

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

**Appellant:** [Name of appellant]

**Agency classification:** Biological Science Technician  
(Fisheries)  
GS-404-7

**Organization:** [Appellant's organization/work  
location]  
Bureau of Reclamation  
U.S. Department of the Interior

**OPM decision:** Biological Science Technician  
(Fisheries)  
GS-404-7

**OPM decision number:** C-0404-07-02

//signed// Judith A. Davis, for

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

5/30/2012

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Date

As provided in section 511.612 of title 5, Code of Federal Regulations, 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).

As indicated in this decision, our findings show the appellant's official position description (PD) does not meet the standard of adequacy described in section III.E. of the *Introduction*. Since PDs must meet the standard of adequacy, the agency must revise the appellant's PD to reflect our findings. The servicing human resources office must submit a compliance report containing the corrected PD within 30 days of the date of this decision to San Francisco Oversight.

**Decision sent to:**

[Appellant's mailing address]

[Address of appellant's servicing human resources office]  
Bureau of Reclamation

Director of Personnel  
U.S. Department of Interior  
Mail Stop 5230-MIB  
1849 C. Street, N.W.  
Washington, D.C. 20530

## **Introduction**

On June 15, 2011, the U.S. Office of Personnel Management's (OPM) San Francisco Oversight accepted a classification appeal from [name of appellant]. On July 20, 2011, we received the complete agency administrative report (AAR). The appellant's position is currently classified as Biological Science Technician, GS-404-7, but he believes he is performing professional work and his position should be classified as a Fisheries Biologist, GS-482-9/11. The appellant works for the [name of appellant's organization/work location]. We have accepted and decided this appeal under section 5112(b) of title 5, United States Code (U.S.C.).

## **General issues**

The appellant makes various statements about his agency's evaluation of his position and compares his duties to higher graded Fish Biologist positions in his organization. In adjudicating this appeal, our responsibility is to make our own independent decision on the proper classification of his position. By law, we must make that decision solely by comparing his current duties and responsibilities to OPM standards and guidelines (5 U.S.C. 5106, 5107, and 5112). Since comparison to standards is the exclusive method for classifying positions, we cannot compare the appellant's position to others that may or may not be properly classified, as a basis for deciding his appeal. Because our decision sets aside any previous agency decisions, the appellant's statements regarding the classification practices used by his agency to classify his 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 his position so similar to others that they all warrant the same classification, he may pursue the matter by writing to his agency's human resources headquarters. In doing so, he 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 his, the agency must correct their classification to be consistent with this appeal decision. Otherwise, the agency should explain to him the differences between his position and the others.

The appellant points to his personal qualifications, including his Associate's in Applied Science degree in Fisheries Technology as a supporting factor for warranting classification of his position to the 482 Fish Biology Series. An appellant's qualifications are considered in classifying position only to the extent these are qualifications required to perform current duties and responsibilities assigned to the appellant's position. Therefore, we could not consider the appellant's personal qualifications, except insofar as they were required to perform his current duties and responsibilities. To the extent they are needed for this purpose, we carefully considered them along with all other information furnished by the appellant and his agency, including his official position description (PD).

The appellant does not believe his current PD [number] is accurate, but his immediate supervisor has 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 based on 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.

Our review disclosed the appellant's PD lists one duty he no longer performs and another he has never performed. Specifically, he no longer performs range management duties for the [name of appellant's organization] as stated in the introduction paragraph of his PD. Moreover, he has never operated or serviced a weather station as stated under the section of the PD for equipment operation and maintenance. Therefore, the appellant's PD of record does not meet the standard of adequacy addressed on pages 10-11 of the *Introduction*, and the agency must revise the PD to reflect our findings.

### **Position information**

The [name of appellant's organization/location], administers BOR lands, water service, and water contracts from north of [names of city and states] border. The [appellant's organization] along with its field offices operate the [names of divisions], including [name of dam], power plant, and reservoir. This office also manages the [name of river]. The appellant is duty stationed in [name of duty station], a field office of the [appellant's organization].

The appellant plans, conducts, and reports on field investigations and surveys involving studies to monitor fish distribution and behavioral characteristics. His projects support assessments on the impact of BOR's operations and facilities on fish species that may be listed under the Endangered Species Act (ESA). The appellant is responsible for selecting and using techniques such as surgical implantation of radio tags to track fish movement, underwater observation, and collecting tissue samples. He leads crews of employees from BOR, other Federal, State and local agencies and local tribes who assist him in monitoring and data collection. He prepares technical reports of data collection methods, fish observations, statistical analysis and conclusions of data findings. Due to his experience in the technical specialization of fisheries, the appellant consults with and provides technical advice and training to personnel from within and outside his immediate unit.

The appellant performs a variety of field investigations including researching and monitoring activities associated with the [name of pumping plant]. The [name of pumping plant] is located along the [name of river] at the BOR's Operations and Maintenance Complex for the [name of diversion dam] and the [name of canal]. The [name of pumping plant] was built to meet water deliveries and fulfillment requirements of the National Marine Fisheries Service's (NMFS) 2009 Operations Criteria and Plan (OCAP) Biological Opinion (BO), while minimizing harmful impacts on native anadromous fish species in the [name of river]. The appellant performs water diversions and entrainment of fish from the [name of river] into the [pumping plant] holding tanks to assess the kinds and numbers of fish entrained by the pumping plant and their condition after passing through the pumps. A Fish Biologist, GS-482-11, heads the research and monitoring activities at the [pumping plant].

The BO mandated studies of green sturgeon population. Therefore the appellant is involved in the Green Sturgeon Population Assessment project, a cooperative project between the BOR, and the [name of university], in an acoustic transmitter tagging study designed to give a usable level of resolution regarding the movements of green sturgeon in the upper [name of river]. For this project, the appellant monitors the movements of acoustically tagged green sturgeon and collects data that will be used to determine the timing and success of any downstream movements under the gates of the [diversion dam].

The appellant is also involved in projects for the [name of river], a long-term comprehensive effort to restore fish and wildlife populations in the [river]. He has participated in studies involving tagging of natural and hatchery juvenile Coho to collect data used to evaluate movement and behavior patterns of these species. The appellant also conducts snorkeling surveys to validate tagging results at specific rehabilitation sites. The study design and complex statistical analysis for this project is done by a Biologist, GS-482-12.

The appellant is also involved in projects required by BO to monitor steelhead in the [name of river]. For these projects the appellant leads spawning surveys and directs crews on how to collect data to estimate effects of the way the river is managed. A Fish Biologist, GS-482-13, set up the framework of the project and oversees the BO implementation.

In reaching our classification decision, we have carefully reviewed all information provided by the appellant and his agency, including his official PD, which although not completely accurate, we have incorporated by reference into this decision. In addition, to help decide the appeal we conducted separate telephone interviews with the appellant, his supervisor, and three fish biologists responsible for the implementation of the aforementioned projects in which the appellant is involved.

### **Series, title, and standard determination**

The agency has classified the appellant's position in the Biological Science Technician Series, GS-404, but the appellant believes it should be classified in the professional Fish Biology Series, GS-482. The GS-482 series covers positions that manage, supervise, lead, or perform professional, research, or scientific work that involves preserving, conserving, propagating, and managing fish and other aquatic species populations and their habitats for ecological purposes and to benefit the public. The GS-404 series includes all positions that primarily require a practical knowledge of the methods and techniques of one or more of the biological or agricultural sciences when the work is not more appropriately included in another technician series of the Biological Sciences Group, GS-0400. Biological science technicians provide practical technical support to production, research, operations, or program administration efforts in laboratories, field, or other settings including greenhouses, barns, caves, or wildlife refuges.

Classification guidance in the *Introduction* and *The Classifier's Handbook* describes distinctions between professional and nonprofessional series. Professional work requires knowledge in a field of science or learning characteristically acquired through education or training equivalent to a bachelor's or higher degree with major study in or pertinent to the specialized field, as distinguished from general education. Work is professional when it requires the exercise of

discretion, judgment, and personal responsibility for the application of an organized body of knowledge that is constantly studied to make new discoveries and interpretations, and to improve data, materials, and methods, e.g., mathematics or engineering. Professional occupational series follow a two-grade interval pattern and are identified as professional in the series definition.

Technical work is typically associated with and supportive of a professional or administrative field. It involves extensive practical knowledge, gained through experience and/or specific training less than that represented by college education. Work in these occupations may involve substantial elements of the work of the professional or administrative field, but requires less than full knowledge of the field involved. Technical employees carry out tasks, methods, procedures, and/or computations that are laid out either in published or oral instructions and covered by established precedents or guidelines. Depending upon the level of difficulty of the work, these procedures often require a high degree of technical skill, care and precision. Some technical work may appear similar to that performed by employees doing beginning professional or administrative work in the same general occupational field. Technical work, however, typically follows a one-grade interval pattern and does not require the application of knowledge and skills equivalent to those required for two-grade interval work. Classification decisions on technical versus professional work are based on duties and responsibilities, qualification required, career patterns, management's intent in designing the position, the purpose of the work, and recruiting sources.

We find the appellant's position does not involve two-grade interval professional work thus does not meet the series definition and nature of work for positions classified in the Fish Biology, GS-482 series. Instead, his work involves providing substantial technical support in performing some of the elements of the professional field of fish biology, but it does not require the full application of professional knowledge and ability. Like technical employees he conducts field investigations by collecting, observing, surveying, and recording factual scientific data regarding the research, conservation, and monitoring of fisheries at the [pumping plant] and regional rivers and reservoirs. In doing so, he uses recurring methods, standardized procedures, published guidelines, and oral and written instructions provided by fish biologists. While some of his tasks require a high degree of technical skill (e.g., performing surgeries on fish to implant radio acoustic tags), they do not require the extent and depth of scientific theory and knowledge found in GS-482 positions. Work in that professional series involves project assignments ranging from directly managing fish resources to studying and analyzing fish life, history, behavior, habitat requirements, classification, and economic implications. Unlike the appellant, fish biologists doing research apply professional knowledge of fisheries to design and implement restoration plans, develop recovery plans, prepare scientific reports of results and findings, identify and protect fish habitats, and study habitat requirements and the effects of contaminants or physical barriers. While the appellant's work products support operational requirements, biological opinions, and habitat restoration projects, and affect the adequacy of research conclusions in the [appellant's organization], the professionals directing his projects (i.e., fish biologists) perform the necessary biological analyses of survey data, and draw scientific conclusions and present hypothesis. Although the appellant works independently, the record shows his technical support work is planned and managed by GS-11 through GS-13 fish biologists. While the appellant has taken a lead in certain projects by compiling data and gathering statistical information for scientific papers (e.g., Assessment of Juvenile Coho Salmon Movement and Behavior in

Relation to Rehabilitation Efforts in the [name of river], Using PIT Tags and Radio Telemetry), and is listed as one of the contributing authors on such studies, his work is substantively reviewed by professionals for scientific accuracy and appropriate conclusions. Despite the fact he has acquired a combination of formal education and experience to meet qualifications requirements for the position of Fish Biologist, the organization, structure, purpose and parameters of his assignments do not require a professionally qualified employee. Moreover, the agency indicates when recruiting for the position of Biological Science Technician (Fisheries) professional educational background in a particular field of science is not required to qualify for the position because the intent of the position is to provide technical biological support for fisheries research.

For the preceding reasons we find the appellant's work is technical in nature and best classified in the GS-404 series. The authorized title for positions at GS-4 and above is Biological Science Technician, with the subject matter specialization "Fisheries" added to the prescribed title in the appellant's case. The position classification flysheet for the GS-404 series contains no grade level criteria. It indicates positions assigned to that series are to be graded by reference to the grading criteria in the Grade Level Guide for Aid and Technical Work in the Biological Sciences Series, GS-0400 (hereafter referred to as the Guide). Our application of the grading criteria in the Guide to the appellant's position follows.

### **Grade determination**

The Guide uses the Factor Evaluation System (FES) format, which employs nine factors. Under the FES, each factor-level 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 unless the deficiency is balanced by an equally important aspect that meets a higher level. Conversely, the position may exceed those criteria in some aspects and still not be credited at a higher level. The total points assigned are converted to a grade by use of the grade conversion table in the Guide.

#### *Factor 1, Knowledge required by the position*

This factor covers measures the nature and extent of information or facts that a worker must understand to do acceptable work, such as the steps, procedures, practices, rules, policies, theories, principles, and concepts; and the nature and extent of the skills needed to apply this knowledge.

At Level 1-5, the employee uses knowledge of the technical methods and procedures related to the professional field(s) supported, of management practices, and of the agency's policy and programs to lay out, schedule, organize, and execute details of either: (1) a wide variety of types of limited operational projects incorporating diverse technical knowledges, e.g., limited projects requiring the application of appreciably dissimilar specialized methods, procedures and/or techniques; and/or (2) one-at-a-time (and often long range) multiphased projects, at least some of which have nonstandard technical problems that the technician must coordinate with others to resolve, e.g., technical problems requiring the use of specialized, complicated techniques. Technicians at this level also characteristically apply a practical knowledge of the basic theories

and practices of the scientific discipline(s) supported (though emphasis is on the numerous precedents repetitively employed in the organization) and must be adept at combining this knowledge with resourcefulness, initiative, and independent judgment in locating precedents and resolving the details inherent to application.

At Level 1-6, the employee uses knowledge of the technical methods and procedures, management practices, agency policies and programs, and an extensive familiarity with the methods and practices of the sciences(s) or discipline(s) supported to: (1) design, coordinate, and execute complete conventional projects when the projects are well preceded in scientific literature and within the organization's technical and administrative guides but require the exercise of judgment based on critical analysis and evaluation of project objectives, past practices, source materials, alternatives among available work processes, and recognition of the intended use of completed work; or (2) participate responsibly with the scientist in most phases of the research process (development of original hypothesis and proposal excepted) and assume full technical and operational responsibility for three or more of the following phases: (a) development of a study plan, e.g., establishment of a procedure, outline of the methods to be used, and citation of the anticipated outcomes; (b) resolution of any administrative concerns and otherwise planning for and organizing the practical aspects of the study or experiment; (c) developing data through field, laboratory and/or workbench processes; (d) data refinement, verification, justification and organization; (e) analysis and evaluation; and/or (f) preparation of reports which summarize the progress and results of projects and/or preparation of assigned sections of publications or other dissemination; or (3) administratively maintain a significant function or area of responsibility on an ongoing basis, e.g., ensures proper day-to-day operation of (a) an isolated field site or other comparable subdivision of a first level unit; (b) a small laboratory wherein recurring types of tests are performed and sufficient precedent exists to obviate the need for the on-site, day-to-day presence of a professional; and/or (c) a significant multiphase project or a discrete and ongoing technical function in a first level unit; or (4) perform other comparable duties.

The appellant's position meets Level 1-5. Like this level, the appellant's position requires knowledge of the technical methods and procedures related to the field of fish biology, of management practices, agency policies and programs to lay out, schedule, organize, and execute the details of one-at-a-time (and often long range) multiphased projects. For example, the appellant uses this knowledge as crew lead when conducting field surveys. Each survey is performed yearly as part of a long-term project with methodology and design parameters previously established. The appellant coordinates several phases of the project including logistical planning and staffing crews, identifying sampling locations, selecting appropriate field equipment (e.g., seines, nets, mooring systems), selecting sampling methods to be used (e.g., underwater counting, angling, tagging) and operating a motor boat. In another project, the appellant applied knowledge of the technical methods and procedures related to fisheries when executing a density study for the [name of river] Restoration Program where he was responsible for coordinating all logistics including staffing crews for the purpose of conducting underwater observations to count Coho and provide data on the occupancy sites of these species.

Similar to Level 1-5, the appellant is involved in projects presenting nonstandard technical problems requiring the use of specialized complicated techniques and consultation/coordination



with others, e.g., fish biologists. For example, in performing specialized surgeries on fish to implant tracking devices he coordinates the logistical support needed for the crews he leads and consults with biologists about the detail of the project, data summaries, and fundamental analysis. Like Level 1-5, the appellant applies a practical knowledge of the basic theories and practices of the scientific discipline supported (i.e., fish biology), although emphasis is on the numerous precedents repetitively employed in his organization. For example, in his work at the [pumping plant] every 96 hours a 24-hour monitoring must take place and the appellant is responsible for performing, as needed, water diversions and entrainment of fish from the [name of river] into the [pumping plant] holding tanks to assess the kinds and numbers of fish entrained by the plant and their condition after passing through the pumps. In order to handle the fish to identify, measure and locate injuries, he applies numerous repetitive procedures to anesthetize the fish using chemical compounds that must be precisely measured before administering, and then proceeds to collect data using accepted technical practices. Once data is collected, he enters it into Access for the senior biologist to review, put in a report, and send to designated regulatory agencies to meet BO reporting requirements.

Comparable to Level 1-5, the appellant is adept at combining his technical knowledge with resourcefulness, initiative, and independent judgment in locating precedents and resolving the details inherent in project application. For example, he combined his knowledge of the basic theories and practices of the scientific discipline of fisheries with initiative and resourcefulness when he proposed the writing of a paper that would combine results and findings of two remote sensing studies performed in 2006 and 2010 for the [name of river] restoration efforts. The appellant took a lead role in the project by compiling data gathered and related statistical analysis for a scientific paper titled "Assessment of Juvenile Coho Salmon Movement and Behavior in Relation to Rehabilitation Efforts in the [name of river], Using PIT Tags and Radio Telemetry." In contributing to the paper, the appellant compiled data conclusions and added statistical analyses made by two biologists. He demonstrated resourcefulness in arranging data in appropriate text, adding and summarizing text, and checking and editing language. In performing technical support, he ensured reviewer questions on the draft were referred to the appropriate professionals from the [river] Restoration Program, U.S. Geological Survey, Western Fisheries Research Center and/or [State] Department of Water Resource for response. According to the lead of the [River] Restoration Program, the appellant showed initiative in recommending such a paper, compiling the data and statistical analysis, extracting information for critical analyses by fish biologists, and was listed as one of the contributing authors in the study. Another project that demonstrates the appellant's resourcefulness, initiative and independent judgment in locating precedents and resolving the technical details inherent in project application involved monitoring green sturgeon going through the [dam]. For that project he independently researched and recommended use of the Vemco Positioning System (VPS) which was capable of providing exact information on the location of the sturgeon as they passed through. The appellant wrote a one-page report containing his technical findings gathered by this system.

The position does not meet Level 1-6. Unlike this level, although the appellant has extensive technical support knowledge of the field of fisheries, he is not responsible for designing, coordinating, and executing complete conventional projects. On the contrary, he works on pre-existing, repetitive, and well documented yearly fish survey projects which are carried out based

on pre-established designs. Unlike Level 1-6, the appellant's work does not require the exercise of judgment based on critical analysis and evaluation of project objectives, past practices, source materials, alternatives among available work processes, etc. His work solely focuses on fish research monitoring and data collection and providing data to biologists for analysis and interpretation. Work products reviewed indicate the appellant does not make scientific interpretations and conclusions on data gathered. Instead, he presents data to professional staff who interpret and analyze it in order to make research conclusions and proposals. Unlike Level 1-6, the appellant does not participate with scientists in most phases of the research process, or assume full technical and operational responsibility for three or more of the project/study phases described at this level. His participation is limited to fish monitoring and data analysis in support of research projects assigned to professional scientists. In contrast to Level 1-6, he is not assigned responsibility to administratively maintain a significant function or area of responsibility on an ongoing basis within his organization.

This factor is evaluated at Level 1-5 and 750 points are assigned.

### *Factor 2, Supervisory Controls*

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

At Level 2-3, the highest level for this factor described in the Guide, the supervisor or other designated authority initially provides direction on the priorities, objectives, and/or deadlines for types of work previously performed by the unit and therefore covered by precedent. Assignments new to the organization or unusual assignments may be accompanied with a general background discussion, including advice on the location of reference material to use. The technician identifies the work to be done to fulfill project requirements and objectives, plans and carries out the procedural and technical steps required, seeks assistance as needed, independently coordinates work efforts with outside parties, and characteristically submits only completed work. The technician also exercises initiative in developing his/her own solution to common technical and procedural problems such as changes in priorities, need for extended field time, minor need for additional equipment or personnel, and other such comparable issues. However, the technician seeks administrative direction or decision from higher authority on the course to follow when encountering significant technical or procedural problems with the work, e.g., when project objectives appear to substantially exceed available equipment and staffing capacities or when technical issues new to the organization are encountered. In such instances the technician may be expected to develop proposals, typically with supporting justification, for resolving the problem.

Review of work is usually in the form of an assessment as to how the technician resolved technical and related administrative problems encountered, e.g., success in (a) meeting deadlines, (b) developing solutions to problems encountered, (c) executing the work in accordance with agency policy and accepted scientific practices, (d) producing projects and administering operations which are both technically sound and complete in terms of such criteria as the user's needs, the project's objectives, and the established requirements of the organization. These reviews emphasize the quality of judgment used by the technician in resolving technical and

administrative problems noted in reports or identified by those with whom the technician interacted. Accuracy of the data produced, quality of observations made, and the sufficiency of steps employed in planning and executing the work assigned are customarily accepted without detailed review.

The appellant's position meets but does not exceed Level 2-3. Like this level, the supervisor or other designated authority (senior biologist) initially provides direction on the priorities, objectives, and/or deadline for projects covered by precedents. The appellant independently identifies the tasks needed to achieve project requirements including planning and carrying out the procedural and technical steps needed, coordinating survey findings with stakeholders (e.g., other Federal agency fisheries personnel and higher-level BOR biologists), seeking professional scientific assistance from individual employees specializing in particular aspects of fisheries, and submitting complete survey and monitoring data to biologists for further interpretation and complex statistical analysis. Like Level 2-3, the appellant demonstrates initiative in developing solutions to common technical and procedural problems like changes in survey priorities, extensions of project time, and need for additional equipment or skilled personnel to complete surveys. Like Level 2-3, the appellant seeks administrative direction from the supervisor or professional scientific guidance from biologists on complex problems encountered during project surveys. Similar to this level, the appellants work is reviewed by the supervisor or designated fish biologist for achievement in meeting deadlines, developing technical solutions to survey problems, compliance with agency policies and customary scientific practices, and technical soundness and completion of project objectives. Like Level 2-3, the accuracy of data, quality of observations, and sufficiency of steps employed in planning and executing the work is accepted without detailed review.

This factor is evaluated at Level 2-3 and 275 points are assigned.

### *Factor 3, Guidelines*

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

At Level 3-2, procedures for doing work have been established and a number of specific guidelines are applicable. These guides may range from complex, standardized, codified regulations, (such as Federal or agency manuals with agency, bureau, regional, and/or other supplements) to maps, blueprints, standing operating procedures, oral instructions, equipment or instrument manuals, or standard scientific or technical texts. The employee must use judgment in selecting the appropriate guidelines because of the number, similarity, linkage, and overlapping nature of the guides, e.g., when State law, Federal law, and agency regulations address the same issue. Most important, however, is that the guidelines contain criteria to solve the core question or problem contained in the assignments, though the applicability may not be readily apparent, i.e., the guides often require careful study and cross referencing.

At Level 3-3, the technician works with new requirements or applications for which only general guidelines are available or with assignments where the most applicable guides are limited to general functional statements and/or work samples which are not always directly related to the core problem of the assignments, have gaps in specificity, or are otherwise not completely

applicable. The employee exercise judgment independently in applying guidelines or extending their applicability to situations not specifically covered; uses guidelines as the basis for making procedural deviations from established administrative and/or technical methods; or otherwise adapts guidelines when judgment is exercised based on an understanding of the intent of the guidelines and reacting accordingly.

The appellant's position meets Level 3-2. Like this level, the appellant uses procedures for doing his work that have been established and a number of specific guidelines are applicable. Examples include guidelines established by biological opinions, sturgeon surgical/handling protocols issued by the NMFS, standard operating procedures for handling of fish (i.e., anesthetizing), keys to facilitate the accurate identification of species (e.g., fall, spring or winter run salmon), [State] permitting regulations, accepted methodologies, scientific literature and precedential work products. Similar to Level 3-2, the appellant uses judgment in selecting the appropriate guideline because of the number, similarity, linkage, and overlapping nature of the guides, e.g., when State law, Federal law and agencies address the same issue. For instance, the appellant may have to refer to and distinguish between the requirements of similar applicable laws such as the Endangered Species Act (ESA) and the [State] Endangered Species Act (CESA). Like this level, the appellant is resourceful in searching for and selecting applicable methodologies and scientific literature and applying them as specified.

The position does not meet Level 3-3. Unlike this level, due to the repetitive nature of the appellant's assignments which do not encompass new requirements or applications, he does not have to deal with general guidelines or those with only limited functional statements which are not always directly related to the primary problem presented in assignments. Unlike Level 3-3, his guidelines generally contain no gaps in specificity and are applicable to his tasks and projects. Because his guidelines change infrequently and are specifically applicable (e.g., selecting suitable tags for different fish species, methods of attaching acoustic devices to fish), in contrast to Level 3-3 he is not required to exercise the degree of independent judgment to apply, adapt, extend, or deviate from them as described at the higher level.

This factor is evaluated at Level 3-2 and 125 points is assigned.

#### *Factor 4, Complexity*

This factor covers the nature, number, variety, and intricacies 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, the highest level for this factor described in the Guide, the work requires the performance of various technical duties which involve differing and unrelated processes and methods. For example, the technician: (1) shifts frequently form one type of responsible technical assignment to other types which are substantially different in terms of equipment, techniques, and methods used, specific data produced, and uses to which the data will be put; (2) has ongoing or long-term responsibility for limited technical or administrative concerns in a small research laboratory or a limited program or operating function; and /or (3) independently executes defined portions of more comprehensive long range projects or assists with several

complex experiments which extends over several weeks. At this level, there exists a number of possible courses of action for planning as well as executing the work and the employee is given leeway or is otherwise expected to exercise discretion in choosing from among them. Judgment is required in applying a wide range of conventional, established approaches, methods, techniques and solutions to new situations. The technician: (1) identifies and recommends resolution of discrepancies in data based on a study of how the data interrelate; (2) adjusts work methods to accommodate unusual conditions; and/or (3) recommends or determines what data to use, record or report.

The appellant's position meets but does not exceed Level 4-3. Like this level, the appellant's duties involve differing processes and methods depending on the type of survey or investigation required by the project. Given differing subject-matter, he regularly shifts between technical assignments which may encompass varying types and methods of data gathering and survey equipment, e.g., acoustic receivers, seine nets, trawls. Similar to Level 4-3, he independently executes defined portions of more comprehensive long range projects. For example, in his work for the cooperative project between BOR and [university] in radio tagging studies, the appellant is responsible for one portion of the project consisting of monitoring the movements of acoustically tagged green sturgeon and collecting data that will be used to determine the timing and success of any downstream movements under the gates of the [pumping plant]. The appellant is also involved in several projects that are part of a comprehensive effort to restore fish and wildlife populations in the [River]. He is responsible for conducting density studies and surveys to collect data to evaluate movement and behavior patterns of natural and hatchery juvenile Coho. Similar to Level 4-3, the appellant is expected to exercise discretion in choosing and determining the best precedential methods for executing a study. In doing so, he uses literature reviews to support the methods and techniques to be implemented to achieve study objectives. Like Level 4-3, the appellant identifies and recommends steps to resolve discrepancies in fish survey data; adjusts work methods to accommodate unusual fish monitoring conditions, and in initially supporting projects recommends what data to use, record, or report.

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

#### *Factor 5, Scope and effect*

This factor covers the relationships between the nature of the work, i.e., the purpose, breadth, and depth of the assignment), and the effect of work products or services both within and outside the organization.

At Level 5-3, the highest level for this factor described in the Guide, the work involves applying conventional technical and administrative solutions and practices to a variety of problems. In research environments, a major consideration for performing the work is to be closely involved in almost all phases of the scientist's study and have responsibility for selected phases or to conduct test applications of scientific and technical theories when the methods, techniques are clearly outlined. In other situations, a major consideration for performing the work is to insure that established operations criteria, rules, or methods are adhered to in a production environment. For example, the employee may have responsibility for the ongoing operation of a field site or for execution of a standardized project or program area cited in an annual or comparable work

plan as a performance objective for the organization. Work products directly affect the design and execution of experiments; the operation of systems, program, or equipment systems; or the adequacy of such activities as long range work plans, field investigations, testing operations, or research conclusions.

The appellant's position meets but does not exceed Level 5-3. Like this level, the appellant's work involves applying conventional technical and administrative solutions and practices to a variety of fish research and conservation problems and issues. Comparable to Level 5-3, the appellant follows established operational criteria in performing fish monitoring and assessment duties, and is responsible for the execution of standardized projects or program areas cited in an annual or comparable work plan as a performance objectives for the organization. For instance, his work at the [pumping plant] is in support of a biological evaluation on pump systems and their effect on anadromous and resident fish which pass through the water conveyance systems. His findings were used to develop and design a new pumping plant to divert water from the [name of river] and allow unimpeded fish passage through permanent elevation of the gates at the [diversion dam], while continuing water deliveries and fulfilling requirements of NMFS 2009 OCAP BO. In addition, construction of a new pumping plant met the agency's FY 2011 program goal to substantially improve long-term ability of fish to pass upstream and downstream at the [diversion dam]. Furthermore, the appellant's work in the green sturgeon monitoring and population assessment projects also contributed to a similar program goal stated in the Central Valley Project Improvement Act (CVPIA) Fiscal Year 2011 Annual Work Plan. Like this level, the appellant's work products directly affect the adequacy of fish control equipment systems, research conclusions, achievement of the agency's long range work plans, and assessment and conservation of the fish resource. For example, data collected through the appellant's work at the [pumping plant] revealed that the low fraction of Chinook salmon entrained into the [pumping plant], combined with low frequency of mortality and injury to all fish passing through the pumps, supported the conclusion that the [pumping plant] could be operated with minimal harm to [name of river] fishery resources near [name of city].

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

#### *Factors 6 and 7, Personal Contacts and Purpose of Contacts*

These factors cover the type and level of contacts made in carrying out the work and the purpose of those contacts. These two factors are calculated together to recognize their interrelationship. Final point credit is determined by identifying where the evaluation of each factor intersects in the table in the Guide. The personal contacts that serve as the basis for the level selected for Factor 6 must be the same as the contacts that are the basis for the level selected for Factor 7.

#### Personal Contacts

At Level 2, personal contacts are with employees in the agency, inside and outside of the immediate organizations, e.g., personnel from higher level organizational units, or, occasionally, resource persons from State or local government units, or other Federal agencies. In other work situations personal contacts may be with the general public, contractor personnel, or special users, e.g., private landowners, cooperators, or business persons. The contacts are usually

established on a routine basis, though the employee's authority may not be initially clear to the person contacted, e.g., the identity, role, and authority of the parties may have to be outlined before conducting business.

At Level 3, the contacts are made on a nonroutine basis and may take place in variety of settings. The role of each party is developed during the course of the meeting. Contacts are regularly established with: (a) a variety of noted subject-matter experts from other Federal agencies, universities, private foundations and professional societies; (b) influential local community leaders such as members of tribal governing bodies or comparable State or local government officials; (c) newspaper, radio and television reporters; (d) legal representatives of private landowners; or (e) representatives of organized landowner or special interest groups.

The appellant's position meets Level 2. Like this level, he meets with employees in the agency, both inside and outside of his immediate organization and with persons in related units such as from the [name of city] field office, the [name of area office] and other staff from the [name of region] and other area offices. In addition, he occasionally meets with fisheries resource staff from outside his agency, including those from other Federal agencies (e.g. National Marine Fisheries Service, U.S. Fish and Wildlife Service, U.S. Geological Survey), and State and local government units, e.g., [State] Departments of Fish and Game and Water Resources, [university], and tribal organizations. Similar to Level 2, the appellant's contacts are usually made on a routine basis, though his role and authority may not be initially clear to the person contacted.

The appellant's position does not meet Level 3. Unlike that level, he has no regular contacts with subject-matter experts, community leaders, member of the media, legal representatives of private landowners, or those representing special interest groups.

#### Purpose of contacts

At Level b, the purpose of personal contacts is to: plan and coordinate work efforts; explain the need to adhere to laws, rules, contract, or lease provisions; discuss inspected work and contract requirements when monitoring activity of contractors; discuss technical requirements of equipment with manufacturers and resolve problems concerning the work or the peculiar needs of the organization; interpret data obtained and explain its purpose and significance; or reach agreement on operating problems such as recurring submission of inaccurate, untimely, incomplete or irrelevant data. The persons contacted are usually working toward a common goal and generally are reasonably cooperative. At this level, some technicians may be required to deliver information, such as how data were obtained and their opinion as its accuracy, in court.

At Level c, the purpose of contacts is to influence, motivate, interrogate, or control persons or groups. For example, the purpose of the contacts is to: (1) influence others who are knowledgeable about the work to adopt, within the organization, methods about which there are conflicting opinions among those in the line of work; (2) persuade others, such as suspicious and reluctant landowners, to participate in projects or organizational objectives when there is no requirement for doing so; (3) persuade technical and administrative personnel from outside the government to submit the information desired for a study and to persuade these same representatives of the need for additional information when there is no official or legal basis for

requiring submission of the information and there are conflicts with the party(s) involved; and/or (4) gain compliance with established policies and regulations by persuasion or negotiation. In any case, the persons contacted are characteristically fearful, skeptical, or uncooperative, and skill must be used in the approach made to obtain the desired results.

The purpose of the appellant's contacts meets Level b. Like this level, his contacts are made to plan, coordinate or advise on work efforts and resolve operating problems with those who are working towards mutual goals and have basically cooperative attitudes. For example, he interprets fish survey data obtained and explains its purpose and significance to study leaders. He also discusses cooperative agreement requirements with [university] representatives since they are the grant holders and creators of study designs for certain projects.

The position does not meet Level c. Unlike this level, the appellant does not need to influence, persuade, or control people or groups who may be skeptical or uncooperative to resolve operating problems. His contacts do not require that he persuade or negotiate with others who may be suspicious or uncooperative. Although the appellant meets with a variety of individuals to discuss project concerns and work accomplishment, they are generally cooperative when provided with the criteria and guidelines governing his work decisions. In contrast to Level c, persons contacted are not typically fearful or skeptical.

By application of the point assignment chart in the Guide, a combination of Level 2 for Factor 6 and Level b for Factor 7 results in a total of 75 points assigned.

#### *Factor 8, Physical Demands*

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

At Level 8-2, the work requires some physical exertion, such as regular and recurring running, walking, or bending; walking or climbing over rocky areas, through plowed fields or other uneven surfaces, through dense vegetation, and in mountainous terrain; or climbing ladders or scaffolds to observe, collect, or record research data. In many situations the duration of the activity (such as most of a work day) contributes to the arduous nature of the job. In other situations, such as in a laboratory, there may be special requirements for agility or dexterity such as exceptional hand/eye coordination.

At Level 8-3, the work requires regular and protracted periods of considerable and strenuous physical exertion such as carrying or lifting heavy objects (over 50 pounds); hacking passages through dense vegetation; or climbing ladders or scaffolds carrying heavy equipment used to install, maintain, or repair research installations.

The position meets Level 8-2. Like this level, the appellant's work requires some physical exertion such as regular and recurring running, walking, or bending over rocky areas, or through uneven surfaces and terrains. The position does not meet Level 8-3 because the work does not require protracted periods of considerable and strenuous physical exertion as envisioned at Level 8-3.



The factor is evaluated at Level 8-2 and 20 points are assigned.

*Factor 9, Work Environment*

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

At Level 9-2, the work involves regular and recurring moderate risks or discomforts which require special safety precautions, e.g., working around moving parts, carts, or machines; with contagious diseases or irritant chemicals; in a logging or construction site; or performing routine patrol work. For other positions the work may, on a regular and recurring basis, require working outdoors, in meat lockers or other such environments with extreme temperatures, and/or exposure to adverse weather conditions. At this level, employees are required to use protective clothing or gear such as hard hats, masks, gowns, ear plugs, coats, boots, goggles, gloves, or shields to moderate risks, or to follow procedures for minimizing risk.

At Level 9-3, the work environment involves high risks with regular and recurring exposure to potentially dangerous situations or unusual environmental stress where high risk factors exist which cannot be reasonably controlled. For example, working at great heights under extreme weather conditions, or working closely with toxins or dangerous pests or animals such as poisonous snakes, where safety precautions cannot completely eliminate the danger.

The appellant's position meets Level 9-2. Like this level, his work involves regular and recurring moderate risks or discomforts including working outdoors in an environment with exposure to adverse weather conditions, and regularly performing some duties in cold and moving river water. Like this level, the appellant is required to use protective clothing or gear such as masks, boots, goggles, gloves, dry suit (type one scuba), waders, and to follow procedures for minimizing risk.

The appellant's position does not meet Level 9-3. Unlike this level, his work environment does not involve high risks with regular and recurring exposure to potentially dangerous situations or unusual environmental stress where high risk factors exist which cannot be reasonably controlled or where safety precautions cannot eliminate danger as described at Level 9-3.

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

*Summary*

<i>Factor</i>	<i>Level</i>	<i>Points</i>
1. Knowledge Required by the Position	1-5	750
2. Supervisory Controls	2-3	275
3. Guidelines	3-2	125
4. Complexity	4-3	150
5. Scope and Effect	5-3	150

6. & 7. Personal Contacts/Purpose of Contacts	6-2/7-b	75
8. Physical Demands	8-2	20
9. Work Environment	9-2	<u>20</u>
<i>Total</i>		1565

A total of 1565 points falls within the GS-7 range (1355-1600) on the Grade Conversion Table in the Guide. Therefore, the appellant's position is graded at the GS-7 level.

### **Decision**

The appellant's position is properly classified as Biological Science Technician (Fisheries), GS-404-7.