

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

Atlanta Field Services Group
75 Spring Street, SW., Suite 1018
Atlanta, GA 30303-3109

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

Appellant: [appellant]

Agency classification: Tractor Operator
WG-5705-6

Organization: [name] National Wildlife Refuge
Region [#]
Regional Chief, National Wildlife
Refuge System
Division of Refuges
Fish and Wildlife Service
U.S. Department of Interior
[location]

OPM decision: Tractor Operator
WG-5705-6

OPM decision number: C-5705-06-03

/s/ Robert D. Hendler

Robert D. Hendler
Classification and Pay Claims
Program Manager

November 18, 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]

[address]

[location]

Human Resources Officer

Fish and Wildlife Service

Regional Director's Office

[location]

[location]

Director of Personnel

U.S. Department of Interior

Mail Stop 5221

1849 C Street, NW.

Washington, DC 20240

Introduction

On June 22, 2005, the Atlanta Field Services Group of the U.S. Office of Personnel Management (OPM) accepted a job grading appeal from [appellant] who occupies a job graded as Tractor Operator, WG-5705-6. He works at the [name] National Wildlife Refuge (NWR), Region [#], Regional Chief, National Wildlife Refuge System, Division of Refuges, Fish and Wildlife Service (FWS), U.S. Department of the Interior in [location]. The appellant requests that his job be graded at the 7 level. We accepted and decided this appeal under section 5346 of title 5, United States Code (U.S.C.). We received a complete administrative report for the appeal on August 22, 2005.

General issues

The appellant believes that his job description (JD) does not acknowledge or provide adequate credit for the skill and knowledge required and level of responsibility involved in operating equipment on steep and rough terrain. He appealed to his agency headquarters which on May 13, 2005, sustained the current grading of the position. He subsequently filed an appeal to OPM.

In reaching our job grading decision, we have carefully reviewed all information furnished by the appellant and the agency, including his official JD and information obtained from a telephone audit of the job with the appellant. We also interviewed the Chief, Maintenance Branch, the appellant's first level supervisor.

Job information

The appellant did not certify the accuracy of his JD, number [#]. The appellant states that his JD does not include his responsibilities for operating diesel powered tractors with attachments for mowing on especially narrow dike roads having unimproved non-reinforced banks with water hazards on each side. He also states that it does not take into consideration that he operates equipment in high traffic and public use areas and does not reflect the limited supervision he receives. The Refuge Manager did not certify the accuracy of the JD, citing the same concerns as the appellant and also pointing to the presence of buried high voltage cables at the NWR.

A JD is the official record of the major duties and responsibilities assigned to a job by an official with the authority to assign work. A job is the duties and responsibilities that make up the work performed by an employee. Job grading appeal regulations permit OPM to investigate or audit a job and decide an appeal on the basis of the actual duties and responsibilities currently assigned by management and performed by the employee. An OPM appeal decision classifies a real operating job and not simply the JD. Therefore, this decision is based on the work currently assigned to and performed by the appellant and sets aside any previous agency decision. By law, a job grading appeal decision is based on comparing the appellant's current duties and responsibilities to OPM standards and guidelines (5 U.S.C. 5346). We find that the JD of record contains the major duties and responsibilities assigned to and performed by the appellant and is sufficient for job grading purposes. We incorporate it by reference into this decision.

The appellant works at the NWR which comprises approximately 140,000 acres. The Refuge Manager administers two other National Wildlife Refuges as part of his responsibility, but the appellant only occasionally works at the other refuges. The NWR is adjacent to a major Federal space center which has buried high voltage cables within the NWR. The location of the cables presents a danger in digging operations. A permit and specific line identification is required prior to any digging in cable areas. Management uses the following environmental control methods at the NWR: control of water levels within the refuge's 76 impoundments for birds and native species of plants and wildlife, use of prescribed fires to maintain fire dependent/fire influenced communities, and chemical and mechanical control of exotic plants. Public use facilities include the Visitor Information Center, four hiking trails ranging from one-fourth mile to five miles in length, a manatee observation deck, a seven-mile auto tour route, and an observation tower.

The appellant's duties involve operating tractors in order to mow, spray herbicides, cut brush and limbs and load and haul mulch. This work is performed on level ground, roads and dikes. Care must be taken to not allow vehicles to drive off the dikes, which normally have a steep slope and are surrounded by water or marsh. The dikes range from 10 to 30 feet wide and have a curvature for rain run-off. The appellant spends 60 percent of his time mowing and using a back hoe to move mulch, load trucks or dig ditches. He spends 10 percent of his time performing equipment maintenance, which includes greasing mowers and the boom axe and cleaning and replacing hydraulic hoses on equipment. The appellant spends another 10 percent of his time performing general maintenance, working at the visitor center and public use areas, controlling wildlife such as removing alligators and wild pigs and assisting with special events, e.g., setting up tables, and interacting with visitors by handing out literature, collecting donations and answering questions.

For 20 percent of his time, the appellant mixes and sprays herbicides from a pickup truck with a 200 gallon tank and, occasionally, manually sprays for small areas. He mixes herbicides, following predetermined formulas, and applies them to a limited range of unwanted native and exotic plants, e.g., Brazilian Pepper, at the NWR. The work is limited to outdoor application.

In performing his work, the appellant operates diesel-powered tractors including, but not limited to, John Deere tractors ranging in size from 75 to 130 horse power with attachments for mowing open fields, along roadways, lawns and especially narrow dike roads having unimproved non-reinforced banks with water hazards on each side. On rare occasions, he operates a John Deere 450 bulldozer to move dirt and mulch. In the manufacturer's literature, this is identified as a 70 horse power crawler dozer used for spreading and finish work. The appellant mows the grounds and uses boom axes for cutting brush and limbs. He operates a front end loader and rubber-tired back hoe in high traffic use areas and public use areas of the refuge, such as wildlife drives and birding trails.

Occupational Code, Title and Standard determination

The agency placed the appellant's job in the 5705 Tractor Operator occupation, titled it Tractor Operator, and used the 5705 job grading standard (JGS) to determine the grade level of the job. The appellant does not disagree with the assigned occupational code or title of his job. We agree with the agency's occupational code and title determination and use of the 5705 JGS. Because

the appellant's job requires the mixing and spraying of herbicides on a regular and recurring basis, we referenced the JGS for the 5026 Pest Controller occupation to evaluate those duties.

Grade determination

Evaluation using the 5705 JGS

The 5705 occupation uses four factors for grade determination: *Skill and Knowledge*, *Responsibility*, *Physical Effort*, and *Working Conditions*.

Skill and Knowledge

Grade 6 tractor operators have skill and knowledge in manipulating both tractor and equipment controls at the same time. They operate tractors while raising and lowering gang mowers or other attached equipment. They use skill in operating boom slope mowers to cut grass on slopes while operating the tractor on level ground and along roads. They use knowledge of equipment in making multiple connections from the equipment to the tractor, connecting mechanical drive shafts and hydraulic lines. They are skilled in operating tractors and equipment between shrubs and trees, along fences and curbs, in snowy or marshy areas, and in areas where tree limbs, bushes, and rocks are more likely to cause clogging and jamming of equipment. Some grade 6 operators have skill in operating backhoes and front-end loading devices to move trees, dig ditches, load and unload soil and perform other tasks associated with grounds maintenance.

At grade 7, tractor operators have skill and knowledge in the operation of the tractor and manipulation of equipment controls together while compensating for rough terrain features, such as steep hills, ravines, holes, and ditches. For example, in contour plowing on steep hills, they watch the path and performance of the plow, make necessary adjustments, and use skill in steering the tractor to ensure the tractor and plow do not tip over. When operating slope mower tractors and attachments, they must use skill in steering the tractor to compensate for the degree of the slope and the stability of the ground. Some tractor operators at this level have skill in backhoe operation and manipulate controls for projects requiring close-tolerance. They are skilled in operating front-end loading devices on steep banks.

The grade 6 level is met. Comparable to this level, the appellant's work requires him to manipulate both tractor and equipment controls at the same time. The appellant operates tractors while raising and lowering flex wing and other type mowers to clear sloped banks of roads and dikes while keeping the tractor on the level portion of the road or dike. He cuts brush and tree limbs using a boom axe attachment, which will reach beside and above the tractor. The appellant uses knowledge of equipment when connecting attachments to the tractors. Like grade 6, the appellant operates backhoes, front-end loaders and a small bulldozer to move trees, load and unload soil and perform other tasks associated with grounds maintenance. He must operate equipment in areas where tree limbs and bushes are more likely to jam equipment. He uses safety precautions in operating equipment in areas with visitors and must have skills, like those identified at grade 6, to maneuver around buildings and signs and avoid power lines and dangerous articles in completing his work.

The grade 7 level is not met. The appellant's work involves operating tractors and attached or towed equipment on level ground, roads or dikes. The appellant must remain on the roads and dikes or may slide into water or marshes that are located throughout the refuge. However, unlike grade 7, the roads and dikes are not on steep hills or ravines. The roads are level and the dikes have a curvature to allow rain to properly run off the surface, but are not characteristic of the rough terrain identified at grade 7. The appellant does operate backhoe-equipped tractors for moving and loading mulch and soil but, unlike this level, he is not required to operate the backhoes or use front-end loading devices while on steep slopes and banks or for projects requiring close precision.

This factor is credited at the grade 6 level.

Responsibility

Grade 6 tractor operators receive written and oral work assignments from a supervisor or a higher grade worker and perform duties according to established methods. They work from detailed instructions, such as type of fertilizer to use or kind of seed to dispense. They have greater responsibility than lower graded operators for selecting appropriate gears, power settings, and speeds for equipment based on soil conditions. Grade 6 tractor operators make judgments concerning equipment operations, such as the lift capacity, weight, and balance of a backhoe and its load. They are responsible for operator maintenance and safe operation on public roads and at the work site. The supervisor spot checks work after completion to ensure compliance with instructions and standard operating procedures.

At grade 7, the supervisor typically assigns work on a project basis and leaves most of the details to the discretion of the tractor operator. Operating tractors on difficult terrain requires more frequent and demanding judgments. Grade 7 tractor operators assess terrain requirements and the stability of tractors and equipment and are responsible for choosing proper gears, speeds, and angles of turn required to accomplish the work and avoid overturning the tractor. They are responsible for performing operator maintenance on the tractor with increased frequency due to the nature and location of work in remote areas.

The grade 6 level is met. Like this level, the immediate supervisor assigns work orally. The appellant meets with his supervisor twice a week to discuss where to mow and is assigned a zone of responsibility for mowing. He also watches for possible actions that may be required in his zone, such as spraying for weeds, and reports this to his supervisor. He is responsible for completing most assigned tasks independently using standard operating procedures and label directions. Comparable to the grade 6 level, the appellant must make equipment operating decisions typical of work performed on flat or rolling terrain. He performs routine equipment maintenance including cleaning and greasing equipment and replacing hydraulic hoses. He is responsible for the safe operation of equipment on public roads, refuge roads and dikes, buried cable and electric wire areas and in visitor areas. Like grade 6, the supervisor periodically drives through the appellant's work area and checks to ensure the appellant's work is accomplished in compliance with instructions and standard operating procedures.

The grade 7 level is not met. The appellant's work does not involve the steep and rough terrain or precision work requiring the more frequent and difficult judgments typical of work at this

level. The appellant mows sloping banks which may be steep (3:1 or greater), but the tractor wheels remain on level ground on the road or dike. Thus, the appellant does not have to estimate the steepness of slopes or make other determinations as it concerns the stability of the tractor on steep or rough terrain. He is not required to perform operator maintenance on the tractor with increased frequency due to the nature and location of work in remote areas.

This factor is credited at the grade 6 level.

Physical Effort

At grade 6, the work requires additional effort than at lower levels in operating equipment controls and in making more frequent arm and leg movements. The lower level work includes exerting light to moderate physical effort while performing duties, such as operating tractors and uncoupling and making couplings between tractors and towed vehicles. It also requires frequent stooping, bending, reaching, and arm and leg movement to operate tractor controls.

At grade 7, tractor operators exert physical effort beyond that at the grade 6 level in operating the tractor and manipulating equipment controls to compensate for difficult terrain. They also perform more exacting work, such as digging with a backhoe to close tolerances which requires considerable manipulation of controls.

The grade 6 level is met. Comparable to this level, the appellant's work involves moderate physical effort to mow and perform other work while operating tractors and change equipment on the tractors. It requires frequent stooping, bending and reaching and, like grade 6, it requires the appellant to make more frequent leg and arm movements when mowing sloping banks along roads and dikes while avoiding bushes and tree limbs.

The grade 7 level is not met. The terrain on which the tractor is operated is rolling or level and does not require comparable physical effort in operating the tractor or manipulating controls. Unlike grade 7, the appellant uses a backhoe to move mulch and soil rather than to perform more exacting work that would involve considerable manipulation of controls. The record shows that the appellant's work does not require the extent of physical effort identified at grade 7 to maintain balance and position at the controls while compensating for difficult terrain.

This factor is credited at the grade 6 level.

Working Conditions

At grade 6, tractor operators work primarily outside and are exposed to all kinds of weather conditions. Some operators are exposed to chemical dust and sprays and may need to wear protective clothing. They also are subject to drafts, noise, and varying temperatures inside and weather and temperature extremes outside. Operators experience high noise levels, vibrations, and jolts from the tractor and towed equipment. They follow prescribed safety practices and use safety equipment to avoid injury and possible hazards in the work area. In contrast, grade 7 tractor operators work on steep slopes and in rough terrain and may be subject to injury from

falls or overturned tractors and equipment. Other working conditions are the same as those identified for lower grade levels.

The grade 6 level is met. The appellant performs his tractor operator duties primarily outside in all kinds of weather conditions and on basically flat terrain. The appellant is also exposed to a high level of noise, vibrations, and jolts from the tractor and equipment. Because he performs a variety of duties ranging from mowing grass to spraying chemicals, the appellant may be exposed to chemical dust, sprays, dirt, grease, and fumes. Like grade 6, he wears gloves and a safety breathing equipment when working with chemicals and spraying plants

The grade 7 level is not met. The record shows that the appellant does not operate a tractor on steep slopes and in rough terrain, which would put the appellant at greater risk of injury from falls and overturned tractors and equipment as envisioned at that level.

This factor is credited at the grade 6 level.

The appellant's tractor operator duties are properly evaluated at the grade 6 level.

Evaluation using the 5026 JGS

Skill and Knowledge

At grade 7, the lowest level identified in the JGS, employees deal with common household, structural, nuisance and plant pests, such as ants, mosquitoes, cockroaches, rats, mice and broadleaf weeds. They are familiar with the general physical characteristics, habits, harborages and food sources of the more common pests, and also with the characteristics, purposes and restrictions of commonly used insecticides, herbicides, rodenticides, and fungicides. They perform the calculations necessary to determine proper rate, use and pesticide quantity. Employees adjust various manual and power operated spraying, fogging, dusting, and fumigating equipment, such as ultra low volume and ultra low dosage sprayers and power generators to achieve the required dispersion rate and get full coverage of the area being treated. Employees select and use various types of bait and traps. They are able to use hand tools when surveying structures for infestations, preparing for pesticide applications or performing field maintenance on equipment. They use structural blueprints, mix and apply pesticides using specific product label instructions and use procedural handbooks and instructional guides to adhere to legally mandated requirements and to avoid misapplication which can present hazards to human health and environment.

The grade 7 level is not met. The appellant performs a limited number of the external pest control functions found at this level. He is not engaged in the range of environments dealt with at grade 7, nor does he deal with the range of pests typical of that level, including insects and other animals as well as weeds and fungi. His work requires sufficient knowledge to mix and apply herbicide on Brazilian pepper and other weeds and plants. However, his pest control work does not require or permit him to apply the full range of skill and knowledge found in grade 7 level work. He occasionally has to use ropes to catch and remove pests, such as alligators from the refuge. However, this does not entail using the full range of baits and traps typical of grade 7

level work. Unlike grade 7, he does not apply any chemicals inside buildings. His pest control duties would not exceed the grade 6 level for this factor.

Responsibility

At the WG-7 level, workers receive written and/or oral instructions and technical guidance from a supervisor or higher graded worker. They follow prescribed schedules, work procedures, and safety practices which are in accordance with applicable environmental, regulatory, and safety requirements, and exercise care when adjusting equipment and mixing, applying and disposing of pesticides and herbicides. Procedures for mixing, using, and disposing of restricted use pesticides are specifically outlined either by product label directions or other procedural and regulatory requirements and must be closely adhered to. Work is subject to review for close adherence to legal requirements, environmental safety, and results achieved. When performing more complex or hazardous assignments, such as fumigation or structural pest control, workers at this level work closely with a senior pest controller.

The grade 7 level is not met. The appellant does not deal with the range of pests or control materials typical of work at this level and the work does not require comparable responsibility. He uses a few common herbicides, such as Round-Up and Garland, in order to treat a limited range of plants and weeds. This involves mixing the different chemicals with two or three other ingredients based on product label directions or other procedural requirements for outside use. The ingredients are placed in a 200 gallon container and sprayed using a tractor and attachment or hand held equipment, for individual plants on a small area, when large amounts are not required. It does not involve the greater number of procedures and increased technical and safety considerations and supervision typical of grade 7. This factor does not exceed the grade 6 level.

Physical Effort and Working Conditions

Physical effort and working conditions are the same at all grade levels described in the JGS. The work of the occupation at all levels requires the use of respirators, gloves, and other personal protective equipment, such as goggles or face masks, in order to nullify the risk of exposure to toxic dusts and sprays. The occupational requirements have no grade enhancing impact on the appellant's work.

The appellant's work involving mixing and spraying herbicides does not exceed the grade 6 level and, therefore, has no grade level impact on his job.

Summary

The highest level of work performed on a regular and recurring basis as defined in the Federal Wage System is properly evaluated at the grade 6 level.

Decision

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