

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

Chicago Oversight Division
230 South Dearborn Street, DPN 30-6
Chicago, Illinois 60604

**Job Grading Appeal Decision
Under Section 5346 of Title 5, United States Code**

Appellants: [Appellants' Names]

Agency classification: Medical Equipment Repairer
WG-4805-11

Organization: Department of the Army
[Name of Installation]
[Name of] Activity
[Name of] Division
[Name of] Branch
[City, State]

OPM decision: **The job is properly assigned to the Federal Wage System**

OPM decision number: **C-4805-00-01**

_____/s/_____
Frederick J. Boland
Classification Appeals Officer

November 30, 1999
Date

As provided in section S7-8 of the Operating Manual, Federal Wage System, this decision constitutes a certificate that is mandatory and binding on all administrative, certifying, payroll, disbursing, and accounting officials of the government. There is no right of further appeal. This decision is subject to discretionary review only under conditions specified in section 532.705(f) of title 5, Code of Federal Regulations (address provided in the Introduction to the Position Classification Standards, appendix 4, section H).

Decision sent to:

[name and address of Union
Representative]

Mr. David Snyder
Deputy Assistant Secretary Civilian
Personnel Policy
Room 23681, Pentagon
Washington, DC 20310-0300

[name and address of appellants' servicing
personnel office]

Mr. Harrel Sholar
Director, U.S. Army Civilian Personnel
Evaluation Agency
U.S. Department of the Army
Crystal Mall 4, Suite 918
1941 Jefferson Davis Highway
Arlington, VA 22202-4508

Ms. Janice W. Cooper
Chief, Classification Branch
Field Advisory Services Division
Defense Civilian Personnel Management
Service
1400 Key Boulevard, Suite B-200
Arlington, VA 22209-5144

INTRODUCTION

The appellants contest their agency's pay plan decision placing them in the Federal Wage System (FWS) despite duties in their job description that they believe belong to the General Schedule pay system (GS). They are assigned as Medical Equipment Repairers, WG-4805-11, in the [Name of] Branch, [Name of] Division, U.S. Army [Name of] Activity, [City, State]. They feel their work should be classified under the General Schedule and assigned to the Engineering, GS-802, series because of, among other things, their ability to fabricate and design medical test equipment, plan and accomplish complex projects, evaluate the operation and suitability of medical equipment on behalf of the medical staff, as well as their duties as contracting officer representatives.

JOB INFORMATION

The appellants report to a Sergeant First Class who in turn reports to a Chief Warrant Officer who is the Medical Maintenance Branch Chief. The branch includes approximately four civilian and seven military Medical Equipment Repairers as well as a support position.

According to their job description, each appellant:

- Inspects, installs, tests, evaluates, troubleshoots, repairs, overhauls, modifies, rebuilds, performs preventive maintenance, and calibrates medical equipment to manufacturer's specifications.
- Applies knowledge to isolate and resolve the complex relationships among the electrical, electronic, mechanical, physical and chemical components of equipment and systems.
- Serves as a contracting officer representative or alternate and administers such contracts in accordance with Department of the Army and other governmental regulations.
- Serves as a technical advisor and consultant to physicians, medical technologists, and medical technicians in the purchase of new equipment and modification of systems to meet special needs. Evaluates new medical equipment from various manufacturers for possible purchase. Advises the professional staff and clinicians on the maintainability, suitability, compatibility, and adaptability of equipment to the user site.
- Designs and fabricates test instruments where manufactured equipment is not available or is inadequate to properly test medical equipment in accordance with test requirements imposed by government agencies and other regulatory entities, e.g., Joint Accreditation of Health Care Organizations and National Fire Protection Association.
- Advises equipment users on redesign to solve unique operational requirements or deficiencies in relation to nonstandard uses of equipment. Evaluates the feasibility of incorporating new types of components, units, or devices and plans approach to resolve design or adaptation problems.

As noted in our findings below, some of the duties outlined in the official position description are

unsupported by specific work example. Accordingly, our letter transmitting this decision to the agency advises that it correct the position description so that it is consistent with our findings.

ANALYSIS AND FINDINGS

Pay System Determination

A job is exempt from the General Schedule only if (a) its primary duty or responsibility requires trades, crafts, or laboring experience and knowledge, and (b) that requirement is paramount (i.e., embodies the essential, prerequisite knowledge, skills, and abilities needed to perform the primary duty or responsibility for which the job has been established). A position is subject to the General Schedule, however, even if it does require physical work, if its primary duty requires knowledge or experience of an administrative, clerical, scientific, artistic, or technical nature not related to trades, crafts, or manual labor work.

Maintenance and repair work is typically regarded as trade or Federal Wage System work and usually performed in or from a shop, while evaluation and design work is typically regarded as technician or General Schedule work and usually performed in a laboratory or under the direction of an individual with professional training in the appropriate field of work. For example, the Medical Equipment, WG-4805, job grading standard states:

Medical Equipment Repairers install, modify, troubleshoot, maintain, test, calibrate, adjust, overhaul, and repair a wide variety of medical, laboratory, and dental equipment (electronic, electrical, and mechanical).

The standard excludes such work, however, when it is performed by technicians incidental to the development and evaluation of medical equipment. Development and evaluation are engineering functions and, therefore, when such work is performed by nonprofessionals, it is often to support a professional engineer who actually directs the work.

Work that involves a mix of trade and technician duties is classified according to its primary duty, or reason for existence, which is indicated by such things as (a) the nature of work products or services of the organization, (b) working relationships with other jobs in the organization, (c) normal lines of career progression, (d) equitable pay relationships with other jobs in the immediate organization, and (e) management's intent, or purpose, in creating the job.

In examining these determinants, the appellants' primary duty clearly is trade, not technician, related. This is evident in considering each determinant as follows.

Nature of Work Products or Services

Among the claims the appellants make suggesting their work is technical, rather than trade, related are that:

- they are required to be primary evaluators of medical equipment to ensure that it fits all applications that the doctors and nurses want/need;
- they are required to complete manual and automated entry of services provided;

- they are contracting officer representatives for the equipment and service;
- they design and fabricate test instruments where manufactured equipment is not available;
- they serve as technical advisors and consultants to clinical and administrative personnel in the evaluation and purchase of new equipment, development and review of technical equipment specifications, and site preparation and installation of new equipment; and
- they are required to have an in-depth knowledge of engineering theory, equipment design, scientific and mathematical skills, and medical engineering techniques.

The issues that the appellants cite nominally involve GS technician work, but the specific work examples they provided to support these claims and similar statements in the job description lack the technical complexity OPM classification standards associate with such tasks. Regular and significant technical evaluations, development of specialized circuits or components, and complex modifications to standard medical equipment are hallmarks of Engineering Technician work. All are notably absent from the information provided by the appellants and their supervisors in response to our request for specific work examples of technical studies, written evaluations, design alterations, and medical test equipment modifications that experienced GS Engineering Technicians might do. Instead, the examples provided demand lesser skill and knowledge than the maintenance and repair work for which the appellants are already credited.

As described by the appellants, their analysis of new equipment consists of contacting known vendors of prospective equipment and inviting those vendors to demonstrate the capabilities of the equipment for hospital staff. The staff then recommends selection of the equipment with the most desirable features. The appellants contact other known users of the equipment for an assessment of its reliability and assess the compatibility of the equipment to that which already exists at the hospital. They then begin the administrative process for the purchase of the equipment desired, specifying the desired characteristics to expedite the procurement process. No medical engineering analysis of prospective equipment is prepared by the appellants.

Our interviews also revealed that the design and fabrication of medical test instruments and modification of medical equipment cited by the appellants are limited to commonplace assembly of test leads, resistor banks, and battery dischargers or installing new equipment and systems into existing structures. The appellants could provide no examples of written design considerations they developed or performance documentation in support of significant engineering technical activities.

The appellants receive performance appraisals from a military supervisor who functions as the equivalent to a trades supervisor, as does the warrant officer who heads their section. Were they under the direction of a Biomedical Engineer, they undoubtedly would have opportunities to perform significant technician work. Although they may have the training, experience, and skill to do such work, their organization, work environment, and regular assignments demand only trades skill.

Virtually none of their specific work examples illustrate significant use of specialized, complicated techniques such as technicians would employ in assessing unusual equipment applications or devices

and in analyzing considerable and conflicting technical data. In the course of our interviews with the appellants, maintenance was their preponderant activity. The monthly schedule of preventive maintenance, calibration, and safety inspections provides the framework for their activities.

We find this aspect of the appellants' work trade related.

Relationship to Other Jobs, Career Progression, and Pay Equity

In support of their appeal, the appellants indicate that:

- others in the directorate perform work of similar complexity and are in the General Schedule,
- they deal with a wide variety of people at all levels at the hospital, including doctors, nurses, other medical staff, outside vendors, and contractors.

By law, positions are classified based upon their duties, responsibilities, and qualification requirements compared to the criteria specified in the appropriate OPM classification standard or guide. Other methods of evaluation, including comparison to other positions, are not permitted. Agencies are, however, required to apply classification standards and OPM decisions consistently to ensure equal pay for equal work. OPM will require an agency to conduct a consistency review upon showing that specifically identified positions at different grades have identical duties. Accordingly, our letter transmitting this decision to the agency advises that it respond to this issue, should the appellants specifically identify a similar position.

There are no related technician jobs at the hospital to progress to and no professionals engaged in biomedical engineering work for the appellants to support. Consequently, their work is preponderantly maintenance and repair, rather than development and evaluation. The [Name of] Division includes a mixture of General Schedule, Wage Grade, and contractor employees, but within it, all engaged in work similar to the appellants are either under the Federal Wage System or military.

We find these aspects of the appellants' work all trade related.

Management's Intent

The appellants note that they function as contracting officer representatives, serving on project teams and performing other tasks not directly related to their regular maintenance responsibilities. However, their regular and recurring assignments, the reason for their job's existence, and their performance standards relate to the maintenance and repair of the [Name of] Activity medical equipment rather than to the collateral duties the appellants cite.

We find this aspect of the appellants' work trade related.

DECISION

The job is properly exempt from the General Schedule and placed under the Federal Wage System

as a **WG** job. The appellants offer no objections to the series or grade established for their job, but may pursue their appeal if they believe these aspects of the agency determination improper. However, they have no further appeal rights concerning the agency pay plan determination.