

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

Appellant: [Name of appellant]

Agency classification: Archeologist
GS-193-9

Organization: [Appellant's work organization/location]
U.S. Forest Service
Department of Agriculture

OPM decision: Archeologist
GS-193-9

OPM decision number: C-0193-09-03

Judith A. Davis for

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

2/18/2011

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).

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Introduction

On July 16, 2010, the San Francisco Oversight office of the U.S. Office of Personnel Management (OPM) accepted a classification appeal from [name of appellant]. On September 2, 2010, we received the agency's complete administrative report. The appellant's position is currently classified as Archeologist, GS-193-9, but she believes her assignments warrant classification at the GS-11 grade level. The position is located at the [appellant's work organization/location], U.S. Forest Service, U.S. Department of Agriculture (USDA). We have accepted and decided this appeal under section 5112(b) of title 5, United States Code (U.S.C.).

General issues

The appellant does not believe her current position description (PD) [number] is completely accurate, but her immediate supervisor and the District Ranger have certified to its accuracy. A PD is the official record of the major duties and responsibilities assigned to a position by an official with the authority to assign work. A position is the duties and responsibilities that make up the work performed by the employee. 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 a real operating position, and not simply a PD. This decision is based on the work currently assigned and performed by the appellant.

The appellant makes various statements about the classification review process conducted by her agency and compares her work to higher graded district archeologist positions in her Forest and in Region 5. 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). In adjudicating this appeal, our responsibility is to make our own independent decision on the proper classification of her position. Since comparison to standards is the exclusive method for classifying positions, we cannot compare the appellant's position to others, which may or may not be classified correctly, as a basis for deciding her appeal. Therefore, we have considered the appellant's statements only insofar as they are relevant to making that comparison. Because our decision sets aside any previous agency decision, the classification practices used by the appellant's agency in classifying her position are not germane to the classification appeal process.

Like OPM, the appellant's agency must classify positions based on comparison to OPM standards and guidelines. However, the agency also has primary responsibility for ensuring that its positions are classified consistently with OPM appeal decisions. If the appellant considers her position so similar to others that they all warrant the same classification, she may pursue the matter by writing to her regional human resources office. In doing so, she 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 hers, the agency must correct their classification to be consistent with this appeal decision. Otherwise, the agency should explain to her the differences between her position and the others.

Position information

The appellant administers the Heritage Resource Program (HRP) for the [appellant's work organization] ("the District"). The HRP is comprised of two levels of work: (1) National Historic Preservation Act (NHPA) Section 106 includes projects like timber sales, road construction, and other "undertakings" that materialize in various District departments; and, (2) NHPA Section 110, which is the "Heritage" side of the job that enables the appellant to independently develop her own projects and assignments based on annually predetermined targets, e.g., a fixed number of annual evaluations to be completed. In addition, the appellant is an active team member of the Forest Heritage Program which is led by the Forest Archeologist. This program is governed by the Sierra Programmatic Agreement (PA), an agreement that delegates certain authorities to the District level allowing the District Archeologist to make independent decisions regarding compliance with Section 106 of the NHPA. In order to meet the requirements of the PA, the appellant meets with a team of archeologists (from other Districts as well as the Forest Archeologist) on an annual basis to develop the annual methodology (i.e., work plans) which the team will apply throughout the year. Section 106 related work assignments are defined by the appellant's immediate supervisor, and the appellant is responsible for figuring out how to accomplish the work given the resources and time frames she has to work with. In contrast, Section 110 projects are developed and implemented by the appellant.

The primary purpose of the appellant's position is to ensure the District's land management projects comply with Section 106 of the NHPA, which requires Federal agencies to take into account the effects of their undertakings on historic properties. Archeological sites are identified and evaluated under Section 106 for eligibility for listing on the National Register. As the District Archeologist, the appellant ensures that District undertakings and other special ground-disturbing projects (e.g., roads or facilities construction, scientific research, recreation development, special uses, soil restoration, and maintenance), are identified, managed, and protected in compliance with Section 106 requirements. In addition, she assists the District with completing the archeological aspects of National Environmental Policy Act (NEPA) analyses. This includes participating on interdisciplinary (ID) teams, performing all site survey work, identifying site records, tracking and monitoring sites, and maintaining a location mapping database.

Approximately 75 percent of the appellant's time is dedicated to site management, advisory services, and program reporting. This responsibility involves site protection, evaluation, and assessment, including duties such as flagging an already-audited site, evaluating damage to sites, and consulting with the State Historic Preservation Office (SHPO). This responsibility also includes report-writing and evaluation involving mapping, site recording, reporting, and developing an action plan on how to protect the subject site. The appellant makes determinations whether the site can or cannot be protected, and whether it may be eligible for the National Register of Historic Places (NRHP). Another portion of the appellant's time (approximately 25 percent) is dedicated to the planning and developing of projects. The appellant works with groups to plan projects (either as a team member or team lead), implements the plans, and generates the necessary reports, as well as brochures and videos for public consumption. At times she may need to consult with local Native American tribes regarding the project plans. For example, if the District organizes a timber sale that imposes on a tribal gathering site, the District

must work out a method to mitigate the situation with changes to the project. In such a case, she ensures the Memorandum of Understanding (MOU) between the Forest Service and the Tribe addresses resource protection, including possible road blocks or site camouflage.

In reaching our classification decision, we have carefully reviewed all information provided by the appellant and her agency including the official PD, which we find is sufficient for purposes of classification and have incorporated by reference into this decision. In addition, to help decide the appeal we conducted separate telephone interviews with the appellant, her first-level supervisor, and the Forest Archeologist.

Series, title, and standard determination

The appellant does not contest the agency's placement of her position in the Archeology Series, GS-193, and titling as Archeologist. After careful review of the record, we concur with the title of the position and placement in the GS-193 series.

The GS-193 Position Classification Standard (PCS) does not provide grade-level criteria. The appellant's position must be classified by reference to standards as similar as possible to the subject position considering the type of work performed, qualifications required, level of difficulty and responsibility involved, and the combination of classification factors with the greatest influence on grade level.

The GS-193 PCS suggests evaluating archeologist positions by applying various other standards depending on their primary duties and the setting in which they work. The History Series, GS-170, includes positions advising on, administering, supervising, or performing research or other work in the field of history when the work requires a professional knowledge of established methods and techniques of historical research in the collection, evaluation, analysis, or presentation of historical facts. Similar to the appellant's position, GS-170 work requires comparable professional qualifications and involves subject-matter, level of difficulty, and classification factors comparable to those required by the District's Heritage Resource Program. For example, her work is closely related to making determinations, through archeological means, of the historical significance of people who inhabited or traveled through the area now covered by the District. Consequently, the GS-170 PCS is appropriate for evaluating the appellant's position.

Grade determination

The GS-170 PCS uses two criteria to determine grade levels: (1) *Nature of the assignment* (includes knowledge required and complexity of the work), and (2) *Level of responsibility* (includes supervisory controls, guidelines, and contacts).

Nature of the assignment

At the GS-9 level, assignments usually are restricted to one topic but may involve consideration and inclusion of several related sub-topics. The following are illustrative: (1) a detailed study of an historic house including a thorough treatment of the physical history of the structure and its

furnishings; (2) a detailed study of the events and personalities associated with a particular “historic” site; (3) the determination of an official statement of lineage and battle honors for a military unit or organization from its inception to the present; or (4) a study of the highlights in the history of a specified Forest Service post.

Assignments at the GS-9 level typically involve some problems of organization and analysis or some difficulties in the critical evaluation of the evidence and in the establishment of “historical fact.” The latter problems may arise from gaps in evidence, from conflicting evidence, or from questions of reliability of evidence. Resolution of these problems requires the historian to employ persistence and imagination in seeking out additional sources, and critical judgment and analytical thought in the evaluation of the evidence uncovered. Relationships among historical facts are not always clear, thus requiring the historian to possess a good grasp of the subject matter involved and to employ logic and critical judgment in the syntheses of historical facts. The foregoing considerations tend to complicate the presentation of the results of the research effort, thus requiring the historian to possess some skill in the organization and presentation of his material in order to present the facts in their proper perspective.

At the GS-11 level, assignments usually involve one or more major topics or themes of history and require consideration and treatment of several related topics in order to place the study in its proper context. Illustrations of these types of assignments include (1) a study of a military exercise including the planning and organizational phases, the operational and logistical problems involved, their causes and solutions; (2) a study of United States policy regarding trade relationships with another country during a specified time period, taking into account the economic, military and political considerations which influenced policy decisions, or (3) a study of one or more functions or operations such as logistics or manpower of a Government department or agency, or a major organizational component thereof, taking into account the problems involved, the programs affected, the objectives to be achieved, the planning and implementation of the function or operation and the extent to which objectives were realized. Such assignments may be undertaken either as part of the continuing historical program of the agency, as “special” studies for use by agency officials in current program planning, or as part of a broader project under the direction of an historian of higher grade.

Another type of assignment typical of the GS-11 level involves planning and carrying out a series of historical research projects for a national historical park which centers around a single major historical theme and time period, but which requires a variety of definitive special studies to establish boundaries, determine location of events, and provide historical data for use in the reconstruction or restoration of the area.

GS-11 level assignments typically involve problems of the type and complexity described at the preceding level in several or all phases of their accomplishment. GS-11 level historians are expected to exercise a good understanding of the purposes of the project and to consider such matters as the accessibility of source material and the time or other limitations involved in independently planning the details of project accomplishment. In resolving the problems presented by the assignment, GS-11 historians must employ (1) a good knowledge of available research sources, (2) a good grasp of the primary subject-matter involved and of related subject-matter fields (in order to achieve complete coverage of significant sources), (3) sound critical

judgment in the evaluation of sources and the establishment of historical "fact", and in the development of hypotheses to account for causal relationships, and (4) substantial skill in organizing and writing a narrative that sets forth a balanced and realistic picture of the subject under consideration.

The appellant's assignments meet the GS-9 level. Like this level, her individual projects are normally restricted to one topic, but sometimes include consideration of related sub-topics. In carrying out her major role of site management under the NHPA, she identifies individual sites through onsite examination (surveying, taking samples of artifacts), evaluates their archeological and historical significance, and determines the potential impact of District ground disturbing activities on them, e.g., logging, building roads and recreation areas. Comparable to the GS-9 level, she is heavily involved in detailed studies of historic structures within the District's boundaries, and studies of historic sites including the events and individuals associated with an historic event. For example, she has (1) participated in determining the historic significance of particular structures and related sites (e.g., a Civilian Conservation Corps (CCC) 1930s Fire Lookout Building, and the Trumbull Peak Fire Lookout); a hydro-mining site within the District; and a study of a historic school house; and (2) has conducted in-depth evaluations of sites and surrounding structures, such as a homestead that was in the District. In this example, she did all the research, excavated the ground, completed all the lab work, summarized her findings, and then had to make a decision as to whether the site was important to preserve. This site was a homestead (from the 1800s Homesteading era when Congress allowed people to have land as long as there was a home on that land and someone lived there), and although someone attempted to make a living there it was unsuccessful, and over the years the structure collapsed. The appellant concluded that because there was so little left of this historical property and she was able to find enough artifacts, the property was allowed to be breached/razed.

Like the GS-9 level, the appellant's assignments typically involve some problems of organization and analysis or some difficulties in the critical evaluation of evidence and establishment of "historical fact." For instance, in the previously discussed example of the historical school house she interviewed residents and other local parties to assess how the site related to the geographic area. In addition, in doing site analysis and surveying to identify archeological locations and assess their historical significance, she sometimes must do additional historical research on the activities surrounding the period, and review available family or tribal records. In performing research, she applies a good grasp of the subject-matter, employing logic and reason to piece together archeological and historical evidence to definitively establish the presence of an important site. Similar to the GS-9 level, these considerations tend to complicate the presentation of her research efforts, particularly in preparing the archeological aspects of NEPA related documents and presenting information on sites related to the District's responsibilities for carrying out the HRP.

The appellant's assignments do not meet the GS-11 level. Unlike this level, her projects are limited to one topic not requiring major consideration and treatment of several related topics in order to place the study in its proper context. Most of her time is spent doing work prescribed under the provisions of the NHPA covering locating, identifying, mapping, evaluating/assessing, recording, and protecting archeological sites impacted by the District's ground disturbing activities. These straight-forward tasks involve surveying, analyzing, and researching to

determine the archeological and historical significance of a particular site, but do not require the degree of knowledge and depth of research and skill described at the GS-11 level. Although there may be a need to consider related sub-topics to determine the relevance of some of the appellant's other individual projects, the extent of analysis and research needed to place them in their historical context does not meet the scope and complexity of the illustrative assignments typical of the GS-11 level. For example, her studies of CCC and homesteading-era structures and sites do not need to and, therefore, do not take into consideration the breadth of economic, political, and national policy decisions at the time, or those that led to the movement of settlers into [name of state]. In contrast, her focus is on the identification of individual sites and determining their historical significance within a particular time period, e.g., mid-nineteenth century [name of historical event]. Unlike the GS-11 illustrative assignment involving planning and carrying out a series of historical research projects for a national historical park centering around a single major historical theme and time period (Civil War), her archeological studies have not required a variety of definitive supporting special studies to determine the complexity, scale, and impact of the project. Although the appellant must exercise judgment, possess a good understanding of the subject-matter reviewed, and be knowledgeable of available research sources, the application of those skills is limited because of the nature of her GS-9 level assignments.

This factor is evaluated at the GS-9 level.

Level of responsibility

At the GS-9 level, work assignments are accompanied by a definition of the scope and objectives of the study but are not accompanied by detailed preliminary instructions regarding sources or the methodology to be employed. GS-9 employees are expected to plan their field of search and follow recognized professional techniques in the accomplishment of the work. However, the supervisor or other historian of higher grade is available to provide guidance should problems not previously encountered by the incumbent arise in the course of the work. Typically, completed work is presented in draft form and is reviewed in detail for completeness, adequacy of planning, soundness of judgment in the establishment and organization of historical facts, and conformance to professional standards in the presentation of the study. GS-9 employees engaged in studies of historic sites may offer opinions as to whether the site appears to be historically worthy of preservation or restoration.

Personal work contacts typical of the GS-9 level are similar to those at preceding levels describing contacts with archivists and others responsible for the maintenance of files and records, or with individuals having knowledge of the events involved in the study. However, at this level historians' relationships with fellow colleagues outside of the supervisory chain begin to take on the color of professional consultation in that they may involve conferring on closely related studies, and include giving, as well as receiving information.

At the GS-11 level, employees typically function with professional independence within the limitations imposed by the scope and objectives of the assignment, which are clearly defined by the supervisor or an historian of higher grade, or established by specific directives from higher echelons. GS-11 historians are responsible for developing working plans and blocking out the

major areas of research for the accomplishment of the assignment, for determining the approaches and techniques to be employed, and for modifying working plans and approaches as necessary in the course of the study. Typically, only modifications to working plans which would have the effect of changing the scope or coverage of the assignment are discussed with the superior prior to implementation. Supervisory historians or other historians of higher grade may, or may not, be available for consultation as the work progresses, though arrangements for such consultation are possible if significant problems are encountered.

Completed work of GS-11 historians is typically reviewed for completeness of coverage, soundness of conclusions, adequacy of presentation and conformance to professional standards and agency policy, rather than for adequacy of the research or the methodology employed. Historians engaged in research programs for national historical parks are responsible for making recommendations as to the historic significance of the sites involved, and the desirability or feasibility of land acquisition or building restoration or reconstruction projects. Such recommendations are carefully reviewed at higher organizational echelons, both for their soundness in light of the supporting historical evidence and in light of overall program considerations.

In addition to personal work contacts of the type described at the preceding levels, GS-11 historians establish and maintain continuing consultative relationships with fellow historians and others both within and outside the Federal Government, including individuals in such related professional fields as architecture, archeology, political science, and economics. These contacts are for the purpose of maintaining current information regarding other historical work being done in their area of interest or for consultation or collaboration with subject-matter specialists in other professional disciplines.

The appellant's position approaches but does not fully meet the GS-11 level. Similar to the higher level, her contacts include consulting with other archeologists, staff of local historical societies and museums, and other outside agencies impacted by her cultural resource studies and the District's land management projects. The supervisor defines the scope and objectives of the appellant's assignments and, based on that guidance she independently plans and carries them out including determining the approaches, methods, and techniques to be employed, and if necessary making contacts comparable to the higher level. Because the appellant's supervisor is not an archeologist, her routine completed work is generally not presented in draft or reviewed in detail for completeness and adequacy of planning. However, like the GS-9 level the Forest Archeologist may review work on Section 106 projects for completeness and adequacy of planning, particularly when the work crosses District boundaries. Additionally, while the appellant is involved in annual work planning to meet the requirements of the PA, this is done as part of a group including the other District archeologists and the Forest Archeologist. Unlike the GS-11 level she does not develop her own work plans, modify them in the course of a study, or block out the major areas of research for the accomplishment of broad assignments. Her individual assignments preclude the need to develop formal work plans defining work objectives and goals, anticipating potential problems, and identifying resource constraints. Regardless of her contacts and level of independence, the appellant's regular assignments are not of the scope and complexity representative of the GS-11 level, and do not involve the extent and degree of judgment found at that level. Careful reading of the GS-170 standard and other OPM guidelines

indicates that for a person's level of responsibility to truly meet the GS-11 criteria, it should be exercised within the context of GS-11 assignments. As discussed under the first classification factor, the appellant's assignments are best graded at the GS-9 level.

This factor is credited at the GS-9 level.

Summary

By application of the grading criteria in the GS-170 PCS, we find the nature of the appellant's assignments and level of responsibility meet the GS-9 level. Therefore, the position is graded at that level.

Decision

The appellant's position is properly classified as Archeologist, GS-193-9.