

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

Dallas Oversight Division  
1100 Commerce Street, Room 4C22  
Dallas, TX 75242-9968

**Classification Appeal Decision  
Under section 5103 of title 5, United States Code**

**Appellant:** [appellant]

**Agency classification:** Aircraft Mechanical Systems Inspector  
WG-8852-12

**Organization:** Air Operations  
[appellant's] Border Patrol Sector  
Headquarters  
[region]  
Immigration & Naturalization Service  
Department of Justice  
[location]

**OPM decision:** Federal Wage System  
(pay system determination only)

**OPM decision number:** C-8852-00-04

/s/ Bonnie J. Brandon

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Bonnie J. Brandon  
Classification Appeals Officer

June 1, 2001

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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).

### **Decision sent to:**

[appellant's name and address]

[appellant's servicing human resources office]

Chief  
Chief, Classification and Compensation Policy  
Immigration and Naturalization Service  
Department of Justice  
800 K Street, NW., Room 5000  
Washington, DC 20536

Assistant Commissioner for Office of Human  
Resources and Development  
Immigration and Naturalization Service  
Department of Justice  
800 K Street, NW., Room 5000  
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JMD Personnel Staff  
Director of Personnel  
U.S. Department of Justice  
1331 Pennsylvania Avenue, NW., Suite 1110  
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## **Introduction**

On April 28, 2000, the Dallas Oversight Division of the Office of Personnel Management (OPM) accepted an appeal from [the appellant], one of a group of employees assigned to the Air Operations unit of the [appellant's] Border Patrol Sector Headquarters, [region], Immigration and Naturalization Service (INS), Department of Justice, located in [city, state]. The employees' jobs are all classified in the Aircraft Mechanic Series, 8852. [The appellant's] job is graded at the 12 level. The four employees who appealed to OPM believe their jobs should be classified to the General Schedule, with the GS-1825 Aviation Safety Inspector Series being the most appropriate. We have accepted and decided the appeal under the provisions of section 5103 of title 5, United States Code (U.S.C.).

## **Job information**

The mission of Air Operations is to provide air patrol for detecting illegal entry into and presence in the United States along our border with Mexico. Aircraft mechanics in the appellant's unit are responsible for ensuring the aircraft used are not only operational but also safe and reliable to enable the pilots to carry out the mission. The job description of record states the purpose of the appellant's job is to perform difficult maintenance, repair, and inspection work on fixed and rotary wing aircraft. The appellant's performance standards include critical elements that describe performing scheduled and nonscheduled aircraft and helicopter maintenance, in a timely manner, in accordance with specified directives and instructions. Other critical elements include analyzing aircraft performance/status; maintaining the aircraft; and preparing and maintaining various records, logs, and other written material required by INS or other agencies, for example, the Federal Aviation Administration (FAA).

Briefly, the duties assigned to the appellant include determining the type and extent of repair that the aircraft systems, assemblies, and surfaces need. The appellant repairs and/or installs replacement components, assemblies and systems, or individual parts as necessary to ensure proper operation. This includes such items as hydraulic, fuel, and oil lines and control units; landing gear assemblies; flight control surfaces; cable riggings; propellers and governors; rotor blades and transmissions; fuselage parts; and gas turbine and reciprocating engines and accessories. The appellant conducts annual airworthiness inspections on assigned aircraft. He performs the required periodic inspections to assure airworthiness in accordance with FAA, Department of Defense (DOD), or INS standards, as appropriate. His duties include receiving oral and written comments from pilots regarding suspected deficiencies; troubleshooting those indications; and making repairs, adjustments, replacements, etc, to correct the problem. Other duties include maintaining a parts inventory and tracing and correcting problems in aircraft electrical systems. The appellant's work requires skill in aircraft welding and tracking and balancing helicopter rotor systems. The job requires knowledge of aircraft systems and how they interrelate and work together. The appellant's work also requires the ability to follow manufacturers' instructions and procedures contained in technical data sheets, maintenance and parts manuals, service bulletins and letters, and FAA rules, regulations, and Airworthiness Directives. A more complete description of the work assigned is found in the appellant's job description.

## Pay system determination

INS has determined that the appellant's job requires possession of an FAA Inspection Authorization (IA) certificate. Although some individuals in the 8852 series may be required by their agencies to have such certification, possession of a certificate is not a pay system determinant. Consequently, we did not consider certification as a factor in deciding the appropriate pay system for the appellant's work.

5 U.S.C. 5102(c)(7) exempts from coverage under the General Schedule those "employees in recognized trades or crafts, or other skilled mechanical crafts, or in unskilled, semiskilled, or skilled manual-labor occupations, and other employees including foremen and supervisors in positions having trade, craft, or laboring experience and knowledge as the paramount requirement." More detailed guidance is contained in Section IV of the *Introduction to the Position Classification Standards*. In that section, the paramount requirement is defined as the essential, prerequisite knowledge, skills, and abilities needed to perform the primary duties or responsibilities for which the position has been established.

The Border Patrol's "civilian" aircraft are maintained in accordance with FAA regulations, standards, and specifications. The "military" aircraft are maintained in accordance with DOD and manufacturers' standards and specifications. There are [a number of] helicopters and [a number of] fixed wing aircraft presently assigned to the [appellant's] Sector. All except [certain] helicopters, which are military aircraft, are maintained in accordance with FAA regulations and procedures.

As indicated previously, the stated purpose of the appellant's job is to perform the full range of aircraft mechanic duties to include maintenance, repair, and inspection work on the assigned fixed and rotary wing aircraft. Part 91 (General Operating and Flight Rules) of the Federal Aviation Regulations (FAR) requires an annual inspection of an aircraft by a person who has an IA certification. Any return to service of an aircraft after major repair or major alteration, as defined in Part 43 (Maintenance, Preventive Maintenance, Rebuilding, and Alteration) of the FAR, must also be approved and documented by a person with IA certification. The periodic inspections called for by the agency's own policies and procedures (for example, 25- and 50-hour inspections, preventive maintenance, and minor repairs) may be performed and documented by an FAA-certified Airframe and Powerplant mechanic (A&P). The appellant contends that the inspection work requiring the FAA certifications as A&P and IA mechanics is the primary purpose of the job. He believes this is a regulatory function and that the maintenance and repair of the aircraft is incidental.

Section IV of the *Introduction to the Position Classification Standards* includes a discussion of inspection and similar positions. Positions involving inspection work are subject to the General Schedule when they primarily require knowledge and experience in administrative, professional, technical, or managerial work. The purpose of General Schedule work involves developing, installing, evaluating, modifying, designing, or administering quality assurance programs; performing inspections requiring the application of established scientific or engineering principles, techniques, concepts, methods, and procedures; or performing inspections for regulatory or law enforcement purposes. Inspection work is covered by the Federal Wage

System when the work requires trades and craft knowledge and experience, and the primary purpose of that work is to determine the need for repairs, modifications, replacements, or reconstruction needed for compliance with agency and safety requirements, specifications, blueprints, or technical orders.

The inspection aspects of the appellant's job align with the inspection work covered by the Federal Wage System as described in Section IV. The primary purpose of the appellant's inspections is to ensure that all repairs and modifications have been performed correctly and that such repairs meet agency and FAA requirements. The appellant's inspections also incorporate an ongoing necessity to ensure that the aircraft work is in conformance with specific requirements, quality checks, periodic examinations, or phase inspections to ensure airworthiness of aircraft. The appellant performs the inspection work based on his knowledge as an aircraft mechanic and experience for performing repairs to stringent criteria. As repairs are done, the appellant also performs routine inspections to see if there is anything else that needs attention. For example, he may need to investigate further to determine the cause for excessive wear or discoloration from heat. Based on knowledge of the aircraft and its systems, the appellant must open and remove inspection covers, access doors, etc., to provide visual and physical access to the systems and components that require inspection. Each required item must then be carefully examined, tested, or measured for wear, defects, proper operation, tolerances, etc., to assure safety of operation and compliance with maintenance standards. Items that require replacement, repair, adjustment, etc., must be noted and the condition corrected before the inspection can be completed and entered into the aircraft logbooks. In the appellant's work situation, the aircraft mechanics also perform the maintenance and repair work to satisfy those inspection requirements. The appellant's inspections are for safety purposes, that is, to ensure that work has been performed properly and the aircraft is safe to fly.

Part 65 of the FAR sets forth the requirements for certification of mechanics. An applicant for an A&P certificate must present evidence of at least 30 months of practical experience with the procedures, practices, materials, tools, and equipment used in constructing, maintaining, or altering both airframes and powerplants. If this experience is determined to be acceptable to the FAA, the applicant must then pass a written test pertaining to the construction and maintenance of aircraft and the regulations pertaining to certification of mechanics; maintenance, rebuilding, and alteration (Part 43); and general operating and flight rules (Part 91). After passing this written test, the applicant must then pass both an oral and practical test to demonstrate the basic skills required.

To be eligible for an IA, the applicant must have held an A&P rating for at least three years and have been actively engaged in aircraft maintenance for at least the past two years. The applicant must have a base of operations and the equipment, facilities, and technical data necessary to properly inspect airframes, powerplants, propellers, or any related part. The applicant must then pass a written test on the ability to inspect according to safety standards for returning aircraft to service after major repairs and major alterations and to perform annual and progressive inspections as indicated under Part 43. We find that the requirements for the A&P and IA certificates are clearly based on the trade knowledge.

The GS-1825 Aviation Safety Series was developed as a single agency standard used for positions in the FAA. It includes positions that involve developing, administering, or enforcing regulations and standards concerning civil aviation safety. This involves airworthiness of aircraft and aircraft systems; the competence of pilots, mechanics, and other airmen; and safety aspects of aviation facilities, equipment, and procedures. In addition to a broad knowledge of the aviation industry; general principles of aviation safety; and the Federal laws, regulations, and policies affecting aviation, employees in these positions apply intensive technical knowledge and skill in the operation, maintenance, or manufacture of aircraft. While the specialized experience requirements for maintenance inspector positions do include the appropriate type of aviation maintenance work experience, including supervisory experience, as well as a requirement for an A&P license; the purpose of these positions is to *develop, administer, and enforce* the regulations and standards relating to aviation safety. Typical assignments are (1) evaluating mechanics and repair facilities for initial certification and continuing adequacy; (2) evaluating training programs for mechanics; (3) inspecting aircraft and related equipment for airworthiness, particularly those that have undergone alteration or major repair; and (4) evaluating the maintenance aspects of air carrier and other commercial carrier operations. The GS-1825 series definition does not imply or lead to the assumption that positions covered by the series involve actual maintenance and servicing of aircraft. The purpose of the appellant's job is to perform maintenance, repair, and required inspections on Border Patrol's specific aircraft to *comply* with FAA regulations rather than to evaluate maintenance programs and develop, administer, and enforce regulations as is typical of GS-1825 positions.

In summary, we find that the appellant's job is properly covered by the Federal Wage System. The primary responsibility of the appellant's job is performance of the full range of aircraft mechanic work, including maintenance, repair, and inspection of the sector's assigned aircraft. Performance of that work requires trade knowledge, skills, and abilities, that is, a substantive knowledge of the airframe and the various aircraft systems and their interrelationship and the ability to test, troubleshoot, and accomplish the repairs needed in conformance with agency and FAA regulations. The appellant must have the ability to use the technical data, manuals, and instructions to accomplish maintenance and repairs in accordance with those guidelines.

## **Decision**

The appealed job is covered by the Federal Wage System.