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

Appellants:	[appellant] [appellant]
Agency classification:	Air Traffic Control Specialist GS-2152-11
Organization:	[Squadron] [Air National Guard] National Guard Bureau [city and state]
OPM decision:	Air Traffic Control Specialist GS-2152-11 Parenthetical title (Instructor) at agency discretion
OPM decision number:	C-2152-11-13

/s/ Jeffery E. Sumberg

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Jeffrey E. Sumberg
Deputy Associate Director
Center for Merit System Accountability

November 25, 2008

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Date

As provided in section 511.612 of title 5, Code of Federal Regulations (CFR), this decision constitutes a certificate which 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 August 24, 2007, the Chicago Oversight and Accountability Group, formally the Chicago Human Capital Group, of the U.S. Office of Personnel Management (OPM) accepted classification appeals from [appellants], employees of the [Squadron] of the [state] Air National Guard located in [city and state]. They appealed their identical additional position description (PD), currently classified as Air Traffic Control Specialist, GS-2152-11, which they believe should be classified to the GS-2183 Air Navigation Series at the grade 12 level and titled Weapons System Specialist (Instructor). The initial agency administrative report (AAR) for the appeal was received on October 9, 2007. The appellants submitted final data for their squadron on September 10, 2008. This appeal was accepted and decided under the authority of 5 U.S.C. 5112.

General Issues

This appeal is part of a group submitted to the OPM Director by Jacob Y. Statman, an attorney with the law firm of Snider and Associates, LLC, on behalf of 14 dual status members of the ANG assigned to eight different locations throughout the country. Briefly, the attorney's initial request was made on April 30, 2007, to the National Guard Bureau (NGB) in Arlington, Virginia, listing 18 individuals and directing the appeal be forwarded to OPM within 60 days of receipt. On May 31, 2007, the NGB's Chief of Classification and Position Management responded, stating the appeal request was not complete in accordance with OPM guidelines and it would not be addressed until the applicable information was submitted. The attorney was advised that the applicable State Human Resources Offices would, on request, assist him in obtaining these documents. The NGB further stated four of the named individuals were not assigned to the appealed position. On June 11, 2007, the attorney asked, by his letter, to remove the four named individuals and questioned the agency's interpretation of the OPM guidance.

On July 17, 2007, the attorney submitted his request to the OPM Director for a "Group Position Classification Appeal" as "they are seeking a unified decision on a standard position description in use nationwide." OPM's response, dated August 7, 2007, explained the appeal procedure requirements and indicated OPM's Classification and Pay Claims Program Manager (PM) had previously discussed those procedures by telephone with the attorney. To minimize further delay, the PM sent a copy of the attorney's request to the appropriate OPM Groups and to each of the attorney's clients. The attorney was advised that OPM would delay acceptance of these appeals pending his contacting the PM as to whether the clients wished to proceed as OPM appeal instructions require. The attorney was also assured the PM would work with each of the Groups to ensure consistent processing of the appeals.

During the appeal process, the attorney was advised on several occasions the appeal issuance would be coordinated. Fact-finding was affected by the availability of appellants, several of whom were deployed during the adjudication period, and other appellant program workload. In his August 28, 2008, letter to the OPM Director, the attorney voiced his concern regarding the adjudication processes' length of time, and requested the Director "…grant a variation to OPM regulations and award back pay for the appellants retroactive to sixty days after OPM received our appeal."

A Federal employee is not entitled to back pay for periods of misclassification. The U.S. Comptroller General states:

> This rule was reaffirmed by the United States Supreme Court in United States v. Testan, 424 U.S. 392, at 406 (1976), where the Court stated that "... the federal employee is entitled to receive only the salary of the position to which he was appointed, even though he may have performed the duties of another position or claim that he should have been placed in a higher grade." See also Wilson v. United States, 229 Ct.Cl. 510 (1981). Consequently, backpay is not available as a remedy for misassignments to higher level duties or improper classifications. Regina Taylor, B-192366, Oct. 4, 1978.. (CG decision B-232695, December 15, 1989).

The Back Pay Act at 5 U.S.C. 5596(b)(3) prohibits back pay for periods of misclassification. Therefore, we must deny the attorney's request since it is barred by statute and binding U.S. Supreme Court precedent.

Background

The appellants all occupy Excepted Service positions under 32 U.S.C. chapter 7, § 709 (b) which requires membership in the National Guard. This decision pertains solely to the work these appellants perform as civilian employees. However, it is necessary to address the military environment in order to evaluate this work in the proper context.

As used throughout this decision, the term "weapon" refers to military aircraft. The term "weapons control" refers to a distinct set of operational duties and responsibilities performed by both enlisted and commissioned officer personnel. They are designated as Weapons Directors (WDs) with an Air Force Specialty Code (AFSC) 1C5X1D, and Air Weapons Officers (AWOs) with an AFSC 13BX. Weapons control is the control of air offensive, defensive, refueling, close air support (air to surface), search and rescue missions, and the direction of air defense artillery systems. Weapons control is also an essential component of, and required qualification for, a number of other, more senior operational and battle management positions. Enlisted personnel in this specialty typically progress to perform higher level technical/operational work, while officers move into air battle management positions. Becoming an instructor requires a separate course of formal academic study involving instructional methods/techniques, advanced positional training, and practical instructional experience gained by actually giving courses to others. Once qualified, each instructor must be evaluated and recertified annually to continue working as an instructor.

The modular control system (MCS) is the ground radar element of the theater air control system (TACS). The MCS is interoperable with airborne elements of the TACS (Airborne Warming and Control System, Joint Surveillance Target Attack Radar System, and airborne battlefield command and control aircraft), other Department of Defense components (Army, Navy, and Marines), most allied sensor and weapons systems, and civilian authorities. The MCS is comprised of control and reporting centers (CRC) which typically include mission support (communications, maintenance, supply, etc.) and crew operations, and directs all control and surveillance assets within an assigned geographical area of responsibility (AOR). CRC

Commanders are normally designated as Battle Commanders (BC). The Director of Operations serves as backup BC, and is responsible for six functions, i.e., battle management, weapons control, airspace management, surveillance, data link management, and theater missile defense.

Within a CRC, Senior Directors (SD) supervise crews of weapons controllers (WC) in the control of aircraft and report to the Mission Crew Commander (MCC). Air Surveillance Officers (ASOs) supervise surveillance crews who detect, track, identify, and report on other airborne objects in the AOR; maintain data links with other activities; and also reports to the MCC, who reports to the BC. An operations crew includes eleven distinct duty positions/stations; three are air battle management duty positions, six are air and electronic surveillance, and two are WC positions. CRC operations include additional positions for data systems, interface control, and additional coordination.

As indicated previously, WC positions are filled by both commissioned officer and enlisted personnel. Enlisted personnel are sent to the 107th ACS in Arizona for formal weapons control training for 74 training days. Training includes 208 hours of academic training, 268 hours of simulator positional training, and 116 hours of live flight missions. The 107th provides all basic enlisted training for Air Force and ANG. Upon completion of the course, their home unit has the option to send them to an active duty unit (i.e., the 607th ACS) in Arizona, if slots are available, to continue their initial qualification training (IQT) full time for four months or have them return to the home unit to complete the training during their regular unit training assemblies (UTAs), annual two weeks of active duty, and proficiency training (PT) days. Each WC is given up to 30 approved PT days annually, in addition to their UTAs, to train and maintain readiness. Part-time completion may take up to 14 months. Officers receive their training at Tyndall Air Force Base (AFB) as part of a nine-month Air Battle Management course which includes radar theory, surveillance operations, tactical operations, and other subjects.

The service schools provide trainees a foundation of basic occupational knowledge and experience and qualify them to receive their military specialty designation. College credits from the Community College of the Air Force are provided for successful completion of the first period of WD formal IQT training. After completion, trainees are assigned to units where they complete their IQT, either on a full time basis or as reservists. The appellants, as Weapons Controller Instructors (WCI), provide the hands-on, on-the-job training, mentoring, and practical work experience to enable trainees to gain the proficiency required to perform the organization's WC mission at the required level. As instructors, the appellants provide training to complete the IQT requirements and the preparation for the Initial Qualification Evaluation (IQE), i.e., a positional, written, and verbal evaluation to determine if the trainee is eligible for Basic Qualified (BQ) status.

WCs then begin mission qualification training (MQT) which is specifically tailored to their home unit's assigned mission, including the types of aircraft supported, functions performed, available equipment, particular military operations, the AOR, etc. During MQT, the appellants serve as a resource to trainees to answer questions, clarify matters as asked, and provide positional training to complement and enhance the students' understanding of the course content. After successful completion of MQT and its evaluation process, WCs are determined to be combat mission ready (CMR) or combat mission capable (CMC), depending on their unit assignment.

In addition to working with trainees, the appellants provide the continuing qualification training required for all WCs in the unit on a regular basis to maintain their skills, as well as upgrade proficiency training.

Live training exercises (sorties) provide real-time experience for trainees to actually control available aircraft during refueling operations and exercises which approximate air to air combat, air to surface combat, and/or search and rescue operations. Simulated training exercises (STEs) are planned, scripted, yet flexible scenarios played out as if actually occurring to replicate events a WC trainee may encounter in live flight situations. While scripted, STEs allow for "dynamic inputs," by senior specialists posing as pilots, in response to actions taken by trainees to simulate realistic outcomes resulting from trainee decisions/actions such as mid-air collisions. STEs provide hands-on experience when live sorties are not possible or operational conditions and/or large military operations cannot be safely, easily, or economically replicated using actual resources. STEs also provide experience to representatives of the various other participating activities who perform in a number of distinct roles and are responsible for specified portions of the overall operation. STEs involving external activities require a significant amount of prior planning and coordination.

Position information

The 133rd Test Squadron (TS) is assigned the mission to provide an effective and sustainable warfighting command and control capacity through the professional test and evaluation of the Control and Reporting Center to include the development of future system upgrades and modernization. Since the 133rd was changed from an Air Control Squadron to a TS in 2002, it has served as the only ANG facility working with AF in testing such new equipment. The Test Section is responsible for total test management of hardware and software for Command and Control (C2) systems beginning with the concept of a specific piece through to Developmental and Operational testing. Testing requirements flow through Air Combat Command (ACC) through the 505th Command and Control Wing to the 133rd.

The Operations Section is tasked to provide radar control of offensive and defensive air operations. They continually operate, train, and test current and future technical data links using a variety of equipment. They test and train with airborne platforms such as AWACS, JSTARS, bombers and fighters. The 133rd is the focal point for the Battle Control Center CENTAF (BC3) which is intended to replace the present Modular Control Equipment.

The 133rd, including the Operations, Communications/Maintenance, and Test Sections is comprised of approximately 144 personnel, of which 31 are full-time title 32 positions while the remaining 113 are regular members of the ANG. The appellants are assigned to Operations which has a staff of 32 positions including three full-time title 32 and 29 regular ANG members. All three full-time title 32 Operations employees are qualified as instructors, including the appellants.

The 133rd regularly supports F-15 fighter squadrons from St. Louis, Missouri; F-16 squadrons from Des Moines and Sioux Falls Iowa; and KC-135 tankers from the 185th Air Refueling Wing, in Sioux City Iowa. Joint exercises/training may also involve B-2s from Whiteman AFB

Missouri, JSTARs from Warner Robbins AFB, Georgia, AWACS from Tinker AFB Oklahoma, and Rivet Joint aircraft from Offutt AFB Nebraska.

The 133rd TS, known as "Coffin Corner" conducts real time detection, identification, and surveillance of air traffic for combat operations and homeland defense. In Iowa, the squadron is assigned the following AORs: Crypt Military Operating Area (MOA) and Fecther North Air Traffic Controlled Assigned Airspace (ATCAA), an area of approximately 50 by 100 nm. They make less frequent use of the O'Neil MOA in Nebraska and two other ATCAA areas.

The appellants as WCIs assigned to Operations, perform their traditional ACS training duties as well as assisting in the testing of new equipment and systems. They use their expertise on the existing system to assist in evaluating and providing feedback on proposed new equipment and systems and may run parallel tests using the current Operations Modules (OM) as a safety check. Depending on the nature of the equipment/systems to be tested, they may use live flight or simulations, and may in some cases, combine regular ACS training missions with testing. This past fiscal year, they have done extensive testing for modifications to two BC3 versions which are deployed to combat areas, both conducted over five-week periods at the beginning and end of the year. Another six-week period was used for testing software and equipment upgrades for the existing MCS modules and approximately four weeks testing data links. Another four-week period for installation and test of radar upgrades had minimal impact on the appellants. Testing was scheduled for approximately 20 weeks during FY 07. Of the 456 missions reported for that time, one appellant estimated that approximately 60 percent are regular ACS training mode while 40 percent support the test program.

The appellants are assigned to a standard position description (PD) of record, [#########]. It states the primary purpose of the position is to perform duties as a Weapons Controller Instructor (WCI) and provide instruction in one or more of the following positions: WD, AWO, SD, ASO, or MCC. The PD continues to describe duties as briefly listed below.

1. Serves as a WCI determines training requirements, provides training and remedial assistance, and evaluates training program effectiveness.

2. Serves as Mission Crewmember in one or more of the WC positions, as appropriate.

3. As required, and if qualifications are met, serves in one of the three Air Battle Manager positions which are SD, ASO, or MCC.

4. Serves as unit standardization/evaluation evaluator to insure combat mission readiness of crewmembers.

5. As required, performs some limited supervisory functions over subordinate staff.

The appellants' primary duty, Duty 1, involves serving as WCI, providing the training required for new service school graduates to complete their basic qualification certification, MQT for assigned WCs, as well as the required annual training and upgrade and proficiency training for all squadron members. Air Force and Air Education and Training Command (AETC)

instructions and course materials are followed. Senior positions are also involved in the overall planning, coordinating, and supervision of missions, i.e., SDs, up through MCCs, but must also meet the annual training requirements and maintain currency in the weapons controller function.

The appellants provide classroom training for students for upgrade and proficiency as well as for squadron instructors and examiners on instructional methodology and other areas to develop instructor proficiency. In conducting positional training using the simulator, students go through a briefing to explain the training objectives and the specific tasks to be accomplished; and a debriefing after the training session to discuss the results and any problems encountered. Training begins with basic intercept procedures and air refueling procedures and increases to tactical missions with increases in complexity of procedures and numbers of aircraft involved. During basic training, no more than four aircraft are controlled at one time by two students and two instructors, however, more experienced controllers may work missions with up to eight aircraft.

When performing live missions, the students and instructor attend the mission briefing with the pilots approximately three hours before the mission. The instructor will then do a more tailored briefing with the student as to the specifics of the mission, prior missions, etc. They report to the radar van to check communications with the aircraft, operation of the radar equipment, etc. After the flight, which may last 30 minutes to an hour without refueling, they go back for a debriefing with the pilots on mission results, problems, etc. This entire process will usually occupy a full eight-hour day.

Duty 2, serving as a mission crewmember, the appellants participate in pre-mission briefings to relay information on air plan operations and obtain information from the various orders and instruction pertaining to the mission. They provide radar control for assigned aircraft in the area of responsibility; locate, identify, and track assigned aircraft; and provide the appropriate level of control depending on the aircraft's electronic equipment and the nature of the mission, i.e., air-to-air, air-to-ground, aerial refueling; or search and rescue. As mission crewmember, they monitor the long-range radar to assure airspace boundaries are maintained, and ensure safe handoff between military airspace, Federal Aviation Administration (FAA) airspace, and other control entities, e.g., airborne command aircraft. As a mission crewmember, the appellants may be assigned to different positions, depending on their individual qualifications, the mission requirements, and the crew members available.

The supervisor indicates the appellants spend approximately 70 percent of their time on Duties 1 and 2 combined.

Duty 3, describes serving, as required and if qualifications are met, in one or more of three Air Battle Manager positions such as SD, ASO, and/or MCC. As indicated, these positions are limited to commissioned officers. We note the standardized PD is used to cover the work of both enlisted and officer personnel, yet only the latter have the ability to qualify to perform the duties listed under Duty 3. Both appellants are noncommissioned officers and may not qualify for the Battle Manager positions described in Duty 3.

Duty 4 describes the duties of unit standardization/evaluation evaluator, to ensure combat mission readiness of crewmembers. As such, they evaluate the degree of proficiency and adherence to procedures and coordination requirements of squadron members to determine their status as to combat mission readiness. They do scheduled and unscheduled evaluations/examinations and verify and certify the qualification of individuals nominated for upgrade. The supervisor indicated the appellants each spend 15 percent of their time involved serving as an evaluator.

Duty 5 indicates performance of some limited supervisory function over subordinate staff. The supervisor stated neither appellant had any civilian subordinates but spend approximately 10 percent of their time in management of work and projects. These duties would not meet the criteria for coverage by either the General Schedule Leader Grade Evaluation Guide or the General Schedule Supervisory Guide.

The PD and other information of record provide more detailed information with regard to the duties assigned to and performed by the appellants. While it does not specifically define the duties involved with the testing program, we find, and the appellants concur, that the primary knowledge and skills required involve the weapons control, data links, surveillance, and battlefield management, along with the ability to make decisions quickly. These are the primary requirements for both aspects of the assignments. We find the PD includes the major duties and responsibilities of the position and we hereby incorporate it into our decision. To help decide this appeal, we conducted an initial telephone audit with the appellants on July 24, 2008 and follow-up contacts on September 10, October 22, and November 3, 2008. We interviewed the supervisor by telephone on September 25, and received information by e-mail October 7, 2008. This decision is based on the written record, information provided by both the agency and the appellants, as well as the information obtained in the interviews.

Series, title, and standard determination

The appellants' primary concern is with the agency classification of the position to the GS-2152 Air Traffic Control Series and grade level evaluation by application of the GS-2152 position classification standard (PCS). They believe the GS-2183 Air Navigation Series provides the best coverage for their work and the title of Weapons Systems Specialist (Instructor) provides the closest match for the paramount nature and purpose of the work, and the qualifications required to perform the duties.

In response to the AAR, one of the appellants emphasized the level of responsibility assumed by the WCs. He also stated AWACS weapons controllers have been upgraded to the GS-12 level. He believes they perform the same work as the ground-based system. By law, we must classify positions solely by comparing their current duties and responsibilities to OPM standards and guidelines (5 U.S.C. 5106, 5107, and 5112). Since comparison to standards is the exclusive method for classifying positions, we cannot compare the appellants' position to others which may or may not be properly classified, as a basis for deciding this appeal.

The GS-2183 series covers positions responsible for assisting the pilot in aircraft operations by determining, planning, and performing the navigational aspects of the flight. Positions in this

series require knowledge of the various methods of air navigation, and skill in using navigational instruments, equipment, and systems in conjunction with flight instruments to direct the movement and positioning of the aircraft to accomplish a specific mission or assignment. Some positions may require knowledge of the use and deployment of fighter aircraft ordnance; skill to conduct preflight checks, recognize malfunctions, and coordinate delivery with the pilot; and knowledge of weapons ballistics and skill to operate related avionics systems for fighter aircraft. Some positions may also be responsible for providing ground and flight instruction in air navigation.

As a group, the appellants state their work requires knowledge of aircraft weapons, tactics, aircraft radar, and communications, and that the organizational mission, line of promotion, and recruitment sources prove their position belongs in the GS-2183 series as weapons systems specialists. We agree their positions are located in a military environment. While the GS-2183 PCS primarily involves civilian positions in armed forces reserve organizations, those specific positions are (1) navigators for heavy multiengine transport or tanker aircraft and (2) weapon systems specialists in fighter or reconnaissance aircraft. The PCS discusses the knowledge and skills required for the basic aircrew positions of navigator and weapons systems specialists. These include knowledge of the methods of air navigation (dead reckoning, celestial, radio, pressure pattern, grid, or inertial) and applying the appropriate methods to the mission involved to generate planning data; knowledge of flight instruments and navigational equipment and their functions and interfaces and skill to program, operate, and cross-check systems and analyze possible causes of discrepancies; knowledge of instrument flight procedures, air traffic procedures, airway routes and structures, oceanic routes, and use of navigational aids; knowledge of the effect of weather/atmospheric conditions on flight operations; knowledge of techniques and sources of data for fuel planning and skill to determine fuel requirements, and monitor consumption in flight; and knowledge of tactical flight formation and low-level flight procedures. Depending on the missions flown, knowledge may be required of parachute ballistics for delivery of cargo or personnel; procedures relative to aerial refueling tracks and skill to position the tanker for rendezvous with the receiver aircraft; fighter aircraft ordnance and its uses and deployment to do preflight checks, recognize malfunctions, and coordinate delivery with the pilot; knowledge of weapons ballistics and skill to operate related avionics systems; and knowledge of the functions and operation of sensor/photo equipment for photo reconnaissance missions.

While the instructor duties as described in the 2183 PCS are similar to the appellants', requiring a demonstrated mastery of the full performance level knowledge and skills, and knowledge of the methods of instructions and skill to apply this knowledge in duties requiring reviewing training records; planning and conducting simulator and procedures training; maintaining records, analyzing progress, and preparing reports, etc.; the appellants are not teaching the full range of knowledge and skills required to perform the 2183 work as a flight crew member The PCS describes major crew tasks and responsibilities for navigator and the additional tasks which are unique to weapons system specialists. The appellants are not responsible for performing the typical duties described in the GS-2183 series nor are they required to have the knowledge of the various methods of air navigation; flight instruments and navigational equipment; instrument flight procedures; weapons ballistics; and skill to operate related avionic systems for fighter aircraft, etc. at a level to perform the duties of or to qualify for an AF, Navy, or FAA navigator

rating. Thus, the appellants' work does not require or permit them to apply the full range of knowledge and skills required for placement of the position in the GS-2183 series. We also find the organizational mission, lines of promotion, and recruitment sources do not support allocation of the appellants' position to the GS-2183 Air Navigation series.

The GS-2152 Air Traffic Control Series includes positions concerned with (a) the control of air traffic to ensure the safe, orderly, and expeditious movement along air routes and at airports when a knowledge of aircraft separation standards and control techniques, and the ability to apply them properly, often under conditions of great stress, are required; (b) providing preflight and in-flight assistance to aircraft requiring a knowledge of the information pilots need to conduct safe flights and the ability to present that information clearly and concisely; or (c) development, coordination, and management of air traffic control programs.

During training for these positions which are performed in Government or military facilities, controllers must learn and retain for instant recall and reference, a considerable body of knowledge related to meteorology, air navigation, standard air traffic control communications procedures and phraseology, performance characteristics of the various types of aircraft, the types and uses of aids to air navigation, and the regulations and procedures governing control and separation of air traffic. In addition, they must be qualified to perform the duties of the assigned position of operation in their facility. This requires detailed and comprehensive knowledge of the facility and the surrounding geographic area, airway routes and structures, kind and location of aids to navigation, communications systems, working relationship with other air traffic facilities, and the standard operating procedures for that facility. These may include assisting pilots by providing weather and flight briefings, initiating search and rescue operations, controlling air traffic within an airport traffic area which may include adjacent airports and control of ground traffic at the terminal, and controlling traffic at air terminals and/or air traffic control centers by use of radar.

We recognize the appellants' positions do not function like traditional FAA or other facility air traffic controllers. The appellants' primary responsibility is to instruct others and to perform the duties involved in directing and monitoring aircraft within an airspace specifically designated as their area of responsibility while conducting live training/flight missions which include fighter aircraft, air tankers, and others. They use the long-range radar to vector aircraft to intercept other aircraft until the aircraft's own radar and other electronic systems will assume control. The appellants are in radio contact with pilots and other crew and continuously monitor the radar for safety of flight. The position requires and the basic training includes radar fundamentals; knowledge and use of voice-communication systems; use of geographic reference systems, e.g., longitude and latitude; basic knowledge of navigational aids; knowledge of aircraft systems including target acquisition and detection systems, ability to identify various types of aircraft, both friendly and threat aircraft, and their characteristics; Air Traffic Control, National Airspace System and Control Agency Procedures; effects of weather on flying operations and the ability to obtain, extract, and disseminate pertinent information on routine weather reports, winds aloft, pilot weather reports, and altimeter settings; conducting simulated and live intercepts in a confined airspace; and setting up and operating the radar console and communications equipment. These subjects are included in the basic knowledge and skills required for air traffic controllers and support allocation of the position to the GS-2152 series.

The appellants provide instruction, i.e., academic and position training, both simulation and live-mission flights, and provide long-range radar coverage in support of the squadron's flight training missions. They participate in pre-mission briefings and post-flight debriefing with the flight crews in live missions to discuss the purpose and plans for the mission, accomplishments, and/or problems. Pre- and post-mission debriefings are also part of all simulation training with students. Training is provided to students to complete the requirements for IQT, MQT based on the specifics required at the duty station, continuing training for meeting annual requirements, and for upgrade of skills. The PD references providing instruction to one or more of the following positions – WD, AWO, SD, ASO, or MCC. These titles include positions with higher levels of experience and additional planning, coordination, and management responsibilities. However, they are all required to complete the annual training and proficiency requirements in the WC duties. The appellants' role in providing the instruction does not change.

Since much of the appellants' work time involves instructional work, consideration was given to the 1712 Training Instruction Series. This series includes instruction in a training program where the paramount requirement is a practical knowledge of methods and techniques of instruction and practical knowledge of the subject-matter being taught. Positions in this series do not have either a paramount requirement for professional knowledge and training in the field of education or mastery of a trade, craft, or laboring occupation. This series excludes positions for which the paramount qualification requirements for the work and the career patterns are primarily in the subject-matter field. Because the paramount qualification requirements for the appellants' position are the knowledge, skills, and abilities to perform the WC work, this work is excluded from the GS-1712 Training Instruction Series. However, we will apply the criteria in the Grade Level Guide for Instructional Work (GLG) as a cross reference to ensure the appellants' major duties and responsibilities are fully evaluated for grade-level purposes.

The GS-2152 PCS includes titling instructions for staff and related positions which may be included in the occupation provided the paramount qualifications required are extensive technical air traffic control knowledge and understanding of the laws, rules, regulations, and procedures governing the movement of air traffic. Air Traffic Control Specialist is the appropriate title. A parenthetical title of Instructor may be added in accordance with instructions contained in the GLG.

Grade determination

Evaluation using the GS-2152 PCS

The GS-2152 PCS is organized into three parts. Part I addresses work in providing services in flight service stations; in Part II, positions are responsible for issuing air traffic instructions within an area surrounding an airport; and Part III covers work performed in providing instruction and advisory services to aircraft within enroute air traffic control centers.

Given the nature and size of the military flight ranges used and the specific work performed, we find Part III of the 2152 PCS is most appropriate for use. Like under Part III, weapons controllers accept and return aircraft from the FAA airspace into their AOR and monitor that traffic on radar to assist in the mission and assure aircraft stay within the boundaries of the AOR,

both geographic and altitude, communicating with and providing instructions to pilots and flight crew, as appropriate. While the FAA Center staff have a large amount of traffic on established flight plans with designated routes within their sector of responsibility, the appellants deal with smaller numbers of aircraft performing combat-type exercises within the confines of their area of responsibility, e.g., military operations areas, test ranges, etc.

Part III of the 2152 PCS is written in narrative format and addresses six classification factors: *Knowledge, Skills and Abilities Required; Complexity of the Control Environment; Supervisory Control Over the Work; Scope and Effect of the Work; Physical and Mental Demands; and Nature and Purpose of Personal Contacts.*

The PCS indicates that except for trainee and developmental levels, all center positions are characterized by a high degree of independence from supervision and responsibility for making and carrying out essentially unreviewed control actions. The remaining three factors: *Scope and Effect of the Work, Physical and Mental Demands, and Nature and Purpose of Personal Contacts*, are most directly related to and influenced by the second factor, *Complexity of the Control Environment*, and are not discussed separately.

The PCS indicates that because of similarities in the kind of control exercised, procedures and techniques employed, and the equipment utilized, the kinds of knowledge required are very similar for all center controllers. These include procedures for radar control and separation of aircraft using vector, speed control, and altitude separation; regulations and procedures governing control and movement of air traffic; operation and adjustment of the radar system to provide appropriate field of scan or information display, and the ability to detect malfunctions; computer routines for inputting or obtaining data; the airways structures with the area, pertinent geographic and terrain features, traffic patterns and flow; operational agreements with other air traffic facilities, procedures for handling military operations; performance characteristics such as speed, rate of climb, and maximum operating altitude for a wide variety of aircraft; and significant weather patterns and phenomena peculiar to the assigned area. The level of skills, abilities, and judgment required is influenced by the demands of the particular work situation.

The PCS also devotes much discussion to the second major factor – the complexity of the control environment. It discusses the relationship of traffic density and indicates it is the sustained density and congestion of air traffic which is most significant rather than the absolute volume. Sustained density creates pronounced coordination problems and intensifies the congestion causing continuing pressure for rapid control decisions and for precise and rapid communications with pilots. Other factors also affect the complexity of the center controller's work, e.g., transitioning aircraft, unfavorable terrain, restricted and military operating areas, numerous airports in the area, the configuration of the control area in terms of navigational aids, converging air routes, juxtaposition to international boundaries; and mixture of aircraft with varying speeds and performance.

The PCS describes center controller positions at the GS-5, 7, and 9 levels as trainee, developmental, and advanced developmental, respectively. Center controller positions above the developmental level may be distinguished on the basis of the measurable differences in the *Complexity of the Control Environment* and the concomitant impact on the level of *Knowledge, Skills, and Abilities Required.* The GS-11 level describes assignments varying between

performance of control functions as a team member assisting higher graded controllers and assignments geared to qualify the controller to operate a limited number of radar control positions. As a team member, the GS-11 controller performs such tasks as sequencing aircraft for handoff; issuing departure clearance, transponder code, and altitude assignments; providing approach or en route clearances; etc. directly to pilots. They have responsibility for actions such as shortened holding patterns to expedite aircraft movements and directing deviations from normal courses and speeds to reduce potential delays. Controllers at this level receive only general guidance and supervision while performing duties of those positions on which they have qualified. Developmental assignments to qualify on other positions are performed under the technical direction of full performance level controllers.

The GS-12 level of the PCS is characterized as the first full-performance level of radar control in the centers with controllers performing duties of all radar positions of operation within an assigned area of specialization in centers typically handling traffic densities up to 169 IFR (instrument flight rules) aircraft per hour (average) during the day and evening shifts. At this level, controllers are responsible for the independent control and separation of aircraft under the reduced separation standards typical of radar control, requiring more precise and rapid judgments, continually issuing instructions to pilots on headings, altitudes, and maneuvers necessary to avoid severe weather, or remain clear of restricted or military operations areas. At the GS-12 level, center controllers must have detailed knowledge of all the techniques and procedures for separation and control of air traffic using radar, special operating procedures for all radar positions of operations within the area of specialization, letters of agreement and procedures for coordinating traffic flows with other facilities, and procedures pertaining to military operations. As indicated earlier, the control environment is complicated by the size and configuration of airspace; mixture of arriving, departing, and en route traffic; mixtures of aircraft with widely varying operating speeds and weights; unfavorable terrain features; military operations and restricted areas; large number of navigational aids and reporting fixes; numerous airports and airways; and presence of special military missions and training operations. A substantial number of these or similar factors are found at the GS-12 level on a regular and recurring basis.

The appellants' work meets several aspects of the GS-12 level; e.g., responsibility for independent control of aircraft under radar control and directly issuing instructions to pilots as to headings for intercept of fighters or tankers, advising on the presence of other aircraft, and warnings when approaching the air space limitations of the training area. They must be aware of problems imposed by terrain or other geographic features within the training area. Some of the appellants whose appeals we are adjudicating believe the close command and control relationship between the WCI and pilots during the training sorties does not take into account the complexity of the closing speeds of the various aircraft flying at 400-550 knots, and doesn't credit the many communications per minute needed to maintain tactical control and flight safety. The GS-12 level of the PCS describes the controller continually issuing instructions to pilots on headings, altitudes, and maneuvers needed. The PCS discusses complicating environmental and operations factors. However, the appellants do not have a large mixture of arriving, departing, and enroute traffic, their numbers of participants for a mission are limited. While the appellants are primarily controlling jet fighter aircraft, at the GS-12 level controllers work with commercial jet aircraft with comparable closing speeds, business and general aviation aircraft, as well as

military aircraft on flights through the ATC centers and/or to and from training exercises. The PCS describes these duties as being performed in centers with traffic densities ranging up to an average of 169 IFR aircraft handled per hour. As indicated, the sustained density of traffic creates pronounced coordination problems and intensifies the congestion of the airspace, making significantly greater demands on the controller's skill, judgment, and decision making abilities to react rapidly and without error in work situations that are often extremely stressful. In contrast, the appellants are dealing within a military operating area or range which is closed to all except participating military traffic.

The PCS measures the traffic density for Center operations by using the number of IFR arrivals and departures plus the number of IFR over-flights for the 183 busiest days of the year during the day and evening shifts, to capture the busiest times. The NGB has provided, at our request, the number of missions controlled at the home stations for each unit for Fiscal Year 2007. The 133rd TS reported 456 missions. Training missions generally average from 4 to 8 aircraft per mission, depending on the complexity, and the average time involved in the actual flight control portion of the mission ranges from less than one to two hours. Thus, the appellants' work falls materially short of meeting the GS-12 threshold and, therefore, must be evaluated at the GS-11 level.

Evaluation using the GLG

Part I of the GLG covers instructor work involving such activities as preparing daily work plans based on course outlines and established learning objectives, training in traditional classroom situations or in self-paced programs and evaluating the progress of students and advising and assisting them to improve their performance. The GLG may be used to evaluate the instructional aspects of mixed jobs where the subject-matter aspects are graded by the appropriate subject-matter series. The GLG is written in narrative format and uses two factors for evaluation: *Nature of Assignment* and *Level of Responsibility.*

Nature of Assignment

At the GS-9 level, courses cover a wide variety of topics in well-established areas of a subject-matter field including courses taught by a technical service school in the fundamentals and skills of a technical occupation; courses taught at the secondary through basic undergraduate level; or all subjects taught at the elementary school level. They require a thorough familiarity with the subject-matter area and use a wide range of teaching methods. Courses are usually well structured and have ample training material. GS-9 instructors give concrete expression to the abstract principles and concepts, and organize, illustrate and interpret course materials to reach and motivate the students.

In contrast, courses at the GS-11 level cover advanced technical systems or subject-matter areas comparable to upper-division undergraduate level. Courses are not standardized or pre-structured, typically have source materials problems, and instructors are responsible for overall maintenance of the assigned courses and determine the need for change/upgrade in content. They participate substantially in course development or modification, and frequently demonstrate techniques to trainee instructors and evaluate the performance of lower-level instructors. Some courses taught at this level are similar to those taught at the GS-9 level, by

GS-11 instructors are required to adapt or revise their courses because of subject-matter or student problems. Subject-matter problems result from technological changes or new developments in the field and require frequent updating of knowledge and course content.

The courses taught by the appellants provide a variety of technical knowledge which serves as the background needed to develop the skills and proficiency required to perform the duties of weapons controller in support of the aircraft mission. Some comparable academic courses are taught as part of basic undergraduate levels, e.g., training for air traffic management. Others are uniquely military, e.g., aerial refueling; identifying duties of battle management sections and elements of Theater Air Command System; basic capabilities of military air defense systems, etc. We were told the Community College of the Air Force provides students with credit for successful completion of WD training. Course material is developed by the AETC and must be followed. The appellants may modify their presentation to increase a student's understanding of the material. Simulation training exercises allow students to first observe, assist, and then practice, under supervision, the various aspects of the work prior to live missions. The same observe, assist, and practice under supervision processes are used when beginning live mission training flights. Training begins with basic intercept procedures and refueling procedures, and progresses to more complex tactical exercises and additional aircraft. Instructors must closely monitor students throughout the training process to assist in the development of procedural knowledge and increasing skill and ability to safely perform the work. Simulated exercises also provide weapons controllers the opportunity to experience and respond to situations which may occur in real life but are too costly, difficult or impractical to replicate with actual equipment and personnel.

The basic academic course work, although highly technical, does not exceed the GS-9 level. One strengthening aspect is that the appellants may also train new instructors and evaluate their performance as described at the GS-11 level. However, instructors at the GS-11 level are responsible for the overall maintenance of their assigned courses and determine the need for and initiate changes/updates in course content, participating substantially in course development or modification. While the appellants may recommend changes in the AETC course material, they have no direct responsibility for making changes or updates. The AETC Instructions make it clear the course syllabus is directive in nature and will be followed as written. If problems or questions arise, the appropriate wing chain of commend is to resolve the problem. In the testing environment, more emphasis is placed on air-to-ground combat more typically occurring in the current war zones where the new systems/equipment are based. The appellants work with ACC, responsible for the new systems/equipment and testing, to develop new scenarios for the testing process. As Standardization/Evaluation Evaluators, they provide input to ACC to establish the standards used for evaluating the combat readiness of WCs using this new software/equipment. This factor approaches, but does not fully meet the GS-11 level.

Level of Responsibility

At the GS-9 level, instructors independently plan and carry out their training sessions within the prescribed course framework, resolving normal problems and arranging for supplemental information and materials. They may recommend changes in course material and their classes may be audited by higher level instructors. Examples include broad course in the fundamental

and basic skill of an occupation such as computer operation or engineering drafting and maintenance and repair of designed components of various models of aircraft requiring explanation of theoretical factors underlying maintenance and repair problems.

In contrast, GS-11 level instructors may receive course assignments with the course objectives, topics to be covered, and general content in prescribed form, but they also typically participate in original course content development and in its subsequent modification. With the course framework, they use the methods they believe are most effective, determine the need for additional subject-matter information, and may meet with representatives of outside organizations to obtain it. The AETC-imposed constraints with regard to course content and delivery preclude evaluating this factor above the GS-9 level. For the testing assignments, the appellants do provide input to ACC as to scenarios used for testing. Using their abilities as an instructor/evaluator, they provide input for the standards used to determine if a WC is capable of operating the modified equipment/systems at a level to be determined CMR. These aspects serve as a strengthening factor but, in and of themselves, do not reflect the full extent of course responsibility required for evaluation at the GS-11 level.

In summary, the appellant's instructional duties approach, but do not fully meet, the GS-11 level and therefore, must be evaluated at the GS-9 level.

Summary

By application of the grading criteria in Part III of the PCS for the Air Traffic Control Series, GS-2152, we find that the appellants' controller work meets the GS-11 level. By cross-reference to the grading criteria in Part I of the GLG for Instructional Work the instructor duties meet the GS-9 level. However, by application of mixed-grade principles, the final grade of the position is GS-11.

Decision

The position is correctly classified as Air Traffic Control Specialist, GS-2152-11. The parenthetical title (Instructor) may be used at the agency's discretion.