

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

**Appellant:** [Appellant]

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

**Organization:** [Organization/ Name]  
[Organization/ Name]  
Office of Regional Executive  
Midwest Area  
[Organization]  
U. S. Department of the Interior  
[Location]

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

**OPM decision number:** C-0404-07-01

\_\_\_\_\_/s/\_\_\_\_\_  
Robert D. Hendler  
Classification and Pay Claims  
Program Manager  
Merit System Audit and Compliance

\_\_\_\_\_/ 9/3/2010 \_\_\_\_\_  
Date

As provided in section 511.612 of title 5, Code of Federal Regulations (CFR), this decision constitutes a classification 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 5 CFR 511.605, 511.613, and 511.614, as cited in the *Introduction to the Position Classification Standards (Introduction)*, appendix 4, section G (address provided in appendix 4, section H).

**Decision sent to:**

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## **Introduction**

On May 10, 2010, Chicago Oversight of the U.S. Office of Personnel Management (OPM) accepted a classification appeal from [Appellant] and on July 22, 2010, it was transferred to Philadelphia Oversight for adjudication. The appellant's position is currently classified as a Biological Science Laboratory Technician (Fisheries), GS-404-7, and is located in the [Organization/Name], [Organization/Name], Office of the Regional Executive, Midwest Area, [Organization], Eastern Region, U. S. Department of the Interior (DI) in [Location]. The appellant believes his position warrants a higher-grade level. We received the complete agency administrative report (AAR) on June 16, 2010, and have accepted and decided this appeal under section 5112 of title 5, United States Code (U.S.C.).

To help decide this appeal, we conducted telephone interviews with the appellant on August 9, 2010 and his supervisor on August 10, 2010, respectively. In reaching our classification decision, we have carefully considered all of the information obtained from the interviews, as well as the written information

## **Background information**

In January 2009, the appellant, through his local bargaining unit, requested a review of the classification of his position from the USGS human resources office (HRO). The appellant states he was asked to describe the duties he performs by completing a Position Description Questionnaire (PDQ) and once the questionnaire was completed and certified by his immediate supervisor, it was reviewed by the [Organization/Name] Deputy Director. He further states the Deputy Director condensed his questionnaire responses into a list of tasks, eliminating a substantial amount of information. The condensed version of the PDQ was forwarded to the HRO for review. The HRO's June 1, 2010, decision did not change the position's classification but updated his position description (PD). The appellant, through his local bargaining unit, requested the [Organization/Name] Director authorize a second classification review. The Director declined to do so and the appellant filed this appeal with OPM.

## **General issues**

The appellant takes issue with statements made by his immediate supervisor in a memorandum submitted as part of the AAR, and contends some of those statements were inaccurate and misleading, which impact his ability to obtain a fair and unbiased review. 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). Therefore, we have considered the appellant's statements only insofar as they are relevant to making that comparison. Because our decision sets aside all previous agency decisions, the appellant's concerns regarding his agency's classification review process are not germane to his decision.

The appellant does not agree PD# [Number] accurately describes the duties and responsibilities of his position. The appellant states the PD does not describe the specific duties he is required to perform on an annual basis, such as overseeing the entire fish ageing or the large piscivore (predator) fish diets projects for the [Location] Section of the [Organization/Name]. He further states the physical demands and work environment factor descriptors do not adequately reflect

the demands of working on a large research vessel, e.g., potential bouts of motion sickness, and moving objects weighing between 100 and 200 pounds, requiring the assistance of another team member. His supervisor certified the accuracy of the PD.

A PD is the official record of the major duties and responsibilities assigned to a position or job by an official with the authority to assign work. A position is the duties and responsibilities which 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 the PD. This decision is based on the work currently assigned to and performed by the appellant.

As mentioned above, the appellant does not agree his PD fully describes the technical aspects of the duties he performs, including the types of equipment and information technology programs he uses. A PD must contain descriptive information about the major duties and responsibilities assigned to the position which, when supplemented by other information about the organization's structure, mission, and procedures, can be classified by one with knowledge of the occupational field involved and the application of pertinent PCSs, principles, and practices. It is not meant to be a task list of every function performed. After careful review, we find the appellant's PD meets the standards of PD accuracy for classification purposes as discussed in section III.E of the *Introduction* and we incorporate it by reference into our decision

### **Position information**

The [Organization/Name] exists to meet the nation's need for scientific information for restoring, enhancing, managing, and protecting living resources and their habitats in the [Location] basin ecosystem. The Center's headquarters is in [Location] and has biological stations and research vessels located throughout the [Location] Basin. The precursor to the current Center's programs began in 1927 when investigations of the collapse of the [Location] cisco population were initiated by the center's first director, Dr. John Van Oosten. Their research spans a range of studies including fish populations and communities, aquatic habitats, terrestrial ecology, near shore and coastal communities and the biological processes that occur in this complex ecosystem of the [Location].

The appellant conducts field studies and surveys to collect fisheries data and/or specimens. He collects and organizes field data using a variety of data collection methods, techniques, procedures, and equipment. The appellant identifies species, counts and measures zooplankton and benthos in field samples, and collects relevant biological samples for transport and further analysis.

The appellant compiles and tabulates field data and other resource management information on both short-term research projects and long-term monitoring projects. He creates, manages, and manipulates data files. The appellant runs computer programs to enter and verify statistics on data such as fish abundance, age and morphometric distributions. He identifies erroneous data and follows established procedures to either rectify the data or makes recommendations on how to do so.

The appellant assembles, organizes, inspects, calibrates and tests field gear to ensure that it's in working order. He coordinates repair and maintenance of research and support equipment such as tools, traps, sampling (e.g. trawls) and monitoring equipment.

When requested, the appellant provides the full range of coordination, logistical support, and area orientation for contract, cooperating scientists, and technicians that may include: developing detailed float plans for standard surveys aboard large open water research vessels; or coordinating information and sample locations with internal staff and/or other partners; or serving as point of contact during coordination of multi-agency specimen and/or data collection activities.

The appellant collates relevant paperwork from select cruises into a comprehensive file. He writes the cruise report that summarizes the schedule and activities that occurred on the research cruise, and prepares/archives the electronic version of the report.

The appellant processes fish samples in the laboratory in support of research projects. He prepares and analyzes samples following a variety of procedures for biochemical and other fisheries related analyses. He conducts standard dissections, age determinations, sex and maturation determination, caloric and lipid density sample preparation and diet analysis; modifies and updates internal laboratory standard operating procedures; and insures adequate and thorough record keeping of laboratory procedures and results.

The appellant compiles, analyzes and summarizes field and laboratory data for inclusion in final reports and publications. He verifies the accuracy of mathematical, statistical, and special computations; and arranges data in appropriate manuscript form checking language, spelling and punctuation. He provides input into the development of study plans by identifying and documenting standard technical operating procedures for data collection and analysis techniques and equipment operation appropriate for project goals.

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

The appellant's agency has classified his position in the Biological Science Technician Series, GS-404, titling it Biological Science Laboratory Technician (Fisheries), and the appellant does not disagree. We concur with the agency's title and series determination. The position classification flysheet for the GS-404 series contains no grade level criteria. It indicates positions assigned to the 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, GS-400 (Guide).

### **Grade determination**

The Guide uses the Factor Evaluation System (FES) format under which factor levels and accompanying point values are assigned for each of the nine factors, with the total then being converted to a grade level by use of the grade-conversion table provided in the Guide. Under the FES, each factor-level description in a PCS 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 appellant disagrees with his agency's assignment of Levels 1-5, and 3-2, and agrees with his agency's assignment of Levels 2-3, 4-3, 5-3, 6-2, 7-b, 8-2, and 9-2. After careful review, we concur with the agency's assignment of Levels 2-3, 4-3, 5-3, 6-2, 7-b, 8-2 and 9-2. Therefore, we have limited our analysis to Factors 1 and 3.

*Factor 1, Knowledge required by the position*

This factor 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.

In his rationale, the appellant states he meets Level 1-6 because he performs complete conventional projects by operating and running the entire fish aging project; serves as the senior technician or Biologist-In-Charge (BIC) for all long-term field studies; resolves administrative concerns and plans for and organizes practical aspects of the study; develops data through field, laboratory and/or workbench processes as well as provides data refinement, verification, justification and organization by leading the effort for field data collection as well as data acquired in the laboratory setting; and has full editorial control over all the data within the long-term database for all surveys being worked. The appellant states in his appeal request "I am typically charged with design, coordination and execution of the survey's [sic] annually".

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 the details of either: (1) a wide variety of types of limited operational projects incorporating diverse technical knowledge, 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) multi-phased 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 the application.

Work illustrations at Level 1-5 include a technician who execute the administrative aspects of a study plan (e.g., develops the survey float plan); develops data called for by the study plan (e.g., each fish specimen will be measured, weighted, and sexed); and assists with compilation, justification, and refinement of the resulting data (e.g., prepares charts and summaries, performs computations and numerical summaries, and cross references facts, dates, and other data). In another work illustration of Level 1-5, the technician performs delicate manipulative work requiring the use of micro manipulative techniques employing specially designed tubes, glassware, equipment and magnifying devices; producing exacting quantitative findings within a very small margin of error; and performing excisions of a variety of organs and glands.

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 science(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, and alternatives among available work processes; or (2) participate responsibly with the scientist in most phases of the full research process and assume full technical and operational responsibility for three or more of the phases such as development of a study plan, resolving any administrative concerns, developing data through field or laboratory processes, refining, verifying and analyzing data, and preparing reports summarizing the progress of the project; or (3) administratively maintain a significant function or area of responsibility on an ongoing basis.

Technicians at Level 1-6 demonstrate recognized expertise in a narrow specialty area of a scientific field. They have administrative and/or technical assignments, projects, and responsibilities that are hard to distinguish from those assigned to employees within the organization who perform standardized professional level research studies or projects. To illustrate, an employee at this level performs project planning activity, adapts a design, and coordinates and executes pest management field projects including developing a study plan, collecting data, organizing, justifying, and refining the data collected, studying and evaluating the data, and writing up recommendations for approval prior to implementing, independently, the eradication procedures selected. Another illustration of Level 1-6 concerns the technician who manages preceded types of study projects concerned with habitat analysis for wildlife, fish, or plant populations. The technician adapts a plan for executing the study, resolves administrative concerns, and collects, organizes and summarizes data on habitat conditions and diversity, and the extent of wildlife or fish use of forest, range, or aquatic habitats. Subsequently, the technician refines and justifies the data prior to preparing maps and other information for data base entry; studies the results to determine such things as distribution of endangered, threatened, sensitive, and other plant and animal species on assigned project areas or units; and generates conclusions or proposals.

The appellant's position meets Level 1-5. The appellant's position requires knowledge of the technical methods and procedures, management practices, agency policies and programs, as well as an extensive familiarity with the established protocols in collecting and conducting analyses of fisheries data. This knowledge is used to coordinate the logistical planning for the surveys the appellant supports, to include: developing the vessel operation float plan; identifying sampling locations with partner agencies; scheduling boarding and departure times for research biological staff and volunteers; and insuring appropriate field sampling equipment is assembled, organized, inspected, calibrated and tested to ensure it is in working order.

Similar to the Level 1-5 fisheries data collection illustrations, the appellant supports the following surveys: [Location] Spring Lake – Wide Assessment Program; [Location] Lake – Wide Acoustics Survey, [Location] Fall Forage Survey, and [Location] Northern Refuge Lake Trout Spawner Survey. Each survey is performed yearly onboard large open-water research vessels, is part of a long-term project and is well-documented historically. Typical of Level 1-5, the appellant performs a series of limited operational projects within each survey, including fieldwork (i.e., sample gathering), laboratory work (i.e., fish sample analysis), and office work (i.e., preparing field and laboratory data and information for database entry). The appellant also assists biological researchers on a variety of short-term research projects as requested, to include caloric density fish sample preparation for bioenergetic research of various fishes and lipid

density fish sample preparation for population dynamic studies of various fishes. The appellant also supports the Bottom Trawl Gear Mensuration Survey as an add-on project as of last year and is performed on an intermittent basis. This survey ensures the bottom trawl gear is working properly so that good samples are collected. These duties show the appellant uses technical methods and procedures; applies knowledge of basic theories and practices and combines this knowledge with resourcefulness, initiative and independent judgment in collecting and conducting analysis of fisheries data consistent with Level 1-5.

An FES factor-level description (FLD) must be applied in its entirety. The appellant's rationale for his meeting Level 1-6, however, is based on using sections/phrases he extracted from the FLD for Level 1-6 out of its full context (e.g., under illustration 3 (a) maintains production levels in the absence of higher authority; (d) establishes and monitors quality control procedures and coordinates the laboratory program with the overall quality control program of the facility and (e) instructs technical staff, students and developing professionals in laboratory methods and practice). Potentially meeting a limited number of individual elements of a FLD is not enough to meet the intent of the factor level. For example, the appellant states that his position meets Level 1-6 because that is the first level in the Guide which describes his training functions, i.e., "instructs technical staff, students and developing professionals in laboratory methods and procedures." However, the training duties in this Level 1-6 illustration are linked to applying the knowledge and skill necessary to perform non-routine or specialized procedures and to resolve abnormal situation referred by others. In contrast, the appellant works with standard operating procedures (SOP) and a survey design which explains the procedures and methods for sample retrieval and processing typical of the technical functions found at Level 1-5. . In addition, it is not unusual for more experienced employees to train their less-experienced co-workers. Since it involves applying the same level of knowledge and skill as that required to perform the work of the position, it does not affect the overall grade of the position.

The record shows the appellant serves as the BIC for the [Location] Spring Lake-Wide Assessment Program survey. This is the only survey for which the appellant serves as BIC annually. Duties as a BIC include working with the vessel captain and branch chief on changes to the cruise schedule (e.g., taking a weather day in port) and working directly with the principle investigator on changes to operational scientific procedures (e.g., changing the sampling design or sampling processing). The principle investigator is on-board for at least part of the survey and is available to discuss any possible design/sampling changes needed. Since this is a long-term survey, it is well documented historically and the data set is fixed. However, making changes to the scientific procedures may impact and/or alter the data collected and require the principle investigator's prior approval. The appellant acknowledges he must conduct the survey within the survey design parameters. Since the four surveys the appellant supports on a yearly basis are long-term and well established historically, they each need to be conducted within their survey design parameters. The appellant develops data through field and laboratory work, inputs the information into the RVCAT (Research Vessel Catch) database and runs quality control reports to ensure the integrity of the data. The appellant develops recommendations if anomalies are found. However, it is the primary investigator who makes the final decision(s). Thus, the appellant's work does not consist of independently developing and executing full conventional projects as required for assignment of Level 1-6.



Unlike Level 1-6, the appellant's position does not require expertise in a narrow scientific specialty with work comparable to supporting higher-level research scientists. The appellant's laboratory work performing fish aging and piscivore fish diet determinations on fish samples are highly technical and follow established protocols. He prepares the samples and provides the data to the research scientists for analysis and interpretation. The appellant *may* run data through a pre-existing computer program but, unlike Level 1-6, his position does not involve responsibility for interpreting results. At Level 1-6, technicians have greater responsibility in planning and administering a variety of responsible projects to completion. The appellant works on long-term pre-existing and well documented surveys on a yearly basis and *must* work within the pre-determined survey design. Consequently, the appellant's work is less independent and more structured since he works within specific requirements. The appellant uses initiative and judgment when applying technical methods and procedures but the processes that need to be performed are established. The appealed position does not fully meet the intent of Level 1-6; thus, the next lower level must be assigned.

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

### *Factor 3, Guidelines*

This factor covers the nature of guidelines and the judgment employees need to apply them. Guides used in General Schedule occupations include, for example, desk manuals, established procedures and policies, traditional practices, and reference materials, such as dictionaries, style manuals, engineering handbooks, and the pharmacopoeia.

At Level 3-2, the procedures for doing the work have been established and a number of specific guidelines are applicable. These guidelines may range from complex, standardized, codified regulations, to maps, blueprints, SOP's, oral instructions, equipment or instrument manuals, or standard technical texts. The employee must use judgment in selecting the appropriate guidelines because of the number, similarity, linkage, and overlapping nature of the guides. 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.

At Level 3-3, the employee 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 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 exercises independent judgment in applying the guidelines or extending their applicability to situations not specifically covered; uses guidelines as the basis for making procedural deviations from established administrative 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, procedures for doing the work are established, and a number of specific guidelines are applicable including established protocols, SOP's, university fisheries textbooks, established sampling methods, and the survey design. Information can also be found on fish aging procedures by conducting an internet search. For each of the four surveys the appellant supports, a study plan or SOP provides information such as the survey objectives, background and procedures and methods for the collection and processing

of fish samples (e. g., survey history, what month the survey will take place; type(s) of fish most interested in; dissection of sample, if necessary; and transport of samples to [Organization/Name]). These guidelines are generally applicable, but the appellant uses initiative to adapt or deviate from them to deal with specific problems or situations. If the appellant has questions regarding the end results of a survey, he discusses them with the primary investigator for clarification. Although he uses judgment in selecting the appropriate guideline because of their number, similarity and overlapping nature, they always contain the criteria to solve the core technical question or issue at hand which is consistent with Level 3-2.

The appellant's position does not meet Level 3-3. Unlike this level, he is not routinely faced with assignments where the most applicable guides are limited to general functional statements not related to the core problem of the assignment. The study plan for each survey the appellant supports provides background information regarding the survey as well as the procedures and methods for processing fish samples. Because of the scope and applicability of the guidelines he has available and uses, he is not routinely required to exercise the degree of independent judgment to apply the guidelines as described at Level 3-3, make procedural deviations from them, or adapt them based on an understanding of the intent of the guideline.

This factor is evaluated at Level 3-2 and 125 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 and Purpose of Contacts	2-b	75
8. Physical Demands	8-2	20
9. Work Environment	9-2	20
<i>Total Points</i>		1,565

The total points assigned to the appellant's position equals 1,565. According to the Guide's grade-conversion table, positions with total point values between 1,355 and 1,600 are properly graded at the GS-7 level.

#### Decision

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