

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

Philadelphia Field Services Group
600 Arch Street, room 3400
Philadelphia, PA 19106-1596

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

Appellant: [appellant]

Agency classification: Fire Protection Specialist
GS-081-9

Organization: [organization]
Fire Protection Division
[location] Naval Shipyard
Department of the Navy
[location]

OPM decision: Fire Protection Specialist
GS-081-9

OPM decision number: C-0081-09-02

Robert D. Hendler
Classification and Pay Claims
Program Manager

November 30, 2005

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).

Decision sent to:

[appellant's address]

[name]

[organization]

[address]

[location]

[name]

[address]

[organization]

[location]

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Introduction

On April 7, 2005, the Philadelphia Field Services Group of the U.S. Office of Personnel Management (OPM) accepted a classification appeal from [appellant]. We received the agency's complete administrative report on May 2, 2005. The appellant's position is currently classified as Fire Protection Specialist, GS-081-9, and is located in the [organization], Fire Protection Division, [organization], Department of the Navy, [location]. The appellant requests that his position be reclassified as Fire Protection Specialist, GS-081-11. 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 and his supervisor, the Fire Chief at [organization].

General issues

The appellant's position is commonly referred to as Assistant Fire Chief of Training within his organization. The primary reason for the appellant's appeal is his belief that his assigned training duties and responsibilities at the [organization] warrant classification at the GS-11 grade level when evaluated using the grade level criteria provided for assistant chief positions in Part I of the GS-081, position classification standard (PCS) for Fire Protection and Prevention Series issued in March 2004. He further states that his position has not been upgraded because his agency failed to implement the new standard in a timely manner, and has not yet evaluated his position using the new classification criteria.

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). Because our decision sets aside all previous agency decisions, the appellants' concerns regarding his agency's classification review process are not germane to this decision.

Unofficial titles are commonly used within organizations to refer to positions performing certain types of work or exercising particular delegated authorities. They have no bearing on decisions concerning the official classification title of the position.

Position information

Both the appellant and his supervisor have certified that his official position description (PD number [number] accurately describes his assigned duties and responsibilities. The purpose of the appellant's position is to implement fire protection and emergency services training programs at the [organization]. He plans, coordinates and/or personally provides training to firefighters in all aspects of structural and shipboard firefighting, rescue operations, operation of fire fighting apparatus, hazardous materials control and containment, emergency response, dewatering of waterborne crafts, fire inspection techniques, radiological controls, and weapons of mass destruction and assessing student's skills. The appellant establishes work plans in conformance

with U.S. Naval Publications, pertinent guidelines of the National Fire Protection Association, International Fire Service Training Association, and other Department of Defense sources and guidelines. He coordinates and/or personally provides public fire safety and emergency services education to military members and employees in other departments. He also maintains training records and files, develops the training budget, and serves as the fire department designated safety officer.

In deciding this appeal we have carefully considered all information of record furnished by both the appellant and the agency including that obtained during the position audit and interview with the appellant's supervisor. The appellant's PD of records contains the major duties and responsibilities assigned by management and performed by the appellant, and we incorporate it by reference into our decision.

Series and title determination

The agency classified the appellant's position to the Fire Protection and Prevention Series, GS-081 and assigned the official position title of Fire Protection Specialist. The appellant does not disagree, but believes that his position should be classified as an Assistant Chief for grade level purposes. The appellant's work requires knowledge of firefighting, fire prevention theory and techniques as well as skill in planning, coordinating and providing training related to fire protection/prevention programs and operations and, therefore, is properly placed in the GS-081 series.

The GS-081 PCS explains that assistant chief positions are established within organizations in a number of ways depending on local requirements. One of the three provided examples of typical assistant chief work describes an assistant chief in charge of overall fire program management for inspections, training, hazardous material handling or other programs.

The concept of "program management" responsibility, as it applies to assistant chief positions, is not specifically defined by the GS-081 PCS. 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 concerning the level and mix of resources (staff, money, space, and equipment) needed; coordinating program activities with staff offices and 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 and need not have full supervisory responsibility.

Similarly, the GS-081 PCS does not define "program." A program presupposes work of sufficient magnitude such that the person responsible for it must manage it with the help of

various other employees, as opposed to personally performing it. On a regular and recurring basis, a program requires employees other than, or in addition to, the assistant chief to carry it out. This is why the need to assign, direct, and review the work of other employees is an important indicator of program management responsibility. An assistant chief personally provides, or provides for training in formal techniques; reviews others' work to ensure correct and consistent application of criteria; negotiates for the employees' time to adequately accomplish program work; and schedules the work, keeping in mind the employee's other primary duty commitments. Supervisory responsibility could be a strengthening factor, but this is neither necessary nor sufficient (absent the above program requirements) to credit program responsibility.

In contrast to the program and program management responsibilities described above, the appellant plans, organizes and provides fire protection and emergency services training at the [organization] in accordance with established training program requirements, goals and objectives. The work involves scheduling training courses, instructing certification and recertification classes, assessing students' proficiency, providing fire safety and first aid training to outside area fire departments and tenant activities, ordering supplies and materials, coordinating outside training with local hospitals (i.e. pediatric emergencies and Emergency Medical Technician training), and preparing the proposed training budget for the Fire Chief's approval. The appellant does not assign, direct or review the work of other employees, nor is he responsible for evaluating overall training program effectiveness in meeting established goals and objectives.

The record shows that the Fire Chief exercises full program management responsibility over the training program at the [organization], and that he has not re delegated program management responsibility to any subordinate employee. We find that the appellant's assigned duties and responsibilities do not meet the requirements for grade evaluation using assistant chief grading criteria provided within the GS-081 PCS.

The GS-081 PCS states that Fire Protection Specialists vary widely in the duties and responsibilities assigned. The PCS 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. Type B positions exist within an operating fire department and have full time staff responsibility for one phase of the total fire protection and prevention program. The example provided for Type B positions describes "an individual working full time in developing and implementing training programs for all personnel of the fire department, where there is no resident fire chief." The appellant's duties and responsibility for developing and implementing the fire and emergency services training program at the [organization] closely match this example, although he does report to a resident fire chief.

The GS-081 PCS directs that Type B fire protection specialist positions are to be evaluated by application of the grade level criteria in the classification standards for related occupations. We find that the appellant's assigned duties and responsibilities are best evaluated by reference to the Grade Level Guide for Instructional Work (GLGIW), which provides criteria for determining the grade level of nonsupervisory instructor and instructional specialist work.

Grade determination

The grade level criteria in the GLGIW is 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.

The appellant spends 50 percent of his time presenting training, 20 percent planning, scheduling and assessing training, 20 percent performing safety officer duties, and 10 percent performing administrative work. We find the appellant's work is properly evaluated by application of the grade level criteria provided in Part I of the GLGIW.

Part I 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 grade level, the courses cover a wide variety of topics in well-established areas of a subject-matter field. They include courses taught by a technical service school in the fundamentals and skills of a technical occupation; courses taught at the secondary through basic

undergraduate levels; or all subjects taught at an elementary school level. They require thorough familiarity with the assigned subject-matter area and use of a wide range of teaching methods or tools depending on the students' learning requirements. They are usually well structured and have ample training materials. These courses generally involve instructional problems that require organization, illustration, and interpretation of course material in order to reach and motivate students who may pose typical problems of communication and motivation, e.g., diverse ages, backgrounds, and levels of interest in the course. GS-9 instructors need to give concrete expression to the abstract principles and concepts taught at this level. They make recommendations for changes that involve substantive rather than procedural matters. Obtaining and adapting current instructional material is typical of this level.

At the GS-11 grade level, the courses cover advanced technical systems or subject-matter areas comparable to the upper-division undergraduate level. These courses are not in standardized or pre-structured form, and they typically have source material problems (e.g., source materials may be excessively numerous, may be difficult to locate, or may be difficult to adapt). GS-11 instructors are responsible for overall maintenance of their assigned courses and determine the need for and initiate changes or updates in course content. Subject-matter problems result from technological changes or new developments in the field and require frequent updating of knowledge and course content by the instructors. The student problems relate to students with complicated, specialized, or persistent learning difficulties requiring the instructors to modify courses to meet their needs. They are substantively involved in the development or modification of the courses that are taught and frequently demonstrate techniques to trainee instructors and evaluate the performance of lower level instructors.

The appellant's work is characteristic of the GS-9 grade level. The courses taught by the appellant are equivalent to those taught by a technical school. The appellant is primarily responsible for conducting technical fire and emergency services certification and recertification training in accordance with the Department of Defense Fire and Emergency Services Program. The Air Force Civil Engineer Support Agency is responsible for administering this program which provides standard, uniform training and certification procedures for all Department of Defense fire and emergency services personnel. Training courses, aids, methods and plans are provided and the appellant may adapt and modify these instructions to meet local needs.

The GS-11 grade level is not met in that courses taught by the appellant are not comparable to the upper-division undergraduate level and the appellant is not required to update course material or develop complete training products. The appellant's work does not require him to deal with the other program complications and conditions typical of the GS-11 grade level, e.g., student learning problems. This factor is properly evaluated at the GS-9 grade 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 grade level, the instructors independently plan and carry out their training sessions within the prescribed course framework. They resolve normal classroom problems and make outside contacts for supplemental information and materials. On unusual matters or questions or program objectives and policy, they obtain guidance before taking action. Recommendations for course modification receive review for consistency with overall course material, for technical accuracy, and for educational adequacy. At this level, the courses of instructors are audited and evaluated periodically by higher level instructors.

At the GS-11 grade level, the instructors may receive course assignments with the source objectives, topics to be covered and general content in a prescribed form, but they typically participate in original course content development and in its subsequent modification. Within the framework of approved course objectives and topics to be covered, instructors at the GS-11 grade level use such methods as they believe will be most effective. They determine the need for additional subject-matter information and may meet with representatives of outside organizations in order to obtain it. They develop or adapt new or revised training or testing materials for normal course use. The material may be reviewed by the instructor's supervisor for technical accuracy, consistency with course objectives, educational effectiveness, and program policy.

The appellant's level of responsibility matches the GS-9 grade level. The appellant works independently, performing the full range of training, instruction and facility coordination. The appellant performs his duties without detailed or specific guidance from his supervisor. The Assistant Chief (Operations) and the Fire Chief are available to assist the appellant if there are conflicts which are generally related to administrative processes. The appellant is expected to handle the technical aspects of fire instruction in accordance with established methods, procedures and regulatory guidelines. The work is reviewed in terms of the quality of training provided.

The GS-11 grade level is not met in that the appellant does not participate in original course content development and its subsequent modification. These functions are performed at higher levels in the agency. The appellant is limited to making only minor suggestions for changes to the course material. Since the course material is standard and requires minimal modification, the appellant's position cannot be credited at the GS-11 grade level. This factor is evaluated at the GS-9 grade level.

Summary

Based on application of GLGIW grading criteria, the appellant's work is properly evaluated at the GS-9 grade level for both *Nature of Assignment* and *Level of Responsibility*.

Decision

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