



United States
**Office of
Personnel Management**

Washington, DC 20415

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

Appellant: [Name of appellant]

Agency classification: Firefighter
GS-081-5

Organization: [Appellant's organization/location]
Commander Navy Installations
Department of the Navy

OPM decision: Firefighter
GS-081-6

OPM decision number: C-0081-06-02

/signed/

Kevin E. Mahoney
Deputy Associate Director
Center for Merit System Accountability
Human Capital Leadership
and Merit System Accountability

5/16/06

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 human resources 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. Although we have determined that the appellant is operating at a higher grade level, this decision does not constitute a waiver of applicable time-in-grade restrictions, qualifications, or other regulatory requirements imposed by either OPM or the agency. In determining whether the appellant is qualified for promotion, the agency must consider all applicable requirements. The agency must determine what action must be taken with regard to the appellant, including the appellant's assignment of work.

Decision sent to:

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Introduction

On July 12, 2005, the San Francisco Field Services Group of the U.S. Office of Personnel Management (OPM) accepted a classification appeal from [name of appellant]. On January 30, 2006, we received the agency's complete administrative report. The appellant's position is currently classified as Firefighter, GS-081-5, but he believes that it should be classified as Firefighter (EMT/Hazmat), GS-081-7. The appellant works in [appellant's organization/location] Commander Navy Installations, Department of the Navy. We have accepted and decided this appeal under section 5112 of title 5, United States Code (U.S.C.).

General issues

The appellant makes various statements about the classification review process conducted by his agency. In adjudicating this appeal, our only concern is to make our own independent decision on the proper classification of his position. By law, we must make that decision solely by comparing his current duties and responsibilities to OPM position classification standards and guidelines (5 U.S.C. 5106, 5107, and 5112). Therefore, we have considered the appellant's statements only insofar as they are relevant to making that comparison. Because our decision sets aside all previous agency decisions, the classification practices used by the appellant's agency in classifying his position are not germane to the classification appeal process.

The appellant mentions his personal qualifications, including acquisition of various Department of Defense (DoD) firefighter certificates and National Registry certificates. Personal qualifications are considered in classifying positions to the extent they are required to perform current duties and responsibilities of an employee's position. Therefore, we have considered the appellant's personal qualifications insofar as they are required to perform his current duties and responsibilities along with all other information furnished by the appellant and his agency.

Through his representative, the appellant requests that in the event OPM favorably decides his appeal, that he be retroactively compensated for lost wages. 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).

Position information

Both the appellant and his supervisor have certified to the accuracy of the appellant's official position description (PD) [number]. The appellant is assigned to a crew engaged in airfield and structural firefighting and rescue operations. He provides emergency medical care including a variety of first-aid measures to alleviate further injury and prepare the victim(s) for transport to a medical facility, and assists in reducing and/or eliminating potential fire hazards. His primary duty involves driving and operating complex firefighting vehicles engaged in firefighting and crash-rescue operations. Because he is certified to perform emergency medical technician (EMT-B) work, he may be called upon to furnish basic life support to injured individuals. In

addition, he can be tasked to act as the first responder for hazardous materials containment and control.

In reaching our classification decision, we have carefully reviewed all information furnished by the appellant and his agency, including his official PD which we find is sufficient for purposes of classification, and incorporate it by reference into this decision. In addition, to help decide the appeal we conducted separate telephone interviews with the appellant and his second-level supervisor (Assistant Fire Chief), who is the agency's designated point-of-contact for information regarding the appellant's supervision and assignments.

Series, title, and standard determination

The agency has classified the appellant's position in the Fire Protection and Prevention Series, GS-0081, titling it Firefighter, GS-081-5. The appellant agrees with the series, but believes the classification title should be Firefighter (EMT/Hazmat) because he is required to perform both parenthetical duties. We concur with the agency's assignment of basic title and series. As discussed in the general titling guidance of the Position Classification Standard (PCS) for the GS-0081 series, a parenthetical title is used only when it corresponds to the parenthetical title for the grade-level criteria used to evaluate the position. The appellant's position does not meet that requirement. Thus no parenthetical title is assigned.

Grade determination

Part II of the GS-0081 PCS describes grade-level criteria for evaluating non-supervisory firefighter positions for grades GS-3 to GS-9. Because the appellant asserts that he is required to perform duties at the GS-7 grade level, we have limited our discussion below to the grading criteria that address the firefighter functions at his current GS-5 level, the driver/operator and hazardous materials operations at the GS-6 level, and basic life support at the GS-7 level. The hazardous materials technician function described at the GS-7 level is not performed at the appellant's installation, and he does not perform fire protection inspector duties at either the GS-5 or 6 levels. Therefore, we have not addressed them in our evaluation.

Firefighter positions are treated somewhat differently than other General Schedule (GS) occupations in determining their grade-controlling duties. In order for higher-graded work to be grade controlling in most GS positions, it must be performed for at least 25 percent of the time. In contrast, an emergency work rule applies to firefighters. Because firefighters respond to emergencies, the 25 percent rule in their case does not require actual performance of the higher-graded work 25 percent of the time. Rather, it requires that (1) the work be actually performed, or (2) be assigned, as on a work shift, to be performed, or (3) the firefighter be trained to perform the higher-level work, for a total of 25 percent or more of the firefighter's work time. Thus for firefighters, being "ready to perform" by maintaining a state of readiness as the designated employee on a work shift to perform higher-graded duties is the key difference in applying the 25 percent rule for emergency work.

At the GS-5 level, a typical task for firefighters includes performing crash/rescue and firefighting duties at airfields handling predominately large or complex aircraft; e.g., fighters, bombers, cargo, and passengers. Such aircraft carry large volumes of fuel, conventional and sometimes nuclear weapons, and/or highly flammable or explosive cargo. In rescuing aircrew members and

fighting fires, the GS-5 firefighter must direct water through turrets and handlines to cool weapons and ammunition during rescue; operate or deactivate mechanisms and systems, such as hatch, canopy, or ejection seat mechanisms, or oxygen supply systems; and maintain knowledge of the different layouts in cockpit and cabin design and ordnance placement to aid in firefighting and rescue.

Structural and airfield firefighting at the GS-5 level requires knowledge of the complexity of installation fire hazards where expectancy of fire or toxic materials release is high. These mission-related operations are characterized by large shops engaged in industrial or maintenance and repair activities, such as performing major overhaul and repairs on aircraft and rockets and the storage and movement of large quantities of highly flammable or explosive materials, such as gasoline and other fuels and explosives. Air traffic and support operations are characterized by armed military tactical aircraft; a large quantity of fuel aboard the aircraft; and/or a large number of air moves (e.g., 250) or a moderate number (e.g., 100-200) involving pilot training or other air moves with high crash or fire potential. Firefighters at the GS-5 level may also be concerned with airfield operations involving aircraft with large quantities of fuel, conventional and nuclear weapons, and other materials that have the potential to explode within seconds after a fire starts.

GS- 5 level firefighters may be assigned special missions, such as hazardous materials containment and control. As a first responder to hazardous materials, the GS-5 firefighter: detects the presence of potentially hazardous materials; protects self and others by establishing a safe perimeter around the incident; notifies responsible agencies, and identifies and collects hazard and response information. Additionally, the GS-5 firefighter assists the injured by applying knowledge and training for such purposes to use direct pressure and tourniquets to stop bleeding, check windpipe for obstructions, perform CPR, and immobilize the patient for safe transport. At this level, they do not administer drugs to patients either orally or by injection.

At the GS-6 level, in addition to the firefighting, hazardous materials awareness, and first-responder duties described at the GS-5 level, firefighters may also drive and operate firefighting apparatus of significant complexity; e.g., pumpers, aerial ladder trucks, and crash rescue trucks. These duties include: driving a vehicle to the scene of the fire following a predetermined route, or selecting an alternate route when necessary; positioning the vehicle, considering factors, such as wind direction, water sources, hazards from falling structures, location of armaments on aircraft, etc.; operating pumps, foam generators, boom and groundsweep nozzles, and other similar equipment; determining the proper pressure for the distances to be pumped and the number of lines being used; and applying principles of hydraulics to water flow friction and friction loss. When operating a crash truck, the GS-6 firefighter maneuvers the vehicle to keep the fire in optimum range while ensuring that backflash will not occur. The firefighter maintains a constant awareness of water levels in self-contained tanks and warns handline and rescue personnel when tanks are close to running dry; and assists in training other firefighters in the skills of driving and operating the equipment.

In addition to the duties and responsibilities described at the GS-5 first-responder level, positions at the GS-6 level react to releases or potential releases of hazardous materials as part of the initial response to the site to protect nearby persons, property, or the environment from the effects of a release. The GS-6 firefighter performs the following duties: employs hazard and risk assessment techniques to complete initial incident analysis; establishes communication with responsible agencies to gain qualified assistance and additional technical guidance; plans and

initiates the initial response within the capabilities and competencies of available personnel, personal protective equipment, and control equipment; implements the response; evaluates the success and effectiveness of on-going response actions; and maintains and decontaminates common hazardous materials response equipment and supplies including protective clothing, breathing apparatus, dry and extinguishing chemicals, and decontamination agents and equipment and replaces expended chemicals and agents.

In addition to the firefighter and first-responder duties and responsibilities described at the GS-5 and GS-6 levels, employees at the Firefighter (Basic Life Support), GS-7 level follow protocols in providing basic life support and emergency care that are noninvasive. These procedures include: performing initial and on-going focused patient assessment and physical examination; determining priority of patient care based on assessment findings; taking, recording, and monitoring patient's baseline vital signs including temperature, blood pressure, and pulse; managing respiratory and cardiac emergencies to include performing CPR, bag-valve-mask resuscitation, or automatic external defibrillation (AED); controlling external bleeding with direct pressure and treating shock with pneumatic anti-shock garments; placing splints and immobilizing fractures and dislocations for transport; ascertaining whether the patient has preexisting medical problems and obtaining a comprehensive drug history from the patient that includes the names, strength, and dosage of drugs taken by the patient; assisting patients in taking emergency medications for certain complaints; e.g., Nitroglycerin tablets for chest pain, Epinephrine auto-injections for allergic reactions, or Albuterol inhalers for asthma patients, under the direction of standing orders or of a physician; establishing communication with the receiving facility, providing all patient information including estimated time of arrival; employing a variety of established emergency medical techniques, methods, and equipment to stabilize the patient for transport as soon as possible to the receiving facility; assisting intermediate life support or paramedic staff; preparing appropriate and relevant patient care documentation and reports to ensure medical requirements are met and accurately reported; and using and maintaining emergency equipment such as backboards, suction devices, splints, oxygen delivery systems, and stretchers; properly disposing of biohazard materials; and replacing medical and expendable supplies.

The GS-5 level is met. The appellant's work is comparable in the kinds of facility layouts including industrial complexes (e.g., aircraft repair and machine shops), storage and movement of large quantities of highly flammable or explosive materials, and air traffic and support operations which involve armed military tactical aircraft. Structural firefighting includes providing fire protection for large industrial facilities, such as aircraft hangars and facilities which can house large military aircraft that contain fuel and armament. Other structures include base military housing and barracks. Typical of the GS-5 level, firefighting duties on the airfield include crash and rescue involving military aircraft such as F-18 and F-16 fighters, T-34 and T-45 trainers, C130 cargo planes, KC10A refueling tankers, and DC10 and 727 passenger aircraft. All of these carry fuel, and some carry ordnance and explosive materials. The facility accommodates beginning pilots in providing "touch and go" landing and take-off practice opportunities. The appellant is required to be knowledgeable of the fuselage layout on the different types of aircraft in order to successfully target the rescue of personnel and extinguish fires. Like the GS-5 level, he directs fire retardants/water through turrets and handlines during rescue and operates specialized mechanisms and systems on the aircraft. He also performs rescue and uses first-aid measures on injuries. Although he is trained to perform hazardous materials containment duties characteristic of the GS-5 level, only one or two such incidents

occurred during the past year, and there is no record to indicate that the appellant was specifically assigned to perform containment duties during that time.

The appellant performs the full scope of driver/operator duties characteristic of the GS-6 level. Like that level, he is assigned as a driver operator for the pumper engine or the crash truck. He is responsible for ensuring the vehicle is safe for driving, functional, and equipped for an emergency. When called out, he positions the truck as appropriate to the incident and stays with the vehicle. He also positions and operates the equipment on the truck such as the turrets (hoses), connects hoses to hydrants, and is responsible for the continual supply of water.

To determine whether the appellant met the 25 percent rule for driver/operator work, we reviewed his individual shift assignment duty logs covering the period from July 2005, through March 2006. The logs disclosed that he was assigned as driver/operator for 35 percent of the shifts worked during that period. However, as noted above, there is no record of his being specifically assigned to perform hazardous materials containment operations during that time, so such duties at the GS-6 level cannot be considered for grade-level determination purposes.

The appellant's position does not meet the GS-7 level criteria for Firefighter (Basic Life Support). Although he has completed prescribed training and is certified to perform such duties, the record shows that his life-saving assignments have been limited to those immediate first-aid measures described under the Firefighter, GS-5 level. In addition, there is no shift log information to indicate that the appellant was specifically assigned to perform GS-7 level basic life-support duties during the nine-month period specified above.

Based on the preceding analysis, we find that the appellant's position is properly graded at the GS-6 level.

Decision

The appellant's position is properly classified as Firefighter, GS-081-6.