

CLASSIFICATION APPEAL DECISION

issued by:

U.S. DEPARTMENT OF THE INTERIOR

Washington, D.C. 20240

APPELLANT:

[REDACTED]

POSITION:

Mining Engineer, GS-880-13

ORGANIZATION:

Department of the Interior
Bureau of Land Management
California State Office

[REDACTED]
[REDACTED]

DECISION:

Supervisory Mining Engineer, GS-880-13
(Appeal denied; title changed)



Shirley Schell
Office of Personnel Policy

AUG 13 1999

DATE

Copy of Decision Transmitted to:

[REDACTED]

Concetta Stewart
Personnel Officer
Bureau of Land Management

Personnel Officer
Bureau of Land Management
California State Office

INTRODUCTION

On June 8, 1999, [REDACTED] appealed the classification of his position to the Director of Personnel Policy, Department of the Interior. [REDACTED] is employed as a Mining Engineer, GS-880-13, in the Bureau of Land Management, California State Office, [REDACTED]. He has appealed for an upgrade of his position to the GS-14 level.

This is the final administrative decision within the Department of the Interior. The appellant may appeal the classification of his position to the Office of Personnel Management (OPM) in accordance with the procedures described in Appendix 4 of the Introduction to the Position Classification Standards. Information about submitting an appeal to OPM is included in the decision letter to the appellant.

SOURCES OF INFORMATION

In deciding this appeal, we considered information from the following sources:

1. The appellant's memorandum of appeal with attachments, including his current position description, the evaluation of his position prepared by his servicing personnel office, information regarding a review of his position by the BLM National Human Resources Management Center, an alternate position description prepared by the appellant, a 1991 memorandum from the California State Director to the BLM Director exploring the issue of upgrading the position, his statement of qualifications, his current performance plan, Notification of Personnel Action (SF-50) and a portion of the General Grade-Evaluation Guide for Nonsupervisory Professional Engineering Positions, GS-800. The appellant provided work samples following the audit.
2. The material submitted by the servicing personnel office for the California State Office, including the position description for the appellant's supervisor, the organization chart for the Division of Energy and Minerals, the original evaluation of the appellant's position from 1984, which is a supplement to the current evaluation, and the position description for Geologist, GS-1350-12, which covers the employees who serve as mineral patent specialists.
3. The telephone audit of the appellant's position on June 29, 1999, a follow-up conversation on July 9, and a telephone interview with his supervisor, [REDACTED], on July 12.

POSITION INFORMATION

The appellant serves as senior technical mineral specialist in sensitive, complex, and controversial analytical laboratory techniques and economic aspects of locatable, salable and leasable mineral studies. He provides technical guidance to the minerals staff, particularly on sampling and analytical techniques of sample processing on difficult cases and conducts examinations on special problem cases. He provides technical and analytical guidance to minerals staff in other states and to the U.S. Forest Service minerals staff.

The appellant advises on and provides technical expertise for especially difficult aspects of the application of mining law and the evaluation of locatable and salable minerals, appraisal of mineral trespass, mineral estates, market analyses, economic evaluation and related mineral activities. He handles very difficult and sensitive cases involving validity, mineral patent examinations, valid existing rights, common variety determinations, mineral appraisals for exchange and royalty rights, and mineral trespass. In appraisal studies, fair market values are determined through the market approach or the income approach to value using discounted cash flow methods. Common variety/locatable determinations focus on whether a commodity has any unique or special economic value to qualify as a locatable mineral.

The appellant develops and updates written guidelines, standards, instructions, and handbooks to accomplish the mineral assessment workload and as an aid in professional development of minerals staffs. He develops and prepares guidelines for field sampling and sample preparation and analysis. He develops and maintains standards and guidelines for minerals staff for fair market value determinations of mineral properties. He provides technical review and coordinates revisions on validity, patent and appraisal mineral reports. He serves as an expert government witness in adverse action proceedings and any resultant court actions, giving testimony on the nature and authenticity of mineral examinations, for patent or validity determinations and mineral character of lands. He prepares technical articles and gives oral presentations at local and national meetings with the public, industry, and other Federal and state governmental agencies.

The appellant is currently serving as mineral patent coordinator. In this capacity, he supervises four geologists who serve as mineral patent specialists, planning and carrying out intensive investigations of advanced technical problems required for mineral patent examinations. The appellant's supervisory duties are anticipated to be of limited duration. He has served as the mineral patent coordinator for approximately one year, and will likely continue in this role for another six months to one year, and possibly longer.

SERIES AND TITLE DETERMINATION

The position is clearly professional and is designated as interdisciplinary, classifiable in either the Mining Engineering Series, GS-880, or the Geology Series, GS-1350. The GS-880 series includes positions that require primarily the application of professional knowledge of mining engineering and which perform work requiring the ability to apply the principles of mathematics, chemistry, geology, physics, and engineering to mining technology. Work in this series also requires general knowledge of construction and excavation methods, materials handling, and the processes involved in preparing mined materials for use. Mining engineers are concerned with the search for, efficient removal, and transportation of ore to the point of use; conservation and development of mineral lands, materials, and deposits; and the health and safety of mine workers.

The GS-1350 series includes professional scientific positions applying a knowledge of the principles and theories of geology and related sciences in the collection, measurement, analysis, evaluation and interpretation of geologic information concerning the structure, composition and

history of the earth. This work may include basic research as well as the application of the principles and a knowledge of geology to a variety of scientific, engineering and economic problems.

The appellant's work can be compared closely to both the GS-880 and the GS-1350 series. Consistent with classification of the work in the GS-880 series, he applies the principles of geology and other professional disciplines to mining technology, performs work requiring knowledges characteristic of this series, such as that concerned with the search for, efficient removal, and transportation of ore to the point of use, and the conservation and development of mineral lands, materials, and deposits. With respect to the GS-1350 series, he applies a knowledge of the principles of geology to a variety of scientific, engineering, and economic problems.

The OPM Introduction to the Position Classification Standards provides that the final classification of an interdisciplinary position is determined by the qualifications of the person selected to fill it. The Bureau has classified the position in the GS-880 series during the appellant's tenure. However, we conclude that the position is properly classifiable in either the GS-880 series or the GS-1350 because (a) the appellant is qualified in both professional occupations, and (b) the work that he performs has characteristics of both series. Finally, we defer to the professional judgment of the appellant and his superiors in the placement of the position in the GS-880 series. The prescribed title for supervisory positions in the GS-880 series is Supervisory Mining Engineer.

GRADE DETERMINATION

The grade of nonsupervisory mining engineering duties is determined by application of the position-classification standard for the Mining Engineering Series, GS-880, which describes, in narrative format, positions at grades GS-5 through GS-12. We accept the Bureau's determination that the appellant's duties and responsibilities are properly evaluated above the GS-12 level because of his role as a technical expert, and that, therefore, the standard for the GS-880 series cannot be used to determine the position's grade because the work exceeds the highest level of work described in the standard.

The standard for the GS-880 series directs the user to evaluate positions above the GS-12 level by extension of the criteria in the standard, by application of the evaluation criteria in the GS-800, General Grade-Level Standards for Nonsupervisory Professional Engineering Positions (which was replaced by the General Grade-Evaluation Guide for Nonsupervisory Professional Engineering Positions, GS-800, in 1971), and/or by the criteria in other appropriate standards. In addition, we concur with the Bureau that the Job Family Standard for Professional Physical Science Work, GS-1300P, may also be used to evaluate the position, inasmuch as it is an interdisciplinary position and because of the other considerations discussed above in the series determination section. The GS-1300P standard is used to evaluate nonsupervisory professional positions in the physical sciences, including geologist positions.

The General Grade-Evaluation Guide for Nonsupervisory Professional Engineering Positions (Guide) presents the grade-level criteria in terms of three broad types of nonsupervisory work performed by engineers. Type I work is conventional in nature and is accomplished primarily by application of, modification of, adaptation of, or compromise with standard guides, precedents, methods, and techniques. The Guide describes work of this type at grades GS-9 through GS-13. Type II work includes assignments or functions with such objectives as solving novel and unusual problems, extending the boundaries of existing knowledge, or improving the state of the art, e.g., developing new and novel requirements, criteria, or standards to be used in performing Type I work. The Guide describes work of this type at grades GS-9 through GS-15. Type III work involves staff assignments as technical consultants and advisers and/or program coordinator-reviewers in engineering organizations engaged in Type I and/or Type II work. The Guide describes work of this type at grades GS-12 through GS-15. Although the appellant performs some work characteristic of Types I and II, his primary responsibilities are consistent with Type III work. The Guide describes work at the various grade levels in terms of two broad classification factors, Nature of Assignment and Level of Responsibility.

Nature of Assignment

Type III engineers at the GS-13 level perform staff advisory, consulting, and reviewing services for an organization performing a variety of Type I and/or Type II assignments of GS-12 difficulty. Some positions are in the central engineering office of an agency or bureau with responsibilities for reviewing and coordinating all field work in a narrow program area and proposing additional work in the light of the needs of the agency or bureau.

The appellant serves as the California BLM technical expert, advisor, and coordinator in the fields of economic mineral evaluations, mineral appraisals, analytical testing methods, and geological engineering. As a certified review mineral examiner, he also provides technical review and field guidance on validity, surface use, mineral in character determinations and mineral appraisal reports of other specialists, and he advises on the adequacy, appropriateness and technical viability of these reports and analyses. The organization for which he provides staff advisory, consulting, and reviewing services includes work, primarily Type I assignments, at the GS-12 level. The appellant does not function as a staff advisor or reviewer at the agency or bureau level, but the Guide provides that such responsibility at that level is not necessary for evaluation at the GS-13 level. Therefore, the nature of the appellant's assignments is consistent with Type III work at the GS-13 level.

Engineers at the GS-14 level perform Type III work in any of four categories described in the Guide.

-- In one category of GS-14 assignment, engineers coordinate and review broad programs for an agency or bureau headquarters and field offices, and their responsibilities include developing standard methods and procedures to be used throughout the headquarters and field. The appellant does not have program responsibility for an entire agency or bureau.

-- Engineers at the GS-14 level may develop short- and long-range research and development plans and programs for a large group of research, development, and test activities. The appellant does not develop research and development plans, nor does he work for this type of organization.

-- Engineers at the GS-14 level may work directly for and serve as overall engineering and scientific advisor and consultant to the chief of a research, development, and evaluation organization. The engineering or scientific programs, projects, or investigations undertaken by the organization constitute all, or the major phases, of the technical work in the specific engineering or scientific area, or closely related areas, being done in the agency or bureau and require a variety of GS-13 level Type II engineering and scientific work. As in the previous example, the appellant does not serve in this type of position, nor does he work in a research and development organization.

-- Engineers at the GS-14 level may serve as expert consultants in a specialty field to a large laboratory, bureau, or agency. The organization served is engaged in work of an advanced nature as described at GS-13 for Type II positions. They advise on, review and conceive of new work to be undertaken by the organization. As a recurring duty, they represent their organization on technical committees developing general plans and procedures for carrying out research and experimental projects. Although the appellant does not serve as a technical advisor to an entire bureau or agency, the State Office may be considered to be organizationally comparable to a large laboratory. However, he does not serve as an expert consultant to other specialists engaged in the type or level of work described at this level, i.e., advanced laboratory work at the GS-13 level. The GS-14 expert consultants described in this category advise other engineers or scientists who conduct advanced work in areas in which large blocks of data are controversial or unknown or, in the case of more narrow assignments, the work is of such intensity that available theory is not applicable, and relevant experimental data are nonexistent. The engineers and scientists that the appellant advises are almost all engaged in work at the GS-12 level and below, rather than performing work of an advanced nature as described in this category. Thus, he does not serve as an expert consultant as envisioned in this category, nor is his work consistent with the GS-14 level as described in the other categories. Therefore, the Nature of Assignment is evaluated at the GS-13 level.

Level of Responsibility

At the GS-13 level, engineers performing Type III work receive little or no technical guidance within the specialty area, and their determinations are considered authoritative but are reviewed for consistency with policy and program goals and standards. They have contacts with engineers in field offices, and their contacts involve negotiation and persuasion in obtaining the adoption of technical points and methods that are in conflict with the desires and opinions of other engineers. Engineers at the GS-13 level use guidelines that relate to basic work performed in the organization at the GS-12 level. Engineers who coordinate and review program functions apply a thorough and comprehensive knowledge of the policies, laws, regulations, procedures, and methods of the programs, and they exercise originality in developing and establishing the

standards, procedures, and instructions necessary to guide field offices and other organizations in carrying out program functions.

The appellant is expected to recognize the need for and to initiate assignments, to develop the necessary background and studies, and to follow projects through to conclusion. His work is reviewed in terms of major policy and administrative matters, and in terms of meeting goals, commitments, and objectives. His contacts include managerial, professional, legal and technical personnel in the Bureau, in other government agencies and in the private sector, including the mining industry. The purpose of his contacts includes negotiation of differences and resolution of conflicts with managers and other professionals in the field offices, the mining industry, and other Federal agencies. In terms of guidelines, the appellant uses broad procedural guidance in the form of Departmental policy and regulations and Bureau manuals, instructions, and directives. He is recognized as a technical authority in the development and interpretation of guidelines in a variety of areas, including fair market value appraisal of mineral interests, and location and patenting of mining claims and mill sites. This level of supervisory controls, contacts, and guidelines is consistent with the GS-13 level of responsibility for Type III work.

Engineers performing Type III work at the GS-14 level operate under administrative supervision only. Guidance from higher levels is restricted to matters of broad policy, program objectives, and budget limitations. Decisions, commitments, and conclusions ordinarily have considerable influence on the development of the agency program and the establishment of standards and guides for extensive engineering activities. As representatives of their agency, GS-14 engineers reach these kinds of agreements with groups from other agencies or organizations.

Recommendations and decisions are almost universally accepted as technically sound even though final approval may depend upon formal action by others. Technical specialists at this level are largely concerned with solving major problems for which guidelines provide little or no assistance and which arise from Type II work at the GS-13 level. Coordinator-reviewers at the GS-14 level apply a broader knowledge of agency policies, laws, regulations, procedures, and methods than those at the GS-13 level, since larger and more varied programs are dealt with at GS-14. They exercise originality in anticipating major problems, recognizing future program needs, and developing policies as well as standards, procedures, and instructions to guide operating personnel.

The extensive scope or complicated nature of the programs or technical problems that GS-14 engineers coordinate, advise upon or review, necessitates extensive contacts with key officials and top engineering and scientific personnel of the same or other establishments, other government agencies, and private industry. Program reviewer-coordinators frequently represent their agencies in conferences with other agencies, state and local authorities, private industry, and public groups in efforts to obtain all viewpoints regarding proposed programs and to assure concerted action by all parties involved. Technical specialists represent their agencies in technical planning and standards committees and seminars of national or even international importance.

The appellant receives administrative supervision only, and his recommendations and decisions are

almost always accepted as technically sound, as is the case at the GS-14 level, and he has developed extensive standards and guides for use in the field. However, these guides are not developed for the types of program operations found at the GS-14 level, i.e., those described in the four categories discussed above beginning on page 4. For example, he does not develop standards and guides for use by engineers and scientists who perform advanced work at the GS-13 level. In addition, he does not have the responsibility for the development of the agency (or the Bureau) program that is contemplated at this level.

In terms of guidelines, the appellant is not responsible for solving the types of major problems for which there are few if any guidelines. As the Guide explains, this criterion applies to the types of problems which arise from Type II work at the GS-13 level, and the appellant does not advise on major problems of this character, nor is he responsible for developing standards and instructions for engineers and scientists at this level or for developing policy. In addition, although the appellant has contacts with some high-level officials in the Bureau, most of his contacts are not with key officials and top engineering and scientific personnel in other agencies or the private sector. He does participate in technical conferences, but does not serve as the Bureau representative in conferences with the wide variety of Federal and state agencies and businesses as described at the GS-14 level. Thus, while the appellant normally operates with the type of administrative supervision characteristic of the GS-14 level, his position does not meet the GS-14 level of responsibility in terms of responsibility for policy development, agency representation, development of guides for expert engineers and scientists, or contacts. Therefore, Level of Responsibility is evaluated at the GS-13 level.

In summary, application of the Guide results in evaluation of both Nature of Assignment and Level of Responsibility at the GS-13 level, and neither factor is evaluated at the GS-14 level. Therefore, the appellant's duties and responsibilities are evaluated at the GS-13 level by application of the Guide.

The Job Family Standard for Professional Physical Science Work, GS-1300P, provides grading criteria for nonsupervisory professional positions in the physical sciences, including geologists. Because the appellant's position is interdisciplinary and may be classified as geologist, the GS-1300P standard is applied to determine whether the grade that results is different from the GS-13 grade obtained by application of the Guide. The higher grade obtained from the two standards will be applied to the appellant's nonsupervisory duties.

According to the GS-1300P standard, GS-13 is the senior expert level, involving work for which technical problem definitions, methods, and/or data are highly incomplete, controversial, or uncertain. This level differs significantly from the GS-12 level in that evaluations and recommendations are accepted by others as those of a technical expert. Typically, scientists at this level represent an authoritative source of consultation for other scientists and program specialists and are called upon to perform a key role in resolving issues that significantly affect scientific programs. They make long-range and controversial proposals and defend their findings and recommendations in public or high-level forums. They typically represent their organizations

or programs or the government's interests. Some positions include staff work with responsibility for reviewing and coordinating field work in a narrow program area or reviewing and developing legislative or regulatory proposals. Some positions involve planning, organizing, and leading teams to prepare requirements and specifications for new, large scale systems or to evaluate overall plans and proposals for significant systems developed by contractors.

The appellant serves as a technical, or senior, expert in the areas noted above. He serves as an authoritative source of consultation for other engineers, scientists and program specialists in the State Office, which includes approximately 15 field offices. His technical assistance, including guidelines development, has included issues and problems that involve long-range problems, such as methods for determining fair market value for mineral interests. He is called upon to serve as an expert government witness in court and in administrative hearings. He reviews manuscripts for validity and patent determinations made by other Bureau staff as well as those prepared by the California office of the U.S. Forest Service. Thus, the appellant's work meets the GS-13 level in terms of both the nature of assignments and the level of responsibility characteristic of that level, including his technical expert status.

The standard presents illustrations of typical assignments at each grade level. The example of a position responsible for resolving geologic problems is comparable to the appellant's position, except that the illustration includes the optional responsibility of project leader. However, the appellant resolves conflicts among geologic, economic, and management problems with respect to the minerals program on public lands in California, develops new methods and techniques to be used by engineers and scientists, and handles very difficult and sensitive mineral law cases involving validity, mineral patent examinations, valid existing rights, common variety determinations, mineral appraisals for exchange and royalty rates, and mineral trespass. His assignments and level of responsibility are consistent with this illustration. Similarly, another GS-13 illustration describes a position which develops new chemical analytical procedures, establishes new criteria or extends existing methodology to the point of developing methods and techniques and adapts and modifies the established guides, precedents, and methods. The appellant develops mineral analysis techniques and procedures, for use both in the field and in the laboratory. He has developed a variety of techniques for geological analysis and for use in economic valuation determinations. His methods affect the mining industry, as well as the Bureau. Thus, the appellant's position is consistent with two illustrations at the GS-13 level, and the evaluation of the work at that level is confirmed.

At the GS-14 level, responsibilities tend to involve highly unstructured and interconnected problems involving both difficult technology and complex human relations or programmatic issues. The GS-14 level differs significantly from the GS-13 level in that the GS-14 scientist is one that other recognized senior technical experts turn to for advice and counsel, not only because of the position, but also because of the incumbent's personal reputation in the field. At this level, the work typically has special significance for the success of the organization; e.g., it may have significant direct effects over a wide region or over multiple programs or may include responsibility for a new technology especially critical to the organization's programs. Typically,

GS-14 assignments include a wide area of responsibility carried out under administrative direction in terms of broad agency policies, objectives, and mission statements. In contrast, GS-13 assignments generally involve project or program responsibility of a lesser scope that is covered by general guidance such as precedents, recent work, and developments in a specialty area.

The appellant serves as a technical expert, but does not serve in the role of advisor to other senior technical experts. He primarily provides technical assistance, guidelines, and expert consultation to staff at the GS-12 level and below, and does not function as the Bureau's expert to whom other senior experts turn for such assistance. While his personal academic and professional attainments would allow him to function in such a role, his position does not include these types of assignments or responsibilities. In addition, the GS-14 criterion of performing work with significant effect on the success of the organization, such as over a wide region or multiple programs, exceeds the scope and effect of the appellant's work. Therefore, the appellant's position does not meet the description of work at the GS-14 level. Review of the illustrations at this level confirms this determination. For example, the illustrations describe positions which have responsibility for management of projects with significant scope and effect or responsibility as a senior technical expert for an agency.

In summary, the appellant's nonsupervisory duties meet the GS-13 level and fail to meet the GS-14 level when compared with the criteria in the GS-1300P standard. The same result is obtained by application of the General Grade-Evaluation Guide for Nonsupervisory Professional Engineering Positions. Therefore, the position's nonsupervisory duties are correctly classified at the GS-13 level.

The appellant serves as supervisor of the four term employees who serve as mineral patent specialists. Their position is classified as interdisciplinary, Geologist, GS-1350-12, or Mining Engineer, GS-880-12. The current classification is Geologist, GS-1350-12. While the supervisory duties are not mentioned in the appellant's position description, the position description for his subordinates identifies him as their supervisor, and the appellant and his supervisor confirm that he is the supervisor.

The grade of the appellant's supervisory duties is determined by application of the General Schedule Supervisory Guide (GSSG), which provides evaluation criteria for determining the General Schedule grade level of supervisory positions. The GSSG uses a point-factor evaluation method with six factors designed specifically for supervisory positions. A point value is assigned to each factor based on a comparison of the duties with the factor-level definitions. If a position exceeds one level but does not meet the next higher level, the lower level must be credited.

In order to be covered by the GSSG for grade-determination purposes, a position must spend at least 25 percent of the work time on supervision. Supervision of only four subordinates may be considered marginal in meeting this coverage requirement. Because the appellant directs his staff in field work that is time-consuming and because he spends a considerable amount of time training

them in preparation for their designation as certified mineral examiners, the 25 percent requirement is met, and evaluation of the supervisory duties by the GSSG is appropriate.

Factor 1, Program Scope and Effect

This factor assesses the general complexity and breadth of the program areas and work directed, including the organizational and geographic coverage. It also assesses the impact of the work both within and outside the immediate organization. The criteria for both scope and effect must be met in order for a factor level to be credited.

In terms of scope, at Level 1-2 in the GSSG, the program segment or work directed is administrative, technical, complex clerical, or comparable in nature. The functions, activities, or services provided have limited geographic coverage and support most of the activities comprising a typical agency field office, an area office, a small to medium military installation, or comparable activities within agency program segments.

The appellant directs work that is professional in nature and thus exceeds Level 1-2 in terms of the complexity of the work. The mineral patent work serves a limited population of clients in the California State Office and therefore meets or exceeds the limited geographic coverage characteristic of this level.

At Level 1-3, scope includes directing a program segment that performs technical, administrative, protective, investigative, or professional work. The program segment and work directed typically have coverage which encompasses a major metropolitan area, a State, or a small region of several States. At Level 1-3, scope for positions performing support work involves complex administrative, technical, or professional services directly affecting a large or complex multimission military installation or a comparable organization.

The appellant supervises professional work, consistent with Level 1-3. However, the work he directs does not constitute a program segment and covers a very limited population within the jurisdiction of the State Office. The appellant's portion of the current mineral patent program involves about 25 patent examinations and thus does not have coverage comparable to Level 1-3, i.e., an entire state, several states or, when most of the area's businesses are covered, coverage comparable to a small city. Thus the geographic coverage does not meet Level 1-3, and scope is not credited at this level.

In terms of effect, at Level 1-2, the services or products support and significantly affect installation level, area office level, or field office operations and objectives, or comparable program segments; or provide services to a moderate, local or limited population of clients or users comparable to a major portion of a small city or rural county. The appellant supervises work that has an effect comparable to field office operations and provides services to a limited population of client users, i.e., mineral patent applicants.

At Level 1-3, activities, functions, or services accomplished directly and significantly impact a wide range of agency activities, the work of other agencies, or the operations of outside interests. At the field activity level (involving large, complex, multimission organizations and/or very large serviced populations comparable to those listed in the GSSG), the work directly involves or substantially impacts the provision of essential support operations to numerous, varied, and complex technical, professional, and administrative functions.

Because of the limited scope of the work supervised by the appellant, the work does not have a significant impact on the operations of outside interests, and it does not affect a wide range of Bureau activities or the work of other agencies, as contemplated at this level. The work directed by the appellant also does not involve a large, complex, multimission organization or a very large serviced population, nor does it directly involve or substantially impact numerous professional functions. Therefore, the effect of the work directed does not meet Level 1-3.

In summary, both the scope and the effect of the appellant's position are evaluated at Level 1-2. Therefore, this factor is evaluated at Level 1-2.

Level 1-2

350 points

Factor 2, Organizational Setting

This factor considers the organizational situation of the supervisory position in relation to higher levels of management.

At Level 2-2, the position is accountable to a position that is one reporting level below the first SES, flag or general officer, or equivalent or higher level position in the direct supervisory chain.

The appellant reports to the Deputy State Director, Energy and Minerals, who is one level below the California State Director, whose position is the first SES position in the direct supervisory chain. (The current acting State Director is at the GS-15 level, but the State Director position is at the SES level.) This reporting relationship matches Level 2-2. The appellant's position does not meet Level 2-3, at which supervisors report to positions at the SES level or equivalent. His supervisor's position is classified at the GS-14 level.

Level 2-2

250 points

Factor 3, Supervisory and Managerial Authority Exercised

This factor covers the delegated supervisory and managerial authorities which are exercised on a recurring basis. To be credited with a level under this factor, a position must meet the authorities and responsibilities to the extent described for the specific level.

At Level 3-2c, the supervisor must carry out at least three of the first four, and a total of six or

more, of ten authorities and responsibilities. In abbreviated form, they are as follows: (1) plan work to be accomplished by subordinates, set priorities, and prepare schedules for work completion; (2) assign work; (3) evaluate work performance; (4) give advice, counsel, or instruction on both work and administrative matters; (5) interview candidates and recommend personnel actions; (6) hear and resolve employee complaints; (7) effect minor disciplinary measures and recommend others; (8) identify developmental needs and provide or arrange for training; (9) find ways to improve production and work quality; (10) develop performance standards.

The appellant is responsible for all of these authorities and responsibilities except for evaluating the work performance of his subordinates and developing their performance standards. Therefore, he performs three of the first four, and eight of the ten, authorities and responsibilities. This is consistent with Level 3-2c.

At Level 3-3a, supervisors exercise delegated managerial authority to set a series of annual, multi-year, or similar types of long-range work plans and schedules for in-service or contracted work. Supervisors at this level assure implementation of the goals and objectives for the program segments or functions they oversee. These positions are closely involved with high-level program officials in the development of overall goals and objectives for assigned staff functions, programs, or program segments. Level 3-3a is a managerial level that considerably exceeds the authorities delegated to the appellant.

At Level 3-3b, supervisors exercise at least eight of 15 delegated supervisory authorities described in the GSSG. These authorities include such aspects as supervision of subordinate supervisors and multiple groups, units, and projects or direction of a major program or program segment (e.g., one with a multimillion dollar budget). The appellant is a first-level supervisor; therefore, his supervisory responsibilities are not comparable to those described at Level 3-3b.

Level 3-2

450 points

Factor 4, Personal Contacts

This is a two-part factor which assesses the nature and purpose of personal contacts related to supervisory and managerial responsibilities. The same contacts that serve as the basis for the level credited under Subfactor 4A must be used to determine the correct level under Subfactor 4B.

Subfactor 4A, Nature of Contacts

This subfactor covers the organizational relationships, authority, or influence level, setting and difficulty of preparation associated with making personal contacts involved in supervisory and managerial work.

Level 4A-2 may be credited for frequent contacts comparable to any of several types listed in the

GSSG, including contacts with members of the business community or the general public, and higher ranking managers, supervisors, and staff of program, administrative, and other work units and activities throughout the field activity or major organization level of the agency. Contacts may be informal, occur in conferences and meetings, or take place by telephone, and sometimes require nonroutine or special preparation. The appellant's contacts in connection with his supervisory work include mine owners, other business owners, claimants, and attorneys. These occur informally and in meetings. Such contacts are consistent with Level 4A-2.

At Level 4A-3, frequent contacts are with high-level officials of Federal agencies, key staff of public interest groups, journalists, congressional committee staff members, high-level contracting officials of large firms, or local officers of trade associations. The appellant does not have such contacts in connection with his supervisory work on a recurring basis.

Level 4A-2

50 points

Subfactor 4B, Purpose of Contacts

This subfactor covers the purpose of the personal contacts credited in Subfactor 4A, including the advisory, representational, negotiating, and commitment-making responsibilities related to supervision and management.

At Level 4B-2, the purpose of contacts is to ensure that information provided to outside parties is accurate and consistent; to plan and coordinate the work directed with that of others outside the subordinate organization; and/or to resolve differences of opinion among managers, supervisors, employees, contractors, or others. The appellant's contacts are to answer questions, plan the work, and resolve differences of opinion, particularly for onsite mineral studies. These contacts are consistent with Level 4B-2.

At Level 4B-3, the purpose of contacts is to justify, defend, or negotiate in representing the project, program segment, or organizational unit directed, in obtaining or committing resources, and in gaining compliance with established policies, regulations, or contracts. Contacts at this level usually involve active participation in conferences, meetings, hearings, or presentations involving problems or issues of considerable consequence or importance to the program or program segment directed. The appellant's contacts are not of this level, as he does not normally participate in conferences, meetings, or hearings to justify or negotiate matters concerning his unit.

Level 4B-2

75 points

Factor 5, Difficulty of Typical Work Directed

This factor measures the difficulty and complexity of the basic work most typical of the organization directed, as well as other line, staff, or contracted work for which the supervisor has

technical or oversight responsibility, either directly or through subordinate supervisors, team leaders, or others.

The appellant supervises four employees whose positions are classified at the GS-12 level. The GS-12 work performed by these employees best characterizes the nature of the basic work that the appellant oversees and it constitutes more than 25 percent of the appellant's supervisory workload. Therefore, GS-12 is the base level of the work supervised, and the factor level credited is 5-7.

Level 5-7

930 points

Factor 6, Other Conditions

This factor measures the extent to which various conditions contribute to the difficulty and complexity of carrying out supervisory duties, authorities, and responsibilities.

At Level 6-4a, supervision requires substantial coordination and integration of a number of major work assignments, projects, or program segments of professional, scientific, technical, or administrative work comparable in difficulty to the GS-11 level. The appellant's supervision of the mineral patent specialists requires him to coordinate and integrate the onsite work and report preparation in connection with mineral patent examinations. The work is professional and scientific. Thus, it meets Level 6-4 in these respects and exceeds this level in that the work supervised is at the GS-12 level.

At Level 6-5a, supervision and oversight require significant and extensive coordination and integration of a number of important projects or program segments of professional, scientific, technical, managerial, or administrative work comparable in difficulty to the GS-12 level. Supervision at this level involves major recommendations which have a direct and substantial effect on the organization and projects managed, including making major recommendations in at least three of the management areas listed in the GSSG. These areas include such responsibilities as making major recommendations regarding significant internal and external program and policy issues affecting the overall organization; restructuring, reorienting, recasting immediate and long-range goals, objectives, plans, and schedules to meet substantial changes in legislation, program authority, and/or funding; determinations or projects or program segments to be initiated, dropped, or curtailed; changes in organizational structure; the optimum mix of reduced operating costs and assurance of program effectiveness; the resources to devote to particular programs, especially when staff-years and a significant portion of the organization's budget are involved; and policy formulation and long-range planning in connection with prospective changes in functions and programs.

The appellant supervises professional, scientific work at the GS-12 level, but his supervisory responsibilities do not include significant coordination and integration of a number of important projects or program segments or major recommendations which have the type of effect on the

Division as described at Level 6-5a. His supervisory duties do not include significant and extensive responsibilities for policy issues, restructuring, changes in organizational structure, program resources, or policy formulation. He is responsible for assigning work and assessing the work produced for each project, but not for major recommendations to add or drop projects, as described at Level 6-5a. Similarly, he is responsible for operating costs and assurance of project effectiveness, but not for major recommendations regarding reducing costs and assuring program effectiveness by significant restructuring of the work, as described at Level 6-5a.

Level 6-5 may also be credited for supervision of work at the GS-13 level or above or for managing work through subordinate supervisors. The appellant does not supervise work at the GS-13 level and he is not a second-level supervisor. Therefore, Level 6-5 is not credited.

Level 6-4 1120 points

Factor Summary

<u>Factor</u>	<u>Level</u>	<u>Points</u>
1 Program Scope and Effect	1-2	350
2 Organizational Setting	2-2	250
3 Supervisory and Managerial Authority Exercised	3-2	450
4 Personal Contacts		
4A Nature of Contacts	4A-2	50
4B Purpose of Contacts	4B-2	75
5 Difficulty of Typical Work Directed	5-7	930
6 Other Conditions	6-4	<u>1120</u>
	Total	3225

The total number of points credited, 3225, falls within the range for GS-13 (3155-3600) according to the point-to-grade conversion chart in the GSSG.

In summary, the appellant’s supervisory duties and nonsupervisory duties are both classified at the GS-13 level. Therefore, GS-13 is the correct grade for the position.

DECISION

For the reasons given above, the authorized classification of the appealed position is Supervisory Mining Engineer, GS-880-13.