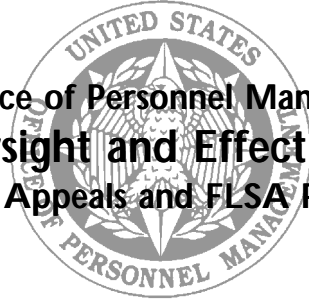


U.S. Office of Personnel Management
Office of Merit Systems Oversight and Effectiveness
Classification Appeals and FLSA Programs



San Francisco Oversight Division
120 Howard Street, Room 760
San Francisco, CA 94105

Job Grading Appeal Decision
Under Section 5346 of Title 5, United States Code

Appellant: [The appellant]

Agency classification: Motor Vehicle Operator
HPP-5703-7

Organization: [The appellant's installation]
Army and Air Force Exchange Service

OPM decision: Motor Vehicle Operator
5703-7

OPM decision number: C-5703-07-02

Carlos A. Torrico
Classification Appeals Officer

April 20, 1999
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 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:

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Introduction

On August 31, 1998, the San Francisco Oversight Division of the U.S. Office of Personnel Management (OPM) received a job grading appeal from [the appellant]. His job is currently classified as Motor Vehicle Operator, HPP-5703-7. However, [the appellant] believes it should be graded at the 8 level. Prior to appealing to OPM, the appellant filed a job grading appeal with his agency. In a letter to him dated July 14, 1998, the agency sustained the current classification. The appellant works in the [appellant's installation]. We have accepted and decided this appeal under section 5346 of title 5, United States Code (U.S.C.) .

General issues

The appellant makes various statements about his agency and its evaluation of his job, and believes that his job favorably compares to higher graded operator jobs who drive other types of vehicles (e.g., tractor trailers) at the [appellant's installation]. In adjudicating this appeal, our only concern is to make our own independent decision on the proper classification of the appellant's job. By law, we must make that decision solely by comparing the job's current duties and responsibilities to OPM job grading standards (JGS's) and guidelines (5 U.S.C. §5346). Therefore, we have considered the appellant's statements only insofar as they are relevant to making that comparison.

The appellant (a "local hire employee") compares the pay he receives with that received by his [appellant's coworkers] noting he receives less than half the annual amount they receive for the same work. However, financial need and salary comparability are issues not considered in determining the grade level of a job (*The Classifier's Handbook*, chapter 5).

The appellant believes that if his appeal is upheld, he will be entitled to back pay retroactive to June 28, 1996. However, the U.S. Comptroller General states that an "...employee is entitled only to the salary of the position to which he is actually appointed, regardless of the duties performed. When an employee performs the duties of a higher grade level, no entitlement to the salary of the higher grade exists until such time as the individual is actually promoted...Consequently, back pay is not available as a remedy for misassignments to higher level duties or improper classifications" (CG decision B-232695, December 15, 1989).

In reaching our decision, we have reviewed and carefully considered the extensive information furnished by the appellant, his supervisors and his agency, including his official job description (JD) # 6650M07-01, implemented July 28, 1998, which he has certified as accurate.

In the case file the appellant refers to certain positions at his installation classified at Mobile Sales Associate (Food Delivery) grade 2, which he believes are misclassified in terms of both occupational code and grade. He asks for OPM's assistance in resolving the issue. However, by law an employee may only appeal the duties and responsibilities of his/her assigned job, not that of other employees.

Job information

The primary purpose of the appellant's job is to operate a heavy cargo van type truck to pick up and deliver merchandise, most of which consists of palletized loads. The appellant is responsible for loading and unloading the vehicle as required. He uses a pallet jack and the truck's power lift gate to load, position loads within, and off-load the truck. He uses the pallet jack to move, sort and stage merchandise for future loads. The appellant also performs routine preventive maintenance checks, and maintains required driver logs and other forms as appropriate.

The appellant's job description and the other material of record provide much more information about his duties and responsibilities and how they are carried out.

Occupation, title, and standard determination

The appellant operates a motor vehicle, driving to and on Government installations over public roads and an express toll road, to pick up and deliver merchandise to and from facilities on [the appellant's assigned area of operation]. Such work is covered by the occupational definition for Motor Vehicle Operator 5703 found on page 1 of the 5703 job grading standard (JGS), dated April 1991. As indicated on page 1 of the standard, jobs classified in the 5703 code are titled Motor Vehicle Operator. The grade level of the appellant's job is best determined by application of the criteria in the 5703 standard which is discussed below. Neither the agency nor the appellant disagrees with our findings for occupation, title, and appropriate standard.

Grade determination

The appellant indicates that his job is misclassified because the motor vehicle he operates exceeds the 32,000 lbs. Gross Vehicular Weight (GVW) he believes to be a mandatory cut-off for grade 7 level jobs, therefore elevating the job to the next higher (grade 8) level. Indeed, information provided in the *Summary of Responsibilities/Functions* section of his official job description notes that Hourly Pay Plan (HPP) operators of vehicles with GVW 26,000 to 32,000 lbs. are HPP grade 7; those operating vehicles with GVW exceeding 32,000 lbs. are HPP grade 8.

As noted on page 2 of the JGS for Motor Vehicle Operator 5703, formerly indicators such as gross vehicle weight, load capacity, number of forward speeds, number of driving wheels, and passenger capacity have been routinely used as the primary criteria for determining grade levels of motor vehicle operator jobs. The standard notes that these indicators are insufficient for determining the grade of the total job since they do not give consideration to all features of the job which affect the four grade determining factors of skill and knowledge, responsibility, physical effort, and working conditions involved in performing the work which are directly addressed in the standard. However, gross vehicle weight provides a frame of reference from which to conduct a complete analysis and evaluation of a position. Therefore, gross vehicle weight has been retained within the job grading standard as a means of establishing a framework in grade analysis for straight-in-line vehicles, such as the one operated by the appellant. Nevertheless, the final

grade level for all vehicle operating positions is based on a thorough consideration of the four grading factors of the total job.

Our application of the criteria in the four grade determining factors contained in the standard for the Motor Vehicle Operator 5703 occupation follows.

Skill and Knowledge

As discussed on page 11 of the 5703 JGS, motor vehicle operators at the grade 7 level know how to operate vehicles that are larger and longer than those driven at lower grade levels; have heavier loads to secure and control; have air brakes and are more susceptible to sliding and tipping; and are difficult to maneuver, especially when turning and backing. Drivers have skill and knowledge to operate these vehicles over a variety of roads including interstate highways, narrow country roads, and on steep winding grades. Also, because of the size and weight of the vehicles, drivers are knowledgeable about which routes may be legally driven and the overpass clearances and other restrictions on such routes.

In contrast, as stated on page 13 of the standard, motor vehicle operators at the grade 8 level must have greater skill and knowledge than those at grade 7 since the vehicles driven have limited maneuverability; have more than one body and two braking systems; or are oversized and carry large groups of people on trips where long periods of day and night driving are involved. These drivers use greater skill and knowledge in turning the vehicles, in evaluating the condition and load limits of bridges, in scheduling weigh points, and in assessing traffic conditions and hazards locally and over long-distance routes in unfamiliar geographic areas.

The GVW for the motor vehicle operated by the appellant (an ISUZU Van Truck) is in excess of 32,000 lbs. Therefore, the appellant knows how to operate a vehicle that is larger and longer than those at grade levels lower than grade 8. In addition, because his van is so large, it may actually be less maneuverable than some tractor trailers which, due to a "fifth wheel", may allow for a tighter turning radius. However, the appellant's truck has only one body, and one braking system. The driving environment faced by the appellant is less complex than described in the standard at the grade 8 level, in that the van is not operated over long-distance routes (the destination most distant is less than 90 miles round trip via expressway), at night, or in unfamiliar geographic locations. The van is not operated in the types of narrow and confined areas that are typical of grade 8 assignments such as congested ports or fueling/refueling facilities. Operators at the grade 8 level typically must exercise greater skill in performing such maneuvers as backing their rig (more than one body), and in manipulating two braking systems to prevent the semi-trailer or trailer from jackknifing.

Although the appellant applies some aspects of grade 8 skill and knowledge, he does not exercise the full scope of knowledge and skill typical of that level. For a grade level to be assigned, all of the requirements must be met. The job grading standard cautions against determining grade

of the job on vehicle size alone. On balance, we find this job grading factor is best evaluated at grade 7.

Responsibility

The appellant receives instructions from a supervisor as to the type of vehicle to be operated (in his case, the same vehicle for the past 9-10 years), what cargo is to be transported to which destination(s), deadlines, and other job-specific information. The appellant is responsible for completing his work under minimum supervision. Work is reviewed in terms of meeting the schedule, and the proper care and maintenance of his vehicle. The appellant is responsible for loading and unloading the vehicle as required. Nearly all loads are palletized, and are loaded according to the facilities on the route to be delivered that day. He uses a pallet jack and the truck's power lift gate to load, position loads within, and off-load the truck. The [appellant's installation] utilizes an "assured receiving" system; the receiving branch signs for the piece count and the appellant continues on to the next stop. He also uses the pallet jack to move, sort and stage merchandise for future loads. He has specific trip assignments which may vary from day to day, as well as a regularly established schedule over public roads. He drives the van truck to and on military installations. The appellant also performs routine preventive maintenance checks, and maintains required driver logs and other forms as appropriate.

As described above, the appellant's responsibility meets the grade 7 level which is discussed on pages 11 and 12 of the standard. Similar to the appellant's job, drivers at the grade 7 level receive instructions from the supervisor regarding the type of vehicle to be operated, destination, cargo, purpose of the trip, deadlines, etc. The appellant is assigned prescribed routes and trip schedules, but is responsible for knowing acceptable alternative routes for use in emergency situations which will accommodate the size and length of his vehicle. Like the appellant's job, drivers at the grade 7 level exercise more responsibility than the drivers at lower levels because the weight of the cargo and the size and type of vehicle driven increase the tendency of the entire cargo to shift and the truck to tip. The appellant's assigned truck is almost 40 feet in length, approximately 12 feet high, and 8 feet wide; therefore it is more susceptible to cargo shifting and tipping than trucks operated at lower grade levels. Consequently, like grade 7 drivers he is responsible for performing the loading and unloading of bulky, cumbersome cargo and ensuring that it is properly located, distributed, and secured in the vehicle for balance and stability.

In contrast to the appellant's job, the responsibility of grade 8 (pages 14-15) drivers includes making difficult judgements concerning the arrangement and securing of the cargo because the size and type of the vehicles driven increases the tendency of the trailer to sway and the driver to lose control of the vehicle. Drivers at the grade 8 level manage their assignments with virtually no supervision, and are responsible for the safe transport of cargo (or the comfort of passengers) on extended trips. The appellant does not make extended trips; his schedule is daily, and originates from the same location each day.

The appellant's level of responsibility is evaluated at grade 7.

Physical Effort

Physical effort described in the grade level 7 criteria on page 12 of the job grading standard requires exertion of moderate physical effort in operating, turning, backing and controlling vehicles which carry heavier loads or larger numbers of people than at the grade 6 level. We recognize the size of the van truck operated by the appellant may, in some instances, cause it to be less maneuverable than others, particularly when turning. In addition, the appellant exerts moderate physical activity when loading and off-loading his vehicle.

The physical effort described at the grade 8 level (page 15 of the standard), differs from that described for grade 7 in that drivers at this grade may exert moderate to heavy physical effort in climbing on tractors to hook up service lines, lower landing gears, and in climbing on the trailer to load or tie down cargo. Otherwise, the physical effort is the same as described at the grade 7 level. The appellant is not required to exercise heavy physical effort of the type described above, and this factor is evaluated at the grade 7 level.

Working Conditions

Working conditions at the grade 7 (page 12) and the grade 8 (page 15) are the same. For this factor the discussion of grade 7 and 8 refers back to the grade 5 level (page 6), which is the highest level described in the 5703 JGS for this factor. Like that level, the appellant may be exposed to bad weather when working outside loading or unloading his truck. He drives in all types of traffic and weather on public roads at various speeds, and is exposed to the danger of serious accidents. He is subject to cuts, bruises and broken bones as the result of accidents while driving or when loading or unloading his vehicle. Because this factor is the same at both grade levels, it has no impact on the grading of the appellant's job.

Summary

Skill and knowledge, responsibility, and physical effort are evaluated at grade 7. Working conditions is evaluated at grade 5. The standard instructs that the final grade be based on a consideration of the four grading factors as applied to the total job. Therefore, the appellant's motor vehicle operator work is evaluated at grade 7.

Decision

The appellant's job is properly classified as Motor Vehicle Operator, 5703-7.