

**U.S. Office of Personnel Management
Classification Appeal Decision
Under section 5112 of title 5, United States Code**

Appellant: [Appellant]

Agency classification: Fire Protection Inspector
GS-081-7

Organization: Fire and Prevention Service
Fire Department
Department of Public Safety
Naval Station [region]
U.S. Department of the Navy
[City & State]

OPM decision: Fire Protection Inspector
GS-081-7

OPM decision number: C-0081-07-02

/s/ Judith A. Davis (for)

Robert D. Hendler
Classification and Pay Claims
Program Manager
Merit System Audit and Compliance

5/24/2011

Date

As provided in section 511.612 of title 5, Code of Federal Regulations (CFR), this decision constitutes a certificate which 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 (Introduction)*, appendix 4, Section G (address provided in appendix 4, section H).

Decision sent to:

[appellant]
Fire and Prevention Service
Fire Department
Naval Station [region]
Department of the Navy
[street address]
[city, state, zip code]

[name]
HR Specialist Agency POC
Human Resources Service Center Northeast
Department of the Navy
111 South Independence Mall East
Philadelphia, PA 19106-2598

[email]@navy.mil

Deputy Assistant Secretary of the Navy
(Civilian Human Resources)
Department of the Navy
614 Sicard Street SE Suite 100
Washington Navy Yard, DC 20374-5072

Director, Office of Civilian Human Resources
Department of the Navy
614 Sicard St. SE, Suite 100
Washington Navy Yard, DC 20374-5072

[name]
Chief, Classification Appeals
Adjudication Section
Department of Defense
Civilian Personnel Management Service
1400 Key Boulevard, Suite B-600
Arlington, VA 22209-5144

Introduction

On September 30, 2010, Chicago Oversight of the U.S. Office of Personnel Management (OPM) accepted a classification appeal from [appellant]. The appellant's position is currently classified as a Fire Protection Inspector, GS-081-7, but he believes it should be classified at the GS-8 grade level. The position is located in the Fire and Prevention Service, Fire Department, Department of Public Safety, at Naval Station (NAVSTA) [region] (hereinafter referred to as [NAVSTA]), Department of the Navy (Navy), in [City], [State]. We received the complete administrative report from the agency on October 21, 2010, and final comments from the appellant on December 21, 2010. We have accepted and decided this appeal under section 5112 of title 5, United States Code (U.S.C.).

Background and general issues

The appellant was assigned to his current position description (SPD[#####], a standard PD he shares with two fellow employees), effective March 12, 2010, which included several pen and ink changes to describe duties they perform. He filed a classification appeal with the Civilian Personnel Management Service (CPMS) at the Department of Defense (DoD) because he was not satisfied with the grade level assigned. On June 30, 2010, CPMS issued their decision which determined the position was appropriately classified as GS-081-7. The appellant subsequently filed an appeal with OPM.

The appellant and his immediate supervisor have certified that his current PD is accurate, but the appellant says it is not properly graded.

Position information

The appellant works directly for the Chief, Fire and Prevention Service (classified as a Supervisory Fire Protection Inspector, GS-081-9, who supervises a staff of three inspectors), in the Fire Department. The department operates a comprehensive fire prevention program including fire safety inspection, fire investigation, construction review, training drills, and fire administration. The department has agreements with local fire departments for assistance in fire control.

The appellant performs building inspections, fire code enforcement, public education, recordkeeping, and assists in conducting fire investigations and other activities in furtherance of the identification and elimination of life safety hazards, and reduction of life and property loss due to fire. His fire prevention functions include fire safety building inspections, public education training, and instruction to include formal lectures and practical demonstrations. He inspects all buildings, structures, as well as inside and outside storage areas, to identify hazards and determines what actions are necessary to eliminate fire and life safety deficiencies. He ensures inspections and/or tests of emergency lighting units, exit lights, portable fire extinguishers, and fire doors are conducted. He assists in maintaining the base fire extinguisher inventory. The appellant may perform inspections of high hazard facilities, such as the [location] power station and water treatment plant, the public workshop for welding repairs, and the [training facility] building where [activity occurs]. He serves as a source for reliable

authoritative technical information related to fire safety recommendations and fire code requirements. The PD states this duty represents 40 percent of the appellant's time.

The appellant assists in conducting fire investigations in government facilities occurring within the jurisdiction of the Naval Station Fire Department to determine the origin and cause. Investigations may include collecting and identifying physical evidence, conducting witness interviews, and performing technical research. Information gathered may be used for criminal or civil proceedings, or for purposes of enhancing the fire prevention program. Occasionally, the appellant may be required to appear as a witness in court cases or before boards of inquiry. The PD states this duty represents 10 percent of the appellant's time.

The appellant assists in reviewing plans for new construction (presently for two proposed new barracks), and any remodeling, alterations, modifications, and repairs on existing buildings and systems to ensure adherence to all fire protection regulations. He assists in conducting acceptance tests on all new construction. He also assists fire protection engineers with fire protection engineering surveys. The PD states this duty represents 10 percent of the appellant's time.

The appellant's training responsibilities include conducting fire evacuation drills for occupied buildings, evacuation drills for child development and family activity centers, and fire exposure training. He assists in providing fire prevention training; e.g., kitchen fire safety, proper egress and exit, and holiday and summer safety stand downs. He assists in providing training during annual fire prevention week activities and public education programs for children and adults. He instructs fire suppression personnel (firefighters) in current fire prevention and inspection practices. He participates in mandatory life safety training for the continuing education program. The PD states this duty represents 25 percent of the appellant's time.

The appellant performs fire administration and other related duties as required. He assists with routine correspondence, reports, charts, and records related to fire prevention. He issues permits for [NAVSTA]' wage grade employees performing welding, torching, brazing, tar kettles, etc., to ensure fire safety regulations are observed. He receives visitors and answers telephone calls ascertaining the nature of the request and directing the caller to the appropriate person or personally provides the requested information. He encourages understanding of the fire prevention code and ordinances in all personal contacts and administrative functions. He submits reports of completed inspections, training, and other accomplishments to his supervisor. He gathers prevention materials for review and approval by the chief fire inspector. He may be assigned to provide auxiliary support to fire suppression/protection personnel during actual or simulated fire events. He may also be temporarily assigned other duties as deemed appropriate by supervisory personnel. The PD states this duty represents 15 percent of the appellant's time.

With the approved pen and ink changes, the appellant's PD is adequate for classification purposes. The appellant's PD and other material of record furnish more information about his duties and responsibilities and how they are performed, and we incorporate them by reference into this decision. To help decide this appeal, we conducted telephone audits with the appellant on December 8, 21, and 23, 2010; in addition to a telephone interview with his immediate supervisor on December 21, 2010, and several follow up calls. In reaching our classification

decision, we carefully considered all of the information gained from these interviews, as well as the written information furnished by the appellant and his agency.

Series and title determination

The agency assigned the appellant's position to the Fire Protection and Prevention, 081 Series. The appellant does not disagree, and after careful review of the record, we concur. The GS-081 series requires knowledge of firefighting and fire prevention theory and techniques, as well as skill in planning, training, directing, or carrying out fire protection and prevention programs and operations. The authorized title for positions that involve preventing fires by physically inspecting a variety of facilities to detect and reduce or eliminate the hazards that cause fires is *Fire Protection Inspector*.

Grade determination

The position classification standard (PCS) for the Fire Protection and Prevention Series, GS-081, is used to determine the grade of this position. The PCS is divided into two parts: Part I consists of three sections used to grade fire chief and supervisory and lead firefighter positions. Part II contains grade level criteria for nonsupervisory firefighter and fire protection inspector positions, GS-3 through GS-8. We will use Part II to evaluate the appellant's position, as his principal duties and responsibilities involve conducting inspections of a variety of buildings and structures to identify equipment, materials, operations, activities and conditions having high potential to result in fires. Our analysis follows:

Fire hazards

Fire protection inspectors are responsible for areas of an installation characterized by equipment, materials, and operations involving hazards that are difficult to recognize and, once identified, require advanced, sometimes innovative, methods to reduce or eliminate them (the BMK PD for Fire Protection Inspector, GS-0081-07 (in Part II of the 081 PCS) directs us to see *Levels C and D of Factors 1 and 2 in Part I, Section II*, for examples of hazards involved). Inspectors must adapt accepted fire protection techniques for application to potential hazards in highly specialized and technical operations.

The two factors are not always directly related, however. For example, the storage of explosives creates a high potential for fire or explosion. However, explosives are normally stored in small quantities in specially designed, isolated bunkers or other facilities. Therefore, it is unlikely that a fire will spread beyond the immediate vicinity. Conversely, administrative activities conducted in old, wooden frame buildings present a relatively low fire potential, but if a fire did start, there is a good possibility that it would spread rapidly and grow in major proportions if they lack modern fire suppression systems.

Factor 1 Nature and variety of fire hazards

The type and variety of fire hazards at an installation directly affect the difficulty of establishing and maintaining effective fire protection and prevention programs. The quality and types of hazardous conditions are such that the expectancy of fire or toxic materials release is high. The nature and location of these hazards are subject to frequent change, requiring regular alteration both in the overall prevention and protection programs and in the day-to-day operating procedures. Extensive pre-planning and special protective services are necessary to cope with these highly hazardous conditions.

The situation at [NAVSTA] is not fully characteristic of *Degree C* where the expectancy of fire or toxic materials release is high. In contrast, the situation at [NAVSTA] is similar to installations typical of Degree B, where the overall conditions require the revision of prevention and protection programs only infrequently, as the types of hazards are relatively constant with occasional changes in the location of these hazards, and standby services and other protective and preventive measures requiring changes in daily work schedules occur with some frequency. Standard prevention and protection measures are normally suitable for handling the hazardous conditions typical of this level. Situations characteristic of Degree B 2. are present in the variety of shops (e.g., machine, paint, or carpenter shops) having some work situations with partially uncontrollable hazardous conditions, such as welding in unprotected areas, and painting in an insufficiently ventilated area. Furthermore, the closest description of the situation under this factor, *Degree C 1.b.* is not met because there are no piers at [NAVSTA] and this factor describes a mission involving an active commercial pier usually servicing several ships concurrently, or any of the other conditions consistent with Degree C. However, several hazards do exist: there is a marina which presents potential fire hazards from both the boats (including two LCM 8 diesel-powered landing craft used by the Navy Reserve) docking there, as well as the required storage of fuel (500 gallon tank). Additional hazards on the base include operations at the [location] power plant, the chemicals used at the base water treatment plant, and the fuel storage for use by the gas turbine school. However, these complications do not fully meet Degree C and, thus, this factor must be credited at Degree B.

Factor 2 Potential severity of fires

This factor measures the degree to which the probability that fires or emergency incidents will become large and widespread influences the complexity of fire protection and prevention programs. In many cases, the same characteristics that create the potential for fires (see *Factor 1*) also increase the possibility that fires will be large and destructive. For example, large-scale aircraft operations are characterized by a high potential for fires, and the presence of large amounts of fuel and explosives also increases the likelihood that the fires, once started, will become severe. The situation at [NAVSTA] is characteristic of *Degree D.1:* for a very large sized installation (e.g., [number] buildings, [number] people, barracks and individual housing for [number] people). [NAVSTA] is the home of the U. S. Navy's [training facility]. Tenant commands include the [command], [Center], and Navy Recruiting District [city]. [NAVSTA] is the largest military installation in [state] and the largest training station in the Navy. The base has [number] buildings situated on [number] acres ([number] km²) and has [number] miles ([number] km) of roadway to provide access to the base's facilities. [NAVSTA] is home to over

[number] active duty staff personnel and families, [number] recruits and students, [number] government civilian employees, and over [number] contractors. [NAVSTA] provides services to active duty military, their family members, and retirees from a surrounding [number] state area. [NAVSTA] hosts the Navy's [training facility]. Each year approximately [number] men and women complete the [training requirements]. [NAVSTA] is also home to several schools and [centers]. Yearly, more than [number] students attend these initial and advanced training schools where they learn the basic skills of their Navy jobs. Approximately [number] reside on or near [NAVSTA] at any one time. These conditions require extensive preventive program development, as well as the design and installation of detection and protection systems devised or adapted specifically for the particular fire hazards encountered by certain base housing facilities, e.g., the [number]-bed barrack buildings at [NAVSTA] present a relatively low fire potential, but if a fire did start, there is a good possibility that it would spread rapidly and grow to major proportion.

At the GS-7 grade level as described in the GS-7 BMK in the PCS, inspectors must be especially alert to new or unusual types of combustibles or other hazardous materials and recognize conditions of high fire expectancy and severity. When these are noted, GS-7 inspectors question operating personnel as to their identification. They search technical manuals, fire codes, or trade reference books to ascertain the fire characteristics. They determine measures to reduce or eliminate the potential for fire or explosion. Many of the recommendations made by inspectors at this level are controversial in terms of their effect on time and operating requirements of the programs and projects involved, e.g., when an inspector advises building occupants of corrective action necessary to mitigate a hazardous situation having significant financial implications or significant changes in building plans due to fire protection and prevention regulatory and program requirements. Inspectors are expected to maintain relationships with operating officials such that only very difficult or controversial cases need be referred to superiors for final disposition.

At the GS-7 grade level, inspectors typically review plans for new construction and alteration and extension of existing structures; recommend changes and additions to ensure compliance with fire prevention and protection requirements; inspect and correct deficiencies in a variety of fixed fire protection systems, many of which are complex and/or designed for specific operations and hazardous conditions; have a thorough familiarity with the layout and contents of buildings, locations of fire protection systems, and other similar characteristics of the installation; know the recognized standards covering fire prevention techniques and procedures, agency and installation manuals, rules, and regulations, and local, state, and Federal fire prevention ordinances, and building codes; occasionally participate with fire prevention or safety engineers in studying fire prevention problems; adapt standard fire prevention practices and procedures to local requirements; and use tact and firmness in dealing with all levels of management in gaining acceptance of good fire prevention practices.

At the GS-8 grade level as described in the GS-8 BMK in the PCS, in addition to the fire protection inspector duties and responsibilities identified at the GS-7 level, fire protection inspectors conduct an information program and secure client involvement in fire prevention, detection, and suppression. They emphasize fire prevention topics, develop prevention messages from actual fire incidents, and interact with a wide variety of employees and others in all aspects

of fire prevention. They coordinate established fire watch programs with designated building, facility, or installation program representatives (e.g., fire marshals) and teach school children about home fire prevention and emergency procedures. They develop materials, provide situational and classroom training in installation fire prevention activities, and address a variety of client groups in fire program methods and goals.

The appellant believes that his assigned duties conducting information programs for [NAVSTA]' personnel on fire prevention practices, detection, and suppression; coordinating fire watch and fire warden programs; teaching school children about fire prevention and escape procedures; and developing materials and providing situational and classroom training related to fire prevention are addressed by the PCS in the BMK for Fire Protection Inspector, GS-0081-08, and should be reclassified to the GS-8 grade level.

Although Factors 1 and 2 do not both meet Level C and D, we find the appellant's situation clearly exceeds the GS-6 level described in the PCS. As at GS-7, the appellant's work includes giving short classes, briefings, and on-site visits to ensure basic safety procedures are followed, such as the care, and proper use of fire extinguishers, special hanger dangers, and acceptance testing. The appellant organizes and establishes working party assignments and details for when alarms are out of order, as there are only two alarm technicians on base. He conducts routine barracks inspections and establishes no smoking areas. In compliance with Navy procedures, he makes fire safety inspections of living quarters, reviewing housing fire inspection checklists covering both tenant responsibilities (including calls to housing maintenance contractor to correct deficiencies) and contractor responsibilities. He performs fire alarm acceptance tests and certifies and recertifies alarms. He checks fire and carbon monoxide alarms, and their batteries and emergency power systems. He quizzes tenants on the dangers of stoves, furnaces, and space heaters; advises them of proper venting and cleaning of dryer vents; and instructs them on the proper use of gas grills, and the prohibition of propane storage in enclosed areas. The appellant ensures unauthorized electrical appliances are not used. He provides fire safety instruction to day care personnel covering the supervision of children and infants, and reviews child-proof rules including the dangers of cribs, blind cords, and swing sets.

The appellant's position is further strengthened by his performing many of the duties listed at the GS-8 level (e.g., training and briefing employees and others on fire hazards and preventive measures; interacting with designated fire marshals/fire wardens; coordinating established fire prevention programs and teaching school children about home fires and emergencies; explaining fire prevention activities; etc.). However, GS-8 inspectors have primary responsibility for the development and implementation of an installation's fire prevention information program. We find the appellant does not have the level of program responsibility or the depth of involvement in the educational development aspects of fire prevention found at the GS-8 level, as primary responsibility resides with his supervisor. At GS-8, inspectors determine which fire prevention topics will be emphasized and develop original informational materials. However, the training he conducts consists of lectures, demonstrations, classroom training, practice drills, etc., on subjects such as fire/building evacuation drills, fire safety and prevention, use of portable extinguishers, effects of carbon monoxide, and fire hazards is shared with his two co-workers. He does not direct the entire training program; his supervisor does. Therefore, the appellant's duties and responsibilities do not meet the full intent of the GS-8 grade level. However, the

appellant's training program responsibilities which approach the GS-8 grade level, taken in conjunction with his performing the full range of functions found at the GS-7 grade level, offset the crediting of Factor 1 at Degree B sufficiently to permit the classification of his position at the GS-7 grade level.

Summary

The position is evaluated at GS-7.

Decision

The position is properly classified as Fire Protection Inspector, GS-081-7.