

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

San Francisco Oversight Division
120 Howard Street, Room 760
San Francisco, CA 94105-0001

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

Appellant: [Name of appellant]

Agency classification: Natural Resource Manager
GS-401-14

Organization: [Appellant's organization/location]
Natural Resources Conservation Service
U.S. Department of Agriculture

OPM decision: GS-401-14
(title at agency discretion)

OPM decision number: C-0401-14-01

Carlos A. Torrico
Classification Appeals Officer

February 1, 2002
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: [Appellant's address]

Agency: [Appellant's servicing human resources office]
National Resources Conservation Service
U.S. Department of Agriculture

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Introduction

On July 2, 2001, the San Francisco Oversight Division of the U.S. Office of Personnel Management (OPM) accepted a classification appeal from [the appellant]. On August 13, 2001, the Division received the agency's administrative report concerning [the appellant's] appeal. His position is currently classified as Natural Resource Manager (State Conservationist), GS-401-14. However, he believes his position should be classified as Natural Resource Manager (State Conservationist), GS-401-15. Prior to appealing to OPM, [the appellant] filed a classification appeal with the U.S. Department of Agriculture. In a letter to him dated January 18, 2001, the agency sustained the current classification. The appellant works in the [appellant's organization/location] [name of state] Conservationist's Office, Natural Resources Conservation Service (NRCS), U.S. Department of Agriculture (USDA). We have accepted and decided his appeal under section 5112 of title 5, United States Code (U.S.C.)

General issues

This appeal decision is based on a careful review of all information furnished by the appellant and his agency. In addition, to help decide the appeal an Oversight Division representative conducted separate telephone interviews with the appellant and his supervisor. Both the appellant and his supervisor do not believe that the appellant's official position description (PD) [number] accurately reflects his duties and responsibilities. They have been unable to resolve the issue within the NRCS. In such cases it is OPM policy to decide the appeal based on the actual duties assigned by management and performed by the appellant.

The appellant compares his position to other higher graded state conservationist positions in the bureau, and makes various statements about his agency and its evaluation of his position. In adjudicating this appeal, our only concern is to make our own independent decision on the proper classification of his position. By law, we must classify positions solely by comparing their current duties and responsibilities to OPM standards and guidelines (5 U.S.C. 5106, 5107, and 5112). Since comparison to standards is the exclusive method for classifying positions, we cannot compare the appellant's position to others as a basis for deciding his appeal, and have considered his statements only insofar as they are relevant to making that comparison.

Position information

The appellant serves as the Natural Resource Manager (State Conservationist), in the State Conservationist's Office. He is responsible for implementing comprehensive soil, water, and other resource conservation, development, and partnership programs in [name of state] and the counties of [names of counties in another state]. The appellant leads, manages, and directs all administrative and technical functions involved in planning, organizing, and implementing these programs.

The appellant spends all his time performing supervisory work and related managerial responsibilities. His major duties include establishing state conservation policy, standards and procedures, including implementation of conservation titles in Acts of Congress; establishing and maintaining cooperative working relationships and, at times, agreements with conservation

districts, reservations, councils, academic institutions, government agencies, Congressional delegations, state legislators, mayors, media, and other interested groups and individuals; serving as a consultant and advisor to the Chief and Regional Conservationist in the development and improvement of NRCS-wide policies and procedures; serving on various committees established by the Chief and the Secretary of Agriculture; marketing the NRCS and its programs; strategic planning; developing and implementing a quality control program to evaluate program effectiveness; leading special studies to improve operations; evaluating research needs and arranging with Federal and state agencies to conduct and apply the results of necessary research; and ensuring equal opportunity in recruitment, employment, promotion, awards, training, and other personnel activities.

The appellant supervises program managers and technical specialists in the development of soil and water conservation standards and techniques. The following positions report directly to him: (1) Supervisory Soil Scientist (MLRA State Soil Scientist), GS-470-14, (2) Soil Conservationist (Assistant State Conservationist), GS-457-13, (3) Soil Conservationist (State Resource Conservationist), GS-457-13, (4) Civil Engineer (State Conservation Engineer), GS-810-13, (5) Computer Specialist, GS-334-12, and (6) Office Management Assistant, GS-303-08.

The results of our interviews, the appellant's PD, and other material of record, provide more information about the appellant's duties and responsibilities and how they are performed.

Series, title and standard determination

The agency has classified the appellant's position in the General Biological Science Series, GS-401, and neither the appellant nor the agency disagrees. We concur with the agency's series determination. OPM has prescribed no titles for positions in that series. Therefore, according to section III.H.2 of the Introduction to the Position Classification Standards, the agency may choose the official title for the position. In doing so, the agency should follow the titling guidance in that section, particularly as it relates to the substitution of the title "Manager" for the prefix "Supervisory."

There are no grading criteria established for positions classified in the GS-401 series. We have determined that the appellant's position fully meets the coverage requirements for evaluation by the grading criteria in the General Schedule Supervisory Guide (GSSG), reissued in HRCD-7, July 1999, and therefore have applied that guide to his position.

Grade determination

The GSSG employs a factor-point evaluation method that assesses six factors common to all supervisory positions. To grade a position, each factor is evaluated by comparing the position to the factor level definitions for that factor and crediting the points designated for the highest factor level which is met in accordance with the instructions specified to the factor being evaluated. If one level of a factor is exceeded, but the higher level is not met, the lower level is credited. The total points accumulated under all factors are then converted to a grade by using the point-to-grade conversion chart in the GSSG. Each factor is evaluated as follows for the appellant's position.

Factor 1: Program Scope and Effect, Level 1-3, 550 points

This factor assesses the general complexity, breadth and impact of the program areas and work directed, including its organizational and geographic coverage. It also assesses the impact of the work both within and outside the immediate organization. To assign a factor level, the criteria dealing with both scope and effect must be met. The agency evaluated this factor at Level 1-3, but the appellant believes Level 1-4 is warranted.

- a. Scope – This element addresses the general complexity and breadth of (1) the program or program segment directed; and (2) the work directed, the products produced, or the services delivered. The geographic and organizational coverage of the program or program segment within the agency structure is addressed under Scope.

The appellant's position favorably compares to Level 1-3 where the supervisor directs a program segment that performs technical and professional work encompassing, in the appellant's case, an entire state.

The appellant's position does not meet Level 1-4 where the supervisor directs a program segment which involves the development of major aspects of key agency scientific, medical, legal, administrative, regulatory, policy development or comparable, highly technical programs; or that includes major, highly technical operations at the Government's largest, most complex industrial installations.

Unlike Level 1-4, the appellant is not involved in the development of major aspects of the agency's (i.e., USDA) scientific, policy development, or comparable highly technical programs. Moreover, the activities he directs do not involve development of major aspects of his bureau's (i.e., NRCS) scientific programs or policy development.

While certain functions such as the soil survey/range land health inventory "may be used as a model for the nation" and thereby influence bureau wide policies and programs, no activity under the appellant's control actually *develops* any of them. The National Soil Map Finishing Site and the Major Land Resource Area Regional Office programs each cover all or portions of several states, but do not serve a unique bureau wide program or policy-making function. Primarily, the state conservationist office develops conservation policies, procedures and techniques for a limited geographic area - a state and two counties. The appellant's *personal* role as one of fifty state conservationists and thereby advisor to the chief conservationist, and as a leading participant on bureau committees, does not constitute involvement in major aspects of policy development. With forty-nine other state conservationists, the appellant shares the authority to *implement* bureauwide programs and policies developed at higher levels within the bureau.

- b. Effect – This addresses the impact of the work, the products and/or the programs described under "Scope" on the mission and programs of the customer, the activity, other activities in or out of government, the agency, other agencies, the general public, or others.

The appellant's position meets the intent of Level 1-3. His program segment directly and significantly impacts the work of other agencies and the operations of outside interests. He coordinates his programs, including conservation planning and application activities, with the Department of Defense, other agencies such as the Environmental Protection Agency, and other bureaus within the Departments of Agriculture and Interior. He furnishes a significant portion of the bureau's line programs to a moderate-sized population of clients equivalent to a group of citizens or businesses in several rural counties.

The position falls short of Level 1-4 where the program segment directed impacts an agency's headquarters operations, several bureau wide programs, or facilitates the agency's accomplishment of its primary mission or programs of national significance; or impacts large segments of the nation's population or segments of one or a few large industries; or receives frequent or continuing congressional or media attention.

Unlike Level 1-4, his program segment does not affect agency headquarters operations. While the potential exists for his program activities to influence bureau-wide programs and field establishments by being models, they do not do so on a regular and recurring basis. Although important to the *bureau's* primary mission of conserving natural resources, the work directed does not facilitate the *agency's* primary mission or programs of national significance. His program activities do not impact large segments of the nation's population or segments of any large industry. Areas beyond the state of [names of states] counties are not covered by all programs directed by the appellant, and these areas—*portions* of several other states—do not equate to numerous states. Finally, congressional and media attention is not frequent or continuous.

Both Scope and Effect are evaluated at Level 1-3; therefore, this factor is evaluated at Level 1-3 and 550 points are credited.

Factor 2: Organizational Setting, Level 2-3, 350 points

The appellant reports directly to the regional conservationist, a Senior Executive Service (SES) position. This is consistent with Level 2-3, in that the appellant is directly accountable to an SES position. Neither the appellant nor the agency disagrees. Level 2-3 is assigned and 350 points credited.

Factor 3: Supervisory and Managerial Authority Exercised, Level 3-3, 775 points

This factor covers the delegated supervisory and managerial authorities that are exercised on a recurring basis. To be credited with a level under this factor, a position must meet the authorities and responsibilities to the extent described for the specific level. The agency awarded Level 3-3, but the appellant believes his position meets Level 3-4.

To be awarded Factor Level 3-3, a position must meet either Level 3-3a or 3-3b. We find that the appellant's position meets Level 3-3b in that he exercises nearly all of the delegated supervisory authorities and responsibilities described at Level 3-2c of Factor 3 and, in addition, at least eight of the authorities listed under Level 3-3b.

To meet Factor Level 3-4, a position must first meet *both* Levels 3-3a and b of Factor Level 3-3, and meet the criteria in either paragraph a or b of Factor Level 3-4. The appellant believes his position meets Level 3-4a and Level 3-4b, and, therefore, Factor Level 3-4.

The appellant's position does not meet *all* of the criteria of Factor Level 3-3 because it does not fully meet Level 3-3a. Level 3-3a entails *close* involvement with high-level program officials (or comparable agency level staff personnel) in the development of overall goals and objectives related to high levels of program management and development or formulation. At this level, a position is involved in making decisions related to determining goals and objectives needing additional emphasis, how best to resolve budget shortages, and planning for long range staffing needs. The appellant's position does not meet Level 3-3a in that he is not regularly involved with high level program officials in the development of overall program goals and objectives. While we recognize that he serves with other state conservationists on a committee that consults with the chief conservationist, this contact does not entail addressing overall bureau program goals and objectives envisioned at Level 3-3a. Additionally, the appellant has no independent authority to make the types of bureau or agency wide managerial decisions described at that level.

Even if Level 3-3a were met and Factor Level 3-4 could be considered, Level 3-4 would not be met because neither Level 3-4a nor Level 3-4b are met. The intent of Level 3-4a is to credit a position *responsible* for overseeing the overall planning, direction, and timely execution of a program, several program segments, or comparable staff functions, including development, assignment, and higher level clearance of goals and objectives for supervisors or managers of subordinate organizational units or lower organizational levels. Managers at this level approve multi year and longer range work plans developed by supervisors or managers of subordinate organizational units, and they manage the development of policy changes in response to changes in levels of appropriations or other legislated changes. The appellant is involved in implementing bureau programs, not for overall program management as intended under Level 3-4a. The record indicates that responsibility for bureau programs rests with higher level officials, i.e., the bureau leadership team consisting of the chief conservationist, associate chief conservationist, deputy chief conservationists, and regional conservationists. Further, responsibility for *agency* programs rests with high level officials within the *agency*. At the program level, these officials manage the development of policy changes in response to changes in levels of appropriations or other legislated changes.

At Level 3-4b, a position exercises final authority for the full range of personnel actions (affecting both supervisory and nonsupervisory employees), and organization design proposals recommended by subordinate supervisors. The appellant's authorities do not exceed those described at Level 3-3b. The final authorities envisioned at Level 3-4b are found at higher organizational levels beyond the state office.

This factor is evaluated at Level 3-3 and 775 points are credited.

Factor 4: Personal Contacts, Levels 4A-3 (75 points) & 4B-3 (100 points)

Factor 4 is divided into two parts: Subfactor 4A, Nature of contacts, and Subfactor 4B, Purpose of contacts. The nature of contacts credited under Subfactor 4A, and the purpose of those contacts credited under Subfactor 4B, must be based on the same contacts.

Subfactor 4A: Nature of contacts. Contacts credited under Subfactor 4A cover the organizational relationships, authority or influence level, setting, and difficulty of preparation associated with making personal contacts involved in supervisory and managerial work. To be credited, the level of contacts must contribute to the successful performance of the work, be a recurring requirement, have a demonstrable impact on the difficulty and responsibility of the position, and require direct contact.

The appellant's position meets Level 4A-3 by having regular and recurring contacts with influential personnel in the bureau, its major organizations, comparable levels in other agencies, public interest groups, city or county media, regional or national public action groups, and state and local government. These contacts normally take place in meetings and conferences and often require extensive preparation of briefing materials or up-to-date technical familiarity with complex subject matter.

The position does not meet Level 4A-4, where there are frequent contacts with regional or national officers of public, trade, or professional organizations of national stature; key staff of congressional committees and principal assistants to senators and representatives; elected or appointed representatives of state and local governments; heads of bureaus *and* higher level organizations in other Federal agencies; or journalists of major metropolitan, regional, or national media. The appellant claims frequent contact with all such officials. However, he does not work, for example, with bureau or agency heads, does not have regular and recurring contact with major media or key congressional staff, or with regional or national officers of public action groups. Unlike Level 4A-4, he neither is required to extemporaneously respond to unexpected or hostile questioning nor prepare extensive briefing materials requiring extensive analytical input by subordinates or the assistance of support staff. Level 4A-4 is the highest level of contacts described in the GSSG and is reserved for employees who regularly engage in the most difficult and demanding contacts required by supervisory and managerial work.

This subfactor is evaluated at Level 4A-3 and 75 points are credited.

Subfactor 4B: Purpose of contacts. Subfactor 4B describes the purpose of the personal contacts credited in Subfactor 4A, including the advisory, representational, negotiating, and commitment making responsibilities related to supervision and management.

The appellant's position meets Level 4B-3, where the purpose of the contacts is to justify, defend, or negotiate in representing the organizational unit directed, in obtaining or committing resources, and in gaining compliance with established policies, regulations, or contracts. Contacts at this level usually involve active participation in various forums involving problems of considerable consequence or importance.

The position does not meet Level 4B-4, where the purpose of the contacts is to influence, motivate, or persuade persons or groups to think and act in ways that advance the fundamental goals and objectives of the program or program segments directed or involve the commitment or distribution of major resources, when intense opposition or resistance is encountered due to significant organizational or philosophical conflict, competing objectives, major resource limitations or reductions, or comparable issues. At this level, the persons contacted are sufficiently fearful, skeptical, or uncooperative that highly developed communication, negotiation, and conflict resolution skills must be used to obtain the desired results. We found no indication that the appellant is regularly faced with such intense opposition or resistance to program goals and activities, and he is not required to apply the degree of communication and conflict resolution skills typical of Level 4B-4 to obtain program results.

This subfactor is evaluated at Level 4B-3 and 100 points are credited.

Factor 5: Difficulty of Typical Work Directed, Level 5-7, 930 points

This factor measures the difficulty and complexity of the basic work most typical of the organization directed. Factor level determination is based on the base level, i.e., highest grade level which reflects this kind of work. Base level determination may be calculated two ways. The first method applies to first-level supervisors, and the second method applies to second-level supervisors or above. The highest result determines the overall base level.

Base level determination for first-level supervisors. Under this method, the base level is the highest grade which best characterizes the nature of the basic (mission oriented) nonsupervisory work performed or overseen by the organization directed; and constitutes 25 percent or more of the workload of the organization. Excluded from workload calculations are positions that primarily support or facilitate the basic work of the unit; any subordinate work that is graded based on criteria in the GSSG, or the General Schedule Leader Grade Evaluation Guide; work that is graded based on an extraordinary degree of independence from supervision; and work for which the supervisor or a subordinate does not have the responsibilities defined under Factor 3 of the GSSG.

Based on our review of the organization chart, position descriptions, employee listings and other information provided by the agency, we have determined that the highest graded nonsupervisory, mission oriented work performed in the appellant's organization, constituting at least 25 percent of the workload, is GS-12. Our calculations indicate that 29.4 percent of the organization's workload is at that grade level. Approximately 6 percent of the organization's workload is at the GS-13 grade level.

The appellant believes that certain GS-12 and 13 subordinates are performing higher-graded work than is credited in the classification of their positions. Specifically, he contends that positions with programmatic or supervisory responsibilities and graded at the GS-12 and GS-13 levels have changed to include substantial non-supervisory work at the GS-13 and GS-14 levels. The appellant bases his belief on additional work he claims these subordinates have absorbed from recently abolished positions in the wake of organizational downsizing. Despite this information, we cannot credit a position for performing work beyond its current classified grade

level, and have no information from the servicing personnel office indicating a change in the classification of the positions. Therefore, we cannot give credit to these positions for work beyond their assigned grade levels.

Base level determination for second-level supervisors and above. The GSSG recognizes that for second (and higher) level supervisors, sometimes heavy supervisory or managerial workload related to work above the base level may be present. In those cases, the GSSG permits using the “highest grade of nonsupervisory work directed which requires at least 50 percent of the duty time of the supervisory position under evaluation” for this factor. The appellant believes the alternative method of base level determination applies to his position, thus resulting in a base level of GS-13. However, this alternative method is not appropriate for and cannot apply to the appellant’s position. It is not appropriate because we find that the workload supervised above the GS-12 base level does not constitute a heavy nonsupervisory workload. Given the level of independence from supervision typical of GS-13 positions, it is doubtful that the appellant would spend at least 50 percent of his duty time solely and directly supervising those employees, who include GS-13 soil conservationists and the state conservation professional engineer. In addition, the assistant state conservationist assists him in managing the organization’s higher graded workload, thus reducing the appellant’s time devoted to supervision.

Summary of Factor 5. The final base level determination is GS-12, based on the method for first-line supervisors. Using the base level to factor level conversion chart in the GSSG, we assign Level 5-7 and credit 930 points.

Factor 6: Other Conditions, Level 6-5, 1225 points

This factor measures the extent to which various conditions contribute to the difficulty and complexity of carrying out supervisory duties, authorities, and responsibilities. To evaluate Factor 6, two steps are used. First the highest level that a position fully meets is initially credited. Then, if the level selected is either 6-1, 6-2, or 6-3, the Special Situations listed after the factor level definitions are considered. If a position meets three or more of the situations, then a single level is to be added to the level selected in Step 1. If the level selected under Step 1 is either 6-4, 6-5, or 6-6, the Special Situations cannot be considered in determining whether a higher factor level is creditable.

The appellant’s position meets Level 6-5a, where supervision requires significant and extensive coordination and integration of a number of important projects or program segments of professional, scientific, technical, or administrative work comparable in difficulty to the GS-12 level (base level). He makes major recommendations in three of the areas listed under Level 6-5a. Because the position meets Level 6-5, the Special Situations cannot be considered.

The appellant’s position does not meet Level 6-6 because it does not meet either of the two options listed under that level. It does not meet Level 6-6a because the appellant does not coordinate and integrate programs comparable in difficulty to the GS-13 or higher level.

It also does not meet Level 6-6b where the position under evaluation manages through subordinate supervisors, and/or contractors who each direct substantial workloads comparable to

the GS-12 or higher level. Based on our review of position listings and organizational charts, each of the appellant's subordinate supervisors does not direct substantial workloads comparable to the GS-12 or higher level. Indeed, most nonsupervisory substantive field work directed by subordinate supervisors is at the GS-11 level or below.

This factor is evaluated at Level 6-5 and 1225 points are assigned.

Summary

In summary, we have evaluated the appellant's position as follows:

<u>Factor</u>	<u>Levels</u>	<u>Points</u>
1	1-3	550
2	2-3	350
3	3-3	775
4A	4A-3	75
4B	4B-3	100
5	5-7	930
6	6-5	<u>1225</u>
Total		4005

A total of 4005 points falls into the GS-14 range (3605-4050) by reference to the point-to-grade conversion chart in the GSSG. Therefore, the position is graded at the GS-14 level.

Decision

The proper series and grade of the appellant's position is GS-401-14. Selection of an appropriate title is at the agency's discretion.