

U.S. Office of Personnel Management
Office of Merit Systems Oversight and Effectiveness
Classification Appeal and FLSA Programs

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

Pay Category Appeal Decision
Under section 5103 of title 5, United States Code

Appellant: [Appellants]

Agency classification: Electronic Measurement
Equipment Mechanic
WG-2602-11

Organization: [Department of the Navy]

OPM decision: Federal Wage System

OPM decision number: C-2602-00-02

/s/ _____
Kathy Day
Classification Appeals Officer

April 7, 2000 _____
Date

As provided in section 511.612 of title 5, Code of Federal Regulations (CFR), this decision constitutes a certificate that is mandatory and binding on all administrative, certifying, payroll, disbursing, and accounting officials of the government. 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:

[Appellants' representative]

[Human Resources Director]

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Introduction

On December 28, 1999, the Atlanta Oversight Division of the U.S. Office of Personnel Management (OPM) received a pay category appeal from [appellants]. The appellants are assigned to a job in the [organizational location, Department of the Navy]. Their job was changed from General Schedule (GS) to Federal Wage System (FWS) as the result of a classification consistency review by their agency. A subsequent appeal decision issued by the Defense Civilian Personnel Management Service (CPMS) sustained the agency determination that changed their job from Electronics Technician, GS-856-9, to Electronic Measurement Equipment Mechanic, WG-2602-11. The appellants believe that their job should be placed in the GS. We have accepted and decided the appeal under section 5103 of title 5, United States Code (U.S.C.).

General issues

The appellants' job was moved from GS to FWS as the result of an OPM directed classification consistency review. In their appeal to the agency, the appellants contend that the agency misapplied OPM guidance related to determining the proper pay system for their position. They also contend that the calibration work they perform is secondary to regular and recurring duties involving providing technical engineering support to the phase noise measurement system. The appellants believe that these duties are more appropriate for inclusion in GS and classifiable as Electronics Technician, GS-856-9.

In reaching our decision, we carefully reviewed the information provided by the appellants, their supervisor, and the agency.

Job information

The appellants are assigned to job description number [#]. Although the appellants, the supervisor and the agency certified the accuracy of the job description, the supervisor stated during the interview that he did not believe the job description was accurate. We agree that the position description does not include the appellants' recurring responsibilities in the phase noise measurement program. However, based on the supplemental mission, organizational, and procedural information furnished during the appeals process, we determined the position description adequate for classification purposes.

The mission of the [Branch] is to provide complete mechanical and electrical/electronic calibration support to the Atlantic Ordnance Command and other fleet activities and organizations. The laboratory in which the appellants work is also responsible for the design, development and testing of a one-of-a-kind phase noise measurement system.

The appellants currently spend more than 25 percent of their time working in the phase noise measurement program and the remainder of their time performing routine calibration work on standard equipment. The supervisor stated that they are performing the routine calibration work only because the organization was downsized and there is no one else to do that work. He has,

however, received permission to contract out some of the calibration duties and has already begun doing so. The appellants will be devoting more of their time to their phase noise measurement responsibilities in the future.

The appellants' supervisor developed the technology for the phase noise measurement system. The primary standard measurement for the system is calibrated by the National Institute of Standards and Technology (NIST). The appellants' lab is directly below NIST and provides support to the Navy and Air Force. In the simplest terms, the lab provides engineering services for instruments to measure radar noise for missiles. This requires measuring extremely low noise levels that cannot be directly observed. For example, the base line noise of electronic energy is negative. The appellants are working with equipment that measures noise less than ten times that level. This is a field of measurement that is only ten years old, is very theoretical, and is continuously developing.

The supervisor stated that equipment is engineered locally and all technology related to the phase noise measurement system is developed in his lab. He provided the following list of tasks performed by the appellants in conjunction with the phase noise measurement program:

- Provide a unique NIST traceable calibration capability for Navy and Air Force.
- Perform noise measurements on instruments to establish a baseline for trending information.
- Perform analysis of coherent signal problems encountered on an individual or group of instruments. Determine underlying cause and possible fix.
- Perform component/subassembly failure analysis.
- Evaluate proposed/implemented instrumentation design changes.
- Develop and evaluate proposed calibration system changes in software and hardware.
- Evaluate design proposals and hardware implementation for advanced system concepts.
- Advise Foreign Military Sales on technical aspects of the phase noise program.

The appellants' routine calibration work is primarily procedurally oriented. It involves testing, evaluating, calibrating, and repairing electronic, electrical, and electro-mechanical measurement systems including calibration of lower level customer standards. Responsibilities include calibrating, repairing, certifying, maintaining, and modifying automated calibration systems, specialized fleet test equipment and test equipment used in the [Branch].

The supervisor oversees the laboratory and determines the overall objectives. The appellants work very independently. The supervisor relies on them to come up with ideas and experiment

with them in the phase noise measurement program. He also relies on the appellants to know the priorities established for the calibration work and to determine what they must do to meet their customers' needs.

Pay category determination

Both the Department of the Navy and CPMS determined that the appellants' position was properly placed in the FWS. We agree.

Section 5102 of 5 U.S.C. requires that a pay category determination be made as the first step in the position classification process. Section 5102(c)(7) exempts from the GS employees in recognized trades or crafts, or other skilled mechanical crafts, or unskilled, semiskilled, or skilled manual labor occupations, and other employees in positions having trade, craft, or laboring experience and knowledge as the paramount requirement. Paramount requirement means 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 most important requirement for the performance of a primary duty or responsibility for which the position exists.

If a position clearly requires trade, craft, or laboring experience and knowledge as a requirement for the performance of its primary duty, the position is under the FWS regardless of its organizational location or the nature of the activity in which it exists. A position is subject to the GS, even if it requires physical work, if its primary duty requires knowledge or experience of an administrative, clerical, scientific, artistic, or technical nature not related to trade, craft, or manual labor work.

Technician (GS) positions and FWS jobs sometimes involve overlapping activities. A skilled trades person should possess many of the same knowledges, skills, and abilities as a technician. Occasionally, the technical aspects of a trades job may impact the level of difficulty, responsibility, and qualifications required for the work, but these technical features do not automatically place the job in the GS. The difference between the technician and the trades person is not so much in the types of skills, knowledges, and abilities possessed but in the degree to which they are possessed and the manner in which they are used. The technician uses electronic theory, mathematical knowledge, etc., as the basis for 'new thought' to solve engineering problems in conventional areas of endeavor, e.g., design and construction of amplifier circuits, pulse forming networks, etc. The mechanic, on the other hand, uses a similar background of electronic theory, mathematics, and experience as the basis for 'second thought,' i.e., to follow and understand the design concepts of others, to understand the purpose and operation of parts and circuits, to follow signal flow through assemblies and components and recognize proper wave forms and signal values in order to tune equipment for optimum performance and to locate and correct malfunctions. This distinction may become blurred somewhat by innovative trades persons who are able to develop shortcut procedures or recommend design and method changes to remedy a deficiency. It is important to remember,

however, that the random performance of such work should not be construed as reflecting the paramount requirement of a position's existence.

Performing testing work is an inherent part of a trades function such as repair, maintenance, installation, and fabrication. Such trades work includes making measurements to diagnose malfunctions, to align and calibrate equipment, and to assure that equipment operates within prescribed standards and tolerances. Positions in which the performance of such testing work is the paramount requirement are trades positions. Testing work is GS technician work when it is part of engineering functions. In these cases, technicians are not only doing the testing but evaluating the data and forming engineering conclusions as to the acceptability of equipment modifications, validity of testing procedures and data, or legality of operations. While installation, maintenance, repair and testing are mentioned in GS position classification standards, e.g., Engineering Technician, GS-802, and Electronics Technician, GS-856, it is the design, development, planning, and acquisition work that is considered paramount and controls the GS pay category.

The appellants' primary and paramount duties flow from the mission and function of their organization. Those duties involve providing calibration (both in the routine production-oriented environment and the phase noise measurement program) and repair services for test and measurement equipment owners and customers. This work requires trades knowledge of calibration, and knowledge of electrical, electronic, and electro-mechanical principles and theory to calibrate equipment to conform to technical and scientific requirements, to make sure equipment operates within prescribed tolerances and standards, and to identify and repair malfunctions. Although the phase noise measurement program allows the appellants to be innovative in their work with evolving, state-of-the-art measurement equipment, their primary responsibilities to their supervisor's research and development effort are to calibrate equipment to conform to technical and scientific requirements, to analyze and evaluate its accuracy, and to identify and repair/resolve problems and malfunctions. They contribute to the decision-making process; however, they are not responsible for forming the engineering-related conclusions. Their findings, suggestions, and efforts contribute to design changes which may improve procedures and equipment performance. This is comparable to higher level trades work.

Decision

The appellants' job is properly covered by the FWS.