental functions or aspects of their service and requirements of the [Name] Program (e.g. discarding unused drugs labeled as hazardous in their proper containers or properly disposing of isopropyl alcohol which is over 24 percent in strength). Typical of Level 4-3, the appellant selects his course of action from many acceptable alternatives, e.g., selecting rain garden methodology to enhance storm water management and reduce the flow of pollutants to the [Location] as required by Federal regulation.

Similar to Level 4-3, he conducts compliance audits on a quarterly basis to ensure employees properly implement the locally developed environmental procedures and conducts conformance audits on a monthly basis to ensure the locally developed procedures conform to the ISO 14001 standard and environmental laws. The appellant also conducts a yearly gap analysis which compares the existing [Name] program to the requirements in the ISO 14001 standard looking for program shortfalls. The audits cover all [Organization] organizations, including housekeeping, laboratories, and clinics. Once the audits are completed, the appellant writes a report which includes any non-compliance findings and develops an action plan to bring the affected organizations into compliance based on the applicable environmental policies and may include additional employee training developed and presented by the appellant. He briefs various individuals and officials on the audit results, and environmental protection/ prevention requirements, associated with the work functions of the various [Organization] organizations. Similar to Level 4-3, these duties involve conditions and elements that must be identified to discern interrelationships in order to identify instances of noncompliance with regulations, and make recommendations for possible enforcement and/or corrective actions.

Level 4-4 is not met. The appellant's work approaches this level because he exercises program oversight for various environmental management programs which includes evaluating operating practices, recommending improved procedures, identifying violations, preparing reports of findings, and developing mitigation plans. However, the work he performs does not routinely require or allow him to make decisions depending on the assessment of unusual facts or conditions; variations in approach depending upon the environmental and political setting, available resources, impact on populations, involvement of State and local organizations, etc; and incomplete or conflicting data. Such complications are not routinely present in the installation-level projects and programs with which the appellant deals. The appellant's work does not require him to interpret considerable data, plan the work, refine existing criteria, or extend or modify conventional methods and techniques. Illustrative of such work is dealing with the waste stream of a wide variety of hazardous materials in a large, industrial activity which require the specialist to (1) identify and track waste streams, determine regulatory violation and recommend corrective action, and (2) develops and implements resource recovery programs. Within this environment, the specialist must consider many different factors (e.g., the chemical and physical properties of hundreds of different materials and wastes generated in production areas, the nature of any contaminants, and the best methods of receiving, storing, handling, processing, and transporting hazardous materials and/or wastes to facilitate resource recovery efforts); alternative technologies for recycling, reclaiming, altering to a useful byproduct that can be sold or used internally, and treating for safe disposal; constantly changing conditions in production operations; and changes in Federal, State, local, and agency policies and regulations. The specialist must use judgment in identifying opportunities for resource recovery that can offset handling/disposal costs, assessing and adapting new technologies, and responding to intensive monitoring by regulatory agencies. The [Organization] operations and, thus, its environmental control needs, do not compare favorably with the conditions created by extensive, large scale industrial operations as described in the GS028 PCS. Instead, like Level 4-3, the appellant must interpret a variety of environmental management circumstances and adapt proven environmental protection techniques, when necessary, to control, minimize or eliminate hazardous situations.

This factor is evaluated at Level 4-3 and 150 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 or services both within and outside the organization. Effect measures whether the work output facilitates the work of others, provides timely service of a personal nature, or impacts the adequacy of research conclusions. The concept of effect alone does not provide sufficient information to properly understand and evaluate the impact of the position. The scope of the work completes the picture allowing consistent evaluations, and only the effect of properly performed work is considered.

At Level 5-3, the purpose of the work is to plan and carry out a variety of routine project or program activities to ensure compliance with environmental laws and regulations or to improve the administration of environmental protection programs. The work involves identifying, analyzing, and making recommendations to resolve conventional environmental or compliance

problems and situations that are covered by established precedents and procedures. Assignments may include portions of broader activities or complete projects of limited scope. The work affects the operation of Federal, State, or local environmental protection programs; the adequacy of such activities as emergency or planned removal actions, compliance reviews, enforcement actions and settlements, or research/study conclusions; or, through the elimination of actual or potential environmental hazards, the well-being of persons in surrounding work areas or communities.

At Level 5-4, 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, State and local officials, industry representatives, and others on specific functions or programs. Assignments typically involve problems that are particularly difficult, widespread, or persistent; or that are systemic in nature involving major systems or processes. The work directly influences the effectiveness and acceptability of total environmental protection systems and/or programs affecting a wide range of agency activities, major activities of industrial or commercial concerns, or the operation of other agencies.

Level 5-3 is met. The appellant ensures the [Organization] is in compliance with VA's environmental health requirements. Like Level 5-3, he accomplishes this by overseeing the installation-level environmental protection program for the [Location/Organization]. The appellant's work involves identifying, analyzing, and making recommendations to resolve conventional environmental or compliance problems and situations covered by established precedents and procedures by monitoring and evaluating the [Organization] employee's compliance with applicable standards, rules and regulations. The appellant's work effects [Organization] daily operations, e.g., his audits and inspections affect the effectiveness of the [Organization] environmental protection programs including the satisfactory control or abatement of hazardous conditions and operations. The work results are also directly related to the short- and long-term well-being of employees, contractors, visitors, veterans and their dependents, and those in the surrounding communities.

Level 5-4 is not met. The appellant does not plan or carry out a variety of important project or program activities as discussed previously. His work does not involve establishing criteria; formulating projects; assessing program effectiveness; or providing advisory services to regional personnel, State or local officials, industry representatives, and others on specific functions or programs. The appellant conducts two or three audits each fiscal year at other [Organization] [Organization], but this is not the primary purpose of his work. Like Level 5-3, the appellant is occupied with overseeing the local [Organization] environmental protection program. He assesses whether the local [Name] program conforms to ISO and environmental laws. The type of program oversight and review found at Level 5-4 is conducted by the [Organization] or another third-party which determine whether the [Organization] programs comply with established environmental policies. The appellant's work assignments do not involve the development of environmental protection systems and/or programs affecting a wide range of agency activities, major activities of industrial or commercial concerns, or the operation of other agencies. Like

Level 5-3, his assignments involve the application of established criteria to the specific program demands of and situations at the [Location/Organization].

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

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

These factors measure the types of personal contacts that occur in the work and the purpose of these contacts. These factors include face-to-face contacts and telephone dialogue with persons not in the supervisory chain. Levels described under these factors are based on what is required to make the initial contact, the difficulty of communicating with those contacted, how well the employee and those contacted recognize their relative roles and authorities, the reason for the communication, and the context or environment in which the communication takes place. These factors are interdependent. The same contacts selected for crediting Factor 6 must be used to evaluate Factor 7. The appropriate level for personal contacts and the corresponding level for purpose of contacts are determined by applying the point assignment chart for Factors 6 and 7.

At Level 6-2, the persons contacted are employees in the same agency, but outside the immediate office (employees who generally are engaged in different functions, missions, and kinds of work at various levels within the agency), or with individuals or groups from outside the employing agency in a moderately structured setting. Typical of contacts at this level are those with engineers, chemists, lawyers, contracting officers, service contract representatives, and professional and technical employees from other areas of the installation or agency or in State or local environmental agencies or regulated facilities.

At Level 6-3, the persons contacted are persons from outside the employing agency in a moderately unstructured setting. Typical of contacts at this level are those with persons in their capacities as contractors, inspectors, attorneys, company executives, community leaders, elected officials, or representatives of Federal or State regulatory agencies, professional organizations, the news media, or organized or ad hoc public 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 when such contacts occur on an ad-hoc basis.

The appellant's position meets Level 6-2. Like this level, the appellant has contact with a variety of individuals within his agency. These include contacts with VA, VHA, and [Organization] personnel, as well as with the [Location/Organization] Director, Associate Directors, managers, employees and contractors. The appellant also has contacts with a variety of individuals from outside the agency, i.e., State environmental protection and EPA officials and inspectors; environmental and science instructors at [Location] State University, [Location] State, and Indiana University of [Location]; and occupational safety and health specialists, and environmental professionals from professional societies. However, these contacts do not meet Level 6-3. They are not in an unstructured setting since the contacts made are fairly routine, and the role and authority of the various parties are well-defined, e.g., to ensure compliance with environmental regulations.

The appellant's position meets but does not exceed Level 7-c which is the highest level described in the PCS. The appellant's personal contacts are not only to obtain and exchange information, but also to influence, motivate, and gain the support of sometimes unwilling and uncooperative employees, supervisors, managers, and contractors when discussing, defining, and promoting environmental protection program objectives, work practices, and procedures. This occurs when the appellant conducts internal audits and briefs the affected organizational managers and employees on his findings of non-compliance. He explains which management and employee functions need to change in order for the organization to be environmentally compliant. Often times, the appellant experiences resistance from management and the employees when it comes to applying and complying with prescribed standards and regulations. The appellant stated some employees are reluctant to follow [Name] requirements, especially when they require additional work to comply with local procedures.

The combined factors are evaluated at Levels 2C and 145 points are assigned.

*Factor 8, Physical demands*

This factor covers the requirements and physical demands placed on the employee by the work assignment. This includes physical characteristics and abilities, e.g., specific agility and dexterity requirements, and the physical exertion involved in the work, e.g., climbing, lifting, pushing, balancing, stooping, kneeling, crouching, crawling, or reaching. To some extent the frequency or intensity of physical exertion must also be considered, e.g., a job requiring prolonged standing involves more physical exertion than a job requiring intermittent standing.

The appellant's position meets but does not exceed Level 8-2 which is the highest level described in the PCS. The appellant's work requires frequent inspections and surveys of the entire [Organization] to include storage facilities, clinics, laboratories, underground storage tanks, and patient care facilities such as emergency rooms, necessitating prolonged periods of walking, standing, and stooping and occasional climbing, bending, and lifting large containers weighing between 60 and 70 pounds, which can create physical stress. The appellant is subjected to hazardous areas and conditions which are associated with a medical care facility.

This factor is evaluated at Level 8-2 and 20 points are assigned.

*Factor 9, Work environment*

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

The appellant's position meets but does not exceed Level 9-2 which is the highest level described in the PCS. The appellant's work regularly exposes him to a variety of hazardous situations including adverse weather, dirty environments, and high noise levels. He may be exposed to hazardous materials including gases, chemicals, flammable liquids, ultraviolet and infrared radiation, dusts, mists, vapors, and pollutants associated with a medical care facility. The inspection sites expose the appellant to hazardous situations and some situations require the

appellant to use protective equipment and clothing such as a hard hat, goggles, facial mask, and respirator.

This factor is evaluated at Level 9-2 and 20 points are assigned.

*Summary*

<i>Factor</i>	<i>Level</i>	<i>Points</i>
1. Knowledge Required by the Position	1-7	1,250
2. Supervisory Controls	2-4	450
3. Guidelines	3-3	275
4. Complexity	4-3	150
5. Scope and Effect	5-3	150
6 & 7 Personal Contacts and Purpose of Contacts	6-2 7-C	145
8. Physical Demands	8-2	20
9. Work Environment	9-2	<u>20</u>
<i>Total Points</i>		2,460

The total of 2,460 points falls within the GS-11 range (2,355 – 2,750) on the PCS's grade conversion table.

**Decision**

The appellant's position is properly classified as an Environmental Protection Specialist, GS-028-11.