

UNITED STATES OFFICE OF PERSONNEL MANAGEMENT

Washington, DC 20415

Human Capital Leadership
and Merit System
Accountability Division

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

Appellant: [appellant]

Agency classification: Rangeland Management Specialist
GS-454-9

Organization: [name] Ranger District
[name]National Forest
[name]-Region [number]
Forest Service
U.S. Department of Agriculture
[city and state]

OPM decision: Rangeland Management Specialist
GS-454-9

OPM decision number: C-0454-09-01

/s/ Robert D. Hendler

Robert D. Hendler
Classification and Pay Claims
Program Manager
Center for Merit System Accountability

March 5, 2007

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:

[appellant's name and address]

[representative's name and address]

[servicing HR office name and address]

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Introduction

The Dallas Field Services Group of the U.S. Office of Personnel Management (OPM) accepted a classification appeal from [appellant], through her representative, on September 13, 2006. The appellant's position is currently classified as Rangeland Management Specialist, GS-454-9, and is located at [name] Ranger District, [name] National Forest, [name] Region-[number], Forest Service, U.S. Department of Agriculture (USDA), in [city and state]. The appellant does not dispute the series of her position, but believes it should be classified at the GS-11 grade level. We received the agency's administrative report on October 19, 2006, and the comments on that report from the appellant's representative on November 2, 2006. We have accepted and decided this appeal under section 5112 of title 5, United States Code (U.S.C.).

Background and general issues

The [name] National Forest is geographically divided into six ranger districts (i.e., [six names]), which are combined into zones. The record indicates that traditionally, each district was assigned a GS-454-11, Rangeland Management Specialist position. Under the current shared zone concept, each zone is assigned a GS-11 position responsible for managing the zone's range program. The [two districts] Zone and the [two other districts] Zone are each assigned a GS-11 range program manager position. Due to the size and the amount of livestock grazing activity, the [appellant's] Zone is assigned two positions, i.e., a GS-11 range program manager position, located at the [name] Ranger District, and the GS-9 rangeland management specialist position assigned to the [appellant's] District and occupied by the appellant since late 1998.

The appellant submitted a copy of a January 2004 vacancy announcement for the [appellant's] Zone's GS-454-11 program manager position. She applied for the position but was not selected. The selectee, who now directly supervises the appellant's position, was a candidate who was laterally reassigned from another national forest. The appellant believes the individual was pre-selected for the position. In adjudicating this appeal, our responsibility is to make our own independent decision on the proper classification of the appellant's position. By law, we must make that decision solely by comparing her currently assigned duties and responsibilities to OPM standards and guidelines (5 U.S.C. 5106, 5107, and 5112). Therefore, we have considered the appellant's statements only insofar as they are relevant to making that comparison.

In April 2004, the appellant requested a review of her position from the Forest's human resources (HR) office. Their evaluation statement, dated September 1, 2004, found that the appellant had assumed some higher level duties while the [name] District's GS-454-11 position was vacant prior to management's decision to organize under the shared zone concept. The appellant raises various concerns about the fairness and timeliness of her agency's desk audit procedures. Again, our responsibility is to make an independent decision on the position's classification. Because our decision sets aside all previous agency decisions, any concerns regarding the fairness and timeliness of the agency's classification review process are not germane to this decision.

In a May 10, 2005, memorandum to the appellant, the Forest Supervisor informed her of the completion of the position audit and communicated management's decision to assign the higher-graded duties being performed by the appellant to her immediate supervisor's position, i.e., the [two district name] Zone program manager. Under 5 U.S.C. 7106, management retains the right

to determine the mission, budget, organization, number of employees, and internal security practices of the agency and this includes the assignment of work to positions. As the result of a settlement agreement, the appellant was compensated for performing higher-graded duties for an agreed upon period of time.

The appellant requested a second desk audit in 2006. In response, her immediate supervisor and the HR officer for the Forest Service's [state] Operations Center met with the appellant on February 23, 2006, to discuss the rangeland management duties she should perform at the GS-9 grade level. The Forest Supervisor subsequently sent the appellant a letter, dated March 1, 2006, to deny her second desk audit request, summarize the February 2006 discussion, and reiterate Forest management's intent in providing developmental assignments to her position.

The appellant believes she is performing work similar to positions classified at higher grades and occupied specifically by males. Like OPM, USDA must classify positions based on comparison to OPM's position classification standards and guidelines. In accordance with 5 CFR 511.612, agencies are required to review their own classification decisions for identical, similar, or related positions to ensure consistency with OPM certificates. Consequently, the appellant's agency has primary responsibility for ensuring its positions are classified consistently with OPM appeal decisions. If the appellant believes her position is classified inconsistently with another, then she may pursue this matter by writing to USDA headquarters' HR office. She should specify the precise organizational location, series, title, grade, and responsibilities of the positions in question. The agency should explain to her the differences between her position and the others, or classify those positions in accordance with this appeal decision.

Position information

The appellant's position is assigned to the [name] Ranger District, which covers 274,817 acres. Those acres are divided into approximately 27 allotments; of which 12 are designated for cattle grazing, 14 for sheep, and one for cattle and sheep. In general, cattle allotments are more challenging to oversee as they require the appellant to plan and implement additional projects to build and maintain fences, ponds, and pipeline and trough watering systems. As the District's rangeland management specialist, the appellant processes and recommends approval of applications for grazing permits and executes routine revisions, renewals, transfers, and sales for assigned allotments. The appellant administers approximately 58 livestock grazing permits that are issued for terms of 10 years or less.

The appellant schedules annual meetings with the group of permittees from each allotment to discuss various range issues including, but not limited to, changing grazing patterns to avoid overusing the grounds, potential improvement projects, or complaints. What is discussed in the annual operational meeting serves as the groundwork for the annual operating instructions. Prior to the grazing season, the appellant drafts annual operating instructions for each of the allotments and describes conditions on the permitted and authorized range uses, grazing instructions, utilization standards and guidelines, monitoring use, general management practices, and range improvement projects. Each permittee receives a copy of the annual operating instructions after review and signature by the [name] District Ranger (GS-340-13), who serves as the appellant's second-level supervisor.

The appellant regularly inspects and monitors range conditions and activities to ensure land user compliance with the permit, operating instructions, and the allotment management plan (AMP). The AMP describes management's direction for allotments where grazing is permitted, and it details the number and type of animals permitted, seasons of use, grazing system, planned improvements, and maintenance responsibilities. With assistance from her immediate supervisor, the appellant is developing an AMP for the [name] allotment which will require her to complete and document a National Environmental Policy Act (NEPA) analysis. The appellant is also responsible for dealing with a permittee's noncompliance. She sends violators warning letters. If the situation persists, the appellant will consult with the [name] District Ranger to discuss possible penalties including terminating a permit or reducing livestock numbers. She then drafts a violation letter for signature by the District Ranger; she estimates drafting violation letters approximately once or twice a year.

In addition, the appellant studies, inspects, and analyzes range conditions to gauge the effectiveness of current management practices and, when necessary, make recommendations for adjusting forest grazing, range policy or program changes, or possible improvement projects. On average, the [name] District receives a \$20,000 budget, which is primarily earmarked for materials and range betterment projects. The appellant is responsible for ordering necessary supplies and delivering them to permittees for construction. If the agency is responsible for the project, the appellant will also plan, implement, and oversee the approved project plans.

The appellant and supervisor certified to the accuracy of the duties described in her official position description (PD), number [number]. The appellant's PD and other material of record furnish much more information about her duties and responsibilities and how they are performed. The PD is adequate for classification purposes, and we incorporate it by reference into this decision. To help decide this appeal, we conducted a telephone audit with the appellant on January 3, 2007, and a telephone interview with the first-level supervisor on December 22, 2006. We also conducted telephone interviews with the HR officer for the Forest Service's [state] Operations Center on January 4, 2007, and separate telephone interviews with the second-level supervisor and the Forest Supervisor on January 23, 2007. In reaching our classification decision, we carefully considered all of the information gained from these interviews, as well as the written information furnished by the appellant and her agency.

Series, title, and standard determination

The agency assigned the appellant's position to the GS-454 Rangeland Management Series, titled it Rangeland Management Specialist, and evaluated it using the Job Family Standard (JFS) for Professional Work in the Natural Resources Management and Biological Sciences Group, GS-400. The appellant does not disagree and, after careful review of the record, we concur.

Grade determination

The GS-400 JFS uses the Factor Evaluation System format, under which factor levels and accompanying point values are assigned for each of the nine factors. The total is converted to a grade level by use of the grade conversion table provided in each JFS. Under this system, each factor-level description demonstrates the minimum characteristics needed to receive credit for the described level. If a position fails to meet the criteria in a factor-level description in any significant aspect, it must be credited at a lower level.

The appellant disagrees with the agency's evaluation of Factors 1, 2, 4, and 6. We reviewed the agency's determination for Factors 3, 5, 7, 8, and 9; concur; and credited the position accordingly. Therefore, our evaluation will focus on Factors 1, 2, 4, and 6.

Factor 1, Knowledge Required by the Position

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

At Level 1-6, rangeland management specialists require professional knowledge of and skill in applying rangeland management concepts, principles, practices, and methodology; the organization's programs and their governing laws and regulations; related mathematical and/or biological disciplines; and Federal, State, local, and/or tribal laws and regulations. The employee possesses sufficient knowledge and skills to independently perform recurring, well-precedented projects using standard methods and techniques; identify and resolve problems; provide technical advice to laymen; evaluate requests for access and use of public lands; and prepare routine reports and make presentations.

At Level 1-7, rangeland management specialists require professional knowledge of and skill in applying a wide range of concepts, principles, practices, and methodology of the field; agency regulations, policies, and procedures; applicable Federal statutes and legislation governing individual programs; related disciplines; and State, local, and/or tribal laws, customs, mores, and economic interests. The employee possesses sufficient knowledge and skills to resolve complex problems involving matters, such as developing and implementing multiple-use resource management plans or covering diverse resource management issues; modifying or adapting standard processes and procedures; assessing, selecting, and applying remedies suited to the assigned problem or situation; devising strategies to overcome significant resource or environmental problems; assessing the environmental impact of various practices; recommending and justifying appropriate resource management strategies; applying environmental regulatory requirements in resource management reviews and contract proposals; providing advisory and/or specialized services; and evaluating the economic impact of exploiting natural resources.

Level 1-6 is met. Similar to Level 1-6, the appellant's position requires professional knowledge of and skill in applying rangeland management concepts, principles, practices, and methodology. As the district's rangeland management specialist, the appellant applies well-established methods in gathering and analyzing data to provide range input and recommendations for meeting the Forest's land management objectives; inspects permittees' land grazing activities; and recommends penalties for a land user's non-compliance based on an assessment of damage and severity of the violation. The JFS includes an illustration of this type of work at Level 1-6, where the rangeland management specialist applies knowledge of and skill in applying principles, concepts, methods, and functions of range management to improvement projects; and grazing permit program policies and procedures, along with Federal, State, and local statutes and regulations governing rangeland management and use. The knowledge is sufficient to assess impact of land use practices; evaluate grazing permits; determine activity level (e.g., grazing season and duration) to ensure continued or improved range conditions; and recommend

allowable parameters and limits under which permits may operate. This is a match to the appellant's position.

Level 1-7 is not met. The JFS includes an illustration of work at Level 1-7, where the rangeland management specialist is responsible for a land-use permit program similar to that of the appellant's position. However, the position described at Level 1-7 is responsible for additional duties requiring application of broader knowledge to, for example, eradicate or control non-native species of plant and animal life; stimulate biological diversity; oversee a public outreach program; maintain field office facilities such as roads, bridges, and buildings; and plan, design, and implement new biological studies and projects to gauge rangeland conditions. This does not describe the level of knowledge and skill required to perform the work of the appellant's position.

The appellant was previously responsible for coordinating activities of a noxious weed program and helped develop the [name] Coordinated Weed Management Area, which involved officials from several counties, state, and private organizations. The appellant's role in eradicating noxious weeds has lessened, and her current duties involve locating individuals licensed to spray pesticides, scheduling work days, and overseeing the spraying. The appellant is also not responsible for resolving complex problems as described above at Level 1-7. While the [name] Ranger District is divided into 27 allotments, oversight of the [names of three] allotments are considered more complicated (e.g., due to Congressional interest, watershed group concerns, etc.) and have been transferred to the appellant's immediate supervisor for handling. The appellant has been assigned, as a developmental opportunity, some responsibilities for the [one name] allotment, e.g., developing an AMP, with guidance by her immediate supervisor. As provided for in the *Introduction to the Position Classification Standards*, Section III. J., these assignments are made to allow the appellant to carry out progressively more difficult and responsible tasks, subject to close supervision and review, and cannot control the classification of the position.

Level 1-6 is credited for 950 points.

Factor 2, Supervisory Controls

This factor covers the nature and extent of direct and indirect controls exercised by the supervisor. Employee responsibilities, as well as the review of completed work, are included. Employee responsibility 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.

The position meets Level 2-3. Similar to Level 2-3, the appellant's supervisor outlines or discusses problem areas and defines objectives, plans, priorities, and deadlines. Several milestones in the appellant's work are controlled by agency-prescribed time constraints, but the appellant can usually carry out daily assignments within these parameters. For example, the appellant is occupied in the summer with monitoring and inspecting range activities, which includes checking maintenance projects, livestock activities, and permittee compliance. Permittee issues typically require the appellant to establish or adjust priorities. During the winter, the appellant works on renewing permits before they expire, as well as scheduling annual

meetings with permittees and drafting operational instructions prior to the grazing season. This is a match for Level 2-3. As at Level 2-3, she plans and carries out the assignments in conformance with accepted policies and practices; adheres to instructions, policies, and guidelines to resolve commonly encountered work problems and deviations; and brings controversial information or findings to the supervisor's attention for direction. The supervisor is invited and occasionally attends annual operational meetings, assigns primarily basic permit renewals to the appellant, and requests regular status updates on permit renewals currently being worked. Many of the appellant's assignments are continuous, so her immediate supervisor reviews this work to ensure work is completed, deadlines are met, and objectives are accomplished.

The appellant's position does not meet Level 2-4, where the supervisor outlines overall objectives and available resources. The appellant's work objectives, projects, resources, and deadlines are more detailed and more closely monitored and reviewed than that described at Level 2-4. We reviewed a work agreement signed by the appellant and immediate supervisor, dated March 2006, which identifies and prioritizes work to be completed in Fiscal Year 2006. Included in the work agreement are the following assignments: (1) work together with the permittees in accomplishing removal of 1 mile of abandoned fence as well as one mile of brush removal along let down fences that are actively used; (2) for all allotments assigned, conduct and complete annual grazing meetings and develop and complete annual operating instructions for each allotment by May 15 with the exception of [names of two allotments]; and (3) complete construction of Ox-Killer fence. The work agreement furnishes more information about the duties and responsibilities expected of the position, so we conclude the appellant, unlike Level 2-4, is not planning and carrying out work with merely an overall objective (such as, effectively maintaining the range program at the [name] Ranger District) for direction. Furthermore, the appellant's work is of a continuing, repetitive nature and is performed based on several years of experience with range management programs, allowing her to work with little or no day-to-day supervision. Her work does not require detailed review as these duties are handled largely in accordance with established range instructions, policies, and guidelines. The appellant's assigned duties do not require or permit the broad planning and carrying out of assignments; the developing of solutions or proposals for *significant* technical or procedural problems; the developing of changes to plans and/or methodology; or the interpreting of policy and regulatory requirements as envisioned at Level 2-4.

Level 2-3 is credited for 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.

The position meets Level 4-3. Comparable to Level 4-3, the appellant's work involves performing research, testing, or natural resources management functions and duties requiring unrelated steps, processes, methods, or procedures. Similar to Level 4-3, she applies unrelated steps, processes, methods, and procedures to evaluate the impact of land management practices and projects at the [name] Ranger District. As at Level 4-3, the appellant makes various recommendations on the most appropriate range management practices by considering the

potentially negative effects on the ecosystem, the agency resources, the economic activities of land users, and the achievement of land management program objectives. At this level, the employee analyzes, evaluates, and selects an appropriate course of action from many known alternatives that concern, impact, or involve the condition of the environment; the value of various practices; compliance with legally mandated actions and conditions; risk to the environment and to the local economy; proposed sites for revegetation, reforestation, roads, and other uses; and commercial or recreational use of natural resources. Therefore, her work inspecting land user compliance with the permit, operating instructions, and the AMP; administering routine grazing permit actions; planning and/or overseeing range projects; and providing range-specific information for NEPA projects are also comparable to Level 4-3. As at that level, she typically applies conventional approaches and precedents to everyday problems or issues but will consult other rangeland management specialists, her immediate supervisor, the [name] District Ranger, or range staff at the Supervisor's Office when occasionally dealing with situations lacking precedents.

The appellant's position does not meet Level 4-4. Unlike Level 4-4, the appellant's work does not involve performing a variety of research, testing, or natural resources management duties requiring many different and unrelated processes, methods, and problem solving techniques. The appellant's position is primarily responsible for overseeing the district's range program, which requires following commonly accepted procedures. In contrast to Level 4-4, her assigned work does not require exercising originality in confronting situations. For example, the supervisor said the appellant is responsible for "simple" permit renewals where the appellant, after verifying with the permittee that information is unchanged, can recommend approving the renewals for the District Ranger's signature. The immediate supervisor estimates that 60 percent of those actions involve simple renewals while the remaining 40 percent may be complicated by issues including an estate death where permit ownership is not apparent or a permittee has been convicted of a crime. The supervisor said these more complex renewals should be forwarded by the appellant to him for handling. This statement was also documented in the memorandum, dated February 23, 2006, summarizing the meeting with the appellant, her immediate supervisor, and the [state] Operations Center's HR officer. It states:

[appellant] is responsible for the performance of recurring assignments of moderate difficulty and the use of established methods and techniques which do not require significant deviations. An illustration of this would be a standard grazing permit renewal where nothing is changing, but the existing permittee is simply renewing his/her grazing permit for another ten-year term.

At Level 4-4, problems usually involve interdependent resource and socioeconomic issues relevant to an area of specialization and/or relating new work situations to precedent situations; conducting investigations and special survey procedures; and extending, adapting, or modifying existing techniques. To decide what needs to be done, the employee conducts special studies; evaluates unusual circumstances; works with incomplete and conflicting data; reconciles environmental goals with conflicting requirements; contends with the absence of criteria; and contends with new methods and techniques. The employee also uses considerable judgment to plan the sequence, direction, and progress of work; interpret voluminous data or data that are incomplete or conflicting, or of questionable accuracy; modify standard methods, practices, techniques, or existing guides to address current and evolving problems or issues; identify,

evaluate, and project risks based on scarce, non-existent, or conflicting data; and assess the interrelationships of physiological and technological information.

The appellant described several problems she typically confronts in her work including that involving permittee non-compliance with rules and regulations. For example, a fence needed repair but neither the permittees nor the private landowner, whose property bordered the fence location, claimed responsibility for the fence maintenance. In response, the appellant contacted and convinced the Back Country Horsemen, a service group that assists land management agencies, to adopt the fence's repair as a project. This and other problems typical of the appellant's work involve a more clear cut problem-solving process, which does not involve the difficulty in identifying a problem due to incomplete or conflicting data, unusual circumstances, or absence of criteria; require modifying standards, methods, practices, or techniques; or making a decision based on an evaluation and projection of risks typical at Level 4-4.

Level 4-3 is credited for 150 points.

Factor 6, Personal Contacts

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

At Level 6-2, rangeland management specialist's contacts are employees in the same agency and/or members of the public in a moderately structured setting. Contacts may include professionals and specialists in different functional areas within the agency and at different organizational levels.

At Level 6-3, rangeland management specialists contact individuals or groups inside and outside the employing agency representing high levels of organizations internal and external to the Federal government. Typical contacts are with contractors; legal professionals; representatives of community action committees; management officials or senior technical staff of corporations; and Federal agencies, academia, or professional organizations.

The appellant's contacts meet Level 6-2 in that they are primarily with employees inside and outside the immediate Forest organization; livestock grazing permittees; and visitors to the Forest including environmentalists, all terrain vehicle users, hikers, and skiers. The majority of the appellant's contacts are with the District's permit holders with whom she has established stable and constant relationships, so these interactions occur in the moderately structured settings as described at Level 6-2.

The appellant's contacts do not meet Level 6-3, since she does not have regular contact with the types of individuals described at this level. While some contacts described at Level 6-3 may be similar to the appellant's, the full requirements of this level are not met as these contacts normally occur on an ad hoc basis. For instance, the appellant occasionally contacts university officials when the District is recruiting students for seasonal positions; Federal agencies (e.g., the Bureau of Land Management) when issues involve the District and the other agency's public lands; State officials on permit issues with the previously State-owned Franklin Basin allotment;

and county officials to schedule the District's spraying treatments for noxious weeds. The appellant's contacts may have approached Level 6-3 when she represented the District on teams including the State Strategic Weed Team and the Coordinated Resource Management Team, which included community action committee representatives, legal professionals, and professional organizations. The agency, however, has scaled back from cooperative partnerships and the appellant is no longer as active on those teams. The appellant continues participating on the [name] County Weed Management Team, but the group normally convenes only once or twice a year. These contacts, as well as those described above, occur only when the occasional situation arises and do not represent the appellant's regular and recurring contacts required to perform the ongoing work of her position.

Factors 6 and 7 are interdependent. The contacts selected for crediting Factor 6 are used to evaluate Factor 7, and the appropriate level for personal contacts and the corresponding level for purpose of contacts are determined by applying the point assignment chart for Factors 6 and 7. We agreed with the agency's crediting Factor 7 at Level b. Consequently, Level 2b is credited for 75 points.

Summary

<i>Factor</i>	<i>Level</i>	<i>Points</i>
1. Knowledge Required by the Position	1-6	950
2. Supervisory Controls	2-3	275
3. Guidelines	3-3	275
4. Complexity	4-3	150
5. Scope and Effect	5-3	150
6. & 7. Personal Contacts and Purpose of Contacts	2-b	75
8. Physical Demands	8-2	20
9. Work Environment	9-2	<u>20</u>
<i>Total</i>		1,915

A total of 1,915 points falls within the GS-9 range (1,855 to 2,100) on the grade conversion table in the JFS.

Decision

The position is properly classified as Rangeland Management Specialist, GS-454-9.