

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



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

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

Appellant: [The appellants]

Agency classification: Forester
GS-460-9

Organization: [The appellants' organization]
U.S. Forest Service
U.S. Department of Agriculture

OPM decision: Forester
GS-460-9

OPM decision number: C-0460-09-03

Carlos A. Torrico
Classification Appeals Officer

9/1/98

Date

As provided in section 511.612 of title 5, Code of Federal Regulations (CFR), 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:

[The appellants' addresses]

[The appellants' servicing personnel office]
U.S. Forest Service
U. S. Department of Agriculture

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Introduction

On June 25, 1998, the San Francisco Oversight Division of the U.S. Office of Personnel Management (OPM) received a classification appeal from [the appellants]. Their positions are currently classified as Forester, GS-460-09. However, they believe the grade level should be GS-11. The appellants work in the [appellants' organization]. [One appellant's] duty station is [the duty station]. The other appellants' duty station is [the duty station]. We have accepted and decided their appeal under section 5112 of title 5, United States Code (U.S.C.).

General issues

The appellants compare their duties to other higher graded jobs in the Forest Service and other Federal agencies which they feel are similar to theirs, and to duties in a higher graded position to which two of them were temporarily promoted. By law, we must classify positions solely by comparing their 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 appellants' positions to others as a basis for deciding their appeal. In addition, the appellants request that OPM conduct a governmentwide consistency review of positions classified in the GS-460 and GS-401 series at the GS-11 level, as compared to the classification of their positions. Agencies are delegated by OPM the authority to classify positions. In keeping with that authority, they have primary responsibility for ensuring that individual positions are classified consistently with like positions throughout the agency, and in conformance with OPM appeal decisions. If the appellants believe that their positions are so similar to others in their agency that they warrant the same classification, they may pursue the matter by writing to their servicing personnel office, or agency headquarters human resources office, depending on the location of the positions in question. In doing so, they should specify the precise organizational location, classification, duties and responsibilities of the positions in question. If the positions are found to be basically the same as theirs, the agency must correct their classification to be consistent with this appeal decision. Otherwise, the agency should explain to them the differences between their positions and the others.

The appellants refer to a letter that discusses equating journey level to the GS-11 grade level when a silviculturist is certified. Because the letter is not part of the OPM standards or guidelines, we cannot base our decision on it. In adjudicating this appeal, our main concern is to make our own independent decision on the proper classification of the appellants' positions. By law, we must make that decision solely by comparing their current duties and responsibilities to OPM standards and guidelines.

To help decide this appeal we conducted a phone audit with the supervisor, followed by an on-site audit with the appellants. In reaching our classification decision, we have carefully reviewed all information furnished by both the appellants and the agency, including their official position description (PD) numbers 6818618, 6818718, 6818818, 6818918, 6819018, 6819118, and 6819218. While assigned under different PD numbers, these are identical position descriptions. Both the appellants and their supervisor have indicated that the current position descriptions accurately describe the duties and responsibilities performed.

Position information

The appellants are lead Resource Planners with responsibility for developing and analyzing harvest project plans on the [the appellants' organization]. The [appellants' unit] is very large. It was created when three districts [the three districts] were combined into one large district. The appellants' work includes project planning, National Environmental Policy Act (NEPA) compliance, prescription preparation, and program lead duties. The audit and other material of record furnish much more information about their duties and responsibilities and how they are performed.

Series, title, and standard determination

We find that the appellants' positions are properly covered by the Forestry Series, GS-460; titled Forester; and are graded by Part I of the Forestry standard (dated December 1979). Neither the agency nor the appellants disagree with our findings for series, title, and appropriate standard.

Grade determination

Part I of the Forestry standard uses the Factor Evaluation System (FES), which employs nine factors. Under the FES, each factor level description in a standard or guide describes the minimum characteristics needed to receive credit for the described level. Therefore, if a position fails to meet the criteria in a factor level description in any significant aspect, it must be credited at a lower level. Conversely, the position may exceed those criteria in some aspects and still not be credited at a higher level.

Factor 1, Knowledge required by the position - Level 1-6 - 950 points

This factor measures the nature and extent of information or facts the forester must understand to do acceptable work and the nature and extent of skill necessary to apply this knowledge. To be used as a basis for selecting a level under this factor, knowledge must be required and applied.

The knowledge and skill required by the appellants' assigned duties and responsibilities best meet Level 1-6, as described on pages 20-21 of the GS-460 standard. As described at Level 1-6, the appellants' assigned duties and responsibilities require knowledge and skill sufficient to perform recurring assignments of moderate difficulty. The appellants are responsible for analyzing assigned forest areas, determining conditions, and, if needed, preparing silviculture prescriptions for stands in the area. While areas and stands assessed are not identical and have varying combinations of conditions, examples of typical situations encountered do not show that they are so unique that they require significant deviation from established practices versus consideration and selection from different approaches or alternative actions in recommending treatment. The silviculture prescriptions provided as examples included combinations of treatments that were picked from among standard treatments and strategies for managing competing vegetation. Further, most of the mitigation measures were common to all action alternatives applied to implementing established standards and guidelines. While any one project prescription may involve a number of "subprescriptions" for the

varying combinations of conditions, they are not so unique that they require significant deviation from established practices.

We note that the appellants' work exceeds level 1-6 in some respects. For instance, their assignments are not screened to remove those that may become relatively more unusual or difficult, and in some instances there may be controversy in terms of past and future use, or resource depletion, protection, or rehabilitation. However, such assignments occur only occasionally, and do not significantly enhance the overall knowledge and skill typically required to perform the work.

The three illustrations provided at Level 1-6 (page 21) show the types of assignments envisioned at that level. While the appellants' assignments have some similarities to each of the illustrations, they are most like the first and second illustrations, i.e., knowledge and skill sufficient to study aerial photographs and other references related to physical and resource factors in order to lay out boundaries for cutting or treatment or other resource uses, in accordance with approved plans; and knowledge and skills sufficient to inspect ongoing timber sales.

The knowledge required by the appellants' assignments does not meet Level 1-7 (pages 21-23). The GS-460 standard describes four elements, most of which are typically found in positions at Level 1-7.

The first element requires professional knowledge of forestry science applicable to a wide range of duties in an intensive forestry resource or subject matter program or program activity, and the skill to solve problems covering diverse forestry situations and assignments. The assignments require sound professional knowledge and skills to modify or adapt standard forestry techniques and procedures, and to assess, select, and make use of precedents in devising strategies and plans to overcome significant resource problems.

The appellants' assignments and responsibilities do not fully meet this first element for level 1-7. The typical types of problems encountered by the appellants reflected in the information of record are not equivalent to diverse forestry situations and assignments that require the need to modify and adapt standard forestry techniques and procedures, *and* to assess, select, and make use of precedents in devising strategies and plans to overcome significant resource problems, as envisioned at Level 1-7. Assignments at that level would typically involve a range of situations, such as variations in climatic factors, soil types and conditions, terrain, and vegetation on varied forest units that require changing and modifying standard techniques, including the use of precedents, to develop plans or prescriptions to overcome significant resource problems, like extreme fire dangers, or severe or widespread attacks of pests, insects or diseases, or equivalent types of situations that pose major dangers to continued use or existence of resources. The appellants do make assessments of conditions, make decisions on methods to best accomplish various objectives for their assigned areas, and develop prescriptions for stands in assigned projects. However, the examples of areas reviewed and problems encountered do not reflect the range envisioned at this level. While there are issues concerning conflicting use and resource depletion, the recommended prescriptions do not typically reflect the need to address situations that require application of this level of knowledge to adapt or modify practices to deal with significant problems. The work examples provided by the appellants demonstrate that work is

primarily the careful and professional application of a variety of standard, well documented, and well precedented forest management techniques to forest management problems.

The second element typical of Level 1-7 positions requires knowledge of the characteristics, conditions, and interrelationships of forest resources; and the knowledge to independently evaluate, project, and/or prepare studies and reports on the complementary or competitive impact of the development, modification, or change in the use or output of one resource on the other forest resources.

Information in the record indicates that the appellants do need to consider the characteristics, conditions, and interrelationships of the forest's resources in preparing prescriptions for stands. They must evaluate the impact of timber harvesting and the techniques used, as well as of other recommended actions, on future harvests and on other resources such as watershed, soil, and wildlife. However, they do this with the cooperation of other resource specialists on both the [the appellants' unit] and adjacent districts, which limits the degree of knowledge required by them to carry out these activities.

The third element under Level 1-7 requires a thorough knowledge of agency and/or tribal policies and procedures, and applicable statutes governing the use of forest resources, and familiarity with related disciplines such as entomology, hydrology, plant pathology, wildlife biology, and forest genetics sufficient to utilize such knowledge in the design and execution or oversight of forestry resource programs. While the appellants' position may require some interdisciplinary knowledge, the position description does not indicate, nor do the work samples provide evidence of, a need to apply such knowledge in the design and execution, or oversight of forestry resource programs. As noted above, a knowledge can only be credited if it is required and applied to the work assigned and performed.

The fourth element of Level 1-7 describes administrative and coordinative skills to (1) provide advisory, review, and training services to others engaged in the planning and management of Federal, State, or private forestry units, and/or (2) develop a variety of integrated annual work plans for complex projects which often extend over 3-6 years, including estimates of personnel, equipment, and materials, the detailed schedules necessary to carry out the plans, and the attendant skill to review and critique the operational implementation of the plans; or intensive knowledge and competence in advanced techniques of a highly complex area of forest resource management or cooperative forestry sufficient to serve as "troubleshooters," specialists, or coordinators.

The appellants' assignments and responsibilities do not meet the final element characteristic of Level 1-7 positions. They do not involve advisory, review, and training of others engaged in the planning and management of Federal, State or private forestry units. Further, they do not develop the types of integrated annual work plans for complex projects described at this level, nor do they serve as troubleshooter, specialist, or coordinator in the sense envisioned. The training of technicians and/or other team members who may be working in their project areas does not meet the intent of this element.

This factor is evaluated at Level 1-6 and 950 points are credited.

Factor 2, Supervisory controls - Level 2-4 - 450 points

This factor covers the nature and extent of direct or indirect controls exercised by the supervisor, the employee's responsibility, and the review of completed work.

The appellants' position meets Level 2-4 as described on pages 27-28 of the GS-460 standard. However, there is a consistency problem between the appellants' PD and their supervisor's PD. The supervisor's PD states that the supervisor plans, schedules and coordinates work, solves technical operating problems, and assigns and reviews work. This describes a level of supervision that is more restrictive than what is described in the appellants' PD. The type of work assignment and review as described in the supervisor's PD is comparable with Level 2-3. However, the interview with the supervisor and the onsite audit with the appellants supported the work assignment and review as described in the appellants' PD.

At Level 2-4 the supervisor outlines the overall objectives and resources available. As required the supervisor and the forester will confer on priorities within assigned area, and deadlines for the assignments which are usually affected by administrative or environmental factors; e.g., short growing season, reduced budget, or necessity for preparation of an environmental impact statement and its attendant procedures.

Similarly, the appellants meet annually with the supervisor to review the work in process and to identify additional work for the coming year. The supervisor outlines the resources available and together they decide what work will be accomplished in the coming year, how it will be assigned, and set the appropriate time frames.

As at Level 2-4 the appellants construct action plans, select techniques, and establish methods and procedures for completing their assignments. As team leaders they are responsible for coordinating their work with specialists in other resources or disciplines and for resolving problems that occur directly with the interested parties. The supervisor only gets involved if a problem cannot be resolved, or the appellants bring something to her for discussion.

At Level 2-4 the forester meets with the supervisor to review overall progress, and to confer on problems which have arisen concerning the interpretation and application of agency and/or tribal policy to environmentally sensitive and controversial forest areas. Likewise, the appellants confer with their supervisor when the specialists they are working with have inconsistent interpretations and applications of agency policy to environmentally sensitive and controversial forest areas.

As at Level 2-4, the supervisor only reviews completed work for general adequacy in meeting program or project objectives or for compatibility with other projects.

While evaluated at Level 2-4, we need to note that *The Classifier's Handbook* has a table on page 16 that illustrates typical FES factor level patterns for professional positions. A review of the table shows that Level 2-3 is typically assigned with Level 1-6 at the GS-9 level. Level 2-4 is not assigned until Level 1-7 at the GS-11 level. However, as summarized above, these positions are not typical in that the appellants have more freedom of action and a greater degree of independence from supervisory direction than is typical at Level 1-6.

The appellants' positions do not meet the degree of supervisory guidance and control described at Level 2-5 (page 28). As opposed to simply providing broad general objectives for work projects, the supervisor provides more guidance when making assignments. Moreover, in contrast to the appellants' work, they operate within the context of closer constraints than those discussed at Level 2-5.

This factor is evaluated at Level 2-4 and 450 points are credited.

Factor 3, Guidelines - Level 3-3 - 275 points

This factor covers the nature of guidelines and the judgment necessary to apply them.

As described at Level 3-3 on page 30 of the GS-460 standard, the appellants' guidelines include agency policy and procedure manuals, supplemental guides, the Code of Federal Regulations, the Forest Plan, watershed analyses, district policy, and professional journals and publications.

At Level 3-3 assignments have aspects which require the forester to select, adapt, or interpret existing methods, practices, and instructions or to generalize from several guidelines and techniques in carrying out the activities, ensuring coordination with other resources, and in solving the more complex problems. In addition, some assignments require frequent departures from standardized procedures in order to establish tentative direction for completion of the assignments. Likewise, the appellants must use considerable professional judgement and creativity, tempered with specific resource information and experience, to interpret constantly evolving, and sometimes contradictory, laws, regulations, policies, and court decisions.

The appellant's positions do not meet Level 3-4 (page 30). While they may be called upon to occasionally deviate from, or extend traditional forestry methods and practices outlined in guidelines, their references are sufficiently adequate to deal with complex issues and problems, and we found no indication in the record that the appellants must on a regular and recurring basis extend or deviate from traditional practices. Additionally, their work does not necessitate the need to develop essentially new or vastly modified techniques and methods for obtaining effective results as described at Level 3-4.

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

Factor 4, Complexity - Level 4-3 - 150 points

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

At Level 4-3 as described on page 32 of the GS-460 standard, assignments consist of a variety of professional work operations in assigned activities such as (a) the inventory of a given resource and its current conditions, (b) the drafting of conventional, short-range plans or prescriptions of resource management or protection, and (c) the inspection of work on-the-ground for conformance to standards and instructions. This level of work is characterized by analyses and evaluations of environmental conditions, characteristics, and values, and the interrelationship of forest resources which may involve considerations such as (a) the need to choose from among alternative locations, techniques, or solutions; or (b) coordination problems caused by interferences or conflicts with other resource uses or functions. The problems are similar to those previously encountered in the forest area, and the assignments are carried out without substantial adaptation or modification of precedents. At this level, the exercise of originality is less significant than the judgment required to apply a range of conventional approaches and solutions to precedent situations.

The appellants' work best meets Level 4-3. Comparable to this level, the appellants review an assigned forest area on a stand-by-stand basis through on-the-ground inspection and aerial photographs, determine conditions, identify problems, and if needed prepare a silvicultural prescription (with input from other specialists) for improvement, and prepare logging plans or other appropriate action by considering and selecting from possible solutions or actions. Similar to this level, they are involved with follow-up or inspection of ongoing work. The appellants' work is characterized by analyses and evaluations of environmental conditions and characteristics of the area reviewed, its relative values, and the interrelationship of forest resources, such as timber, watershed, and wildlife. Their work may also be affected by persons or groups having particular interests in the uses of forest resources. While the appellants state that forest conditions change and that the problems they encounter are not similar to those previously encountered, our fact-finding disclosed that the problems the appellants typically encounter do not reflect the need to substantially adapt or modify precedents. When a potential precedent situation is encountered, they apply judgment in selecting the appropriate conventional forestry approach to resolving the issue.

At Level 4-4 (pages 32-33), foresters independently carry out a wide variety of assignments consisting of diverse and complex technical or administrative problems and considerations. They regularly encounter interdependent resource and socioeconomic problems requiring flexibility and judgment in approach to the problems and in the forestry practices applied, in order to obtain an optimum balance between available economic, staff, or natural resources and the demands of the various publics. These assignments typically involve land management problems requiring in-depth analysis and evaluation of alternatives due to such complicating factors as extensive programmed developmental activity and heavy resource use; environmental problems and conflicting requirements whose resolutions may have serious public or tribal impacts; or strong, conflicting public or tribal

demands and pressures to redirect the land management strategies for the use, or the level of use, of different forest resources. These demands may result in appeals to higher level agency or tribal officials or formal legal actions.

Further, at Level 4-4 the work requires that the forester independently identify the boundaries of the problems involved, the kinds of data needed to solve the problem, and the criteria and techniques to be applied in accomplishing the assignment. Typically, the work assignments require the forester to relate new work situations to precedent situations, extend or modify existing techniques, or develop compromises with standard forestry practice to adequately solve the forestry problems. Occasionally, the assignments require substantial effort to overcome resistance to change when it is necessary to modify an accepted method or approach.

The appellants' work does not meet level 4-4. Their assignments do not typically involve land management problems requiring in-depth analysis and evaluation of alternatives due to such complicating factors as extensive programmed developmental activity and heavy resource use, such as when there is planned major development of resources for increased commercial purposes and already high use of existing recreational areas with rising demand. While environmental controversies (e.g., spotted owl habitat), logging pressures, and conflicting demands from various publics can raise complex issues, the record shows that the appellants engage these issues through the application of guidance formulated and negotiated by others to the specifics they encounter on the ground. This level of involvement does not meet the intent of Level 4-4.

This factor is evaluated at Level 4-3 and 150 points are assigned.

Factor 5, Scope and Effect - Level 5-3 - 150 points

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 the work products or services both within and outside the organization.

At Level 5-3 (page 35 of the GS-460 standard), the purpose of the work is to investigate and analyze a variety of conventional resource problems and environmental conditions and to recommend and/or implement solutions to overcome them to meet resource management objectives. The work affects the efficient development, protection, and use of a particular resource, the public's impression of the adequacy of the management of the resource, etc. Likewise, the purpose of the appellants' work is to plan and develop treatments to forest land that will modify, establish, and grow forest vegetation to meet the many resource objectives and desired future conditions contained in the [the appellants' organization] Plan and the [the appellants' region]. Their work affects the protection and use of forest resources.

The appellants' position does not meet Level 5-4 (page 35). At Level 5-4 foresters develop essentially new or vastly improved techniques or solutions to specific problems in a resource or

subject matter program or program area, and coordinate results with related resource activities. The appellants do not typically develop essentially new or vastly improved techniques or solutions.

This factor is evaluated at Level 5-3 and 150 points are credited.

Factor 6, Personal Contacts - Level 6-2 - 25 points

Factor 6 covers the people and conditions or settings under which contacts are made. It includes face-to-face contacts and telephone and radio dialogue with persons not in the supervisory chain.

The appellants' personal contacts are evaluated at Level 6-2 (pages 36-37). Similar to that level, their contacts are primarily within the agency, inside and outside the immediate organization, with professional and technical subject matter specialists. These include other resource specialists assigned to the District, Forest level staff specialists, District Rangers, presale technicians, and seasonal workers.

The appellants' position does not reach Level 6-3 (page 37). At that level contacts are primarily with professional subject matter specialists in forestry and related disciplines both within and outside the agency, with influential local community leaders, tribal governing bodies, or state officials, newspaper, radio, and television reporters, private forest landowners, representatives of organized livestock and conservationist groups, and prospective and current permittees. While the appellants make contact with some of these individuals, they are not the primary contacts and do not occur on a regular and recurring basis. Further, the appellants' contacts are not typically on an ad hoc basis and the role of the appellants is well established.

This factor is evaluated at Level 6-2 and 25 points are credited.

Factor 7, Purpose of Contacts - Level 7-2 - 50 points

Factor 7 covers the reasons for the contacts described in factor 6.

Factor 7 is evaluated at Level 7-2 (page 38). As at Level 7-2, the appellants contacts are to coordinate work with other foresters, technical resources specialists, engineers, etc.; and to promote utilization and conservation principles and activities through the integration of all pertinent resource issues, objectives, and information into project planning when developing timber harvesting and resource enhancement proposals.

Level 7-3 is not met. The primary purpose of the appellants' regular and recurring contacts is not to negotiate controversial issues with various parties; influence or persuade organizations or individuals to reach an agreement; justify the feasibility and desirability of significant forestry resource plans and proposals; or influence or persuade other experts to adapt techniques or methods about which there may be conflicting opinions.

This factor is evaluated at Level 7-2 and 50 points are credited.

Factor 8, Physical Demands - Level 8-2 - 20 points

This factor covers the requirements and physical demands placed on the forester by the work assignment.

The physical demands on the appellants meets Level 8-2 (page 39) as the work requires regular and recurring work in a forest area where there is considerable walking, bending, or climbing, often over rough, uneven surfaces or mountainous terrain. Level 8-2 is the highest level for this factor described in the standard.

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

Factor 9, Work Environment - Level 9-2 - 20 points

This factor considers the risks and discomforts that may be imposed upon employees by various physical surroundings or job situations.

The appellants' work environment is evaluated at Level 9-2 (page 39). The appellants have regular and recurring exposure to moderate risks and discomforts associated with working in a forested environment. They occasionally work in adverse weather conditions and on steep slopes with large logs and dead trees of unpredictable stability. As at Level 9-2, the appellants must wear protective equipment when in the field. Level 9-2 is the highest level for this factor described in the standard.

This factor is evaluated at level 9-2 and 20 points are credited.

Summary

In summary, we have evaluated the appellants' positions as follows:

Factor	Level	Points
1. Knowledge required by the position	1-6	950
2. Supervisory controls	2-4	450
3. Guidelines	3-3	275
4. Complexity	4-3	150
5. Scope and effect	5-3	150
6. Personal contacts	6-2	25
7. Purpose of contacts	7-2	50
8. Physical demands	8-2	20
9. Work environment	9-2	20
Total Points:		2090

The appellants' positions warrant 2090 total points. Therefore, in accordance with the grade conversion table on page 19 of the standard, their positions are properly graded at GS-9.

Decision

The appellants' positions are properly classified as Forester, GS-460-9.