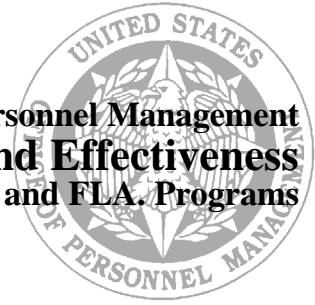


U.S. Office of Personnel Management  
**Office of Merit Systems Oversight and Effectiveness**  
Classification Appeals and FLA Programs



Chicago Oversight Division  
230 South Dearborn Street, DPN 30-6  
Chicago, IL 60604

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

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

**Agency classification:** Forester  
GS-460-9

**Organization:** Department of Agriculture  
Forest Service  
Region [Number]  
[Name] National Forest  
[City]/[Name] Ranger District  
[City, State]

**OPM decision:** Forester  
**GS-460-9**

**OPM decision number:** C- 0460-09-04

/s/

\_\_\_\_\_  
Frederick J. Boland  
Classification Appeals Officer

January 11, 1999

\_\_\_\_\_  
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]

[name and address of appellant's servicing  
personnel office]

Mr. Steve Nelson  
Director, Human Resources Management  
U.S. Department of Agriculture  
Rosslyn Plaza  
1621 North Kent Street  
Arlington, Virginia 22209

## Introduction

The appellant contests his agency's decision classifying his position (number 02031271) as Forester, GS-460-9. The position is located in the [City]/[Name] Ranger District, [Name] National Forest, Region [Number], Forest Service, Department of Agriculture, at [City, State]. He believes his position description accurately describes his duties, but feels his work warrants more credit under Factors 1, 2, and 7.

In addition, the appellant states:

It is my belief that since this position in Region [#] of the USFS is currently rated at the GS-462-10 level and in light of the fact that there have been additional duties added to that position description for my current job that the position should rate out as a GS-460-11 position. It should be noted that the position description that was used as a base to develop my current position description is used by Region [#] and is already rated as a GS-462-10. There were additional duties and expertise added. The position description that is used for Forest Service Representatives in Region [Number] more closely resembles my job description. I feel there is a major problem when my job description only rated out as a GS-460-9 since the description being used was a GS 462-10 already and with additional duties and expertise needs added to the description it only rated as a GS-460-9.

By law, positions are classified based on their duties, responsibilities, and qualification requirements by comparison to the criteria specified in the appropriate Office of Personnel Management (OPM) classification standard or guide. Other methods of evaluation, such as comparison to other positions, are not permitted. Agencies are, however, required to apply classification standards and OPM decisions consistently to ensure equal pay for equal work. OPM will require an agency to review its classification for consistency upon showing that specifically identified positions at different grades have identical duties. Accordingly, our letter transmitting this decision to the agency advises that it respond to this issue, should the appellant specifically identify a similar position (title, series, grade, organizational location, and the duties believed the same).

## Position Information

The appellant is one of three GS-9 Foresters on a staff of approximately eight employees. The other five positions are GS-7 and GS-9 Forestry Technicians. All report to the GS-11 Supervisory Forester for Timber Management in the [City]/[Name] Ranger District.

The appellant is responsible for administration of commercial timber sales, primarily in an area that comprises one half of the forest land covered by the district. The appellant serves as a logging and contracting specialist for interdisciplinary teams; administers timber sale contracts; and interprets and implements mitigation measures designed to protect different resource values such as range, wildlife, visuals, recreation, and engineering. His major duties include reviewing contracts and related preliminary information; determining that contract performance prerequisites have been satisfied; conducting pre-work meetings with the purchaser and contractors; and controlling such operations as falling, skidding and yarding, loading, and hauling. The appellant also monitors contract compliance; working closely with the Resource Clerk and Forest Service Representative, he recommends adjustments and modifications as necessary.

## **Analysis and Findings**

### **Series and Title Determination**

The appellant's duties fall within the type of work covered by the Forestry Series, GS-460. This series includes positions that involve development, production, conservation, and utilization of the natural resources of forests and associated lands; the inventory, planning, evaluation, and management of each forest resource including timber, soil, water, wildlife and fish habitat, minerals, forage, and outdoor recreation including wilderness, in relationship with each other to meet both present and future public and local private needs and demands; the protection of resources against fire, insects, disease, floods, erosion, and other degradations; the valuation, management, and protection of forest lands and properties; the interpretation and communication of principles, facts, and legislation upon which management of forest land rests; and the development of new, improved, or more economic scientific methods, practices, or techniques necessary to perform such work.

The prescribed title for positions in the GS-460 series, other than those specializing in administration or research, is *Forester*.

### **Grade Determination**

The OPM *Forestry Series Standard, GS-460*, dated December 1979, is divided into two parts. Part I applies to positions like the appellant's that entail normal professional duties but lack executive (Part II) responsibilities. Part I is in Factor Evaluation System (FES) format. This system requires that credit levels assigned under each factor relate to only one set of duties and responsibilities. Under FES, work must be fully equivalent to the factor-level described in the standard to warrant credit at that level's point value. If work is not fully equivalent to the overall intent of a particular level described in the standard, a lower level and point value must be assigned, unless the deficiency is balanced by an equally important aspect of the work that meets a higher level.

Work demanding less than a substantial (at least 25 percent) amount of time is not considered in classifying a position. Similarly, acting, temporary, and other responsibilities that are not regular and continuing are not considered in classifying positions.

The appellant raises specific issues regarding three of the nine factors discussed in the standard. Accordingly, this decision only details our analysis of those disputed factors. However, we independently reviewed his duties and responsibilities against the other factors and concur with the agency's credit level assignments on all but Factor 4, for which we also include our analysis.

### **Factor 1: Knowledge Required by the Position**

*This factor assesses the nature and extent of information or facts that employees must understand to do acceptable work (e.g., steps, procedures, practices, rules, policies, theories, principles, and concepts) and the nature and extent of the skills needed to apply those knowledges.*

Among his claims, the appellant states:

I am required to perform a wide range of professional duties that are associated with an intensive forest resource program. I am required to be a logging and contracting specialist for interdisciplinary teams, to administer timber sale contracts, to interpret and implement mitigation measures that are designed to protect many different resource areas (this requires knowledge of other resource values such as range, wildlife, visuals, recreation, engineering, etc.). I must have the skills to solve many problems covering many diverse forestry situations and assignments as I am considered and required to be the “fix it person” when it comes to the final implementation of timber sale projects. This varies greatly with each sale as one may have visual resource management concerns which needs to be mitigated, another may have problems with riparian protection, meadow protection, residual protection, etc. Each of these requires me to make different decisions generally on the spot and without consultation with my supervisor or specialists within each of the fields. I am required to perform the duties of Forest Service representative on small sales and occasionally on large sales, this must be done without consultation with my supervisor, as he is the contracting officer on many of these sales. To keep the conflicts within the contract to a minimum he must make contacting officer rulings on my decisions and can not be involved with the initial decisions made by myself as the Forest Service Representative. Many of these contracts are 3 to 5 years in length. I must at all times work to protect all resources and minimize impacts. This requires the ability to modify or adapt standard techniques and procedures and to assess, select and make use of precedents in devising strategies and plans to overcome any and all resource problems encountered within the timber sale.

I must have a knowledge of the characteristics, conditions, and interrelationships of the forest resources and be able to independently evaluate impacts as they relate to one resource on another resource so that I can make on the spot decisions as to what to modify or change so the impacts are held to within acceptable limits. I must have a thorough knowledge of agency policies and procedures, and applicable statutes governing the use of the forest resources, including but not limited to State, Federal, and local laws and regulations. I must have a high familiarity with related disciplines such as range, wildlife, silviculture, visual management, etc. so that I may manage the Timber Sales to produce the best results for all resource areas.

I must have administrative and coordinative skills to provide advisory, review, and training to others engaged in the planning and management of Federal lands. I teach harvest inspectors and provide expert advise to resource specialists on logging methods, policy, and contract law. I have an intensive knowledge and competence in advanced techniques of the highly complex area of timber sale administration and timber sale contract administration, and I am used by the District as a specialist and the “troubleshooter” for sale administration problems.

The appellant is already credited at Level 1-6 with applying advanced professional knowledge to common forestry problems and performing recurring assignments of moderate difficulty, i.e., the methods and techniques are well established, apply to most situations encountered, and do not require significant deviation from the established methods. Examples of problems commonly encountered by the appellant include potential visual quality impairment along roads, a variety of environmental conditions requiring different harvesting methods on a single sale, conflicts with contractors and purchasers’ representatives, and having to determine whether to leave or burn slash. Although the specific characteristics of these problems vary from one instance to another, the problem-solving techniques and methods used, while often used in different combinations, do not normally involve significant deviation from established forestry techniques and methods, as at Level 1-7.

Level 1-7 assignments involve a wider range of forestry concepts, principles, and practices than the appellant typically encounters. For example, the first Level 1-7 illustration given in the GS-460 standard has to do with developing and overseeing an active timber management program implementing a long-range resource management plan. The second illustration involves

coordinating the development or modification of intensive and comprehensive long-range land management studies and plans for forested and related areas. The appellant neither develops, oversees, nor coordinates a timber management program nor land management studies or plans. The third illustration deals with providing advanced professional forestry advice, training, consulting, and review services in a specialty field. The appellant trains Harvest Inspectors, but this task meets neither the level nor the breadth of the illustration. Similarly, the advice he provides to others is that of a specialist rather than an expert in the sense that Factor 1 uses the term expert (an authority sought out by experienced professionals because of one's mastery of the profession).

We evaluate this factor at Level 1-6 and credit 950 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 review of completed work. Controls are exercised by the supervisor in the way assignments are made, instructions are given to the employee, priorities and deadlines are set, and objectives and boundaries are defined. Responsibility of the employee depends upon the extent to which the employee is expected to develop the sequence and timing of various aspects of the work, to modify or recommend modification of instructions, and to participate in establishing priorities and defining objectives. The degree of review of completed work depends upon the nature and extent of the review, e.g., close and detailed review of each phase of the assignment, detailed review of the finished assignment, spot-check of finished work for accuracy, or review only for adherence to policy.*

Among his claims, the appellant states:

My supervisor only assigns the sales to be administered. There are no deadlines or objectives specified these are left up to me to determine. I must also set priorities and daily assignments for my employees. Many of the sales that are assigned involve controversial use or modification of the forest environment, these items are not discussed with the supervisor prior to the assignment being carried out. Completed work is not reviewed with any regularity even when controversy is involved.

The supervision received by the appellant is similar to that described at Level 2-3. He reports directly to the Supervisory Forester for Timber Management, who sets overall objectives and priorities. The objectives and deadlines for a given timber sale are generally determined by the supervisor and the provisions of the Sales Contract. The appellant plans and carries out assignments independently in accordance with proven forestry techniques, practices and previous experience, as indicated at Level 2-3. The appellant's supervisor attends the initial sales contract pre-work meeting with the purchaser's representative, at which time the contract is reviewed, and the supervisor ensures that all parties involved understand the contract and have an opportunity to discuss issues that arise. Appellant has face-to-face contact with his supervisor an average of 2 to 3 times per week; if they are both in the office near the end of the day, the appellant generally briefs his supervisor concerning current sales contracts and related issues. As is typical at Level 2-3, the techniques used by the appellant to accomplish his work are not reviewed in detail.

Unlike Level 2-4, the work completed by the appellant has ample precedent and does not require extensive analysis of the organization's requirements. If the appellant encounters a potentially controversial situation out on the job site, or one potentially requiring other-than-established methods or techniques, he calls or pages his supervisor. The appellant does not have responsibility for resolving professional problems covering the wide range of forestry issues typical of higher professional level assignments, as noted under our Factor 1 analysis in the previous section. Without such an increase in responsibility, Level 2-4 credit is inappropriate.

We evaluate this factor at Level 2-3 and credit 275 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 4-3, 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 that 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 appellant's work matches Level 4-3, in that he inspects work on-the-ground for conformance to standards and contract provisions. For example, he may recommend suspension of activity on a timber sale due to impact on other resources or a possible breach of contract, as when a tree marked to be saved has been cut down. Further, he considers the interrelationship of forest resources (e.g., timber, wildlife, streams, riparian areas, soil, etc.), and chooses from among alternative locations, techniques, or solutions (e.g., different logging methods, different types of equipment, etc.). Also, the appellant resolves routine coordination problems caused by interferences or conflicts between resource uses or functions, as at Level 4-3.

In contrast, at Level 4-4, Foresters independently carry out a wide variety of assignments and encounter diverse and complex forestry problems and unusual circumstances requiring in-depth, professional analysis -- complexities that are largely absent from the appellant's work. 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. In contrast to the appellant's own, their 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 action.

The appellant's 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, or problems similar in complexity to those noted immediately above.

We evaluate this factor at Level 4-3 and credit 150 points.

### **Factor 7: Purpose of Contacts**

*This factor addresses the purpose of personal contacts, which may range from factual exchange of information to situations involving significant or controversial issues and differing viewpoints or objectives. Contacts credited under Factor 7 must be the same contacts considered under Factor 6.*

Among his claims, the appellant states:

I am also expected to negotiate controversial issues with timber purchasers, contractors, agency personnel in other disciplines, other agency personnel, and concerned general public. I am required to do this in a way that will retain or build good will toward the agency as well as to persuade them to our viewpoint even though they may have a totally different opinion on how to do the job or not do the job. I am required to deal with the public and employees of the contractor on legal matters that are generally very negative in content (criminal in nature). I am required to persuade contractors and purchaser's Representatives to do a job that costs them more money or is different from the normal operating procedures to achieve the goals and objectives of the agency. Only after all other options have been exhausted does my supervisor become involved in the persuasive argument, which occurs generally only about twice a year.

This is a daily part of my job to influence others to meet the goals and objectives of the agency. Many of the contractors are set in their ways and feel they can get the job done within the specification of the contract by doing it their way. What they fail to realize is that "their way" has a serious impact on another resource, thus my job is to present an alternate method to the contractor that will work to protect all resources and persuade him to use that method even though it may cost that individual additional time and money.

The appellant's external (Level 6-2) contacts are typically routine, but his authority may not be initially clear to all parties concerned. In response to our request for specific examples of controversial issues he negotiates with external parties, the appellant indicated that he has seen two instances of timber theft in the past 8-10 years. He further indicated that the most common controversial situations he encounters include finding that a trucker is off the designated haul route, or discovering damage caused by a blade operator. He estimates that he calls law enforcement authorities for assistance four to five times a year, but he further explained that when he makes such a call, he is generally asked to handle the situation himself. To date, he has been able to resolve such situations without serious consequence or ramification. This is consistent with Level 7-2, where the purpose of contact typically is to inspect work and monitor activities of special users; to discuss technical requirements of contracts in order to resolve problems concerning contract stipulations and to reach agreement concerning differences as to appropriate



or allowable practices; to coordinate work with other foresters, technical resource specialists, engineers, etc.; or to promote utilization and conservation principles and activities.

In contrast, at Level 7-3, contacts are to negotiate controversial issues with various parties in a way that will obtain agency objectives and result in retention of good will; to influence or persuade various organizations or individuals who have conflicting interests and viewpoints on the use (or non-use) of various resources so as to reach an agreement which is consistent with technical as well as practical goals and objectives; to justify the feasibility and desirability of significant forestry resource plans and proposals; or to influence or persuade other experts to adapt techniques or methods about which there may be conflicting opinions. Unlike Level 7-3, the appellant gains compliance primarily through his oversight of operations rather than by negotiating significant professional issues. He typically advises others on preferred forestry approaches based upon his professional knowledge, as at Level 7-2, rather than convinces other experts to adopt controversial methods by skillful professional persuasion, as at Level 7-3.

We evaluate this factor at Level 7-2 and credit 50 points.

### **FACTOR LEVEL POINT SUMMARY**

Factor	Level	Points
1	1-6	950
2	2-3	275
3	3-3	275
4	4-3	150
5	5-3	150
6	6-2	25
7	7-2	50
8	8-2	20
9	9-2	20
	Total:	1915

The table above summarizes our evaluation of the appellant's work. As shown on page 19 of the standard, a total of 1915 points converts to GS-9 (1855-2100).

### **Decision**

The proper classification of the appellant's position is Forester, GS-460-9.