

U.S. Office of Personnel Management
Division for Human Capital Leadership & Merit System Accountability
Classification Appeals Program

San Francisco Field Services Group
120 Howard Street, Room 760
San Francisco, CA 94105-0001

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

Appellant: [Appellant's name]

Agency classification: Safety and Occupational Health Manager
GS-018-11

Organization: [Appellant's organization/location]
United States Marine Corps
Department of the Navy

OPM decision: Safety and Occupational Health Manager
GS-018-11

OPM decision number: C-0018-11-02

Carlos A. Torrico
Classification Appeals Officer

July 11, 2003

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's name and address]

[Address of appellant's servicing human resources office]
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Introduction

On January 31, 2003, the San Francisco Oversight Division, now the San Francisco Field Services Group, of the U.S. Office of Personnel Management (OPM) accepted a classification appeal from [name of appellant]. On March 19, 2003, the Group received the agency's administrative report concerning the appeal. The appellant's position is currently classified as Safety and Occupational Health Manager, GS-018-11. However, the appellant believes her position should be classified at the GS-12 grade level. The appellant works in the [appellant's organization/location], United States Marine Corps, Department of the Navy. We have accepted and decided her appeal under section 5112 of title 5, United States Code (U.S.C.).

This appeal decision is based on a careful review of all information furnished by the appellant and her agency. In addition, an OPM representative conducted separate telephone interviews with the appellant and her supervisor.

General issues

The appellant makes various statements about the agency's evaluation of her position. Classification appeal regulations permit OPM to investigate or audit a position and decide an appeal on the basis of the actual duties and responsibilities currently assigned by management and performed by the employee. An OPM appeal decision classifies an operating position. This decision is based on the work currently assigned to and performed by the appellant and sets aside any previous agency decision. By law, we must classify positions solely by comparing their current duties and responsibilities to OPM position classification standards and guidelines (5 U.S.C. 5106, 5107, and 5112). Therefore, the classification practices used by the appellant's agency in classifying her position are not germane to the classification appeal process.

Position information

Both the appellant and her supervisor have certified to the accuracy of the appellant's official position description (PD) [number]. The appellant's position is responsible for a comprehensive safety and health program for the [names and locations of organizations serviced by the appellant]. The region encompasses recruiting stations and activities in the continental United States including [names of states], as well as the [organization/location of serviced unit]. The mission of the [name of unit] is to recruit young men and women into the U.S. Marine Corps from these geographic areas. The mission of the [name of unit] is to train as well as recruit them. The following primary activities are subject to the appellant's safety and health program: military recruit training, industrial warehousing, facilities maintenance, transportation, and construction.

The appellant develops, establishes, implements, administers and evaluates occupational safety and health programs; conducts on-site inspections and surveys of operations and facilities; develops, plans, and directs safety education programs, including worker safety training; serves as a consultant and advisor to all levels of personnel serviced by the [name of unit] regarding the Safety/Save Driving Program and the Hazardous Material Control and Management Committee;

reviews for compliance with safety standards architectural and engineering drawings for new construction and major alterations; and oversees the work of the [appellant's branch]staff.

The appellant's PD, other material of record, and information from our interviews 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 Safety and Occupational Health Management Series, GS-018, titling it Safety and Occupational Health Manager, and the appellant does not disagree. We concur with the agency's title and series determination. The standard for the GS-018 series contains appropriate grading criteria that we have applied below to the appellant's position. While the appellant monitors the work of [appellant's branch] staff, that work occupies too small a portion of her time (10%) to meet the criteria for classification as a supervisor and evaluation of that work by application of the General Schedule Supervisory Guide.

Grade determination

The GS-018 standard uses the Factor Evaluation System (FES), which employs nine factors. Under the FES, each factor level description in a standard 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. Each factor level has a corresponding point value. The total points assigned are converted to a grade by use of the grade conversion table in the standard. Our evaluation with respect to the nine FES factors follows.

Factor 1, Knowledge required by the position

This factor measures the nature and extent of information or facts which the safety and occupational health manager must understand to do acceptable work, and the nature and extent of the skills related to the planning, organizing, directing, and evaluating of a safety program.

At Level 1-7, knowledge is required of a wide range of safety and occupational health concepts, principles, practices, laws, and regulations applicable to planning, organizing, directing, operating, and evaluating a safety and occupational health program. At this level knowledge and skill is demonstrated 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. A work illustration at this level includes advising key managerial personnel on courses of action affecting facility operations, work processes, and environmental conditions impacting on the safety and efficiency of personnel. The appellant's responsibility for a comprehensive safety and occupational health program for the [units serviced] meets this level by requiring knowledge of complex safety and occupational health practices, concepts, principles, standards, and regulations regarding hazards associated with general industry,

hazardous material control, motor vehicle and traffic, maintenance and repair shops, and warehouse and material handling. She advises key managers on potentially hazardous work situations and activities, and takes corrective action as appropriate.

The appellant's position does not meet Level 1-8, where knowledge is sufficiently expert to 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, or to 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. Hazards are such that the appellant is not required to consider substantive program changes or adapt well-established management techniques. The appellant's PD indicates that she must be capable of contributing significant decisions or recommendations toward the development, interpretation, or application of federal, Department of Defense, Marine Corps, and command safety and occupational health directive criteria. However, the appellant indicates that her responsibility to contribute is limited to responding to requests for comment on criteria developed at higher levels and distributed to the managers of all potentially affected safety and occupational health programs nationwide or presented before them at annual conferences. Level 1-8 contemplates an employee with sufficient expertise to successfully *initiate* substantive recommendations and decisions, not merely to react to them.

Further, the appellant's safety and occupational health program does not cover activities with the complexity sufficient to provide the appellant the capability contemplated by Level 1-8. Illustrations intended to clarify the intent of Level 1-8 in the GS-018 standard involve some combination of expert knowledge of special hazards (e.g., ballistic missile research), expert knowledge of special analytical skills (e.g., fault tree analysis and risk tree analysis), application to higher organizational echelons (e.g., major command), application over a wider geographic area (e.g., worldwide), and application to major industrial operations (e.g., at shipyards or airfields). In contrast, the appellant is not required to have any such expert knowledge nor apply it to any such type of activity. In her written appeal, the appellant states that managing safety and occupational health programs for the [name of unit] and the Explosives Safety Program for the [name of unit] requires knowledge that should be credited at a higher level than her other work. However, the [name of unit] recruiting function normally involves only the risks associated with extensive driving required by recruiters. The Explosives Safety Program covers hazards associated only with materials and equipment, such as small arms, smoke grenades, and non-shrapnel explosive devices, necessary for the training of recruits, security, and riot control. These materials and equipment, and related uses, do not equate with the variety and complexity of materials, equipment, machinery, and practices found in major industrial operations contemplated at Level 1-8, such as large mobile cranes, steam and diesel locomotives, long shoring work involving cargo vessels, and aircraft maintenance.

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

Factor 2, Supervisory controls

This factor covers the nature and extent of direct or indirect controls exercised by the supervisor, the responsibility of the safety and occupational health manager, and the review of completed work.

The appellant's position meets Level 2-4 where the supervisor sets overall safety and occupational health objectives and management resources available. The employee has responsibility for independently planning and carrying out a safety and occupational health program; and completed work is reviewed only from an overall standpoint in terms of effectiveness in meeting program objectives or of compatibility with other activities. Like Level 2-4, program goals and deadlines are developed in consultation with the supervisor, who sets overall program objectives and resources with review and approval from higher level management at the [unit serviced]. Although the appellant responds to occasional special task assignments from her supervisor, she is responsible for all aspects of the safety and occupational health program. This includes, for example, independently managing most conflicts and hazardous situations; coordinating with principle [unit] representatives; interpreting safety and occupational health policy, standards, and regulations in terms of established objectives; and determining courses of action to be taken or safety methods and techniques to be applied. Completed work is reviewed for progress against program objectives.

The appellant's position does not meet Level 2-5 where the supervisor provides administrative direction with assignments in terms of broadly defined safety and occupational health mission or function goals. At that level the safety and occupational health manager independently plans, designs, and carries out programs within the framework of applicable laws, and typically provides technical leadership. If work is reviewed the focus is on fulfillment of program objectives, effect of advice, or the contribution to the advancement of safety and occupational health management. Unlike Level 2-5 the appellant's supervisor provides direction on explicit program components, activities, time constraints, and reporting requirements. The appellant independently designs, plans and carries out the safety and occupational health program, but within requirements established by her supervisor and directives from various levels within the Department of Defense, Navy, and the Marine Corps. The appellant's work is considered accurate and accepted without significant change, but she provides no technical leadership among peers as contemplated at this level.

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

Factor 3, Guidelines

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

At Level 3-3 the manager or specialist use a variety of guidelines including Executive Orders, state and municipal codes, Occupational Safety and Health Administration (OSHA) standards, agency manuals, procurement contract clauses, safety council reports, national safety association publications, and manufacturing association criteria. Like Level 3-3 the appellant uses comparable guidelines, including safety rules, regulations, and policies prescribed by the

Department of Defense, Navy, Marine Corps, OSHA, Interstate Commerce Commission, Department of Transportation, United Laboratories, American National Standards Institute, National Institute of Occupational Safety and Health, National Safety Council, American Society of Mechanical Engineers, [name of state] Vehicle Code, national fire codes, and other recognized standards and publications. At Level 3-3 the employee also independently interprets, evaluates, selects, and applies guidelines to specific situations including modifications and adaptations as necessary, and must frequently exercise judgment in applying standard hazard control or elimination practices to different situations. Like Level 3-3 the appellant independently interprets and applies guidelines, sometimes making modifications as the situation arises, particularly in applying national consensus standards written for private sector general industries to military operations, materials, or equipment.

The appellant's position does not meet Level 3-4 where guidelines 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. Specificity is lacking sometimes in guidelines used by the appellant, but primarily in how to apply safety and occupational health standards, practices, and rules locally at the installation level. Level 3-4 also requires experienced judgment and initiative 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. The record shows that the appellant's position does not require the degree of judgment and initiative characteristic of Level 3-4.

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

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 assignments cover a wide range of work operations and environmental conditions involving a substantial number and diversity of hazards. Work at this level involves evaluation of a variety of complex, interrelated physical conditions, operating practices, hazardous human-machine interaction and serious mishaps; and requires adaptation of known control or protective measures to eliminate or minimize hazards. Assignments at this level require analysis of unconventional safety and occupational health problems or circumstances, and the adaptation of proven safety and occupational health techniques is necessary. Like Level 4-4 the appellant's assignments cover a variety of operations including motor transport, recruit training (including rifle and pistol ranges, physical training, martial arts, and a swim tank), explosives and small arms ammunition storage, a steam power plant and gas station, carpentry and metal working facilities, auto repair, facilities maintenance and construction activities (including electrical, plumbing, recycling, welding, refrigeration and air conditioning shops and operations), and hazardous waste storage. Associated hazards are varied and numerous, including vehicular accidents, operating equipment injuries, falls and tripping injuries, heat stress, drowning, contagious disease, burns, electrical shock, chemical exposure, toxic fumes, carbon monoxide poisoning, lead or asbestos exposure, radiation, noise, explosions, oxygen depletion in confined

spaces, etc. These hazards sometimes present unconventional safety problems requiring the appellant to adapt safety and health techniques to the situation at hand or mitigate measures for local application, e.g., requiring permanent assignment of a paramedic to pool staff after investigation of a near drowning incident. The [installation] close proximity to an airport complicates safety considerations and planning, requiring, for example, a casualty plan in case of catastrophe and a hearing conservation program. In the past year, the appellant has evaluated a few fatalities related to motor vehicle accidents, and numerous lost-time injuries, in addition to hazards associated with [names of units] operations.

The appellant's position does not meet Level 4-5 where work includes broad and diverse assignments requiring innovative analysis of high safety risk activities. At Level 4-5 the employee weighs, considers, and evaluates (1) high safety risks in a field with constantly changing hazards, (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. None of these conditions apply to the appellant's position.

This factor is evaluated at Level 4-4 and 225 points are credited.

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 and services both within and outside the organization.

At Level 5-3 work involves the analysis and evaluation of safety and occupational health problems, conditions, and administrative practices affecting work operations and environmental conditions. Work efforts affect the quality of surveys and inspections conducted, the adequacy of techniques applied to control or eliminate hazards, and the physical safety and occupational health of employees and the general public. Like Level 5-3 the purpose of the appellant's work is to manage a comprehensive safety and occupational health program involving the improvement as well as analysis and evaluation of safety practices associated with all activities at the [names of units]. The appellant's work affects the frequency and effectiveness of safety inspections, the satisfactory control or abatement of hazardous conditions, and the physical safety of workforce populations, recruits, and visitors.

The appellant's position does not meet Level 5-4 where work often involves the development of safety and occupational health criteria and procedures for major agency activities, and work products impact on a wide range of agency safety and occupational health programs. The record shows that the appellant does not develop safety and occupational health criteria for higher echelon activities within the agency. The impact of her work is limited only to safety and occupational health program activities covering potentially hazardous materials, equipment, or operations found at the [names of units].

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

Factor 6, Personal contacts

This factor includes face-to-face contacts, telephone, and radio dialogue with persons not in the supervisory chain. Levels 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. Levels are assigned only for contacts which are essential for successful performance of the work and which have a demonstrable impact on the difficulty and responsibility of the work performed.

At Level 6-3 personal contacts are with a variety of individuals outside the agency, e.g., Federal managers, administrative law and Federal judges, contractors and consultants, university professors, state and local government officials, representatives of professional societies and national safety associations, and safety engineers. Like Level 6-3 the appellant meets with individuals outside the agency including representatives of the local community, service agencies, unions, the [name of state] Highway Patrol; officials of municipal and regional safety councils; and safety and occupational health officers, managers, and specialists from other branches of the armed services.

The appellant's position does not meet Level 6-4 where personal contacts are with high ranking officials from outside the agency such as key public and corporate executives, elected representatives, top scientific personnel of other departments and agencies, representatives of State, county and municipal governments, and national research organizations. The appellant's personal contacts do not include such individuals.

This factor is evaluated at Level 6-3 and 60 points are credited.

Factor 7, Purpose of contacts

The personal contacts which serve as the basis for the level selected for this factor must be the same as the contacts which are the basis for the level selected for Factor 6.

At Level 7-2 the purpose of the personal contacts is to resolve safety and occupational health problems by planning and coordinating activities in conjunction with supervisors and employees to control or eliminate hazards, and promote safe operating practices and procedures. Individuals contacted at this level are usually working toward a common goal and generally are cooperative. Like Level 7-2 the purposes of the appellant's contacts include resolving safety and occupational health problems, defining safety program objectives, ensuring compliance with safety standards, promoting safe operating practices, and exchanging safety program information. Individuals contacted are usually cooperative.

The appellant's position does not meet Level 7-3 where the purpose of the 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. This level also involves 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 including his or her work methods or findings. The record shows that the appellant is not required either to overcome significant resistance to complying with safety standards or to participate in depositions, make affidavits, or testify in a court of law.

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

Factor 8, Physical demands

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

The appellant's position requires frequent inspections and surveys of warehouses, a printing plant, new construction sites, machine shops, weapon ranges, and vehicle maintenance facilities, necessitating prolonged periods of walking and standing, and occasional climbing, bending, stooping, and lifting. This meets but does not exceed Level 8-2 (which is the highest level for this factor defined in the standard), where 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.

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

Factor 9, Work environment

This factor considers the risks and discomfort in the employee's physical surroundings or the nature of the work assigned and the safety and occupational health regulations required.

The appellant's position meets but does not exceed Level 9-2, which is the highest level for this factor defined in the standard. Like that level her position involves regular and recurrent exposure to hazards, unpleasantness, and discomforts while doing inspections and surveys. She is regularly exposed to moving machine parts in warehouses and maintenance facilities, high noise levels on weapon ranges, and irritating chemicals and fumes at vehicle and building maintenance facilities. Her activities at those sites engender physical stress, and protective equipment and clothing may be needed depending upon the degree of hazard.

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

Summary of FES factors

The following summarizes our assignment of factors by application of the GS-018 standard:

<i>Factor</i>	<i>Level</i>	<i>Points</i>
1. Knowledge required by the position	1-7	1,250
2. Supervisory controls	2-4	450
3. Guidelines	3-3	275
4. Complexity	4-4	225

5. Scope and effect	5-3	150
6. Personal contacts	6-3	60
7. Purpose of contacts	7-2	50
8. Physical demands	8-2	20
9. Work environment	9-2	20

Total 2,500

The total of 2,500 points falls in the GS-11 range (2,355-2,750) in accordance with the grade conversion table in the standard. Therefore, the appellant's position is graded at the GS-11 level.

Decision

The appellant's position is properly classified as Safety and Occupational Health Manager, GS-018-11.