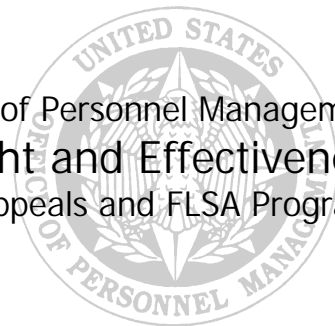


U.S. Office of Personnel Management  
Office of Merit Systems Oversight and Effectiveness  
Classification Appeals and FLSA Programs



Atlanta Oversight Division  
75 Spring Street, SW., Room 972  
Atlanta, GA 30303

**Classification Appeal Decision**  
**Under Section 5112 of Title 5, United States Code**

**Appellant:** [Appellant]

**Agency classification:** Biologist  
GS-401-13

**Organization:** Forest Service  
U. S. Department of Agriculture

**OPM decision:** GS-401-13  
(Title to be determined by the agency.)

**OPM decision number:** C-0401-13-02

/s/

\_\_\_\_\_  
Kathy W. Day  
Classification Appeals Officer

August 22, 2000

\_\_\_\_\_  
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]

[Human Resources Group Leader]

Ms. Donna D. Beecher  
USDA-OHRM-OD  
U. S. Department of Agriculture  
J. L. Whitten Building, Room 402W  
1400 Independence Avenue, SW.  
Washington, DC 20250

## **Introduction**

On March 31, 2000, the Atlanta Oversight Division, U. S. Office of Personnel Management (OPM), accepted a classification appeal for the position of Biologist, GS-401-13, [organization], Forest Service, U. S. Department of Agriculture (USDA), [location]. The appellant believes the position should be classified at the GS-14 level and asks that OPM determine the proper series.

The appeal has been accepted and processed under section 5112(b) of title 5, United States Code (U.S.C.). This is the final administrative decision on the classification of the position subject to discretionary review only under the limited conditions and time outlined in part 511, subpart F, of title 5, Code of Federal Regulations.

## **General issues**

The appellant's position was previously classified as a Research Ecologist, GS-408-13. The position description was rewritten in April 1999 and reclassified in February 2000, as Biologist, GS-401-13. The appellant makes various statements about the agency purposely delaying the reclassification of his position. He wants OPM to determine whether the agency followed appropriate personnel procedures in addition to deciding the proper series and grade.

In adjudicating this appeal, our only concern is to make our own independent decision on the proper classification of the appellant's position. By law, we must make that decision solely by comparing his current duties and responsibilities to OPM standards and guidelines (5 U.S.C. 5106, 5107, and 5112). Therefore, we have considered the appellant's statements only insofar as they are relevant to making that comparison. The classification appeal process does not include a review of agency personnel procedures.

To help decide the appeal, telephone audits of the appellant's position were conducted. The audits included interviews with the appellant, his supervisor, and two of the appellant's peers in the scientific and educational communities (identified by the appellant for contact). In reaching our classification decision, we have reviewed all information of record furnished by the appellant and his agency, including his official position description.

## **Position information**

The appellant is assigned to position description number [#]. The appellant, his supervisor and the agency have certified the accuracy of the position description.

The appellant serves as the senior science and education advisor to the [organizational division] regarding development and integration of natural resource related research and education programs at the [organization]. The mission of the [organizational division] is to manage the natural resources of the [organization] and conduct mission supportive research and education programs. The [organization] is a leader in environmental research and management and is designated a National Environmental Research Park (NERP). The appellant's organization is unique because the Forest Service (FS), under a Memorandum of Understanding with the Department of Energy (DOE), has a role in managing the resources of the [organization]. This requires the appellant to

understand the mission and objectives of both the FS and DOE and interface with each. The appellant provides leadership and guidance in the development of technology and information needed to address environmental compliance and NERP support. Approximately 70 percent of his duties and responsibilities involve research programs and 30 percent involve education programs. He plans, designs, directs and coordinates a broad program in research, technology transfer, and information development to assess and to provide alternatives to modify the environmental, ecological, economic and productivity impacts to [organization] natural resources. The appellant administers a broad range of science and research initiatives relating to endangered species, biodiversity, wetlands restoration and banking, forest operations, short rotation woody crops, and phyto-remediation of wastes.

He formulates long-range research and management plans and establishes policy for research and education management. The appellant monitors [DOE] funded science and education program quality, performance, and reporting and is responsible for providing support (site use, permits, infrastructure, etc.) to other organizations in initiating joint projects that are funded by external grants. He works with [DOE], national science organizations, and partnering organizations to establish technical direction and review for programs. He reviews, revises and approves research and educational projects and ensures that projects are consistent with [DOE] policy and directives, as well as Federal laws and regulations. He establishes a system to evaluate and monitor progress, determines need for changes, and allocates resources.

He plans, designs, directs, and coordinates a broad program of education at the post-doctoral, graduate, undergraduate, and third through twelfth grades to meet the research, science, math and engineering educational objectives of the [DOE] and USDA. His role is to identify priorities and provide technical advice, oversight, and administrative supervision. He is the liaison with the cooperating universities conducting the educational programs.

The appellant receives broad administrative supervision from the Institute Manager. He is responsible for making decisions regarding direction of programs, scope of proposals, technical quality, allocation of resources, consideration of financial constraints, and implementation of projects. However, according to the supervisor, the appellant's projects are subject to overview and final approval of the supervisor. The supervisor states that he provides more oversight than the appellant had under his previous supervisor because there is a need for a more integrated approach to projects and budget considerations. The review and oversight is primarily for conformance to overall policies and administrative controls. The appellant's analyses and recommendations are relied upon as technically correct.

### **Series determination**

The agency determined that the position is an interdisciplinary professional position involving duties and responsibilities closely related to more than one professional occupation. We agree. The nature of the work is such that a person with education and experience in the biological or physical sciences or ecology would be considered equally well-qualified. In the case of an interdisciplinary position, the final classification of the position is determined by the qualifications

of the person selected to fill it. The appellant's education is in the fields of Forest Science, Botany, Tree Physiology, and Soil and Nutrition. The GS-401, General Biological Sciences Series, includes professional work in biology, agriculture, or related natural resource management and is appropriate for use when several professional fields are involved with no one predominating. The agency determined that the GS-401 series was appropriate for the appellant's position, and we agree.

### **Title determination**

As discussed in the Handbook of Occupational Groups and Series (dated February 1998), the GS-401 series includes positions which involve professional work in biology, agriculture, or related natural resource management when there is no other more appropriate series. The standard prescribes no titles for positions in this series. Therefore, the appellant's agency may choose the official title for his position following the titling guidance in the Introduction to the Position Classification Standards.

### **Standard determination**

There are no published grade evaluation criteria for positions classified in the GS-401 series. In such cases, an appropriate general classification guide or criteria in a standard or standards for related kinds of work should be used. In using other standards, the criteria selected as the basis for comparison should be for a kind of work as similar as possible to the position to be evaluated with respect to the kind of work processes, functions, or subject matter of work performed; the qualifications required to do the work; the level of difficulty and responsibility; and the combination of classification factors which have the greatest influence on the grade level. We find that given the nature of the appellant's work, his position is best evaluated by cross reference to the grade level criteria in the Research Grants Grade-Evaluation Guide, dated April 1968, and the Grade Level Guide for Instructional Work, dated March 1989.

### **Grade determination**

## **RESEARCH PROGRAM**

The Research Grants Grade-Evaluation Guide provides criteria for evaluating the grade level of professional and scientific positions primarily concerned with the analysis, evaluation, planning, organizing, coordination, and approval of scientific research programs and projects. Two factors are used to evaluate the grade level: *Assignment characteristics* and *Level of responsibility*.

### *Assignment characteristics*

At the GS-13 level, scientists serve as staff specialists for a significant segment of a program area. They provide technical guidance to the scientific community in planning, coordinating, and evaluating proposed research projects and programs of interest to the agency. GS-13 scientists judge the relative value of research being proposed or continued against specific goals. At this

level, the scientist's knowledge about the field is that of one who is recognized as a competent researcher. Projects vary from actions to expand a specific area of knowledge one stage further, to complex theoretical investigations that will uncover new frontiers of knowledge. The scientist must have a deep subject-matter knowledge, the ability to recognize essential characteristics of a proposed research project, and the ability to evaluate the significance of its objectives to the agency's mission. Assignments at this level require that technical judgments be made about various intangible and complex issues such as the validity of unusual approaches; the competence of the researcher; the likelihood of achieving objectives; and the relative value of current or proposed research to specific agency programs and objectives. GS-13 scientists ensure that data and justifications are adequate for determining whether the project should be funded and with what priority in view of ongoing projects and other proposals being considered. In their review and evaluation of research progress, GS-13 scientists evaluate significant changes from the original approach and methods contemplated and the effect they may have on the research program of the agency, as well as on the project itself. They discuss the proposed changes with the grantee or contractor, suggest effective modifications, and recommend action by the funding agency.

GS-14 scientists serve as staff specialists responsible for providing technical leadership and guidance in a major subject-matter, functional, or program area. Assignments at this level have a broader scope of responsibility than at the GS-13 level and require an intensive subject-matter knowledge and significant leadership qualities. They function in a lead role for their agency in seeking a balanced research endeavor and in stimulating change along particular lines. Their activities have a major impact on the direction of the agency's research program and on that of the research community itself in the assigned area. They formulate the program needs for the agency in their area and evaluate the significance of trends and emerging fields. They also assess the adequacy of research competency in the field to achieve a quality and quantity of research to meet the agency's missions and objectives. The GS-14 scientists serve on ad hoc or permanent committees to evaluate research proposals, to assess the scientific quality and validity of ongoing research and to plan future approaches and emphases. They evaluate the seriousness of problems and difficulties in achieving program objectives and in advancing the state of the art. They initiate action among a variety of interests to stimulate new thinking or redirection of research efforts, and they evaluate the significance of research results and assure that proper emphasis is given to critical and far-reaching research through articles, symposia and other activities which will disseminate vital data and their significance to other researchers.

The appellant's assignments are comparable to the GS-13 level. He is responsible for providing technical leadership and guidance for a program of science and research, technology transfer, and information development relating to such areas as endangered species, biodiversity, wetlands restoration and banking, short rotation woody crops, and phyto-remediation of wastes. According to the supervisor, the appellant develops collaborations with scientists from various organizations including universities, national scientific organizations, private industry and other Federal agencies. He must be aware of current research and trends and is expected to bring together scientists who can further and learn from each other's efforts. The supervisor also stated that a portion of the research managed by the appellant has far-reaching, national impact, e.g., the short rotation woody crop research and the phyto-remediation work. The appellant is responsible for

providing the leadership and direction to ensure research projects will be useful to the FS and [DOE], and that FS and [DOE] goals and objectives are considered and balanced with regional and national benefits. According to one university scientist he works with, the appellant is an idea generator; however, the hypotheses primarily come from the field scientists. The appellant plays a major role in shaping the ideas and his input is critical in the final experimental design. He evaluates the progress and potential success of research projects and determines if and when research should be changed or stopped. He also ensures that significant research results are published.

While the appellant appears to function in a manner similar to the GS-14 level, the intent of this level is not fully met. At the GS-14 level, the scientist has a lead role in determining the research priorities for the agency as a whole and in changing or redirecting the research along particular lines. The GS-14 scientist is concerned with advancing the state of the art and initiating action among a variety of governmental and nongovernmental interests to stimulate new thinking or redirect the research efforts. The appellant is responsible for evaluating the various research projects and recommending the amount and kind of support to be given to individual projects. Although he brings various groups together who are working on similar projects or whose projects can complement or add to one another, he is not responsible for redirecting the research efforts of these various entities.

The appellant's assignments do not fully meet the intent of the GS-14 level and are creditable at the GS-13 level.

#### *Level of responsibility*

At the GS-13 level, scientists work under a higher level scientist knowledgeable in the general field. Assignments are given in broadly stated terms, and the work is performed with a marked degree of professional independence and technical authority. They are responsible for seeking out and pinpointing research needs in their area of assignment. Recommendations are reviewed, in general, for conformance to agency policy and practices mainly with regard to scientific and program justifications and needs. GS-13 scientists represent the agency in interpreting and applying established policies, procedures and practices to the specific research efforts under discussion. They may work with a permanent or ad hoc committee of specialists in the subject-matter field as participating members of the committee or as scientific staff members who obtain specialized advice and consultation from research scientists throughout the scientific community. They are expected to be familiar with principle researchers in the subject-matter area and to be able to draw upon them for advice and assistance. Scientists at this level are qualified to speak and deal reasonably concerning technical matters in their subject-matter area and are consulted by their colleagues in matters concerning the status and support of research in their field.

At the GS-14 level, scientists are responsible for providing an integrated and responsive agency effort for a research program or area. They receive little or no technical guidance or direction from superiors other than that provided by agency policies, practices, and funding levels. Typically, scientists at this level establish criteria and standards for others to follow in planning,

reviewing, and evaluating research projects. The nature of such assignments requires a broad expanse of contacts with the scientific community involving substantial and fundamental issues in the given field. Since GS-14 level scientists speak for the agency, the technical advice and consultation they provide to researchers, consultants, program officials and others is rarely subject to technical review. Supervisory control is primarily administrative and concerns such matters as approval for overall funding levels and priorities assigned to research efforts, initiating new programs, and changing objectives of research efforts which have an important impact on major programs. Decisions relative to nonfunding and nonsupport of research efforts are frequently not reviewed unless the subject is quite controversial.

The appellant's responsibilities exceed the GS-13 level but do not fully meet the GS-14 level. He is responsible for developing and managing the natural resource related research for the [organizational division]. This includes supporting compliance with Federal and state laws and DOE policies and directives and developing a national corporate image for environmental research as a NERP. He works with DOE to develop a broad scope of what will be studied and receives guidance only in the form of policies, general program objectives and overall funding levels. He develops partnerships with other Federal agencies, state agencies, private industry, 35 or more cooperating universities, and non-governmental groups. The appellant collaborates with the scientists from these various locations to develop hypotheses and address the scientific question(s) and methodologies. He reviews projects, ensures accountability, decides to make adjustments in funding levels, and can halt research projects if necessary. He receives no technical supervision from his supervisor, and advice and information he provides to other agencies, industries, universities and the scientific community is considered technically accurate and is seldom reviewed. The appellant's supervisor retains authority to approve final funding levels and program priorities but normally relies on the recommendations of the appellant. The appellant stated that because of the broad scope of his work, he cannot be fully knowledgeable of all methodologies and techniques. He works closely with other scientists to determine hypotheses and scientific questions and to ensure research is achieving the desired objective. This falls short of the GS-14 level where the scientist is fully responsible for developing the criteria and standards for the scientific community involving substantial and fundamental issues.

The appellant's assignments do not fully meet the intent of the GS-14 level and are creditable at the GS-13 level.

Both the *Assignment characteristics* and *Level of responsibility* are credited at the GS-13 level.

## **EDUCATION PROGRAM**

The Grade Level Guide for Instructional Work provides general criteria for determining the grade level of instructional specialist work. This includes work such as ascertaining needs for training and education; determining the objectives and scope of courses, the subjects to be covered, and the criteria for evaluation; developing, revising, or adapting courses; or evaluating educational programs and recommending changes and improvements. Two factors are used to evaluate the grade level: *Nature of assignment* and *Level of responsibility*.



### *Nature of assignment*

At the GS-12 level, instructional specialists oversee a broad specialty area or subject-matter field. They deal with controversial, unconventional, or novel situations which require extension or adaptation of available guides.

At the GS-13 level, the instructional specialist serves as authoritative consultant and troubleshooter. Assignments involve program innovations and require the employee to resolve matters which are often controversial, complicated, or set general precedent and affect fundamental policy issues in the subject-matter field. The instructional specialist at this level typically develops and applies new program methods, approaches, and technology.

The appellant's assignments are comparable to the GS-12 level. He plans, directs and coordinates a broad program of onsite field education at the post-doctoral, graduate, undergraduate, and third through twelfth grade levels. He works closely with the host university to develop goals and objectives for the program which serves 26 member institutions and includes 15,000 student visits each year. Although there is an advisory board to provide academic review, the appellant is responsible for ensuring that appropriate educational standards and objectives of the member institutions, as well as DOE standards and objectives are being met. He established the program with assistance from the university. The guidance from DOE is broad and limited, and FS is carrying out the educational program under "pass through" authority.

The appellant's assignments do not meet the GS-13 level. Although the appellant resolves problems associated with the program, the problems he deals with are not typically considered controversial or complicated. He is not responsible for developing new instructional methods, approaches and technology.

### *Level of responsibility*

At the GS-12 level, assignments may be made on a project or continuing basis; or they may be self-initiated based on apparent need. Employees are relied upon to take actions that are technically sound and valid. Supervisory review is in terms of general effectiveness and consistency with agency policies and program objectives.

At the GS-13 level, work is reviewed for accomplishment of project and program objectives, consistency with agency policies and goals, and for the quality of contributions. Work may radically change training content, techniques, and methods used in specific training areas.

Like the GS-12 level, the appellant's program is a continuing program. He consults with the host university to determine goals and objectives, scope of activities, whether curricula needs changing, etc. The appellant is responsible for directing and planning the educational program. The supervisor expects the appellant to make technically sound decisions and provides only general review.

The appellant does not fully meet the GS-13 level. Although his work is reviewed in a manner similar to that described, he does not make the kind of radical changes to content, techniques or methods necessary to credit the GS-13 level.

The appellant's educational responsibilities equate to the GS-12 level.

### **Summary**

The appellant's research responsibilities account for 70 percent of his time and equate to the GS-13 level. His educational responsibilities account for 30 percent of his time and equate to the GS-12 level.

### **Decision**

The appellant's position is correctly classified as GS-401-13, with the title to be determined by the agency.