

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

Appellants: [Names of appellants]

Agency classification: Firefighter
GS-081-6

Organization: [Appellants' organization/work location]
Bureau of Reclamation
U.S. Department of the Interior

OPM decision: Firefighter
GS-081-6

OPM decision number: C-0081-06-04

/s/ Robert D. Hendler

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

January 19, 2007

Date

As provided in section 511.612 of title 5, Code of Federal Regulations, this decision constitutes a certificate that is mandatory and binding on all administrative, certifying, payroll, disbursing, and accounting officials of the Government. The agency is responsible for reviewing its classification decisions for identical, similar, or related positions to ensure consistency with this decision. There is no right of further appeal. This decision is subject to discretionary review only under conditions and time limits specified in the *Introduction to the Position Classification Standards*, appendix 4, section G (address provided in appendix 4, section H).

Decision sent to:

[Address of appellants]

[Address of appellants' servicing human resources office]
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U.S. Department of the Interior

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Introduction

On August 4, 2006, the San Francisco Field Services Group of the U.S. Office of Personnel Management (OPM) accepted a group classification appeal from [names of appellants]. The appellants have designated [name of representative] their representative for this appeal. On October 25, 2006, we received the agency's complete administrative report. The appellants occupy identical additional positions (hereinafter referred to as position) currently classified as Firefighter, GS-081-6. However, they believe it should be classified as Firefighter (Basic Life Support) GS-081-7. The appellants work at the [name of appellants' organization/work location], Bureau of Reclamation (BOR), U.S. Department of the Interior. We have accepted and decided this appeal under section 5112(b) of title 5, United States Code (U.S.C.).

General issues

The appellants and their second-level supervisor (supervisory fire protection specialist) have certified to the accuracy of the appellants' official position description (PD) [number]. The agency has designated the second-level supervisor as the point-of-contact for information regarding the appellants' supervision and assignments. However, the appellants disagree with the accuracy of an amendment added to the PD in October 2006, which deleted all references to emergency medical technician (EMT) work in the PD, substituting duties involving first-aid emergency care.

A PD is the official record of the major duties and responsibilities assigned to a position by an official with the authority to assign work. A position is the duties and responsibilities that make up the work performed by the employee. Classification appeal regulations permit OPM to investigate or audit a position and decide an appeal on the basis of the actual duties and responsibilities currently assigned by management and performed by the employee. An OPM appeal decision classifies a real operating position, and not simply the PD. Therefore, this decision is based on the work currently assigned to and performed by the appellants.

The appellants mention their personal qualifications including individual certifications as first responder and/or EMT. Personal qualifications are considered in classifying positions to the extent they are required to perform current duties and responsibilities of the employee's position. Therefore, we have considered the appellants' personal qualifications insofar as they are required to perform and carry out their current duties and responsibilities. To the extent they are needed for this purpose, we have considered them along with all other information furnished by the appellants and their agency.

The appellants make various statements about the classification review process conducted by their agency. In adjudicating this appeal, our only concern is to make our own independent decision on the proper classification of this position. By law, we must make that decision solely by comparing their current duties and responsibilities to OPM position classification standards and guidelines (5 U.S.C. 5106, 5107, and 5112). Therefore, we have considered the appellants' 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 appellants' agency in classifying their position are not germane to the classification appeal process.

The appellants request that in the event OPM favorably decides their appeal, the decision be implemented retroactively to provide for lost compensation. 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 level exists until such time as the employee 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). 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."

Position information

The appellants are firefighters who as team members serve as first responders and driver/operators of various firefighting apparatus for several mobile fire suppression units including emergency response/rescue units, specialty units, and a fire engine and tender unit. Their duties include driving a firefighting vehicle to the scene of the incident, positioning the vehicle, and operating various pumps and equipment. In addition, they may be called upon to participate as a first responder to calls for emergency medical assistance. They also conduct fire protection inspections.

In reaching our classification decision, we have carefully reviewed all information furnished by the appellants and their agency, including the official PD which we find 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 appellants and their second-level supervisor.

Series, title, and standard determination

The agency has classified the appellants' position in the Fire Protection and Prevention Series, GS-0081, titling it Firefighter, GS-081-6. The appellants agree with the series, but believe the classification title should be Firefighter (Basic Life Support). We concur with the agency's series and title determination. 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 appellants' position does not meet that requirement as discussed in this decision. 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 appellants assert they are required to perform basic life support duties at the GS-7 grade level, we have limited our analysis to the grading criteria that addresses the firefighter driver/operator functions at their current GS-6 level, and basic life support duties at the GS-7 level. However, we note that the appellants also conduct fire protection and prevention inspections. Upon review, we find that the nature and variety of fire hazards, potential severity of fires, and typical fire protection inspection tasks they perform would not exceed the GS-5 level, and thus have not evaluated that work separately in this decision. In addition, although trained in hazardous materials operations, that function described in the GS-0081 standard at various grade levels is not performed by the appellants' organization. Therefore, we have not addressed it 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 duties to be grade controlling in most GS positions, they 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 be performed, or (2) be assigned, as on a work shift, to be performed, or (3) the firefighter be in training 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 on a work shift to perform higher-graded duties is the key difference in applying the 25 percent rule for emergency work.

Firefighters at the GS-6 level drive and operate firefighting apparatus of significant complexity, e.g., pumpers, aerial ladder trucks, and crash rescue trucks. The firefighter:

- a. Drives a vehicle to the scene of the fire following a predetermined route, or selects an alternate route when necessary; positions the vehicle, considering such factors as wind direction, water sources, and additional hazards present at the scene;
- b. Operates pumps, foam generators, boom and groundsweep nozzles, and other similar equipment; determines proper pressure for the distances to be pumped and the number of lines being used; and applies principles of hydraulics to water flow friction and friction loss. 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 levels in self-contained tanks and warns handline and rescue personnel when tanks are close to running dry; and
- c. Assists in training other firefighters in the skills of driving and operating the equipment.

The above duties are performed in addition to the typical GS-5 level firefighter duties and responsibilities associated with emergency medical first responder tasks including (a) using direct pressure and tourniquets to stop bleeding, (b) checking the windpipe for obstructions, (c) performing cardiopulmonary resuscitation (CPR), and (d) immobilizing the injured for safe transport.

In addition to the firefighter duties and responsibilities described at the GS-6 level, employees at the Firefighter (Basic Life Support) at the GS-7 level follow protocols in providing basic life support and emergency care that are noninvasive. These procedures include: performing initial and ongoing focused patient assessment and physical examination; determining priority of patient care based on assessment findings; taking, recording, and monitoring patient's baseline vital signs including temperature, blood pressure, and pulse; managing respiratory and cardiac emergencies to include performing CPR, bag-valve-mask resuscitation, or automatic external defibrillation (AED); controlling external bleeding with direct pressure and treating for shock with pneumatic anti-shock garments; splinting and immobilizing fractures and dislocations for transport; ascertaining whether the patient has preexisting medical problems and obtaining comprehensive drug history from the patient that includes names, strengths, and dosage of drugs taken by the patient; assisting patients in taking emergency medications for certain complaints, e.g., Nitroglycerin tablets for chest pain, Epinephrine auto-injections for allergic reactions, or Albuterol inhalers for asthma patients, under the direction of standing orders of a physician; establishing communication with the receiving facility, providing all patient information including estimated time of arrival; employing a variety of established emergency medical techniques, methods, and equipment to stabilize the patient for transport as soon as possible to the receiving facility; assisting intermediate life support or paramedic staff; preparing appropriate and relevant patient care documentation and reports to ensure medical requirements are met and accurately reported; and using and maintaining emergency equipment such as backboards, suction devices, splints, oxygen delivery systems, and stretchers; properly disposing of biohazard materials, and replacing medical and expendable supplies.

The appellants perform the full scope of driver/operator duties characteristic of the GS-6 level. Like that level, they are assigned as driver operators of fire engines, pumpers, and rescue trucks. They are responsible for ensuring that vehicles are safe for driving, functional, and equipped for an emergency. When called out, they position the truck as appropriate to the incident and stay with the vehicle. They also position and operate the auxiliary equipment on the vehicles such as turrets, connect hoses to water sources, and are responsible for the continual supply of water.

To determine whether the appellants met the 25 percent rule for driver/operator work, we reviewed their individual shift assignment duty logs covering the period from July 2005 through July 2006. Based on the types of incidents occurring during that time, the logs reveal that the appellants spent most of their shift time performing, assigned to perform, or training to perform driver/operator duties.

The appellants' position does not meet the GS-7 level criteria for Firefighter (Basic Life Support). Although they have completed prescribed training and are certified to perform such duties, the record shows that their life-saving assignments have been limited to those emergency medical first responder tasks characteristic of the Firefighter, GS-5 level. Moreover, local management has directed that medical emergency calls requiring basic life support knowledge and skills are to be referred to local fire departments surrounding the [name of appellants' installation]. Therefore, the organization is neither tasked nor equipped to respond to such calls, and the installation no longer requires its firefighters to be trained and certified in basic life support. Consequently, there is no shift log information to indicate that each appellant was

specifically performing, assigned to perform, or training to perform GS-7 level basic life support duties during the thirteen month period specified above. Furthermore, any performance of such work by the appellants may not control the classification of the position since it has not been assigned by management (5 CFR 511.607(a)(1), 5 U.S.C. 5102(a)(3), and 5 U.S.C. 7106(a)(2)(B).

Based on the preceding analysis, we find that the appellants' position is properly graded at the GS-6 level.

Decision

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