

**United States Department of the Interior
BUREAU OF LAND MANAGEMENT
National Human Resources Management Center
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To: All Servicing Personnel Offices
From: Director, National Human Resources Management Center
Subject: Classification Appeal Decision - Geologist, GS-1350-13

Attached for your information is a copy of a recent Bureau of Land Management Classification Appeal Decision. The Decision sustains the existing classification of Geologist, GS-1350-13.

All similar or like positions should be reviewed in accordance with this Decision.

Any questions regarding this Decision should be directed to Mark Whitesell, 303-236-6702.

Signed:
Linda Sedbrook
Director

Authenticated:
Jennifer Knudson
Staff Assistant

1 Attachment:
1 - Classification Appeal Decision (7 pp)

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**BUREAU OF LAND MANAGEMENT (BLM)
CLASSIFICATION APPEAL DECISION**

Appellant: XXXXXX X. XXXX

Location: XXXXXXXXXXX Office (XX); Directorate of Assistant Director (AD), Minerals, Realty and Resources Protection (MRRP); Fluid Minerals Group

Current Classification: Geologist, GS-1350-13

Background: The appellant has appealed the grade of his position and requested reclassification to Geologist, GS-1350-14, to reflect his expertise as the Fluid Minerals Group lead reservoir management specialist, and his work as lead specialist for the BLM's Indian fluid minerals trust responsibilities, organizing and coordinating fluid minerals national meetings, and Freedom of Information Act (FOIA) requests.

An initial telephone interview was conducted June 10th and at that time, a telephone desk audit was scheduled and conducted on June 21, 1999. With his background information, the appellant submitted a rewritten position description (PD) without official signatures along with his PD of record and reported that his supervisor is not supportive of his request to implement the new PD and upgrade. He also stated that he asked for a desk audit and was advised that the servicing personnel office would not perform the audit; that his options included appealing the classification of his position to the BLM National Human Resources Management Center (NHRMC).

Contact with the servicing personnel office for the XXXXXX XXXXXX Office (XXX) revealed that the appellant's supervisor told them that the current position description is valid, and there are no new duties and responsibilities. Thus they did not audit the position and felt that it should go through the appeal process.

During the supervisor's interview she confirmed the findings of the XXX. She also stated that she has vacant positions and makes assignments from the vacant positions to encumbered positions on a piece meal basis in order to complete priority projects. Although she recognizes that this may be difficult for the incumbents, she sees it as a temporary situation and is careful when assigning the work so that there is not impact on grades.

The appellant stated in his initial interview with us that he had been in his current position for 18 years. In 1992, during the time of the BLM's rightsizing efforts involving their XX personnel, most positions were reassigned to the field. The appellant and his supervisor, XXX XXXXXX, were the only two positions in the XX Branch of Reservoir Management not reassigned to the field. His supervisor's position was rewritten from a GS-14 supervisory position to a GS-14 senior specialist in reservoir management. The GS-14 position became vacant in 1998, and the appellant states that he has assumed all of the duties of the lead reservoir management specialist that had been performed by that

position. The appellant says he serves as the senior specialist for all

aspects of oil and gas and geothermal reservoir management, and he provides consultation, technical assistance, and budgetary advice for Indian programs for not just reservoir management, but all of the fluid mineral functions. He reported a breakdown of time spent performing his assigned duties as fluid resource management, 50 percent; fluid minerals Indian trust responsibilities, 30 percent; policy and regulatory guidance for processing the Group's customer(s) FOIA requests, 10 percent; and organizing and coordinating fluid minerals national meetings, 10 percent.

Currently, the XX-310, Fluid Minerals Group in which the appellant is assigned, is supervised by a group manager (Supervisory Petroleum Engineer, GS-881-15) and deputy group manager (Supervisory Geologist, GS-1350-14). There are 17 encumbered positions listed of which 11 are considered senior specialists at the GS-13, 14, and 15 grade levels, primarily assigned to the GS-800 Engineering (five positions) and GS-1300 Physical Science (four positions) occupational groups. Most of the positions are duty stationed in the XX, but the staffing chart shows that two are located in field offices, and two positions are encumbered by re-employed annuitants. The Group provides professional and technical consulting, guidance and direction, information exchange, and other assistance to the Bureau's field offices. These field offices include 11 State Offices and district/resource/field offices/areas operating within the jurisdiction of those states.

In addition to the XX-310 staff, the Xxxxxx District Office, Xxxxxxx State Office has a reservoir management staff of 18 employees that includes engineers and geologists at the GS-12 and 13 grades as well as technicians and support personnel, all assigned and supervised by a GS-14. This staff is stationed in Xxxxxxx to oversee the largest most important fluids minerals program in the Bureau (methane gas is the current important commodity). The supervisor of this staff states that his dealing with the appellant on a national level primarily involves computerizing reservoir management work. Various software used is the same as that used by the mining industry. The appellant is the primary contact and negotiated the software contract for the Bureau.

To decide the appeal, we reviewed the records and background information submitted by the appellant for his appeal, the PD of record, results of interviews with both him and his supervisor, and all other background information we received that is considered relevant in establishing the title, series and grade of his position. We also asked for a list of department(s), bureau(s) and private sector contacts that could attest and confirm the appellant's claim to senior specialist status. The names submitted by the appellant consisted of co-workers, former co-workers and supervisors within the Bureau. Each individual on the list was contacted and interviewed by telephone. We also contacted various field offices in both the Bureau of Indian Affairs (BIA) and BLM for background information.

To address the appellant's statements that he is performing all of the work formally found in a GS-14 senior specialist in reservoir management position, we advise that by law, we

classify positions solely by comparing their current duties and responsibilities to Office of Personnel Management (OPM) standards and guidelines. Since comparison to standards is the exclusive methods for classifying positions, we cannot compare the appellant's position to others as a basis for deciding his appeal.

References: OPM Job Family Standard (JFS) for Professional Physical Science Work, December 1997. The new GS-1300P JFS supersedes the standard for the GS-1350 Geology Series and is now used to grade work performed by geologists and 17 other physical science occupations. The Classifier's Handbook and the Introduction to the Position Classification Standards, December 1996.

DECISION

Determination of Series and Title: This position description of record assigns the appellant a variety of duties associated with the geological and engineering aspects of fluid mineral reservoir management, including geothermal resource management of minerals occurring on Federal and Indian lands. We find that this work is consistent with duties described in the Geology Series, GS-1350. This series includes professional scientific positions applying a knowledge of 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; and includes the performance of basic research to establish fundamental principles and hypotheses to develop a fuller knowledge and understanding of geology, and the application of these principles and knowledge to a variety of scientific, engineering, and economic problems.

Assignment of the position remains with the GS-1350 series and title is established as Geologist. Neither the appellant nor the servicing personnel office disagrees with this decision.

Determination of Grade: In accordance with instructions found in the Professional Physical Science Work guide, GS-1300P, the position is assigned a grade using two criteria. *The law* is based on the definitions of grade levels found in title 5, Chapter 51 of the United States Code, and *The standard* which is supplemental material gained through OPM occupational studies and includes multiple illustrations at each grade level.

The law: At the GS-12 level, the guide describes positions whereby the duties are under general administrative supervision, and with wide latitude for the exercise of independent judgment. The duties are to perform professional, scientific, or technical work of marked difficulty and responsibility requiring extended training and experience which has demonstrated leadership and a high order of attainment in their field.

At GS-13, the guide describes positions whereby the duties are to perform, under administrative direction, with wide latitude for the exercise of independent judgment, work of unusual difficulty and responsibility. The duties require extended professional,

scientific, or technical training and experience which has demonstrated leadership and marked attainments in their field.

At GS-14, the guide describes positions whereby the duties are those classes of positions are to perform, under general administrative direction, with wide latitude for the exercise of independent judgment, work of outstanding difficulty and responsibility. The duties demonstrate special technical, supervisory, or administrative lines of leadership and unusual (emphasis on unusual) attainments; to plan and direct or to plan and execute major professional, scientific, or other specialized programs, requiring extended training and experience which has demonstrated leadership and unusual attainments in professional, scientific, or technical research, practice, or administration, or other specialized activities; or to perform consulting or other professional, scientific, or other specialized work of equal importance, difficulty, and responsibility and requiring comparable qualifications.

The Standard

At the GS-12 level, the guide describes work assignments that typically involve planning, executing, and reporting on original studies or ongoing studies that require a fresh approach to resolve new problems. The complexity of the assignments requires extensive modification and adaptation of standard procedures, methods, and techniques, and development of totally new methods and techniques to address problems for which guidelines or precedents are not substantially applicable. At this level, assignments typically include considerable breadth, diversity, and intensity; varied, complex features; and novel or obscure problems. The work requires considerable initiative and resourcefulness. Completed work is reviewed primarily for general acceptability and feasibility in relation to the overall program. Scientific recommendations are normally accepted as sound without close review, unless matters of policy or program resources are involved. Study reports and scientific papers are considered to be authoritative scientific documents.

The guide designates GS-13 as *senior expert level*, involving work for which technical problem definitions, methods, and/or data are highly incomplete, controversial, or uncertain. 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. Characteristic of this level, scientists represent their agency before public bodies on controversial projects. Some positions include staff work with responsibility for reviewing and coordinating fieldwork in a narrow program area or reviewing and developing legislative or regulatory proposals. Other positions may 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 system developed by contractors.

Typically found at the GS-13 grade are assignments that apply specialized knowledge in

preparing recommendations for legislation to change the way programs are carried out, and in evaluating the content of new or modified legislation for projects impact on an agency's program and resources. Also at this level assignments may include translating basic legislation into program goals, actions, and services.

At GS-14, the guide describes responsibilities that are highly unstructured and interconnected problems involving both difficult technology and complex human relations or programmatic issues. This level differs significantly from the GS-13 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 because of the incumbent's personal reputation in the field.* At the GS-14 level the work typically has special significance for the success of the organization (i.e., over a wide region or multiple programs or new technology that is especially critical to the organization). This level includes a wide area of responsibility carried out under administrative direction in terms of broad agency policies, objectives, and mission statements.

As previously noted, the appellant reported that 50% of his time is spent on the Bureau's fluid reservoir management program that includes the four primary functional areas of drainage protection, agreements, Indian diligence, and spacing. His other major duty, which takes 30% of the appellant's time, is his coordination with the Bureau of Indian Affairs (BIA) on BLM's Indian fluid mineral trust responsibility functions.

The appellant indicated that he felt his additional duties of FOIA, Indian trust responsibilities, and organizing and coordinating national fluid minerals meetings are all higher graded than GS-13. Although we recognize that FOIA duties may support the work of other WO-310 group members, we do not see the latter two duties as separate independent functions requiring different levels of knowledge or skills than those of the appellant's position, but rather are extensions to the duties that would typically be part of his major duty assignments. We have therefore included them in our overall evaluation and final classification decision.

Under other circumstances, i.e., if we were to identify the FOIA (10 percent) work separately, it would not meet the grade controlling criteria listed in The Classifier's Handbook and the Introduction to the Position Classification Standards. That criteria requires that grade controlling work is –

- a regular and continuing part of the job;
- performed for at least 25% of the time; and
- involves a higher level of knowledge of skill that would be a factor in recruiting for the position

Since the work is performed for only 10 percent of the appellant's time, it does not meet the basic criteria to review the work for a grade impact on the position.

The appellant serves as a senior level expert in his specialized field of reservoir management, providing input, advice, and assistance on assignments and projects

requiring that expertise. His reservoir management work includes the four technical areas of drainage protection; agreements (four basic which are unitization, communication, compensatory, and underground gas storage agreements); Indian diligence; and spacing of wells. Those skills may be used exclusively by the Bureau or shared with other Department of Interior offices (i.e., the BIA and/or Minerals Management Service). The appellant provides advice and defines methods in his reservoir management work, such as rewriting the drainage regulations and the advice and guidance he provides to the field offices. The appellant has conducted briefings to foreign delegations and on occasion, appeared on the "hill" representing the Bureau at budget hearing. In projects where work is contracted out, the appellant may define the work to be performed and is responsible for ensuring the technical adequacy of that work (i.e., his work with computer software contractors.) He is involved in the development, coordinates, and serves as an instructor of fluid minerals and reservoir management training courses that are shared with other agencies and bureaus.

The appellant's Indian trust responsibilities extend to ensuring that Indian oil and gas lease parcels are effectively appraised for the BIA and receive fair market value bonus bids, that authorized activities on Indian fluid mineral leases are approved in a timely and effective manner; that production of Indian oil and gas resources is accurately reported and verified to the MMS and that activities on these leases are in compliance with laws and regulations to ensure that public health and safety is protected. An example of his Indian trust responsibilities is his negotiation of a large settlement agreement between the Southern Ute Tribe and Amoco Production Company determining coal bed methane ownership. In addition, the appellant provides technical assistance, consultation and outreach to the tribes, designs and instructs training courses on Indian trust responsibility functions, and may appear before and justify congressional appropriations on budgetary resources.

The appellant must know and follow the Minerals Leasing Act of 1920, as amended and supplemented; the Geothermal Steam Act of 1970, the Federal Oil and Gas Royalty management Act of 1982; and the Indian Minerals Development Act of 1982; regulations, practices, and policies relating to fluid minerals and development of Federal and Indian lands. He must know the regulations for processing requests for release of Federal and Indian mineral resource information to the public under the FOIA.

The GS-13 level of the standard includes several illustrations that discuss senior scientific representatives and project leaders. One illustration considered to be reflective of the appellant's work describes the responsibility of assigned projects that involve the development of optical sensor technology for advanced ballistic missile defense system. The individual performs studies and investigations in assigned technology areas. Performs conceptual studies and analyses and applies physics in formulating requirements to integrate new technology into advanced concepts. Plans and coordinates assignments with other agencies and contractor personnel to assure full integration of optical sensor technology into the ballistic missile defense system concepts, and defines technical details for budgets. Discusses work assignments, objectives, and priorities with the supervisor in broad general terms, informally reports the progress of assignments to

the supervisor, receiving little or no technical guidance. Recommendations and conclusions are accepted as technically sound, and work is reviewed primarily for feasibility in relation to requirements, fiscal constraints and coordination with other activities, and attainment of objectives.

Another illustration at the GS-13 level describes an employee serving as a senior scientific representative who plans, arranges, and manages data collection and preliminary analysis work for Navy oceanographic survey work. Judgment to determine the areas that need study and uses ingenuity to devise and plan projects that thoroughly investigate those areas. Develops new information, considers data from a variety of sources, and modifies and originates approaches, methods, and procedures to plan and carry out assignments. Work is accepted as technically authoritative and reviewed for accomplishing the project's objectives.

We find the GS-13 level of the standard with its illustrations is most comparable to the overall work of the appellant's position. As a senior geologist within BLM and other bureaus within the Department of Interior, he provides his specialized knowledge of reservoir management and

Indian trust responsibilities, as well as the FOIA process, to other geologists and engineers with different specializations working on various minerals projects and problems. He shares his knowledge and expertise by providing training and advice to BLM staff and to other agencies and bureaus.

Because of the senior specialist status of the appellant, the position exceeds the GS-12 grade level. However, there is no indication that the appellant's services are requested by a broad peer group of other scientists and top officials because of his personal reputation, nor are his assignments of the scope typically found at the GS-14 level. There is no evidence that his work has special significance to the success of the organization. For example, GS-14 illustrations include an employee who serves in an agency as the senior health physicist responsible for evaluating, providing information, or developing hypotheses regarding the pathways of radioactive chemical exposure to humans. The incumbent isolates and defines unknown conditions, resolves critical problems, or develops and establishes new approaches and guides. Deals with obscure and novel problems by planning and carrying out either individual projects or major studies. Provides consultation to other Federal, state and local health, environmental and natural resource agencies on problems associated with exposures to radioactive environmental contaminants, and chemical toxins. Provides expert evaluation of imminent health threats associated with emergency releases of toxic and radioactive wastes and other chemical incidents. *The appellant fails to meet the GS-14 criteria that requires his work efforts affect the work of scientific experts, top officials, or the development of major segments of the agency's program.*

We therefore find that by comparison with the GS-1300P Job Family Standard, the appropriate grade level is GS-13.

Decision

The position is properly classified as Geologist, GS-1350-13
Interview conducted and analysis prepared by Shirley A. Girard.

Mark Whitesell
Supervisory Personnel Management Specialist