

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

San Francisco Oversight Division  
120 Howard Street, Room 760  
San Francisco, CA 94105-0001

**Job Grading Appeal Decision**  
**Under section 5346 of title 5, United States Code**

**Appellant:** [The appellants]

**Agency classification:** Hazardous Waste Disposer  
WG-6913-7

**Organization:** [The appellants' organization]  
U.S. Department of the Navy

**OPM decision:** Hazardous Waste Disposer  
WG-6913-7

**OPM decision number:** C--6913-07-02

/s/

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Carlos A. Torrico  
Classification Appeals Officer

July 25, 2000  
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 and time limits 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:

### Appellant:

[Appellants' addresses]

### Agency:

[Appellants' servicing personnel office]  
U.S. Department of the Navy

Director, Plans, Programs and Diversity  
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## **Introduction**

On October 25, 1999, the San Francisco Oversight Division of the U.S. Office of Personnel Management (OPM) received a group job grading appeal from [the appellants]. Their jobs are currently graded as Hazardous Waste Disposer, WG-6913-7. However, they believe the jobs should be graded at the WG-8 level. They work in [the appellants' organization/installation], U.S. Department of the Navy. Prior to appealing to OPM, the appellants appealed the classification of their jobs to the Department of Defense, Civilian Personnel Management Service. In an appeal decision to them dated September 15, 1999, the agency sustained the current classification. We have accepted and decided their appeal under section 5346 of title 5, United States Code (U.S.C.).

## **General issues**

This appeal decision is based on a thorough review of all information submitted by the appellants and their agency, and telephone interviews with seven of the eleven appellants and their first and second level supervisors. Both the appellants and one of the first level supervisors have certified to the accuracy of the appellants' official job description number QO71160. In the appeal, the appellants make various statements about their work and the classification of their jobs. These include comments on the gravity of their responsibilities and level of independence, complexity of the guidelines and regulations used, the need to train others on the handling and documentation of hazardous waste, etc. In adjudicating this appeal, our only concern is to make our own independent decision on the proper classification of the appellants' jobs. By law, OPM must classify jobs solely by comparing current duties and responsibilities to OPM job grading standards and guidelines (5 U.S. C. section 5346). Since comparison to standards is the exclusive method for classifying jobs, we can consider the appellants' statements only insofar as they are relevant to making that comparison.

The appellants believe that their jobs should be classified at a higher grade since they have the authority and responsibility to approve and sign final shipping papers on behalf of the [installation] Commander. They add that failure to comply with any one of the established regulatory requirements could subject them to fines, suspension, or possible loss of license. They also believe that their training, skills and certifications enhance the complexity of their work.

It is presumed in all classification and job-grading standards that the work will be performed properly in accordance with all applicable laws, rules, and regulations. Trades and labor jobs are graded considering the actual skill, knowledge, and other requirements of the work performed. The requirement that employees be licensed or certified to perform work, or that they certify with their signatures that standards of quality and safety have been met in performing work, does not in itself affect the grade of their jobs (section II.C.2.d of the Job Grading System, Part 1).

The appellants contend that the quantity and variety of hazardous waste and material dealt with at the installation makes their jobs "unique" and should have an impact on the grade. Information provided indicates that their installation handles a larger quantity and variety of hazardous waste

than any other shipyard. However, the “Notes to Users” section of the job grading standard for Hazardous Waste Disposing 6913 states that for grading purposes the number and/or variety of hazardous items processed or number of collection sites has no grade level impact on positions within this series. That section of the standard also mentions that hazardous waste disposing work is typically performed in industrial settings such as shipyards.

### **Job information**

The appellants work in [appellants’ organization] Branch. The Branch manages a program for the recovery, control, and disposition of hazardous waste and materials, while ensuring compliance with Federal, state and local environmental protection regulations. Their primary duties consist of (1) inspection and identification of hazardous waste and materials received from waste generators, (2) packaging, labeling, stabilizing, neutralizing, consolidating, and/or separating hazardous waste in preparation for disposal, transporting and treatment of hazardous waste, (3) operation and inspection of hazardous waste storage areas, and (4) preparing records and documentation of inventories, and completing inspection forms and logs for stored hazardous waste. The performance of these duties requires the regular use of motor vehicles and forklifts. Computers are also used to access information systems, to retrieve data pertaining to temporary storage, and to process information regarding hazardous wastes.

The appellants perform their work at various sites throughout the [installation] and its tenant activities including the Hazardous Material Control Center, waste storage areas, the Treatment, Storage and Disposal Facility (TSDF), numerous hazardous waste accumulation areas, and on the decks of ships docked at the installation. They work on a rotational basis at these locations.

The material of record and the results of our interviews furnish much more information on the appellants’ duties and responsibilities and how they are performed.

### **Series, title, and standard determination**

Based on the duties summarized above in the “Job information” section, we find that the appellants’ work is properly classified in the Hazardous Waste Disposing 6913 occupation. As described in the job grading standard for Hazardous Waste Disposing 6913 (dated December, 1997, reissued in HRCD-7, July 1999), and similar to the appellants’ work, jobs in the 6913 occupation are involved in identifying, collecting, processing, stabilizing, neutralizing, consolidating, and/or separating hazardous waste in preparation for disposal. The work requires knowledge of hazardous waste identification techniques and safe processing and packaging procedures. Like the appellants’ duties it also requires an understanding and practical application of environmental rules and practices regarding the full range of hazardous waste material treatment and disposal procedures. Like jobs coded to the 6913 occupation, the primary purpose of the appellants’ work is the collection and preparation of hazardous waste for disposal. Their work is performed under a wide range of regulatory and environmental requirements and is performed in an industrial setting. The appellants’ jobs are properly classified in the 6913 occupational series, and titled Hazardous Waste Disposer.

We note that in order transport and store hazardous waste, the appellants must operate various motor vehicles including flatbed trucks, smaller and intermediate trucks, box vans, fork lifts and street scrubbers. Operation of these vehicles is incidental to their primary duties previously discussed. Based on our fact-finding concerning the types of trucks used (i.e., size and weight, load size, braking system), the knowledge and skill needed to operate them, as well as the level of responsibility exercised, we find that by application of the grading criteria in the job grading standard for Motor Vehicle Operator, 5703, these duties would not exceed the WG-6 level. Moreover, by application of the grading criteria in the standard for Fork Lift operator, 5704, their level of skill, knowledge and responsibility for operating fork lifts would not exceed the WG-6 level. Therefore, we have not evaluated their incidental motor vehicle and fork lift operator duties separately in this evaluation because they are neither series nor grade controlling.

The appellants' job description indicates that they assist in performing work in the Industrial Wastewater Pre-treatment Facility. That information was confirmed during our interviews with the appellants and their supervisors. The facility is operated by Wastewater Treatment Plant Operators, WG-5408-9. The appellants assist the operators with various duties and responsibilities such as computer operations, the pumping facilities, tanks, piping, filters, demineralizers, and chemical handling and storage. They perform minor maintenance of portable and fixed pumps and tanks, and help in testing and neutralizing waste acid and caustics. The appellants also assist in monitoring pH of the treated effluent for disposal.

Our review disclosed that the appellants only perform limited duties at the Industrial Wastewater Pre-treatment Facility on an "as needed" basis whenever there is a manpower shortage. A Wastewater Treatment Plant Operator must always be present to validate the work performed by the appellants, who are not licensed to perform treatment plant operator duties. They do not perform the full scope of duties typical of jobs classified in the 5408 occupational series, nor do they apply the breadth of skill, knowledge, and responsibility needed to perform work in that series. Therefore, we view this work as incidental to their primary duties and have not separately evaluated it in this decision.

### **Grade determination**

The job-grading standard for Hazardous Waste Disposing 6913 identifies and describes key characteristics that are significant for distinguishing between levels of work. It evaluates grade levels by considering four factors: Skill and Knowledge, Responsibility, Physical Effort, and Working Conditions. These four factors are addressed below and compared to the appellants' jobs.

#### *Skill and Knowledge*

As described on page 7 of the 6913 standard, grade 7 hazardous waste disposers have detailed knowledge of stabilizing and neutralizing procedures. They exercise skill in separating, combining and transporting hazardous chemicals and substances, and apply skill and knowledge in the operation of specialized reclamation equipment. They have working knowledge of the chemical characteristics of hazardous wastes to ensure safe processing and containment. They have knowledge of specialized container requirements to store and ship a wide variety of

hazardous wastes. They also have knowledge of a variety of shipping and labeling requirements necessary to repack a wide variety of hazardous wastes. Grade 7 is the highest level for this factor described in the standard.

The appellants' primary duties meet but do not substantially exceed the skill and knowledge typically found at the grade 7 level. Similar to that level, their work involves a variety of specialized assignments where they must apply detailed knowledge of stabilizing and neutralizing procedures, and exercise skill in separating, combining, and transporting within the confines of the [installation], hazardous chemicals and substances. They deal with over 4,000 identified hazardous substances found at the shipyard including acids, caustics, asbestos, PCBs, paint strippers, degreasers, pesticides, and a wide variety of other industrial by-products, chemical agents and compounds. Their job description states that a significant portion of the waste received must be removed from containers and consolidated with other like waste using special handling procedures. On the other hand, they possess skill in segregating incompatible chemicals for environmental and health safety reasons. The job requires that they identify a broad variety of hazardous wastes and materials by visual observation, and/or consulting applicable supply lists, catalogs, manuals, and technical publications. They are also expected to have knowledge of a variety of chemicals and familiarity with the nomenclature and properties of various hazardous properties. This includes knowing the incompatibility, reactivity, toxicity, and flammability of the waste and material they are handling. If the appellants mishandle these items, it can cause dangerous consequences.

Like the grade 7 level, they have skill and knowledge in the operation of specialized reclamation equipment. A percentage of the waste is recyclable and the appellants must be able to differentiate reusable and/or recyclable materials from waste. They have working knowledge of the chemical characteristics of hazardous wastes to ensure safe processing and containment. In that regard, the record and interviews indicate that by using various reference materials and equipment they identify, treat, package, and contain all types of hazardous material and waste. Additionally, they are required to have a detailed knowledge of a variety of chemicals and familiarity with the nomenclature and properties of various hazardous wastes. This includes knowing the incompatibility, reactivity, toxicity, and flammability of each type of waste. Like the grade 7 level, they have knowledge of specialized container requirements to store and ship a wide variety of hazardous wastes. In responding to requests from waste generators to pick-up hazardous material, they handle various types of waste containers with a broad range of size and purpose, and must independently determine if liquid or dry waste can be stored inside a particular container. When receiving wastes, the appellants must perform an on-site pre-receipt inspection of the container verifying no leakage, identifying its content, verifying the correctness of its label, confirming that its capacity level is within the established regulatory guidelines, and verifying its containment for shipment.

Like the grade 7 level, the appellants also have knowledge of a variety of shipping and labeling requirements necessary to repack a wide variety of hazardous wastes. In accordance with Department of Transportation regulations, National Fire Protection Association Label Guides, and other applicable Federal, state, and local laws and regulations, the appellants regularly package or repackage, label, placard, and ship hazardous substances received from hazardous waste generators. They must possess and apply a thorough knowledge of proper labeling,

shipping, manifesting, and placarding procedures. This is because they must advise [installation] employees, military personnel, and contractors who generate hazardous waste and material of the appropriate containers to use to store generated substances, and appropriate paperwork and labels to complete so as to identify and ship containerized substances. Another reason that the appellants must have a thorough knowledge of labeling and shipping requirements is that they have the responsibility for preparing hazardous waste shipments for transportation, including ensuring that proper placards and labels are affixed to containers. They also review shipping papers and manifests against waste records and waste containers, and sign shipping papers “By direction of the [installation] Commander” approving loads for shipment and authorizing transport of a properly placarded, labeled, and packaged shipment.

Considering the level of skill and knowledge required of the appellants to do their jobs, assignment of grade 7 for this factor is appropriate.

### *Responsibility*

As described on pages 7-8 of the job grading standard, grade 7 hazardous waste disposers receive assignments from their immediate supervisor. Disposers at that level are responsible for determining the sequence of work operations and methods to be used in processing and storing hazardous wastes for disposal. They complete their assignments with little or no technical supervision. Grade 7 disposers make independent decisions regarding the identification, treatment, packaging, storing, labeling, containment, and preparation for shipment of hazardous wastes in accordance with Federal, state, and local laws and regulations and agency requirements. They are responsible for performing all neutralizing and stabilizing operations in accordance with guidelines. The supervisor is available to provide technical direction on new and/or complex processes. Their work is subject to spot checks by the supervisor for conformance with regulations and safety procedures. Grade 7 is the highest level for this factor described in the standard.

The degree of responsibility exercised by the appellants fully meets but does not substantially exceed the grade 7 level. Like that level, they receive assignments from their first level supervisors, and are expected to work independently in completing them. There are three immediate supervisors assigned to [the appellants’ shop]. Depending on the specific assignment or work area, the appellants receive assignments from one or all three supervisors either verbally or through written work orders. They independently determine the sequence of work and the methods to be used in identifying, labeling, treating, packaging, storing, and shipping hazardous waste in accordance with relevant laws and regulations. For example, they determine the appropriate type of container to give waste generators for storing liquid or solid waste, and are responsible for operating the hazardous material and waste management storage facilities. They are also charged with the physical and documentary control of hazardous wastes, and the segregation of incompatible chemicals for environmental and health safety reasons. They are responsible for safely transporting hazardous waste and materials in various types of containers to appropriate temporary storage facilities on the installation. Like the grade 7 level, they independently perform all neutralizing and stabilizing operations in accordance with published guidelines. The supervisors are available to provide technical direction on new and/or complex processes or situations, and the appellants’ work is subject to spot checks.

The appellants' level of responsibility is evaluated at grade 7.

### *Physical Effort*

This factor is the same at grades 6 and 7 and is not grade controlling. The appellants' jobs meet the grade 6 criteria as described on page 6 of the job grading standard. Similar to that level, their duties require kneeling, bending, stooping, climbing, and standing on hard surfaces for long periods of time. They use hand-trucks and other types of material handling equipment to move, load, and unload large 55 gallon drums and various containers from trucks and containment areas. They frequently lift, move, carry, and load items and equipment that weigh up to 40 pounds. In addition, they are sometimes required to lift and move items weighing in excess of 50 pounds with the help of weight handling equipment and/or with the assistance of other workers.

### *Working Conditions*

Working conditions at grade 7 are the same as those described at grade 6 and is not grade controlling. The appellants' jobs meet the grade 6 criteria as discussed on page 6 of the job grading standard. Similar to that level when filling out required forms and documents they work in facilities that are usually well lighted, heated, and ventilated. However, much of their work is accomplished outside at various industrial areas of the shipyard where they are exposed to all kinds of weather conditions. Similar to grade 6, their work is dirty and greasy, and they are exposed to the possibility of cuts, bruises, abrasions, and falls during collection and processing operations. They may also be exposed to chemical vapors, skin irritants, and caustic and poisonous items in the collection and treatment of hazardous wastes. Like grade 6 disposers, they must follow specific safety procedures including the use of appropriate safety equipment such as respirators, protective clothing, gloves, etc.

By application of the Hazardous Waste Disposing 6913 job grading standard, the grade determining factors for the appellants' work are evaluated at grade 7.

### **Decision**

The appellants' jobs are properly classified as Hazardous Waste Disposer, WG-6913-7.