

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

Dallas Oversight Division
1100 Commerce Street, Room 441
Dallas, TX 75242

Job Grading Appeal Decision
Under section 5346 of title 5, United States Code

Appellant: [appellant]

Agency classification: Tractor Operator
WG-5705-06

Organization: [name] National Cemetery
Memorial Network Service II
National Cemetery Administration
Department of Veterans Affairs
[location]

OPM decision: Tractor Operator
WG-5705-06

OPM decision number: C-5705-06-01

/s/

Bonnie J. Brandon
Classification Appeals Officer

February 7, 2003

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

Decision sent to:

PERSONAL

[name and address of appellant]

Human Resources Officer
Veterans Affairs Medical Center
[address]

Deputy Assistant Secretary for Human Resources Management (05)
Department of Veterans Affairs
810 Vermont Avenue, NW., Room 206
Washington, DC 20420

Introduction

The Dallas Oversight Division of the U.S. Office of Personnel Management (OPM) accepted a job grading appeal from [appellant] on September 24, 2002. We received the agency's administrative report on November 8, 2002. The appellant's job is currently graded as Tractor Operator, WG-5705-06. The appellant works in the [name] National Cemetery, Memorial Network Service II, National Cemetery Administration, Department of Veterans Affairs, at [location]. Believing his job should be graded at the 7 level, he first appealed to the Department of Veterans Affairs' Office of Human Resources Management. Their decision, issued on September 6, 2002, sustained the pay plan, occupational code, and grade of the position. His appeal has been accepted as timely and decided under section 5346 of title 5, United States Code.

We conducted telephone audits with the appellant on December 10, 2002, and January 6, 2003. We also interviewed his immediate supervisor by telephone on December 20, 2002, and January 10, 2003. In deciding this appeal, we fully considered audit findings and all the information of record provided by the appellant and his agency, including current work assignments and the official job description (JD), number [number].

Job information

The appellant works at the [name] National Cemetery under the supervision of a Cemetery Administrator physically located 70 miles away at the [name] National Cemetery in [location]. [location] National Cemetery has approximately 8.2 developed acres and all acreage is developed. Space is available only for cremated remains, but there are provisions for casketed remains in the same gravesite as previously interred family members. A Cemetery Caretaker, WG-4754-05, is also assigned to the [name] cemetery and assists the appellant with his duties.

The appellant believes his current JD fails to address duties he said he performs at interments and special gatherings, e.g., greeting visitors, distributing literature, and answering general questions. In a statement dated September 17, 2002, the appellant said that he "...perform(s) cemetery representative duties on a regular and recurring basis, because there is no cemetery director assigned to this job site." Section II.C.3 of Part 1 of the *Job Grading System for Trades and Labor Occupations* indicates that duties performed in another employee's absence cannot be considered in grading a job. These duties are generally referred to in the customer service part of the appellant's JD. Our fact-finding revealed that the appellant's immediate supervisor, who is recently assigned, intends for these duties to be primarily performed by himself or someone on his staff in the future.

The appellant operates a tractor in the performance of a full-range of grounds maintenance duties, in the preparation of interments and disinterments, and in the occasional reparation of sunken graves. In addition, during periods when not involved in these activities, the appellant performs a range of gardening tasks, including but not limited to, tending, mowing, watering, fertilizing, spraying, pruning, and trimming on cemetery grounds. The appellant operates a variety of equipment to accomplish these functions. The JD and our fact-finding revealed that the appellant operates not only Kubota and Bobcat tractors with a backhoe attachment but also a dump truck, a sod cutter, a tiller, lawn mowers, edge and hedge trimmers, pressure washers, and

backpack sprayers. The appellant also operates a pickup truck with a payload capacity of ½ ton to pick up supplies at vendors usually located within a five-mile radius of the cemetery. The appellant very rarely drives longer distances. The appellant has a government credit card for purchases of less than \$5000. Typical examples of the appellant's purchases include office supplies, fuel, maintenance parts, fertilizer, and hardware equipment.

The appellant's official JD and other material of record furnish much more information about his duties and responsibilities and how they are performed.

Occupation, title, and standard determination

The appellant's job involves performing work in several wage grade occupations, typical of cemetery caretakers. The 4754 Cemetery Caretaking occupation covers jobs involved in the maintenance and upkeep of cemeteries, requiring the use of a variety of trade practices associated with occupations such as motor vehicle operating, gardening, tractor operating, laboring, and fork lift operating. Nonetheless, the primary purpose of the appellant's position is the safe operation and routine maintenance of a tractor. Guidance in Section III of the *Job Grading System* states that jobs requiring the performance of work in two or more occupations are coded to the occupation that is most important for recruitment, selection, placement, promotion, or reduction-in-force purposes. This is ordinarily the occupation having the highest skill and knowledge requirements. The duties performed by the appellant that are most important in terms of recruitment and selection and that require the highest level of skill and qualifications (as explained in the following section on grade determination) are those involving operating a tractor.

The 5705 Tractor Operator occupation covers jobs involved in operating wheel-mounted tractors and towed or attached equipment to maintain grounds. The work performed typically includes transporting materials and equipment, digging, loading, planting, spraying, fertilizing, harvesting, clearing, or mowing. The appellant's duties are properly evaluated using the Job Grading Standard (JGS) for Tractor Operator, 5705.

Jobs covered by the 5705 occupation are titled Tractor Operator. The appellant's job is properly titled and coded as Tractor Operator, WG-5705.

Grade determination

The grade of a mixed job, such as the appellant's, is based on duties that (1) involve the highest skill and qualifications of the job and (2) are a regular and recurring part of the job, even if the duties involved are not performed for a majority of the time. We compared duties performed by the appellant that do not involve operation of a tractor against applicable job grading standards and found that none of these duties exceed the WG-5 grade level. Since these duties do not represent the highest skill and qualifications requirements of the appealed job, we do not discuss them further in the decision.

The 5705 standard uses the following four factors to determine grade level: skill and knowledge; responsibility; physical effort; and working conditions.

Skill and knowledge

Grade tractor operators have skill and knowledge in manipulating both tractor and equipment controls at the same time. They are skilled in operating tractors and equipment between shrubs and trees, along fences and curbs, in snowy or marshy areas, and in areas where tree limbs, bushes, and rocks are more likely to cause clogging and jamming of equipment. They may also have skill in seeding operations that require straight, uniform rows. Some grade 6 operators have skill in operating backhoes and front-end loading devices to move trees, dig ditches, load and unload soil, and perform other tasks associated with grounds maintenance. Operators at this level use their knowledge of the equipment capabilities of the tractor and towed or attached equipment to determine power requirements for various soil conditions and to determine safe operating speeds.

In contrast, grade 7 tractor operators operate the same type of tractors and attached or towed equipment, but on steep hills or in rough terrain where the danger of overturning the tractor equipment is significant. The terrain conditions require a greater level of skill and knowledge in order to compensate for rough terrain features such as steep hills, ravines, holes, and ditches. Some tractor operators at this level have skill in backhoe-equipped tractors, manipulating controls for close-tolerance projects. Also, grade 7 tractor operators use front-end loading devices on steep slopes and banks.

We find the appellant's duties reflect the skill and knowledge required at the grade 6 level. Consistent with the 6 level, the appellant manipulates both tractor and equipment controls at the same time. The appellant's use of a Bobcat tractor with a backhoe attachment to dig graves is found at the grade 6 level. The appellant operates the tractors on flat terrain for various purposes, including the fertilizing of cemetery grounds and in the loading of dump trucks with dirt from the back filling of graves. Comparable to grade 6 operators, the appellant operates the tractor on cemetery grounds, maneuvering around tombstones and trees, and being careful to avoid jamming equipment with tree limbs, bushes, rocks, and other obstructions.

The skill and knowledge required of the appellant's tractor operation duties are not comparable to work at the grade 7 level. The appellant said the cemetery terrain is basically flat with one hill sloping at a 45-degree angle. Work at the grade 7 level involves working under more difficult operating conditions on rough terrain. None of the information in the record or that obtained during discussions with the appellant or his supervisor indicates the appellant works under such conditions.

This factor is credited at the grade 6 level.

Responsibility

Grade 6 tractor operators receive written and oral work assignments from a supervisor or a higher grade worker and perform duties according to established methods. They receive special instructions such as the depth to plow a field or dig a ditch, spacing between furrows, and depth to plant a crop. They work from detailed instructions such as type of fertilizer to use or kind of seed to dispense. They have greater responsibility than the grade 5 operators for selecting

appropriate gears, power settings, and speeds for equipment based on soil conditions. They make judgments concerning equipment operations such as lift capacity, weight, and balance of a backhoe and its load. They are responsible for routine operator maintenance and safe operation on public roads and at the work site. The work is spot checked after completion to ensure compliance with instructions and standard operating procedures.

Work at the 7 level is assigned in a similar fashion and typically is on a project basis leaving most of the details to the discretion of the tractor operators. Operating on difficult terrain requires more frequent and demanding judgments than at the grade 6 level. Grade 7 tractor operators assess terrain requirements and the stability of tractors and equipment and are responsible for choosing proper gears, speeds, and angles of turn required to accomplish the work and avoid overturning the tractor. They are responsible for performing operator maintenance on the tractor with increased frequency due to the nature and location of work in remote areas.

The appellant's tractor operator responsibilities compare closely to the grade 6 level in that he must make operating decisions typical of work performed on flat or rolling terrain. The appellant works under the general supervision of the Cemetery Administrator, but because of the physical distance between the cemeteries, the appellant is responsible for completing most assigned tasks independently. Like operators at the 6 level, the appellant receives written and oral work assignments from his supervisor. The supervisor discusses daily work assignments with the appellant and the Cemetery Caretaker during telephone conversations each morning. Similar to the 6 level, the supervisor will periodically check to ensure the appellant's work is accomplished in compliance with instructions and standard operating procedures. Also consistent with this level, the appellant is guided by instructions issued by the National Cemetery Administration, which addresses, among other things, the proper dimensions of a grave.

The grade 7 level of responsibility is predicated upon dealing with assignments that require the application of grade 7 level skills and knowledges. The grade 7 level is not met inasmuch as the appellant is not responsible for operating the tractor on steep and rough terrain, which would require the appellant to make more frequent and difficult judgments than those required of grade 6 operators. The appellant does not have to make critical judgements such as speeds, stopping distances, and load capacities; nor is he required to estimate the steepness of slopes, the stability of the tractor, and the proper gears.

This factor is evaluated at the grade 6 level.

Physical effort

At the grade 6 level, work requires additional effort than at lower levels in operating equipment controls and in making more frequent arm and leg movements. The physical effort at the grade 7 level is characterized in the JGS by additional effort being required to operate the tractor in manipulating equipment controls in order to compensate for difficult terrain. Grade 7 tractor operators also perform more exacting work, such as digging with a backhoe to close tolerances, requiring considerable manipulation of controls.

The physical effort required of the appellant is comparable to the grade 6 level, where the effort required to operate the tractor requires frequent arm and leg movements. Even though the appellant uses a backhoe attachment to dig graves, we find no indication that he is required to expend extra effort to maintain his balance and position at the controls to compensate for difficult terrain. Therefore, the appellant's physical effort does not match the grade 7 level.

This factor is assessed at the grade 6 level.

Working conditions

The appellant performs his tractor operator duties primarily outside in all kinds of weather conditions and on basically flat terrain. The appellant is also exposed to a high level of noise, vibrations, and jolts from the tractor. Because he performs a variety of duties ranging from interment preparation to cemetery grounds maintenance, the appellant may be exposed to chemical dust, sprays, dirt, grease, and fumes. The appellant's working conditions are a precise match for the description in the JGS at the grade 6 level. In addition to working conditions at the grade 6 level, some grade 7 tractor operators work on steep slopes and in rough terrain and may be subject to injury from falls or overturned tractors and equipment. We do not find that the appellant must work on steep slopes and in rough terrain, which would put the appellant at greater risk of injury from falls and overturned tractors and equipment, as envisioned at the grade 7 level.

This factor is evaluated at the grade 6 level.

Decision

All four factors are assessed at the 6 level based on application of the 5705 JGS. The appellant's job is properly graded as Tractor Operator, WG-5705-06.