

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

Appellant: [appellant]

Agency classification: Industrial Hygienist
GS-690-12

Organization: Safety and Occupational Health
Branch
Customer Support Division
DLA Enterprise Support (DES)
Defense Reutilization and Marketing
Service (DRMS)
Defense Logistics Agency (DLA)
U. S. Department of Defense
[city and state]

OPM decision: Industrial Hygienist
GS-690-12

OPM decision number: C-0690-12-01

/s/ Judith A. Davis (for)

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

3/11/2010

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*, appendix 4, section G (address provided in appendix 4, section H).

As discussed in the decision, aspects of the appellant's position description (PD) do not meet the standard of accuracy as defined in section III.E of the *Introduction to the Position Classification Standards*. The appellant's agency must revise his PD to meet this standard." The servicing human resources office must submit a compliance report containing the corrected PD description to the office which accepted this appeal within 30 days from the date of this decision.

Decision sent to:

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Introduction

On July 13, 2009, Chicago Oversight (formerly the Chicago Oversight and Accountability Group) of the U. S. Office of Personnel Management (OPM) accepted a classification appeal from [appellant]. At the time of the appeal, the appellant's position was classified as a Safety and Occupational Health Manager GS-0018-12. On August 2, 2009, he was reassigned to his current position of Industrial Hygienist, GS-690-12. However, the appellant believes his position should be classified as Industrial Hygienist, GS-690-13. The appellant works in the Safety and Occupational Health Branch, Customer Support Division, DES, DRMS, with DLA, in [city and state]. We received the agency administrative report (AAR) on August 22, 2009, and the appellant's comments on the AAR on August 26, 2009. We interviewed the appellant by telephone on October 30, 2009, and interviewed his supervisor by telephone on November 3, 2009. We have accepted and decided this appeal under section 5112 of title 5, United States Code (U.S.C.)

Background information:

On July 18, 2006, the appellant filed a grievance with his agency concerning the accuracy of his PD [(#####)] which at the time was classified as Safety and Occupational Health Specialist, GS-0018-12. As a result of this grievance, management conducted a telephonic audit of his position on August 25, 2006. However, the audit did not result in any change in classification of the appellant's position. The appellant subsequently filed a classification appeal with OPM.

General issues

After the appellant filed his OPM appeal, but before the agency submitted the AAR, management revised the appellant's position description (PD) and reassigned him on August 2, 2009, to [PD#####], classified as Industrial Hygienist, GS-690-12. The appellant's supervisor certifies the revised PD is accurate, but the appellant states the list of duties is incomplete and believes more detailed information should be included to reflect the management oversight duties that he says he currently performs in developing policies and procedures in the absence of a program advisor at DLA headquarters in support of the [location] program.

However, the duties the appellant performs in support of the [location] Program do not differ significantly from the duties the appellant performs in support of other programs. Although the appellant states he wrote policies for the [location] Program, a review of the work samples he submitted shows that the policies submitted are a compilation of existing policies from DLA and DRMS programs consolidated for ease of use. This was a one time assignment. The appellant is not responsible for day-to-day policy decisions in the [location] Program. While the appellant says he was not credited with preparing the manuals for [location] Program, the task is already covered in his PD under: "Develops and prepares supplements to guidelines developed by higher headquarters. Develops policy guidance for supported activities relating to safety and occupational health industrial hygiene and radiological protection."

The appellant also states he is responsible for training DLA personnel who are deployed to the [location] Program. Interviews with the appellant and his supervisor show that the appellant

travels to [city and state], a few times during the year to instruct a small number of civilian personnel how to use safety equipment and to review DRMS and DLA safety policies. This assignment is already covered in his PD under: “Advises management, personnel, line supervisors and employees on industrial hygiene, occupational health safety and radiological matters.”

The appellant also states travel, specifically travel overseas in support of the [location] Program, is not included in the PD. However, the requirement to travel is clearly stated under Factor 9 in the appellant’s PD of record. As the duties he has performed in support of the [location] Program are adequately addressed in this PD as discussed previously, there is no need to describe them further.

OPM considers a PD to be accurate for classification purposes when the major duties and responsibilities of the position are listed; and proper classification can be made when the description is supplemented by otherwise accurate, available, and current information on the organization’s structure, mission, and procedures. We find the appellant’s PD of record is adequate for classification purposes other than for Factors 8 and 9 as discussed in this decision.

A PD is the official record of the major duties and responsibilities assigned to a position by a responsible agency official; i.e., a person with authority to assign work to a position. A position is the work made up of the duties and responsibilities performed by an employee. Classification appeal regulations permit OPM to investigate or audit a position and decide an appeal based on the duties assigned by management and performed by the employee. We classify a real operating position, and not simply the PD. Therefore, this decision is based on the actual work assigned to and performed by the appellant.

By law, we must classify positions solely by comparing its current duties and responsibilities to OPM position classification standards and guidelines (5 U.S.C. 5106, 5107, and 5112). In adjudicating this appeal, our responsibility is to make an independent decision on the proper classification of the position. Since comparison to standards is the exclusive method for classifying positions, we cannot compare the appellant’s position to others as a basis for deciding his appeal. Because our decision sets aside any previous agency decision, the classification practices used by the appellant’s agency in classifying his position are not germane to the classification appeal process.

Position information

The appellant performs a variety of industrial hygiene and related safety and occupational health and radiological protection functions. He works independently with only the most complex or unusual problems requiring the involvement of the supervisor or other personnel. The appellant works under the supervision of the DES Health and Environmental Programs Manager who acts as principal advisor to the DES [city] Site Director, and who provides policy guidance and who has overall responsibility for monitoring regulations for compliance with DLA requirements.

DRMS disposes of excess property received from the military services. The inventory changes daily and includes thousands of items including chemicals and radioactive items. In some cases, property must be demilitarized to insure that it is safe for the public. The appellant acts as the

senior technical expert for DRMS to support and implement several DLA programs, including Safety and Health, Industrial Hygiene (IH), Radiation Protection, Hazmat Emergency Disposal, and Fire and Protection servicing worldwide DRMS personnel. While he is the chief contact on radiological and industrial hygiene issues for DMRS, the primary contacts on these issues for DLA are located at the central office.

The appellant conducts health and safety program evaluations and inspections of support activities. He performs special industry hygiene studies and evaluations. He provides industrial hygiene, safety, occupational health, and radiological advisory services to supported activities to include employees and middle and upper management. The appellant develops and prepares supplements to guidelines developed by higher headquarters; develops policy guidance for supported activities relating to safety, occupational health, industrial hygiene, and radiological protection; and initiates or develops written procedures implementing safety standards, codes, and safety requirements into manuals and policy. He reviews proposed policy guidance, operational initiatives, and changes to ensure the incorporation of safety, occupational health, and industrial hygiene requirements. He also maintains policy guidance in a current status. The appellant also develops contract specification and serves as a contracting officer's technical representative (COTR) for commercial industrial hygiene and radiation monitoring services.

The PD of record contains more detailed information about the duties and responsibilities performed by the appellant and we incorporate it by reference into this decision. We decided this appeal by considering the audit findings and all other information of record furnished by the appellant and his agency, including his official PD and other material received in the AAR and comments submitted by the appellant.

Series, title, and standard determination

The agency has placed the position in the Industrial Hygiene Series, GS-0690, and titled it Industrial Hygienist. The appellant does not disagree. After a thorough review of the record, we find the appellant's primary and paramount functions closely match work covered by the 690 series. The authorized title for nonsupervisory positions like the appellant's classifiable to this series is Industrial Hygienist.

Grade determination

Because his work is properly classified to the 690 series, it must be evaluated for grade-level purposes by application of the 690 Position Classification Standard (PCS) which is written in the Factor Evaluation System (FES) format. Under the FES, grades are determined by comparing the position's duties, responsibilities, and qualification requirements with the nine FES factors common to nonsupervisory positions. A point value is assigned to each factor based on a comparison of the position's duties and responsibilities with the factor-level descriptions in the PCS. The points assigned to an individual factor level mark the lower end of the range for that factor level. To warrant a given level, the position must fully equate to the overall intent of the factor-level description. If the position fails in any significant aspect to fully satisfy a particular factor-level description, the point value for the next lower level must be assigned, unless the deficiency is balanced by an equally important aspect that meets a higher level. The total points

assigned are converted to a grade level by use of a grade-conversion table in the PCS. Our analysis of the position follows.

Factor 1, Knowledge required by the position

This factor measures the nature and extent of information or facts which the industrial hygienist must understand to do acceptable work (e.g., steps, procedures, practices, rules, policies, theories, principles and concepts) and the nature and extent of the skills needed to apply those areas of knowledge.

At Level 1-7, work involves the application of professional knowledge and skills of industrial hygiene related to a wide range of industrial settings or in a specialty area of industrial hygiene. Examples of work assignments at this level are: skill in identifying, evaluating, and controlling a wide variety of occupational health hazards associated with the entire range of industrial work operations; skill in modifying approaches or applications within a specialty area to such difficult problems as sampling method development, high temperature exhaust ventilation control, and establishing personal protective equipment requirements; and knowledge of the full range of sampling techniques and control measures, as well as a knowledge of administrative and managerial principles and procedures, to plan, implement, and evaluate an industrial hygiene program covering occupational health hazards found in all but the most complex industrial environments.

Illustrative of Level 1-7, work involves applying the knowledge and skills necessary to conduct a full range of industrial hygiene sampling techniques and control measures, and a knowledge of administrative practices necessary to manage an industrial hygiene program covering light to moderately complex industrial operations, such as industrial shops, laboratories using some hazardous materials, supply depots, warehouses where hazardous material is stored or transported, building construction, and similar environments. Work at this level entails directing or performing such functions as planning and initiating surveys or work operations, processes, and materials to detect potentially hazardous conditions; and determining the location and number of sampling points, equipment requirements, and applying methods and techniques of data analysis.

The knowledge required by the appellant's position meets Level 1-7. He is responsible for developing a comprehensive industrial hygienist program for an organization with technical complexities and work operations comparable to Level 1-7; i.e., one or more small to medium military activities engaged in a range of light to moderately complex industrial processes. He investigates radiological health hazards for the safe-guarding of personnel exposed to ionizing radiation, using a number of radiation monitoring techniques. The work consists of environmental monitoring, record keeping, medical surveillance, and dealing with personal protection equipment and waste disposal requirements. The work also requires professional knowledge and skills applicable to a wide range of industrial settings as well as an intensive knowledge of a specialty area in industrial hygiene (radiation). He must exhibit skill in identifying, evaluating, and controlling a wide variety of occupational health hazards associated with the entire range of industrial work operations.

The appellant's duties and responsibilities do not meet Level 1-8. At Level 1-8, the employee must possess the knowledge and skills necessary to serve as an agency expert, and to make decisions or recommendations that significantly affect the context, interpretation, or development of agency policies or programs concerning critical industrial hygiene matters. The work of DRMS, a component of DLA and not an agency within the meaning of the PCS, involves disposing of excess military property. The work situation, by its very nature, does not routinely require or permit the appellant to solve novel or obscure problems, extend and modify techniques, or develop new approaches which may be used by other industrial hygienists in solving a variety of occupational health problems. Because of the inherent nature of this work, most situations will involve known materials. Policies or regulations concerning the handling of this material are established at the front end of the acquisition process. As discussed under **Position information**, the agency has health physicists and occupational health specialists on staff at the DLA headquarters level who are recognized as experts in these areas. Although DLA expert personnel are not in positions classified in the GS-690 series, both the Health Physicists (GS-1306) and Occupational Safety and Health (GS-0018) series encompass the expertise needed to provide expert guidance on any issues that may arise. While the current organizational chart does not show an Industrial Hygienist, GS-690-13, position, that alone does not mean that the appellant *de facto* becomes the agency expert. The educational qualifications for these occupations, including the non-professional GS-018 series, substantially overlap (see <http://www.opm.gov/qualifications/>) and occupants of positions in these series frequently perform a mix of functions that also overlap. Management has chosen to incorporate these broader program responsibilities into other positions at the DLA headquarters level.

This factor is evaluated at Level 1-7 and 1,250 points are assigned.

Factor 2, Supervisory Controls

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

At Level 2-4, the role of the supervisor is to set the overall objectives and resources available. The employee and supervisor, in consultation and collaboration, develop the deadlines, projects and work to be done; or in some cases, the employee may have continuing responsibility for a particular geographical or subject-matter area. The employee, having developed expertise in industrial hygiene, is responsible for planning and carrying out the assignment, for resolving most conflicts that arise, for coordinating the work with others as necessary, and for interpreting policy initiative in terms of established objectives. The employee keeps the supervisor informed of progress, potentially controversial matters, or far-reaching implications. Completed work is reviewed only from an overall standpoint in terms of feasibility, compatibility with other work, or effectiveness in meeting requirements or expected results.

At level 2-5, the supervisor provides administrative direction with assignments in terms of broadly defined missions or functions. The employee has responsibility for planning, designing, and carrying out programs, projects, studies, or other work independently.

Level 2-5 is not met. Level 2-5 requires significantly greater independence and responsibility than the appellant is actually delegated. The policy and technical issues he deals with are not of the complexity and scope found at Level 2-5. The appellant says he maintains sole responsibility for industrial hygiene for DLA activities. He also states that his position is not under the guidance of any DLA headquarters' consultants, and that he makes all decisions without consultation from DLA. However, the record shows the appellant coordinates findings or potential findings with his supervisor and then independently carries out assigned duties in the manner comparable to those described at Level 2-4. While the appellant is empowered to designate the priority and importance of each planned assignment, as well as how the assignments are implemented and carried out, completed work is subject to the limited review typical of Level 2-4.

This factor is evaluated at Level 2-4 and 450 points are assigned.

Factor 3, Guidelines

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

Guidelines at Level 3-3 include Federal standards and criteria documents, standards published by recognized organizations and professional societies, technical literature, agency policies and regulations, precedents, office files, and standard practices. While these guidelines are available, they are not always completely applicable to the work. The industrial hygienist independently selects, evaluates, and applies the guides, making adaptations when necessary, or recommending changes. In addition, the industrial hygienist must exercise judgment in applying standard practices to new situations and in relating new work situations to precedent ones.

At Level 3-4, guidelines are essentially the same as in Level 3-3, but guidelines are often inadequate in dealing with the more complex or unusual problems. The industrial hygienist must adapt and apply industrial hygiene principles and practices to situation where precedents are not directly applicable and must use experienced judgment and initiative in selecting approaches, evaluating findings, and researching new developments in the field. In some cases, the employee must engage in an extensive literature search to locate suitable information. Other situations may require the employee to devise new approaches or develop new methods for evaluating or controlling a health hazard.

The appellant's work assignments are comparable to Level 3-4 where guidelines are often inadequate in dealing with the more complex or unusual problems encountered. Typical of these demands, the appellant must use professional judgment to ensure contractors' work meets contract specifications consistent with technical literature, and conclusions are supported by sound analysis and defensible scientific evidence.

At Level 3-5, work is performed chiefly under broad and general policy statements, regulations, and laws, the employee must exercise considerable judgment and ingenuity in interpreting and adapting the guides that exist, and in developing new and improved techniques and methods where appropriate guidelines are totally lacking. Frequently, the industrial hygienist is recognized as an authority in a specialty area of industrial hygiene, having responsibility for the

development of agencywide or nationwide standards, procedures, and instructions to guide operating personnel.

The appellant's position does not meet Level 3-5 because his regular and recurring work does not involve developing new and improved techniques and methods where guidelines are lacking. The appellant is not recognized as an authority in a specialty area of industrial hygiene and is not responsible for the development of agencywide or nationwide standards, procedures, and instructions to guide operating personnel. As discussed previously, these functions are vested in higher-level DLA positions.

This factor is evaluated at Level 3-4 and 450 points are assigned.

Factor 4, Complexity

This factor covers the nature, number, variety and intricacy of tasks, steps, processes, or methods in the work performed; the difficulty in identifying what needs to be done; and the difficulty and originality involved in performing the work.

At Level 4-5, work includes a broad range of activities and involves the identification and treatment of novel or obscure problems which require the employee to be versatile and innovative in adapting and modifying precedents, methods and techniques. Assignments are characterized by many difficult considerations due to breadth, diversity, or intensity of occupational health problems encountered.

The work meets the complexity described at Level 4-5, as the appellant's assignments cover a full spectrum of occupational health hazards in a variety of climates worldwide, and require him to adapt or modify precedent methods in the control of hazardous exposures. The appellant also frequently works with foreign nationals and contractors as well as agency employees in conveying information. Typical of this level, the work requires the appellant to weigh the extent of the hazard against the cost of corrective action in order to develop the most feasible approach.

At Level 4-6, assignments include the need to conceive, plan, and conduct broad programs in areas where issues and factors to be considered are largely undefined. Work concerns areas where little or no established practices or precedents are available to assist in problem solving, where progress is difficult, and where new techniques and approaches need to be devised. Often, the work involves the development of new concepts, theories, or programs which will influence the procedures and ideas of others, or resolve unyielding problems.

The appellant's work does not meet Level 4-6. His assignments do not include the need to conceive, plan, and conduct broad programs where issues and factors to be considered are largely undefined. Most materials handled have been identified in the manufacturing process and disposal techniques delineated. Unlike Level 4-6, the appellant's work does not require or permit him to frequently develop new concepts, theories, or programs which influence the procedures and ideas of others or resolve unyielding problems. Instead, like Level 4-5, the appellant identifies the best way to leverage known methods and techniques to best accomplish DMRS program goals and requirements.

This factor is evaluated at level 4-5 and 325 points are assigned.

Factor 5, Scope and Effect

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

At Level 5-4, the work assesses the effectiveness of specific programs, projects, or functions. Through contact evaluation, the work involves the development of safety and occupational health criteria for and procedures for major agency activities. The purpose of the appellant's work closely meets the description at Level 5-4, i.e., to provide expertise as a specialist in the broad practice of industrial hygiene by furnishing advisory, planning, or reviewing services on specific problems, projects, or programs, and operating conditions directly affecting worker health and safety.

At Level 5-5, the purpose of the work is to resolve critical problems to isolate and define unknown conditions or to develop new approaches, methods, guides, or standards for use by other occupational health specialists. Results affect the work of other occupational health experts both within and outside the agency and the development of major aspects of the agency's occupational health program. The appellant's position does not meet Level 5-5 because the work he performs does not routinely affect the work of other occupational health experts either within or outside the agency, nor does it require the development of major aspects of the agency's occupational health program. Such functions are vested at higher levels in the agency as discussed previously.

This factor is evaluated at Level 5-4 and 225 points are assigned.

Factor 6, Personal Contacts

This factor includes face-to-face contacts and telephone and radio dialogue 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 (e.g., the degree to which the employee and those contacted recognize their relative roles and authorities).

The relationship of Factors 6 and 7 presumes that the same contacts will be evaluated for both factors. Therefore, use the personal contacts which serve as the basis for the level selected for Factor 6 as the basis for selecting a level for Factor 7.

At Level 6-3, contacts include a variety of officials, managers, and professionals of other agencies or outside organizations. Included are contacts with industrial hygiene experts from other agencies, universities, and professional associations; with management representatives in private industry or Federal agencies; with labor representatives, contractors, engineers, and

safety specialists within private companies or agency plants; and with a variety of experts within related occupational health and safety fields. These contacts are not established on a routine basis, but vary as to the purpose and extent of the contacts, and as to the roles and authority of the parties involved.

The appellant's position meets Level 6-3 in that personal contacts are of a non-routine nature with a variety of individuals, professionals from other agencies, or outside organizations. The appellant frequently meets with individuals from a variety of sources, but usually for a specific purpose or problem which clarified during the course of the contact.

At Level 6-4, contacts are with high-ranking officials from outside the agency, including top managerial, health, or scientific personnel of other agencies, State and local governments, private industry, and public groups (e. g., Assistant Secretaries, Department heads for State Governments or for major cities). These contacts are characterized by highly unstructured settings (e.g., unprecedented situations, difficulties in obtaining access to the officials, or unclear or widely varying roles and authorities). Level 6-4 is not met, as personal contacts with high-ranking officials from outside the agency are infrequent and not characterized by highly unstructured settings.

This factor is evaluated at Level 6-3 and 60 points are assigned.

Factor 7, Purpose of Contacts,

The purpose of personal contacts ranges from factual exchanges of information to situation involving significant or controversial issues and differing viewpoints, goals, or objectives.

Typical of Level 7-3, the purpose of the appellant's contacts is to influence, motivate, and encourage unwilling and often uncooperative individuals to adopt or comply with safety and occupational health standards practices procedures or contractual agreements. Thus, the appellant is required to exercise tact and to be skillful in gaining the confidence and cooperation of those contacted.

The appellant's position does not meet Level 7-4, as his regular and recurring contacts are not to justify, defend, negotiate, or settle highly significant or controversial occupational health matters. The appellant does not represent the agency in professional committees for planning extensive and long-range occupational health programs.

This factor is evaluated at level 7-3 and 120 points are assigned.

Factor 8, Physical Demands

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

At Level 8-1, work is generally sedentary, although there may be some walking or bending during infrequent walk-through inspections of worksites.

At Level 8-2, work includes inspections or surveys of industrial workplaces requiring the employee to carry a considerable amount of equipments and involving a good deal of walking, standing, bending, and climbing.

The PD credits Level 8-2 based on the appellant performing on-site evaluations requiring regular and recurring exposure to conditions typical of this level. The appellant occasionally travels, both within and outside of the country, to various sites. However, this works does not involve industrial site inspections under the conditions and physical demands required to support evaluation of this factor at Level 8-2.

This factor is evaluated at level 8-1 and 5 points are assigned.

Factor 9, Work environment

This factor considers risks and discomforts in the nature of the work assigned and the safety regulations required.

At Level 9-1, work is usually performed in an office setting, although there may be occasional exposure to industrial hazards during walkthrough surveys.

At Level 9-2, work requires regular exposure to all of the hazards and discomforts to which workers are subjected including a wide range of toxic chemicals, physical stresses and safety hazards. The employee must use a wide variety of protective equipment and clothing.

The PD credits Level 9-2 based on the appellant performing on-site evaluations requiring regular and recurring exposure to the risks and discomforts and requiring the use protective clothing and equipment typical of this level. The conditions for Level 9-2 are not met because the appellant does not perform site inspections on a regular and recurring basis, e.g., overseas inspections are being performed by contractors.

This factor is evaluated at level 9-1 and 5 points are assigned.

Summary

In summary, we have evaluated the position as follows

<i>Factor</i>	<i>Level</i>	<i>Points</i>
1. Knowledge required by the position	1-7	1250
2. Supervisory controls	2-4	450
3. Guidelines	3-4	450
4. Complexity	4-5	325
5. Scope and effect	5-4	225
6. Personal Contacts	6-3	60
7. Purpose of contacts	7-3	120

8. Physical demands	8-1	5
9. Work environment	9-1	<u>5</u>
Total		2890

A total of 2890 points falls within the GS-12 range of 2755-3150 points in the 690 PCS's grade conversion table.

Decision

The position is properly classified as Industrial Hygienist, GS-690-12.