

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

San Francisco Oversight Division
120 Howard Street, Room 760
San Francisco, CA 94105-0001

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

Appellants: [The appellants]

Agency classification: Hazardous Waste Disposer
WG-6913-7

Organization: [The appellants' organization]
U.S. Department of the Navy

OPM decision: Hazardous Waste Disposer
WG-6913-7

OPM decision number: C-6913-07-01

Carlos A. Torrico
Classification Appeals Officer

July 11, 2000
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 the Introduction to the Position Classification Standards, appendix 4, section H).

Decision sent to:

Appellant:

[The appellants' addresses]

Agency:

[The appellants' servicing personnel office]

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Introduction

On October 21, 1999, the San Francisco Oversight Division of the U.S. Office of Personnel Management (OPM) received a job grading appeal, forwarded to OPM from their servicing human resources office, from [the appellants]. Their jobs are currently classified as Hazardous Waste Disposer, WG-6913-7. However, they believe that their duties and responsibilities warrant a higher grade level. Prior to appealing to OPM, the appellants appealed to the Department of Defense. In an appeal decision dated September 14, 1999, the Department of Defense sustained the current classification. The appellants work in the [appellants' organization and installation], U.S. Department of the Navy. We have accepted and decided their appeals under section 5346 of title 5, United States Code (U.S.C.).

General issues

This appeal decision is based on a thorough review of all information submitted by the appellants and their agency, a telephone interview with one of the appellants, and interviews with their first and second level supervisors. Both the appellants and their supervisor have certified to the accuracy of the appellants' official job description (number QN04401000). However, our review disclosed that the appellants no longer perform the duties discussed under the "Spill and Decontamination Section", including operation of a small recovery boat, addressed on the last page of the job description. These duties are now performed by the local fire department and an emergency response team contractor from [name of local city]. Therefore, the agency should remove those duties from the job description.

The appellants believe that their training, skills and certifications enhance the complexity of their work. However, the requirement that employees be licensed or certified to perform work cannot affect the grades of their jobs (section II.C.2.d of the Job Grading System, Part 1). They also make various statements about their agency and its evaluation of their jobs. In adjudicating this appeal, our only concern is to make our own independent decision on the proper classification of their jobs. By law, we must make that decision solely by comparing their current duties and responsibilities to OPM standards and guidelines (5 U.S. Code, Section 5346). Therefore, we have considered the appellants' statements only insofar as they are relevant to making that comparison.

Job information

The appellants work in the [name of appellants' organization]. The Branch manages a program for the recovery, control, and disposition of hazardous waste, while ensuring compliance with federal, state and local environmental protection regulations. The appellants' primary duties consist of (1) inspection and identification of hazardous waste received from waste generators, (2) packaging, labeling, transporting and treatment of hazardous waste, (3) operation and inspection of hazardous waste storage areas, and (4) preparing records and documentation of inventories, and completing inspection forms and logs for stored hazardous waste. In order to carry out some of their primary duties, the appellants must also operate a pump truck to pickup, transport and dispose of liquid waste, and use a fork lift truck to move and store containers holding hazardous waste.

The appellants' job description, other material of record, and the results of our interviews furnish much more information about their duties and responsibilities and how they are performed.

Series, title, and standard determination

Based on the duties summarized above in the "Job information" section, we find that the appellants' work is properly classified in the Hazardous Waste Disposing, 6913, occupation. As described in the job grading standard for Hazardous Waste Disposing, 6913, (dated December, 1997, reissued in HRCD-7, July 1999), and similar to the appellants' work, jobs in the 6913 occupation are involved in identifying, collecting, processing, stabilizing, neutralizing, consolidating, and/or separating hazardous waste in preparation for disposal. The work requires knowledge of hazardous waste identification techniques and safe processing and packaging procedures. Like the appellants' duties it also requires an understanding and practical application of environmental rules and practices regarding the full range of hazardous waste material treatment and disposal procedures. Like jobs coded to the 6913 occupation, the primary purpose of the appellant's work is the collection and preparation of hazardous waste for disposal. Their work is performed under a wide range of regulatory and environmental requirements and is performed in an industrial setting. The appellants' jobs are properly classified in the 6913 occupational series, and titled Hazardous Waste Disposer.

In their appeal the appellants contend that they perform a variety of duties containing elements of a number of different occupational series which their agency did not consider in classifying the jobs. These include Fuel Distribution System Operating, 5413, Utility Systems Operating, 5406, Electroplating, 3711, Pest Controlling, 5026, Materials Expediting, 6910, Environmental Protection Specialist, GS-0028, etc. However, our review disclosed that the appellants do not perform the full scope of duties typically performed in any of those occupations, and they do not apply the breadth of skill, knowledge and responsibility needed to perform work in those occupations. In addition, the paramount knowledge and skills required to perform their primary duties are those of trades and crafts, and thus their work is properly assigned to the Federal Wage System (FWS). We note that in order to transport and store liquid hazardous waste, the appellants must operate a Class B size pump truck, and a fork lift truck. Operation of these vehicles is incidental to their primary duties previously discussed. Based on our fact-finding concerning the type of pump truck used (i.e., size and weight, load size, braking system), the knowledge and skill needed to operate it over a variety of roads, as well as the level of responsibility exercised, we find that by application of the grading criteria in the job grading standard for Motor Vehicle Operator, 5703, these duties would not exceed the WG-7 level. Moreover, by application of the grading criteria in the standard for Fork Lift Operator, 5704, their level of skill, knowledge and responsibility would not exceed the WG-5 level. Therefore, we have not evaluated the incidental motor vehicle and fork lift operator duties separately in this evaluation because they are not grade controlling. The 6913 job grading standard contains grading criteria which is appropriate for grading the appellants' duties, as discussed below.

Grade determination

The job grading standard for Hazardous Waste Disposing 6913 identifies and describes key characteristics which are significant for distinguishing between levels of work. It evaluates grade levels by considering four factors: Skill and Knowledge, Responsibility, Physical Effort, and Working Conditions. These four factors are addressed below and compared to the appellant's job.

Skill and Knowledge

As described on page 7 of the 6913 standard, grade 7 hazardous waste disposers have detailed knowledge of stabilizing and neutralizing procedures. They exercise skill in separating, combining and transporting hazardous chemicals and substances, and apply skill and knowledge in the operation of specialized reclamation equipment. They have working knowledge of the chemical characteristics of hazardous wastes to ensure safe processing and containment. They have knowledge of specialized container requirements to store and ship a wide variety of hazardous wastes. They also have knowledge of a variety of shipping and labeling requirements necessary to repack a wide variety of hazardous wastes. Grade 7 is the highest level for this factor described in the standard.

The appellants' primary duties meet but do not substantially exceed the skill and knowledge typically found at the grade 7 level. Similar to that level their work involves a variety of specialized assignments where they must apply detailed knowledge of stabilizing and neutralizing procedures. They deal with over 7000 identified hazardous substances found at the installation including such things as acids, caustics, asbestos, polychlorinated biphenyls, paint strippers, degreasers, pesticides, and a wide variety of other industrial by-products, chemical agents and compounds. They make decisions on treatment, storage and disposal of hazardous waste based on their knowledge of a variety of specific references including Federal, State and local statutes as well as applicable regulatory requirements. Like the grade 7 level the appellants exercise skill in separating hazardous chemicals, and they apply a working knowledge of chemical characteristics in order to perform basic test procedures on waste to determine pH, and the presence of heavy metals, sulfates, nitrates, nitrites, phosphates, cyanide, ammonia, chloride, phenols, and sodium hydroxide. In addition, under established procedures they treat waste by manually adding neutralizing or stabilizing chemicals prior to disposal. Like grade 7 hazardous waste disposers the appellants operate specialized reclamation equipment such as pumps, mixing tanks, and sampling devices used in the treatment of waste. Depending on the type of waste being processed, they determine specialized container requirements in preparation for treatment, storage, re-packing, consolidation and/or blending, and shipment. In inspecting hazardous waste prior to acceptance for processing, like the grade 7 level they must be knowledgeable of a variety of shipping and labeling requirements for marking, shipping and handling the wastes in question.

Considering the degree of skill and knowledge required of the appellants to do their jobs, assignment of grade 7 for this factor is appropriate.

Responsibility

As described on pages 7-8 of the job grading standard, grade 7 hazardous waste disposers receive assignments from their immediate supervisor. Disposers at that level are responsible for determining the sequence of work operations and methods to be used in processing and storing hazardous wastes for disposal. They complete their assignments with little or no technical supervision. Grade 7 disposers make independent decisions regarding the identification, treatment, packaging, containment, and preparation for shipment of hazardous wastes in accordance with Federal, State, and local laws and regulations and agency requirements. They are responsible for performing all neutralizing and stabilizing operations in accordance with guidelines. The supervisor is available to provide technical direction on new and/or complex processes. Their work is subject to spot checks by the supervisor for conformance with regulations and safety procedures. Grade 7 is the highest level for this factor described in the standard.

The degree of responsibility exercised by the appellants fully meets but does not substantially exceed the grade 7 level. Like that level they receive assignments from their first level supervisor, and are expected to work independently in completing them. They independently determine the sequence of work and the methods to be used in identifying, labeling, treating, packaging, storing, and shipping hazardous waste in accordance with relevant laws and regulations. They are also fully responsible for performing all neutralizing and stabilizing operations. The supervisor and other staff members (i.e., a chemist or [name of appellants' organization] Branch engineering/technical staff) are available to provide guidance on unusual, new or complex processes. Their work is generally not subject to spot checks by the supervisor. However, the lack of spot checking does not in itself significantly strengthen their level of responsibility.

The appellants' level of responsibility is evaluated at grade 7.

Physical Effort

Physical effort at grade 7 is the same as that described at grade 6 and is not grade controlling. The appellants' jobs meet the grade 6 criteria as discussed on page 6 of the job grading standard. Similar to that level their duties require kneeling, bending, stooping, climbing, and standing on hard surfaces for long periods of time. They use hand-trucks and other types of material handling equipment to move, load, and unload large 55 gallon drums from trucks and containment areas. They also are required to move items in excess of 50 pounds with the help of weight handling equipment.

Working Conditions

Working conditions at grade 7 is the same as that described at grade 6 and is not grade controlling. The appellants' jobs meet the grade 6 criteria as discussed on page 6 of the job grading standard. Similar to that level when filling out required forms and documents they work in facilities that are usually well lighted, heated, and ventilated. However, much of their work is

accomplished outside at various industrial areas of the installation where they are exposed to all kinds of weather conditions. Similar to grade 6, their work is dirty and greasy, and they are exposed to the possibility of cuts, bruises, abrasions, and falls during collection and processing operations. They may also be exposed to chemical vapors, skin irritants, and caustic and poisonous items in the collection and treatment of hazardous wastes. Like grade 6 disposers they must follow specific safety procedures including the use of appropriate safety equipment such as respirators, protective clothing, gloves, etc.

By application of the Hazardous Waste Disposing, 6913, job grading standard, the grade determining factors for the appellants' work are evaluated at grade 7.

Decision

The appellants' jobs are properly classified as Hazardous Waste Disposer, WG-6913-7.