



United States  
**Office of  
Personnel Management**

Washington, DC 20415

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

**Appellant:** [Name of appellant]

**Agency classification:** Firefighter  
GS-081-5

**Organization:** [Appellant's organization/location]  
Department of the Navy

**OPM decision:** Firefighter  
GS-081-6

**OPM decision number:** C-0081-06-01

//signed//

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Kevin E. Mahoney  
Deputy Associate Director  
Center for Merit System Accountability

April 21, 2006

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Date

As provided in section 511.612 of title 5, Code of Federal Regulations (CFR), 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).

Since this decision changes the classification of the appealed position, it is to be effective no later than the beginning of the fourth pay period after the date of this decision (5 CFR 511.702). The servicing human resources office must submit a compliance report containing the corrected position description and a Standard Form 50 showing the personnel action taken. The report must be submitted within 30 days from the effective date of the personnel action. Although we have determined that the appellant is operating at a higher grade level, this decision does not constitute a waiver of applicable time-in-grade restrictions, qualifications, or other regulatory requirements imposed by either OPM or the agency. In determining whether the appellant is qualified for promotion, the agency must consider all applicable requirements. The agency must determine what action must be taken with regard to the appellant, including the appellant's assignment of work.

**Decision sent to:**

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## **Introduction**

On July 12, 2005, the San Francisco Field Services Group of the U.S. Office of Personnel Management (OPM) accepted a classification appeal from [name of appellant]. On January 30, 2006, we received the agency's complete administrative report. The appellant's position is classified as Firefighter, GS-081-5, but he believes it should be classified as Firefighter (Basic Life Support/Hazmat Operations), GS-081-7. He works at the [appellant's organization/work location] Department of the Navy. We have accepted and decided this appeal under section 5112 of title 5, United States Code (U.S.C.).

## **General issues**

The appellant makes various statements about his working conditions and the classification review process conducted by his agency. In adjudicating this appeal, our only concern is to make our own independent decision on the proper classification of his position. By law, we must make that decision solely by comparing his current duties and responsibilities to OPM standards and guidelines (5 U.S.C. 5106, 5107, and 5112). Therefore, we have considered the appellant's statements only insofar as they are relevant to making that comparison. Because our decision sets aside all previous agency decisions, the classification practices used by the appellant's agency in classifying his position are not germane to the classification appeal process.

Through his representative, the appellant requests that in the event OPM favorably decides his appeal, that he be retroactively compensated for lost wages. 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, backpay is not available as a remedy for misassignments to higher-level duties or improper classifications" (CG decision B-232695, December 15, 1989).

The appellant mentions his personal qualifications, including acquisition of various Department of Defense (DoD) firefighter certificates. Personal qualifications are considered in classifying positions to the extent they are required to perform current duties and responsibilities of an employee's position. Therefore, we have considered the appellant's personal qualifications insofar as they are required to perform his current duties and responsibilities. To the extent that they are needed for this purpose, we have carefully considered them along with all other information furnished by the appellant and his agency.

## **Position information**

Both the appellant and his supervisor have certified to the accuracy of the appellant's official position description (PD) [number]. The appellant reports to a Supervisory Fire Fighter. He is assigned to a crew engaged in airfield and structural firefighting, and may also be called upon to perform rescue and hazardous materials operations, administer basic life support (BLS)

medical treatment, and assist in reducing and/or eliminating potential fire hazards. His duties include driving and operating complex firefighting vehicles engaged in structural and airfield firefighting and crash-rescue operations. His supervisor makes individual assignments to perform the above duties for designated shifts based on the skill, cross training, and certification of each firefighter. Pre-shift briefings provide information on previous incidents and general instructions. The appellant independently carries out recurring assignments. Completed work is reviewed for adequacy, adherence to standard procedures and methods, and compliance with training and instructions.

The record shows that during his work shifts the appellant is primarily assigned to a vehicle in the role of driver/operator, firefighter handline, firefighter, or "rescue man." The station has seven groups of firefighters, and there are three groups on duty daily. Each group consists of four firefighters. Each firefighter position holds specific responsibilities depending upon the truck assignment. On the engine there is one captain (a lead firefighter) to direct the team, one driver/operator, and two firefighters. The driver/operator and one firefighter stay with the truck. The captain and the other firefighter perform search and rescue and attack the fire. In addition to fire fighting, one of the two firefighters is assigned as the emergency medical technician (known as the "patient man") to perform basic life support. The other firefighter may assist the patient man when administering care to the patient. The crash truck holds only three positions, one of which is a "rescue man" who assists the crash captain in fire fighting rescue. The station daily operates one engine and two crash trucks. The engine accompanies the crash trucks on all airfield incidents, although the crash trucks do not accompany the engine to structural fires or to medical calls. The engine carries all of the medical aid and equipment necessary for administering basic life support to patients. The crash truck carries only first aid supplies. There are no paramedics or other medical personnel assigned to the station.

The appellant is subject to exposure of hazardous materials and is trained to use personal protective equipment and clothing as appropriate, and prepared to perform hazardous material operations by controlling a situation. He holds a HAZMAT Operations Level certification.

The appellant is also trained as an Emergency Medical Technician, Basic Life Support (EMT-B), and is prepared to assist with injuries and emergency medical calls. He determines what can be administered to the patient without invasive treatment, e.g., treating victims of stroke or heart attack or splinting and immobilizing broken bones. He is trained to use medical equipment, such as the automatic external defibrillation (AED), and to administer drugs such as oxygen, nitroglycerin tablets for chest pain, Albuterol inhalers for asthma, and Epinephrine auto-injections for allergic reactions. He is certified to perform cardiopulmonary resuscitation (CPR) and trained to deliver babies. The EMT-B is responsible for maintaining and re-supplying a medical bag.

In reaching our classification decision, we have carefully reviewed all information furnished by the appellant and his agency, including his official PD which we find is sufficient for purposes of classification, and incorporate it by reference into this decision. In addition, to help decide the appeal we conducted separate telephone interviews with the appellant and his second-level supervisor, the Assistant Fire Chief. The appellant's immediate supervisor was not available due to extended leave.

### **Series, title, and standard determination**

The agency has classified the appellant's position in the Fire Protection and Prevention Series, GS-0081, titling it Firefighter, GS-081-5. The appellant agrees with the series, but believes the classification title should be Firefighter (Basic Life Support/Hazardous Materials Operations) because he is required to perform both parenthetical duties. We concur with the agency's assignment of basic title and series. As discussed in the general titling guidance of the Position Classification Standard (PCS) for the GS-0081 series, a parenthetical title is used only when it corresponds to the parenthetical title for the grade-level criteria used to evaluate the position. The appellant's position does not meet that requirement. Thus no parenthetical title is assigned.

### **Grade determination**

Part II of the GS-0081 PCS describes grade-level criteria for evaluating non-supervisory firefighter positions for grades GS-3 to GS-9. Because the appellant asserts that he is required to perform duties at the GS-7 grade level, we have limited our discussion below to the grading criteria that address the firefighter functions at his current GS-5 level, the driver/operator and hazardous materials operations at the GS-6 level, and basic life support at the GS-7 level. The hazardous materials technician function described at the GS-7 level is not performed at the appellant's installation, and he does not perform fire protection inspector duties at either the GS-5 or 6 levels. Therefore, we have not addressed them in our evaluation.

Firefighter positions are treated somewhat differently than other General Schedule (GS) occupations in determining their grade controlling duties. In order for higher-graded work to be grade controlling in most GS positions, it must be performed for at least 25 percent of the time. In contrast, an emergency work rule applies to firefighters. Because firefighters respond to emergencies, the 25 percent rule in their case does not require actual performance of the higher-graded work 25 percent of the time. Rather, it requires that (1) the work be actually performed, or (2) be assigned, as on a work shift, to be performed, or (3) the firefighter be trained to perform the higher-level work, for a total of 25 percent or more of the firefighter's work time. Thus for firefighters, being "ready to perform" by maintaining a state of readiness as the designated employee to perform the higher-graded duties is the key difference in applying the 25 percent rule for emergency work.

At the GS-5 level, typical tasks include providing fire protection at a research activity dealing with producing and testing experimental fuels, explosives, gases, or chemicals. The firefighter uses a variety of special protective gear in situations where poisonous gases, radioactive materials, or hazardous biological products are involved. GS-5 level firefighters may also perform crash/rescue and firefighting duties at airfields handling predominately large or complex aircraft, e.g., fighters, bombers, cargo, and passenger. Such aircraft carry large volumes of fuel, conventional and sometimes nuclear weapons, and/or highly flammable or explosive cargo. In rescuing aircrew members and fighting fires, the GS-5 firefighter must direct water through turrets and handlines to cool weapons and ammunition during rescue; operate or deactivate mechanisms and systems, such as hatch, canopy, or ejection seat mechanisms, or oxygen supply systems; and maintain knowledge of the different layouts in cockpit and cabin design and ordnance placement to aid in firefighting and rescue.

Structural and airfield fire fighting at the GS-5 level require knowledge of the complexity of installation fire hazards where expectancy of fire or toxic materials release is high. These mission-related operations are characterized by large shops engaged in industrial or maintenance and repair activities, such as performing major overhaul and repairs on aircraft and rockets and the storage and movement of large quantities of highly flammable or explosive materials, such as gasoline and other fuels and explosives. Air traffic and support operations are characterized by armed military tactical aircraft; a large quantity of fuel aboard the aircraft; and/or a large number of air moves (e.g. 250) or a moderate number (e.g. 100-200) involving pilot training or other air moves with high crash or fire potential. Firefighters at the GS-5 level may also be concerned with airfield operations involving aircraft with large quantities of fuel, conventional and nuclear weapons, and other materials that have the potential to explode within seconds after a fire starts.

GS-5 level firefighters may be assigned special missions, such as hazardous materials containment and control. After detecting the presence of potentially hazardous material they establish a protective, safe perimeter around the incident, notify and inform responsible agencies, and identify and collect hazard and response information. They must use, maintain, and decontaminate all the equipment used in hazardous materials response missions. Additionally, the GS-5 firefighter assists the injured by applying knowledge and training for such purposes to use direct pressure and tourniquets to stop bleeding, check windpipe for obstructions, perform CPR, and immobilize the patient for safe transport. At this level, they do not administer drugs to patients either orally or by injection.

At the GS-6 firefighter level, in addition to the firefighting, hazardous materials awareness, and first responder duties described at the GS-5 level, firefighters may also drive and operate firefighting apparatus of significant complexity, e.g., pumpers, aerial ladder trucks, and crash rescue trucks. This requires driving the vehicle to the scene of the fire and positioning the vehicle to consider factors, such as wind direction, water sources, hazards from falling structures, or location of armaments on aircraft. The driver/operator will operate the pumps, foam generators, nozzles, and other similar equipment; determine proper pressure and number of hoses to be used; and apply principles of hydraulics to water flow. When operating a crash truck, the firefighter maneuvers the vehicle to keep the fire in optimum range while ensuring that backflash will not occur. The firefighter maintains a constant awareness of water level in self-contained tanks and warns handline and rescue personnel when tanks are close to running dry. They assist in training other firefighters in the skills of driving and operating the equipment. The GS-6 level firefighter may also combat fires on board ships, although this situation does not apply to the appellant's assignment.

In addition to the Firefighter, GS-6, the PCS describes a Firefighter (Hazardous Materials Operations), GS-6. Those positions are responsible for the duties and responsibilities described at the GS-5 first-responder level, but also react to releases or potential releases of hazardous materials as part of the initial response to the site to protect nearby persons, property, or the environment from the effects of a release. They employ hazard and risk assessment techniques to complete initial incident analysis by surveying the incident to identify the materials involved; collect hazard and response information from appropriate sources, e.g., hazardous material placards; predict the likely behavior of a material and container; and estimate the potential harm. They establish communication with responsible agencies to request qualified assistance, then

plan and begin the initial response within the capabilities of the available personnel and personal protective and control equipment. They establish and enforce scene control procedures with control zones and decontamination; utilize hazardous materials response equipment and supplies including protective clothing, breathing apparatus, dry and extinguishing chemicals, and decontamination agents and equipment; and initiate an incident management system. Furthermore, they evaluate the success and effectiveness of the on-going action; assist hazardous materials technicians and other personnel; and maintain and decontaminate common hazardous materials response equipment and supplies.

In addition to the firefighter and first responder duties and responsibilities described at the GS-5 and GS-6 levels, employees at the Firefighter (Basic Life Support), GS-7 level follow protocols in providing basic life support. The firefighter performs emergency procedures that are noninvasive, such as performing initial and on-going focused patient assessment and physical examination; determining priority of patient care based on assessment findings; taking, recording, and monitoring patient's baseline vitals signs including temperature, blood pressure, and pulse. They manage respiratory and cardiac emergencies to include performing CPR, bag-valve-mask resuscitation, or AED. They control external bleeding with direct pressure, treat shock with pneumatic anti-shock garments, and assist patients in taking emergency medications for certain complaints, e.g., nitroglycerin tablets, Epinephrine auto-injections, or Albuterol inhalers, under the direction of standing orders or of a physician. They assist intermediate or paramedic life support staff and prepare appropriate and relevant patient care documentation and reports; and employ a variety of established emergency medical techniques, methods, and equipment to stabilize the patient for transport as soon as possible to the receiving facility.

The GS-5 level is met. The appellant's work is comparable in the kinds of facility layouts including industrial complexes (e.g., aircraft repair and machine shops), storage and movement of large quantities of highly flammable or explosive materials, and air traffic and support operations which involve armed military tactical aircraft. Structural fire fighting includes providing fire protection for large industrial facilities, such as aircraft hangers and facilities which can house large military aircraft that contain fuel and armament. Other structures include base military housing, military barracks, and two recreational vehicle parks. The station provides assistance on mutual aid calls for fire alarms in nearby city and county locations to aid in fighting fires to structures, such as grain silos, cotton gins, and a manufacturer of gypsum wall board. Typical of the GS-5 level work, fire fighting duties on the airfield include crash and rescue involving military aircraft such as F-18 and F-16 fighters, T-34 and T-45 trainers, C130 and C40 cargo, KC10A refueling tankers, and DC10 and 727 passenger aircraft. that may carry fuel, ordnance, and/or other explosive materials. The naval air facility accommodates beginning pilots in providing "touch and go" landing and take-off practice opportunities. The appellant is required to be knowledgeable of the fuselage layout on the different types of aircraft in order to successfully target the rescue of personnel and extinguish fires. He directs fire retardants/water through turrets and handlines during rescue and operates specialized mechanisms and systems on the aircraft. As described at the GS-5 level, the appellant performs rescue and offers first-aid measures to alleviate further injury and is trained to perform hazardous materials containment and control.



The appellant's duties of driver/operator are characteristic of the GS-6 level. Like at that level, he is assigned as a driver operator for the pumper engine or the crash truck (the facility is not required to have an aerial truck). He is responsible for ensuring the vehicle is safe for driving, functional, and equipped for an emergency. When called out, the driver/operator positions the truck as appropriate to the incident and must stay with the vehicle. He positions and operates the equipment on the truck such as the turrets (hoses), connects hoses to hydrants, and is responsible for the water supply. He assists in training others in this capacity and is certified as a Driver-Operator for Pumper and Airport Rescue Firefighting (ARFF) vehicles.

The appellant is trained and prepared to perform hazardous materials operations by controlling a situation with defensive means known as dam, dike, and divert. He surveys the incident to identify materials involved, if hazardous materials have been released, and uses equipment and techniques to perform the initial incident analysis. He initiates safe zones to protect people from the source and keep it from spreading. The appellant uses hazardous materials equipment and supplies for containment and clean-up. Hazmat operations certification does not allow entry into the "hot zone" to stop the source. Since the station does not have a hazmat technician one must be called in to stop the hazardous materials. The preceding responsibilities described by the appellant and his supervisor are characteristic of the GS-6 (Hazardous Materials Operations) level.

In performing emergency medical care, the appellant checks the windpipe for obstructions, uses direct pressure and tourniquets to stop bleeding, performs CPR, immobilizes the patient for safe transport, and provides other appropriate assistance comparable to the GS-5 level. Like the GS-7 level, in providing basic life support the appellant determines the condition of the patient by performing a head to toe physical assessment without using invasive procedures. Vital signs are checked every five minutes for critical patients and every 15 for a stable patient, e.g., twisted ankle. He uses the triage system when assessing more than one patient to determine priority for care. He obtains a drug history from the patient to make sure the patient is not allergic to any medications and records it on a patient care report (PCR). He assists the patient in administering medications such as nitroglycerin, Epinephrine, and Albuterol. He is also allowed to administer some drugs such as oxygen and glucose. If an injury affects the neck or back, he prepares the patient with a cervical collar and backboard for proper immobilization before transport.

Like the GS-7 level, the appellant controls bleeding with pressure, treats victims for shock and splints fractures. He sometimes drives and/or accompanies the patient in the ambulance and is responsible for notifying the doctor with facts regarding the patient, delivering the PCR and estimated arrival time. Although there is no paramedic at his duty location, he assists those from the local area ambulance companies. As the EMT-B, he uses and maintains care of medical equipment such as backboards, suction devices (e.g., v-vac), splints, oxygen delivery systems, defibrillator, and other supplies. Biohazard materials are disposed of in their own "red bag." He must also maintain a medical bag, including an OB kit for delivering babies, ensuring both are properly and adequately supplied. He is trained and uses the AED for respiratory and cardiac emergencies and holds certifications for CPR and EMT-B.

To determine whether the appellant meets the 25 percent rule for driver/operator work at the GS-6 level, we reviewed his individual work shift logs for a full year's period covering

January 1, 2005, through December 31, 2005. A shift at his installation totals 48 hours. The record shows the appellant worked 74 out of 79 possible shifts plus 15 additional days of overtime for a total 163 days (or 3912 hours). Three firefighting vehicles are assigned a driver/operator on any given shift. The logs indicate the appellant was specifically assigned to carry out driver/operator duties for 23 of the 163 days, or 14 percent of the days worked during that period. The record shows the appellant has met the agency's certification for Driver/Operator on the pumper and crash trucks.

To determine whether the appellant meets the 25 percent rule for hazardous materials operations work at the GS-6 level, we reviewed the fire department's incidents log for calendar years 2004 and 2005. The 2004 log identifies nine total hazardous materials incidents. The 2005 log identifies 30 total hazardous materials incidents. Thirty hazardous materials calls represent only 2.1 percent of all incident calls (1,396 total incidents) in 2005. No specific assignments are identified on the shift logs to represent individual responsibility for hazardous materials work on a regular and recurring basis. Therefore, although the appellant has met the hazardous materials operations certification requirements, we are unable to establish the percentage of time he was assigned to those duties because such records are not maintained.

To determine whether the appellant meets the 25 percent rule for firefighter/basic life support at the GS-7 level, we again reviewed the work shift logs for the same period identified above. The logs indicate the appellant was specifically assigned (1) as the EMT-B firefighter for 16 days; (2) as the other firefighter with "assist" duties to the EMT-B for 8 days; and (3) as a recipient of daily one hour EMT-B training for 147 hours. By converting the days to hours this shows the appellant was specifically assigned to carry out basic life support emergency work for 384 hours, plus was in training for 147 hours, for a total of 531 hours of the 3912 hours he worked during that period (or 14 percent). The appellant cannot receive credit for the 8 days he functioned as the "assist" firefighter because the other employee was officially assigned as the primary EMT-B for that period. The pumper is fully stocked with the necessary medical equipment to perform basic life support duties. No intermediate life support or paramedic positions exist at the facility. Each firefighter on a shift is required to be fully trained/certified and capable of performing the full range of basic life support duties. As noted above, each shift is assigned only one EMT-B with another firefighter to assist as needed. The record shows that the appellant has met all of the agency's certification and training requirements to carry out basic life support firefighter duties and responsibilities.

We find that the appellant's duties and responsibilities include work at the GS-6 and GS-7 levels. However, because he did not perform or train for basic life support duties at least 25 percent of his time, the position does not meet the GS-7 level. Nevertheless, taking into account the combination of time spent in higher-graded duties as assigned, performing, or training as driver/operator and basic life support, we find the higher graded duties total 28 percent. Therefore, the appellant's position is properly graded at the GS-6 level.

## **Decision**

The appellant's position is properly classified as Firefighter, GS-081-6.