

**United States Department of the Interior
BUREAU OF LAND MANAGEMENT
National Human Resources Management Center
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In Reply Refer To:
1400-511 (HR-210)P

March 17, 2000

EMS TRANSMISSION

Information Bulletin No. HR-2000-063

To: Servicing Personnel Offices
AD, Human Resources Management

From: Director, National Human Resource Management Center

Subject: Classification Appeal Decision - Wildlife Biologist (Management), GS-486-12

Attached is the Bureau of Land Management Classification Appeal Decision. The decision sustains the current classification of, Wildlife Biologist (Management), GS-486-12.

Please review all similar and like positions and apply the findings within this decision accordingly.

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

Signed by:
Linda D. Sedbrook
Director

Authenticated by:
Darlene Robitaille
Secretary

1 Attachment

1 - Classification Appeal Decision (11 pp)

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HR-210

**BUREAU OF LAND MANAGEMENT
CLASSIFICATION APPEAL DECISION**

Appellant: Xxx X. Xxxxx

Position: Wildlife Biologist, GS-486-12, Position Description (PD) #XXXXXX

Organization: XXXXXXXXXXX XXXXX XXXXXXX, XXXXXXXXXXX XXXXXXXXXXX, XXXXXXX XXXXXXXXXXX, XXXXXXX XXXXXXXXXXX, XXXXX X XXXXXXX XXXX, XXXXXXXXXXX, XXXXXXXXXXX

Background: The appellant has requested reclassification of xxx position from Wildlife Biologist, GS-486-12 to GS-13.

A telephone interview was conducted with the appellant on January 18, 2000, with a follow-up interview on January 21. The first level supervisor, the XXXXXXXXXXX XXXXX (XX) XXXXXXX, XXXXXXX (XXX) and XXXXXXX XXXXX supervisor, and the servicing personnel office (SPO) were also interviewed. All interviews were completed on February 8. In addition, the appellant submitted an updated unclassified PD with percentages of time listed for each major duty. While we are required to use the PD of record #XXXXXX for the appeal process, the information provided in the updated unclassified PD as well as information from the various interviews will be reviewed and incorporated into our decision.

The appellant and his supervisor compare the position to other BLM positions assigned to higher grade levels. Their most significant comparisons are made between the appellant's position and the Bureau's numerous Senior Technical Specialist or STS positions. In addition to the traditional XXXXXXXXXXX, XX duty station, these STS positions are duty stationed in various State(s) and field offices, and are assigned national level program work and/or encumbered by employees recognized as national level experts in their specific field of expertise. Examples include the two STS positions in wildlife biology and natural resources assigned to the XXXXXXX/XXXXXXXX XXXXX XXXXXXX. In addition, the Bureau periodically reassigns entire staffs or teams from the XX to the field. For example, the national program work in wildlife biology performed by a seven-member national headquarters XXX X XXXXXXX XXXXX duty stationed in XXXXX, XXXXX, and the XXXXXXX's XXXXXXXXXXX XXXXXXXXXXX XXXXXXXXXXX XXXXXXX located in XXXXXXX, XXXXXXXXXXX.

Both employees have been advised that by law, we must classify positions solely by comparing their current duties and responsibilities to Office of Personnel Management (OPM) position classification standards and guidelines. Since comparison to these standards and guidelines is the exclusive method for classifying positions, we cannot compare the appellant's position to other positions as a basis for deciding an appeal.

Although the appellant and supervisor established that the position performs a national program

functions 10% to 15% of the time, the position is not designated an STS position, nor has the position been officially designated as a XX position duty stationed in the field. In addition, the position does not meet the minimum criteria described below for basing the grade on a minority of higher level work performed.

The appellant and his supervisor were provided the following explanation of the criteria that is applied to positions whose grades are based on a minority of an employee's time, identified by OPM as mixed grade positions (and which includes positions recognized by the BLM as STS positions.) To support the explanation, we refer to OPM's "The Classifier's Handbook" and "Introduction to the Position Classification Standards." Both manuals are specific and provide identical criteria in identifying (mixed grades) positions whose duties involve performing different kinds and levels of work which, when separately evaluated in terms of duties, responsibilities, and qualifications required, are at different grade levels. When the highest level of work is a smaller portion of the job, and it may be grade controlling, *but only if:*

The work is officially assigned to the position on a regular and continuing basis; It is a significant and substantial part of the overall position (i.e., occupying at least 25 percent of the employee's time); and the higher level of knowledge and skills needed to perform the work would be required in recruiting for the position if it became vacant.

The appellant's primary responsibility is to serve as the state's principal wildlife management program lead and threatened, endangered and sensitive (TE&S) species manager. This includes responsibility for providing long-range functional planning, program management direction, technical assistance, and budget priorities. He establishes program standards and quality assurance for the wildlife habitat management and TE&S Species programs. The program work sustains a wildlife program that involves nearly 8.2 million acres of public land habitat for approximately 480 species of wildlife, and nearly 50 terrestrial TE&S species.

He provides staff support to the Xxxxx XXXXXXXXX, Xxxxx XXXXXX XXXXXXXXX, and leadership, technical assistance, policy guidance, and overall program direction to the state's XX field offices. He serves as the principal contact with National Environmental Policy Act (NEPA), XX, BLM's national level team duty stationed in Xxxxx and the XXXXXXXXX XXXXXXXX XXXXXX, and a variety of other governmental agencies, and non-governmental professional organization representatives on matters related to XXXXXXXXX's wildlife program and TE&S species.

The appellant has identified the major duties and percentages of time spent on each duty as follows:

State Office (SO) or State Wide

Wildlife Program Leadership/Management	25%
Special Status Species Program Leadership/Management	15%
Technical Advice/Assistance (to state office, field offices, and service centers)	20%
Program Priorities/Budget	10%
Program Coordination/Liaison	20%

Washington Office (WO) or National Level

National Level Assistance/Technical Advice

10%

References: OPM Wildlife Biology Series, GS-486, January 1991, TS-101; Introduction to the Position Classification Standards, December 1996; The Classifier's Handbook, December 1997

DECISION

Determination of Series and Title:

This position is located in the XXXXXXXX XXXXX XXXXXX and serves as the principal wildlife program manager and TE&S Species manager. Position is assigned to the Wildlife Biology Series GS-486. This series includes positions that require professional knowledge and competence in the science of wildlife biology to perform work involving the conservation, propagation, management, protection, and administration of wildlife species, or the determination, establishment, and application of biological facts, principles, methods, techniques, and procedures necessary for the conservation and management of wildlife resources and habitats. The work requires professional knowledge of the distribution, habits, life histories, and classification of birds, mammals, and other forms of wildlife.

Authorized title of positions involved primarily in program planning, administration, evaluation, and use of resources required to meet management plans and objectives for wildlife programs and assigned to the GS-486 series is Wildlife Biologist (Management). Neither the appellant nor the servicing personnel office disputes the position's title and series assignment.

Determination of Grade Level: The duties are evaluated for grade using the Factor Evaluation System (FES) nine factor Wildlife Biology Series, GS-486. Under the FES, each factor level description in a standard describes the minimum characteristics needed to receive credit for the described level. Therefore, if a position fails to meet the criteria in a factor level description in any significant aspect, it must be credited at a lower level. Our evaluation with respect to the nine FES factors follows.

Factor 1 - Knowledge Required by the Position: This factor measures the kinds and level of knowledge and skills needed to do acceptable work.

The SPO has assigned Level 1-7. We concur.

Level 1-7 discusses professional knowledge of wildlife biology applicable to an intensive wildlife resource program such as applied in the management and operation of a habitat evaluation program or a pervasive animal damage control program. This level includes the requirement for intensive knowledge and competence in advanced techniques of a highly complex area of wildlife biology sufficient to serve as a troubleshooter or coordinator. Biologists at this level must modify or adapt standard techniques, processes, and procedures, and assess, select, apply precedents, and devise strategies and plans to overcome significant resource

programs. They must analyze data or prepare studies and reports on the impact of various management or public practices on the resource, or on the competitive impact of the development, modification, or change in the use of one resource on another, and assess the environment impacts.

Also at Level 1-7 knowledge and skill is required in administrative and staff level work to provide advisory, review, and training services to others in the planning and management of Federal, State, local, and/or privately-owned wildlife facilities/areas; and develop a variety of 1-3 year short term and 3-5 year medium range integrated plans for wildlife projects.

Illustrative assignments at this level include:

Provides staff services and analysis on wildlife conditions. Formulates and recommends policy, practices, and procedures; or reviews and makes recommendations on policy issues, plans, methodologies, and practices affecting wildlife management or habitat restoration efforts.

Analyzes data and coordinate studies of wildlife populations; makes recommendations related to their continued existence; reports on their status as suitable candidates for listing an endangered or threatened species; develop appropriate recovery plans; and/or conducts consultations that result in proposed regulations.

Develop comprehensive wildlife management plans to insure preservation, protection, and enhancement of a wildlife and wildlife habitat for a major geographic area having a variety of habitat conditions.

In addition to the knowledge and skills needed to perform work at the lower levels, the 1-8 level requires a mastery of wildlife biology to apply new scientific findings, developments, and advances to the solution of critical problems of a particularly unique, novel, or highly controversial nature. Biologists at this level are generally recognized as technical experts in a particular resource program, one or more program areas, or a subject matter field. They apply extensive knowledge of the latest technological advances in a particular area of wildlife resource management and evaluate their potential impact on a current and future program, including the development of plans and procedures required to implement such advances. They possess a comprehensive knowledge of an agency, other Federal agencies, State, county, etc., policies, procedures, regulations and applicable statutes and an extensive knowledge of the latest developments in concepts or strategies in order to evaluate agency programs, development plans, and current practices associated with the wildlife resource management activities. Level 1-8 biologists are considered expert agency representatives working with international as well as national and State officials whose work is typically unique or highly controversial, and impacts programs at the agency level.

As indicated above, the appellant is responsible for the state's wildlife management and TE&S Species programs. He serves as advisor to the state's management team and provides technical

assistance and leadership for the district office staffs. The appellant provides instruction and guidance in the interpretation and implementation for the State's program requirements, and he is responsible for the State's work plans and distribution of allocated funds to the field offices. These duties exceed the 1-6 level, are not depictive of agency level work, and are comparable to the 1-7 level.

Because both the appellant and his supervisor stated that the appellant performs some work beyond the scope of the State Office, the national headquarters program staff was contacted for information about the assignment of these duties. The national office staff confirmed that in the last 3 to 4 years, the appellant has worked on a variety of projects, some of which we consider to be beyond the scope of the State Office. For example, the appellant served as team lead on the Bureau's strategic plan for big game management. The plan was completed and included in the Fish and Wildlife 2000 plan and used at the national level. The appellant also represents the BLM on various groups that may include multiple states working on a variety of issues such as the black tail prairie dog strategy, and sits on the regional North American Wetland Act Grants board's technical committee. However, many of the project assignments are simply extensions of state program lead duties, including the following examples. All State Office program leads were asked by the national level staff to review and provide input into the development of a management guide for sage grouse. Another example was a six-member team comprising State and field office personnel who were asked to work on a policy manual in wildlife management. Still other examples include the appellant's assignment as State Office representative for Colorado's inter-agency black footed ferret reintroduction program, and membership with about six other BLM employees in a big horn sheep work group whose purpose is to assist in setting priorities on BLM land.

While some, but not all, of these examples may provide input and recommend program changes to the Bureau's program leaders, this is not the primary purpose of the appellant's position. In addition the work occupies no more than 10% (as reported by the appellant) to 15% (as reported by the supervisor) of the appellant's time. Most of the projects have beginning and ending dates, are typically made up of ad hoc committees/teams and have no fixed criteria for selection onto the committees/teams. Selection is based primarily on an individual having an interest and/or knowledge of the subject. The geographic area also plays a role in the selection process.

Level 1-7 is credited for a total of 1250 points.

Factor 2 - Supervisory Controls: This factor covers the nature of controls exercised by the supervisor, the responsibility of the employee, and review of the completed work.

The SPO has assigned Level 2-4. We concur.

The appellant is supervised by the Resource Group Supervisor, Natural Resources, who in collaboration with the appellant establishes work goals and broad functional objectives to be achieved within specified time frames. The appellant is responsible for independently planning and coordinating the work, interpreting policies and regulations and finalizing all assignments,

keeping the supervisor informed of any possible adverse reactions or publicity and the status of his high priority work assignments. He is expected to resolve complex problems and conflicts. Completed work is reviewed for conformance to overall policy.

At Level 2-3 the standard describes a supervisor who specifies the objectives of the assignment, priority, and required deadlines. The biologist plans and carries out the assignment in accordance with proven techniques, methods, practices and previous experience, discussing the issues and possible approaches of controversial use of approaches or modification of standard procedures with the supervisor before carrying out the assignment. Completed work is reviewed for adequacy, technical soundness, and accomplishment of specified objectives. The appellant's position exceeds this Level.

Level 2-4 discusses a supervisor who establishes overall goals and resources available, conferring with the biologist on the development of general objectives, projects, work to be done, and deadlines. The biologist independently plans and executes assignments, selecting appropriate techniques and methodology, and determines the proper approach. They are expected to resolve most problems that arise and coordinate the work with other as necessary. Biologists at this level interpret and apply program policy in terms of established objectives; and keep the supervisor informed of progress and potentially controversial problems and concerns. Completed work is reviewed for general adequacy in meeting program or project objectives, expected results, and compatibility with other work. Level 2-4 is an equitable match to supervision exercised over this position.

The appellant's supervisory controls do not meet Level 2-5. At this level, supervisory guidance or control is provided through broad, general objectives for a biologist who operates within the context and constraints of national legislation, agency policy, and overall agency objectives. Work is performed independently within these broad areas of direction, and when reviewed, it is primarily in relation to broad policy requirements and administrative controls. Recommendations for new projects and alterations of objectives are usually evaluated in terms of availability of funds and other resources, broad program goals, or national priorities. The appellant does not function within the broad parameters necessary for assignment to Level 2-5.

Level 2-4 is credited for a total of 450 points.

Factor 3 - Guidelines: This factor covers the nature of guidelines and the judgment needed to apply them.

The SPO has assigned Level 3-4. We concur.

The appellant's work is performed within the framework of Bureau manuals, WO instruction memoranda, and written operating procedures. Guidelines also include, but not limited to the Endangered Species Act, the National Environmental Policy Act, Federal Land Policy and Management Act of 1976, Wildlife Coordination Act, and Colorado State Wildlife Statutes and Laws. The appellant deviates from the guides to fit situations, and is expected to suggest

alternative means. Compromise and adaptation are necessary and expected.

Level 3-3 is exceeded. At this level a biologist is limited to using judgment in determining the appropriate alternatives to use, when interpreting and adapting guidelines for application to specific situations or problems, and makes generalizations from several guidelines to carry out assignments, determining when problems require additional guidance.

Level 3-4 describes guidelines that are often inadequate to deal with the more complex and unusual problems, or with novel, undeveloped, or controversial aspects of the resources. The biologist is required to deviate from, or extend traditional methods and practices. This is an equitable match to the appellant's use of guides. As previously stated, when using the numerous available guidelines, compromise and adaptation are necessary and expected. The appellant is generally free to deviate from guidance to fit given situations and to suggest alternative means as the need arises. He is expected to exercise leadership, self-motivation and good judgement as necessary when complex and unusual circumstances arise in the development of statewide policies and supplement guidelines issued at the WO level.

Guidelines described for the position do not meet level 3-5 because this level involves working with major problems that are highly unusual or of national significance. There may be little information available, or the guides that do exist are broad and nonspecific, and require extensive interpretations (i.e., agency directives, Federal laws, and recent scientific reports/findings.) At this level, the biologist is frequently recognized as an authority in a resource or subject matter area with responsibility for influencing or development policies, plans, standards, methods, procedures, and instructions that guide other personnel in executing resource programs. The appellant's work assignments require the use of guidelines found at the Bureau's State Office level which do not typically influence or develop policies, plans, etc., for use at the national level as described for Level 3-5. Nor is there evidence that the appellant is required to work with what would be considered highly unusual major problems that would be equitable to performing program work having national significance.

Level 3-4 is credited for a total of 450 points.

Factor 4 - Complexity: This factor covers the nature of the assignment, the difficulty in identifying what needs to be done; and the difficulty and originality in performing the work.

The SPO has assigned Level 4-4. We concur.

The appellant has primary responsibilities for management of the statewide wildlife and TE&S Species program and provides advice to the field offices. He must be able to accommodate a wide variety of tasks that vary by situation, requiring different approaches depending on the circumstances and time frames. Some require strict compliance with procedures while others require development of a methodology tailored to the situation. Program work requires the exercise of resourcefulness and ingenuity to resolve jurisdictional and management issues that preclude the application of standardized methods.

At Level 4-3, the work is characterized by the need to use different and unrelated processes and methods. The biologist makes decisions that include considerations about the interrelationships of wildlife resources, and information that may affect decisions about competing resources, conflicting demands, controversial biological practices or techniques, changing habitat conditions, and limited alternatives, solutions, and problems with coordination caused by interference or conflicts with other uses or functions. Actions taken at this level are limited to requiring the biologist to select and apply conventional approaches and precedent solutions according to specific existing conditions. The appellant's assignments typically exceed these limitations.

The position is an equitable match to Level 4-4. At this level, the standard defines the work as typically involving a full range of professional activities and the application of many different and unrelated biological concepts. Assignments involve administrative and resource problems which require in-depth analysis and evaluation of alternatives, and environmental problems with conflicting requirements with resolutions that have serious implications for industry, commercial concerns, or the general public. Also at this level, the work requires independent identification of the problem boundaries, the information needed to solve the problem, and the criteria and techniques to be applied.

However, the complexity Level 4-5 is not met because at this level the work would need to include, on a regular and continuing basis, varied duties requiring many different and unrelated processes applied to a broad range of activities that cover wide geographic areas, or substantial depth of analysis.

Level 4-4 is credited for a total of 225 points.

Factor 5 - Scope and Effect: This factor includes the purpose of the work and the impact of the work product.

The SPO has assigned Level 5-4. We concur.

The appellant's work involves 8.2 million acres' public lands having approximately 480 wildlife species, and 50 terrestrial designated TE&S species managed by the Bureau for XXXXXXXX, and includes XX field offices. His work directly affects the field operations and impacts national forest, wildlife refuges, wildlife management areas, and private land uses. His resource management decisions affect other programs through restrictions or mitigation of habitat impacts of the various resources and resource uses, and adherence to legal mandates.

At Level 5-3, the purpose of the work is to investigate and analyze conventional wildlife resource's problems and/or environmental conditions to recommend or implement solutions that satisfy resources management objectives. Along with this, the work requires the biologist to identify common problems. The work affects the production, development, protection, management and use of the resources by assessing conditions and notifying others of the apparent problems. Level 5-3 is exceeded.

This position is an equitable match to Level 5-4. At this level work is described as developing new or improved techniques or criteria to conduct the projects, and may involve advisory, planning, or review services on specific problems and programs. The work involves unusual problems, development of new approaches, or validation of the program and plans such as those associated with studies prepared for management or administrative use. It may include culturing or recovering endangered or threatened species. Administrative problems and accuracy of databases, and information/exchange methodologies complicate the work. The work products or the work affects the work of state and county officials, tribal organization, and program managers or technical specialists in outside organizations. It may influence the effectiveness or acceptability of agency goals, projects, programs, etc., and typically include problems that impact or affect the continued existence of a resource or resource area.

Level 5-5 is not met because unlike this level, the appellant is not assigned work that on a regular and continuing basis, needs to isolate and define unknown conditions, resolve critical problems. The appellant is not required, typical of Level 5-5, to write or revise major sections of agency management plans, operating manuals, or directives. This function has been reserved for the national office.

Level 5-4 is credited for a total of 225 points.

Factor 6 - Personal Contacts /Factor 7 - Purpose of Contacts: This factor covers the people contacts and the conditions under which the contacts take place and the purpose of those contacts.

The SPO has credited Level 6-3 / 7-c. We concur.

At Level 6-3, personal contacts include groups from outside the employing agency, and may also include contacts with the head of the employing agency or program officials several managerial levels removed from the employee and occur on an ad hoc or irregular basis. This is an equitable match to the appellant's contacts, which include operational, professional and managerial personnel throughout the Bureau, with other federal and state agencies, national conservation organizations and universities.

The appellant's contacts exceed Level 6-2 because at this level contacts are limited to the same agency. However, the appellant's contacts do not meet Level 6-4 which requires regular contacts with high-ranking officials from outside the employing agency at national or international levels, or comparable private sector organizations, in highly unstructured settings.

At Level 7-c the purpose of the contacts is to influence, motivate, interrogate, or control persons or groups who hold different opinions or interests, or who may be skeptical, fearful, or uncooperative. At this level, the biologist must use care in approaching the contacts, and gain compliance by persuasion or negotiation. This is an equitable match to the appellant's contacts. To accomplish many tasks, the appellant must interface with other programs, and other organizational entities, frequently in an adversarial position and require integration and

collaboration with other resources and programs. Special status species issues are of critical importance because of the legal compliance with the many regulations and policies, for example, the requirement to efficiently manage oil and gas production and the livestock-grazing program.

The appellant's contacts exceed Level 7-b because this level is limited to planning, coordinating, or advising on work efforts and solving operating problems by influencing or motivating individuals or groups who are working toward mutual goals and cooperative attitudes. However, the appellant's contacts do not meet Level 7-d which requires the biologist to negotiate, justify, or resolve highly important or controversial matters involving significant or controversial issues, and usually involves active participation in conferences, meetings, hearings, or presentations involving problems or issues of considerable consequence or importance.

Level 6-3 / 7-c is credited for a total of 180 points.

Factor 8 - Physical Demands: This factor describes the nature of physical demands placed on the employee.

The SPO has assigned Level 8-2. We concur.

Although the appellant's work is primarily sedentary, when performing field work physical exertion requires walking, driving, riding horseback over rough steep terrain in the back country often during adverse weather conditions. This is an equitable match to Level 8-2, which requires the same physical exertion when performing fieldwork.

However, the appellant's field work assignments do not meet Level 8-3 which requires considerable strenuous physical exertion such as crouching or crawling over rough, uneven, swampy, or rocky terrain.

Level 8-2 is credited for a total of 20 points.

Factor 9 - Work Environment: The SPO has assigned Level 9-2. We concur.

This factor describes the physical surroundings and any special safety regulations or precautions required by the work assignments.

Although the appellant's work is primarily performed in an office setting with everyday risks or discomforts, he also performs field work on a regular and recurring basis that involves conditions that include the full range of topographic conditions, and average temperatures from -40 to more than 100+ degrees. This meets Level 9-2, which involves exposure to varying weather conditions and to moderate risks associated with field activities.

The appellant's work exceeds Level 9-1 which is limited to work performed in an office or similar setting, but does not meet Level 9-3 which requires work to be performed under conditions of high risk and exposure to potentially dangerous situations or unusual

environmental situations.

Level 9-2 is credited for a total of 20 points.

Factor 1 - Knowledge Required by the Position	Level 1-7	1250 points
Factor 2 - Supervisory Controls	Level 2-4	450 points
Factor 3 - Guidelines	Level 3-4	450 points
Factor 4 - Complexity	Level 4-4	225 points
Factor 5 - Scope and Effect	Level 5-4	225 points
Factor 6 - Personal Contacts	Level 6-3	-
Factor 7 - Purpose of Contacts	Level 7-c	180 points
Factor 8 - Physical Demands	Level 8-2	20 points
Factor 9 - Work Environment	Level 9-2	20 points
	Total	2820 points

Conclusion:

The point total of 2820 points falls between the range of 2755 - 3150 and converts to a GS-12.

Decision:

Wildlife Biologist (Management), GS-486-12

Interviews conducted by Shirley A. Girard.

Mark Whitesell
Supervisory Personnel Management Specialist