



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT

Washington, DC 20415

Human Capital Leadership
and Merit System
Accountability Division

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

Appellant: [appellant]

Agency classification: Airplane Pilot
GS-2181-12

Organization: Aviation Unit
Fire and Aviation Management
U.S. Forest Service, Region [number]
U.S. Department of Agriculture
[city and state]

OPM decision: Airplane Pilot
GS-2181-12

OPM decision number: C-2181-12-03

/s/ Robert D. Hendler

Robert D. Hendler
Classification and Pay Claims
Program Manager
Center for Merit System Accountability

March 8, 2007

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:

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Introduction

On October 26, 2006, the Dallas Field Services Group of the U.S. Office of Personnel Management (OPM) accepted a classification appeal from [appellant]. The appellant's position is assigned to the Aviation Unit of the Fire and Aviation Management organization, U.S. Forest Service Region [number], U.S. Department of Agriculture, in [city and state]. The agency has classified the position as Airplane Pilot, GS-2181-12. The appellant believes the experience, responsibilities, and skills required of his position are more characteristic of the GS-13 grade level. On December 11, 2006, we received the agency's administrative report. We have accepted and decided this appeal under section 5112 of title 5, United States Code (U.S.C.).

Background

The Region's Human Resources (HR) office reviewed and revised the position description (PD) in January 2005, to more accurately reflect the duties and responsibilities, including participation in an aircraft steering group for the National Fixed Wing Standardization Program. The regional office found the revised PD remained classified at the GS-12 grade level. The appellant filed an appeal with the Forest Service's Washington HR office in February 2005. That decision, dated October 13, 2005, sustained the region's classification. The appellant later filed his appeal with OPM.

General issues

The appellant indicated during our interview that pilots performing comparable duties in another Forest Service Region were classified at a higher grade level. By law, we must classify positions by comparison with published 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 that may or may not have been properly classified as a basis for deciding this appeal.

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 decisions. If the appellant considers his position so similar to others that they warrant the same classification, he may pursue the matter by writing to his headquarters human resources office. In doing so, he should specify the precise organization, location, classification, duties and responsibilities of the position in question. If the positions are found to be basically the same as his, the agency must correct the classification to be consistent with this appeal decision or explain to him the differences between his position and the others.

Position information

The position is assigned to the Aviation Unit which is headed by the Regional Aviation Officer who occupies a GS-2101-13 position. The unit presently includes six occupied GS-2181-12 Airplane Pilot positions, including the appellant's, and is in the process of filling two of their vacant pilot positions. The pilots are directly supervised by the occupant of a

Supervisory Airplane Pilot, GS-2181-13, position. The unit also includes a Helicopter Inspector Pilot, GS-2181-12; a Helicopter Operations Specialist, GS-2101-12; an Aircraft Maintenance/Safety Inspector, GS-1825-13, and an Aircraft Maintenance Specialist, GS-1801-11.

The PD, number [number], indicates the purpose of the position is to serve as large smokejumper aircraft manager and smokejumper captain with responsibility for providing leadership, coordination, guidance, and direction to the regional and national smokejumper programs. The appellant serves as a smokejumper captain flying a large turbine powered aircraft, provides flight training instruction, and serves as check airman for smokejumper pilots. The position is a testing designated position under the USDA Drug Free Workplace Program. As the primary work is fire management, this is a primary firefighter position.

The major duties of the position involve the flying assignments, both as pilot and flight instructor, and those relating to the regional and national smokejumper programs and the National DC-3TP Standardization program. He works with national and regional aviation maintenance personnel in coordinating aircraft standardization, maintenance requirements, and equipment upgrades and modifications to increase safety and operational effectiveness. He provides flight instruction and flight evaluations in transport category aircraft for pilot upgrade, instructor upgrade, and initial flight training for smokejumper and support missions as pilot-in-command and second-in-command.

The record includes an August 18, 2004, memorandum from the Forest Service's National Aviation Operations Officer of the National Interagency Fire Center in Boise, Idaho, to the Regional Aviation Officer regarding the appellant's duties in support of the National Fixed Wing Standardization Program which was just being implemented. The memorandum states that previously, standardization and evaluation oversight were overseen at the regional level. The primary responsibility for development and execution of this national program falls under the duties of the National Fixed Wing Standardization Pilot. One support function being implemented is aircraft steering groups. Senior pilots will be designated as chair of the group and function essentially as a chief pilot for that particular aircraft. The National Aviation Operations Officer asked the appellant to take on this responsibility for the DC-3. The memorandum stated his duties will include organizing and directing the steering group in the development of standard operating procedures; serving as the primary standardization pilot for the DC-3; serving as an instructor pilot and check airman in the DC-3; organizing an annual ground school and flight currency training; ensuring that the aircraft standardization manual is accurate, complete and current; and assisting the National Fixed Wing Standardization Pilot within the scope of the national standardization program as it pertains to the DC-3. We confirmed that the program and supporting duties were implemented as planned.

The appellant is currently designated and qualified to fly as Pilot-in-Command of three types of Forest Service aircraft: a McDonnell Douglas DC-3 TP, a twin-engine turboprop transport aircraft; a DeHavilland DHC-6 Twin Otter, a twin-engine turboprop aircraft; and a Cessna 206, a single-engine aircraft. The appellant is a Federal Aviation Administration (FAA) Designated Airline Transport Pilot Examiner (DPE) with authority to accept applications for,

conduct flight tests, and issue temporary certificates and type ratings for the DC-3TP. He is an FAA Designated Pilot Proficiency Examiner (PPE), with authority to conduct Pilot-in-Command proficiency checks required annually by Federal Aviation Regulation (FAR) 61.58 for the operation of aircraft requiring more than one pilot flight crewmember. He is also an FAA certified flight instructor and instrument instructor. The PD requires the incumbent of this position to hold a valid multi-engine airline transport pilot certificate with instrument instructor and multi-engine flight instructor certificates. The appropriate FAA medical certificate must be maintained. The PD also indicates the incumbent should have the ability to be authorized as a designed pilot examiner in administering flight checks.

The objective of the appellant's flight instruction role is to train and evaluate pilots to be qualified as smokejumper captains and co-pilots. This work is performed primarily in the DC-3TP. While newly hired pilots must be instrument rated, have a multi-engine rating and experience in aircraft under 12,500 gross take off weight (GTOW), very few have experience with the heavier, tail wheel DC-3 aircraft, and must receive additional training to transition to that aircraft. This includes the type rating for the DC-3TP to serve as pilot in command. The DC-3TP has no flight simulator available for use. Smokejumper pilot training includes aircraft systems and performance; mountain flying; remote airstrip operations; and emergency procedures involving engine, hydraulic, and electrical failures over rough terrain under both day and night conditions. It also includes flight maneuvers and techniques specific to smokejumper missions including low-level drops of both smokejumpers and para-cargo deliveries over unfavorable terrain under adverse fire conditions such as turbulence, poor visibility, and congested airspace. The appellant and his supervisors indicated that it takes a full twelve to eighteen months to qualify a new pilot.

Forest Service requires biennial recurrent training for its smokejumper pilots. All pilots are required to meet the flight currency requirements prescribed by FAA regulations and the agency's flight operations handbook that include both instrument and visual flight rules (IFR and VFR) operations with check flights by an authorized agency check pilot or FAA inspector.

We find the PD of record includes the basic duties and responsibilities of the position and hereby incorporate it into our decision. In reaching our decision in this appeal, we carefully considered all of the information included in the written record as well as information obtained during a telephone audit with the appellant on January 23, 2007, and supplemental discussions on January 31 and February 6. We held telephone interviews with his first and second-level supervisors on February 5 and 6. In addition, we had telephone interviews with the National Aviation Operations Officer on February 16 and the National Fixed Wing Standardization Pilot on February 20.

Series, title, and standards determination

The agency has classified the position in the Aircraft Operation Series, GS-2181, titling it Airplane Pilot and the appellant does not disagree. We concur with the agency's determination of title and series. The position classification standard (PCS) for the GS-2181 series contains appropriate grading criteria for evaluating the appellant's position.

Grade determination

The PCS for the GS-2181 series uses three interrelated factors to measure the knowledge and skills used in the occupation: (1) Aircraft Operated, (2) Nature and Purpose of Assignments, and (3) Degree of Hazard. These factors, singly and in combination, influence the level of knowledge and skills and thus the difficulty associated with various flying assignments. Briefly, the knowledge and skills required by the pilot are influenced by the particular aircraft flown. Generally, flying a heavy multiengine transport airplane requires a higher level of knowledge and skill than a light single engine aircraft. However, there can be no set grade level attached to a particular aircraft as the three factors are interrelated. The nature and purpose of the assignments influences pilot skills, examples given include flying point-to-point between airports as opposed to conducting surveillance of suspected criminal activities. The degree of hazard will be influenced by such factors as flights flown at normal speed and load factors, extended overseas flights, mountainous terrain, flight instruction, maneuvering close to mountainous terrain with restricted visibility, flying various precise patterns at low levels within congested terminal areas, etc.

Flight instruction assignments at the GS-12 level for light single-or twin-engine airplanes and helicopters involve training or evaluating students in advanced techniques required, for example, in short-field takeoffs and landings under maximum loads, flying in formation, performing evasive maneuvers, and aerobatics. Students are taught procedures for use in emergencies such as engine failures and malfunctions of hydraulic and electrical systems over rough terrain. At this level, instructors are responsible for reviewing student's basic training and determining their ability to progress and recommending additional training for students whose progress is unsatisfactory. In contrast to the GS-11 level, very advanced techniques are taught at this level. Responsibility for training or evaluating students in the basics of instrument flight instruction will not remove a position from the GS-12 level as these assignments involve a substantial degree of hazard.

At the GS-12 level, flying assignments involve operating light single-or twin-engine airplanes at minimum controllable speeds or at low altitudes, or both, over unfavorable terrain for such purposes as observing signs made by persons entering the country illegally, tracking game, spotting and observing and dropping retardants on forest fires, directing air tankers in dropping their retardants, or making maintenance inspections of power lines. These assignments often involve making flights over uncharted courses and using meadows or roads for landing strips. These assignments are distinguished from the GS-11 level by the greater degree of skills and judgment required to fly at low altitudes over unfavorable terrain. An additional factor of difficulty is that the pilots must direct their attention outside the aircraft for sustained periods of time. Moreover, at low altitudes there is little chance to maneuver to a favorable landing site in the event of trouble. Such assignments are characterized by a substantial degree of hazard due to the flight regimen of the aircraft, the environment, and the demands on the pilot.

Assignments at the GS-12 level also include flying heavy multiengine transport aircraft to transport personnel, supplies, and equipment to a variety of points throughout the continental United States. Typically, these flights are made day and night in generally favorable weather

and require considerable skill in instrument techniques. Flying assignments of this type are characterized by a minimum degree of hazard.

At the GS-13 level, flight instruction assignments include instrument flight instructor assignments that involve training and evaluating student or rated pilots in advanced techniques and procedures for flying fixed wing and rotary wing aircraft using instruments. Advanced instrument techniques include instrument flight planning; precision handling and maneuvering of the aircraft; instrument flight using aircraft navigational instruments and systems in conjunction with navigational aids; air traffic control operations and procedures and pilot interface with those activities; and instrument approach and departure procedures, holding procedures, and use of instrument landing systems. This level also describes instruction for refresher and mission related training to pilots in the reserves flight training programs. The aircraft flown range from high performance jet fighters to heavy multiengine transport airplanes with corresponding mission-related maneuvers, e.g., fighter combat, aircraft refueling, and delivering and airdropping cargo and personnel. These assignments cover both ground instruction and in-flight training and evaluation. Other flight instructor assignments describe training and evaluating rated pilots in methods of instruction.

Flying assignments at the GS-13 level involve flying heavy multiengine airplanes, including those classified as “jumbos” over very long distances to a wide variety of location in this country and overseas for the purpose of transporting cargo and/or passengers. Other flying assignments at this level involve operation of high performance jet aircraft in law enforcement work operated under substantially hazardous conditions.

Other assignments described at the GS-13 level involve flight test assignments that involve aircraft with substantially modified systems, i.e., those significant enough to influence the flight characteristics of the aircraft to a pronounced degree. Air Space System Inspection assignments involve conducting in-flight inspections of navigational facilities to evaluate the quality of the signals emitted from the aids to determine conformance to operational standards and verifying the integrity of the facility. Some assignments may involve development and review of terminal and enroute flight procedures and evaluation of proposed airspace system changes or development of instrument approach procedures.

Flight instructors who perform special staff projects at the GS-13 level write flight training procedures; review, revise, and develop training texts and evaluation material; and originate new material pertaining to flight training programs such as needed to instruct in new equipment and procedures. Such assignments are more typical of staff positions in a training school environment or the headquarters organization responsible for managing an aviation program.

As indicated, the appellant is currently designated to fly three different types of the installation’s assigned aircraft, i.e., the DC-3TP, the DHC-6, and the Cessna 206. The DC-3TP is a twin-engine turboprop aircraft with a gross take-off weight of 28,750 pounds. At the operating altitude in [city], the DC-3 is capable of carrying 16 smoke jumpers and their equipment plus two spotters and the two-pilot crew. The DHC-6 is a twin turboprop aircraft with a gross take-off weight of 12,500 pounds, capable of carrying up to eight smoke jumpers and their equipment.

It can be flown with a single pilot and is considered a light-twin. The Cessna 206 is a single engine general aviation aircraft that can be used for aerial photography and utility flights.

Although the FAA defines the difference between large and small aircraft based on GTOW, i.e., greater or less than 12,500 pounds, the OPM PCS includes other characteristics for consideration. The PCS describes two basic categories of aircraft, i.e., light single engine airplanes or helicopters; light twin-engine turbine or piston airplanes, typically less than 12,500 GTOW; with operating speeds in the slow to medium range (typically 250 knots or less). This group generally has operating ceiling restrictions and is primarily used for VFR, although some may be pressurized and have capability for IFR. The group is typically designed for short-range flight operations. The second group characteristics includes heavy multiengine turbine powered airplanes for transporting passenger and/or cargo, and high performance, turbine powered planes including military fighters and reconnaissance, both with a GTOW of over 12,500 pounds. These airplanes have extended range, altitude, and instrument capabilities and operating speeds significantly higher than the “typically in excess of 250 knots” discussed in the earlier group.

The appellant estimates that approximately 90 percent of his flight time is in the DC-3TP which generally falls within the characteristics of the heavy aircraft characteristics as described in the PCS. The GTOW exceeds 12,500 pounds and the aircraft is IFR equipped; however, it is not pressurized and its operating speed is approximately 200 knots, less than the “in excess of 250 knots” typical of the larger group and falls directly within the “slow to medium range of speed” typical of aircraft found in the smaller aircraft group. Therefore, its characteristics are not fully comparable to the PCS’s examples provided for the larger aircraft, e.g., refresher training for combat missions for fighter pilots including close formation, aerial refueling, gunnery range with heavy ordnance; or transport and tanker operations envisions aircraft of capable of greater speed and carrying capacity, such as the C-130.

The appellant flies the Cessna 206 primarily as an instructor pilot to train new pilots in back country flight operations and the use and inspection of the Category 4 mountainous/remote airstrips used to access remote areas. Use of these airstrips is restricted to daytime VFR only, and none are paved or lighted. Pilots must have a minimum of 200 hours pilot experience in typical terrain, density altitudes, and takeoffs/landings into this type of airstrip. They must pass a check flight from a FS inspector pilot to land at these strips. Pilots must have authorization from the forest dispatch office and must meet specific currency requirements. The Region has approximately 30 to 40 of these strips and the pilots divide the inspection workload. These airstrips must be inspected annually to determine if they can be used safely, to report any maintenance issues, change windsocks, determine if approaches are safe or if trees and/or noxious weeds must be removed. The appellant indicates that a few of these strips can be used by the DC-3TP to retrieve smoke jumpers. The appellant’s flight time in the DHC-6 is approximately the same as the 206. The time involved in flight and instruction work in both aircraft does not exceed the GS-12 level as described in the PCS.

Smokejumper pilots must be trained to select the jump spots based on hazards and terrain, determine wind drift, and determine jump pattern. Because of confined size of clear jump areas, jumpers must generally be released in groups of 2 or 3. FS jumpers are dropped from 1,500 feet above ground level (AGL) at 100 knots indicated air speed (IAS) while cargo drops are made

later at approximately 150 feet AGL at 110 knots. Drops are accomplished with the aircraft in a 30 degree bank with a stall speed of 82 knots. Providing flight instruction for these mission procedures requires a higher level of skill when rated pilots have not had related experience involving low level flight above mountainous, wooded terrain under fire conditions, etc. This work includes aspects of the GS-13 level.

While serving as FS check airman and PPE for annual proficiency checks, six month instrument proficiency checks, and as DPE, duties also approach the GS-13 level. The PPE and DPE must exercise the judgment, experience, and knowledge to evaluate the pilot's skills and abilities to perform the required mission based on successful performance on a set of tasks set forth by FAA and FS requirements including mission and instrument procedures. A pilot's failure to successfully complete the tasks will result in loss of currency or denial of certification, require additional instruction, and retesting.

The appellant will fly crews of smoke jumpers from one base/location to another area to deal with difficult fire problems. He cited moving crews to California, New Mexico, Arizona, etc. This type of flight may occur once or twice per month in fire season. The agency may also use the DC-3TP while not in fire season to fly a group of staff members to various locations when commercial flights are not available or other means of travel is less cost effective. These flights are not frequent, perhaps two or three in a year. These flights would be comparable to the GS-12 level of the PCS, e.g., flying heavy transport airplanes to various destinations, using IFR to transport supplies and equipment. These flights do not involve the greater distances, extended over-water flying, or the international aspects typical of the GS-13 level of the PCS.

The Fixed Wing Standardization Pilot indicated the Forest Service currently has 47 pilots with 70 authorized positions. Fifteen of these are assigned as DC-3TP pilots and copilots. The appellant is named as chair of the DC-3TP Steering Group. The appellant discussed his work with the Steering Group in standardizing procedures. The two regions flying DC-3TPs were using somewhat different procedures in making their smokejumper and cargo release runs. As the flight crews may be called upon to fly the others' aircraft and smokejumper crews, they were tasked to resolve the differences and define standard procedures. While the staff assignments discussed at the GS-13 level describe flight instructors performing special projects to develop training procedures, originate new material pertaining to flight training programs, etc., the appellant's role does not fully meet this level. He participates as part of a group and provides expertise and input, but the final responsibility for the complete product rests with the Standardization Office.

The PD, which was most recently certified as accurate by the first- and second- level supervisors, cites an even split between pilot and program responsibilities, with pilot duties occupying 50 percent and program work the remainder, i.e., national 30 percent and regional 20. The agency evaluation and appeal decision used an estimate given by a previous supervisor of 65 percent pilot duties, 15 percent instruction, and 20 percent national program. The current supervisor estimated at least 25 percent involves national standardization duties. However, flight instruction and examination work is described in both program and pilot duty areas of the PD.

At our request, the appellant has provided a summary of his total flight time and hours of instruction time for the three year period from January 2004 through December 2006. While the times vary depending on the activity of the fire season and the amount of instruction provided for new pilots, the flight time averaged 217.6 hours per year, with 60.6 hours of that time serving as flight instructor. He also reported providing 34 PPE evaluation flights within that period. He indicated that many of these PPE flights were conducted while he rode in the cockpit jump seat and evaluated both crew members at the same time. There must be a qualified instructor pilot in the right seat to simulate engine failures that are a regular part of the check ride. This time was not logged as flight instructor time and accounts for approximately 25 - 30 additional hours. Using only the log book figures, approximately 28 percent of the appellant's flight time involved instruction.

It must be noted that the flight hours are recorded from the aircraft's hour meter while the actual times involved are greater when including time spent on flight planning, weather briefings, preflight inspections, etc. With flight instruction and check flights, the additional time is appreciably more. There are required preflight briefings including discussions and oral or written testing, and preflight inspection of the aircraft before the actual flight. After the flight is completed, there are generally additional discussions as to the various aspects and results of the flight or evaluation. Therefore, flight hours alone cannot be used to determine the total time involved in completing a given mission flown or instruction session. The National Fixed Wing Standardization Pilot indicated that, on average, a PPE check flight will require approximately 2 hours of oral examination and 2 hours of actual flight time. This is in agreement with the accepted premise that for every hour of flight instruction time, there is a minimum of an additional hour of ground/oral instruction time involved.

As indicated earlier, the pilot duties and most flight instruction work does not exceed the GS-12 level of the PCS. There are aspects of GS-13 level instruction work with regard to the size of the aircraft flown; the degree of hazard because of required mission maneuvers, e.g., low speed, low level flight over hazardous terrain; and evaluating pilots for annual proficiency checks, including mission and IFR procedures. The appellant indicated that 34 PPEs were conducted in the 3 year time period. Providing credit for the oral exam time as well as the check flight would average approximately 45 hours per year. The *Introduction to the Position Classification Standards, Section III, Part J*, discusses the classification of mixed grade positions. For such a position, when the highest level of work is performed for less than a majority of time, it may be grade controlling only if the work is officially assigned to the position on a regular and recurring basis, it is a significant and substantial part of the overall position, i.e., occupying at least 25 percent of the employee's time, and the higher level knowledge and skills needed to perform the work would be required to recruiting for the position if it became vacant. The higher level of instruction work does not constitute 25 percent of the appellant's work time and, therefore, may not control the classification of his position.

Decision

The position is properly classified as Airplane Pilot, GS-2181-12.