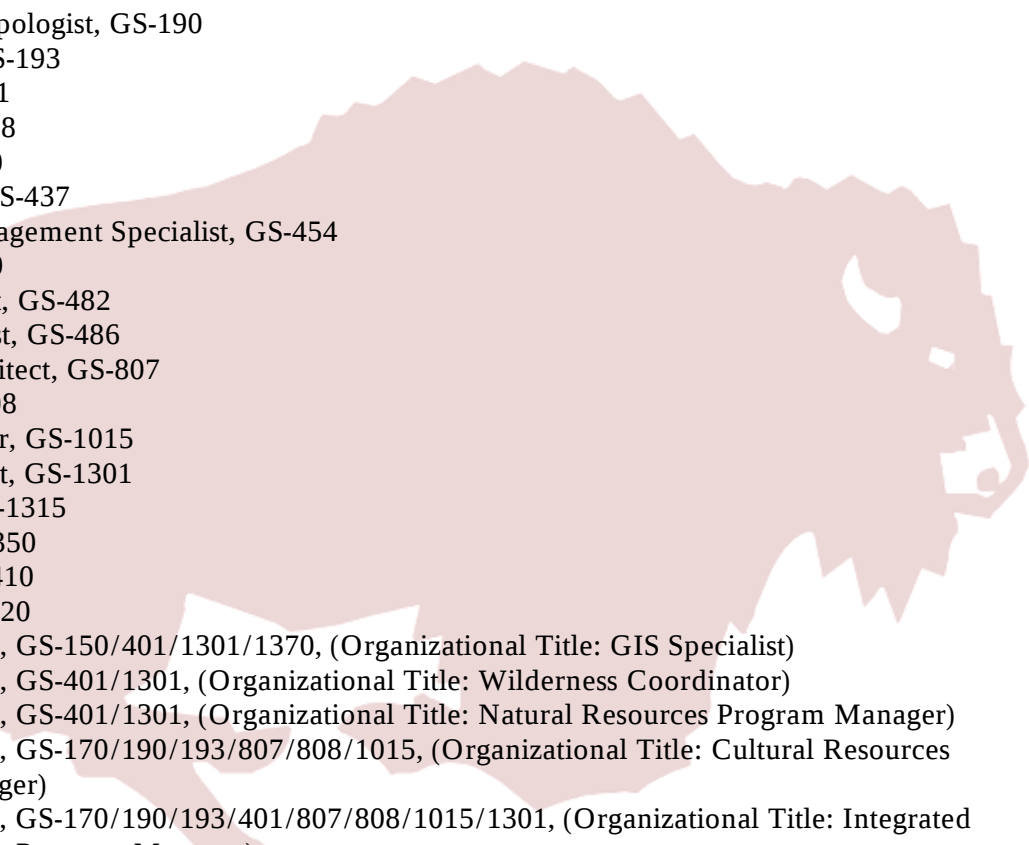


**RESOURCES CAREERS
BENCHMARK POSITION DESCRIPTION
CLASSIFICATION EVALUATION STATEMENT**

FULL PERFORMANCE GRADE GS-11

TITLE AND SERIES DETERMINATION



Historian, GS-170
Cultural Anthropologist, GS-190
Archeologist, GS-193
Biologist, GS-401
Ecologist, GS-408
Botanist, GS-430
Horticulturist, GS-437
Rangeland Management Specialist, GS-454
Forester, GS-460
Fishery Biologist, GS-482
Wildlife Biologist, GS-486
Landscape Architect, GS-807
Architect, GS-808
Museum Curator, GS-1015
Physical Scientist, GS-1301
Hydrologist, GS-1315
Geologist, GS-1350
Librarian, GS-1410
Archivist, GS-1420
Interdisciplinary, GS-150/401/1301/1370, (Organizational Title: GIS Specialist)
Interdisciplinary, GS-401/1301, (Organizational Title: Wilderness Coordinator)
Interdisciplinary, GS-401/1301, (Organizational Title: Natural Resources Program Manager)
Interdisciplinary, GS-170/190/193/807/808/1015, (Organizational Title: Cultural Resources Program Manager)
Interdisciplinary, GS-170/190/193/401/807/808/1015/1301, (Organizational Title: Integrated Resources Program Manager)

REFERENCES

Position Classification Standards
PCS Historian Series, GS-170, 2/62
PCS Archeology Series, GS-193, TS-70, 7/83
PCS Ecology Series, GS-408, TS-28, 6/77
PCS Botany Series, GS-430, TS-61, 4/66
Flysheet, Horticulture Series, GS-437, TS-53, 10/64
PCS Rangeland Management Series, GS-454, TS-126, 9/93
PCS Forestry Series, GS-460, TS-39, 1/80
PCS Agronomy Series, GS-471, 2/61 (to evaluate GS-437)

PCS Fishery Biology Series/Wildlife Biology Series, GS-482/486
PCS Landscape Architecture Series, GS-807, TS-44, 2/63
PCS Architecture Series, GS-808, TS-77, 10/86
PCS Museum Curator Series, GS-1015, 2/62
PCS Cartography Series, GS-1370, TS-61, 3/82
PCS Librarian Series, GS-1410, TS-130, 8/94
PCS Archivist Series, GS-1420, 6/65
Job Family Standard for Professional Physical Science Work, GS-1300P, 12/97 (to evaluate General Physical Science Series, GS-1301; Hydrology Series, GS-1315; and Geology Series GS-1350)
Research Grants Grade Evaluation Guide, TS-73, 4/68 (to evaluate GS-1301)

Introduction to the Position Classification Standards,
Section III, Principles and Policies; and Appendix 3, Primary Standard, TS-107, 8/91

Handbook of Occupational Groups and Series, 9/93
Definitions of Occupational Groups and Series for:
General Anthropology Series, GS-190
General Biological Science Series, GS-401

The Classifier's Handbook, TS-107, 8/91

BACKGROUND

This evaluation report supports the classification and grade level determinations for the generic positions listed above. Benchmark Position Descriptions (PDs) for these positions were developed in support of the Natural and Cultural Resources Professional Development Program (PDP). As stated in the PDP report of November 21, 1996:

"The minimum full performance level for resources management personnel was defined as GS-11 based on reviews of 125 positions in 13 parks and one museum center. Position reviews were done between September 1995 and August 1996 by the Resources Careers committee [comprised of resources professionals] and NPS classifiers. They examined the type of natural and cultural resources work being done in the NPS and the grade value of it."

The findings confirmed that (1) professional GS-11 level work exists at all locations reviewed and (2) the requirements of sound resources management called for establishing GS-11 as the minimum full-performance grade level for positions performing professional resources management work. The Position Management Guidance and Implementing Instructions document for the Resources Careers initiative states:

"Through the development of generic benchmark position descriptions, Resources Careers defines resource management professional...positions as they need to exist in parks today in order to deal with the demands being placed on the resources and the people responsible for providing specialized advice about park natural and/or

cultural resources."

With that in mind, major duty statements for each profession were developed which portrayed work situations typically found in parks, museum centers, and other offices. Wherever possible, the duty statements reflected applicable language taken directly from classification standards at the GS-11 level. NPS classifiers and professional resource specialists then utilized language from both narrative and Factor Evaluation System standards to write factor descriptions at levels which were commensurate with the duties and responsibilities, and which would yield a GS-11 grade for each professional position.

Each Benchmark Position Description was written in the Factor Evaluation System (FES) format which is based on nine factors, e.g., Knowledge Required by the Position, Supervisory Controls, Guidelines, etc. Use of this format is standard NPS practice. The FES format is used even for positions in series which have classification standards written in a variety of older narrative formats that, in some cases, fail to address elements covered by newer FES standards. All PDs were drafted in a manner that would yield identical FES factor level determinations for all nine factors. Thus, for all PDs, Knowledge Required by the Position is rated at Factor Level 1-7, 1250 points; Supervisory Controls is rated at Factor Level 2-4, 450 points, etc. These FES factor level scores are shown next to the factor descriptions in all Benchmark PDs, including those in series for which there is a narrative standard which does not use the FES scoring system.

There are two reasons for showing a FES score for positions, which are normally classified using a narrative standard. The first reason is that the Resources Careers Initiative **equally** affects all of the covered professional specializations, and thus demands certain uniformity in the appearance of all of the PDs. More importantly, the older narrative standards are very much outdated and are frequently of little use in classifying professional work assignments as they are currently performed. This is especially true for professional positions in cultural resources.

In instances where professional positions are covered by narrative standards, those who drafted the position descriptions incorporated GS-11 language into the PDs from those narrative standards wherever appropriate. To bolster that language and provide additional grade level support, language from appropriate FES standards or the FES Primary Standard was used to more completely describe various factors and to describe factors not addressed in the narrative standard. Using common FES language in all of the PDs also reinforces the similarities in the complexity of the full-performance level of work for each occupation, and makes much easier to evaluate the work using a single, generic FES evaluation statement.

As previously mentioned, the full-performance GS-11 grade level of the work for all positions was known in advance because the extensive audits and fact finding revealed the presence of GS-11 work at each site, or else revealed the clear requirement for the performance of GS-11 work which, for a variety of reasons, was not then being performed. Knowing the GS-11 target grade in advance allowed subject matter professionals and NPS classifiers to extract precisely relevant language from the classification standards, and to use that language in position descriptions which were expressly written to reflect the GS-11 full-performance grade level of the work.

Accordingly, there was judged to be little reason to develop unique classification reports for each position description, or to make a lengthy comparison of material in the PDs with the grade level criteria in the classification standards. In all cases, the work and its complexities are described using the same or similar language as that found in the classification standard grading criteria at the GS-11 level. The position descriptions were purposely set up using the typical FES factor pattern for GS-11 professional positions shown on page 16 of The Classifier's Handbook. The factor levels are briefly evaluated in the Grade Determination section of this report.

(NOTE: After careful consideration, it was decided not to include evaluation statements for the Benchmark Position Descriptions at the GS-5 and GS-7 levels. [There is only a statement of difference for the GS-9 level.] The GS-5 and GS-7 Benchmark Position Descriptions are primarily designed to reflect the trainee nature of the positions at these grades. The language used mirrors that found in the Primary Standard. All of the factor descriptions for these positions are brief, generic, and fully reflect the critical requirements of each designated level. The factor levels and point values are identified in each position description along with the final point total. Due to the great similarity between the language of these PDs and the language of the Primary Standard, the development of a classification evaluation statement for these PDs would simply amount to a redundant restatement of the classification standard.)

TITLES AND SERIES DETERMINATION

The title and series for these benchmark positions have been determined in strict accordance with classification titling instructions prescribed in the applicable classification standard for each series. For those series lacking classification standards and having no prescribed titles (such as GS-190, or the "01" series), titles were determined in accordance with instructions in the Introduction to the Position Classification Standards, Section II, H.2. In order to simplify and streamline the implementation process, no parenthetical titles were used. The title and series determination for each position was made on the basis of the predominant professional knowledge required (as stated in Factor 1 - Knowledge Required by the Position) and the presence of significant work in the major duties section of the PD which is directly related to that knowledge.

Although each position is officially titled using only OPM-sanctioned titles without a parenthetical designation, this does not preclude the use of other, more site-specific organizational titles that may be added to block #16 of the OF-8 cover sheet.

Interdisciplinary Positions

The interdisciplinary allocations require a more detailed explanation. The interdisciplinary benchmark positions were described so that they would clearly meet the basic criteria for an interdisciplinary determination based on more than one professional specialization identified in the Knowledge factor. However, these benchmarks differ from the typical interdisciplinary profile described in OPM classification guidance. The Classifier's Handbook states that the normal requirement for an interdisciplinary designation (aside from having knowledge characteristic of two or more professional series) is that:

"the professions or disciplines involved must be logically compatible. There must also be an obvious degree of commonality in the core education, knowledge, and

experience necessary to meet the qualification requirements of (each) profession."

An illustration of this requirement for "relatedness" of disciplines would be an interdisciplinary position requiring knowledge of either anthropology or archeology. These are clearly related disciplines in the social sciences. The benchmarks do reflect this relatedness to some degree in that some series for the interdisciplinary positions are clearly compatible with one another and contain an obvious degree of commonality. However, some groupings of series for the interdisciplinary positions are clearly not related to one another.

For example, the Integrated Resources Program Manager includes a range of series in the natural sciences, social sciences, physical sciences, architecture, and museum disciplines. There is no commonality in core education requirements between architecture and wildlife biology, or between history and hydrology. In that respect, this and the other interdisciplinary benchmarks are an attempt **to stretch or "reinvent" the concept of an interdisciplinary position to meet management requirements to perform professional work in unique locations.** These park locations may call for knowledge in professional specialties that may not be directly related. For example, a park may have significant cultural resources that include historic buildings, historic landscaping, and unlandscaped natural areas. These resources may require professional work in history, architecture, landscape architecture, and botany. Depending on the nature of the resources and the requirements for their management, the talents of either an architect, landscape architect, historian or botanist may be required. Botany and history are not kindred professions, but work in those specialties must be integrated into the overall program. In this scenario, the park would be responsible for identifying those professions which would serve as the recruitment base; would strike out the remaining unneeded series (e.g., wildlife biology, hydrology, etc.) on the PD cover sheet; and would issue a vacancy announcement that identifies only those series for which applicants were being recruited. In this manner, park management would be able to customize a generic Benchmark PD to match the requirements of the resources.

The actual presence of work in dissimilar disciplines is not the only reason for establishing interdisciplinary positions in unrelated specialties. **The recognition by park management that issues in natural resources and issues in cultural resources impinge on and affect one another constitutes a second reason for including dissimilar specializations in one interdisciplinary position.** Issues connected with air and water quality (physical science specializations) can have a direct and substantial effect on plant and animal communities (biological specializations). The overall relationship between dissimilar disciplines becomes even more obvious when it is realized that a park's physical and biological resources usually played a substantial role in the creation of the park's cultural resources. In other words, the presence of water, a hospitable climate, and animal and plant communities served to attract human groups. The cultural expression of those groups often developed in part in response to the physical and natural surroundings. Thus, physical and biological resources typically play an integral role in the history of the cultural resources.

Many parks (not just the large ones) have requirements for dealing with specific issues connected with a number of dissimilar professional occupations, and these issues cannot be dealt with in a vacuum. They must be considered as they relate to other disciplines. The number of specializations coming into play can be quite large, and the effects of decisions in one

specialization on another can be considerable. There is a need to look at the broad resource picture, and a need to staff our resource positions with professionals who are capable of looking beyond their own narrow specializations. **They must be able to coordinate and integrate work in a number of specialties.**

Management's requirement to get work done in a variety of specialties (and then giving that requirement to a position which, by definition, is professionally qualified in only one discipline), sets up a requirement to establish interdisciplinary positions which can logically include widely dissimilar specializations. For example, a park may require the coordination and integration of significant work in wildlife biology, the physical sciences, and archeology (where no one specialty predominates), but has funds to fill only one position. That does not mean that work in only one specialty will be accomplished, and work in the other two will not be addressed. **It simply means that the employee who is qualified in one specialty will have to assure that the work in the other dissimilar specialties gets integrated into the park's overall resources management program.** (The work in the other specialties might be accomplished by an outside contractor or by brokering for the services of a professional from another park, a central office or another agency.) The professional qualifications of the incumbent, even though they are limited to one specialty, help to assure that the work from the "other" specialties will be properly integrated into the overall resources management program.

The expectation is that all versions of this benchmark will be customized (in terms of applicable series) to some degree, and that for recruitment purposes, no more than two Cultural Resources disciplines and at least one Natural Resources discipline would be used for any one position. Those series will usually have a significant degree of commonality with one another. However, there are expected to be a number of occasions where series with dissimilar knowledge bases are required in order to meet the specialized demands of unique park resources. Interdisciplinary positions that include series having little or no commonality, will be limited to those positions identified as program managers. For those positions, a degree in an appropriate specialization coupled with management knowledge and skills are the primary requirements for effectively integrating work in a number of different disciplines into an effective resources management program.

Interdisciplinary manager, coordinator, and specialist positions will be officially titled in accordance with the instructions in the classification standard of the series for which the incumbent (or selectee) is qualified. For example, an individual with a degree in history who is occupying an interdisciplinary cultural resources program manager position will be officially classified and titled as an Historian, GS-170, and will carry an organizational title of Cultural Resources Program Manager. For a series lacking a classification standard and having no prescribed titles, the official title will be the one which has been assigned to the individual benchmark position description for that series. For example, an individual who qualified for the interdisciplinary wilderness coordinator position under the General Biological Science Series, GS-401, would be classified as a Biologist, GS-401, and would have an organization title of Wilderness Coordinator.

GRADE DETERMINATION

Most of the natural resources professional positions covered by this initiative fall within series

which are covered by a nine-factor Factor Evaluation System (FES) standard. Many cultural resources professional positions (anthropologist, archeologist, archivist, historian, landscape architect, librarian, and museum curator) are either covered by or traditionally cross-referenced to narrative standards in two-factor or other unique formats. The interdisciplinary Integrated Resources Program Manager includes disciplines from series covered by both narrative and FES standards. All of the PDs utilize the same or similar language when describing such generic items as the level of knowledge (as opposed to subject matter of knowledge), supervisory controls, judgment required using guidelines, factors contributing toward complexity, the scope of work and its affect within and outside the agency, and generic kinds of personal contacts and purposes of those contacts. Descriptions of physical effort and working conditions are more varied, but are written in a manner that will yield FES scores for all positions.

In accordance with 5 USC 5104, the underlying grade level criteria are the same for each series, regardless of the kind of standard (narrative or FES) which applies. Further evidence of the sameness of grade level criteria is born out by traditional OPM guidance for introducing a new classification standard that supersedes an older narrative standard. That guidance typically states that application of the new FES standard will have no grade impact on **accurately classified** positions. This would support a conclusion that taking "GS-11 language" from FES standards and placing it in PDs covered by narrative standards will still yield a GS-11 grade level when compared with the criteria in the narrative standards. In other words, the grade controlling criteria for both FES and narrative standards is comparable to the point of being interchangeable, even though specific work assignments described in the older narrative standards are in some cases obsolete.

Accordingly, to simplify and expedite the evaluation and certification process, it was determined that all of the positions would be graded using one generic evaluation statement which will document the GS-11 full-performance level using the FES scoring system. The FES standard for the Fishery Biology Series/Wildlife Biology Series, GS-482/486, was the most frequently used classification reference for writing the position descriptions. It was found that by substituting "cultural" resources terms for "natural" resources terms (for example, by referring to "archeological" concepts instead of "biological" concepts) the language of that standard could be readily adapted and applied to cultural resources position descriptions. It was also possible to substitute physical science terms for biological science terms, and thereby adapt the language of that standard to physical science positions. **The evaluation of grade level was made using the GS-482/486 standard in conjunction with the Primary Standard.**

Positions covered by FES standards are graded on the basis of the following nine factors:

Factor 1 - Knowledge Required by the Position (Level 1-7, 1250 points)

As noted in the PDP, the knowledge required of all of the professional positions in this initiative call for "a subject matter expert who has the knowledge and expertise to operate independently without day-to-day oversight." These positions may function as either resources "integrators" (program managers or division chiefs in small parks) or as specialists (usually at a medium-to-large park, museum center, or a support office). These positions:

"require a similar depth of knowledge and skill necessary to effectively contribute to a changing organization, provide for staff advice on resource matters in the context

of park programs within the incumbent's occupational field (and related fields in some cases), and to deal with the (many) and complex resource management functions, problems and issues."

This level of knowledge was judged to exceed that found at Level 1-6, where knowledge of the principles, concepts, and methodology of a professional occupation (supplemented by on-the-job experience or additional education) are sufficient to perform recurring assignments of moderate difficulty, and where the methods and techniques are well established, apply to most situations, and do not require significant deviation from established methods.

The positions in this initiative are required to deal with "the (many) and complex resource management functions, problems and issues (PDP)," and the various Major Duties statements reflect that. The knowledge required for such an assignment more closely matches Level 1-7, which is described as "knowledge of a wide range of concepts, principles, and practices of a professional ...occupation...and skill in applying this knowledge to difficult or complex work assignments."

Factor 2 - Supervisory Controls (Level 2-4, 450 points)

This factor was written to address the independent performance of complex professional assignments. The generic work situation, as documented in the 125 position audits, is one that is a match for Level 2-4. At this level, the supervisors set overall objectives and, in consultation with the employee, develop deadlines, projects, and work to be done. The employee plans and carries out the assignment(s), resolving most conflicts that arise. Work is reviewed for feasibility, compatibility with other work, and effectiveness in meeting requirements or expected results. This level of supervisory control has been incorporated into each PD.

Factor 3 - Guidelines (Level 3-3, 275 points)

All of the positions work with a number of complex guidelines that are not completely applicable to the work. The inherent difficulty of the work assignments and the variety of issues confronted assure that there will be many situations where guidelines are "not completely applicable to the work or have gaps in specificity." These situations call for judgment in interpreting and adapting guidelines for application to specific cases or problems. This is characteristic of Level 3-3, which is commonly described in FES standards using nearly identical language. These kinds of guidelines and the judgment needed to apply them when not completely applicable are documented in all of the Benchmark PDs and supported by the audit findings.

Factor 4 - Complexity (Level 4-4, 225 points)

The Complexity factor is made up of three sub-elements:

The first sub-element covers "the nature, number, variety, and intricacy of tasks, steps, processes, and methods in the work performed." At Level 4-4, the Primary Standard states that the assignment "typically includes varied duties that require many different and unrelated processes and methods, such as those relating to well established aspects of (a)...professional field." The newer FES standards characterize such work as involvement in "the full range of professional activities and in the application of many different and unrelated (subject-matter specific) concepts." This is an accurate characterization of the work performed by these generic positions, all of which

are expected to be able to handle a broad range of different and unrelated resources issues that are found in a typical, multi-faceted resource program.

The second sub-element covers the "difficulty in identifying what needs to be done." At Level 4-4, the Primary Standard states that "decisions regarding what needs to be done include the assessment of unusual circumstances, variations in approach, and incomplete or conflicting data." All of the Benchmark PDs document the need for in-depth analysis, evaluation of alternative methods, and/or dealing with conflicting data or information. This level of complexity is related to and consistent with the way guidelines are used, i.e., they require interpretation and adaptation, and they may not be completely applicable or they may have gaps in specificity.

The third sub-element notes the requirement at Level 4-4 for "making many decisions concerning such things as interpretation of considerable data, planning of the work, or refinement of the methods and techniques to be used." A number of FES standards expand on this description to include a requirement "to relate new work situations to precedent situations, extend or modify techniques, or develop compromises which require substantial effort to overcome resistance to change when it is necessary to modify an accepted method or approach." This or comparable language has been incorporated into the description of this sub-element for most of the Benchmark PDs, because the audit findings revealed that this is the typical work situation with which NPS resource specialists must deal. For the remaining PDs which do not use the same or similar FES language, the nature of the work itself (as spelled out in major duties, supported by specific knowledges and judgment required for guidelines, and described under the other sub-elements of the Complexity factor) would lead to a determination that the need for "interpretation of considerable data" characteristic of Level 4-4 is integral to the work.

Factor 5 - Scope and Effect (Factor Level 5-3, 150 points)

This factor consists of two sub-elements that cover "the relationship between the nature of the work...and the effect of work products or services both within and outside the organization."

The first sub-element deals with "the purpose, breadth, and depth of the assignment." The work of these positions fully meets Level 5-3. The Primary Standard indicates that at Level 5-3 "the work involves treating a variety of conventional problems, questions, or situations in conformance with established criteria." The FES series standards refine this by stating that the incumbent will "investigate and analyze a variety of conventional resource problems and/or environmental conditions and recommend and/or implement solutions that satisfy resource management objectives." Common problems dealt with are identified by some FES standards as habitat conditions or the impact of construction projects. Even though these types of problems may be characterized as conventional and common (due to their wide prevalence), they are by no means simple and routine. These Level 5-3 problems and issues still require significant professional knowledge to investigate their ramifications, and require significant judgment in the use of established guidelines and in the development and implementation of solutions.

The second sub-element deals with "effect". At Level 5-3, the Primary Standard states that "the work product or service affects the design or operation of...programs; (or) the adequacy of such activities as field investigations...or research conclusions." FES series standards amplify this statement by variously noting that the work affects the adequacy of protection and use of a

particular resource, and the adequacy of such activities as field investigations and management operations. Each of these professional resource positions documents the performance of major duties which are clearly involved with the design or operation of professional programs (which may be parts of broad resources management programs) which protect specific natural and/or cultural park resources, and which are consistent with the Level 5-3 criteria.

Factor 6 - Personal Contacts (Level 6-3, 60 points)

Personal contacts for these professional positions typically include members of the park or office staff at all levels; professional colleagues at higher organizational levels within the National Park Service; professionals from other local, state or national government agencies; and professional researchers from academic and/or museum communities. Contacts are usually not established on a routine basis, and the roles and authorities of each participant in the contact is identified and developed during the course of the contact. This kind of contact is a mirror image of that found at Level 6-3, where according to the Primary Standard, "personal contacts are with individuals or groups from outside the employing agency in a moderately unstructured setting." These "contacts are not established on a routine basis; the purpose and extent of each contact is different; and the role and authority of each party is identified and developed during the course of the contact." Typical contacts at this level include contractors or representatives of professional organizations. These professional positions deal with contract researchers and professionals from a wide variety of organizations and agencies.

Factor 7 - Purpose of Contacts (Level 7-2, 50 points)

The resource assignments carried out by these positions easily meet the Level 7-2 criteria, where employees contact professionals and staff both inside and outside the Service to plan and coordinate work efforts, and to resolve operating problems by influencing others who are usually working toward mutual goals.

Factor 8 - Physical Demands (Level 8-2, 20 points)

Physical demands above the normal Level 8-1 sedentary office situation were found to be characteristic of virtually all of the positions audited. Fieldwork typically includes long periods of walking over rough, uneven surfaces and lifting or carrying moderately heavy items, as at Level 8-2.

Factor 9 - Work Environment (Level 9-1, 5 points or Level 9-2, 20 points)

The work of the Benchmark PDs was evaluated at Level 9-1 or Level 9-2, depending on the risks and discomforts in performing the assignments.

The work of the positions performed in an office-type setting and under relatively tame conditions outdoors, although occasionally there can be significant periods of time devoted to field work outdoors in all types of weather and terrain was evaluated at Level 9-1 and assigned five points. Whereas, the work of the positions performed both indoors and outdoors in all types of weather and in potentially hazardous areas was evaluated at Level 9-2 and assigned 20 points.

In summary, the evaluation of factors is as follows:

Factor 1 - Knowledge Required by the Position	Level 1-7, 1250	Level 1-7, 1250
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Factor 2 - Supervisory Controls	Level 2-4, 450	Level 2-4, 450
Factor 3 - Guidelines	Level 3-3, 275	Level 3-3, 275
Factor 4 - Complexity	Level 4-4, 225	Level 4-4, 225
Factor 5 - Scope and Effect	Level 5-3, 150	Level 5-3, 150
Factor 6 - Personal Contacts	Level 6-3, 60	Level 6-3, 60
Factor 7 - Purpose of Contacts	Level 7-2, 50	Level 7-2, 50
Factor 8 - Physical Demands	Level 8-2, 20	Level 8-2, 20
Factor 9 - Work Environment	Level 9-1, <u>5</u>	Level 9-2, <u>20</u>
	Total 2485	or Total 2500

The point totals fall within the GS-11 point range of 2355-2750.

FAIR LABOR STANDARDS ACT DETERMINATION

The full-performance level GS-11 Benchmark PDs were found to meet the professional exemption criteria of the Fair Labor Standards Act (FLSA) in 5 CFR 551.206. As defined in the CFR, a professional employee is one whose **primary duty** consists of:

"(1) Work that requires knowledge in a field of science or learning customarily and characteristically acquired through education or training that meets the requirements for a bachelor's or higher degree, with major study in or pertinent to the specialized field as distinguished from general education; **or** is performing work, **comparable to that performed by professional employees**, on the basis of **specialized education or training and experience** which has provided both theoretical and practical knowledge of the specialty, including knowledge of related disciplines and of new developments in the field..." (emphasis added)

All Benchmark PDs meet this professional criteria, and nearly all benchmark positions are allocated to a series which is identified as "professional" in the classification and qualifications standards and which require a bachelor's degree in a specialized field.

NOTE: There is one exception that is not identified as professional in the classification or qualification standards, Librarian Series GS-1410. The librarian is not covered by professional standards. An individual can meet the qualifications for employment in that series through either experience or education, or a combination of both.

Librarians are covered under "Individual Qualification Standards," not "Professional and Scientific Positions" qualification standards. NPS employees in the librarian occupation typically have bachelor's degrees or higher in a relevant field and carry out work assignments which are fully comparable to that performed by professional employees. That will be the case for those who occupy benchmark positions in this field.

Accordingly, it is concluded that the benchmark GS-1410 is assigned work that is comparable to that of professional positions, and therefore should be identified as falling within the professional exemption criteria for primary duties.

In addition, three other series are identified as professional in the qualification and classification standards, but each has qualifications that can be met through education, experience or a combination of both. These series are Anthropologist, GS-190; Archeologist, GS-193; and Museum Curator, GS-1015. Although it is possible to fill a position in any one of these series with an incumbent who does not have a formal educational background in the profession, such an occurrence would be rare. All incumbents in these series are believed to meet the education requirements for their respective positions. All benchmark positions in these series perform work which meets FLSA professional criteria and which is fully comparable to that performed by professional employees.

Another indicator that the positions belong in the professional exemption category is the general expectation described in the PDP that a degree is necessary to provide both the theoretical and practical knowledge of the specialty and related disciplines in order to perform the function of resources "integrators". The integrators "function to integrate the efforts of a number of specialists into a program based on a comprehensive approach...and focus on the linkages among (professional) disciplines."

Other criteria in 5 CFR 551 state that a professional employee's work must be "predominantly intellectual and varied in nature, requiring creative, analytical, or evaluative, or interpretative thought process for satisfactory performance." All of the benchmarks fit this description in that work assignments demand a level of intellect capable of sorting out complex variables, utilizing analytical and evaluative thought processes, and interpreting frequently complex and conflicting data.

The final professional criterion is a requirement that the employee must frequently exercise "discretion and independent judgment, under only general supervision, in performing the normal day-to-day work." As described in the Supervisory Controls factor, benchmark positions receive assignments in terms of general objectives, but typically carry out the work and resolve most problems which arise. The Guidelines factor makes reference to the need for using judgment in interpreting and adapting guidelines that are not completely applicable. These characteristics, coupled with those described in the Complexity factor, support the conclusion that benchmark positions meet this final professional criterion. **Accordingly, these GS-11 benchmarks are determined to be exempt from the Fair Labor Standards Act.**

Exempt positions fall outside the coverage of the Fair Labor Standards Act. In making the determination on FLSA status (exempt or non-exempt) for the GS-5, GS-7, and GS-9 benchmarks, due consideration was given to the basic instruction for exempting positions from the Fair Labor Standards Act as contained in 5 CFR 551.202:

- "In all exemption determinations, the agency shall observe the principles that--
- (a) Exemption criteria shall be **narrowly construed** to apply only to those employees who are **clearly within the terms and spirit of the exemption...**
 - (c) All employees who **clearly** meet the criteria for exemption must be exempted."

Narrowly construing the exemption criteria has the practical effect of making it more difficult for positions to fall under FLSA. Conversely, narrowly construing the exemption criteria makes it

easier to fall within the coverage of the Act as a "non-exempt" (covered under FLSA) position. The requirement to narrowly construe the exemption criteria led to the conclusion that the GS-5 and GS-7 benchmark positions, and the position represented by the GS-9 statement of difference, do not fully (and therefore do not clearly) meet the exemption criteria, and therefore must be designated non-exempt under the Fair Labor Standards Act. In order to meet the definition of a professional employee (and thus qualify for the professional exemption) the work must be such that "the employee frequently exercises discretion and independent judgment, under only general supervision, in performing the normal day-to-day work." The GS-5, GS-7, and GS-9 levels are identified as trainee levels through which the incumbent must progress to reach the full-performance, independently operating GS-11 level. By definition, employees in trainee situations are in a learning mode and work under close supervision and tutelage. While they are increasingly encouraged to develop their professional judgment and analytical skills as they progress in grade level, they do not exercise discretion and judgment under only general supervision until they reach the GS-11 grade level. **Accordingly, positions at the GS-5, GS-7, and GS-9 levels are covered under FLSA, and their status is non-exempt.**

Some benchmark positions may include Attachment 1: Amendment to GS-11 Benchmark Position Description--Supervisory Duties and Evaluation Factors (Position Management Guidance and Implementing Instructions) which documents supervisory duties that may result in the position being officially titled as a supervisor after undergoing an additional classification review of supervisory responsibilities. Attachment 1 describes supervisory responsibilities that fully meet the executive exemption criteria when performed at the full performance level of GS-11. In brief, the executive exemption criteria are met when the benchmark position supervises at least three subordinate employees (exclusive of such support employees such as a clerk or secretary), AND the position (1) "has authority to select or remove, and advance in pay and promote, or make any other status changes of subordinate employees, or has the authority to suggest and recommend such actions with particular consideration given to these suggestions and recommendations; and (2) **customarily and regularly exercises discretion and independent judgment** in such activities as work planning and organization; work assignment, direction, review, and evaluation; and other aspects of management of subordinates, including personnel administration" (emphasis added).

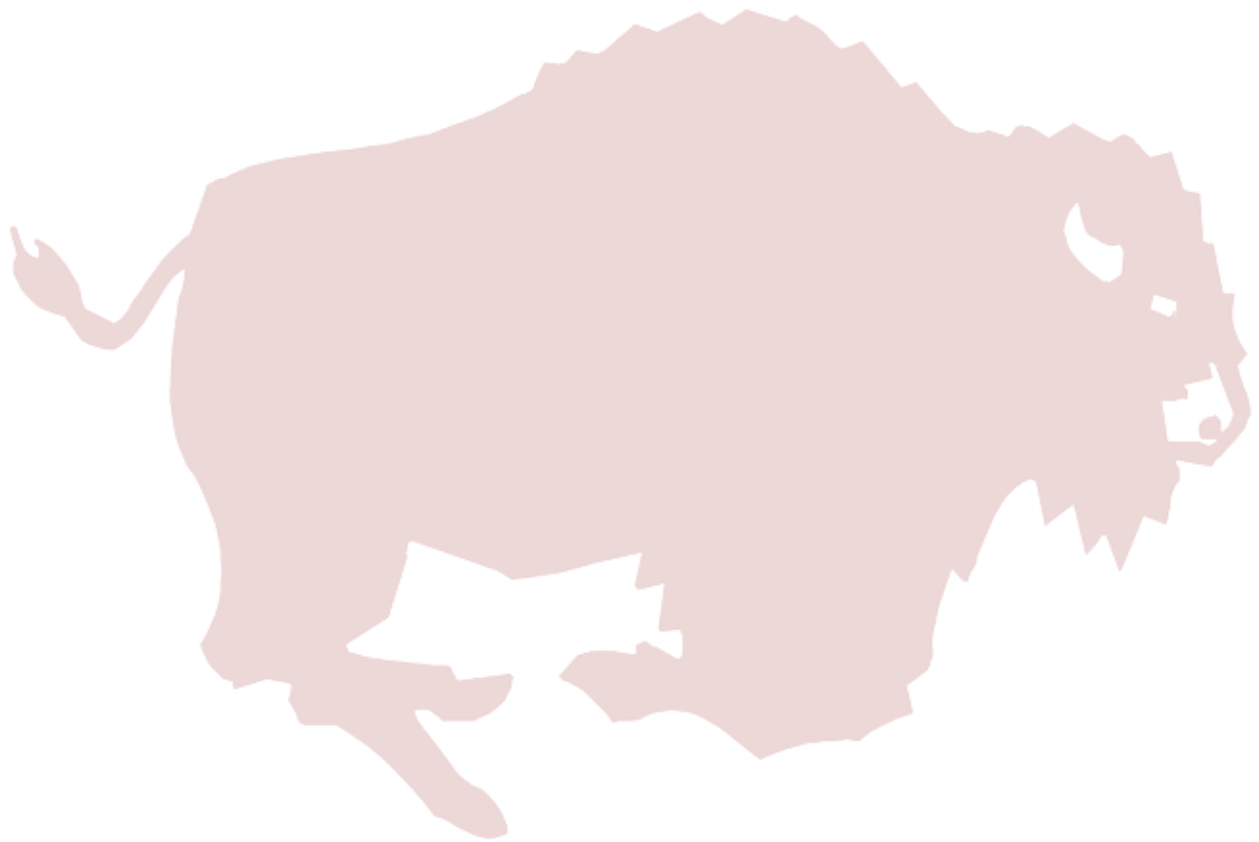
In order to be exempt, each element of the exemption criteria must be met. The position is in a trainee status for all aspects of the work assignment (including supervisory assignments) at the GS-5, GS-7, and GS-9 levels, and therefore does not customarily and regularly operate with discretion and independent judgment. As a trainee in the professional discipline, the incumbent cannot be expected to have the full-performance competencies that would allow him or her to exercise independent judgment in work planning, assignments, direction, review, and evaluation. Therefore, the position does not meet the second requirement for executive exemption under FLSA, and supervisory responsibilities are designated non-exempt at the GS-5, GS-7, and GS-9 levels.

CONCLUSION

All of these Benchmark Position Descriptions were found to meet the criteria for title and series as shown in the Titles and Series Determination listing at the head of this report. At the full-performance GS-11 the positions are exempt from the Fair Labor Standards Act, but the GS-5, GS-

7, and G-9 levels are non-exempt.

June 30, 1999



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