

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

Atlanta Oversight Division
75 Spring Street, SW., Suite 1018
Atlanta, GA 30303-3109

Pay Category Appeal Decision
Under section 5103 of title 5, United States Code

Appellant: [Appellant]

Agency classification: Forestry Technician
GS-462-05

Organization: Forest Service
U.S. Department of Agriculture

OPM decision: Properly assigned to the
General Schedule

OPM decision number: C-0462-00-01

/s/ (Type the signer's name here.)

Virginia L. Magnuson
Classification Appeals Officer

December 4, 2001

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]

[Personnel Officer]

Ms. Donna D. Beecher
USDA-OHRM-OD
U.S. Department of Agriculture
J.L. Whitten Building, Room 402W
1400 Independence Avenue, SW.
Washington, DC 20250

Introduction

On August 1, 2001, the Atlanta Oversight Division of the Office of Personnel Management accepted a pay category appeal from [appellant]. He occupies a position as Forestry Technician, GS-462-05, [organization], Forest Service, U.S. Department of Agriculture, [geographic location]. The appellant believes that his position should be placed in the Federal Wage System (FWS) as either Carpenter, WG-4607, or as Engineering Equipment Operator, WG-5716. This appeal has been accepted and processed under section 5103 of title 5, United States Code (U.S.C.). We received a complete administrative report from the agency on September 27, 2001.

General issues

The appellant is contesting the agency's placement of his position in the General Schedule (GS) pay system. He maintains that his primary duties involve the performance of trades or crafts work (carpentry, electrical, masonry, and heavy equipment operation). He maintains that coverage under the FWS is warranted since these duties are the primary reason for the existence of his position and require trades or crafts experience and knowledge.

An Atlanta Oversight Division representative conducted telephone interviews with the appellant, his immediate supervisor, his second level supervisor, and the Recreation Staff Officer. This appeal was decided by considering the audit findings and all information of record furnished by the appellant and his agency, including his official position description.

Position information

The [sub-organization] District provides a sizeable recreational program for the public in the [organization]. Its recreational facilities include one highly developed site with hot showers; a beach; a day use area; a sewage treatment system; a visitor center; two fishponds with handicapped accessible trails; and other amenities in a number of dispersed undeveloped areas. The District's trail system includes more than 300 miles of multiple use trails for hikers and horseback and mountain bike riders, and more than 30 miles of off-road vehicle trails.

The appellant's primary duties are to provide forestry technician support for the recreational trails program, and to a lesser extent, the fire and range programs in the [sub-organization]. In this capacity, he provides technical expertise related to the inventorying, layout or placement, construction, rehabilitation, and maintenance of the District's trail system and related recreational facilities to established Forest Service standards. He scouts sites for the construction of new or relocation of old trails; determines the best placement, layout and routing for trails; and ensures that the degree of slope is within established limits and trails meet handicapped accessibility standards. The appellant flags selected trail routes for work crews; conducts surveys to identify and plot the location of terrain features; determines the equipment needed to accomplish the work (hand tools, power tools, heavy equipment, etc.); and installs drainage structures. He collects and compiles information related to the District's assets for inclusion in data management systems for inventory tracking, budgeting, and planning purposes. This information covers items such as timber, roads, structures, condition and value of assets, and maintenance and replacement costs. The appellant occasionally monitors and inspects the work

of volunteers from trail user or scouting groups who build and maintain segments of trails including replacing water diversion structures; removing downed trees or those that present a fall hazard; removing rocks; blazing trees; painting structures; spraying herbicides; and repairing damage caused by off-road vehicles.

The appellant also performs duties involving carpentry, electrical, and masonry work and heavy equipment operation during the construction, rehabilitation, and maintenance of trails, bridges and abutments, buildings, and other recreational facilities in the district. These activities are the outgrowth of steps taken by the organization's management to deal with reductions in recreational program funding. To reduce salary costs and avoid a potential reduction-in-force, management chose, when employees have the skills, to use employees rather than contractors to accomplish projects. Funds normally used to pay contractors are then used to help pay employee salaries. Discussions with the appellant's immediate supervisor, his second level supervisor, and the Recreation Staff Officer revealed that, to one degree or another, any employee could be involved in the trades or crafts work on these projects. The appellant possesses trades and crafts knowledge and performs work of this nature. The project work, however, is not the appellant's primary responsibility, and the trades and crafts experience and knowledge are not the paramount requirements of his position.

Pay category determination

Section 5102 of 5 U.S.C. requires that a pay category determination be made as the first step in the position classification process. Section 5102(c)(7) exempts from the GS employees in recognized trades or crafts, or other skilled mechanical crafts, or unskilled, semiskilled, or skilled manual labor occupations, and other employees in positions having trade, craft, or laboring experience and knowledge as the paramount requirement. The OPM *Introduction to the Position Classification Standards* defines paramount requirement as 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 most important requirement for the performance of a primary duty or responsibility for which the position exists. If a position clearly requires trade, craft, or laboring experience and knowledge as a requirement for the performance of its primary duty, the position is under the FWS regardless of its organizational location or the nature of the activity in which it exists.

The *Introduction* goes on to say that "A position is exempt from the General Schedule if its primary duty involves the performance of physical work which requires knowledge or experience of a trade, craft, or manual labor nature," and that "A position is subject to the General Schedule, even if it requires physical work, if its primary duty requires knowledge or experience of an administrative, clerical, scientific, artistic, or technical nature not related to trade, craft, or manual labor work."

In cases where it is difficult to determine the paramount purpose of the position, it may be necessary to consider several factors in making the distinctions. For example, the nature of the organization may give some indication of the predominant character of the work that is most likely to be assigned. Additionally, the level and time spent on the various duties of the position,

management's intent in creating the job, the relationship of the job to others in the organization and the line of future promotion for employees in the job are also indicators for determination of the paramount duties.

The appellant's primary and paramount duties flow from the mission and function of the organization in which he works. These duties involve providing forestry technician support for the construction and maintenance of the District's recreational trails program. This work requires knowledge of technical methods, procedures, processes, and regulations related to recreation area operations and the construction and maintenance of recreational trails. The appellant's work requires applying knowledge of established agency approaches and protocols to support the management, protection, and development of forest resources and is typical of work covered under the GS.

Decision

The appellant's position is properly covered by the GS.