

U.S. Office of Personnel Management
Office of Merit Systems Oversight and Effectiveness
Classification Appeals and ELSA Programs



Atlanta Oversight Division
75 Spring Street, SW., Suite 972
Atlanta, GA 30303-3109

Classification Appeal Decision
Under Section 5112 of Title 5, United States Code

Appellant: [appellant's name]

Agency classification: Engineering Technician
GS-802-9

Organization: Environmental Services Branch
Environmental Operations Division
Environmental Department
Navy Public Works Center
[city, state]

OPM decision: **This position is properly covered by the Federal Wage System.** The occupational series, title, and grade are to be determined by the agency.

OPM decision number: C-0802-00-03

Kathy W. Day
Classification Appeals Officer
2/13/98

Date

As provided in section 511.612 of title 5, Code of Federal Regulations, this decision constitutes a certificate that is mandatory and binding on all administrative, certifying, payroll, disbursing, and accounting officials of the government. The agency is responsible for reviewing its classification decisions for identical, similar, or related positions to ensure consistency with this decision. There is no right of further appeal. This decision is subject to discretionary review only under conditions and time limits specified in the Introduction to the Position Classification Standards, appendix 4, section G (address provided in appendix 4, section H).

Since this decision changes the classification of the appealed position, it is to be effective no later than the beginning of the fourth pay period after the date of this decision (5CFR 511.702). The servicing personnel office must submit a compliance report containing the corrected position description and a Standard Form 50 showing the personnel action taken within 30 days from the effective date of the personnel action.

Decision sent to:

[appellant's representative]

[name]

Director, Human Resources Office

Naval Base

[city, state]

Mr. William Duffy

Chief, Classification Branch

Field Advisory Services Division

Defense Civilian Personnel Management
Service

1400 Key Boulevard, Suite B-200

Arlington, VA 22209-5144

Mr. David Neerman

Director for Classification, Staffing and

Compensation (OCPM Code C20)

Office of Civilian Personnel Management

Department of the Navy

800 North Quincy Street

Arlington, VA 22203-1998

Introduction

On July 8, 1997, the Atlanta Oversight Division, Office of Personnel Management (OPM), accepted an appeal for the position of Engineering Technician, GS-802-9, Environmental Operations Division, Environmental Services Branch, Navy Public Works Center, [city, state]. The appellant is requesting that his position be changed to Engineering Technician, GS-802-11.

The appeal has been accepted and processed under section 5112(b) of title 5, United States Code. This is the final administrative decision on the classification of the position subject to discretionary review only under the limited conditions and time outlined in part 511, subpart F, of title 5, Code of Federal Regulations.

General Issues

This appellant is part of a group appeal from engineering technicians at the Navy Public Works Center who perform work in various specializations. Information furnished with the group appeal compares their GS-9 position with other engineering technician positions at the same location whom they believe are performing equivalent or lower level work but are classified at a higher grade. Copies of position descriptions were provided for two Mechanical Engineering Technician, GS-802-11, positions; one Electrical Engineering Technician, GS-802-11, position; and one Electronics Engineering Technician, GS-856-11, position. Although the GS-11 position descriptions are certified by a management official, none have a classification certification or a position description number on the Optional Form 8. A certification by a management official certifies the accuracy of the position description which represents the official record of the duties and responsibilities assigned to a position. However, a classification certification indicates the position description has been placed in its proper class, title and grade in accordance with the OPM classification standards and guidelines by a person delegated classification authority. Since the GS-11 position descriptions lack a classification certification, the duties and responsibilities are not an official record of duties and responsibilities, have not been properly classified, and are neither reviewable nor appealable under the classification appeal process. Additionally, by law, we must classify positions solely by comparing their current duties and responsibilities to OPM standards and guidelines (5 U.S.C. 5106, 5107, and 5112). Since comparison to standards is the exclusive method for classifying positions, we cannot compare the appellant's position to others as a basis for deciding his appeal.

In reaching our classification decision, we have carefully reviewed all information furnished by the appellant's representative, the appellant, and the agency, including information obtained from telephone interviews with the appellant and his supervisor.

Position Information

The appellant is assigned to Position Number 7X034. The appellant, supervisor, and agency have certified to the accuracy of the position description.

The appellant provides technical consultation and advice to customers requesting the installation of insulation and the removal of asbestos. He meets with the customer onsite to review the work

requested, provides recommendations regarding method of accomplishment, cost efficiency, timeliness and scope of work. The incumbent coordinates preparation of a narrative scope of work for the project, a cost estimate, the schedule of work, and proposed method of accomplishing each major task.

The appellant receives direction from the Environmental Services Branch Manager who assigns work in the form of work requests, written memoranda, work schedules, or verbal instruction. Work assignments are given in general terms, and critical or controversial matters, not covered by precedents or guides, are brought to the attention of the supervisor. Projects are evaluated at completion for conformance to schedule and adherence to budget. Customer evaluations are used to determine overall success of the project. There may be times when the incumbent may be required to make procedural judgments in responding to outside requests during the absence of the supervisor.

Standards Determination

Engineering Technician Series, GS-802, June 1969.
 FWS Job Grading Standard for Insulation, WG-3610, September 1974.
Introduction to the Position Classification Standards, Section IV.

Pay System Determination

The appellant requests a higher grade in the General Schedule (GS). Our review found it necessary to determine, first, whether the position is properly covered by the GS or the Federal Wage System (FWS). Section 5102(c)(7), title 5, United States Code, exempts from coverage under the GS those “employees in recognized trades or crafts, or other skilled mechanical crafts, or in unskilled, semiskilled, or skilled manual-labor occupations, and other employees including foremen and supervisors in positions having trade, craft, or laboring experience and knowledge as the paramount requirement.”

The “paramount requirement” of a position refers to the essential, prerequisite knowledge, skills, and abilities needed to perform the primary duty or responsibility for which the position has been established. Whether particular types of positions are trades, crafts, or manual labor occupations within the meaning of title 5 depends primarily on the facts of duties, responsibilities, and qualification requirements, i.e., the most important, or chief requirement for the performance of a primary duty or responsibility for which the position exists. If a position clearly requires trades, crafts, or laboring experience and knowledge as a requirement for the performance of its primary duty and this requirement is paramount, the position is under the FWS regardless of its organizational location or the nature of the activity in which it exists.

The GS-802 series includes technical positions that require primarily application of a practical knowledge of the methods and techniques of engineering and the construction, application, properties, operation, and limitations of engineering systems, processes, structures, machinery, devices, and materials. This series includes positions performing nonprofessional technical work in

functions such as research, development, design, evaluation, construction, inspection, production, application, standardization, and test or operation of engineering facilities, structures, systems, processes, equipment, devices, or materials.

In comparison, the 3610, Job Grading Standard for Insulator, is used to grade nonsupervisory jobs which involve fabrication and installation of insulating materials on tanks, boilers, turbines, pumps, pipes, valves, ducts, and other structures to reduce heat loss or absorption, prevent moisture condensation, or reduce sound levels. This work requires a knowledge of insulating materials and their insulating properties and the ability to lay out, form, and install a variety of insulating materials on regular and irregular shaped objects.

According to the appellant and his supervisor, virtually 100 percent of the duties and responsibilities assigned to the position involve writing estimates for the installation of insulation and/or the removal of asbestos requiring journey-level knowledge of insulation installation, the ability to locate and recognize asbestos, and the knowledge of effective and environmentally sound measures and techniques for removing asbestos. The regular and recurring assignments determine the job's classification, and the appellant's assignments are compatible with trade work. The appellant's trade expertise is in insulation, and his knowledge in this area is the paramount requirement of this position.

The appellant is required by the State of Virginia to be certified in asbestos removal. Certification requirements are intended to assure that employees possess the appropriate knowledge, skills, and other qualifications needed for competent and safe performance of asbestos removal work. Even though the appellant does not physically install insulation or remove asbestos, he is still required to be certified since the paramount requirements of the position are to locate and recognize asbestos and to develop workplan estimates which contain effective and environmentally sound measures and techniques for asbestos removal. The technical functions typical of engineering technician positions are clearly not found in the appellant's position.

Summary

We conclude that the paramount requirement for this position's existence is the performance of work which requires the application of knowledge and experience typical of the FWS. Therefore, the position is excluded from the GS.

Decision

This position is properly classified by the FWS. The proper occupational series, title, and grade are to be determined by the agency. This decision constitutes a classification certificate which is mandatory and binding on all administrative, certifying, payroll, disbursing, and accounting officials of the Government.