

U.S. Office of Personnel Management  
Division for Human Capital Leadership & Merit System Accountability  
Classification Appeals Program

San Francisco Field Services Group  
120 Howard Street, Room 760  
San Francisco, CA 94105-0001

**Classification Appeal Decision**  
**Under section 5112 of title 5, United States Code**

**Appellant:** [Name of appellant]

**Agency classification:** Fire Protection Specialist  
GS-081-9

**Organization:** [Appellant's organization/location]  
Department of the Navy

**OPM decision:** Fire Protection Specialist  
GS-081-9

**OPM decision number:** C-0081-09-01

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Marta Brito Pérez  
Associate Director  
Human Capital Leadership  
and Merit System Accountability

March 3, 2005

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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).

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## **Introduction**

On November 10, 2004, the San Francisco Field Services Group of the U.S. Office of Personnel Management (OPM) accepted a classification appeal from [name of appellant]. On December 3, 2004, we received the agency's complete administrative report. The appellant's position is classified as Fire Protection Specialist, GS-081-9, but he believes it should be graded at the GS-10 level by application of the assistant chief criteria. He works in the [appellant's organization/location] Department of the Navy. We have accepted and decided his appeal under section 5112 of title 5, United States Code (U.S.C.)

This decision is based on a careful review of all information furnished by the appellant and his agency. In addition, to help decide the appeal we conducted separate telephone interviews with the appellant, his supervisor, the Assistant Fire Chief (Operations), [appellant's organization], and the Assistant Chief of Training, [appellant's organization].

## **General issues**

The appellant compares his current duties and responsibilities to other higher-graded fire protection and prevention positions within the agency, and makes various statements about the classification review process conducted by his agency. In adjudicating this appeal, our only concern is to make an independent decision on the proper classification of the appellant's position. 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, and have considered his statements only insofar as they are relevant to making that comparison. Because our decision sets aside any previous agency decision, the classification practices used by the appellant's agency in classifying his position are not germane to the classification appeal process.

Like OPM, the appellant's agency must classify positions based on comparison to OPM standards and guidelines. However, the agency also has primary responsibility for ensuring that its positions are classified consistently with OPM appeal decisions. If the appellant considers his position so similar to others that they all warrant the same classification, he may pursue the matter by writing to his agency's human resources headquarters. In doing so, he should specify the precise organizational location, classification, duties, and responsibilities of the positions in question. If the positions are found to be basically the same as his, the agency must correct their classification to be consistent with this appeal decision. Otherwise, the agency should explain to him the differences between his position and the others.

The appellant also mentions his personal qualifications, including acquisition of various Department of Defense (DoD) fire fighter certificates. Personal qualifications are considered in classifying positions to the extent they are required to perform current duties and responsibilities of an employee's position. Therefore, we have considered the appellant's personal qualifications 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 (PD).

### **Position information**

Both the appellant and his supervisor have certified to the accuracy of the appellant's official PD, [number]. The appellant's PD indicates that the function of his position is to serve as Training Officer for the [appellant's organization] fire department. He is responsible for developing, implementing, and maintaining its training programs for all phases of fire protection and prevention. The PD describes his major duties as developing, writing, and updating training; and instructing [appellant's organization] personnel in all phases of fire protection and prevention techniques. Collateral duties include serving as the [appellant's organization] Fire Department Safety Officer, and responding to emergency incidents or assuming operational responsibility for firefighting and fireproofing teams in the absence of a [appellant's organization] Battalion Chief.

The appellant's PD, other material of record, and information from our interviews provide more information about the appellant's duties and responsibilities and how they are performed.

### **Series and title determination**

The agency has classified the appellant's position in the Fire Protection and Prevention Series, GS-0081, titling it Fire Protection Specialist, and neither the agency nor the appellant disagrees. We concur with the agency's selection of series and title. Like positions in the GS-0081 series, the appellant's work requires knowledge of firefighting and fire prevention theory and techniques, and skill in planning, training, directing, or carrying out fire protection and prevention programs and operations.

### **Standard and guide determination**

The primary issue of the appellant's appeal relates to whether his position's program management responsibilities warrant evaluation under assistant chief grade level criteria. The appellant asserts that his position, responsible for the [appellant's organization] training program, fits the third typical example of assistant chief duties described in Part I (Section I) of the GS-0081 standard. The example describes a position "in charge of overall fire program management for inspections, training, hazardous material handling or other programs."

The GS-0081 standard does not define the concept of "program management" responsibility as it applies to assistant chief positions. However, OPM classification guidance indicates that an assistant chief exercises primary responsibility for planning, developing, implementing, reviewing and evaluating a program. Typical program management responsibility includes such duties as planning and scheduling work to meet program goals and general objectives established by a higher organizational echelon; developing recommendations to higher level management on the level and mix of resources (staff, money, space, and equipment) needed; coordinating program activities with staff offices and with line managers to achieve mutual objectives; systematically evaluating program activities and functions to measure the effectiveness of program efforts; modifying program methods and approaches; and assessing the applicability of

program objectives and recommending changes. An additional indicator of program management responsibility is the need to assign, direct and review the work of other employees, including collaterally assigned employees who assist in carrying out program activities. A position delegated *both* technical and program management responsibility is appropriately classified by application of the assistant chief criteria noted in Part I (Section III) of the GS-0081 standard, i.e., graded two grades below that of the fire chief.

The appellant states that he performs most of these program management activities and spends most of his time planning, scheduling, implementing, and reviewing fire training program activities for [appellant's organization]. However, the record shows that the [appellant's organization] Training Officer (TO) (Assistant Chief of Training) in the [name of city] regional office, and not the appellant, performs these activities to the extent contemplated by the GS-0081 standard and OPM interpretive guidance. The agency has regionalized management of various administrative or support functions, including its Federal fire departments. In this context, the [appellant's organization] TO is responsible for the training and safety of 500 firefighters region-wide, establishes training policies and procedures for the appellant and TOs at nine Federal fire departments within the region in order to meet higher level program goals and objectives, and spends all of his time managing the training program. He collects documentation from the TOs, conducts research, and writes justifications for higher level management approval for additional training program resources, e.g., staff, space, equipment. In addition to frequent contact for program coordination with assistant chiefs, line managers, and other firefighter personnel in the fire departments to ensure mutual training program objectives and requirements are met, he works daily with a variety of co-located, full-time administrative staff including budget, contracting, and human resources to perform training program management activities such as writing, arranging, and overseeing training contracts; securing course funding; and approving/arranging travel for training purposes. The [appellant's organization] TO reviews training documentation on an ongoing basis to ensure compliance with a variety of legal requirements associated with the full range of fire prevention and protection and safety training available to Federal fire departments. Through systematic evaluation on the effectiveness of region-wide training program functions, he identifies program deficiencies and directs fire department TOs to deal with them at the local level in an attempt to standardize the program across the region. The [appellant's organization] TO provides staff level direction to all TOs in the region. He is delegated full technical and program management responsibility from the [appellant's organization] fire chief for training region-wide, and is considered the technical authority for fire protection and prevention training for all regional installations, including [appellant's organization].

The appellant's programmatic role, in contrast, is to implement training at [appellant's organization] in support of the region-wide training program. While this role occupies a substantial portion of his time, he also spends time developing or delivering training, and performs certain collateral duties, i.e., serving as safety officer or filling in for a battalion chief. The appellant schedules training courses, but not fire prevention courses, and only within parameters set by the [appellant's organization] to ensure overall program goals are met. He has made limited requests through his supervisor for delivering training or for special equipment, e.g., a mannequin for Automatic External Defibrillation training, but these requests are [appellant's organization]-specific and do not require any significant research, writing, or

presentation. He does not coordinate with any staff offices—the [appellant’s organization] does this, as discussed above, on behalf of all TOs. He has a limited need to coordinate scheduling and instructor assignments because many department employees can teach most of the classes. The appellant reviews test results to identify areas in need of improvement, but does not evaluate training from the perspective of how well it meets program objectives. He develops local standard operating procedures and guidelines to augment those from [appellant’s organization] and DoD; however, they apply only to training delivered at [appellant’s organization]. Finally, the appellant is not expected to assess the applicability of training program objectives or recommend change. To the extent national and DoD training standards allow it, the [appellant’s organization] TO performs this function.

The appellant cites responsibility for assigning, reviewing, monitoring, and evaluating the performance of about 20 instructors who conduct training on two shifts as an additional indicator of program management responsibility. However, no employees are assigned as instructors full-time; on average, even the most prolific instructors spend less than three percent of their time performing instruction as a collateral duty. In addition, the appellant is not required to actively manage their performance. Other than answering questions as they arise, he does not provide any instruction to his trainers on how to deliver training. Although he reviews feedback received from the instructors themselves, he spot checks but does not regularly monitor their instruction or otherwise determine the accuracy and completeness of the training delivered. There is no need to negotiate for employee time. If an employee the appellant assigns on a shift to deliver training is sick or otherwise unavailable, his battalion chief will simply assign a replacement. Other than knowing when employees are initially scheduled to work, the appellant need not consider the relative priority of employees’ other work when scheduling training assignments.

As previously discussed, we have found that the [appellant’s organization] TO exercises full program management responsibility for the regional training program. Therefore, we find that the grade of the appellant’s position may not be determined using the assistant chief methodology addressed in the GS-0081 standard.

The GS-0081 standard describes two types of Fire Protection Specialist positions: Type A and Type B. Type A positions have responsibility for developing plans, procedures, and standards for implementation at a number of operating fire departments in an organizational or geographic area. In contrast, like the appellant’s position, Type B positions exist within an operating fire department with full time staff responsibility for one phase of the total fire protection and prevention program. Much like the example provided in the standard, the appellant’s position has responsibility for one phase of the total fire protection and prevention program for a fire department with no resident fire chief. The appellant’s position is responsible for the training program at [appellant’s organization], which is headed by an Assistant Fire Chief (Operations), the appellant’s supervisor.

According to the GS-0081 standard, Type B fire protection specialist positions are best evaluated by application of the grade level criteria in the classification standards for related occupations. As indicated in the example in the standard, we find that the appellant’s training position is best evaluated by reference to the Grade Level Guide for Instructional Work (GLGIW), which

provides criteria for determining the grade level of non-supervisory instructor and instructional specialist work.

### **Grade determination**

The grade level criteria in the GLGIW are divided into two parts:

*Part I* covers instructor work involving the following activities:

- preparing daily work plans based on general course outlines and established learning objectives. Plans cover instructional methods and techniques, training materials and aids, time schedules, etc.
- training in traditional classroom situations or in self-paced learning programs where the instructor guides students in the use of special learning techniques.
- evaluating the progress of students and advising and assisting them to improve their performance.

*Part II* covers instructional specialist work such as:

- ascertaining needs for training and education, usually through surveys or job analysis.
- determining the objectives and scope of the courses, the subjects to be covered, and the criteria for evaluation.
- developing, revising, or adapting courses and instructional materials and guides.
- evaluating education and training programs and recommending needed changes and improvements.

Although the appellant spends a limited amount of his time (no more than 20 percent) performing instructor work similar to that described by Part I of the standard, the primary purpose of his position is to ensure [appellant's organization] fire department employees receive the training necessary to meet DoD certification requirements and to perform effectively on the job. Accordingly, he spends most of his time performing instructional specialist work typical of that covered by Part II of the standard, such as ascertaining training needs and developing, revising, or adapting courses and instructional materials and guides for use by instructors in the fire protection and prevention training program. For example, although various regulations and instructions limit the appellant's role in determining course objectives and scope, he tracks fire protection certification requirements and training already received by fire department employees to determine how to schedule training classes; adapts standardized fire and safety courses for application at [appellant's organization]; and reviews information from incidents, drills, and training exercises to expand and stress areas of emphasis and suggest improvements. Thus, we find the appellant's position is best evaluated by application of the grade level criteria in Part II of the GLGIW.



Part II discusses distinctions between grade levels of work based upon two factors: *Nature of assignment* and *Level of responsibility*.

### *Nature of assignment*

This factor encompasses such aspects as the knowledge, skill, and ability required to perform the work, and the complexity and difficulty of the duties and responsibilities assigned.

At the GS-9 level, employees independently carry out studies or analyses in a subject-matter or functional specialty area (e.g., educational/training media, tests and measurements, publications review, course development) that are typically short and self-contained or constitute portions of larger projects. Assignments are characterized by the conventional or established nature of the educational/training product and the requirement for some adaptation of existing materials or methods. Employees gather relevant information, analyze pertinent data, develop findings, and make recommendations that are largely modeled on precedents. When precedents are lacking, work at this level requires additional supervision and guidance. One example of work at this level is developing material for portions of a new course which conform to existing guidelines and precedents, or evaluating and revising a course that requires only minor modifications, such as routine periodic updating.

At the GS-11 level, employees produce complete, self-contained, training products (courses, aids, methods, training plans, etc.) along subject matter or functional specialty area lines. Assignments are characterized by changing or new circumstances that affect specific situations and require adjustments in methods or approaches different from those in existing guidelines. Work involves extensive planning and organization, analyses of accumulated data and information, and considerable coordination and integration of the work with other functional activities.

The appellant's assignments meet the GS-9 level in that he independently adapts established, conventional training materials and methods for fire protection courses extending in length up to three days. Standardized multimedia presentation materials are mostly developed and updated by the Air Force Civil Engineering Support Agency, Navy Education and Training Command, or Navy Safety Center, but the appellant develops or revises lesson plans and introduces additional information through emails, bulletins, handouts, charts, diagrams, and props for instructors to account for the most recent developments in fire protection methods and meet local needs and requirements while maintaining conformance with DoD instructions, Navy regulation, [appellant's organization] policy, and National Fire Protection Association standards. The appellant researches ideas and suggestions; analyzes information from incidents, drills, and training exercises; and reviews information from various publications throughout the government and private industry, e.g., regulations, handbooks, and textbooks. The appellant's work is comparable to the example cited above in that he evaluates for implementation and minor revision courses not yet offered at [appellant's organization]. For example, he is evaluating a course on confined space rescue offered on site once by the Alabama Fire College and adapting and augmenting its course materials for periodic delivery by [appellant's organization] instructors.

The GS-11 level is not met in that the appellant adapts but does not develop complete training products. Fire protection training courses, aids, methods, and plans are fundamentally developed, maintained, and implemented by other organizations or agencies. The appellant's responsibility to adapt existing courses is characterized by relatively predictable circumstances covered by existing guidelines. Training methods are well established, and the work does not require the extent of planning and organization of work found at the GS-11 . The appellant generally does not need to plan or coordinate his course adaptation work with anyone except to obtain approval for completed work from his supervisor. Also, while he analyzes data from several sources to inform his work, it is limited in volume and complexity, and does not require the extensive planning or effort to collect or review found at the GS-11 level.

### *Level of responsibility*

This factor includes such things as independence (e.g., the degree to which work and decisions are supervised or reviewed); the extent to which guidelines for the work are available or must be developed; and the kinds of contacts required to perform the work.

At the GS-9 level, project assignments typically begin with a briefing on the project background, objectives, relationship of the assignment to other aspects of the project, and general nature of the results expected. Although work is carried out independently, the supervisor gives advice on anticipated problems and is consulted by the specialist when unexpected problems arise. Completed work is thoroughly reviewed to see that it is technically sound and meets project objectives. Employees are expected to devise ways to accomplish their work within established guidelines, making minor adjustments in methods or modifications of materials as necessary. Using contacts that have usually been previously established, employees maintain liaison with and obtain information from instructors and instructional specialists within the organization and in other training organizations or activities.

At the GS-11 level, the employee independently performs work that requires original development and revision of materials or methods. Completed work is usually reviewed for technical adequacy and for educational or training soundness of treatment. Employees at this level frequently establish new contacts within and outside the agency to obtain needed information, often seeking it from primary sources (e.g., direct contacts and interviews with producers or manufacturers).

The level of responsibility exercised by the appellant meets and in some aspects exceeds that described for the GS-9 level. Like the GS-9 level, he independently collects information and determines how it should be used and presented to augment course content provided and updated by other authorities. His supervisor is kept informed of proposed additions, approves them, and offers suggestions as needed, without the need to give advice on anticipated problems. His supervisor expects the appellant to adapt, within the limited scope allowable, courses to meet local needs. He primarily meets with previously established contacts to gather additional information, including local instructors, Battalion Chiefs, and those in other training activities, e.g., Assistant Chief of Training at [appellant's organization].

The appellant's level of responsibility does not fully meet the GS-11 criteria. Although he independently develops materials and methods, and his work is reviewed only for conformance with established policy, careful reading of the standard and other OPM guidelines indicates that for a position's level of responsibility to truly meet GS-11 criteria, GS-11 level responsibilities should be exercised within the context of GS-11 assignments. As discussed under the first classification factor, the appellant's assignments are best graded at the GS-9 level.

### *Summary*

By application of the GLGIW, both the appellant's nature of assignments and level of responsibility meet the GS-9 level. Therefore, his instructional work is graded at that level.

### **Decision**

The appellant's position is properly classified as Fire Protection Specialist, GS-081-9.