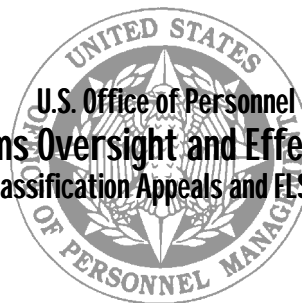


U.S. Office of Personnel Management  
Office of Merit Systems Oversight and Effectiveness  
Classification Appeals and ELSA Programs



Atlanta Oversight Division  
75 Spring Street, SW., Suite 972  
Atlanta, GA 30303-3109

**Classification Appeal Decision**  
**Under Section 5112 of Title 5, United States Code**

**Appellant:** [appellant's name]

**Agency classification:** Engineering Technician  
GS-802-9

**Organization:** Facility Engineering Division  
Facility Management Department  
Navy Public Works Center  
[city, state]

**OPM decision:** **This position is properly covered by the Federal Wage System.** The occupational series, title, and grade are to be determined by the agency.

**OPM decision number:** C-0802-00-04

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Kathy W. Day  
Classification Appeals Officer  
2/13/98

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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).

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 (5CFR 511.702). The servicing personnel office must submit a compliance report containing the corrected position description and a Standard Form 50 showing the personnel action taken within 30 days from the effective date of the personnel action.

**Decision sent to:**

[appellant's representative]

[name]  
Director, Human Resources Office  
Naval Base  
[address]

Mr. William Duffy  
Chief, Classification Branch  
Field Advisory Services Division  
Defense Civilian Personnel Management  
Service  
1400 Key Boulevard, Suite B-200  
Arlington, VA 22209-5144

Mr. David Neerman  
Director for Classification, Staffing and  
Compensation (OCPM Code C20)  
Office of Civilian Personnel Management  
Department of the Navy  
800 North Quincy Street  
Arlington, VA 22203-1998

## **Introduction**

On July 8, 1997, the Atlanta Oversight Division, Office of Personnel Management (OPM), accepted an appeal for the position of Engineering Technician, GS-802-9, Facility Engineering Division, Facility Management Department, Navy Public Works Center, [city, state]. The appellant is requesting that his position be changed to Engineering Technician, GS-802-11.

The appeal has been accepted and processed under section 5112(b) of title 5, United States Code. This is the final administrative decision on the classification of the position subject to discretionary review only under the limited conditions and time outlined in part 511, subpart F, of title 5, Code of Federal Regulations.

## **General Issues**

This appellant is part of a group appeal from engineering technicians at the Navy Public Works Center who perform work in various specializations. Information furnished with the group appeal compares their GS-9 positions with other engineering technician positions at the same location whom they believe are performing the equivalent or lower level work but are classified at a higher grade. Copies of position descriptions were provided for two Mechanical Engineering Technician, GS-802-11, positions; one Electrical Engineering Technician, GS-802-11, position; and one Electronics Engineering Technician, GS-856-11, position. Although the GS-11 position descriptions are certified by a management official, none have a classification certification or a position description number on the Optional Form 8. A certification by a management official certifies the accuracy of the position description which represents the official record of the duties and responsibilities assigned to a position. However, a classification certification indicates the position description has been placed in its proper class, title and grade in accordance with the OPM classification standards and guidelines by a person delegated classification authority. Since the GS-11 position descriptions lack a classification certification, the duties and responsibilities are not an official record of duties and responsibilities, have not been properly classified, and are neither reviewable nor appealable under the classification appeal process. Additionally, by law, we must classify positions solely by comparing their current duties and responsibilities to OPM standards and guidelines (5 U.S.C. 5106, 5107, and 5112). Since comparison to standards is the exclusive method for classifying positions, we cannot compare the appellant's position to others as a basis for deciding his appeal.

In reaching our classification decision, we have carefully reviewed all information furnished by the appellant's representative, the appellant, and the agency, including information obtained from telephone interviews with the appellant and his supervisor.

## **Position Information**

The appellant is assigned to Position Number 7L145. The appellant, supervisor, and agency have certified to the accuracy of the position description. However, during telephone interviews, both the appellant and the supervisor identified several instances where the position description did not accurately reflect the responsibilities of the position. For example, under section A. Initial Assessment, Planning, and Estimating, the position description states that the appellant "Investigates,

analyzes, and resolves problems pertaining to the design, installation, maintenance, operation or repair of electrical systems.” Based on our interviews, the appellant is not involved in working with any aspect of the installation’s electrical systems. Similarly under section C. Inspection, Investigation, and Quality Assurance, the position description indicates that the employee in this position “may be called upon for consultation with shop forces to investigate cases of repeated equipment failure due to improper maintenance, installation, age or type of equipment to determine cause and proper courses of action required to remedy the situation. Using knowledge of systems under contract, the incumbent provides input and assistance to the supervisor in preparing maintenance service estimates for the next year, based on actual maintenance and repair of equipment.” Again, the appellant is not involved in this type of activity.

The appellant’s work involves preparing job plans and cost estimates in connection with pest control. This includes establishing pest control maintenance schedules, removing pests, and taking preventive measures to keep pests out of equipment and buildings. The appellant must be licensed and certified for pest control. According to the supervisor, the paramount requirement of this position is knowledge of pest control procedures and techniques.

The appellant receives direction from the Supervisory Engineering Technician, GS-802-11. The appellant establishes his own priorities and works independently. Unusual problems are discussed by the appellant and the supervisor. The appellant determines the technical requirements of the job plans, methods, materials, and cost estimates. The supervisor provides minimal technical assistance and completed work is reviewed for quality, timeliness, and adherence with instructions, guidelines, and policy.

### **Standards Determination**

Engineering Technician Series, GS-802, June 1969.  
 FWS Job Grading Standard for Pest Control, WG-5026, August 1987.  
Introduction to the Position Classification Standards, Section IV.

### **Pay System Determination**

The appellant requests a higher grade in the General Schedule (GS). Our review found it necessary to determine, first, whether the position is properly covered by the GS or the Federal Wage System (FWS). Section 5102(c)(7), title 5, United States Code, exempts from coverage under the GS 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.”

The “paramount requirement” of a position refers to the essential, prerequisite knowledge, skills, and abilities needed to perform the primary duty or responsibility for which the position has been established. Whether particular types of positions are trades, crafts, or manual labor occupations

within the meaning of title 5 depends primarily on the facts of duties, responsibilities, and qualification requirements, i.e., the most important, or chief, requirement for the performance of a primary duty or responsibility for which the position exists. If a position clearly requires trades, crafts, or laboring experience and knowledge as a requirement for the performance of its primary duty and this requirement is paramount, the position is under the FWS regardless of its organizational location or the nature of the activity in which it exists.

The GS-802 series includes technical positions that require primarily application of a practical knowledge of the methods and techniques of engineering and the construction, application, properties, operation, and limitations of engineering systems, processes, structures, machinery, devices, and materials. This series includes positions performing nonprofessional technical work in functions such as research, development, design, evaluation, construction, inspection, production, application, standardization, and test or operation of engineering facilities, structures, systems, processes, equipment, devices, or materials.

In comparison, the 5026, Job Grading Standard for Pest Controller, is used to grade nonsupervisory work involved in the control and prevention of insect pests (roaches, ants, etc.), vertebrate pests (rodents, birds, etc.), and plant pests such as weeds, plant diseases, and fungi. Pest Controllers make visual inspections for pests or evidence of their presence, mix and apply pesticides, and accomplish specialized pest control procedures in accordance with product label directions, handbooks, training texts, and regulatory requirements. The work may be performed in urban, rural, industrial, residential, and institutional settings, both in and around buildings, as well as in open fields, and aquatic, marshy, and forested areas. The work requires knowledge of pest species and the ability to locate and recognize them, skill in the use and handling of toxic materials, and knowledge of effective and environmentally sound preventive measures and techniques of pest control. In accomplishing the work, pest controllers must be able to use both manual and power tools and equipment such as ultra low dosage hydraulic and hand sprayers, subslab injectors, dusters, pneumatic roto hammers, animal traps, and other devices.

According to the appellant and his supervisor, the regular and recurring work of the appellant's position requires knowledge of pest species and the ability to locate and recognize them, and knowledge of effective and environmentally sound preventive measures and techniques of pest control. Approximately 98 percent of his time is spent developing estimates for pest control services and maintenance. The appellant provided samples of his most complex recent assignments, such as:

- ▶ Prepared an estimate on requested pest control services for the Little Creek Amphibious Base located in Norfolk, Virginia. The estimate was used to bid on a contract for performing various types of pest control services, surveillance and monitoring and inspection services as described utilizing integrated pest management. Part of the estimate included costs of removal of existing pests, as well as routine service calls to provide services to control and eliminate rodents, arthropods (cockroaches, ants, spiders, bees, etc.), mosquito larva, adult mosquitos, birds, subterranean termites and others as required.

- ▶ Prepared an estimate for termite treatment and yearly termite inspections for approximately 866 housing units at the [activity] located in [city, state].
- ▶ Developed a job plan to perform mosquito control service at the Craney Island Fuel Depot. The plan included oil water separators and spraying insecticide to control mosquitos weekly for 26 weeks. All services had to comply with Federal, State, and EPA regulations and laws.
- ▶ Prepared a job plan for all of the pest control services to be performed at Oceana Naval Air Station, Virginia Beach, Virginia.

The appellant must be certified in pest control. Certification requirements are intended to assure that employees possess the appropriate knowledge, skills, and other qualifications needed for competent and safe performance of pest control work. Even though the appellant does not actually handle pesticides, he is still required to be certified since the paramount requirements of the position are to locate and recognize pest species and to develop workplan estimates which contain effective and environmentally sound preventive measures and techniques for controlling pests. The regular and recurring assignments determine the job's classification, and the appellant's assignments are compatible with trade work. The appellant's trade expertise is in pest control, and his knowledge in this area is the paramount requirement of his position. Technical functions typical of engineering technician positions are clearly not found in the appellant's position.

### **Summary**

We conclude that the paramount requirement for this position's existence is the performance of work which requires the application of knowledge and experience typical of the FWS. Therefore, the position is excluded from the GS.

### **Decision**

This position is properly classified by the FWS. The proper occupational series, title, and grade are to be determined by the agency. This decision constitutes a classification certificate which is mandatory and binding on all administrative, certifying, payroll, disbursing, and accounting officials of the Government.