

**United States Department of the Interior  
BUREAU OF LAND MANAGEMENT  
National Human Resources Management Center  
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Denver, Colorado 80225-0047**

In Reply Refer To:  
1400-511.8 (HR-210)P

May 22, 2000

EMS TRANSMISSION

Information Bulletin No. HR-2000-102

To: Servicing Personnel Offices  
From: Director, National Human Resources Management Center  
Subject: Classification Appeal Decision - Land Law Examiner, GS-965-09

Attached is the Bureau's Classification Appeal Decision. The decision sustains the current classification of the position, Land Law Examiner, GS-965-09.

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

Any questions pertaining to this decision may be addressed to Mark Whitesell,  
303-236-6702.

Signed:  
Linda Sedbrook  
Director

Authenticated:  
Darlene Robitaille  
Secretary

1 Attachment  
1 - Classification Appeal Decision (11 pp)

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**BUREAU OF LAND MANAGEMENT  
CLASSIFICATION APPEAL DECISION**

**Appellant:** XXXXX XXXXXXXXX-XXXXX

**Location:** XXXXXXXX XXXXX XXXXXXX, XXXXXXXX & XXXXXXXX XXXXXXXX ,  
XXXXXX XXXXXXXXXXXXX & XXXXXXXX XXXXXXXX

**Current Classification:** Land Law Examiner, GS-965-09

Background: The position was desk audited by the servicing personnel office (SPO) in January 2000, as a result of a promotion request via an accretion of duties. That evaluation resulted in sustaining the title, series, and grade of the position. Xx. XXXXX is now pursuing xxx right of appeal to the Bureau level.

On-site interviews were conducted with the appellant on April 3 and 5, 2000, xxx supervisor on April 3, 2000. In addition, the appellant submitted background information to support xxx request. All written and oral information received is considered in determining the classification of this position.

The appellant's work involves two different functions - land law examining and GIS/digitizing. Xxx work in the area of land law examining often results in the updating or creation of maps. The appellant provides land law examiner functions for lands and mineral cases such as rights-of-way, desert land applications, leases, permits (including Free Use Permits, Material Sales, etc.), easements, exchanges, and withdrawals. The second area in which the appellant performs work is in GIS/digitizing. The appellant updates status maps based on land/mineral case adjudication through use of automated software (ArcView, ArcInfo, etc . . . ). The Maser Title Plats (MTPs) are also updated and sent to cartography for drafting. The appellant uses the State of XXXXXX's lands maps to update BLM maps.

The appellant does not believe that her land law examiner functions reflect GS-11 level work, but rather the work in the area of GIS/digitizing is of the GS-11 level. Despite this assertion both the land law and GIS/digitizing work will be evaluated.

References: Land Law Examining Series, GS-965 (April 1962); Cartographic Technician Series, GS-1371 (March 1982).

**DECISION**

**Determination of Series and Title:**

The SPO assigns this position to the Land Law Examining Series, GS-965. This series includes positions the duties of which are to administer, supervise, or perform quasi-legal work involved in processing, adjudicating and advising on applications and claims for rights, privileges, gratuities, or other benefits authorized under the various public land, mineral leasing, and mining laws. The work requires a knowledge of governing public laws and agency policies and

procedures regarding the application of these laws, but does not require full professional legal training.

In their evaluation of this position the SPO did not evaluate the GIS/digitizing duties performed by the appellant, because “map construction per se is not the responsibility of this position,” and “they are tools that support the land law examining functions, and as such, do not impact upon the series designation.” We agree in part with the SPO’s assertion that GIS and other map making systems are tools used to accomplish other work. However the work of the appellant in updating status maps and MTPs should also be evaluated as there is knowledge required to perform these duties.

The “Introduction to the Position Classification Standards” manual is referenced as this position performs a variety of work with different knowledge and responsibilities. The proper grade of this position is determined by evaluating the regularly assigned work which is paramount in the position. The primary work performed by the appellant, as stated in the position description and most recent performance appraisal, is Land Law Examining. The position is placed in the Land Law Examining Series, GS-965, and titled, Land Law Examiner.

#### **Determination of Grade:**

##### **Land Law Examining Series, GS-965:**

The Land Law Examining Series, GS-965 uses two classification factors: Nature and Complexity of Work; and Level of Responsibility. To be graded at the GS-11 level, both factors must be evaluated at the GS-11 level.

##### **Nature and Complexity of Work:**

GS-09 Land Law Examiners perform a wide scope of assignments. At this level examiners process applications, claims, or requests for information encompassing the broad range of land or mineral leasing and mining laws, primarily those involving a high level of difficulty. GS-09 examiners are required to exercise judgment in those areas where the guides and precedents may not be applicable or their applicability may not be clear. This position meets all aspects of the GS-09 level. Assignments at the GS-11 level exceed those at the GS-09 level because the employee must frequently process or give advice and guidance on complex, unusual, or novel applications for rights or interests in mineral leasing.

The GS-965 classification guide does give some examples that are intended to help define complex, unusual or novel such as:

a. Cases where public land administration policies and national interest factors are involved (e.g., resolving policy conflicts relating to applications initiated by states, counties, municipalities and agencies of the Federal Government which require negotiation in person with representative of, or spokesperson for, applicant agencies to present for their consideration all relevant data, to arrive at a definite agreement or to secure concurrence.)

Like most of the examples in the GS-965 classification guide this one is more appropriate for realty work. The appellant does not frequently process cases where administration policies and national interests are involved. The appellant processes applications and modifications within Arizona in accordance with established guidelines. As stated in the position description under Factor 7 - Purpose of Contacts, contacts are for coordination and not negotiation typical of the GS-11 level. The audit did not show the incumbent performing duties typical to the above. Conflicts requiring negotiation are usually accomplished by Realty Specialists. The incumbent does have contact with individuals that apply for rights-of- ways, etc . . . to explain why their application is not valid etc . . . These individuals can become agitated and difficult to deal with. Dealing with individuals to explain procedures is not comparable to meeting representatives of state, counties, municipalities and agencies of the Federal Government requiring negotiation to resolve policy matters.

b. Cases where consideration must be given to the effect of decisions from a cumulative program standpoint (e.g., determining effect of allowances or denials on future orderly land development such as the suburbs of large cities).

The audit did not show the appellant performing duties typical to the above. The employee examines land actions to determine accuracy and completeness of documentation, and searches records to determine provisions that apply to previous actions. Realty Specialists prepare the long term land goals such as disposition and acquisition of land to obtain land more valuable to BLM and consolidate land in larger tracts. The Realty Specialist determines the impact of land actions on long term land goals of the Field Office. These determinations are made on individual cases and thus are not of the scope of the intent of the GS-11 level such as future impact of the suburbs of large cities.

c. Cases where considerable research is required over many and voluminous records, some of which may be obscure, vague or difficult to locate as only one or a few copies are known to exist, or old and infrequently used laws not of general applicability may be involved (e.g., tracing entitlement to resolve private land claims based on grants from the Crowns of Spain, France, or Great Britain to Settlers or Colonists).

The appellant does perform extensive research, but the audit did not show that it matches the above description. Most of the rules and regulations used are readily available and changes are published in the Federal Register. The appellant does review files on leases but the information is readily available. There are references to mining laws and a summary of their content. Court cases are also available. Although the appellant must perform research it does not meet the full intent of the example as the records are more available than envisioned by the example.

d. Cases where lands, valuable for economic and/or social purposes, are being sought by different groups or governmental entities e.g., resolving conflicts regarding transfer to title to public lands for building hospitals, churches, etc., involving rights of individuals, State or religious groups, and requiring contacts with other Federal Agencies, State representatives, and private individuals or groups.

The exchange of BLM lands with the state and other federal agencies usually does not involve

the complexity depicted above. Exchanges can take a long time and the review of the action is complicated because more than one parcel of land is involved. Conflicts are resolved by the Realty Specialist. No example of land being sought by others for different purposes was given. Oftentimes when individuals or groups are unhappy with the BLM's decision to grant a right-of-way they often express their disagreement with a formal court action. Counteraction of this type does not make the action more complex, because the private citizens or groups had no part in the transaction and thus did not have to be negotiated with.

e. Cases requiring recognition of potential land or mineral resource problems, and the need for changes in regulations, policies, and procedures pertaining to the use and disposition of public lands and their resources (e.g., considering the need of a university for 640 acres of land where there are competing State and local government needs).

The appellant is concerned with the legality of actions. There is no requirement for her to recognize potential land or mineral resource problems nor is she expected to recognize the need for changes in regulations to dispose of property. The appellant is expected to be aware of clauses concerning use of land and minerals.

The GS-11 land law examiner handles mineral leases that require more judgment than at the GS-09 level because the work is complex, novel, or unique. Review of records and the audit as discussed above did not show that the appellant frequently encountered situations typical of work at the GS-11 level. The appellant provided three examples of work she believes is depictive of novel, complex, and/or controversial.

In one example the appellant is working with an attorney to determine jurisdiction over a right-of-way that crossed private lands in which the government reserved the right-of-way. The attorney was working on a case involving an accident where children fell into a ditch that was within a railroad right-of-way. The rail lines had been removed, but the land not properly reclaimed. In resolving the question as to who had relative control over the right-of-way, the appellant referenced readily available guidelines and regulations.

The second example involved responding to a request for information from the Governor of Arizona. The Governor requested the total acres of state trust land within the XXXXXXXX XXXXX area. The appellant calculated the acreage that surrounded the trail which transverse's the state.

The third example dealt with assisting two attorneys requesting the same information for a case. The appellant reviewed the case file and prepared copies for both parties.

Although the above examples may present new and controversial aspects for the appellant and her supervisor, they do not meet the intent of complex, novel, or unique as outlined above. The position requires the appellant to exercise judgment if the documentation matches the regulations and laws pertaining to that application. This is typical of the GS-09 level where the employee is required to exercise judgment in those areas where the guides and precedents may not be applicable, or their applicability may not be clear, or they may apply only in a very general sense. There was no evidence that the appellant had to use judgment based on contradictory facts, different constructions may be placed on the facts or precedents involved, or obscure, vague or

conflicting laws must be frequently applied. During the review of this position it was found that references used as a base for an actions were readily available and did not require significant interpretation.

The GS-09 level under this factor is appropriate for this position.

### **Level of Responsibility**

The GS-09 Land Law Examiner proceeds on their own initiative in developing facts and evidence, in defining legal and factual issues, in search of and locating precedents, and in drafting letters, etc., on moderately difficult cases as well as on the more difficult cases. The supervisor is available for advice and guidance whenever any unusual or novel problems are encountered or whenever an unclear policy consideration is involved. Contacts are with applicants or their representatives, other employees in the office or Bureau, and representatives of other agencies on problems associated with cases of this level of difficulty, as in the subject position. The position meets this level.

The GS-11 Land Law Examiner exceeds GS-9 requirements in that, as authoritative specialists, they frequently give advice to other land law examiners on precedent decisions in carrying out their assignments. Letters and decisions are given only a cursory review although signed by other personnel delegated such authority. Completed work is normally assumed to be accurate, adequate, and acceptable in accordance with applicable laws, regulations, etc. Personal contacts at this level are significant because the examiner serves as the focal point for giving authoritative advice. At lower levels, contacts are made by the examiners primarily to secure information to adjudicate cases as in the subject situation. The appellant does not frequently give advice to other Land Law Examiners nor is often called upon to suggest existing laws as an appropriate vehicle for the resolution of a problem.

The GS-09 level under this factor is appropriate for this position.

### **Cartographic Technician Series, GS-1371:**

The Cartographic Technician Series, GS-1371 is the most appropriate classification standard to cross reference in evaluating the appellant's duties developing products using GIS related software. The Cartographic Technician Series uses the Factor Evaluation System (FES), which employs nine factors. 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. Conversely, the position may exceed those criteria in some aspects and still not be credited at a higher level.

### **FACTORS**

#### Factor 1 - Knowledge Required by the Position

This factor measures the nature and extent of information or facts required to do acceptable work

and the nature and extent of skill necessary to apply this knowledge. To be used as a basis for selecting a level under this factor, knowledge must be required and applied.

Level 1-5 requires knowledge and skill sufficient to perform a series of sequential tasks or steps for standardized or prescribed operations involving one or more stages of the map or chart making process.

The knowledge and skill required by this position matches Level 1-5. For instance, as described at Level 1-5 the appellant's position requires knowledge and skill sufficient to perform a series of sequential tasks or steps for standardized or prescribed operations involving one or more stages of the map making. The appellant is responsible for updating status maps based on lands and mineral cases she has adjudicated. The appellant also uses the State of Arizona's lands maps to update the BLM's maps. The work product is a scaled, geographical representation of actions or transactions which limit, restrict, appropriate, or otherwise affect the disposition of use of public lands and resources. The first illustration provides an example similar to the appellant's assignments, i.e., knowledge and skill sufficient to draft maps or charts when the accurate registration of overlays, density of features, different scale, method of reproduction, use of metrics, or proposed use requires skill in effecting placement and shape of features.

Level 1-6 requires knowledge and skill sufficient to lay out and conduct a block or segment of work which involves complete, multistage maps of moderate scope or a portion of a larger and more diversified project for which conventional methods, procedures, or techniques are available in the form of agency precedents and guidelines. At this level, the technician: (a) applies a substantive knowledge of technical cartographic principles and practices and/or highly-developed skills in the setup and operation of complex equipment, and (b) affects the character of the completed map or chart either from placement of control or from inclusion (or exclusion) and form of details. Or, alternately, Level 1-6 can also be met with knowledge and skill sufficient to perform compilation or map finishing edits or reviews of maps or charts for completeness and symbolization (e.g., those which constitute a complete, multistage project of moderate scope or a portion of a large and more diversified project) the achievement of which requires or involves conventional cartographic methods, procedures, and techniques.

The illustrations provided at Level 1-6 give further information of what constitutes a complete, multistage project of moderate scope or a portion of a large and more diversified project, as envisioned at this level. These illustrations portray projects and assignments that involve preparation of relatively more complex products typically requiring more involved and diversified processes than is characteristically required by the appellant's assignments. They depict assignments requiring knowledge and application of skills to produce products with combinations of planimetric and varying topographic features that are densely congested, requiring diversified and complex processes to complete. For instance, the first illustration at Level 1-6 describes assignments to compile revisions of small, medium, or large scale maps or charts the area of which contain most, if not all, types of terrain *and* complex cultural detail, necessitating the performance of such tasks as: determining the extent and type of revisions needed, selecting best compilation method, establishing supplemental control, compiling data

from aerial photographs using a sketch master or similar equipment, compiling detail from a variety of sources, compiling bathymetric data and names, and converting symbols, terms, and expressions by use of glossaries and language manuals. As another example, the fifth illustration requires knowledge and skill sufficient to perform difficult phases of compilation in the construction, revision, and maintenance of maps and charts, e.g., selecting, adjusting, and positioning planimetric detail from various source maps of different scale; employing photo revision techniques in compiling maps and charts; selecting and adjusting data for completion of manuscripts compiled by use of stereo plotting instruments; compiling and adjusting contours by extraction and interpolation from other sources; performing simultaneous compilation and color-separation scribing; and compiling overlays including navigation information.

The appellant provided a work example of where she is revising land status and recreation maps using information gathered from MTPs, Historical Indices, and LR2000 reports. Revisions to these maps are done by using GIS software. This information is shared with the State of Arizona who also provides the BLM with similar information.

The appellant's work, while containing aspects of some illustrations at Level 1-6, does not fully have the same breadth of scope or require the application of the same level of knowledge or skill to accomplish the type of assignment intended at this level. Her assignments do involve exacting and precise work requiring accurate detail, but do not typically reflect the combinations of complexities described in the illustrations at this level so as to require application of the knowledge and skill envisioned. While some of appellant's work may exceed aspects of Level 1-5, as reflected in the description and illustrations at that level, when a position exceeds the criteria for one level, but does not fully meet the criteria of the next higher level, the lower level must be awarded.

This factor is evaluated at Level 1-5.

#### Factor 2 - Supervisory Controls

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

Supervisory controls over the appellant's position are properly credited at Level 2-3. For instance, employees at Level 2-3 plan and carry out the successive steps and handle problems and deviations in the work assignments in accordance with instructions, policies, previous training or accepted cartographic practices. Similarly, the appellant independently selects the methods, procedures and best techniques for completing her work. As at Level 2-3, supervisory assistance is available or provided for in unusual or extraordinary situations. Completed work at Level 2-3 is usually evaluated for technical soundness, appropriateness, and conformity to policy and requirements. Comparably, the appellant's completed work is reviewed for accuracy and conformance with Bureau standards and policies.

The appellant's position fails to meet Level 2-4 where the employee, having developed expertise

in the specialty area, is responsible for planning and carrying out the assignment, resolving most if not all, of the technical conflicts which arise, coordinating the work with others as necessary, and interpreting policy on own initiative in terms of established objectives. This level of independence was not conveyed during the desk audit, in the position description, nor did the appellant provide examples of where she interpreted policy.

This factor is evaluated at Level 2-3.

### Factor 3 - Guidelines

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

At Level 3-3, guidelines are many and varied. They include standard instructions, agency or local policies and regulations, manufacturers' handbooks and catalogs, precedents and standard practices in the area of assignment or specialization. The technician typically without assistance selects, interprets, and applies the guides, modifying, adapting, and making compromises to satisfy requirements of the assignments. In addition, the technician must exercise judgment in applying standard cartographic practices to new situations and in relating new work situations to precedent ones. This is a match to the appellant's position.

The above reflects more specific guidelines than the general administrative policies and theories which require considerable adaptation and/or interpretation for application typical of the 3-4 level.

This factor is evaluated at Level 3-3.

### Factor 4 - Complexity

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

At Level 4-3, the nature of the technical work consists of a number of delicate and exacting steps or tasks within one or more stages of the map or chart making process. Assignments usually embrace fairly well established work methods but typically involve: (a) authority to adjust, add, or omit features within allowable limits; (b) working with source documents of varying scale; and (c) several problems (e.g., inadequate control data; poor quality photographs resulting in excessively tilt, crab, absence of separately distinguishable features, weak definition, lack of contrast, poor image quality, or geometrical distortion; areas of extremely dense topography or extremely rugged terrain) that require judgment to determine features of sufficient significance to justify inclusion, omission, or individual treatment.

At level 4-4 the nature of the work is demanding and extremely complicated, since assignments embrace individual responsibility for difficult project phases involving complex problems of an

unusual nature that requires compromise with or adaptation of cartographic methods, techniques, or procedures. Problems at this level stem typically from setting up, laying out and coordinating work and/or adjusting and reconciling substandard or conflicting data. The work of the incumbent does not reach this level of complexity.

The appellant's work best matches Level 4-3 as it consists of a number of exacting steps within one or more stages in completing status maps. Similar to Level 4-3, the appellant selects and applies fairly well established cartographic techniques to ensure that the status maps produced complies with Bureau requirements. As described at Level 4-3, the appellant has authority, within allowable limits, to adjust, add or omit features, such as to omit features that are deemed relatively insignificant or unimportant to the end user needs.

This factor is evaluated at Level 4-3.

#### Factor 5 - Scope and Effect

This factor covers the relationship between the nature of the work and the effect of the work products or services.

At Level 5-3 the work is characterized by responsibility for laying out and conducting a block or segment of work which is a complete, multistage project of relatively moderate scope or a portion of a larger and more diversified project.

In either instance: (a) conventional methods, procedures, or techniques are available in the form of agency guidelines and precedents; and (b) the work requires a substantive knowledge of technical cartographic principles and practices and/or highly-developed skills in the setup and operation of complex equipment. Work efforts affect the timeliness, accuracy, reliability, and acceptability of the map or chart product being produced.

Level 5-4 requires a knowledge of a limited or narrow range of specific theoretical concepts comprising the map or chart making process coupled with an intense knowledge of the practical aspects of technical cartographic principles and practices. The position description nor the desk audit indicated the appellant requiring knowledge of specific theoretical concepts of the map making process typical of the 5-4 level.

This factor is evaluated at Level 5-3.

#### Factor 6 - Personal Contacts

This factor covers the people and conditions or settings under which contacts are made. It includes face-to-face contacts and telephone and radios dialogue with persons not in the supervisory chain.

Personal contacts at the 6-2 level are with a number of cartographic technicians and

cartographers or professionals and technicians of other disciplines outside the immediate employing organization but within the agency. People contacted are generally engaged in different missions, functions, or kinds of work but are dependent on or have a vested interest in map or chart products, processes, or techniques. Included, for example, are representatives of either the agency headquarters or those of the varied organizational elements comprising the agency.

At the 6-3 level personal contacts are with individuals or groups from outside the employing agency. The contacts are generally established on a non-routine basis and occur in a variety of places inside and outside the employing agency. People contacted include officials or representatives of other agencies, state and local governments desiring new or special map or chart products, or private industrial concerns that are either under contract or desire to do business with the Federal Government. Typically the appellant's contacts are of a routine basis and occur in usually the same setting. The appellant does not have contacts typical of the 6-3 level.

This factor is evaluated at Level 6-2.

#### Factor 7 - Purpose of Contacts

This factor covers the reasons for the personal contacts described in Factor 6.

At the 7-2 level the purpose of contacts is to: (a) coordinate work efforts involving others; (b) advise on or discuss contract requirements and resolve any problems concerning statement of work or related issues; resolve problems (confronting others) arising in any one or several of the stages of the map or chart making process; or clarify problems and reach agreement on plans and schedules for the production of map or chart products. People contacted are usually working toward a common goal and generally are cooperative. This matches the appellant's position.

This factor is evaluated at Level 7-2.

#### Factor 8 - Physical Demands

The physical demands on the appellant meet Level 8-1. Work is principally sedentary although there may be some walking, standing, and carrying of source material, supply items, or manuscripts to include overlays.

This factor is evaluated at Level 8-1.

#### Factor 9 - Work Environment

The appellant's work environment is best evaluated at Level 9-1. Work is usually performed in an office setting where normal temperature, humidity, adequate lighting, and control of noise levels are maintained.

This factor is evaluated at Level 9-1.

Factor 1 - Knowledge Required by the Position	Level 1-5	750 points
Factor 2 - Supervisory Controls	Level 2-3	275 points
Factor 3 - Guidelines	Level 3-3	275 points
Factor 4 - Complexity	Level 4-3	150 points
Factor 5 - Scope and Effect	Level 5-3	150 points
Factor 6 - Personal Contacts	Level 6-2	25 points
Factor 7 - Purpose of Contacts	Level 7-2	50 points
Factor 8 - Physical Demands	Level 8-1	5 points
Factor 9 - Work Environment	Level 9-1	5 points
1685 points = GS-08	Total	1685 points

**Conclusion:**

Two classification standards were used in evaluating the duties and responsibilities of this position. The Land Law Examiner Series, GS-965 yielded a GS-09 grade, and the Cartographic Technician Series, GS-1371 yielded a GS-08 grade. As Land Law Examining is the paramount work performed the appropriate grade for the position is GS-09.

**Decision:** Land Law Examiner, GS-965-09

Interviews conducted by Erick A. Kurkowski

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Mark Whitesell  
Supervisory Personnel Management Specialist