

120 Howard Street, Room 760
San Francisco, CA 94105



**Classification Appeal Decision
Under Section 5112 of Title 5, U.S. Code**

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|-----------------------------|---|
| Appellant: | [Appellant] |
| Position: | Firefighter GS-081-5 |
| Organization: | Department of the Navy Marine Corps Base [location] |
| Decision: | Firefighter GS-081-5 |
| OPM decision number: | C-0081-05-01 |

Signed by Denis J. Whitebook
DENIS J. WHITEBOOK
CLASSIFICATION APPEALS OFFICER

May 29, 1997
DATE

As provided in section 511.612 of title 5, Code of Federal Regulations, this decision 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).

Decision sent to:

[Appellant]

Employment/Classification Officer
Marine Corps Civilian Human Resources Office
[location]
[address]

Director
Office of Civilian Personnel Management
[Region location]
U.S. Department of the Navy
[address]

Director
Office of Civilian Personnel Management
[Region location]
U.S. Department of the Navy
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Director, Plans, Programs, and Diversity
Office of the Deputy Assistant Secretary
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Chief, Classification Branch (CPMS-ASFP)
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Introduction

On January 17, 1997, the San Francisco Oversight Division of the U.S. Office of Personnel Management (OPM) received a classification appeal from [appellant]. His position is currently classified as Firefighter GS-081-5. However, he believes his position should be graded at GS-6. He works in the Fire Department, Marine Corps Base, U.S. Department of the Navy, [location]. We have accepted and decided his appeal under 5 U.S. Code 5112.

General Issues

The appellant mentions his personal qualification and certification as an emergency medical technician. Qualifications are considered in classifying positions. However, these are qualifications required to perform current duties and responsibilities, not qualifications that appellants personally possess. Therefore, we could not consider the appellant's personal qualifications, except insofar as they were required to perform his current duties and responsibilities. To the extent that they were needed for this purpose, we carefully considered them along with all other information furnished by the appellant and his agency, including his official position description [number].

Position Information

The introduction to the appellant's PD provides a summary of the appellant's duties and responsibilities. It states in pertinent part:

The incumbent serves as a firefighter on the [base]. The incumbent is responsible for the protection of life and property. . . . The consolidated Fire Department provides a wide variety of services and technical support that relate to fire prevention, fire protection, and emergency operations. Related services include emergency medical service, hazardous material responses, wildland fire control, vegetation and environmental management, disaster response/control and recovery, aircraft rescue and fire fighting (ARFF), heavy rescue, swift water rescue, dive rescue, confined space rescue, and public education. These services are provided for [the base]; [an installation]; and all tenant activities of each.

The [base] Fire Department has direct responsibility for providing services to a Marine Corps Base, Marine Corps Air Station, Naval Hospital, Naval Ordnance Center, Naval Assault Activity, a large fuel storage, pumping, and distribution facility, a major high pressure fuel transmission line, ammunition storage facilities, an amphibious craft harbor, railroad maintenance and switching facilities and an Army Reserve Facility. Additionally, the Fire Department is responsible for emergency services on the 17-mile corridor of Interstate Highway which runs from [location]. . . .

The [base] Fire Department also responds to surrounding communities as a result of Mutual/Automatic Aid agreements. This includes a nuclear generating station.

The appellant's PD and other material of record furnish much more information about his duties and responsibilities and how they are performed.

Series, Title, and Standard

We find that the appellant's position is best covered by the Fire Protection and Prevention Series, GS-081. This series includes positions which “. . . work to control and extinguish fires, rescue persons endangered by fire, and reduce or eliminate potential fire hazards. ” Page 2 of the position classification standard for the Fire Protection and Prevention Series, GS-081, instructs that all nonsupervisory positions engaged in all firefighting operations are properly titled Firefighter. The appellant and the agency agree that the appellant's position is properly titled Firefighter and placed in the GS-081 series.

The appellant's work is best evaluated by means of the standard for the Fire Protection and Prevention Series, GS-081.

Grade Determination

Part II of the GS-081 standard provides grade evaluation criteria for nonsupervisory firefighter positions. The agency has evaluated the appellant's work at GS-5. The appellant believes that GS-6 is correct.

The agency, the appellant, and we agree that the GS-5 level is fully met. The appellant's position encounters all but the first of the five firefighting tasks the standard lists as typical of GS-5 assignments. For example, the appellant performs crash/rescue and firefighting duties at an airfield handling large numbers of tactical and other aircraft loaded with large volumes of fuel and ordnance. The nature and variety of fire hazards, and the potential severity of fires at the Marine Corps Base meets Degree C criteria under factors 1 and 2, Part I. The appellant engages in specialized fire programs (e.g., hazardous materials containment and control, wildfire control, water rescue, landing craft air cushion facility firefighting training). Finally, the appellant assists the injured at crash or accident scenes as an emergency medical technician. Thus, we accept the points made by the appellant concerning the complex, varied, and hazardous firefighting environment at an active Marine Corps Base like [base name]. As noted above and detailed on pages 27 and 28 of the standard, the complexities and hazards encountered by the appellant are included in the GS-5 description.

Emergency medical technician work

The standard explicitly addresses emergency medical technician work at the GS-3, GS-4, and GS-5 levels. At GS-3 firefighters apply basic first aid. At GS-4 firefighters perform or assist in rescue operations including the administration of first aid to injured victims. At GS-5 firefighters assist “the injured by applying knowledge and training for such purposes as immobilizing for safe transport, using direct pressure and tourniquets to stop bleeding, checking the windpipe for obstructions, performing cardio-pulmonary resuscitation, or *providing other assistance at a comparable level of difficulty*. At this level, employees do not administer drugs either orally or by injection.” (See page 28 of the standard, emphasis added.)

The appellant states that the GS-081 standard only includes the provision of basic first aid. We do not agree. The standard credits the provision of basic first aid at the GS-3 level and a somewhat more advanced level of first aid at GS-4. At GS-5 the firefighter is applying a range of techniques that stop short of the administration of drugs. We find nothing in the record that suggests that the actual medical procedures and techniques applied by the appellant exceed the difficulty of those described by the standard at GS-5. There is no evidence that the appellant is authorized to administer drugs. We accept the appellant's statements that firefighters are typically the first to reach the injured, that the injuries are sometimes serious, and that the firefighter must quickly determine the proper medical technique to apply. We also accept the appellant's statement that he uses specialized equipment and techniques to free the injured from wreckage, to immobilize the injured for transport, and to open breathing passages and deliver oxygen (see attachment 2 of the appellant's appeal letter). However, we find that such duties are included at the GS-5 level.

The appellant states that OPM has historically graded emergency medical technician work at GS-6. We cannot agree. OPM has historically graded emergency medical technician work performed by firefighters at GS-5. The San Francisco Oversight Division most recently addressed this issue in two cases: one dated September 3, 1992 ([case name] et al.), and a second dated December 8, 1992 ([case name]). Both cases have been included in the appeal file by the agency and so have been provided to the appellant. In both cases we found that emergency medical technician work in conjunction with firefighting duties is properly graded at GS-5.

Before the issuance of the new standard for the GS-081 series in 1991 we typically evaluated emergency medical technician work by cross-comparison to the standard for the Practical Nurse Series, GS-620. We did this because the previous standard did not explicitly address emergency medical technician work beyond basic first aid. With the issuance of the new standard for the GS-081 series in 1991, emergency medical technician work was explicitly considered in the grading of firefighter positions. The need for cross-comparison became limited. We continued to cross-compare to the GS-620 series in selected cases to be responsive to points raised by appellants. In this case the appellant has compared his duties to the criteria of the GS-620 standard and believes they meet the GS-6 level. We disagree. As discussed above, the GS-081 standard provides the most directly applicable criteria for evaluating the appellant's position, the appellant's emergency medical technician duties are explicitly covered by the GS-081 standard, and we find no evidence that the appellant's emergency medical technician work exceeds the GS-5 level described in the GS-081 standard. Thus, there is no need to cross-compare to the GS-620 standard to accurately establish the grade of the appellant's position. Further, the appellant has received a copy of our most recent application of the GS-620 standard to a firefighter position ([case name] et al.) and we find that our application of the standard to the appellant's position would have the same result. We conclude that cross-comparison to the GS-620 standard is not needed to establish the grade of the appellant's position.

As described on pages 27 and 28 of the standard, the GS-5 level includes many complex firefighting skills. The standard does recognize two specific firefighting assignments that support grading at GS-6: shipboard firefighting, and driving and operating firefighting vehicles.

Shipboard firefighting

Not all shipboard firefighting meets the GS-6 criteria detailed on page 30 of the standard. GS-6 firefighters combat fires or rescue personnel on board ships where the conditions create very difficult and dangerous situations. These include small passages that restrict movement while wearing protective clothing and breathing equipment, small compartments with low ceilings, the proximity of aviation fuel on hangar decks or ammunition in magazines or at gun mounts, movement through gas filled tankage areas or past hot metal bulkheads, the proximity of massed electrical cables, or the proximity of high pressure steam lines. The ships may be loading, unloading, or under repair. Such conditions may add additional hazards such as open hatches, cluttered decks, power supply interruptions, unstored paint, and volatile cleaning fluids. These hazards are often encountered below decks in dark, confined, and unventilated areas. Interpretive guidance received from OPM central office states that ships such as cargo ships, destroyers, and aircraft carriers best reflect the complexity envisioned at the GS-6 level, i.e., hazardous cargoes, hazardous conditions, and/or significant access problems with extended passageways, below decks, and many small compartments. Not all ships present such hazards and difficulties.

The ships at issue in this appeal are Landing Craft Air Cushion (LCAC). The LCAC is a high-speed amphibious air cushion landing craft designed to carry a 60-ton payload from amphibious ships at sea to landing sites ashore at speeds reaching 40 knots. The LCAC is capable of traveling over land and water. It operates from the well deck of amphibious assault ships. It carries no armament. The LCAC is approximately 88 feet long and 47 feet wide. Along with its 60-ton payload it has a troop capacity of 24 and a crew of five. It is powered by four gas turbine engines (two turbines power airplane type propellers mounted at the rear of the LCAC to provide forward thrust and braking, two turbines power fans under the craft to provide lift off the surface). The payload is carried in a large open bay that occupies about two thirds of the width and extends the length of the vessel. Naval Assault Craft Unit 5, resident at [base], operates some 35 LCAC's from its facility.

The LCAC is much smaller than the ships envisioned by the standard at the GS-6 level. The small size and relatively open construction of the LCAC do not present the type of difficulties and hazards envisioned by the standard at GS-6. We find that firefighting responsibilities aboard the LCAC are covered by the standard at GS-5.

Driving and operating firefighting vehicles

The appellant drives and operates firefighting vehicles as discussed at the GS-6 level. However, the appellant performs this work in the absence of the regular driver/operator. Work which is temporary or short-term, or carried out only in the absence of another employee cannot be considered in establishing the grade of a position. However, such duties should be considered when they become a regular part of the position and it is reasonable to assume that the duties will continue to recur, even if not in a precisely predictable pattern. The appellant suggests that time he spends filling in for the regular driver/operator when the driver/operator is on sick leave, annual leave, off site training, or temporary assignment should be considered in grading his position. We find that this time cannot be

considered in establishing the grade of the appellant's position. In the case of annual leave, sick leave, and off site training the work is being done in the absence of the driver/operator. In the case of the temporary assignment of the driver/operator, the appellant's duties are temporary and short-term.

The 24-hour seven days a week coverage required in the firefighting occupation does present a unique situation. Fire stations at [base] are staffed by two crews. Typically, each crew is composed of a captain, one or two driver/operators, and three or four firefighters. Each crew is responsible for seven 24-hour shifts per pay period. However, while the crew is responsible for seven shifts, an individual crew member works just six. This is known as the "Regular Day Off" or RDO. When either the captain or the driver/operator is on their RDO, one of the firefighters works the shift as the driver/operator. We find that when the appellant is performing the duties of the driver/operator to cover an RDO the work is regular and recurring and not performed in the absence of another employee. The employee on an RDO is not absent, but rather is not scheduled to work and is not in a pay status.

We now need to address the question of how much time the appellant spends performing creditable GS-6 driver/operator work. It is true as stated by the appellant and documented in the official PD that a firefighter is covering the RDO of the driver/operator or captain about 28 percent of the time. However, this block of time is divided and rotated among the three or four firefighters on the crew. Thus, on a three firefighter and one driver/operator crew the time a specific firefighter would be assigned as the driver/operator to cover an RDO will be about 11 percent (52 RDO's, divided among three firefighters, who each is paid for a total of 156 shifts per year). On crews with four firefighters or two driver/operators the percentage will be lower. The central characteristic of GS-6 level work is the driving and operation of the vehicle. The maintenance and testing of firefighting vehicles performed by the appellant absent responsibility for driving and operating the vehicle is not equivalent to the GS-6 level. Training to maintain proficiency in firefighting vehicle operation is creditable as GS-6 level work. While difficult to specify precisely, this work occupies a very small percentage of the total work time because unlike when covering an RDO where the full shift is credited, training to maintain driver/operator proficiency would be credited only to the extent it is actually performed. We conclude that *the appellant's* driver/operator work occupies less than 25 percent of his work time.

Most of the appellant's work time is spent performing GS-5 level work. The appellant does perform GS-6 level driver/operator work on a regular and recurring basis. However, work must occupy at least 25 percent of the employee's work time before it may be used to establish the grade of a position (see page 23 of the *Introduction to the Position Classification Standards*). We have found that the appellant's creditable GS-6 level work occupies less than 25 percent of his work time. The appellant's position is properly graded at GS-5.

Decision

The appellant's position is properly classified as Firefighter GS-081-5.