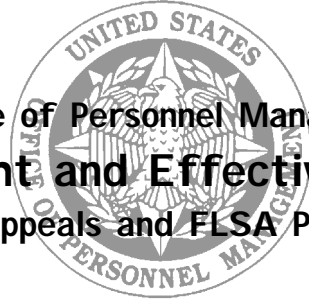


U.S. Office of Personnel Management
Office of Merit Systems Oversight and Effectiveness
Classification Appeals and FLSA Programs



Philadelphia Oversight Division
600 Arch Street, Room 3400
Philadelphia, PA 19106-1596

Classification Appeal Decision
Under Section 5346 of Title 5, United States Code

Appellants: [appellants' names]

Agency classification: Machinist Leader
WL-3414-10

Organization: Inside/Outside Machine Shop
Mechanical Group
Industrial Department
[activity name]
U.S. Department of Transportation
[activity location]

OPM decision: Machinist Leader
WL-3414-10

OPM Decision Number: C-3414-10-01

Robert D. Hendler
Classification Appeals Officer

/S/ 7-27-98

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 specified in section 532.705(f) of title 5, Code of Federal Regulations (address provided in appendix 4, section H).

Decision sent to:

[appellant's name]
[appellant's address]

Chief, Headquarters Civilian Personnel
Operations Branch
U.S. Coast Guard
2100 2nd Street, SW
Washington, DC 20593

[appellant's name]
[appellant's address]

Director of Personnel
U.S. Department of Transportation
400 7th Street, SW
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Introduction

On March 4, 1998, the Philadelphia Oversight Division of the U.S. Office of Personnel Management (OPM) accepted a job grading appeal from [appellants' names]. They occupy identical additional jobs currently graded as Machinist Leader, WL-3414. The appellants believe their jobs should be evaluated as Machinist Leader, WL-3414-12. They work in the Inside/Outside Machine Shop, Mechanical Group, Industrial Department, [activity name], [activity location]. [appellant's name] works on first shift and [appellant's name] works on second shift. We have accepted and decided their appeal under section 5346 of title 5, United States Code (U.S.C.).

In an undated letter received in this office on February 13, 1989, the appellants requested that we review the grading of their jobs. They challenged changes made to their position description as was originally written by their second level supervisor. We declined to accept and docket the appeal because the record did not show they had received a final agency appeal decision. We accepted and docketed their appeal after receiving a copy of the January 28, 1998, agency decision.

General issues

In their initial letter, the appellants maintain their position description (PD) of record as originally written by their second level supervisor was accurate in that they are responsible for leading all members of the shop staff. The record shows the appellants agree with most of the PD of record (PD #97025), but state it does not recognize:

The leaders in the Machine Shop have been assigned to lead all employees in the shop, which include Toolmaker WG-13, Machinist (CNC) Operator WG-12, Production Machinery Mechanic WG-11, Machinist WG-10, Machine Worker, WG-08, Machinist Helper WG-05, Inside and Outside Machinist Apprentices, and Work Study students.

This assignment and responsibility was given to us by the General Foreman of the Inside Machine Shop, [supervisor's name], competent management official, and subject matter expert.

The leaders accept the responsibilities, lead all employees of the shop, and perform all duties on a continuing, daily, and full time basis as a regular and recurring part of our job.

The appellants described the technological changes in the shop, including the introduction of "CNC Programming, electronically controlled machine tools, and highly accurate measuring instruments" in which both have become proficient. They claimed they trained co-workers in the knowledge and skills they had acquired from "manufacturer training facilities, local college programs, agency training, seminars, and technical literature. . . . at no additional cost to the employer." The appellants stressed the "numerous awards" they had received, and their "involvement in various initiatives introduced by yard management to streamline processes and provide total quality. We have received exceptional appraisals for the past many years." The appellants stressed their role in an environment with:

only one supervisor for 29 employees. The supervisor works the day shift with one leader and one leader leads the night shift without supervision.

Every day the foreman relies heavily on the day shift leader to provide leadership and guidance to all the men in the shop during his absence as he is required to attend production meetings, enter time and attendance, attend disciplinary hearings, conduct safety training, coordinate future work with customers, order materials and tooling, conduct ISO audits, attend shop meetings, etc.

During the nite shift the foreman relies entirely on the leader. He is responsible for performing all tasks required to ensure the continuity of jobs. He assesses, prioritizes, and assigns jobs to all personnel of the night shift. The night shift leader makes the proper adjustments or alterations, performs tests and provides technical advice including the time line for job completion that the customer requests or requires, including calibration of measuring and test equipment. The night shift leader is required to make supervisory type decisions on a regular basis.

Underlying the appellants' rationale is that they are performing work approaching that of a Federal Wage System (FWS) supervisor. In addition, they stressed the personal qualifications they use in performing their work. In a letter received in this office on June 25, 1998, [appellant's name] took issue with the internal agency evaluation of the appealed job and again stressed the technical knowledge, skill, and dedication to mission accomplishment involved in his work. During the on-site audit, the appellants claimed their jobs had not been upgraded like other leader jobs at the activity.

By law, we must grade jobs solely by comparing their current duties and responsibilities to OPM job grading standards (JGS's) and guidelines (5 U.S.C. 5346) and instructions. Other methods of evaluation, such as comparison to other jobs that may or may not have been graded correctly, are not authorized for use in grading a job. Like OPM, the appellants' agency must grade jobs based on comparison to OPM JGS's and guidelines. In managing their job grading programs, agencies have the primary responsibility for ensuring jobs are graded consistently with OPM appeal decisions. If the appellants consider their jobs identical, so similar to, or related to others that they warrant the same grade as assigned to their positions by this decision, they may pursue this matter by writing to the cognizant agency personnel office. In so doing, they should specify the precise organizational location, series, title, grade, duties, and responsibilities of the jobs in question. The agency should explain to them the differences between their jobs and the others, or grade those jobs in accordance with this appeal decision.

The job grading appeal process is a de novo review that includes a determination as to the duties and responsibilities assigned by management and performed by the appellant, and constitutes the proper application of JGS's to those duties and responsibilities. Therefore, the methods used by the agency in evaluating the appellants' jobs are not germane to this de novo review.

Duties and responsibilities assigned to jobs flow from the mission assigned to the organization in which they are located. The jobs created to perform that assigned mission must be considered in

relation to one another; i.e., each job reflects a portion of the work assigned to the organization. It is an established job grading principle that duties performed in the absence of another employee, to meet emergency workloads, or for training purposes to gain qualifying experience for higher graded jobs may not be considered “regular and recurring” for job grading purposes. Therefore, work performed in the absence of the supervisor may not be considered grade enhancing or controlling in evaluating the appellants’ jobs. Another established job grading principle is that only the effect of properly performed work is to be considered in the job grading process. Therefore, the size of the appellants’ workload and the quality of their work are not germane to the job grading appeal process.

We have evaluated the work assigned by management and performed by the appellants according to these job grading requirements. In reaching our decision, we carefully reviewed the information provided by both the appellants and their agency, including the appellants’ JD of record. In addition, we conducted an on-site audit with the appellants; [supervisor’s name], their second level supervisor; and [supervisor’s name], their third level supervisor, on July 14, 1998. At that time, [appellant’s name] was acting as the first level supervisor. We conducted a telephone interview with the appellants’ former first level supervisor, [supervisor’s name], on July 16, 1998. We find the PD contains the major duties and responsibilities assigned by management and performed by the appellants and is hereby incorporated by reference into this decision. As discussed in the Grade determination section of this decision, the PD requires correction concerning reporting relationships and functions.

Job information

The record shows the staff includes: 1 Toolmaker, WG-3416-13; 2 Machinists (CNC [computer numerically controlled] Operator), WG-3414-12 (hereafter referred to as CNC Operator); 1 Production Machinery Mechanic, WG-5350-11; 11 Machinists, WG-3414-10; 8 Machinist Workers, WG-3414-8; 2 Machinist Helpers, WG-3414-5; and 1 Machinist Helper Trainee, WG-3414-1. Our fact-finding revealed the staff was augmented by a limited number of temporary employees, including one CNC Operator, WG-3414-12. The PD, signed by the second level supervisor as current and accurate on February 28, 1997, reflected leadership of the entire staff as claimed by the appellants. The third level supervisor removed leadership of the Toolmaker, CNC Operator, and Production Machinery Mechanic (shown as Maintenance Mechanic WG-11 on the PD) from the PD and certified to its accuracy on March 21, 1997. The appellant on second shift leads one CNC Operator, one Machinist, WG-3414-10, and two Machinist Workers, WG-3414-8. Occasionally, a Machinist Helper, WG-3414-5 is assigned to second shift.

As discussed previously, job evaluation must consider the duties and responsibilities tasked to other positions in the organization. In their appeal rationale, the appellants claimed they are doing quasi supervisory functions because of the wide span of control of the first level supervisor and the absence of a supervisor on the second shift. The appellants stated the shop does not function in teams or groups. Each individual employee is assigned a job. The appellants claimed they: (1) determine when an employee should stop their current job and move to another with a higher priority; (2) accept jobs from customers to whom they also provide advice and assistance on such matters as material and labor requirements; (3) interpret and clarify job orders as they are assigned to shop staff members;

(4) “coordinate/time schedules” priorities with customers; (5) “research technical information” for the work orders or job specifics; (6) inspect in process and completed work; and, (6) select the proper material and/or grade “for all workers.”

Our fact-finding revealed the organization is in transition. The appellants previously occupied the two permanent CNC Operator jobs. Both remain heavily involved in training the employees who backfilled those jobs. The appellants discharge two major functions. They perform the full range of Machinist, WG-3414 work assigned to the shop, including CNC operation. They also provide a range of work leader duties to other shop employees that vary based on the functions performed. The Production Machinery Mechanic receives administrative support from the appellants. For example, the appellants assure that other shop personnel are available to operate the equipment to operationally test the equipment he has installed or repaired. They are not fully qualified to advise him in his trade area. These conditions agree with the Production Machinery Mechanic, WG-5350-11 PD of record (PD #96034) that states the first level supervisor provides minimal guidance, and the incumbent “plan, lays out, and completes work with little or no review during work progress although the Foreman spotchecks overall work for conformance with accepted trade practices.”

Although one appellant previously occupied a Toolmaker job, that PD (Toolmaker, WG-3416-13; PD #Y-2559) states the incumbent is expected to complete the work independently, and “supervises machinist, machinist (intermediate), apprentices and helpers who are assigned to work with him. He is responsible the satisfactory completion of his job within reasonable time limits; for the efficient and economical use of equipment and materials. . . .” The PD further states the Toolmaker “determines the specifications of the jig or fixture to be made. Selects suitable metal stock. Lays out the work. . . .” Given the authority and responsibility in the PD of record, certified as current and accurate, that is integral to its grading at the WG-13 level, we must conclude the appellants’ leadership responsibilities over this position are minimal. The Machinist (CNC Operator), WG-3414-12 PD (#95032) states:

assignments are received verbally and possibly accompanied by engineering plans, drawings and verbal/written as needed specifications. These are usually of the type which normally require independent review or judgment decisions, technical interpretations or translation and are corrected or adjusted by the worker to provide a functional component. When drawings and blueprints are provided, they are unusually difficult to read or interpret in that they consist of antiquated systems, illegible duplications, or a series of interrelated drawings and sketches of parts which will not be mechanically or economically feasible. . . . Directs machinist, workers, apprentices or helpers who are assigned to work with him. Responsible for suggesting and using alternate methods and procedures which contribute toward more efficient/economical machining operations, greater dimensional accuracy or savings in machining time. Work is reviewed only for conformance to accepted trade practices or work specifications.

Evaluation of this job at the WG-12 level is one grade above the highest level described in the Machinist, WG-3414 JGS. The WG-11 is the highest level described because it is the most

demanding work typically found in Federal activities. The WG-11 level in the JGS includes operating numerically controlled machine tools using multiple setups, in place machining of fixtures, debugging first-run programs, and making or suggesting changes to machine tool programs. At the WG-11 level, machinists function with independence of oversight and supervision described in PD #95032, and are depended upon for their judgment and decisions concerning the use of new machine tools for particular kinds of jobs. While the appellants may be training the personnel selected to backfill the CNC Operator jobs the appellants formerly occupied, we must assume this intervention is transitory given the freedom from direction and oversight that are critical to elevating PD #95032 one grade above the highest level in the published JGS. Therefore, we must conclude that the appellants' technical leadership responsibilities over these jobs will be minimal once their current occupants are acclimated fully to the job.

Our fact-finding revealed material list for major assignments are the responsibility of the first and second level supervisor. The first level supervisor discusses the scope of the work assignments for the shift, and tasks the appellants with leading the people and resources necessary to accomplish the assignment. The appellants then select the materials for actual use on the job from stock, and make decisions on substitute material or whether to make another cut if the first cut is bad. They provide technical suggestions to the staff if the appearance of machined parts does not meet ISO 9000 certification requirements, e.g., slow down revolutions per minute, increase feed, or put a radius on the end of the tool.

Work is accomplished within well established and articulated mission priorities. For example, dry dock work (water work) has priority. Work brought in by the supervisor of another shop which is holding up work in that shop (trades waiting) has second priority. Both have higher priority than work assigned to the shift by the Inside Shop supervisor. The first level supervisor leaves a work assignment "strawman" for the second shift. Deviations from that schedule follow the defined mission priorities. The second shift leader is expected to call the first level or second level supervisor if they believe the strawman is more important than work brought in by shops on the second shift. We were informed there were about 10 calls each week asking what should be done because necessary drawings were missing or the machine needed to perform the job was broken or someone had been injured. A supervisor must be called to authorize dismissal or the granting of leave.

The appellants are viewed by management as project leaders on their assigned shifts. As such, they are responsible for accomplishing the work with the assigned staff members, assuring the final product meets established standards of quality and quantity. Within this context, they are expected to assign the immediate tasks to be performed by the staff assigned to the project, work with them, set the pace, assure required resources, e.g., materials and blueprints, are available, discuss work problems with the supervisor as they arise, and perform similar working leader tasks.

Occupation, title, and standards determination

The agency has allocated the appellants' job as Machinist Leader, WG-3414 with which they have not disagreed and with which we concur. Therefore, we find the appealed job is allocated properly as Machinist Leader, WL-3414.

Grade determination

In FWS, grade levels of jobs are not determined by accumulation of grade levels of work performed, but by the highest grade of work that is regular and recurring as defined by established OPM job grading guidance. To be credited, a level in a JGS must be met fully.

Evaluation using the JGS for Leader WL/NL

The JGS for Leader functions as a pay setting instrument intended to establish the proper pay relationship between the leader demands of the WL job and the work force led. The JGS defines leader coverage criteria. If a job meets the Leader coverage criteria, the next step in the grading process is to determine the level of nonsupervisory work led as defined in the JGS.

Coverage

The JGS is used to grade jobs of leaders who, as a regular and recurring part of their jobs, on a substantially full time and continuing basis, lead three or more workers in accomplishing trades and labor work or training them in the nonsupervisory work of a trades and laboring occupation: i.e., Working Leaders and Training Leaders. The appellants' rationale stresses their training responsibilities. Training Leaders jobs are assigned ongoing programmatic training re-sponsibilities extending beyond the typical on-the-job training functions performed by Working Leaders in showing proper work methods and answering questions on procedures and policies. The appellants do not conduct the formal training processes covered by the Training Leader grading criteria, nor do they engage in training functions on a substantially full time and continuing basis as defined in the JGS.

We find the appellants' duties compare favorably with the Working Leader coverage criteria. Typical working leader duties are: (1) Passing on to other workers the instructions received from supervisors and getting work started, e.g., by assigning the immediate tasks to be performed by individual members of the group led; (2) Working along with other workers and setting the pace; (3) Showing proper work methods; (4) Seeing to it that needed plans, blueprints, materials, and tools are available, and that needed stock is obtained from supply locations; (5) Obtaining needed information or decisions from supervisors on problems that come up during the work; (6) Maintaining a current knowledge, and answering questions of other workers on procedures, policies, written instructions, and other directives (for example, technical orders); (7) Seeing to it that there is enough work to keep everyone in the work crew busy; (8) Checking work while in progress and when finished to see whether the supervisor's instructions on work sequence, procedures, methods, and deadlines have been met; (9) Urging or advising other workers to follow instructions received from supervisors, and to meet deadlines; (10) Assuring that safety and housekeeping rules are followed (for example, assuring that limits of safe machine operation are not exceeded and that all tools are used properly); (11) Reporting to supervisors on status and progress of work, and causes of work delays; and, (12) Answering questions of supervisors on overall work operations and problems (for example, concerning additional on-the-job training requirements for individual employees).

The coverage requirement of leading three or more workers is not an automatic threshold. Some jobs may exercise leader type responsibility but, because of the nature of the work performed in the organization, do not exercise the full scope of leader duties and responsibilities on a “full time and continuing basis.” For example, journey level carpenters, electricians, and other skilled trades and crafts employees may oversee three or more other FWS employees in accomplishing large work projects or assignments. In situations where highly skilled FWS employees work very independently, e.g., Toolmakers who work directly with scientists and engineers on complex fabrication issues, it is unlikely leader duties over the minimum number of nonsupervisory workers required for coverage will meet the “full time and continuing basis” threshold. As discussed previously, the second shift staff is limited in size. The very nature of the CNC Operator job, when functioning at the full performance level, should involve very limited direction and oversight.

Our fact-finding revealed that the appellant on the second shift, in addition to providing de facto working leader support to the two or three Outside shop staff members on that shift since they are without a leader or supervisor. This appellant also must shift work within established priorities as discussed previously. Shifting this work, and calling the first or second level supervisor when deviation from these priorities appears appropriate, does not meet the threshold for FWS supervision as posited by the appellants. Given the daily “strawman” and established priorities, these decisions reflect a somewhat more demanding work assignment and realignment responsibility to meet established supervisory instructions than typical of many working leading jobs. These two additional leadership demands permit us to conclude that the appellant on the second shift meets the “full time and continuing basis” test for coverage of his job by the JGS for Leader. Because the Toolmaker, WG-3416-13 and Production Machinery Mechanic, WG-5350-11 employees are on first shift, their work may not be considered in our analysis of the second shift appellant’s job.

Highest Level of Nonsupervisory Work Led

In applying the grading table to working leader jobs, the grade to be used usually is the grade of the highest level nonsupervisory employee in the group led (other than the leader). However, care must be taken to assure that this grade reflects the level of the nonsupervisory work actually led. The JGS provides three cautions. First, the grades of employees assigned to a work crew from a "pool" may reflect the level of their other work assignments rather than the work they do when they serve as members of the work crew. Second, the highest level employee assigned to the group led may do work in an occupation in which the working leader is not fully qualified. The level of such work should be used to grade the working leader job only where the leader, although not fully qualified, has enough knowledge of the occupation to lead the work involved, e.g., passing on instructions from the supervisor, assigning immediate tasks to be performed, showing work methods, checking work, and reporting to the supervisor on work status or cause of work delays. Third, the highest level employee, although assigned to the group, may receive little or no leadership from the working leader in performing his work, e.g., where the employees are "experts" in their work, or perform above the normal journey worker level of their occupation. Here, the grade of the highest level employee does not reflect the level of the nonsupervisory work actually led, and is not used to grade the working leader job. Only work where the leader performs all or most of the working leader duties described

in the JGS under Coverage of Standard discussed above may be considered in grading working leader jobs.

As discussed previously, the limited technical direction and control exercised over the Production Machinery Mechanic, WG-5350-11 job does not meet the minimum requirement, e.g., showing work methods, for crediting as the level of work led. The fact that one of the appellants previously occupied a Toolmaker, WG-3416 job and is qualified to lead that work does not control how the appealed job is considered in applying the JGS for Leader. First, that appellant is on second shift and the Toolmaker is on first shift, precluding consideration of the Toolmaker job in evaluating that appellant's job. Second, the basis of the grading of the Toolmaker job is that of an expert working directly with customers on complex fabrication issues. Thus, the very structure of that job precludes its use as the level of work led. Third, we find a limited amount of the work assigned to the Toolmaker job is at the grade level assigned. Our fact-finding revealed a large portion of that job's current work is devoted to calibrating pressure and temperature gages and similar non-electronic test equipment. Cross reference to the Electronic Measurement Equipment Mechanic, WG-2602 JGS shows that work would fall short of the WG-10 level described in that JGS based on the limited repairs and adjustments that can be made to gages and similar non-electronic equipment.

This fourth point brings us to another established job grading principle that must be considered in evaluating the appellants' jobs. The related JGS for FWS Supervisors cautions that rarely, if ever, should a single job be used as a basis for a base level grade determination because the work aspects of a single job fail to provide valid indicators as to the actual level and complexity of the work operations supervised and the difficulty and responsibility of the supervisor's job. This admonition parallels the cautions in the JGS for Leader discussed previously in this decision. The fact that the CNC Operator jobs are graded at the super-journey expert level one grade above the published Machinist, WG-3414 JGS and the limited number of such jobs on each shift preclude their use in determining the level of work led in the appealed jobs. Furthermore, the WG-11 level described in the Machinist, WG-3414 JGS is a premium journey level functioning with minimal guidance and oversight. Given these circumstances, we must conclude the level of work led creditable to these positions does not exceed the WG-10 level.

Summary

Applying established FWS and grading principles, we find the appellants' jobs are graded properly as Machinist Leader, WL-3414-10.