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

Philadelphia Oversight Division
600 Arch Street, Room 3400
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Classification Appeal Decision
Under Section 5103 of Title 5, United States Code

Appellants:	[appellant's names]
Agency classification:	Electronic Measurement Equipment Mechanic WG-2602-11
Organization:	Area Calibration Laboratory U.S. Army Test, Measurement and Diagnostic Equipment (TMDE) Support Center-[location] TMDE Support Region [number] [name] Army Depot U.S. Department of the Army [location]
OPM decision:	Federal Wage System
OPM decision number:	C-2602-11-01

Robert D. Hendler
Classification Appeals Officer
/s/ 11/18/98
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).

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Introduction

On August 31, 1998, the Philadelphia Oversight Division of the U.S. Office of Personnel (OPM) received a pay category appeal from [appellant's names]. Their jobs were changed from the General Schedule (GS) to the Federal Wage System (FWS) as the result of a classification consistency review. A subsequent agency level appeal decision issued by the Defense Civilian Personnel Management Service (CPMS) on March 4, 1998 resulted in the downgrading of their identical additional (IA) jobs from Electronic Measurement Equipment Mechanic, WG-2602-12 to Electronic Measurement Equipment Mechanic, WG-2602-11 (Job Number 51334). The record shows the appellants filed their OPM appeal through their agency on March 19, 1998. The agency forwarded the appeal administrative report to OPM on August 20, 1998. The appellants believe their jobs should be placed in the GS. They work in the Area Calibration Laboratory (ACL), U.S. Army Test, Measurement and Diagnostic Equipment (TMDE) Support Center-Tobyhanna, TMDE Support Region [number], [name] Army Depot, [location]. We have accepted and decided their appeal under section 5103 of title 5, United States Code (U.S.C.).

General issues

The agency appeal decision includes background information on how the appellants' jobs were moved from the General Schedule (GS) to the Federal Wage System (FWS) as the result of an OPM directed classification consistency review. In their appeal letters of March 19, 1998, the appellants maintain that this pay category change was improper. The first appellant stated that he regularly adapted, modified, and/or developed procedures to help in calibrating the majority of TMDE at the reference level; these duties are those of Technical Writers and Equipment Specialists; their description as being performed on an incidental basis "has trivialized the duties and responsibilities to that of a "Reference Lab **STOOGE**" and must reflect on his work performance; the job description (JD) of record (Job Number 51334) does not mention the "Radiation Control Officer, Computer Specialist, or Calibration Coordinator" functions that are an assigned part of the job; these functions are performed in some instances by GS positions in the organization; he has been told that budgetary reasons were used to change his job from GS to FWS; and:

> If in your decision you find that I am properly classified in the FWS, you must audit the positions mentioned herein (since they are not working at the level they claim) in addition to the following which should be impacted by my classification: 1, the Calibration positions at the Army Primary Lab, Redstone Arsenal, 2: Quality Assurance personnel who have direct contact with me.

The second appellant stressed his "Local Radiological Protection Officer" functions, claiming they occupied approximately 25 percent of his time and, thus, were "**neither minor nor insignificant**." He reported that his "performance of radiac calibrations is nearly identical to the level and scope of work performed by the Radiac calibration technicians at US Army Primary Standards Laboratory." Those:

> positions are classified as Electronic Engineering Technician, GS-802-12. **WHERE IS THE POSITION CLASSIFICATION CONSISTENCY IN THIS SITUATION? . . .** If in your judgement my position **IS** properly classified as WG-

> 2602-11, then it is imperative that **ALL** like and similar positions be audited and reviewed for proper classification and grading--**INCLUDING THOSE AT APSL-REDSTONE!!!**

The third appellant claimed his major duties were not recognized in the JD of record in that:

> THE SKILLS, KNOWLEDGE, TRAINING & EXPERTISE REQUIRED TO PERFORM MY DUTIES ARE NOT THAT OF A MECHANIC BUT ARE SIMILAR TO THOSE OF AN ENGINEERING TECHNICIAN POSITION IN THE GENERAL SCHEDULE GRADE SYSTEM. MY CURRENT DUTY IS TO PERFORM CALIBRATION, OVERSEE REPAIR & MODIFICATIONS, MAKE DESIGN IMPROVEMENTS, WORK WITH ENGINEERS, QUALITY ASSURANCE SPECIALIST, TOOL & DIE MAKERS, GOVERNMENT CONTRACTORS, & SUBMIT ENGINEERING CHANGE PROCEDURES FOR DESIGN CHANGES. THESE ITEMS ARE ALL ENCOMPASSED IN MY DUTIES AND REQUIRE A MAJOR PERCENTAGE OF MY TIME AND ARE NOT REFLECTED IN MY CURRENT 2602 JOB DESCRIPTION.

The appellants' submissions and related issues raised during our on-site fact finding warrant discussion. Underpinning the appellants' rationale is that they are doing the same work that historically had been classified within the GS since the Army had established a unified calibration system in the early 1960's. In addition, because they are performing functions, e.g., radiation safety officer, assigned to GS positions in other activities, the appellants' jobs also should be in the GS. By law, we must evaluate jobs solely by comparing their current duties and responsibilities to OPM guidelines (5 U.S.C. 5103) and published position classification (5 U.S.C. 5107) or job grading (5 U.S.C. 5346) standards (JGS's). Other methods of evaluation, such as comparison to other jobs that may or may not have been evaluated correctly, are not authorized for use in determining the proper pay category, series, title or grade of a job.

Like OPM, the appellants' agency must grade jobs based on comparison to OPM JGS's and guidelines. In managing their position classification and job grading programs, agencies have the primary responsibility for ensuring jobs are graded consistently with OPM appeal decisions. If the appellants consider their jobs identical, so similar to, or related to others that they warrant the same pay category determination as assigned to their jobs by this decision, they may pursue this matter by writing to the cognizant agency personnel office. In so doing, they should specify the precise organizational location, series, title, grade, duties, and responsibilities of the jobs in question. The agency should explain to them the differences between their jobs and the others, or change the pay category of those jobs in accordance with this appeal decision.

A JD is the official record of the major duties and responsibilities assigned to a position by a responsible management official, i.e., a person with authority to assign work to a position. A **job** is the combined duties and responsibilities that make up the work done by an employee. Title 5, U.S.C., section 5106 prescribes the use of these duties and responsibilities, and the qualifications required by these duties and responsibilities, as the basis for determining the classification of a position. Section

5346 provides for the same process in evaluating FWS jobs. The Introduction further provides that "As a rule, a position is classified on the basis of the duties actually performed." Additionally, 5 CFR 511.607(a)(1), in discussing JD accuracy issues, provides that OPM will decide classification appeals based on the actual duties and responsibilities assigned by management **and** performed by the employee. Five CFR 532.705(c) requires deciding FWS job grading appeals based on the factual information in the appeal record and any information developed as part of OPM fact finding. The point here is that it is a real operating job that is classified, and not simply the JD.

We have evaluated the work assigned by management and performed by the appellants according to these job assessment requirements. In reaching our decision, we carefully reviewed the information provided by both the appellants and their agency, including the appellants' JD of record, a more recently classified JD (#83590) to which the appellants have not been assigned officially, and earlier versions of these JD's provided by the appellants' immediate supervisor at our request. In addition, we conducted an on-site audit with the appellants and their immediate supervisor, [supervisor's name], on October 30, 1998. Our audit found that JD #83590, and not the JD of record, describes the Local Radiological Protection Officer (LRPO) functions done by one appellant on a continuing basis. A second appellant functions as a back up to that appellant. This proposed JD also addresses the work performed in greater detail than the JD of record and is adequate for evaluative purposes when supplemented by other information in the appeal record. Its content is hereby incorporated by reference into this decision.

Job information

The mission of the ACL is to provide secondary reference level TMDE support, primarily to Army other Department of Defense activities, and other Government agencies within the assigned geographic area; i.e., the Northeastern United States. They validate calibrations by referencing measurement standards through the Army Primary Standards Laboratory at Redstone Arsenal that, in turn, are traceable to the National Institute of Standards and Technology (NIST). JD #83590 states that the appellants are responsible for: (1) conducting technical audits of secondary reference standards to ensure accuracy is maintained to the second highest level within Army; (2) certifying secondary reference and transfer standards used by the ACL; (3) certifying standards for transfer level calibration laboratories and TMDE from field activities; and (4) recommending "new test and inspection standards." Using secondary reference standards, they calibrate and certify TMDE at the reference level and the transfer level when transfer facilities lack that capacity. They certify standards used to evaluate electronic, physical, nucleonic, laser and optical parameters, and provide accuracy specifications and uncertainty statements traceable to NIST.

The JD states:

> Occasionally works with customers' engineering staff to develop/document traceability of measurements. Make improvements or changes in fielded standards and procedures to meet new requirements. . . .

> Occasionally develops calibration procedures around standard Army test equipment and accessories to be used by technicians at lower level laboratories. Designs test setups and validates results prior to publishing a procedure. Makes recommendations for purchases of test equipment to meet future requirements of reference and transfer level laboratories. . . .
>
> Renders technical assistance in evaluation of proposed prototype equipment for which there are no technical bulletin procedures to follow. . . .
>
> Recommends improvements or changes to fielded standards and procedures that will enhance the accuracy, stability, and/or measurement capabilities of the equipment or procedure.

During our fact finding, the appellants reported the above functions are not occasional and are not incidental to the work they do. They also stated that they could not provide documentation to show that this work met a 25 percent threshold as previously discussed in this decision. The appellants emphasized that their developing of computer programs to perform calibrations; applying engineering principles to perform their work; attending multi-week LRSO training, obtaining certification, and performing program oversight functions; and, the overall creativity of their work should result in placing their jobs in the GS. We will address these issues in more detail in our pay category determination analysis.

The record shows the appellants do hands-on calibrations of TMDE equipment sent to the Center for cyclic review. This includes calibrating/certifying the transfer level standards used by TMDE mobile calibration teams, internal transfer organizations, and National Guard Bureau transfer level organizations. Based on the equipment assigned, the appellants set up their work station and calibrate the equipment. They use automated procedures, technical orders (TO's), technical bulletins (TB's), and technical manuals to do much of their work. In contrast to transfer level work that primarily supports Army and equivalent field operating units, the appellants calibrate and certify a substantial amount of specialty equipment from research and engineering development organizations.

Specialty equipment documentation is frequently limited to manufacturers manuals, and the appellants must develop their own calibration process since the Army Primary Standards Laboratory has not issued equipment-specific procedures. A portion of TB 750-25 provided by, and underlined by, the appellants' supervisor states:

> When there is no approved calibration procedure available, it is the responsibility of the supporting TSA to develop a calibration procedure that verifies the accuracy and parameters of that item. The locally developed procedure must be approved in writing by the calibration laboratory/team chief. A copy of each locally developed procedure will be forwarded to the USATA Engineering, Acquisition, and Logistics Directorate for review.

That same publication recognizes that:

> Manufacturers' manual and DOD procedures . . . are considered approved calibration procedures. . . . Approved calibration procedures refer to published documents that identify the technical specifications of the instrument to be calibrated, the required measurement standards and accuracies, and the detailed technical procedures to be used to perform calibration.

If TB's do not exist for equipment, the appellants routinely contact the submitting activity for a copy of the manufacturers' manual. As necessary, they contact manufacturers for that information and any other documentation that will help in calibrating the equipment.

The record shows the appellants also troubleshoot equipment and make necessary adjustments and repairs so that they may calibrate it successfully. They may install improvements to fielded standards, e.g., replacing the central processor unit on several hundred VDR-2 units over the past several years. The appellants provide assistance to customers on how to use TMDE, deal with TMDE operating problems, provide information on the capabilities of TMDE, and recommend the type of TMDE to use for the user's stated purpose. This may include site visits.

Pay category determination

Section 5102 of title 5, U.S. Code requires that a pay category determination be made as the first step in the position classification process. Section 5102(c)(7) exempts from the GS employees in recognized trades or crafts, or other skilled mechanical crafts, or unskilled, semiskilled, or skilled manual-labor occupations, and other employees in positions having trade, craft, or laboring experience and knowledge as the "paramount requirement." The OPM Introduction to the Position Classification Standards, page 26, defines paramount requirement as:

> the essential, prerequisite knowledge, skills, and abilities needed to perform the primary duty or responsibility for which the position has been established. Whether particular types of positions are trades, crafts, or manual labor occupations within the meaning of title 5 depends primarily on the duties, responsibilities, and qualification requirements; i.e., the most important, or chief, requirement for the performance of a primary duty or responsibility for which the position exists. If a position clearly requires trade, craft, or laboring experience and knowledge as a requirement for the performance of its primary duty, the position is under the Federal Wage System [FWS] regardless of its organizational location or the nature of the activity in which it exists.

The Introduction goes on to say that "A position is exempt from the General Schedule if its primary duty involves the performance of physical work which requires knowledge or experience of a trade, craft, or manual labor nature," and that "A position is subject to the General Schedule, even if it requires physical work, if its primary duty requires knowledge or experience of an administrative, clerical, scientific, artistic, or technical nature not related to trade, craft, or manual-labor work."

Paramount does not rely on percentages of work time as discussed by the appellants regarding their work load records and statistics. Many positions involve a mix of GS and FWS work. For example, the messenger occupation typically includes operating a car or van, but is considered GS work. Some Biological Sciences Group, GS-400 employees do dangerous and strenuous field work collecting specimens, e.g., deep sea diving. This manual-labor work, however, is ancillary to the taxonomical and morphological knowledge they apply to identify and collect appropriate specimens.

The Introduction to the Electronic Equipment Installation and Maintenance Family, WG-2600 provides valuable guidance on differentiating between FWS and GS work. In distinguishing between electronics mechanic (FWS) and electronics technician (GS) work, "the differences between the electronics mechanics and technicians is not so much in the types of skills, knowledges, and abilities possessed but in the degree to which they are possessed and the manner in which they are used." In evaluating repair work, doing repairs is considered trades work, while performing similar work with such engineering functions as "developing and designing test and repair equipment, analyzing present repair practices and developing procedural instructions for use by others on the methods and steps of equipment repair, or conducting engineering evaluations of the adequacy of such things as test and evaluation equipment used in making repairs" is GS technician work.

Performing preventive and corrective maintenance is considered trades work, while doing similar work with such engineering functions as "the development of maintenance standards and procedures for use by others, the engineering test and evaluation of new or modified electronic systems, or analyzing the compatibility of interlocking components, systems, and equipment for the purpose of redesign of the equipment to increase compatibility" is GS technician work.

Similarly, performing installation and reinstallation is considered trades work, while responsibility for planning and directing the installation of complex electronic systems and associated facilities, particularly where there are problems of site selection and construction, dealing with contractors and public utilities, and modification of the equipment to adapt to novel site characteristics, frequently require engineering competence. In such cases, the nonprofessional employees who perform this coordinative work, with or instead of an engineer, are in General Schedule positions.

Performing testing is an "inherent part of a trades function such as repair, maintenance, installation, and fabrication. Such trades work "includes making measurements to diagnose malfunctions, to **align and calibrate equipment, and to assure that equipment operates within prescribed standards and tolerances. . . . Positions in which the performance of such testing work is the paramount requirement are trades positions**." Testing work is GS technician work when it is "part of engineering functions . . . concerning projects such as the development or evaluation of new or modified electronic systems or monitoring of frequency emissions by licensed stations. In these cases, they are not only doing the testing but evaluate the data and form engineering conclusions as to the acceptability of equipment modifications, validity of testing procedures and data, or legality of operations."

Although work performed may, on the surface, appear similar:

> A basic difference between the technician and the mechanic is in the mental approach to the problem faced. The technician uses electronic theory, mathematical knowledge, etc., as the basis for "new thought" to solve engineering problems in conventional areas of endeavor, e.g., design and construction of amplifier circuits, pulse forming networks, etc. . . . The mechanic, on the other hand, uses a similar background of electronic theory, mathematics, and experience as the basis for "second thought," i.e., to follow and understand the design concepts of others, to understand the purpose and operation of parts and circuits, to follow signal flow through assemblies and components and recognize proper wave forms and signal values in order to tune equipment for optimum performance and to locate and correct malfunctions.

The distinction between FWS and GS work:

> is blurred somewhat by the innovative ability of many experienced electronic mechanics . . . exhibited in the development of shortcut procedures . . . the recognition and recommendation of correction of errors in documentation; or recommendations of methods, design changes, etc., to remedy a deficiency."

This guidance also cautions that:

> it is significant to note that while the mechanic's performance tends toward that of a technician, it is in response to a random condition or need. It is often valuable to and recognized by the activity but it is not an ongoing need of the activity, i.e., is not required by management, and its absence is not cause for negative action by the supervisor against the employee. It is a requirement, however, that the electronics mechanic exercise journeyman level competence in testing, repair, or other assigned work.

This does not mean that recognizing gaps in documentation or recommending changes in procedures based on hands-on experiences makes that work GS. For example, higher graded machinists routinely work with scientists and engineers. They recommend changes in manufacturing approaches and material selection based on extensive practical knowledge and trades experience. Those recommendations are given great weight and frequently are adopted. In higher graded electronics trades work, mechanics often work with vague and incomplete instructions and procedures, and often develop and implement techniques for use on specific equipment.

While installation, maintenance, repair and testing are mentioned in GS position classification standards, e.g., Engineering Technician, GS-802 and Electronics Technician, GS-856, it is the design, development, planning, and acquisition work that is considered paramount and controls the pay category. Installation, maintenance and other hands-on work covered by these standards are secondary and usually involve an oversight role rather than doing the work.

Allocation of work to the FWS does not, as the appellants appear to claim, demean its difficulty or complexity. On the contrary, complex trades work is mentally demanding. The calibration and repair of complex electronics and other TMDE require applying knowledge of physical science theories to resolve difficult equipment operation problems. Higher graded electronics trade work requires knowledge of test equipment capability, standard practices for test and operation, and theory of operations of many types of electronic circuits and their effect on each other. It requires being able to switch from one point of theory to another depending on the type of circuit, broad practical knowledge of electronics principles and their application to a wide variety of complex circuitry, and skill in applying circuit theory in the possible interaction of other circuits that may be creating a malfunction. Theoretical trades apprenticeship training is frequently provided by community college training courses, and associates degree holders are qualified to enter either a trades or a technician career path. A skilled trades and craft background may be qualifying for placement in many GS positions, e.g., Electronics Technician, GS-856; Engineering Technician, GS-856; Equipment Specialist, GS-1670; Quality Assurance Specialist, GS-1910; Production Controller, GS-1152; and Industrial Specialist, GS-1150.

During our on-site fact finding, one appellant stated working on one type of highly complex electronics equipment might be high-level trades work, e.g., a complex radar system. However, the variety of equipment calibrated by the appellants required application of broader knowledge and skill than typical of trades work. We do not agree. The higher grade levels defined in OPM job grading standards are predicated on dealing with a variety of equipment, systems, and/or subsystems that require the application of practical knowledge of theoretical principles under a wide variety of conditions. More restricted work assignments would have a negative grade level effect on trades and craft jobs.

The extensive radiological training and certification requirements for some appellants' work also are not pay category controlling. Health and environmental laws have resulted in certification and licensing or equivalent requirements in some trades occupations. For example, Waste Water Treatment Plant Operators, WG-5408 test and record results in standardized reports designed to meet Federal and State regulations. Some Water Treatment Plant Operators, WG-5409 perform basic biological tests to verify the elimination of treated microorganisms. Higher graded Pest Controllers, WG-5026 require certification for applying restricted use pesticides.

The appellants' primary and paramount duties flow from the mission and function of the organization in which they work. Those duties entail the calibration and incidental repair of TMDE in a production environment. This work requires trades knowledge of calibration, and knowledge of electrical, electronic, mechanical, and/or radiological principles to calibrate equipment for optimum performance, certify its accuracy, and find and repair malfunctions. Their periodic adapting, modifying or developing procedures to calibrate nonstandard or new TMDE does not change the primary and paramount trades work they do. Most of that work involves applying established calibration approaches and protocols using manufacturers' manuals and, as discussed previously, is typical of higher graded trades work who use vague and incomplete instructions and procedures when developing and implementing techniques for use on specific equipment. Therefore, we find the appellants' jobs are allocated properly to the FWS.

Summary

The appellants' jobs are properly covered by the FWS.