

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

Philadelphia Oversight Division
600 Arch Street, Room 3400
Philadelphia, PA 19106-1596

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

Appellant: [appellant's name]

Agency classification: Research Social Scientist
GS-101-14

Organization: Work Unit FS-[number and name]
[name] Research Station
Forest Service
U.S. Department of Agriculture
[location]

OPM decision: (title at the option of agency)
GS-101-14

OPM decision number: C-0101-14-01

/s/ Robert D. Hendler

Robert D. Hendler
Classification Appeals Officer

September 5, 2002

Date

As provided in section 511.612 of title 5, Code of Federal Regulations, this decision constitutes a certificate that is mandatory and binding on all administrative, certifying, payroll, disbursing, and accounting officials of the government. The agency is responsible for reviewing its classification decisions for identical, similar, or related positions to ensure consistency with this decision. There is no right of further appeal. This decision is subject to discretionary review only under conditions and time limits specified in the *Introduction to the Position Classification Standards* (PCS's), appendix 4, section G (address provided in appendix 4, section H).

Decision sent to:

[appellant's name]
[appellant's address]

Personnel Officer
U.S. Department of Agriculture
Forest Service
[name] Research Station
[address]
[location]

Director for Workforce
Policy and Customer Service
U.S. Department of Agriculture
Forest Service
14th and Independence, SW
P.O. Box 96090
Washington, DC 20090-6090

Mr. Joseph V. Colantuoni
Acting Director of Human Resources Management
USDA-OHRM-PPPD
U.S. Department of Agriculture
J.L. Whitten Building, Room 302-W
1400 Independence Avenue, SW
Washington, DC 20250

Introduction

On March 7, 2002, the Philadelphia Oversight Division of the U.S. Office of Personnel Management (OPM) accepted a classification appeal from [appellant's name]. His position is currently classified as Research Social Scientist, GS-101-14. The appellant believes the classification should be Research Social Scientist, GS-101-15. We received the agency appeal administrative report on April 10, 2002. The position is in Work Unit [name and number], [name] Research Station, Forest Service, U.S. Department of Agriculture, [location]. We have accepted and decided his appeal under section 5112 of title 5, United States Code (U.S.C.).

General issues

In his March 1, 2002, letter, the appellant stated that he is an acknowledged expert in the area of user fees for recreation. He said that user fee programs have been very important to agencies since they generate hundreds of millions of dollars in needed revenues annually, but that public response has been mixed. The appellant stated that his research showing the sensitivity of low-income people to even small fees has garnered media attention, but that his agency has placed a "gag order" on his contacts with the media. He said that these politically charged events occurred before the last agency Research Grade Evaluation Guide (RGEG) panel review of the classification of his position, and that he cannot receive a fair review within the agency. The August 20, 2001, Request for Alternative Grade Recommendation enclosure to his appeal letter pointed to the inconsistencies between the last agency panel review and a previous review and called into question whether the last review process was arbitrary. This request pointed to the apparent failure of the panel to consider the appellant's election to the Academy of Leisure Sciences, a North American scholastic honor society. The request states that his election clearly suggests that the appellant is widely recognized in the field as performing at a level equivalent to that of a full professor and that a rating of Degree E on Factor IV is appropriate.

By law, we must classify positions solely by comparing their current duties and responsibilities to OPM PCS's and guidelines (5 U.S.C. 5106, 5107, and 5112). Other methods or factors of evaluation are not authorized for use in determining the classification of a position, such as the politically charged nature of the appellant's current work. The appellant's election to the Academy of Leisure Sciences is a decision of its members based on society criteria and not on published OPM PCS's. Therefore, the appellant's election may be considered only to the extent that it may help to explain the scope, difficulty, and complexity of the appellant's work. Appointment at various professorial levels is dependent on criteria that differ from institution to institution. Therefore, whether the appellant's research and other work would be viewed as qualifying for full professorial standing at some institutions does not control how we apply the underlying grade level criteria of PCS's. Because our decision sets aside all previous agency decisions, the appellant's concerns regarding his agency's classification review process are not germane to this decision.

Agency management has certified that the appellant's position description (PD) of record [number] is accurate. We conducted a telephone audit with the appellant on June 21, 2002, and a telephone interview with the appellant's supervisor, [name], on June 25. We obtained information from 18 other scientists knowledgeable of the appellant's research work, including scientists recommended by the appellant and his supervisor. In reaching our decision, we

reviewed the audit findings and all information of record furnished by the appellant and his agency, including his official PD which we incorporate by reference into this decision, and work examples provided by the appellant at our request.

Position information

The appellant's primary research area involves analyzing key human values that affect natural resource decisions and to incorporate these values into better tools for evaluating alternatives. He deals with issues like value and equity that are at the core of social science, bringing these together from various traditions, philosophies and perspectives. His research on the issue of user fees addresses their linkage to social inequality in the United States and has impact on many agencies and levels of Government.

Series, title and standard determination

The agency has classified the position in the Social Science Series, GS-101, and titled it Research Social Scientist based on accepted titling practices. The appellant did not question these determinations. We agree with the series determination. The title is at the option of the agency using accepted titling practices.

The agency determined that the position is properly graded by application of the RGEG with which the appellant agrees. The RGEG is intended for use in determining grade levels of basic and applied research positions. However, it is *not* intended for use in classifying positions involving basic or applied research in social sciences like history, economics, geography, and anthropology. This exclusion should not be construed as implying less concern for the impact of the appellant on the dimensions of his position. Instead, the exclusion of social science research reflects a lack of fit of the specific criteria in the RGEG for social science positions.

The GS-101 series has no published grade level criteria. The Civil Rights Series, GS-160, PCS provides grade level criteria to evaluate positions primarily concerned with planning, conducting, and reporting descriptive social science research in the field of civil rights and equal opportunity when the paramount requirement for the positions includes a broad knowledge of the field of civil rights, ability to apply accepted documentary and field research techniques to study issues and policies affecting civil rights, consulting skill, and a high degree of writing and oral communication skill. The appellant's social science research work displays similar characteristics to and is best evaluated by application of the criteria in the GS-160 PCS. Our application requires that we consider the appellant's work assignment which varies from the policy development work described in the PCS.

Grade determination

The GS-160 PCS is in Factor Evaluation System (FES) format. Under the FES, positions are evaluated by comparing the duties, responsibilities, and qualifications required with nine factors common to nonsupervisory General Schedule positions. A point value is assigned to each factor in accordance with the factor-level descriptions. For each factor, the full intent of the level must be met to credit the points for that level. The total points assigned for the nine factors are

converted to a grade by reference to the grade conversion table in the PCS. Our analysis of the work follows.

Factor 1, Knowledge required by the position

This factor measures the nature and extent of facts needed to do the work and the nature and extent of skill needed to apply that knowledge.

At Level 1-8, work requires mastery of the concepts, principles, and methods of a broad major area of the field of civil rights. This involves expert knowledge of the problem solving techniques of the field and the legal framework surrounding the area or issue; and a high level of skill in interpreting laws, policies and concepts within the area, where accepted methods and principles are questioned or challenged; and resolving unprecedented, broad, difficult, and complex issues. The social scientist applies broad and thorough knowledge of a broad range of accepted research methods. For example, civil rights analysts conduct a research study of a broad national civil rights issue or question, develop a report including findings that add significantly to the body of civil rights knowledge, and present recommendations concerning or potentially changing national policy.

In contrast, work at Level 1-9 requires mastery of the principles and concepts of the field of civil rights including a thorough knowledge of relevant laws and legal principles, sociological implications, and history of the field; *and* broad knowledge of the Federal, State, and local government administrative processes by which civil rights laws are implemented; *and* skill in developing significant new knowledge through research; *or* other equivalent knowledge and skills that clearly exceed Level 1-8. For example, civil rights analysts direct and conduct research into and critically analyze fundamental questions, issues, or policies affecting civil rights; produce new basic knowledge in the field; and recommend basic changes in law or national policy.

As at Level 1-8, the appellant applies a multidisciplinary approach to critical and fundamental questions about human interaction with natural resources. As described by scientists whom we interviewed, the appellant's work focuses on examining the underlying psychological and social drivers in human interaction with the natural environment. Other social scientists studying user fees have taken a classical economic approach or tested behaviorist modeling to predict the impact of user fees. In contrast, the appellant is studying the underlying social context of user fees and whether they discourage certain groups from even considering visits to and use of public lands. His article [name and identifying information], in the peer-reviewed Journal of Leisure Science, explored gaps in information identified in the U.S. General Accounting Office's review of the Fee Demonstration Project. Extending fact-finding beyond the usual on-site visitor studies, the article calls into question whether fees undercut the mission of agencies to provide accessible public recreation. As at Level 1-8, this work challenges accepted methods and approaches to evaluating the impact of user fees and their effect on underserved groups.

In the area of values and the quality of recreational experience, the appellant has challenged many of the underlying assumptions of benefits-based management and accepted methodologies in the field. Illustrative of the significance and impact of his work is his article [name and identifying information] in the same journal, comments from three well-respected researchers on

the article, and the appellant's response to those comments. These and other work examples published in highly regarded peer reviewed journals and the attention afforded them by peers are representative of dealing with broad, difficult, and complex issues and adding significantly to the body of social science knowledge found at Level 1-8.

The appellant's work approaches Level 1-9 in that the issues he is researching require critical analysis of fundamental questions, issues, and policies affecting human interaction with natural resources and the work is intended to produce new basic knowledge in the field. The appellant has pointed to the impact of user fees on economically marginal groups in his study. Unlike Level 1-9, the record does not show that he has fully developed those issues and the broader implications of those findings, e.g., conducting a series of studies to refine methods and fully develop models to assess how user fees affect segments of the public who do not use or minimize their use of public lands and research similar human natural resource interactions. Similarly, the appellant has not fully developed his proposed functionalist approach as would be expected at Level 1-9, i.e., producing models and measurement methodologies for others to use in applying and testing this theoretical framework.

Because the work does not fully meet Level 1-9, this factor must be credited at Level 1-8 and assigned 1,550 points.

Factor 2, Supervisory controls

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

The appellant's position meets but does not exceed Level 2-5, the highest level described in the PCS. As at Level 2-5, the supervisor provides administrative direction, giving assignments in terms of broadly defined missions with broad policy goals and objectives; i.e., understanding the relationship between social institutions, forest management, and ecosystems processes; and linking these values to problems in recreation. Within these broad problem areas, the appellant is responsible for independently planning, designing, and carrying out research studies, e.g., the effects of user fees on forest recreation use by various social groups, including collaborating with others and securing program funding. The appellant's work is considered technically authoritative and is normally accepted without change. As at Level 2-5, internal agency review concerns such matters as fulfillment of program objectives, or the overall effect of the studies on agency policy.

We evaluate this factor at Level 2-5 and credit 650 points.

Factor 3, Guidelines

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

The appellant's position meets but does not exceed Level 3-5, the highest level described in the PCS. As at Level 3-5, the guidelines used are broadly stated and nonspecific. The appellant works within agency program goals, priorities, and broad policy statements that require extensive interpretation. The guidelines generally state broad objectives and provide some limits on what

kinds of policies should be developed, e.g., constructing a logical conceptual foundation for dealing with public values as they relate to forests and ascertaining the impact of user fees on various socio-economic groups. These guidelines constitute a framework in which major research is conducted, e.g., meeting the requirements of Executive Order 12898, dated February 11, 1994, to facilitate environmental justice (equity) by addressing the impact of Forest Service policies and programs on minorities and low-income populations.

Typical of Level 3-5, the appellant uses considerable judgment and ingenuity in selecting and adapting social science techniques to identify, collect, and analyze the information with the goal of opening further discussion on the long-term impact of program policies. For example, few guidelines exist for studying equity as a subcategory of moral values in noneconomic arenas. The appellant's work uses foundational concepts of such disciplines as philosophy, psychology, sociology, and economics to help decision makers focus on social outcomes that are affected by natural resource policies. As at Level 3-5, the appellant uses considerable judgment and ingenuity interpreting these limited guidelines for the purpose of developing significant new knowledge about how people value natural resources and the impact of public policy decisions on access to and use of natural resources, e.g., user fees.

We evaluate this factor at Level 3-5 and credit 650 points.

Factor 4, Complexity

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

The appellant's position meets but does not exceed Level 4-6, the highest level described in the PCS. As at Level 4-6, assignments are to plan, direct, and conduct broad studies to analyze and report on highly complex and broad (e.g., national) problems of a fundamental or precedent setting nature. Generally the problems dealt with at Level 4-6 involve a unique combination of facts, conditions, and issues being studied for the first time. In this case, the appellant's areas of research are being explored by many social scientists. However, the appellant's work is of equivalent complexity. Typical of this level, the appellant's current work on equity raises fundamental questions about how natural resources can and should be valued. As described by scientists whom we contacted, the appellant challenges conventional thought in the field, e.g., the impact of small fees on public land access and use by people on the economic margin and how one can define and attribute costs and benefits to the psychological impact of natural resources on people.

As at Level 4-6, this work requires decisions regarding what needs to be done on ambiguous and highly complex conditions and major areas of uncertainty resulting from gaps or conflicts in knowledge in the field being studied. The work requires continuing efforts to develop major research findings that affect how public agencies view and define their role in caring for and providing access to publicly held resources. The appellant's research projects frame and discuss national issues that involve considerable controversy among policy makers and experts in the field as to the nature and scope of the problem, its cause, and the appropriate Federal Government response, e.g., the need to explore the limitations of previously developed recreation

assessment and related scales in assessing the benefits of public land stewardship; the need to better distinguish between and define various types of nonmarket values; and the need to use the public objectives of public parks, facilities, and programs to determine the appropriateness of user fees and other management methods.

We evaluate this factor at Level 4-6 and credit 450 points.

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 or services both within and outside the organization. Only the effect of properly performed work is considered.

The appellant's position approaches Level 5-6, the highest level described in the PCS. As at Level 5-6, the purpose of the work is to plan and conduct critical projects that are vital to understanding human interaction with the natural environment. These projects develop data and present theories surfacing policy issues that impact the natural resources stewardship mission of the agency. Projects affect basic knowledge of human reaction to public natural resource management policies, e.g., exploring whether user fees discourage certain social groups from using public lands in various areas of the country, how user fees relate to the underlying concepts of human valuation of natural resources, and whether current methodologies provide adequate frameworks for evaluating nonmarket human values. Unlike Level 5-6, the appellant's work has not yet resulted in the development of new basic knowledge in the field of social science through research that may impact public policy decisions, e.g., conducting a series of studies to refine methods and *fully* develop models to assess how user fees affect segments of the public, such as those who do not use or others who minimize their use of public lands due to the impact of user fees. Typical of Level 5-5, his work has resulted in the addition of new and significant contributions to the body of knowledge of human dimensions of natural resources and has raised issues for requiring further exploration. Most scientists whom we contacted cited the appellant's election to the Academy of Leisure Sciences as recognizing his impact, over time, as a recognized scholar in recreation, park, and leisure studies. Typical of Level 5-5, his work is well respected and is considered thoughtful and creative.

Because the work does not fully meet Level 5-6, this factor must be credited at Level 5-5 and assigned 325 points.

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). Points are credited under this factor only for contacts which are essential for successful performance of the work and which have a demonstrable impact on the difficulty and responsibility of the work performed. The relationship of Factors 6 and 7 presumes that the same contacts will be evaluated for both factors.

As at Level 6-3, the appellant's contacts are with researchers and experts in the fields being studied, including contacts at national and international professional conferences. When permitted by agency policy, the appellant meets with members of the media. The nature of each contact varies depending on the persons contacted.

The appellant's position does not meet Level 6-4 at which contacts are with high-ranking officials from outside the employing agency at national levels, heads of Federal agencies, governors, members of Congress, mayors of the largest cities, heads of large national organizations, or presidents of large national corporations. These contacts generally are not routine or of an established nature. Each contact may be conducted under different ground rules. The record does not show that such contacts are typical of the appellant's work.

We evaluate this factor at Level 6-3 and credit 60 points.

Factor 7, Purpose of contacts

As at Level 7-3, the purpose of the appellant's contacts includes dealing with other social scientists whose views and theories differ substantially from those expressed by the appellant. These contacts are integral to scientific meeting and conference presentations.

The appellant's position does not meet Level 7-4 where the purpose is to negotiate resolutions to highly controversial or major issues, or to justify or defend policy positions taken by the agency on major controversial issues. These functions are not vested in the appellant's position.

We evaluate this factor at Level 7-3 and credit 120 points.

Factor 8, Physical demands

This factor covers the requirements and physical demands placed upon the employee by the work assignment. This includes physical characteristics and abilities and physical exertion involved in the work.

Level 8-1 work is sedentary and presents no special physical demands. Level 8-2 work involves considerable walking, stooping, bending, and climbing. The appellant's work is sedentary and free of special physical demands.

We evaluate this factor at Level 8-1 and credit 5 points.

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.

Level 9-1 work is in an office setting. Level 9-2 work involves moderate safety risks or discomforts that require special precautions, e.g., fact-finding in industrial plants. The appellant's work is performed in an office setting and requires no special safety precautions.

We evaluate this factor at Level 9-1 and credit 5 points.

Summary

In summary we have evaluated the appellant's position as follows:

Factor	Level	Points
1. Knowledge required by the position	1-8	1,550
2. Supervisory controls	2-5	650
3. Guidelines	3-5	650
4. Complexity	4-6	450
5. Scope and effect	5-5	325
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 Points	3,815

The 3,815 total points fall within the GS-14 range of 3,605-4,050 points on the Point-to-Grade conversation chart in the PCS. Therefore, the final grade for the appellant's position is GS-14.

Decision

The appellant's position is properly classified as (title at the option of agency), GS-101-14.