

**U.S. Office of Personnel Management
Job Grading Appeal Decision
Under section 5346 of title 5, United States Code**

Appellant: [Appellant]

Agency classification: Laborer
WG-3502-2

Organization: [Name/Organization]
[Name/Organization]
Veterans Affairs Medical Center
[Organization]
Veterans Health Administration
Department of Veterans Affairs
[Location]

OPM decision: Laborer
WG-3502-2

OPM decision number: C-3502-02-02

/s/

Ana A. Mazzi
Deputy Associate Director
Merit System Audit and Compliance

3/24/11

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 (CFR). Addresses are provided in the *Introduction to the Position Classification Standards*, appendix 4, section H.

Decision sent to:

[Name]
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Introduction

On December 7, 2010, Philadelphia Oversight of the U.S. Office of Personnel Management (OPM) accepted a group job grading appeal from [appellant] and [appellant]. The appellants occupy identical additional jobs, hereinafter referred to as job, currently graded as Laborer, WG-3502-2. They believe their job should be upgraded to grade 3. The appellants are currently assigned to [Name], [Name/Organization]; Veterans Affairs Medical Center (VAMC); [Organization], Veterans Health Administration (VHA), Department of Veterans Affairs (VA) in [Location]. We received the agency's administrative report (AAR) on January 10, 2011. We have accepted and decided this appeal under section 5346 of title 5, United States Code (U.S.C.).

General issues

The appellants believe their job description (JD) number [number] is not accurate because it does not reflect the operation of heavy equipment for snow removal or lifting objects in excess of one hundred pounds. A JD is the official record of the major duties and responsibilities assigned to a job by an official with the authority to assign work. A job is the work made up of the duties and responsibilities performed by an employee. Job grading appeal regulations permit OPM to investigate or audit a job and decide an appeal on the basis of the actual duties and responsibilities assigned by management and performed by the employee. An OPM appeal decision grades a real operating job, and not simply the JD. Therefore, this decision is based on the actual work assigned to and performed by the appellants.

The appellants contend that the duties listed in a job vacancy announcement for a grade 3 Laborer job at another VAMC are the same duties they perform and, thus, their job should be graded higher. The appellants also believe the duties of their job far exceed those of a grade 2 Housekeeping Aid at the [Location] VAMC. In adjudicating this appeal, our responsibility is to make our own independent decision on the proper grading of this job. By law, we must make that decision solely by comparing the appellants' duties and responsibilities to appropriate job grading standards (JGS). See 5 U.S.C. 5346(a). Since comparison to JGSs is the exclusive method for grading jobs, we cannot compare the appellants' job to others which may or may not be properly graded as a basis for deciding this appeal. We also note that a job vacancy announcement does not contain all the information required in a JD to grade a job.

In the appellants' rationale they contend their JD does not include a description of the heavy machinery they use for snow removal, plowing, and salting; operation and maintenance of a Steris brand 130 cart and utensil washer/disinfector used to disinfect pieces of equipment used throughout the VAMC; and being subjected to skin irritations from using cleaning agents or possible injury from a fall off a ladder or electrical shock from electric-powered equipment. The appellants believe these duties should raise the grade of their job.

The fact not all duties and responsibilities of a job are described in detail is not germane to the job grading process. Federal Wage System (FWS) jobs are graded based on the duties performed. As stated in the *Introduction to the FWS Job Grading System (Introduction)*, the method of grading involves consideration of the total job. When comparing a job with the factor information and grade-level definitions in JGSs, a determination should be made as to the most

appropriate grade value, overall, of the total job rather than making judgments on each individual factor. This follows the basic principle that the grade value of a job is determined by its relative worth as a whole in comparison with all other jobs and their grade values. This means grading considers such factor as the skill and knowledge required to perform the assigned work on the equipment, the level of responsibility for doing so, the physical effort exerted, and the conditions in which the work is performed. Therefore, we will consider the appellants' rationale as appropriate in the job grading section of this decision.

Job information

The appellants' JD of record states their daily duties include transporting rolling stock items (i.e. wheelchairs, stretchers, and gerri chairs), operating a cart washer, completing minor maintenance on equipment items (i.e. greasing and replacing broken parts), and data recording/record maintenance. The appellants periodically complete other sanitation assignments such as operating cleaning equipment, sweeping, mopping, wet wiping, and waste removal and other tasks, such as snow removal or lawn care.

To help decide the appeal, we conducted individual telephone interviews with the appellants on February 18, 2011 and February 24, 2011 and with their immediate supervisor on February 28, 2011. The appellants believe their JD is inaccurate and their immediate supervisor certified to the accuracy of the appellants' JD, number [number]. We find the JD includes the major duties and responsibilities of the job and is adequate for job grading purposes when supplemented with other information of record, and we hereby incorporate it into our decision. In reaching our decision, we have carefully reviewed all the information in the written record provided by the appellants, their union representative, and the agency, as well as the information from our interviews.

Occupational code, title, and standard determination

The appellants do not contest the agency's assignment of their work to the 3502 occupation. The 3502 Laborer JGS covers jobs involving a variety of laboring duties that require little or no specialized skill or prior work experience. The work typically involves duties such as loading and unloading trucks, moving office furniture, mowing lawns and trimming shrubs, and clearing and digging ditches. We agree the appellants' job is properly assigned to the 3502 occupation. The appellants' job is properly titled and coded as Laborer, WG-3502 and we have used the 3502 JGS for grade-level determination.

Grade determination

The 3502 JGS evaluates work using four factors: *Skill and Knowledge, Responsibility, Physical Effort, and Working Conditions*. The factors provide a framework within which the occupation is structured as well as specifically applicable criteria for evaluating the level of work.

Skill and Knowledge

At grade 2, laborers demonstrate manual skill to lift and move moderately heavy objects. They also have manual skill and knowledge to safely operate simple power equipment such as powered push lawn mowers, weed trimmers, and low-pressure sprayers. Grade 2 laborers have the ability to use basic hand tools such as hatchets, handsaws, and clippers. They have basic knowledge of routine maintenance procedures for power equipment operated that include a visual check of the equipment, limited lubrication, cleaning/replacing air filters, and refueling.

At grade 3, laborers have knowledge and skill in the operation, control, and cleaning of heavy, power equipment (e.g., single-function power lawn mowers with one or more cutting decks and mechanical controls, chain saws, and jackhammers). They also know how to work safely with heavy tools such as axes, picks, chain saws, etc. Grade 3 laborers operate weight-handling devices such as electric hand trucks or lifts, pallet jacks, and dollies to move very heavy loads. They also complete assignments involving several familiar processes which require remembering directions and/or sequences such as mixing cement or asphalt to repair walkways. The nature of the duties and the kind of equipment used require continual care and attention both to avoid accidents and to complete work according to established schedules.

As at grade 2, the appellants' daily tasks are routine in nature and are completed in accordance with EMS and VAMC procedures, regulations, and standards. The immediate supervisor stated each appellant has a set schedule of wards to clean and replaces rolling stock such as wheel chairs, and garbage carts, on a monthly basis. He further stated each appellant submits written records to him each Friday showing which wards and equipment were cleaned that week. The appellants use the Steris brand 130 cart and utensil washer/disinfector almost daily. It is a large walk-in washer used to clean and disinfect pieces of equipment used throughout the VAMC (to include mail stands, trash cans, and nurse floor carts). The appellants program the washing and drying cycles. High-pressure water is released from nozzles attached to arms located on either side of the washer, spraying the piece of equipment to be washed. The appellants are familiar with the equipment to be washed and which cycles to use.

The appellants clean and maintain batteries used to operate riding and walking scrubbers and buffers used throughout the VAMC. They physically look over the batteries and use a gravity checker to see if the batteries are holding their charge. If the charge is running low, they add distilled water to the battery cell. If the exterior of the batteries are dirty, they are cleaned with a power washer. According to the immediate supervisor, the appellants perform snow removal duties during the months of October through April each year, as needed. Each appellant has a set schedule for checking to see if they need to salt, shovel, or plow snow. The appellants remove snow from the pre-determined areas of the main hospital and Veterans Park sidewalks. Similar to grade 2 laborers, the appellants perform the same and repetitive actions by moving the snow to grassy areas if possible or pushing the snow into piles at the end of the walkway so the sidewalk is not blocked. The appellants use snow shovels, snow blowers, a lawn tractor fitted with a snow plow in front and a salter in back, a Bobcat with a bucket in front, and at times a four-wheel drive pick-up truck with a snow plow in front for their snow removal duties.

The lawn tractor, Bobcat, and four-wheel drive pick-up truck they use for snow removal are normally operated by employees whose jobs are evaluated above grade 2. However, those higher grades are predicated on using the skill and knowledge required to operate all aspects of the assigned equipment under a wide variety of work conditions, e.g., driving loaded trucks on public roads at various speeds under a full variety of weather and road conditions. In contrast, the functions performed by the appellants with this equipment are limited. The plows are attached by the Grounds personnel. They typically use this larger equipment to clear small parking lots. When the snow is being removed, fewer than fifteen cars are in the lots and there is ample open space for placement of the snow in pre-defined places. The limited nature of equipment operation knowledge and skill required to perform this work compares favorably with the manual skill and knowledge required to safely operate simple power equipment typical at grade 2.

Similar to grade 2, the appellants perform minor maintenance on equipment used, such as changing wheels on rolling stock equipment, replacing hydraulic arms on the Steris 130 washer, checking batteries to ensure they are holding their charge, and changing the squiggies on the bottom of riding scrubbers. The supervisor stated no major repairs such as replacement of motor bearings are performed by the appellants. Major repairs are submitted to the Engineering Department through work orders. The supervisor further stated he submits work orders on a regular basis to the Engineering Department.

The appellants' work falls short of the grade 3 level. Unlike this level, the appellants operate, control, and clean power equipment such as snow blowers, a riding mower with a plow attached for snow removal, and the Steris brand 130 washer. They are not required to exercise the knowledge and skill needed to operate, control, and clean heavy power equipment such as single-function lawn mowers, chain saws, and jackhammers. The appellants' immediate supervisor stated that Grounds personnel perform the majority of lawn care work. The appellant's skill and knowledge of basic hand tools such as hack saws for cutting bolts off equipment, and screw drivers, sockets, and wrenches for replacing wheels on rolling stock equipment, does not meet the grade 3 level which requires knowledge and skill in working safely with heavy tools such as axes, picks, and chain saws. The appellants have skill and knowledge in operating pallet jacks and dollies but they move objects weighing up to forty pounds on a regular basis, which does not meet the grade 3 which requires skill and knowledge in operating weight-handling devices such as electric hand trucks, pallet jacks, and dollies to move very heavy loads. The nature of the duties and the kind of equipment used by laborers at grade 3 require continual care and attention both to avoid accidents and to complete work according to established schedules. The less complex and dangerous equipment used by the appellants does not require this level of care and attention. Therefore, this factor is credited at grade 2.

Responsibility

At the grade 2, laborers receive specific oral and written instructions regarding what to do and when to do new tasks. Instructions are given by the supervisor or higher grade worker. Grade 2 laborers perform regularly assigned duties within designated time frames or schedules. Laborers at this level may complete duties involving several distinct tasks or steps independently such as unloading supplies, moving them to a specified location, and stacking them. Grade 2 laborers

are responsible for checking and performing simple maintenance on the equipment that they use. Maintenance repairs that require disassembly or alignment (e.g., blade replacement on lawn mowers) are reported to the supervisor. They are responsible for following proper safety procedures due to the nature of the work, the type of tools and equipment used, and the weight of objects handled. The supervisor normally checks completed work for compliance with instructions and established practices.

At the grade 3, laborers are given general instructions by the supervisor. They do not require detailed instructions or continual supervision of routine duties. Laborers at this level receive direct supervision for special assignments and are given specific time frames for accomplishment. They are responsible for completing work after getting initial oral or written instructions. Grade 3 laborers are responsible for obtaining assistance or using appropriate equipment or safety devices when lifting and moving very heavy objects. Continual care is required due to the nature of the work, the type of equipment used, and the weight handled. The supervisor checks work on a random basis for timeliness, work practices, and compliance with instructions.

The appellants' work meets the grade 2 level. Similar to this level, the appellants each have a set schedule of wards which they clean and replace rolling stock on a monthly basis and submit written reports on what they have accomplished weekly. The appellants perform their tasks following established safety rules and procedures to prevent accidents or injuries. They are responsible for the safe operation of the assigned equipment, check the equipment to ensure it is in proper working order, and perform simple maintenance on the less complex equipment they use. When major repairs requiring disassembly or alignment are needed, the appellants notify their supervisor and a work order is completed and forwarded to the Engineering Department for completion. The nature of the appellants tasks are repetitive and occasionally vary. If there are not enough housekeepers on duty, the appellants are directed to fill in as needed. The appellants' supervisor stated he infrequently goes to the wards to check on the work completed, but goes over the written records submitted each Friday by the appellants showing which wards and equipment had been cleaned that week. The supervisor also poses questions to the appellants regarding what wards and/or equipment have been cleaned. This indicates the supervisor checks the appellants' work for compliance with instructions and established VAMC practices which is typical of grade 2 responsibility.

The appellant's work does not meet the grade 3 where the supervisor gives general instructions. Laborers at this level do not require detailed instructions or continual supervision of routine duties. The supervisor of a grade 3 laborer checks work on a random basis for timeliness, work practices, and compliance with instructions. Unlike the grade 3 level, the appellant's each have a set schedule of wards which they clean and replace rolling stock on a monthly basis and their supervisor conducts a closer review of work than envisioned for grade 3 laborers. Therefore, this factor is credited at grade 2.

Physical effort

At grade 2, laborers exert moderately heavy physical effort in doing such tasks as occasionally lifting and carrying heavy objects weighing up to 50 pounds. They frequently lift and carry

moderately heavy objects weighing up to 40 pounds; and frequently push heavy furniture on dollies, loaded carts, etc. In contrast, grade 3 laborers exert very heavy physical effort in doing such tasks as frequently lifting and moving objects weighing over 50 pounds, operating heavy power mowers on grades or pushing wheelbarrow loads of cement, etc.

The appellants' work meets the grade 2 level since they regularly lift and carry objects weighing up to 40 pounds such as trash bins, buckets of water, and batteries. They also regularly lift and carry objects weighing 50 pounds such as bags of salt and empty them into a spreader during the winter season as needed. The appellants stated during their interviews they are sometimes asked by as Housekeeper for assistance with moving furniture to include desks or chairs. The appellants use appropriate safety precautions and aides such as pallet jacks, 4-wheel carts, or dollies. This level of physical effort meets the grade 2 description where laborers frequently lift and carry heavy objects weighing up to 40 pounds, occasionally lift and carry objects weighing up to 50 pounds, and frequently push heavy furniture on dollies, loaded carts, etc. Even though the appellants' JD states they frequently lift and move over 50 pounds, the duties of the job do not fully meet grade 3 criteria. The 3502 JGS includes a note for grade 3 positions which states:

Some laboring jobs involve very heavy physical effort, but do not require the skills and knowledge in operating equipment, etc, as described at this grade level. For laboring jobs to warrant a grade 3 in the absence of skills and knowledge and other grading criteria regarding the operation of equipment, etc, a laborer must perform duties that continually involve extremely heavy physical effort. Effort of this degree is typical of constant lifting and carrying items weighing 80 to 100 pounds or more.

The appellants stated during their interviews they do not often lift and carry objects weighing 80 to 100 pounds and they only push and move these objects, such as the soap containers for the Steris brand 130 washer, when they are replaced once or twice a year. The appellants' job does not meet grade 3 where laborers frequently lift and move objects weighing more than 50 pounds, operate heavy power mowers on grades, or push wheel barrow loads of cement. Therefore, this factor is credited at grade 2.

Working conditions

At grade 2, laborers work inside and outside. When working outside, they are exposed to all kinds of weather conditions. Inside work is often accomplished in office buildings or in well lighted, heated, and ventilated areas such as warehouses, loading docks, or trade shops. They are frequently exposed to weather and temperature extremes, drafts, noises, dust, and dirt. They are exposed to the possibility of bruises, muscle strains, cuts, and scrapes. Grade 2 laborers follow safety procedures and use standard safety equipment such as gloves, ear protectors, safety glasses, and steel-toe shoes to avoid possible hazards in the work area.

Grade 3 working conditions are similar to these described at the grade 2, However, in contrast to the grade 2, mishandling of the equipment, tools, and tasks involved at this level, may result in more serious injuries.

The appellants' work meets grade 2. Similar to this level, the appellants' working conditions such as ventilation and environment within their assigned wards are satisfactory. The work performed requires continuous walking when delivering pieces of rolling stock equipment to various wards. When performing cleaning tasks, moderate effort such as bending, lifting, and stretching is expended.

The appellants are also exposed to the cold and wind while performing snow removal. The appellants also stated the Steris brand 130 washer is located in a small room with poor ventilation and that hot steam is released when the doors are opened. However, these conditions do not exceed grade 2 where laborers are exposed to all types of weather and temperature extremes. As at the grade 2 level, the appellants are subject to the possibility of bruises, cuts, and scrapes. They follow basic safety procedures when disposing of bio-hazardous garbage and trash and use standard safety equipment as appropriate, including steel-toe boots, gloves, and ear and eye protection. The appellants job does not meet grade 3 since they do not use the types of equipment such as heavy power mowers to their full-range of functions, where mishandling the equipment may result in injuries more serious than those described at the grade 2 level. Therefore, this factor is credited at grade 2.

Decision

The appellants' job is properly graded as Laborer, WG-3502-2.