

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 94105-0001

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

Appellant: [The appellant]

Agency classification: Fire Protection Inspector
GS-081-8

Organization: [The appellant's organization]

OPM decision: Supervisory Fire Protection Inspector
GS-081-10

OPM decision number: C-0081-10-01

Carlos A. Torrico
Classification Appeals Officer

December 4, 2001
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).

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 personnel 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.

Decision sent to:

Appellant: [The appellant's address]

Agency: [The appellant's servicing personnel office]
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Introduction

On June 21, 2001, the San Francisco Oversight Division of the U.S. Office of Personnel Management (OPM) accepted a classification appeal from [the appellant]. On July 23, 2001, the Division received the agency's administrative report concerning the appeal. [The appellant's] position is currently classified as Fire Protection Inspector, GS-081-8. However, he believes his classification should be Supervisory Assistant Chief (Fire Prevention), GS-081-10. He works in [the appellant's organization and installation]. We have accepted and decided his appeal under section 5112 of title 5, United States Code (U.S.C.)

This decision is based on a careful review of all information furnished by the appellant and his agency. In addition, to help decide the appeal an Oversight Division representative conducted separate telephone interviews with the appellant and his supervisor (Fire Chief).

General issues

The appellant compares his current duties and responsibilities to several other fire protection and prevention positions within the agency, and makes a number of statements relating to his agency's classification of his job. In adjudicating this appeal, our only concern is to make an independent decision on the proper classification of the appellant's position. 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 appellant's position to others as a basis for deciding his appeal, and have considered his statements only insofar as they are relevant to making that comparison.

The appellant believes he should receive GS-10 pay retroactive to his entry to duty date. 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's supervisor certifies to the accuracy of the appellant's official position description (PD) [number]. The appellant notes minor inaccuracies, but certifies to its accuracy as well. However, based on our findings discussed later in this evaluation, we have determined that the appellant's PD of record is inaccurate and outdated in describing the duties of the position. Since position descriptions must meet the standard of adequacy discussed in the Introduction to the Position Classification Standards, we have directed the agency, by separate letter, to review and revise the appellant's PD to meet that standard.

Position information

The appellant's PD indicates that the function of his position is to serve as Chief Fire Inspector for [the appellant's organization]. He is responsible for planning, coordinating, and directing the

fire prevention and maintenance program for [appellant's organization] and supervising Office fire protection inspectors. The PD describes his work in terms of three broad areas: fire prevention maintenance, inspection, and training. The appellant's supervisor indicates that he has delegated full program responsibility to the appellant in these areas. The record indicates that the appellant also spends 10 percent of his time personally performing work in these areas, e.g., conducting fire prevention inspections, reviewing building plans, and conducting training.

The appellant's PD, other material of record, and information from our interviews provide more information about the appellant's duties and responsibilities and how they are performed.

Series determination

The appellant ensures that [appellant's organization/installation] personnel comply with applicable regulations, procedures, techniques, etc., and observe applicable National Fire Protection Association codes and standards. The record shows that this work requires knowledge of fire prevention theory and techniques. We find such work best covered by that described in the standard for the Fire Protection and Prevention Series, GS-081, dated September 1991 (reissued in HRCD-7, July 1999). Neither the agency nor the appellant disagrees.

Title determination

The appellant asks that his position be titled Assistant Chief (Fire Prevention). However, titling instructions in the GS-081 standard prescribe that work like the appellant's involving preventing fires by physically inspecting a variety of facilities to detect and reduce or eliminate the hazards that cause fires are titled Fire Protection Inspector, with the prefix "Supervisory" added if applicable. We find that title to be appropriate, and have determined that the position also meets the coverage requirements for titling and evaluation by application of the General Schedule Supervisory Guide (GSSG), dated April 1998 (reissued in HRCD-7, July 1999). Therefore, the appellant's position is titled Supervisory Fire Protection Inspector.

Standard and guide determination

We find that the appellant's position is best evaluated by application of the grading criteria in the standard for the Fire Protection and Prevention Series, GS-081, and GSSG. Our fact-finding disclosed that the appellant's duties meet the requirements for evaluation as an "assistant chief" addressed in Part I of the GS-081 standard.

Application of the assistant chief criteria

The record shows that the primary issue of the appellant's appeal relates to program responsibilities. He seeks credit for his position as an assistant chief as described in Part I of the GS-081 standard. The third typical example of assistant chief duties describes a position "in charge of overall fire program management for inspections, training, hazardous material handling or other programs" delegated by the fire chief.

The GS-081 standard does not define the concept of “program management” responsibility as it applies to assistant chief positions. However, previous OPM appeal decisions and OPM interpretive classification guidance indicate that program management responsibility involves planning, developing, implementing, reviewing and evaluating a program. Typical program management responsibility includes such duties as planning and scheduling work to meet program goals and general objectives established by a higher organizational echelon; developing recommendations to higher level management on the level and mix of resources (staff, money, space, and equipment) needed; coordinating program activities with staff offices and with line managers to achieve mutual objectives; systematically evaluating program activities and functions to measure the effectiveness of program efforts; modifying program methods and approaches; and assessing the applicability of program objectives and recommending change. An additional indicator of program management responsibility is the need to assign, direct and review the work of other employees, including collaterally assigned employees who assist in carrying out program activities. A position delegated *both* technical and program management responsibility is appropriately classified by application of the assistant chief criteria and need not have full supervisory responsibility.

In the same context, the GS-081 standard does not define “program.” A program presupposes work of *sufficient magnitude* such that the person responsible for it must actually manage it with the help of various other employees, as opposed to personally performing it. On a regular and recurring basis, a program *requires* employees other than or in addition to the assistant chief to carry it out. This is why an important indicator of program management responsibility is the need to assign, direct, and review the work of other employees. An assistant chief provides or provides for training in formal techniques; reviews others’ work to ensure correct and consistent application of criteria; negotiates for the employees’ time to adequately accomplish program work; and schedules the work, keeping in mind employee’s other primary duty commitments. Supervisory responsibility could be a strengthening factor, but is neither necessary nor sufficient (absent the above program requirements) to credit program responsibility.

Information available to us indicates that the appellant has primary program as well as technical management responsibility for the [installation] fire prevention program and that the program is of sufficient magnitude to apply the assistant chief grade level criteria.

Program management responsibility. The appellant spends 60 percent of his time planning, organizing, developing, scheduling, monitoring, reviewing and evaluating the fire prevention and maintenance program for [installation]. Specifically, he performs the following duties that correspond to the program management responsibilities outlined above:

--The appellant plans and schedules work to meet program goals and general objectives established by a higher organizational echelon. He organizes the work of the fire prevention office, determines the need for contracts, and often secures funding for contracts. He reviews proposed contract solicitations and often writes statements of work to ensure contracts will meet fire prevention program needs. For example, the appellant acquired funding, wrote the solicitation, and wrote the statement of work for the fire extinguisher maintenance contract. He also reviewed in [name of city] the fire alarm maintenance contract [appellant’s headquarters] wrote for all of [name of country].

On a regular basis, the appellant plans inspections; the maintenance and testing of fire alarms, sprinkler systems, and suppression systems; fire extinguisher maintenance; and other fire prevention work performed by fire protection inspectors and contract employees. He signs work orders and schedules subordinate as well as contract work on a monthly and daily basis. He sets and adjusts short-term work priorities, such as when military personnel report hazards or a tent city commander requests maintenance. The fire chief has access to the appellant's work schedules, but does not review them except on a quarterly basis.

--The appellant develops recommendations to higher level management on the level and mix of resources (staff, money, space, and equipment) needed. He acquisitions supplies and develops and submits to the fire chief the fire prevention program budget. He also presents proposals and recommendations for funding specific activities needed by the fire prevention program. For example, he requested successfully to establish the fire extinguisher maintenance contract, whose employees relieved several firefighters and fire protection inspectors from fire extinguisher maintenance duties. The contract saved money for both the fire prevention program and the fire department, and allowed the appellant to address a shortfall of fire protection inspectors. He also successfully requested additional funds to implement the fire alarm maintenance contract established for the [name of command].

--The appellant coordinates activities of the fire prevention program with other management and staff up to a level equivalent to the [name of directorate] to ensure fire safety while meeting their objectives. For example, he coordinates with building managers to schedule fire alarm and suppression tests, fire extinguisher maintenance instruction, and building inspections to minimize disruption of building occupants or operations. He coordinates providing fire prevention instruction to firefighters with the fire protection specialist responsible for their training programs. He coordinates with assistant chiefs of operations to integrate firefighters and firefighting equipment into Fire Prevention Week activities.

--The appellant systematically evaluates program activities and functions to measure the effectiveness of program efforts. He quarterly evaluates fire prevention deficiencies across [the installation] and develops strategies to address them as part of the fire protection deficiency correction program. Also, every six months for one program and every year for another the appellant must conduct an [installation]-wide fire prevention inspection. The appellant independently conducts evaluations using the same criteria used for these inspections. Results of the latter inspection are reported to the [name of command].

We note that in addition to systemic evaluation, the appellant often monitors specific activities of the fire prevention program that are significant to its overall effectiveness. He monitors daily the work of contract employees and the fire protection inspectors to ensure correct and consistent application of fire prevention inspection techniques. On a less frequent basis, he spot checks the most complex inspections, and reviews all inspection reports for completeness. He reviews training reports to track employee training needs. He reviews all construction projects and all [name of directorate] work orders for conformance with fire regulations. He monitors contracts for level of expertise available, performance, and waste, fraud, and abuse.

--The appellant modifies program objectives and approaches. He establishes and revises [the installation] fire prevention regulations to meet National Association of Professional Firefighters (NAPF) standards, which change annually, and Army standards. The appellant also changes the program to improve its effectiveness and efficiency as well as to comply with changing requirements. For example, after discovering flaws in an existing computer system, he built a database that tracks inspections and inspection requirements. He has revitalized the building managers training program by developing a formal presentation with handouts. He had to adapt a number of fire prevention programs to incorporate the adoption of 911 in [the installation]. Audits indicate that the appellant has found numerous ways to invigorate the fire prevention program.

--The appellant assesses the applicability of program objectives and recommends change where appropriate. Army and NAPF standards limit the ability of the appellant to change program objectives, but he exploits opportunities to do so when in the interest of the overall fire prevention program.

The appellant's responsibility for supervising four fire protection inspectors, and for directing and reviewing the work of contract employees, is a strengthening factor. On a daily basis, he assigns work to subordinates and directs the work of contract employees as well. He also sets monthly suspense dates and quotas for each inspector.

Another strengthening factor is the fire chief's complete delegation of the fire prevention program to the appellant. The entire management structure of the [name of directorate] recognizes the appellant's responsibility for the program, and there is no other position established that has fire prevention program responsibility.

Our interviews revealed that the appellant exercises primary responsibility for *technical* decision-making in the fire prevention program. [Name of installation] personnel, including the fire chief, consider the appellant the technical authority on fire prevention. On technical matters, the fire chief generally relies on the appellant's judgment. The fire chief reviews the appellant's decisions only for conformance with overall fire protection program policies and procedures.

Program magnitude. The fire prevention program is of *sufficient magnitude* for program management to be credited under the assistant chief criteria. Specifically, the program has the previously noted required characteristics as discussed below:

--Program work requires four fire protection inspectors and up to 50 contract employees as well as the appellant. The appellant also secures the daily, active participation of building managers, who monitor buildings for fire hazards and assist fire extinguisher inspections and maintenance.

--The appellant trains inspectors in formal fire prevention techniques, or provides for their training. Department of Defense regulations require fire protection inspectors to complete successfully instruction in a variety of fire prevention topics.

--The appellant daily reviews inspector and contract work to ensure it follows Army and NAPF guidelines. This includes reviews of inspection reports and spot checks of inspections.

--The appellant negotiates requests from the fire chief to use fire protection inspectors for other duties. Also, he occasionally consults with the fire chief and other [name of division] supervisors to coordinate using firefighters to assist fire prevention duties such as maintaining fire extinguishers, and managing fire fighting equipment during Fire Prevention Week.

--The appellant supervises the fire protection inspectors, as discussed below, completely scheduling their work. He gives and reviews their assignments daily. He also establishes and monitors progress against monthly inspection quotas. The appellant schedules contract work by approving work orders, and directs contract employee work either directly or through a contract manager.

A strengthening issue is the fact that the appellant manages the [name of office]. The presence of the Office is an indication that Army recognizes the need for an ongoing commitment of human resources to prevent fires in [the installation].

Based on the preceding analysis, we find that the appellant's position fully functions as an assistant chief and warrants evaluation as such by application of the grading instructions and criteria of the GS-081 standard. In addition, we have evaluated his supervisory duties by application of the grading criteria in the GSSG. We note that the appellant spends about 10 percent of his time personally doing fire protection inspections. However, only duties that occupy at least 25 percent of an employee's time can affect the grade of a position (Introduction to the Position Classification Standards, Section III.J). Therefore, we have not evaluated those duties in this decision.

Grade determination

Evaluation of assistant chief

The GS-081 standard prescribes that assistant chief positions be graded one grade below the fire chief if they meet the level of a full deputy chief, and two grades below if they do not. Our review disclosed that the appellant meets the latter situation, but does not function as a full deputy to the fire chief because he does not fully share in the overall technical and administrative management of the fire department. To evaluate an assistant chief position, the standard requires that we evaluate the grade level of the appellant's supervisor's position (Fire Chief, GS-081) which the agency has classified at the GS-12 level. Section II of Part I of the GS-081 standard is used to determine the grade level of fire chief positions. Four classification factors are used to evaluate their technical difficulty and degree of responsibility as discussed below.

Factor 1, Nature and variety of fire hazards – Degree C

--The agency evaluates Factor 1 of the fire chief's position at Degree C. We concur. Despite having a moderate overall level of fire expectancy, [the installation] includes multiple installations [names of other installations], each with its own unique fire protection and fire

prevention requirements, i.e. special weapons, ammo-holding areas, airfields, POL and hazardous materials storage, and confinement facilities. The primary function of [the installation] is to provide [the command] air support with armed tactical helicopters and fixed wing aircraft. Like Degree C this includes 100-150 air moves involving operational training exercises and pilot training with high crash potential; extensive aircraft maintenance and repair, and hot refueling; and storage of large quantities of jet fuel (over 4 million gallons). The management requirements of the fire chief position are complicated by: rapid growth of [the installation] facilities, high turnover of military and civilian personnel, large numbers of military exercises and temporary tent cities, provision of fire prevention services and training to Air Force personnel on Air Force airfields, a largely monolingual [identity of foreign workforce] firefighter workforce, and frequent contact with higher level officials to ensure adequate funding of the fire department.

Factor 2, Potential severity of fires – Degree C

--The agency evaluates Factor 2 at Degree C and we concur. [The installation] is a very large installation covering the width of the [name of country] peninsula. It has over 1,700 buildings and 10,000 employees. Buildings are generally multistoried and tightly clustered on less than 1600 acres, with many built 20-50 years ago, consisting of highly flammable interiors and exteriors, and having inadequate fire suppression systems such as sprinklers installed. Due to close proximity and in some cases limited access, once a fire starts in one building, it could easily spread to others. Also, airfield activities have a high potential for fire and explosion from aircraft crashes, jet engine testing after repair, and large underground fuel/POL storage tanks.

Factor 3, Scope of supervisory responsibility – Degree D

--The agency evaluates Factor 3 at Degree D and we concur. There are four fire stations in [the installation]. Also, we evaluate the fire chief position's supervision at Level 2 because it meets all of the duties listed at that level: work reorganization to increase effectiveness, productivity, and job satisfaction; estimation of budget requirements and departmental capabilities; work assignment and subordinate reassignment based on special qualifications, departmental capabilities, or resources; setting of performance standards; implementation of personnel management policies; preparation of formal personnel actions; receipt of grievances; and training plan development.

Factor 4, Fire Program Management – Degree B

--The agency evaluates Factor 4 at Degree B and we concur. We find two additional program management aspects: (1) ongoing training programs that are particularly intense due to new or changing requirements, which the agency credits, and (2) a fire deficiency correction program to install and update existing fire protection systems, which the agency does not credit. Information supplied by the appellant and his supervisor describes an extensive program that systematically addresses deficiencies in fire protection by methods that generally include upgrading and installing fire alarm and suppression systems. [The installation's] rapid growth in buildings and facilities requires highly coordinated approval of construction plans and monitoring of all phases of construction. The appellant spends a considerable portion of his

personal work time performing these duties, at times on a full-time basis. Further, [the installation] is preparing to award a fire protection system installation and upgrade contract to address a backlog of deficiencies. Through the appellant, who manages the program, the fire chief is responsible for all elements of construction designed to reduce the risk and potential damage of fires.

In contrast to the agency, we find the mutual aid agreement aspect under Factor 4 not fully met. There are three mutual aid agreements for which the fire chief has negotiating responsibility. However, there is little indication any of the agreements *require* frequent updates or reassessments because they are particularly *fluid*. The appellant indicates he reviews and reassesses agreements quarterly, and meets with officials from participating local fire departments semi-annually. The fire chief, however, indicates he negotiates all agreements on a three-year cycle, with no reassessment in between. Further, he has not renewed several additional agreements that existed prior to his tenure. This suggests that the appellant's reviews and reassessments are *pro forma*, and do not amount to a responsibility exercised on behalf of the fire chief sufficiently significant to warrant credit as an additional aspect.

Using the grade conversion table of the GS-081 standard as a guide, we find that the fire chief position overall meets the GS-12 level. Although the pattern of degrees appears to exceed those of the GS-12 level, it does not meet the threshold pattern for GS-13. We also note two weakening factors. Degree D of Factor 3 is met because Area III meets *but does not exceed* the minimum requirement for the number of fire stations. Also, Degree B for Factor 4 is not normally associated with GS-13 level fire chief duties and responsibilities. The fire chief position does not fully meet the GS-13 level and thus is graded at GS-12.

As previously noted, the appellant's position does not fully share overall management of the fire department with the fire chief, as required of a deputy chief. Therefore, we evaluate the appellant's position at GS-10, which is two levels below the grade of the fire chief's position.

Evaluation of supervisory duties

Evaluation using the GSSG is applicable when supervisory work and related managerial responsibilities require accomplishment of work through combined technical and administrative direction of others; constitute a major duty occupying at least 25 percent of the position's time; and meet at least the lowest level of Factor 3. The appellant spends 30 percent of his time supervising, both technically and administratively, four fire protection inspectors and directing the work of up to 50 contract employees to perform inspections, maintenance, and other essential functions of the fire prevention program. He also meets Level 3-2, as discussed below.

Factor 1: Program Scope and Effect, Level 1-2, 350 points

Scope addresses the general complexity and breadth of the program directed, work directed, products produced, or services delivered. The appellant's position meets Level 1-2, but does not fully meet Level 1-3. Although the appellant's position is located at a large military installation, unlike Level 1-3 the services provided could not be characterized as complex technical in nature. In addition, the support services provided by the fire inspection and prevention activities do not

directly affect the accomplishment of [the installation's] functions and operations to provide logistical support to the [name of command].

Effect addresses the impact of the work, products, or programs described under "scope" on the general public or on the mission and programs of organizational entities. On this basis, the appellant's position is best evaluated at Factor Level 1-2. The fire prevention program supports and significantly affects the [name of directorate] construction projects at the installation, which must meet fire safety codes, and [Division] operations, which integrates fire prevention equipment and procedures into firefighting.

Level 1-3 under "effect" discusses program activities that "impact a wide range of agency activities, the work of other agencies, ...the operations of outside interests, or the general public." At the field activity level, the work "directly involves or substantially impacts the provision of essential support operations to numerous, varied, and complex technical, professional, and administrative functions." Fire prevention program activities at [the installation] do neither. They are limited to the operations of [the installation], one of four areas in [the command]. The program's activities do not directly involve or substantially impact the provision of essential support operations at [installation] and its satellite installations.

Factor 1 is evaluated at Level 1-2 and 350 points are assigned.

Factor 2: Organizational Setting, Level 2-1, 100 points

The appellant's position meets Level 2-1 because his position is accountable to a position that is two or more levels below the first SES, flag or general officer in the direct supervisory chain.

Factor 3: Supervisory and Managerial Authority Exercised, Level 3-2, 450 points

To be credited at Level 3-2, the appellant's position must meet Level 3-2a, 3-2b, or 3-2c. His position fully meets Level 3-2c in that he carries out at least three of the first four, and a total of six or more of the ten authorities and responsibilities listed under that level. Our fact-finding disclosed that he performs all ten of the authorities and responsibilities listed under Level 3-2c as follows:

--The appellant plans and schedules subordinate work, setting deadlines for completion, and setting and adjusting short-term priorities. The appellant schedules inspections and sets inspection completion deadlines on a monthly basis. He adjusts fire protection inspector assignments and deadlines to meet more pressing needs, e.g., when military or civilian personnel identify fire hazards for urgent rectification or tent commanders request fire extinguisher maintenance on short notice.

--The appellant assigns work to subordinates based on priorities, selective consideration of the difficulty and requirements of assignments, and the capability of employees. The appellant generally assigns the more difficult or priority inspections to the more experienced, higher-graded fire protection inspectors. However, he also assigns more difficult inspections as appropriate to lower level inspectors for training purposes.

--The appellant evaluates the work performance of subordinates. He assesses the performance of the fire protection inspectors, provides performance feedback on a daily and monthly basis, and conducts their performance appraisals, which he signs.

--The appellant gives advice, counsel, and instruction on work and administrative matters. The appellant meets with the fire protection inspectors daily to discuss assignments. If there are questions about the work he cannot answer adequately in the office, he works with the inspectors in the field. He also counsels inspectors on administrative matters such as pay, leave, work schedules, and promotion opportunities.

--The appellant interviews and recommends appointment and promotion of candidates to positions in the [appellant's immediate organization].

--The appellant hears and resolves complaints from fire prevention inspectors, referring group grievances and more serious unresolved complaints to the fire chief.

--The appellant effects minor disciplinary measures, such as warnings and reprimands, recommending other action in more serious cases.

--The appellant identifies developmental and training needs of fire prevention inspectors, providing or arranging for needed development and training.

--The appellant finds ways to improve service or increase the quality of work directed.

--The appellant develops performance standards for his subordinates.

Because the appellant's position meets the requirements for assignment of Level 3-2c, Level 3-2 is assigned.

To meet Level 3-3, the appellant's position must meet Level 3-3a or 3-3b. It does neither. Level 3-3a envisions long-range (multi-year) planning of high-level staff functions, and second-level supervision. The appellant's position has at most annual planning responsibilities related to a specific line function, and no second-level supervisory authority or responsibility. Credit at Level 3-3b requires all or nearly all the delegated supervisory authorities and responsibilities of Level 3-2c, *and* meeting at least eight of fifteen additional conditions it lists. The appellant's position does not meet those criteria. Level 3-2 is assigned and 450 points credited.

Factor 4: Personal Contacts, Levels 4A-2 (50 points) & 4B-2 (75 points)

Factor 4 is split into two parts: Subfactor 4A, Nature of contacts, and Subfactor 4B, Purpose of contacts. Subfactor 4A covers the organizational relationships, authority or influence level, setting, and difficulty of preparation associated with making personal contacts involved in supervisory and managerial work. Subfactor 4B covers the purpose of the personal contacts credited in Subfactor 4A, including the advisory, representational, negotiating, and commitment making responsibilities related to supervision and management.

Subfactor 4A: Nature of contacts. To be credited at Level 4A-2, the appellant's position must involve frequent personal contacts with at least one of several groupings listed in the Guide. He meets that requirement in that he has contacts with higher ranking managers, supervisors, and staff of administrative and other work units throughout [the installation]. He contacts such personnel at complex construction meetings, semi-annual command quarters inspections, and monthly newcomers briefings. Therefore, the appellant's position is properly evaluated at Level 4A-2 and 50 points are assigned. The appellant does not have contact with any of those listed under Level 4A-3.

Subfactor 4B: Purpose of contacts. The appellant's position meets Level 4B-2 in that he makes contacts with various parties to ensure that information provided is accurate and consistent, to plan and coordinate work directed (e.g., fire inspections) with that of others outside his organization, and to resolve differences of opinion among managers and supervisors. Unlike Level 4B-3, the purpose of the appellant's contacts is not to defend or negotiate program requirements. While he occasionally must justify fire regulations to clients, this does not meet the degree of controversy characteristic of Level 4B-3. The appellant's position meets Level 4B-2 and 75 points are credited.

Factor 5: Difficulty of typical work directed, Level 5-3, 340 points

This factor measures the difficulty and complexity of the basic work most typical of the organization directed, including contracted work for which the supervisor has technical or oversight responsibility. Factor level determination is based on the highest grade level which not only reflects this kind of work but constitutes 25 percent or more of the organization's workload.

The appellant supervises four fire protection inspectors [foreign nationals] and believes that all occupy positions with a full performance level equivalent to GS-7. However, the agency indicates that it has not established a formal career ladder to that level for fire protection inspector positions in [the installation]. Two of the fire protection inspector positions have an equivalent GS-6 full performance level, and two have a GS-5.

The appellant also oversees several contracts with a total workforce of up to fifty employees. Overall, contract employees perform the same work as the fire protection inspectors or are in upward mobility positions with full performance levels comparable to GS-5. Since the appellant performs the supervisory functions under Level 3-2b for these contracts, we include the equivalent GS-5 level contract employees in our calculation of the overall base level of work supervised. Since the GS-5 level best characterizes the nature of the basic nonsupervisory work performed in the organization, and constitutes 25 percent or more of the workload of the organization, the base level is GS-5. Therefore, Factor Level 5-3 is assigned and 340 points credited.

Factor 6: Other conditions, Level 6-1, 310 points

Factor 6 measures the extent to which various conditions contribute to the difficulty and complexity of carrying out supervisory duties, authorities, and responsibilities. The Guide

requires us to follow two steps to determine at what level to evaluate Factor 6. The first step requires determination of the highest level fully met. The appellant supervises fire prevention technician work with a base level of GS-5. This meets Level 6-1 of the Guide. The appellant's position does not meet Level 6-2 where the supervisor is responsible for all technical determinations arising from the work, without technical advice or assistance on even the most difficult and unusual problems. The appellant exercises primary responsibility for *technical* decision-making in the fire prevention program, but the fire chief retains ultimate decision-making authority should he disagree with the appellant.

The second step requires determination of how many special situations are present if the result of step 1 is Level 6-3 or lower. The appellant's position meets Special Situation #4, Physical Dispersion, since the fire inspectors as well as contract employees work in different locations across [the installation] during the day, and one inspector is permanently stationed at [name of another installation], more than a 2 hour drive from the [appellant's office] at [appellant's installation]. However, none of the other special situations described in the Guide apply to the appellant's position. Since three or more must be met to credit one additional level, we evaluate this factor at Level 6-1 and 310 points are credited.

In summary, the following factor levels and points are assigned by application of the Guide:

<u>Factor</u>	<u>Levels</u>	<u>Points</u>
1	1-2	350
2	2-1	100
3	3-2	450
4A	4A-2	50
4B	4B-2	75
5	5-3	340
6	6-1	<u>310</u>
Total		1675

A total of 1675 points falls in the GS-8 range (1605-1850) by reference to the point-to-grade conversion chart in the Guide. Therefore, the appellant's supervisory duties are graded at the GS-8 level.

Summary

By application of the standard for the Fire Protection and Prevention Series, GS-081, the appellant's duties as an "assistant chief" are graded at the GS-10 level. By reference to the GSSG, his supervisory duties are graded at the GS-8 level. Since his "assistant chief" duties take up a majority of his time, and constitute the highest level of work assigned, the final grade of the appellant's position is GS-10.

Decision

The appellant's position is properly classified as Supervisory Fire Protection Inspector, GS-081-10.