

OPM Decision Number: C-5705-07-01, 1/27/97

PH:OD:96-23

PERSONAL
[the appellant]

Dear Mr. [appallent]:

This is our decision on the classification appeal you filed with our office, which we accepted under the authority contained in section 5346 of title 5, United States Code (U.S.C.).

This appellate decision constitutes a certificate that is mandatory and binding on administrative, certifying, payroll, disbursing, and accounting officials of the Government. It is the final administrative decision on the classification of this job, and is not subject to further appeal. It is subject to review only under the limited conditions specified in 5 Code of Federal Regulations (CFR) 532.705. It must be implemented in accordance with the provisions contained in 5 CFR 511.612 for executing the requirements stipulated in 5 U.S.C. 5346.

Position Information

Appellant : [The appellants]

Current Classification : Engineering Equipment Operator, WG-5716-8

Position Description No : 8905-A

Requested Classification : Engineering Equipment Operator, WG-5716-10

OPM Decision : Tractor Operator, WG-5705-7

Organizational : Department of Veterans Affairs
(DVA) Medical Center (Center)
Administrative Service
Engineering Service
Facilities Section
Grounds Unit
[location]

Analysis and Decision

In considering this appeal, we reviewed carefully all the information which you submitted; information developed during an on-site audit conducted with you and your co-appellant and an interview with your [the appellant's supervisor], on September 25, 1996; and other pertinent information provided by your activity at our request.

It is our decision that your job is classified correctly as Tractor Operator, WG-5705-7. Accordingly, your appeal is denied and your job downgraded, the reasons for which follow.

In your appeal letter of July 16, 1996, you expressed your belief that your "position description [PD] and the Job Grading Standard [JGS] for the WG-10 [Engineering Equipment Operator, WG-5716] . . . are the same." You stated you operate your engineering equipment under the "more complicated and complex conditions" found at the WG-10 level in the WG-5716 JGS. You cited the portions of your PD that deal with your setting and positioning materials out of the line of vision of the operator, and your operating heavy equipment to:

excavate, backfill, grade or level earth to rough, also fine, specifications on such projects as breaking new ground for parking lots, roads, walks, pipeline, sewer lines, water lines, steam lines, electric and telephone lines and drain lines. The work is often required to be done very close to buildings, other lines and tunneling without contacting or damaging them in order to avoid utility outages which may effect patient care.

When talking with [the servicing classificaion specialist] of Human Resources Management Service, she told us that she was unaware of these requirements. . . . We also told her that we use ground stakes in construction of parking lots and basketball and tennis courts, and that we operate asphalt paving machines in paving parking lots and courts, and also many miles of road laying over 3,000 tons of asphalt.

You stated you also serve as acting supervisor in the absence of your supervisor. You submitted a PD "of the WG-9" occupied by the two Engineering Equipment Operators employed before you at the Center.

Your appeal submissions have raised several procedural and regulatory issues which warrant clarification. All jobs classified within the Federal Wage System (FWS) must be placed in their proper occupation and grade in conformance with or

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consistently with published job grading standards (JGS's) issued by the Office of Personnel Management. Hence, other methods or factors of evaluation, such as comparison to other jobs, such as the equipment operator job cited in your appeal letter, which may or may not be classified properly, are not authorized for use in determining the classification of a job.

Given your concern regarding the accuracy of your position description (PD), we believe there may be some misunderstanding concerning the basis of classifying a position. Therefore, we believe a brief explanation would be instructive. A **position description** (PD or a job description, JD) is the official record of the major duties and responsibilities assigned to a position by a responsible management official as provided for in title 5, U.S.C., section 5342(a)(3); i.e., a person with authority to assign work to a position. A **position** is the duties and responsibilities which make up the work performed by an employee. A **position** or **job** is the combined duties and responsibilities which make up the work performed by an employee. Section 5346 of 5, U.S.C., prescribes the use of the actual work assigned to the job as the basis for determining the classification of a position. This concept pertains to both the FWS and General Schedule (GS) systems. For example, the Introduction to the Position Classification Standards (Introduction) for the GS provides that "As a rule, a position is classified on the basis of the duties actually performed." Additionally, 5 CFR 511.607(a)(1), which pertains to the GS, in discussing PD accuracy issues, provides that OPM will decide classification appeals on the basis of the actual duties and responsibilities assigned by management **and** performed by the employee. The point here is that it is a real operating position that is classified, and not simply the PD or JD.

OPM will decide classification appeals on the basis of the actual duties and responsibilities assigned by management **and** performed by the employee. Federal Wage System Operating Manual, Subchapter 6-6, requires that JD's be kept up to date to assure that grading can be accomplished correctly. The classification appeal process is a de novo review which includes a determination as to the duties and responsibilities assigned to your job and performed by you. Thus, any previous action taken, or not taken, by your agency is not germane to our de novo review.

Our audit with you and your co-appellant, and information obtained from your first level supervisor, revealed that your PD of record contains the major duties and responsibilities which you perform and hereby is incorporated by reference into this decision. We find, however, the PD of record does not accurately reflect the actual difficulty and complexity of the assigned duties and responsibilities of your position, and contains some functions that you do not perform.

Our audit revealed that your position has two major functions: (1) operating a full range of tractors and related equipment, e.g., graders, backhoes, asphalt pavers, and rollers, in order to perform grounds maintenance and **limited** construction work; and, (2) operating a variety of motor vehicles and equipment in order to perform grounds tasks, e.g., snow removal and road sweeping. Your PD gives the clear impression that your work entails heavy construction of significant scope and complexity as a regular and recurring part of your work assignment. In addition to the sections cited above, your PD indicates that you:

Grade trails, surfaces, compacts soil and rolls to exact specifications on flat or rolling terrain. Moves earth on slopes, grades, curves and road shoulders on rocky or soft ground and other surfaces. . . . Operates close to buildings, trees, drop-offs, rocks, on slopes and other obstructions.

Our fact-finding revealed, however, that your use of what typically is considered engineering equipment is limited substantially in scope and complexity. The gravel road and trail system at the Center is limited. Information provided by your agency revealed that there are approximately six to seven miles of paved road in and around Center buildings. There are approximately four separate dirt and gravel roads used by patients for recreational walking. No new trails or roads have been cleared in approximately seven years. Dirt and gravel road maintenance is limited to an occasional scraping with a small Caterpillar 918F grader, and using a Case 580 front end loader with backhoe in order to dump additional gravel to fill potholes. You use the Case 580 to perform limited utility-related excavation, e.g., digging trenches in order to service or replace sewage and steam lines, as well as to pull cable and dig drainage ditches. You use rented equipment in a similar restricted manner. For example, over the last three to four years you have been engaged in the repaving or initial paving of parking lots at the Center. This work is performed on relatively flat land along the Susquehanna River shore line; the land is not rocky and the slopes are limited in number and impact on your work. Excavation is limited in difficulty due to the terrain. The steepest slopes, along the shore line, primarily impact grass-cutting. Slope construction impact is limited to such matters as ditch, sewer, steam, and water line angle. Parking lot construction or repaving typically entails removing 12 to 14 inches of dirt. The dirt is replaced by approximately 8 inches of #2 stone, and then is paved with two 2-inch passes of macadam. You occasionally encounter soft soil which requires you to excavate more deeply, and then fill with crusher stone #6 as well as #2 stone before paving. Road resurfacing is limited to laying a 2-inch layer of macadam. Rented bulldozers are used to excavate the larger parking lot or such projects as the settling pond at the water filtration plant. An asphalt paver and a larger roller typically are rented for parking lot and other pavement work, and smaller trenchers (Ditch Witches) are used to trench for electrical and similar cables.

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You operate backhoes to load trucks with stone, dirt, sand, and salt, removing demolished roadway and building materials, e.g., curbs and footers, as well as for snow removal. You operate tractors for lawn and related grounds functions, including a “cullarpacker” disc attachment for packing grass seed. You operate a Ford boom tractor with a 25-foot boom for mowing. Other equipment you operate include post hole diggers tractor attachments, a high reach, and buckets in order to trim and decorate trees, and perform similar high work, and a platform lift for cleaning landings. You operate a large forklift with a 35-foot extended boom in order to place materials on roofs and move pallets.

You operate a variety of motor vehicles. Your PD indicates that you operate “pickup trucks, dump trucks, vehicles over 24,000 lbs.” Our fact-finding re-vealed the largest and most complex motor vehicles you operate are a Ford dump truck (gross vehicle weight 29,000 pounds) with a side-push snow plow, and a similarly sized International truck in order to spread salt as well as haul grounds materials.

Series and Title Determination

Your job entails performing work in several occupations on a regular and recurring basis, e.g., motor vehicle and equipment operation. Jobs classified within the Federal Wage System (FWS) that perform work in two or more occupations are classified to the occupation which is most important for recruitment, selection, placement, promotion, or reduction-in-force purposes. This ordinarily is the occupation having the highest skill and knowledge requirements. Your agency has classified your job to the Engineering Equipment Operator, WG-5716 series with which you have not disagreed.

Care must be taken to assure that the full intent of FWS JGS's is discerned and applied. The WG-5716 series, and its published JGS, cover jobs that involve the operation of gasoline- or diesel-powered engineering and construction equipment with wheeled or crawler type traction involving the operation of such equipment as graders, tractors with bulldozer or angledozer blades, front-end loaders, backhoes, trench diggers, and large industrial tractors with pan or scraper attachments. This equipment is used to perform such functions as cutting, moving, digging, grading, and rolling earth, stone, sand, and other materials, and to maintain ditches, road shoulders and beds, and firelines.

In contrast, the Tractor Operator, WG-5705 JGS is used to grade non-supervisory work involved in operating wheel-mounted tractors and towed or attached equipment. The work performed typically includes transporting materials and equipment, towing aircraft, digging, loading, planting, spraying, fertilizing, harvesting, clearing, and mowing. Examples of the towed and attached equipment include carts, sweepers,

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trailers, towbars, plows, brush hogs, planters, mowers, combines, spreaders, sprayers, backhoes, and front end loading devices.

This JGS, issued in January 1992, reflects the results of a recent occupational study, and clarifies the distinction between tractor operations covered by the WG-5705 JGS and those covered by the Engineering Equipment Operator, WG-5716 JGS:

Operating heavy tracked or wheel-mounted engineering equipment such as bulldozers, backhoes, road graders, front-end loaders and large industrial tractors with pan or scraper attachments used in heavy construction and excavation projects [emphasis added].

This clarification reiterates the intent of the WG-5716 JGS that less demanding equipment operation work, e.g., maintaining ditches, road shoulders and beds, and firelines, and similar light excavation work is included in that occupation only when performed in conjunction with heavy construction and excavation work. Thus, the type of equipment operated alone does not control whether a job is allocated to the WG-5716 series. Rather, it is the functions performed with the equipment that determine whether engineering equipment is used for functions covered by the WG-5705 JGS or the WG-5716 JGS.

Although your parking lot work has become regular and recurring over the past three to four years, the limited size of the Center does not indicate that excavation work of this nature is an ongoing major function of your job. In addition, such work is not heavy construction and excavation work within the meaning of the FWS. The WG-5716 JGS is intended to cover heavy excavation work on projects of substantial scope and complexity. For example, work entailing the clearing of large tracks of land preparatory for building major roads in which soil conditions and terrain require exacting hand, foot, and eye coordination. The illustration of refuse dump functions at the WG-8 level in the WG-5716 JGS reflects the operation of equipment under such exacting terrain conditions. Similarly, the loading, pulling, piling, and pushing of materials at the WG-8 level are intended to cover the moving of such materials at major construction sites, e.g., the building of major roads, bridges, dams and runways; excavation for large office buildings, hospitals or similar structures with multi-story subsurface levels; and the cutting of forest and other wild area roads with significant soil and surface demands.

While you and your co-appellant operate some equipment which minimally can be construed as falling within the meaning of the WG-5716 JGS, the operations which you perform do not exceed the light construction and excavation work covered by the Tractor Operator, WG-5705 JGS as discussed in the grade level analysis which follows. Accordingly, your job is allocated properly as Tractor Operator, WG-5705.

Grade Level Determination

The grade level worth of JGS work is determined through the use of four factors: Skill and Knowledge; Responsibility; Physical Effort; and, Working Conditions. In order to warrant evaluation to a grade level, the position must meet the level described fully; i.e., it must meet the full intent of the whole job.

As discussed previously, the grade level of a job in the FWS is not based solely on the equipment operated, but on the skills and knowledges exercised in operating that equipment. That is to say, we do not grade equipment; we grade the difficulty and complexity entailed in the operations the employee conducts in using that equipment.

The grade of a job may only be based on the performance of regular and recurring work. It is an established FWS classification principle that although there is no specified percentage-of-time requirement for grade controlling regular and recurring duties, special care must be exercised if the percentage of time devoted to the highest graded duties is low, e.g., 15 percent. In this case, there is a tendency to make the following errors: (1) crediting duties which are not performed repetitively on a continuing basis and, therefore, should not be credited in any way; (2) incorrectly assuming that the duties require the full range of work and qualifications necessary to warrant the grade level being considered; and (3) incorrectly assuming that the duties performed are under normal supervision for the grade being considered when they are performed under closer supervision and, therefore, overgrading the job.

Tractor Operator, WG-5705

This JGS is used to grade nonsupervisory work involved in operating wheel-mounted tractors and towed or attached equipment. The work performed typically includes transporting materials and equipment, towing aircraft, digging, loading, planting, spraying, fertilizing, harvesting, clearing, and mowing. Examples of the towed and attached equipment include carts, sweepers, trailers, towbars, plows, brush hogs, planters, mowers, combines, spreaders, sprayers, backhoes, and front end loading devices.

Skill and Knowledge

At the WG-6 grade level, tractor operators have skill and knowledge to manipulate both tractor and equipment controls at the same time, e.g., raising and lowering gang mowers and other attached equipment. They use skill in operating boom slope mowers to cut grass on slopes while operating the tractor on level ground or along roads. They use knowledge of equipment in making multiple connections from the

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equipment to the tractor, connecting mechanical drive shafts and hydraulic lines. WG-6 operators have skill in operating tractors and equipment between shrubs and trees, along fences and curbs, in snowy or marshy areas, and in areas where tree limbs, bushes, and rocks are more likely to cause clogging and jamming of equipment, and have skill in seeding operations that require straight, uniform rows. Some WG-6 operators have skill in operating backhoes and front-end loading devices to move trees, dig ditches, load and unload soil, and perform other tasks associated with grounds maintenance. They have skill in adjusting the equipment for various jobs, e.g., setting the height of blades, depth of plow blades, and the rate of application for seeder and sprayer attachments. They have knowledge of the operating characteristics of the tractor and towed or attached equipment, such as tractor gears and power ratios, as well as lifting, balancing, braking and turning capacities, and they use the knowledge of equipment capabilities to determine power requirements for various soil conditions and to determine safe operating speeds.

In contrast, WG-7 tractor operators operate the same type of tractors and attached or towed equipment on steep hills or in rough terrain where there is significant danger of overturning the tractor or equipment. The terrain conditions require a greater level of skill and knowledge in order to compensate for rough terrain features such as steep hills, ravines, holes, and ditches. The WG-5705 JGS directly addresses the use of backhoe-equipped tractors for projects requiring close tolerances: "Examples include finishing straight walls for graves and digging straight and narrow trenches [page 8]." WG-7 level work requires the skill and knowledge necessary to operate front-end loading devices on steep slopes and banks as well. The Case 580 that you operate to dig drainage and other ditches and lines on the more demanding slopes as described in your appeal and reviewed during our on-site audit, your limited excavation for footing and other work in close proximity to Center buildings, and your use of larger rental equipment to excavate and pave parking lots and similar flat areas to relatively close tolerances entail application of equivalent WG-7 level light construction and excavation equipment operating skill and knowledge.

Based on our review of the equipment logs provided at our request, we find that you perform work requiring the application of WG-6 level tractor operations in performing much of your grounds maintenance work. Your operation of the Case 580 and graders to scrape dirt and gravel roads, use of front end loader capability to fill in holes in those roads and similar work in open areas compares closely to the loading and unloading of soil found at the WG-6 level. As at the WG-6 level, you operate boom slope mowers to cut grass along the Susquehanna water line and on the limited number of higher slopes that lead down to the river and clean around sloped drainage ditches, and use the "cullarpacker" disc to plant grass seed. Your use of trenchers and digging attachments to lay cable in open areas; using backhoe

attachments to dig utility ditches, remove curbs, and install drainage pipes in open areas also compare closely to WG-6 level backhoe, front-end loading device, and equivalent equipment operation.

Your work does not compare favorably to the exacting skill and knowledge demands found at the WG-8 level. At that level, tractor operators use heavy-duty tow tractors to move a variety of large fixed-wing aircraft on taxiways and in crowded hangars typically using a specialized tow vehicle and tow bar. You and your co-appellant do not operate this type of specialized equipment requiring the exacting skills and knowledges contemplated at the WG-8 level in the WG-5705 JGS. Based on our review of workload data, we find that you perform WG-7 level work on a regular and recurring basis within the meaning of the FWS. Therefore, this factor is credited properly at the WG-7 level.

Responsibility

WG-6 tractor operators receive written and oral work assignments from a supervisor or a higher graded worker, and perform duties according to established methods. They receive special instructions such as the depth to plow a field or dig a ditch, spacing between furrows, and depth to plant a crop. They work from detailed instructions such as type of fertilizer to use or kind of seed to dispense. They have greater responsibility than the WG-5 level for selecting appropriate gears, power settings, and speeds for equipment based on soil conditions. They make judgments concerning equipment operations such as lift capacity, weight, and balance of a backhoe and its load. They are responsible for routine operator maintenance and safe operation on public roads and at the work site. The work is spot checked after completion in order to ensure compliance with instructions and standard operating procedures and work may be reviewed in progress.

WG-7 level work is assigned in a similar fashion, but typically is on a project basis leaving most of the details to the discretion of the tractor operators. Operating on difficult terrain require more frequent and demanding judgments than at the WG-6 level. WG-7 tractor operators assess terrain requirements and the stability of tractors and equipment, and are responsible for choosing proper gears, speeds, and angles of turn required to accomplish the work and avoid overturning the tractor. They are responsible for performing operator maintenance on the tractor with increased frequency due to the nature and location of work in remote areas.

Your less demanding grounds related equipment operation responsibility compares closely to the WG-6 level in that you must make the operating decisions typical of work performed on flat or rolling terrain, operating the boom mower on slopes from the flat road, and along fences, curbs, and in areas in which you have to deal with

the complications of tree limbs and shrubs. As at the WG-6 level, you move materials requiring the balancing of front-end loader and/or backhoe loads. Our fact-finding revealed, however, that your more demanding parking lot excavation, sloped utility line and similar excavations, and limited footing work entail the exercise of discretion and responsibility typical of the WG-7 level; i.e., working on a project basis in which most of the details are left to the discretion of the tractor operator as in dealing with deposits of soft soil, and assessing the more demanding choices of gears, speeds, and angles of turns on slopes. Your work does not entail responsibility for the more demanding and complex aircraft towing operations found at the WG-8 level. Therefore, we find this factor is evaluated properly at the WG-7 level.

Physical Effort

At the WG-6 level, work requires additional effort than at lower levels in operating equipment controls, and in making more frequent arm and leg movements. In contrast, at the WG-7 level, additional effort is required to operate the tractor in manipulating equipment controls in order to compensate for difficult terrain. WG-7 tractor operators also perform more exacting work, such as digging with a backhoe to close tolerances, requiring considerable manipulation of controls, e.g., digging graves. Therefore, regular and recurring digging of the more demanding utility line and similar trenches, parking lot excavation projects, and other operations evaluated at the WG-7 level would not exceed the WG-7 level for this factor. Because you do not operate the more demanding equipment found at the WG-8 level, your job is precluded from evaluation at that level for this factor. Therefore, this factor is evaluated properly at the WG-7 level.

Working Conditions

At the WG-5 level, tractor operators work both inside and outside and are subject to drafts, noise, and varying temperatures inside. Outside, they are exposed to weather and temperature extremes, as well as high noise levels, vibrations, and jolts from the tractor and towed equipment. They are exposed to dust, dirt, grease, and fumes. They follow safety practices and use safety equipment to avoid injury and possible hazards at the work area.

WG-6 tractor operators deal with similar working conditions, but also are exposed to all kinds of weather conditions because they work outside primarily. Some WG-6 tractor operators are exposed to chemical dust and sprays and may need to wear protective clothing and respirators. WG-7 tractor operators are subject to the same conditions as at the WG-6 level, and those who work on steep slopes and rough terrain may be subject to injury from falls or overturned tractors and equipment.

WG-8 tractor operators work under the same conditions as the WG-6 level, but are not exposed to chemical dusts and sprays. We find that you work under the conditions typical of both the WG-6 and WG-7 level. Based on your more demanding excavation work, this factor is evaluated properly at the WG-7 level.

Motor Vehicle Operator, WG-5703

Your motor vehicle operator duties are evaluated properly by application of the WG-5703 JGS which covers nonsupervisory work involved in the operation of gasoline, diesel, or electric powered wheeled vehicles to haul cargo and fuel, transport passengers, or to tow or recover equipment. The vehicles are driven in restricted traffic environments on Government installations, over public roads and highways, or under cross-country conditions. Also included are motor vehicles which have special-purpose or auxiliary devices where a knowledge of such devices does not exceed the level of knowledge and skill required to operate the vehicle safely.

Skill and Knowledge

At the WG-7 level, drivers know how to operate vehicles that are larger and longer than those driven at the lower grade levels; have heavier loads to secure and control; have air brakes and are more susceptible to sliding and tipping; and are difficult to maneuver, especially when turning and backing. Drivers have skill and knowledge to operate these vehicles over a variety of roads including interstate highways, narrow country roads, and on steep winding grades. Also, because of the size and weight of these vehicles, drivers are knowledgeable about which routes may be driven legally and the overpass clearances and other restrictions on such routes. Drivers at this grade level operate one or more motor vehicles including platform trucks, van trucks, fuel trucks, stake trucks, dump trucks, and trash removal trucks which typically have an approximate gross vehicle weight of more than 26,000 pounds and up to 32,000 pounds. Also, at this grade level, drivers may operate passenger buses or passenger ambulance buses regardless of gross vehicle weight. Based on our on-site fact-finding, we find the Ford and International dump trucks reflect characteristics which would entail the exercise of skills and knowledges typical of this grade level.

All of these vehicles usually are equipped with air brakes. Vehicles are driven on the basis of either specific trip assignments or regularly established schedules over public roads (or the equivalent) at highway speeds to transport passengers, patients, supplies, materials, or equipment and tools or to tow equipment throughout rural or urban areas. Drivers perform operator maintenance on all vehicles operated (e.g., monitoring fluid levels, replacing air filters and interior lights, checking tire pressure and hose connections, and washing the vehicle). Vehicles operated at this level are

driven over rough terrain, in close quarters, and in heavy traffic on both long and short hauls.

The drivers of vehicles equipped with special-purpose accessory equipment, e.g., trash removal and dump trucks, know how to operate power takeoff controls of equipment with more complex functions than the equipment at the WG-6 level. Also, this equipment has more intricate operating characteristics than equipment at the lower levels which makes its manipulation and control more difficult. For example, the driver may operate a large snow blower or very large snow plows such as rollover or v-blades for removing deep snow. Consequently, considerable judgment and experience are used to perform supplemental operations. Some drivers at this grade level operate trash removal trucks with a rear end compactor plate to pick up and dispose of trash and refuse on a scheduled route both in a restricted installation environment and on public roads or under equivalent driving conditions. They may be required to back the vehicle into narrow spaces between buildings to collect trash. They may be assisted by laborers who collect the trash cans and empty their contents into the back of the truck. They drive the trash removal truck to the local dump site or incinerator facility, and operate the power takeoff device to empty the compressed trash from the body of the truck.

Our fact-finding revealed that the largest vehicles you operate are dump trucks which, during the winter months, may be fitted with snow plows used to Center roads and parking areas. Our fact-finding also disclosed that you do not operate these large motor vehicles on a regular and recurring basis within the meaning of the FWS other than during winter months; other employees typically haul material on the open road. In addition, we find the other trucks and vehicles that you operate do not exceed the WG-6 level in operating complexity. Given the fact that your snow plowing is performed at the Center and, thus, does not exhibit WG-7 highway and equivalent demands on a regular and recurring basis, your motor vehicle work does not exceed the WG-6 level.

Responsibility

At the WG-7 level, drivers receive instructions from the dispatcher or supervisor as to the type of vehicle to be operated, destination, cargo, passengers or patients to be transported, purpose of the trip, deadlines to be met, and any special information important to the mission. Additionally, some drivers determine the route to be followed, taking into consideration such factors as the clearance of restrictions, overhead power lines, weight limitations, highway restrictions, and alternate bypass routes. Other drivers who are assigned prescribed routes for such trips as work runs, shuttle runs, or medical transportation runs are responsible for knowing acceptable

alternative routes for use in emergency situations which legally will accommodate the size and length of the vehicle being driven.

Some WG-7 drivers are responsible for performing or overseeing the loading and unloading of bulky, cumbersome cargo and assuring it is properly located, distributed, and secured in the vehicle for balance and stability. These drivers exercise more responsibility than the drivers at lower levels because the weight of the cargo and the size and type of vehicle driven increase the tendency of the entire cargo to shift and the vehicle to tip. Drivers who operate special purpose accessory equipment are responsible for following a greater number of safety procedures and precautions than at the WG-6 level because the functions of the equipment are more complex. Drivers at the WG-7 level accomplish their assignments with considerable independence and are responsible for the safe operation of vehicles and equipment. Work is evaluated in terms of timeliness and driving competence.

Your responsibility for motor vehicle operation of the large vehicles typical of the WG-7 level is more circumscribed because these vehicles are not regularly driven on highways and do not entail the other routing and control decisions typical of the WG-7 level. Accordingly, this factor is evaluated properly at the WG-6 level.

Physical Effort

In addition to the physical effort described at the WG-6 level, drivers at the WG-7 level exert moderate physical effort in operating, turning, backing, and controlling vehicles which carry heavier loads or larger numbers of people than vehicles at the WG-6 level. You are required to apply the same level of physical effort, which results in evaluation of this factor at the WG-7 level.

Working Conditions

The working conditions are the same as those described at the WG-5 level. Therefore, this factor has no significant impact on the classification of your motor vehicle operation duties as a whole.

Our review of the work logs, and your ongoing responsibility for snow plowing work, cause us to conclude because your regular and recurring motor vehicle operating duties, as a whole, do not fully meet the WG-7 level, they are evaluated properly at the WG-6 level.

Summary

In summary, we find the highest level of work you perform on a regular and recurring basis as defined in the FWS is evaluated properly at the WG-7 level. Your forklift operating duties would not exceed the WG-6 level by application of the Fork Lift Operator, WG-5704 JGS. The bucket truck and other high work you perform entail equipment operating functions of substantially lower graded difficulty and complexity. By application of FWS mixed job classification principles, we find your job is classified properly as Tractor Operator, WG-5705-7.

This decision constitutes a classification certificate under the authority of section 5346 of title 5, U.S.C. This certificate is mandatory and binding on all administrative, certifying, payroll, disbursing, and accounting officials of the Government. It must be implemented no later than the beginning of the sixth pay period following the date of the decision in accordance with the provisions of 5 CFR, part 532, subpart G. By copy of this letter, the servicing personnel office must submit a compliance report containing a copy of the action taken with respect to you, e.g., SF-50's. The compliance report must be submitted no later than 20 days after the compliance action directed in this decision is taken.

By copy of this decision we are directing your servicing personnel office to correct your PD to reflect the actual duties and responsibilities assigned to your job as determined in this decision. Documentation of this must be submitted as part of the compliance report directed above.

Under the provisions of Public Law 92-392, OPM has the responsibility to determine whether jobs are placed properly in classes and grades in conformance with and consistent with published JGS's. When misclassifications are found, we have no choice but to direct corrective action. Such actions are not taken arbitrarily, and do not reflect on an appellant's abilities, qualifications, or the quality of their performance.

Sincerely,

1/27/97

Robert D. Hendler

cc: Classification Appeals Officer
[appellant 2 name]
Department of VA Medical Center
[location]

Chief, Human Resources
Management Service
Department of VA Medical Center
[location]

Director, Position Management
and Classification Service (057)
Department of Veterans Affairs
Washington, DC 20420

Chief, Classification and FLSA
Programs, OMSO, U.S. OPM
Washington, DC 20415