

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

**Appellant:** [Appellant's name]

**Agency classification:** Safety and Occupational Health Manager  
GS-018-12

**Organization:** [Appellant's organization and location]  
Veterans Health Administration  
U.S. Department of Veterans Affairs  
[Location]

**OPM decision:** Safety and Occupational Health Manager  
GS-018-12

**OPM decision number:** C-0018-12-08

[Signature]

---

Robert D. Hendler  
Classification and Pay Claims  
Program Manager  
Merit System Audit and Compliance

5-2-2012

---

Date

As provided in section 511.612 of title 5, Code of Federal Regulations (CFR), this decision constitutes a 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 the *Introduction to the Position Classification Standards (Introduction)*, appendix 4, Section G (address provided in appendix 4, section H).

**Decision sent to:**

[Appellant's Name]

[Appellant's Address]

Human Resources Officer

[Servicing human resources (HR) office]

Veterans Health Administration

U.S. Department of Veterans Affairs

[Address of Appellant's

Servicing HR Office]

[Name of Classification Team Leader]

Classification Team Leader

Veterans Health Administration

[Name of Director]

Director, Compensation and Classification Service (055)

Office of Human Resources Management

Department of Veterans Affairs

[Location]

[Name of HR Specialist]

Human Resources Specialist (Classification)

## **Introduction**

On September 19, 2011, the U.S. Office of Personnel Management's (OPM) Atlanta Oversight office accepted a classification appeal from [Name of appellant]. The appellant's position is currently classified as Safety and Occupational Health Manager, GS-018-12, but he/she believes it should be classified at the GS-14 grade level. The position is located in the Office of the [Name of Serviced Unit], [Location of Serviced Unit], Veterans Health Administration (VHA), U.S. Department of Veterans Affairs (VA), in [Location and State]. We received the agency's administrative report on October 17, 2011. On November 3, 2011, the appeal was transferred to the Dallas Oversight office for adjudication due to program workload considerations. We have accepted and decided this appeal under section 5112 of title 5, United States Code (U.S.C.).

## **Background and general issues**

The appellant occupied a Safety and Occupational Health Manager, GS-018-14, position at another [Serviced Unit]. In July 2010, he/she accepted his/her current position which was, at the time, classified as Safety and Occupational Health Manager, GS-018-13. The appellant and immediate supervisor drafted a new position description (PD) to reflect changes to the position's supervisory duties and inspection work. [Serviced Unit] Consolidated Classification Section reviewed the draft PD. Their November 29, 2010, evaluation statement sustained the position's classification. The appellant filed a classification appeal with the VA's Office of Human Resources Management (OHRM) on April 8, 2011. OHRM's June 29, 2011, decision found the position appropriately classified as Safety and Occupational Health Manager, GS-018-12. The appellant subsequently filed a classification appeal with OPM.

The appellant raises various concerns about the fairness and objectivity of his/her agency's position reviews (e.g., OHRM's written decision is copied directly from an OPM appeal decision). In adjudicating this appeal, our responsibility is to make our own independent decision on the proper classification of the appellant's position. Because our decision sets aside all previous agency decisions, the agency's actions and classification review process are not germane to this decision.

The appellant also said he/she performs duties similar to those he/she previously performed at the GS-14 grade level. 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 the duties performed in his/her previous position, which may or may not have been classified correctly, as a basis for deciding his/her appeal.

Like OPM, the appellant's agency must classify positions based on comparison to OPM's position classification standards (PCS) and guidelines. Under 5 CFR 511.612, agencies are required to review their own classification decisions for identical, similar, or related positions to ensure consistency with OPM certificates. Consequently, the appellant's agency has primary responsibility for ensuring its positions are classified consistently with OPM appeal decisions. If the appellant believes his/her position is classified inconsistently with another, then he/she may pursue this matter by writing to the human resources office of his/her agency's headquarters.

He/she should specify the precise organizational location, series, title, grade, and responsibilities of the positions in question. The agency should explain to him the differences between his/her position and the others, or classify those positions in accordance with this appeal decision.

### **Position information**

The appellant's position is responsible for managing, developing, and overseeing the safety and occupational health (S&OH), industrial hygiene, and environmental hygiene programs for the VA medical centers (VAMC) and other facilities located in the [Serviced Unit], offices outside of [Serviced Unit] authority (e.g., the [Name of Serviced Units], and VA offices and administrations physically located in the [Serviced Unit] (e.g., the [Names of Serviced Units] as part of a memorandum of understanding. The [Serviced Unit] covers approximately 108,957 square miles in eight states, is staffed with over 10,000 employees, and provides services to about 391,181 veteran enrollees. VA facilities in the [Serviced Unit] include 6 VAMCs, 39 community-based outpatient clinics (CBOC); 9 veterans centers; 3 VBA regional offices; and 14 NCA cemeteries. The appellant's position is directly supervised by the [Serviced Unit's] Deputy Network Director (DND) for [Name of Branch] (a Health System Administrator, GS-670-15, position).

The appellant ensures the [Serviced Unit] maintains a safe environment for patients, employees, and visitors by minimizing S&OH hazards for the multi-State, multi-mission organizations (i.e., healthcare, research, cemetery, and business), while complying with the basic program elements for all Federal S&OH programs established by 29 CFR 1960. He/she ensures programs also follow Occupational Safety and Health Administration (OSHA), Environmental Protection Agency (EPA), and other Federal regulations; VA and VHA policies and directives; Executive Orders; and Joint Commission (JC), American National Standards Institute (ANSI), National Fire Protection Association (NFPA), National Institute for Occupational Safety and Health, and other accreditation and regulatory standards.

Briefly, the appellant estimates spending 40 percent of his/her time on preparing, conducting, and reporting on the annual workplace evaluations (AWE) at the [Serviced Unit]'s 6 VAMCs including the [Locations of Serviced Unit's] Healthcare System which consists of the [Locations of Serviced Units] medical centers. He/she conducts AWEs yearly or as needed. The appellant estimates spending 25 percent of his/her time providing technical direction, consultation, and support to [Serviced Unit] facilities. For example, he/she oversees the [Serviced Unit] S&OH, fire protection, and environmental protection programs; provides technical advice to facility staff on S&OH related matters; and supports facility staff in complying with JC and other standards. The appellant also establishes, maintains, and participates in the process for reviewing and investigating the safety concerns of [Serviced Unit] employees. These duties will be discussed in detail later in this decision.

The appellant estimates spending 10 percent of his/her time on special projects and tasks assigned by the DND or Network Director (ND), e.g. providing the [Serviced Unit's] response to safety-related reports from the Government Accountability Office; 15 percent of his/her time on miscellaneous program work, e.g., developing program checklists and aids to enhance the S&OH programs; and 10 percent or less on supervisory responsibilities. The agency submitted an

organizational chart and PDs for the appellant's two subordinate employees, which inaccurately describe the subordinate positions as reporting directly to the DND. However, the DND confirmed the appellant is the immediate supervisor for the two positions including the Green Environmental Management System (GEMS) Coordinator, GS-690-13, position and the currently vacant Emergency Manager, GS-301-13, position. The appellant, a certified industrial hygienist, provides administrative and technical supervision to the GEMS Coordinator, who is responsible for ensuring GEMS program requirements are established, implemented, and periodically reviewed across the [Serviced Unit].

The appellant's PD and other material of record furnish much more information about his/her duties and responsibilities, and how they are performed. The appellant and immediate supervisor certified to the accuracy of the duties described in his/her official PD, number [number]. The PD is adequate for classification purposes and we incorporate it by reference into this decision.

To help decide this appeal, we conducted telephone audits with the appellant on November 14, 2011; November 17, 2011; and December 1, 2011; in addition to follow-up telephone conversations. We conducted telephone interviews with the immediate supervisor on November 28, 2011, and the VHA Program Director for the Occupational Safety and Health Management (OSHM) on April 18, 2012. In reaching our classification decision, we carefully considered all of the information gained from these interviews, as well as the written information furnished by the appellant and his/her agency.

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

The agency assigned the appellant's position to the GS-018 Safety and Occupational Health Management Series and titled it Safety and Occupational Health Manager. The appellant does not disagree and, after careful review of the record, we concur. We applied the grading criteria in the GS-018 PCS.

### **Grade determination**

The GS-018 PCS is written in the Factor Evaluation System (FES) format, under which factor levels and accompanying point values are assigned for each of the nine factors. The total is converted to a grade level by use of the grade conversion table provided in the PCS. Under the FES, each factor-level description demonstrates the minimum characteristics needed to receive credit for the described level. If a position fails to meet the criteria in a factor-level description in any significant aspect, it must be credited at a lower level unless an equally important aspect that meets a higher level balances the deficiency. Conversely, the position may exceed those criteria in some aspects and still not be credited at a higher level.

OHRM credited the appellant's position at Levels 1-7, 2-4, 3-4, 4-4, 5-4, 6-3, 7-3, 8-1, and 9-1. The appellant's initial request includes his/her rationale for crediting the position at Levels 1-8, 2-5, 3-5, 4-5, 5-5, 6-4, 7-4, 8-2, and 9-2. Our evaluation of his/her position follows.

*Factor 1, Knowledge Required by the Position*

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

At Level 1-7, the work requires a comprehensive knowledge of a wide range of safety and occupational health concepts, principles, practices, laws, and regulations applicable to the performance of complex administrative responsibilities which require the planning, organizing, directing, operating, and evaluating of a safety and occupational health program. Alternatively, this level requires comprehensive knowledge of regulations, standards, procedures, methods, and techniques applicable to a broad range of safety and occupational health duties in one or more specific areas of safety and occupational health. Specialists and managers at this level must have knowledge and skill sufficient to manage a safety and occupational health program with diverse but recognized hazards, achieving compliance with regulatory provisions and effectively communicating multiple safety and occupational health practices and procedures to staff and line personnel, and to modify or significantly depart from standard techniques in devising specialized operating practices concerned with accomplishing project safety and occupational health objectives.

In addition to the knowledge and skills required at Level 1-7, work at Level 1-8 requires expert knowledge of safety and occupational health concepts, principles, laws, regulations, and precedent decisions which provide the capability to recommend substantive program changes or alternative new courses of managerial action requiring the extension and modification of existing safety and occupational health management techniques critical to the resolution of safety and occupational health management problems. Alternatively, Level 1-8 employees require knowledge sufficient to serve as a technical authority and make significant, far-reaching decisions or recommendations in the development, interpretation, or application of the principal agency safety and occupational health policies or critical criteria. Illustrations of such work in the PCS include applying expert knowledge of special hazards (e.g., ballistic missile research) and recommending control measures devised through extension of present guidelines or analysis of new safety procedures, applying expert knowledge of special analytical techniques (e.g., fault tree analysis and risk tree analysis) sufficient to identify high safety risks to military flight and supporting ground systems of a major military command and recommend program changes affecting the testing, maintenance, and operation of these systems; knowledge sufficient to manage a program in a worldwide setting for military explosives and hazardous materials (munition, chemical, and radiological substances) develop and apply safety policies, controlling their use, storage, handling and transportation, and authorize exemption from critical explosive requirements; knowledge sufficient to manage the safety and occupational health program of a major industrial operation requiring the development and application of technical standards to major industrial operations (e.g., at shipyards or airfields); and knowledge sufficient to develop and recommend to the agency administrator critical programs that: (1) require modification of known safety and occupational health techniques; and (2) are applicable to an extensive range of health care operations and highly hazardous health research activities.

The appellant's position meets Level 1-7. He/she is responsible for integrating and managing the [Serviced Unit] S&OH program and facilitating the broad range of health safety activities at worksites involving, e.g., material handling, electrical, fire prevention and emergency plans, fire alert/suppression systems, safety awareness, life safety, ergonomics, and air quality issues. The appellant oversees and advises the [Serviced Unit] worksites including six VAMCs. Each VAMC is staffed with S&OH personnel responsible for the day-to-day task of administering the S&OH activities such as developing procedures meeting VHA Directive 7701 requirements and conducting surveys and inspections as required by JC and other accreditation and regulatory bodies. The appellant reviews reports of findings from VAMC S&OH staff and from JC, EPA, OSHA, Commission on Accreditation of Rehabilitation Facilities (CARF), or other external program review organizations. Similar to Level 1-7, his/her work requires comprehensive knowledge of the techniques and procedures applicable to facility safety, industrial and environmental hygiene, and fire protection sufficient to resolve complex problems and to develop guidelines or techniques to control carcinogenic, chemical, biological, or ergonomic risks and hazards identified through survey findings. The appellant's work requires knowledge of the JC, EPA, OSHA, CARF, and other regulatory standards, in addition to expert knowledge of S&OH management concepts, principles, practices and procedures, laws, regulations, and precedent decisions to effectively advise facility staff; prepare VAMC staff for JC and other surveys; and develop [Serviced Unit] policies, directives, and plans (through adoption of VA, regulatory and accrediting organizations, and State and local guidelines and policies), which are reviewed by OSHM.

Similar to Level 1-7, the appellant applies an extensive knowledge of the organization's mission, functions, and programs when adapting S&OH regulatory requirements to meet the needs of a facility. His/her AWE work requires documenting the results in a report to VAMC management officials, explaining his/her findings and the corresponding corrective actions or recommendations for preventing or abating hazards. The appellant also investigates employee complaints not resolved locally by studying the problem, identifying causes, and determining the degree of compliance with regulations and standards. As at Level 1-7, he/she implements changes and modifications to work processes, operation of equipment, or protective devices to minimize hazards when possible. The appellant also evaluates variance requests from [Serviced Unit] facilities on S&OH, industrial hygiene, emergency preparedness, and fire protection matters, determining whether the proposed variance to standards meet the intent of agency and JC requirements. This work is comparable to the Level 1-7 description of work requiring modifying standard techniques to devise specialized operating practices.

The appellant said his/her position meets Level 1-8, as his/her work contributes significant decisions or recommendations towards the development, interpretation, or application of VA-wide S&OH directives. He/she is considered a local expert because of his/her knowledge and experience, as evidenced by his/her contributing to requests for comments on criteria distributed to managers of affected S&OH programs; providing technical advice to his/her counterparts at other [Serviced Units]; and participating in various advisory groups and committees. For example, the appellant participated in a team of 15 to revise the VHA Industrial Hygiene Guidebook. His/her guidebook work required researching existing literature and publications on his/her assigned pesticide topic and drafting the informational chapter, which was then reviewed and revised as a team along with other guidebook chapters. However, his/her PD and our

interviews confirm the position, independent of the guidebook team or other provisional advisory groups, is not vested with responsibility for making the significant, far-reaching decisions or recommendations on agency-wide programs described at Level 1-8. Instead, the OSHM is responsible for developing and issuing the important, far-reaching decisions on agency-wide S&OH policies and directives.

In contrast, the appellant is not required to apply his/her knowledge to the type of activities described at Level 1-8. VAMC facilities are responsible for developing and implementing written plans outlining the storage of hazardous chemicals and other aspects of the safety program functions in order to reduce potential risks through planning, training, and ongoing monitoring. Typical of Level 1-7, the appellant evaluates, approves, and advises staff on the implementation of local directives. He/she also conducts annual assessments and evaluations on the effectiveness of the VAMC's safety program and compliance with established safety regulations, codes, and local plans; corrects program deficiencies; reviews accident and injury statistical data to identify sources of potential problems and recommends alternative actions; and provides guidance and instructions to managers and employees on storing, handling, and disposing of hazardous chemicals and other S&OH matters. The appellant also develops tools to aid facilities in complying with VHA and VA, OSHA, EPA, and other requirements. For example, he/she created checklists for VAMC staff to use when conducting local program reviews on hearing conservation, asbestos, blood borne pathogens exposure control, confined spaces, ethylene oxide, hazardous drugs, respiratory protection, infectious waste management, laboratory chemical hygiene, research chemicals, waste management, and underground storage tanks. The appellant's scope of responsibility involves the abatement or elimination of significant potential hazards but those hazards are largely known and identifiable, falling short of the special hazards, high-risk activities equivalent to the ballistic missile research illustration or the other illustrations described at Level 1-8.

Level 1-7 is credited for 1,250 points.

### *Factor 2, Supervisory Controls*

This factor covers the nature and extent of direct and indirect controls exercised by the supervisor, the employee's responsibility, and the degree to which work is reviewed by the supervisor.

At Level 2-4, the supervisor sets the overall safety and occupational health objectives and management resources available to achieve the expected results. Program or specialized requirements and time constraints typically are developed in consultation with the supervisor. At this level, the employee typically has responsibility for independently planning and carrying out a safety and occupational health program or a significant assignment and resolving most conflicts and hazardous situations. Work is coordinated with principal organizational representatives, and initiative must be taken to interpret safety and occupational health policy, standards, and regulations in terms of established objectives. The course of action to be taken or methods and techniques to be applied may also be determined by the employee. The supervisor is kept informed of progress, potentially controversial safety and occupational health matters, or far-reaching implications. Completed work such as reports of program accomplishments are



reviewed only from an overall standpoint in terms of compatibility with other activities, or effectiveness in meeting safety and occupational health objectives.

At Level 2-5, the supervisor provides administrative direction with assignments in terms of broadly defined safety and occupational health mission or functional goals. The safety and occupational health manager independently plans, designs, and carries out programs within the framework of applicable laws. As the safety and occupational health manager at this level typically provides technical leadership, work results are considered as authoritative and are normally accepted without significant change. If the work is reviewed, the review usually is focused on such matters as fulfillment of program objectives, effect of advice, or the contribution to the advancement of safety and occupational health management. Recommendations for changes in program direction or the initiation of new safety and occupational health management projects are usually evaluated for such consideration as availability of funds and other resources, relationship to broad program goals, or national priorities.

The appellant's position meets Level 2-4. Similar to this level, he/she determines the [Serviced Unit's] annual operating plans (e.g., schedules, inspections, and training), goals, and deadlines in consultation with the DND, who sets the overall program resources and objectives. The appellant occasionally performs special assignments at the request and direction of the ND or DND, but he/she is typically responsible for all other aspects of the [Serviced Unit's] S&OH program. This entails independently interpreting S&OH policy, standards, and regulations in terms of established objectives; preparing for, conducting, and reporting on AWEs; assisting or managing potentially hazardous and unsafe conditions at worksites; and determining the course of action to be taken or safety methods and techniques to be applied in the wide variety of situations encountered in the healthcare, research, business, and cemetery settings. As at Level 2-4, the DND reviews his/her work products (e.g., AWE reports and [Serviced Unit] directives and plans) from the standpoint of the benefits to the worksites, as well as the effectiveness in meeting S&OH objectives.

The appellant's position does not meet Level 2-5. He/she provides program updates and status to the DND on a monthly basis or as needed such as when regulatory agencies conduct visits at [Serviced Unit] worksites, media events occur, or workplace-related deaths occur. The DND participates in the National Leadership Board, a quarterly forum for developing and disseminating information on organizational performance policies, strategies, and oversight. The DND shares the Board's key S&OH related issues, tasks, and projects with the appellant. Although independently planning and carrying out assignments, he/she performs work within existing program requirements established by [Serviced Unit] management and/or directives from VA and VHA that are more definitive than the broad statutory framework expected at Level 2-5. The appellant's other work includes completing AWEs, investigating employee complaints, and providing technical advice to facility staff. This work does not involve initiating major new projects of such magnitude as to be considered for its potential impact on national, rather than [Serviced Unit], priorities and funding availability as expected at Level 2-5.

Level 2-4 is credited for 450 points.

*Factor 3, Guidelines*

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

At Level 3-4, available guidelines tend to lack specificity for many applications such as departmental or agency policies, recent developmental results, and findings and approaches of nationally recognized safety and occupational health organizations. These guidelines are also often insufficient to resolve highly complex or unusual work problems such as determining the potential hazard of detonating various experimental explosive devices in a research and development environment. The safety and occupational health manager or specialist must modify and extend accepted principles and practices in the development of solutions to problems where available precedents are not directly applicable. Experienced judgment and initiative are required to evaluate new trends for policy development or for further inquiry and study leading to new methods for eliminating or controlling serious hazards to life and property.

At Level 3-5, work is performed chiefly under basic legislation, agency policies, and mission statements requiring extensive interpretation and ingenuity for adaptation. As a technical authority, the safety and occupational health manager develops new approaches and concepts where precedent does not exist, as well as nationwide standards, procedures, and instructions to guide operating safety and occupational health personnel.

The appellant's position meets Level 3-4. Similar to this level, his/her guidelines tend to lack specificity for many applications and are often insufficient to resolve unusual work problems. The appellant modifies and extends accepted principles and practices in developing solutions to problems for which precedents are not directly applicable. For example, he/she reviews and makes recommendations on requests from [Serviced Unit] facilities for variances from agency S&OH standards, forwarding recommendations for the review and approval of the ND, the authority with jurisdiction when requests originate from the CBOC or an equivalent-level site, or the OSHM office when requests originate from the VAMCs. He/she also evaluates a wide variety of hazardous operations associated with functions and activities of the VAMCs including procedures for facilities maintenance and construction activities, supply areas, laser work areas, and flammable chemicals in laboratories. His/her work requires reviewing existing references and guidelines including, but not limited to, 29 CFR 1960, the basic S&OH program elements; EOs; VA directives, VHA guidebooks; OSHA, EPA, JC, and NFPA standards and publications; and applicable State and local standards. The appellant's work requires adapting known S&OH regulations and techniques to eliminate or reduce serious hazards to life and property as described at Level 3-4.

The appellant's August 18, 2011, appeal rationale seeking to credit his/her position at Level 3-5, states:

In this position, the incumbent supports the national program through the development of policies or programs in the absence of established guidelines. The reliance of the National program on [Serviced Unit] level managers is demonstrated for all guidance

developed for nationwide VA standards, procedures, and instructions to guide operating safety and occupational health personnel, as well as the guidebook series mentioned earlier. Additionally, the agency relies on multiple Technical Advisory Group (TAG) and Professional Advisory Groups (PAG) to focus on specific issues.

The appellant's position does not meet Level 3-5. His/her guidelines are more specific than the basic legislation and broad policy statements expected at Level 3-5. The appellant's guidelines include national standards from OSHA, EPA, and other health organizations; agency program directives, handbooks, and instructions; Federal, State, and local codes; standard textbooks and professional journals; and previous inspection reports. He/she adapts the guidelines to specific work situations, devising approaches and measures meeting the intent of the guides. Unlike Level 3-5, the appellant does not develop new approaches and concepts where precedent does not exist, or nationwide standards, procedures, and instructions to guide operating S&OH personnel as those are originated, developed, and issued by OSHM with input from [Serviced Unit] S&OH staff.

While serving on policy committees, the appellant recommends safety procedures and guidelines for policy development, contributing to advisory products that are designed in committees whose end products are required to be reviewed and approved as a committee prior to agency dissemination. Typical of Level 3-4, he/she also develops and updates the [Serviced Unit] safety directive, continuity of operations, physical security, and other plans and guidelines. The appellant keeps abreast of the developments in nation- and agency-wide standards, making appropriate adjustments to [Serviced Unit] operating procedures, but his/her position is not responsible for originating and developing nationwide or agency-wide standards as described at Level 3-5.

Level 3-4 is credited for 450 points.

#### *Factor 4, Complexity*

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

At Level 4-4, the assignments cover a wide range of work operations and environmental conditions involving a substantial number and diversity of hazards, or a wide variety of independent and continuing assignments in a specialized area of safety and occupational health that have exacting technical requirements. The safety and occupational health manager or specialist evaluates a variety of complex, interrelated physical conditions, operating practices, hazardous human-machine interaction, and serious mishaps. Assignments require analysis of unconventional safety and occupational health problems or circumstances, inconclusive facts or data, and are characterized by the uncertainty of accepted control or abatement methods that are available for selection and use. The nature of the hazards is such that generally no single approach is adequate to control or eliminate a given problem; rather, the adaptation of proven safety and occupational health techniques is necessary. Work typically requires interpretation of

a variety of occupational circumstances to adapt known control or protective measures to eliminate or minimize hazardous situations.

At Level 4-5, the work includes broad and diverse assignments requiring innovative analysis of high safety risk activities. The safety and occupational health manager or specialist weighs, considers, and evaluates: (1) high safety risks in a field with constantly changing hazards; or (2) serious conflicts between operational requirements involving hazardous materials and the application of safety and occupational health standards that require protective measures affecting the timeliness of mission accomplishment; or (3) diverse hazardous work processes and environmental conditions for a broad field characterized by a wide variety of problems such as extreme fluctuation in workforce employees assigned high safety risk jobs, large number of visitors engaged in hazardous activities, or widespread geographic dispersion of operations. In many instances, elimination or control of unsound but often traditional work practices and dangerous physical conditions threatening individual safety and property requires the development of new accident prevention techniques for modification of accepted specialized safety procedures.

The appellant's position meets Level 4-4. As at this level, his/her assignments cover a wide range of work operations involving the varied and numerous hazards associated with [Serviced Unit] healthcare, business, cemetery, and research activities including operating equipment injuries, falls and trips, bloodborne pathogens, ergonomics, fires, stress, workplace violence, vehicular accidents, hazardous chemicals, latex allergies, needle sticks, inappropriate personal protective equipment, contagious diseases, burns and cuts, contaminated equipment and work environments, laser hazards, electrical shocks, lead or asbestos exposure, and noise. The appellant advises facility staff on a wide range of hazards and operational practices, e.g., he/she coordinates with the [Serviced Agency] when a worksite intends to transport hazardous materials. The hazards present unconventional safety problems, requiring him to interpret and adapt S&OH techniques to situations at hand to control hazards for local application as described at Level 4-4.

The appellant's position does not meet Level 4-5. As the [Serviced Unit] S&OH manager, he/she enforces safety rules and regulations, monitors work procedures and habits, inspects and evaluates all safety problem areas, recommends safety and protective equipment for staff, conducts literature searches to identify and evaluate the nature and extent of hazards, and provides guidance on laser, asbestos, lead, hazardous substance, and other risks. He/she also evaluates the [Serviced Unit] S&OH program, identifying and prioritizing trends or areas of concern, devising plans to address common areas of concern, working with facility staff to correct the problem, and ensuring issues are resolved. The appellant's area of responsibility is diverse, falling under the jurisdiction of multiple OSHA and EPA regional offices. If the regulatory agency conducts a facility inspection and identifies a specific violation, it is standard practice to classify the violation as a pattern or repeat should it or a closely related violation be found at another VA facility in the same region. Falling under multiple OSHA and EPA regional offices complicates the appellant's position as a violation found in a [Serviced Unit] facility may be classified as a pattern should the same or similar violation be identified at another VA facility regardless of it being part of his/her or another [Serviced Unit]. However, this and other work

does not involve the broad and diverse assignments requiring the degree of innovation and analysis for responding to high-risk activities as described at Level 4-5.

In contrast to Level 4-5, the appellant's work does not require weighing, considering, and evaluating high risks in a field with constantly changing hazards. VAMC laboratories perform research using human and animal test studies, e.g., the [Location] VAMC conduct research on surgical sepsis, heart disease, kidney disease, cancer, and blood disorders; [Location] on arthritis and scleroderma; and [Location] on osteoporosis and cardiology. The appellant ensures laboratory research complies with Association for the Assessment and Accreditation of Laboratory Animal Care, OSHA, EPA, and other regulatory guidelines. Even though the laboratories, medical centers, cemeteries, and business offices in the [Serviced Unit] pose numerous and varied potential hazards, the safety thresholds are known and addressed to the extent possible to prevent harm to employees, patients, visitors, and the general public. The appellant's work does not involve exposure to new machine processes, research involving biological hazards, or high explosive detonations, or hazards of comparable complexity described at Level 4-5.

Unlike Level 4-5, the appellant's work does not involve evaluating diverse hazardous work processes and environmental conditions for a broad field characterized by a wide variety of problems such as extreme fluctuation in workforce employees assigned high safety risk jobs, large number of visitors engaged in hazardous activities, or widespread dispersion of operations. The record shows his/her work is not impacted so significantly from the complications of a fluctuating workforce, an unpredictable visitor population, and an extensive distribution of operations to warrant crediting the position at Level 4-5. For example, the majority of visitors to the VAMCs is seeking medical care and treatment, the delivery of which is VHA's primary mission, and is not engaged in potentially hazardous activities. In addition, recent data from OPM's Central Personnel Data File (CPDF) shows the Government-wide turnover rate is 6.3 percent. In comparison, the turnover rate for [Location] is 4.1 percent, [Location] is 5.0 percent, [Location] is 5.4 percent, [Location] is 5.5 percent, [Location] is 7.4 percent, and [Location] is 7.8 percent. Thus, 4 of the 6 medical centers reflect lower turnover than Government-wide and only a limited number of the staff are assigned high safety risk jobs. Further, [Serviced Unit] operations do not routinely require control of unsound but often traditional work practices and dangerous physical conditions threatening individual safety and property requiring the development of new accident prevention techniques for modification of accepted specialized safety procedures so as to warrant crediting the appellant's position at Level 4-5.

Level 4-4 is credited for 225 points.

#### *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 inside and outside the organization.

At Level 5-4, the purpose of the work is to assess the effectiveness of special programs, projects, or functions. The safety and occupational health manager or specialist plans alternative courses

of specialized action to resolve hazardous conditions and unsafe working practices. The work often involves the development of safety and occupational health criteria and procedures for major agency activities. Work products impact on: (1) a wide range of agency safety and occupational health programs; or (2) safety and occupational health programs of large, private sector establishments.

At Level 5-5, the purpose of the work is to resolve critical safety and occupational health problems often involving serious hazards or unpredictable consequences to humans and property. Work requires the development of new guides, approaches, and methods often under difficult circumstances such as when confronted by conflicting viewpoints and resource constraints. At this level, the safety and occupational health manager or specialist often serves as a consultant providing expert advice and guidance covering a broad range of safety and occupational health activities to officials, principal program managers, and other safety and occupational health managers or specialists. Work efforts affect the activities of safety and occupational health managers and specialists both within and outside the agency. Illustrative of work at this level is:

- to develop and administer an agency-wide safety and occupational health program and establish guidelines and criteria to control or eliminate serious hazards in health care facilities and research laboratories. The work is complicated by the nature of critical research studies which involve biological, carcinogenic, and chemical hazards under experimental conditions where criteria are vague and standards nonexistent. The manager provides technical expertise in the resolution of extremely complex, broad environmental problems; and

- to provide technical advice, guidance and assistance to Federal agencies administering safety and occupational health programs throughout a region affecting more than 2,000 Federal work places and approximately 70,000 workers. They are designed to afford maximum protection to workers from known or potential safety and occupational health hazards and involve critical issues due to life threatening aspects of the hazards; standards and guidelines are often inapplicable or absent which requires the development of suitable methods and approaches and the resolution of economic, technological or policy problems that serve as deterrents to satisfactory elimination or abatement of hazards.

The appellant's position meets Level 5-4. The purpose of his/her position is to manage, advise on, and assess the complex [Serviced Unit] S&OH program. The work entails developing and/or applying methods, techniques, and abatements to control or eliminate unsafe actions or conditions for a broad range of activities including patient care, hazardous waste disposal, construction, and research. As at Level 5-4, the appellant assesses the adequacy of existing S&OH safeguards, conducting AWEs to ensure safety practices are observed and require or recommend changes when needed. He/she develops actions to minimize or eliminate the hazardous operations and conditions increasing accident risks, working closely with VAMC and [Serviced Unit] employees, supervisors, and managers in interpreting established, but general, guidelines on safety measures. Similar to Level 5-4, the appellant's work efforts result in eliminating or reducing unsafe acts and conditions impacting the wide range of S&OH activities at the VAMCs, cemeteries, laboratories, and business offices within the [Serviced Unit].

The appellant's position does not meet Level 5-5. His/her work does not involve oversight of the activities of an S&OH staff as described at Level 5-5. The appellant reviews reports from VAMC staff on accident investigations, responses to AWE findings, and surveys conducted by facility staff to ensure appropriate actions are being taken locally. This work requires adapting or developing procedures for local use based on S&OH requirements contained in Federal laws, regulations, EOs, VA and VHA directives, and collective bargaining agreements, rather than developing new guides or methods to reduce or eliminate hazards as expected at Level 5-5. His/her work efforts result in minimizing unsafe acts and conditions, but they do not affect the activities of S&OH managers and specialists both within and outside the agency.

Level 5-5 describes a broader program scope (e.g., a policy level) than the appellant's delegated program responsibilities. The PCS also includes an illustration at Level 5-5, where the safety manager provides program and technical advice, guidance, and assistance to S&OH agencies in several states. Although the appellant's [Serviced Unit] covers approximately eight states, the PCS describes the states as having a wide range of industries with many involving high-hazards, high-risk operations (e.g., general and heavy construction; longshoring; ship repairing; meat packing; petroleum refining; foundry and related steel making and fabricating; grain elevators; battery, paint, rubber, and plastic manufacturing; pesticide formulation and manufacturing; construction, maintenance, and operation of nuclear and conventional power plants; cotton ginning; and experimental nuclear energy projects), employing nearly four million workers across more than 250 workplaces. The appellant's [Serviced Unit] responsibilities involve and deal with the critical safety issues common to the VAMC, CMOP, business office, and cemetery settings, but he/she does not routinely resolve critical problems involving the unpredictable consequences of high-hazards, high-risk operations as described at Level 5-5.

Level 5-4 is credited for 225 points.

#### *Factor 6, Personal Contacts*

This factor includes face-to-face and telephone contacts with persons not in the supervisory chain. Levels described under this factor are based on what is required to make the initial contact, the difficulty of communicating with those contacted, and the setting in which the contact takes place.

At Level 6-3, personal contacts of a non-routine nature are with a variety of individuals (e.g., managers, administrative law and Federal judges, and professionals from other agencies or outside organizations). Contacts also include individuals such as managerial representatives of privately owned businesses, contractors and consultants, university professors, State and local Government officials, representatives of professional societies and national safety associations, safety engineers, and safety and occupational health specialists from private establishments.

At Level 6-4, personal contacts are with high ranking officials from outside the agency such as key public and corporate executives, elected representatives, and top scientific personnel of other departments and agencies, State, county, and municipal Governments, private industry, national safety and health organizations, public groups, and national research organizations. Safety and

occupational health managers or specialists may participate as a technical expert on committees and seminars of national and international stature.

The appellant's contacts meet Level 6-3. As at this level, he/she has regular contact with a variety of individuals inside and outside VA including safety, industrial hygiene, and other program related officials at the VA central office, [Serviced Unit], and healthcare delivery level. VAMC-level contacts include medical center directors, engineers, industrial hygienists, safety specialists and managers, union representatives, emergency management staff, etc. The appellant also has contact with regional and equivalent-level officials at OSHA, EPA, JC, and other regulatory authorities. Other contacts include State and Federal S&OH officials, city and municipal fire department personnel, contractors, private authorities in the S&OH field, and the general public. This and other contacts are consistent with Level 6-3.

The record does not show the appellant engages in regular and recurring contacts comparable to those described at Level 6-4 with, e.g., key public and corporate executives, elected representatives, and top scientific personnel of other departments and agencies. Furthermore, the appellant does not participate as a technical expert (in contrast to participating as an attendee) on committees, in conferences, and in seminars of national and international stature as would be found at Level 6-4.

Level 6-3 is credited for 60 points.

#### *Factor 7, Purpose of Contacts*

This factor covers the purpose of personal contacts, which ranges from factual exchanges of information to situations involving significant or controversial issues and different viewpoints, goals, or objectives.

At Level 7-3, the purpose of contacts is to influence, motivate, and encourage unwilling, skeptical, and often uncooperative individuals to adopt or comply with safety and occupational health standards, practices, procedures, or contractual agreements. For example, contacts are established to: (1) persuade and negotiate agreements involving agency managers or private sector executives where there are serious technical disagreements and complex employee-management relations; or (2) justify changes in operational programs to agency managers. Most field safety and occupational health managers and specialists are at this level. This level also includes deposing, making affidavits, and testifying in a court of law where an opposing attorney may challenge the competence of a safety and occupational health manager or specialist including work methods or findings.

At Level 7-4, the purpose of contacts is to justify, defend, negotiate, or settle highly significant, controversial, and often very sensitive safety and occupational health issues. At this level, the safety and occupational health manager often represents the agency as a participant in professional conferences, hearings, national safety congresses, or committees to develop, change, or modify safety and occupational health standards and criteria which have a wide application and a major occupational impact. Typically, persons contacted have diverse viewpoints or opinions concerning a significant safety and occupational health policy, precedent, or objective



that require extensive compromise efforts to achieve a mutually satisfactory conclusion. Illustrative of this level is having contacts with top agency managers to justify proposed agency policies, recommend substantive changes in the safety criteria affecting the construction and operation of hospitals and research laboratories and to negotiate the development, acceptance and application of new standards; to provide expert information concerning research activities involving virulent agents; and to represent the agency at national conferences, congresses, and interagency meetings by proposing, supporting, defending or criticizing innovative policies, standards, methods, techniques and practices and participating in efforts to arrive at acceptable solutions to sensitive safety and occupational health problems.

The purpose of the appellant's contacts meets Level 7-3. Comparable to this level, his/her contacts with [Serviced Unit], VAMC, VBA, and NCA managers and employees involve providing guidance on existing and changing safety requirements, performing site surveys, investigating safety-related complaints from employees, and negotiating on safety discrepancies identified by AWEs and other inspections to ensure adherence to Federal and agency requirements. The appellant's contacts require negotiating on controversial or sensitive safety issues such as compliance with S&OH, hazardous waste disposal, and fire protection regulations and standards. As at Level 7-3, this and other contacts are not only for the purpose of obtaining and exchanging information but also for influencing, persuading, and gaining the support of sometimes unwilling and uncooperative individuals when discussing, defining, and promoting safety practices representing a change in existing work operations.

The appellant's initial appeal request supports crediting his/her position at Level 7-4, stating, "At informal conferences with the OSHA Area Directors and EPA Regional Administrators, the incumbent does represent the agency as decisions can dramatically affect other VISNs within the respective OSHA Area and between OSHA and EPA regions." Typical of Level 7-3, if a violation or penalty is levied at a [Serviced Unit] facility, he/she negotiates with OSHA and EPA officials to reconsider the judgment. The appellant occasionally participates on policy development committees and professional conferences. Unlike Level 7-4, these and other assignments do not involve having contact with people with safety policy viewpoints requiring he/she justify, defend, negotiate, or settle issues with agency-wide application and major occupational impact.

Level 7-3 is credited for 120 points.

#### *Factor 8, Physical Demands*

This factor covers the requirements and physical demands placed on the employee by the work assigned. This includes physical characteristics and abilities, as well as the extent of physical exertion involved in the work.

The appellant's position fully meets Level 8-1, where work is generally sedentary though there may be some walking, standing, bending, and carrying of small and light objects.

The appellant's position exceeds Level 8-1 but does not fully meet Level 8-2, at which the work requires regular and recurring physical exertion related to frequent inspections and surveys requiring considerable standing, walking, climbing, bending, crouching, stretching, reaching, or

similar movements. Occasionally, there may be a need to lift and carry moderately heavy objects. The work may require some degree of agility and dexterity when, for example, it involves inspecting ships or construction sites. The appellant's initial request supports crediting his/her AWE work at Level 8-2. He/she conducts a week-long AWE at each of the six VAMCs, which involves a review of local policies; discussions with S&OH staff, program managers, top management officials, union representatives, and others; and a walk-through inspection of the clinical areas, laboratories, offices, and administration areas to provide a snapshot of the building's physical condition and employee work practices. The DND further said the appellant, on average, is out of the office a week out of each month to complete AWEs, attend meetings and conferences, or conduct site visits at other [Serviced Unit] facilities.

The GS-018 PCS provides a benchmark of a GS-12 S&OH manager at a military installation assigned to plan, organize, administer, and evaluate the program of the installation and a number of tenant commands. The benchmark position is credited at Level 8-2 for performing duties requiring frequent inspections and surveys of hangars, runways, warehouses, piers, vehicles, and industrial shops necessitating prolonged periods of walking, standing, reaching, and bending. In contrast, the appellant's AWE work includes a combination of document reviews, staff interviews, and building tours requiring a mix of sedentary work and the type of physically demanding work described at Level 8-2. The frequency and duration of the appellant's AWE and site visit related work falls short of the Level 8-2 description of frequently performing duties requiring extended periods of standing, walking, climbing, bending, or similar movements.

Level 8-1 is credited for 5 points.

#### *Factor 9, Work Environment*

This factor considers the risks and discomforts in the employee's physical surroundings. Any safety regulations related to the work assigned are also considered.

The appellant's position fully meets Level 9-1, where the work is usually performed in an office setting. Occasionally, there may be exposure to the risks and hazards of work environments and conditions requiring special safety precautions and clothing.

The appellant's position somewhat exceeds Level 9-1 but does not fully meet Level 9-2, at which the work involves regular and recurring exposure to hazards, unpleasantness, and discomforts such as moving machine parts, shielded radiation sources, irritant chemicals, acid fumes, physical stresses, high noise levels, adverse weather conditions, and high temperatures from steam lines. Protective equipment and clothing may be needed, including hard hat, metatarsal shoes, ear muffs or plugs, goggles, respirators, and gloves.

In the same benchmark position previously discussed, the GS-018 PCS credits the work at Level 9-2 as the S&OH manager is often exposed to operating industrial machinery and equipment, toxic chemicals, fumes, and material handling activities. During the week-long AWE, the appellant's work requires inspecting construction sites exposing him to moving machine parts, thermal extremes, physical stresses, and high noise levels; boiler plants to high noise levels and high temperatures from steam lines; elevators to moving machine parts; laboratories to shielded

radiation sources and irritant chemicals; and medical facilities to contagious diseases. He/she occasionally uses protective equipment and clothing such as gloves, face masks, hard hat, safety glasses, ear plugs, and safety shoes and boots. The appellant completes 6 annual AWEs at the VAMCs along with occasional site visits at other [Serviced Unit] facilities, but the frequency of his/her exposure to moderate discomforts, requiring protective clothing and devices, falls short of the frequency described at Level 9-2.

Level 9-1 is credited for 5 points.

*Summary*

<i>Factor</i>	<i>Level</i>	<i>Points</i>
1. Knowledge Required by the Position	1-7	1250
2. Supervisory Controls	2-4	450
3. Guidelines	3-4	450
4. Complexity	4-4	225
5. Scope and Effect	5-4	225
6. Personal Contacts	6-3	60
7. Purpose of Contacts	7-3	120
8. Physical Demands	8-1	5
9. Work Environment	9-1	<u>5</u>
<i>Total</i>		2,790

A total of 2,790 points falls within the GS-12 range (2,755 to 3,150) on the grade conversion table in the PCS.

**Decision**

The appealed position is properly classified as Safety and Occupational Health Manager, GS-018-12.