



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 (BLS/HAZMAT OPS)
GS-081-6

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

OPM decision: Firefighter
GS-081-6

OPM decision number: C-0081-06-03

/signed/

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

5/19/06

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.

As indicated in this decision, our findings show that the appellant's official position description does not meet the standard of adequacy described on pages 10-11 of the *Introduction to the Position Classification Standards*. Since position descriptions must meet the standard of adequacy, the agency must revise the appellant's position description. The servicing human resources office must submit a compliance report containing the corrected position description to the San Francisco Field Services Group as part of the compliance report.

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 February 2, 2006, we received the agency's complete administrative report. The appellant's position is classified as Firefighter (BLS/HAZMAT OPS), GS-081-6, but he believes it should be classified as Firefighter (Basic Life Support/Hazardous Materials Operations), 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 does not believe that his official position description (PD) [number] is accurate because it does not reflect the higher-graded duties he performs. However, his supervisor (Assistant Fire Chief-Operations) has certified to its accuracy. A PD is the official record of the major duties and responsibilities assigned to a position by an official with the authority to assign work. A position is the work that makes up the duties and responsibilities performed by the employee. Classification appeal regulations permit OPM to investigate or audit a position and decide an appeal on the basis of the actual duties and responsibilities currently assigned by management and performed by the employee. An OPM appeal decision classifies a real operating position, and not simply the PD. Therefore, this decision classifies the appellant's operating position, and is based on the work currently assigned to and performed by the appellant.

Our review of the PD of record disclosed that it addresses major duties which the appellant does not perform including airfield firefighting, hazardous materials operations, and basic life support functions on a regular and recurring basis. Therefore, the appellant's PD of record does not meet the standard of adequacy addressed on pages 10-11 of the *Introduction to the Position Classification Standards*, and the agency must develop a PD describing the actual duties and responsibilities performed.

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 requests that in the event OPM favorably decides his appeal, 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." This rule was reaffirmed by the United States Supreme Court in *United States v. Testan*, 424 U.S. 392, at 406 (1976), where the Court stated that "... the federal employee is entitled to

receive only the salary of the position to which he was appointed, even though he may have performed the duties of another position or claim that he should have been placed in a higher grade.” 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 mentions his personal qualifications, including acquisition of various Department of Defense (DoD) firefighter 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.

Position information

As a member of a firefighting crew, the appellant primarily performs structural and shipboard firefighting, which includes driving and operating firefighting vehicles (e.g., fire engines) and related apparatus (e.g., pumpers). These assignments include driving a vehicle to the scene of the fire, positioning the vehicle, and operating various pumps and equipment. In addition, he may be called upon to participate as a first responder in hazardous materials containment operations, and occasionally provide basic life support as an EMT-B certified firefighter.

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-Operations), 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 (BLS/HAZMAT OPS); and the appellant does not disagree. We concur with the agency’s assignment of basic title and series but disagree with the inclusion of the two parenthetical titles. 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-6 level, including driver/operator and hazardous materials operations at that 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 any grade level. 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 in training 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.

Firefighters at the GS-6 level typically perform the following: Combat fires or rescue personnel on board ships where conditions create very difficult and dangerous situations, including: (a) small passages that restrict movement while wearing protective clothing and breathing equipment; (b) small compartments with low ceilings; (c) the proximity of aviation fuel on hangar decks or ammunition in magazines or at gun mounts; (d) movement through gas-filled tankage areas or past hot metal bulkheads; (e) the proximity of massed electrical cables; and/or (f) the proximity of high-pressure steam lines. The ships may be loading, unloading, or under repair. Such conditions may have additional hazards such as open hatches, cluttered decks, power supply interruptions, unstored paint, and volatile cleaning fluids. These hazards are often encountered below decks in dark, confined, and unventilated areas.

Firefighters at the GS-6 level may also drive and operate firefighting apparatus of significant complexity, e.g., pumpers, aerial ladder trucks, and crash rescue trucks. The firefighter: (a) drives a vehicle to the scene of the fire following a predetermined route, or selects an alternate route when necessary; positions the vehicle, considering factors such as wind direction, water sources, hazards from falling structures, location of armaments on aircraft, etc.; (b) operates pumps, foam generators, boom and groundsweep nozzles, and other similar equipment; determines proper pressure for the distances to be pumped and the number of lines being used; and applies principles of hydraulics to water flow friction and friction loss. When operating a crash truck, the 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 equipment.

Firefighters at the GS-6 level perform other comparable duties and responsibilities of similar scope and complexity to the duties and responsibilities associated with shipboard firefighting and/or driving firefighting apparatus as described above, in addition to the duties and responsibilities associated with hazardous material awareness and emergency medical first-responder tasks performed at the GS-5 level.

Firefighters at the GS-6 level may also be tasked with hazardous materials containment. At that level they 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 firefighter employs hazard and risk assessment techniques to complete initial

incident analysis by: (1) surveying the incident to identify the materials involved, determining whether hazardous materials have been released, and evaluating the surrounding conditions; (2) collecting hazard and response information from material safety data sheets, United Nations/North American identification numbers, or hazardous material placards; (3) predicting the likely behavior of a material and container; and (4) estimating the potential harm to people and the environment. The GS-6 firefighter 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 by establishing and enforcing scene control procedures, including control zones and decontamination; utilizes hazardous materials response equipment and supplies including protective clothing, breathing apparatus, dry and extinguishing chemicals, and decontamination agents and equipment; and initiates an incident management system. The GS-6 firefighter also evaluates the success and effectiveness of on-going containment response actions; assists hazardous material technicians and other hazardous material personnel; and maintains and decontaminates common hazardous materials response equipment and supplies.

In addition to the firefighting and first responder duties and responsibilities described at the GS-6 firefighter level, employees at the Firefighter (Basic Life Support), GS-7 level follow protocols in providing basic life support. The firefighter performs emergency procedures that are noninvasive, such as 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; and managing respiratory and cardiac emergencies to include performing cardiopulmonary resuscitation (CPR), bag-valve-mask resuscitation, or automatic external defibrillation (AED). They control external bleeding with direct pressure and treat shock with pneumatic anti-shock garments and assist patients in taking emergency medications for certain complaints, e.g., nitroglycerin tablets, Epinephrine auto-injections, or Albuterol inhalers, under the direction of standing orders or of a physician. They splint and immobilize fractures and dislocations for transport; attempt to ascertain whether the patient has preexisting medical problems and try to obtain a comprehensive drug history from the patient that includes the names, strength, and dosage of drugs taken by the patient; establish communication with receiving facilities, providing all patient information including estimated time of arrival; employ a variety of established emergency medical techniques, methods, and equipment to stabilize the patient for transport as soon as possible to the receiving facility; assist intermediate life support or paramedic staff; prepare appropriate and relevant patient care documentation and reports to ensure medical requirements are met and accurately reported; and use and maintain care of 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-6 level is met. Like that level, the appellant combats fires on board ships where conditions create very difficult situations. These include dealing with fires on ships that have small passages and compartments, explosives located near gun mounts, massed electrical cables, and high-pressure steam lines. Ships are docked for loading or repair, with open hatches, cluttered decks, and exposed flammable substances. Hazards below decks are compounded by dark, confined, and unventilated areas. In addition, like the GS-6 level, the appellant drives and positions firefighting vehicles (e.g., engines) and operates related equipment (e.g., pumpers,

generators, boom and groundsweep nozzles). He controls water flow and level, and warns handline and rescue personnel when self-contained tanks are nearly empty. Individual work-shift logs for the period from January 2005 to January 2006 showed that the appellant spent most of his work shifts assigned to perform the preceding two functions. However, the record did not indicate that the appellant was tasked to perform GS-6 level hazardous materials operations and containment.

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 and indicated during our interview that he is occasionally called upon to provide that level of care to injured personnel, there was no shift-log information showing he was specifically assigned to perform GS-7 level basic life support functions during the one-year period specified above, trained to perform such work, and/or performed such duties, a sufficient portion of his work time for this work to control the classification of his position.

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.