

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

Dallas Field Services Group
Plaza of the Americas, North Tower
700 North Pearl Street, Suite 525
Dallas, TX 75201

Job Grading Appeal Decision
Under section 5346 of title 5, United States Code

Appellant: [appellant]

Agency classification: Tractor Operator
WG-5705-6

Organization: Roads and Grounds
Facilities Management
[name] VA Health Care
System
Department of Veterans Affairs
[location]

OPM decision: Tractor Operator
WG-5705-6

OPM decision number: C-5705-06-02

Robert D. Hendler
Classification and Pay Claims
Program Manager

September 12, 2005

Date

As provided in section S7-8 of the *Operating Manual: Federal Wage System*, 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 section 532.705(f) of title 5, Code of Federal Regulations (address provided in the *Introduction to the Position Classification Standards*, appendix 4, section H).

Decision sent to:

[appellant's name and address]

Human Resources Manager
[name] VA Health Care System
Department of Veterans Affairs
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Introduction

On May 18, 2005, the Dallas Field Services Group of the U.S. Office of Personnel Management (OPM) accepted a job grading appeal from [appellant]. His job is currently graded as a Tractor Operator, WG-5705-6, and is assigned to Roads and Grounds, Facilities Management, of the [name] Veterans Affairs (VA) Health Care System, U.S. Department of Veterans Affairs, in [location]. The appellant believes that his job should be graded as a work leader (WL). We received the agency's administrative report on June 10, 2005. We accepted and decided this appeal under title 5, United States Code (U.S.C.), section 5103.

Background

The appellant requested a desk audit from his local human resources (HR) office to address what he considers to be his WL duties. The local HR office determined that his work met the criteria for coverage under the Federal Wage System Job Grading Standard (JGS) for Leader WL/NL and that, based on grade 3 work in the 3502 occupation as the highest level of work led, would result in grading at the WL-3 level. They determined that his non-leader work met the grade 6 level in the 5705 Tractor Operator occupation which resulted in a higher rate of pay and was the most advantageous to the appellant. He appealed to the agency headquarters which, in its March 9, 2005, decision determined that the appellant's job did not meet the requirements for coverage by the JGS for Leader. The agency sustained the grading of Tractor Operator, WG-5705-6. In his appeal to OPM, the appellant stated that he performs the duties of a WL for two or more days per week, that he leads work that exceeds the grade 3 level, and believes he that should be given credit for that WL work.

Job information

The Facilities Management organization consists of engineering, safety and occupational health, biomedical and communications, and environmental components. Its mission is to "build it, fix it, and keep it aesthetically pleasing, clean, safe, and secure." The environmental component includes Housekeeping and Roads and Grounds employees. The roads and grounds staff is headed by a Roads and Grounds Maintenance Supervisor, WS-4756, with a staff of three permanent jobs: a Sign Painter, WG-4104-9; a Gardener (Motor Vehicle Operator), WG-5003-5; and the appellant's job. A second Tractor Operator job at the grade 5 level is currently vacant and scheduled to be abolished. There are 4 temporary WG-3502-3 Laborer jobs and 1 temporary WG-3502-1, job. There are also 6 Compensable Work Therapy patients from the VA's substance abuse programs assigned to Roads and Grounds for a period of training.

The appellant is assigned to perform a variety of exterior maintenance on the grounds of the 114 acres of the medical facility. He operates a variety of equipment such as tractors, mowers, a Bobcat, a Ditch Witch, a street sweeper, a backhoe, and fork lifts. He is required to select the appropriate gears, power settings, and speeds on the equipment operated and be familiar with the lifting capacity, weight, balance, braking and turning capabilities. The appellant also performs operator maintenance on the equipment. He uses axes, chain saws, trimmers, weed eaters, and other equipment to cut trees and perform other gardening activities. He assists plumbers and

other trades and crafts staff in such things as digging trenches for pipes, mixing concrete or plaster, transporting materials, etc.

The appellant did not question the duties as described in his job description (JD)[number]. The supervisor certified the accuracy with one exception, i.e., the facility no longer has an incinerator on station and duty number 8 that describes cleaning of the incinerator should be removed, and the agency should revise the JD accordingly. In reaching our decision, we have carefully reviewed all the information furnished by the appellant and his agency, including his official JD. We find it contains the major duties and responsibilities assigned to and performed by the appellant and we hereby incorporate it by reference into this decision.

Occupation determination

The agency determined the job is a mix of tractor operating and laboring work and assigned the job to the 5705 Tractor Operator occupation. This occupation involves work in operating wheel-mounted tractors and towed or attached equipment, typically involving transporting materials and equipment, digging, loading, planting, spraying, fertilizing, clearing or mowing. The appellant does not question the occupational series of his position. We agree with the agency's determination.

Title and standard determination

The JGS for Leader is used to grade the jobs of leaders who as a regular and recurring part of their jobs, and on a substantially full time and continuing basis, lead three or more workers to (a) accomplish trades and labor work or (b) train them in the nonsupervisory work of a trades and laboring occupation.

The JGS describes typical duties of a WL as passing along instructions received from the supervisor and getting work started; working along with other workers and setting the pace; demonstrating proper work methods; seeing to it that plans, blueprints, materials, and tools are available; obtaining information of decisions from supervisors on problems; answering questions of workers on procedures, instructions, etc.; seeing to it that there is enough work to keep everyone busy; checking work to see if instructions, etc. have been met; advising others to follow instructions and meet deadlines; assuring that safety and housekeeping rules are followed; reporting to supervisors on status and progress of work; and answering supervisors' questions on work operations and problems.

The appellant believes his agency has not given him credit for the WL duties he performs with the workers sent from the Adult Probation Program. Duty 11 of the appellant's JD states that he works under the guidance of the Roads and Grounds Maintenance Supervisor "in monitoring and providing the necessary supplies and equipment to personnel assigned under the Intense Community Service Programs (also known as Intensive Probation Service)." These individuals (referred to as probation department workers) are assigned by the court system to serve their hours of community service at the VA medical facility. These workers may be assigned on Thursday through Sunday. There is no predetermined schedule for these workers and the number and identity of the workers is not known until their arrival.

The appellant indicated that assignments on Fridays were recently suspended. He works a Tuesday through Saturday tour of duty while his supervisor works Sunday through Thursday. On Thursday and Saturdays, the appellant assures that the probation department workers are signed in upon arrival, lunch tickets are written, and their departure times are noted. The supervisor usually prepares a list of tasks to be completed and the appellant, depending on the number of workers that report, will divide them into groups, explain their tasks, and provide the tools/supplies needed to complete the work. The appellant indicated that one of the VA's temporary laborers assists him in this work. If he has a serious problem or accident involving any of the workers, he is expected to notify his supervisor and the probation department's surveillance officer. The record shows that these workers generally arrive between 7:00 and 8:00 a.m. and work until approximately 1:00 p.m. The number of workers reporting varies widely, e.g., from a single worker to a high of 21, with the larger numbers occurring on the weekends. Based on sign-in sheets and reports to the supervisor of 51 different work days over a 12-month period, the average number of workers per day was 7.

The appellant performs many of the leader duties described in the JGS for Leader for the probation department workers. However, the JGS requires that these duties must be a regular and recurring part of the job **and** be performed on a substantially full time and continuing basis. The JGS indicates that sometimes working and training leader duties are assigned in a manner that does not meet the requirements for coverage under this JGS. Examples of such duties are those: performed in the absence of the regular leader; assisting working or training leaders to meet emergency workloads, on a rotating basis with other employees, or for training purposes to gain qualifying experience. These duties do not meet the requirement of being a regular and recurring part of the job that are performed on a substantially full time and continuing basis.

In other situations, employees have leader-type responsibility on a regular but periodic or intermittent basis, e.g., for one day in every five day work week or for one week in every month. Although such employees have leader responsibility as a regular and recurring part of their job, the leader responsibility is not exercised on a substantially full time and continuing basis as required for coverage under this JGS. This is the case for the appellant. He formerly performed leader-type duties for a maximum of three work days per week and now performs them two days a week. The transient nature of the workers and their shortened work day further diminishes the time for which the appellant performs leader-type work. The appellant's work situation fails to meet the requirements of the substantially full time criterion for coverage by the JGS for Leader. Therefore, the appellant's job cannot be graded under that JGS. The appellant's job must be graded using regular nonsupervisory JGSs.

Standard determination

The agency has determined that the appellant's job is a mixed job including work covered by the 5705 Tractor Operating and 3502 Laboring occupations. We agree with that determination and will use the JGSs for those occupations to make our grade-level determination.

Grade determination

Evaluation using the 5705 JGS

The 5705 JGS uses four factors for making a grade level determination: skill and knowledge, responsibility, physical effort, and working conditions.

Skill and knowledge

At the grade 6 level, the work typically requires the tractor operators to manipulate both tractor and equipment controls at the same time. They use knowledge of the equipment in making multiple connections from the equipment to the tractors, e.g., connecting drive shafts and hydraulic lines. Skill is required to operate tractors and equipment between shrubs and trees, along fences and curbs, and in areas where limbs, bushes, and rocks are likely to clog or jam the equipment. At this level, some employees operate backhoes and front-end loading devices, adjusting the equipment for the various job requirements. Grade 6 operators must have knowledge of the operating characteristics of the tractor and equipment such as gear and power ratios, as well as lifting, balancing, braking and turning capacities.

At the grade 7 level, the work requires the skill to operate the tractor and manipulate equipment controls together while compensating for rough terrain features such as steep hills, ravines, holes, and ditches. Those who operate backhoes routinely manipulate controls for projects requiring close tolerances such as straight walls for graves, straight and narrow trenches, etc. They typically apply these skills in backfilling on steep slopes, and operating front-end loading devices on steep banks using caution in undercutting high banks to avoid soil slides.

The appellant operates a variety of equipment to maintain the roads and grounds of the facility with the operational demands typical of the grade 6 level including an industrial-type, enclosed Tennant street sweeper; a Caterpillar backhoe with detachable front-end loader; a John Deere tractor with attachments; a Bobcat loader; a riding lawnmower with a 60 inch cutting deck; and a Ditch Witch. Like the grade 6 level, he must have the knowledge and skill to be able to attach and manipulate the various mowers, graders, and other equipment and he must be aware of weight and balance factors in lifting and moving loads with the Bobcat, backhoe and tractor. In contrast, the grade 7 level assignments require additional skills to operate in rough terrain such as steep hills, ravines, etc. The medical facility does not include these operational demands or regularly involve grade 7 precision requirements. This factor is credited at the grade 6 level.

Responsibility

At grade 6, operators receive written and oral work assignments from a supervisor or higher graded worker. They perform duties in accordance with established methods and receive special instructions such as depth to plow or dig, spacing between furrows, etc. In contrast to lower levels, grade 6 operators have greater responsibility for selecting appropriate gears, power settings, and speeds for equipment operations based on various soil conditions. Operators at this level make judgments as to lifting capacity, weight and balance of a backhoe and its load. They are responsible for operator maintenance such as checking and replenishing fluids, examining

and changing filters, changing and sharpening blades, lubricating equipment and making necessary adjustments. They are responsible for safe operation on public roads and at the work site.

At grade 7, work assignments are in the form of oral or written instructions. Assignments are typically made on a project basis, leaving most of the details to the discretion of the tractor operator. Because the work is performed on steep and rough terrain, they make more frequent and difficult judgments than those required of grade 6 operators. They assess terrain requirements and the stability of the tractor and equipment and are responsible for choosing the proper gears, speeds, and angle of turn required to accomplish the work and avoid overturning the tractor. Operator maintenance may be performed with increased frequency due to the nature and locations of the work in remote areas.

Typical of the grade 6 level, the appellant receives general written and verbal instructions from the supervisor. Comparable to the grade 6 level, he has areas of continuing responsibility e.g., sweeping the parking lots and roads on a daily basis, and receives instructions on new work or changes in priorities such as special events at the facility. He performs operator maintenance on the equipment and is responsible for using good judgment to assure safe operations. Unlike operations at the grade 7 level, the appellant's situation does not involve regular and recurring work on steep and rough terrain requiring the more frequent and difficult judgments typical at the 7 level. The grade 6 level is credited.

Physical effort

In addition to the light to moderate physical efforts requiring frequent stooping, bending, reaching, and arm and leg movements to operate tractor controls at the grade 5 level, tractor operators at the 6 level exert additional effort in operating equipment controls and making more frequent arm and leg movements. At the grade 7 level, additional effort is required to manipulate controls to compensate for difficult terrain.

The appellant's position requires frequent riding, walking, standing, bending, kneeling, stooping, and daily working with weights ranging from 30 to 80 pounds. Comparable to the grade 6 level, he must operate equipment controls for both the tractor and attached equipment to dig ditches, move trees and load and unload soil and rock. However, this work is performed on relatively level terrain in contrast to that typical of the grade 7 level. The grade 6 level is credited.

Working conditions

In addition to conditions present at the grade 5 level, grade 6 tractor operators primarily work outside and are exposed to all kinds of weather conditions. At the grade 7 level, operators work on steep slopes and in rough terrain and may be subject to injury from falls or overturned tractors and equipment.

Typical of the grade 6 level, the appellant works outdoors in extremes of heat and cold. In summer months, temperatures will be over 100 degrees. The terrain is relatively flat and does not subject him to the additional hazards typical of the grade 7 level. Level 6 is credited.

Evaluation using the 3502 JGS

The 3502 JGS covers work that primarily requires physical effort and ability to perform duties that involve little or no specialized skill or prior work experience. The work includes such duties as loading and unloading trucks; moving office furniture, equipment and supplies by hand or with various moving devices; mowing lawns and trimming shrubs; washing vehicles; and clearing and digging ditches. This JGS uses the same four factors for grade level determination.

Skill and knowledge

At the grade 3 level, laborers have knowledge and skill in the operation, control, and cleaning of heavy power equipment (e.g., single function power mowers, chain saws, jackhammers) and know how to work safety with heavy tools (axes, tampers, chain saws, etc). They have skill to perform routine operator maintenance on power mowers, operate electric lifts and dollies to move very heavy loads and skill in loading heavy loads on weight handling devices. The nature of the duties and kind of equipment requires continual care and attention to avoid accidents and to complete work in accordance with schedules. Prior job experience or on-the-job training is normally required to gain this level of manual skill.

At the grade 4 level, laborers must have the skill and knowledge to operate and control large, complex riding mowers and similar types of specialized mowing equipment. At this level, the equipment is typically operated in areas that require constant attention to work space and environment, e.g., working around trees, trenches, potholes, curbs, rocks, etc.

The most demanding laboring duties performed by the appellant include cutting/trimming trees with axes and/or chain saws, using gas and electric hedge trimmers, weedeaters, and other powered equipment. He performs some gardening activities such as planting, trimming, watering and assists plumbers and other trades workers digging holes and trenches to allow access to water mains and lines. He operates riding mowers, moves furniture and equipment and uses jackhammers to break up small areas of damaged pavement. The appellant maintains the irrigation sprinkler system up to and including replacement of sprinkler heads, broken branch lines and replacement of timers. More extensive work on the system is done in conjunction with the plumbing staff. These duties are comparable to and do not exceed the grade 3 level. Any more complex equipment operating functions performed by the appellant have already been credited in our application of the 5705 JGS to his work.

The appellant believes that some of the work performed by the probation department workers whom he oversees exceeds the grade 3 level. Based on the supervisor's task lists and the reports provided by the appellant, the work assigned and performed includes a variety of tasks that would be covered by the 3502 occupation. This work includes weeding, removing debris, spreading decorative rock, digging holes for and setting sign posts in concrete, assisting in trimming trees and cleaning up the area, painting protective bollards and fire hydrants, moving furniture and equipment, etc. The tools used primarily include such items as rakes, shovels, lobbing shears, etc. The probation department workers are not allowed to use motorized equipment. The record shows that most of the work performed by the probation department

workers would not exceed the grade 2 level, based on the skill and knowledge required. As defined in the JGS, grade 2 work includes applying the skill and knowledge necessary to operate leaf blowers, weed trimmers, use basic hand tools such as hatchets and clippers; and applying the physical effort needed to load, unload, and move heavy boxes bulky supplies and material to and from trucks, clear small trees and bushes using hand tools and lay sod.

Responsibility

At the grade 3 level, laborers are given general instructions by the supervisor and do not require detailed instruction or continual supervision of routine duties. They may receive direct supervision for special assignments and be given time frames for accomplishment. The appellant's level of responsibility for his own work is comparable to and does not exceed the grade 3 level. The workers whom the appellant oversees do not meet the grade 3 level of responsibility given the more restricted nature of their work assignments as discussed previously.

Summary

By comparison with the appropriate JGSs, the Tractor Operator work is graded at the 6 level and the Laborer work at the grade 3 level.

Decision

The job is properly graded as Tractor Operator, WG-5705-6.