

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 4C22  
Dallas, TX 75242-9968

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

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

**Agency classification:** Laborer  
WG-3502-2

**Organization:** [appellant's activity]  
Veterans Affairs Medical Center  
Department of Veterans Affairs  
[geographic location]

**OPM decision:** Laborer  
WG-3502-2

**OPM decision number:** C-3502-02-01

/s/ Bonnie J. Brandon

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Bonnie J. Brandon  
Classification Appeals Officer

September 6, 2001

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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:**

[appellant's name and address]

[name and address of appellant's  
designated representative]

Shared Service Center, HR Links  
Department of Veterans Affairs  
3401 SW. 21<sup>st</sup> Street, Building 9  
Topeka, Kansas 66604

Deputy Assistant Secretary for Human  
Resources Management  
Department of Veterans Affairs  
810 Vermont Avenue, NW., Room 206  
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## **Introduction**

On February 9, 2001, the Dallas Oversight Division of the U.S. Office of Personnel Management (OPM) accepted a job grading appeal from [the appellant]. The appellant's job is currently graded as Laborer, WG-3502-2. His job is located in the [appellant's facility], Veterans Affairs Medical Center, [geographic location]. The appellant believes his job should be graded at a higher level. We have accepted his appeal as timely and decided the appeal under section 5346 of title 5, United States Code (5 U.S.C.).

In reaching our decision, we carefully reviewed all information of record provided by the appellant and his agency, including the appellant's job description of record [job description number]. We also fully considered information obtained during a telephone audit with the appellant and telephone interviews with his current immediate supervisor and former immediate supervisor.

## **General issues**

The appellant indicates that employees who previously performed duties identical to his were in higher grade jobs. By law, we must grade jobs solely by comparing their current duties and responsibilities to OPM standards and guidelines (5 U.S.C. 5346). Since comparison to standards is the exclusive method for grading a job, we cannot compare the appellant's job to others as a basis for deciding this appeal.

## **Job information**

The [chief of the appellant's facility] stated that the appellant's job description is complete and accurate. Although the appellant does not contest the accuracy of his job description, he indicates that he uses equipment that requires a higher skill level than depicted in his job description. He also stated during the audit that he regularly performs as a work leader for three temporary employees at the Medical Center.

The primary purpose of the appellant's job is to maintain the grounds and external smoking areas of the Medical Center. The appellant mows grassy areas, trims trees and shrubs, weeds flower beds, removes snow and ice from roadways and sidewalks, removes trash from external receptacles, and cleans smoking shelters. He occasionally may be required to assist craftsmen in the demolition, installation, and removal of shelving and ceiling and flooring tiles.

## **Occupation, title, and standard determination**

The appellant does not contest the agency's assignment of his work to the 3502 occupation. The Job Grading Standard for Laborer, 3502, covers jobs involving a variety of laboring duties that require little or no specialized skill or prior work experience. The work typically involves duties such as loading and unloading trucks, moving office furniture, mowing lawns and trimming shrubs, and clearing and digging ditches. We agree that the appellant's job is properly assigned to the 3502 occupation.

The agency titled the job as *Laborer*, the prescribed title for jobs graded by the 3502 standard. However, the appellant indicates that *Motor Vehicle Operator* should be considered as an appropriate title. He also believes that the title should include “lead” or “leader” because he has working leader responsibilities on a regular and recurring basis for three temporary employees for whom he passes on instructions received from the supervisor.

There is no evidence in the appeal record or in the information provided by telephone to support the title of *Motor Vehicle Operator* for the appellant’s job. The appellant does not operate gasoline, diesel, or electric powered wheeled vehicles to haul cargo and fuel, transport passengers, or to tow or recover equipment on a regular and recurring basis as described in the Job Grading Standard for Motor Vehicle Operator, 5703.

Working leaders have as a regular and recurring part of the job, and on a substantially full-time and continuing basis, lead of three or more other workers to accomplish work or train them in trades work. Typical leader duties include passing on to other workers the instructions received from supervisors and getting work started (for example, assigning the immediate tasks to be performed by individual members of the group led); working along with other workers and setting the pace; demonstrating proper work methods; seeing to it that needed plans, blueprints, materials, and tools are available and that needed stock is obtained from supply locations; obtaining information or decisions from supervisors on problems that come up during work; seeing to it that there is enough work to keep everyone in the work crew busy; 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; and reporting to supervisors on status and progress of work and causes for work delays.

Our fact-finding reveals that the appellant does not perform the critical leader duties described in the Job Grading Standard for Leader, WL/NL. In the day-to-day performance of his work, the appellant is occasionally unable to complete all of his assigned tasks. When the appellant cannot complete his tasks, he notifies his supervisor either orally or by electronic mail. The supervisor then decides whether to assign one or more of the temporary employees under his immediate supervision to assist the appellant in the completion of his assigned work. The temporary employees receive instructions and assignments directly from the supervisor and report back to him upon completion of work assignments. The appellant does not lead the temporary employees in the performance of work assignments as envisioned by the leader standard.

The appellant’s job is properly titled and coded as Laborer, WG-3502. We used the Job Grading Standard for Laborer, 3502, to grade the appellant’s job.

### **Grade determination**

The 3502 standard uses four factors for grade determination: skill and knowledge, responsibility, physical effort, and working conditions. The standard describes work typical of jobs at grades 1, 2, 3, and 4.

Grade 2 laborers follow general instructions to perform work that requires moderately heavy physical effort and may involve a number of successive steps or processes. The work involves

the use of common hand tools and simple power equipment such as hatchets, handsaws, clippers, weed trimmers, and powered push lawn mowers. They use shovels to dig ditches where grading and sloping is not required, and they dig holes for plants and posts. Grade 2 laborers use simple powered push lawn mowers, edgers, and trimmers that do not require very heavy physical effort. They water grounds, lay sod, and clear small trees and bushes using hand tools.

Grade 3 laborers follow general instructions to perform tasks that require prior work experience or training and some degree of manual skill. The work requires very heavy physical effort. Grade 3 laborers perform grounds maintenance on grades or slopes; dig ditches and trenches with picks and shovels where dirt is hard and compact; operate large power mower tillers to prepare flower beds and lawn areas for sod and bedding plants; operate simple riding-type mowers; adjust blades for cutting height; prepare gasoline/oil mixtures for powered equipment; and clean and lubricate mowers. They also cut trees, using axes or chain saws.

### *Skill and knowledge*

The appellant uses seasonal equipment such as walk-behind lawn mowers, a small riding lawn mower, a walk-behind snowbrush, and a riding snow removal push blade for facility grounds maintenance. He occasionally uses a riding street sweeper. The appellant stated that he also used an agricultural tractor with a backhoe on approximately four occasions during the past year to repair fences and to dig up sprinkler lines for repair. The work performed by the appellant on a regular and recurring basis requires manual skill and knowledge to safely operate grounds equipment, including mowers, weed eaters, snowbrushes and snowblowers, and hand tools. The appellant must also have basic knowledge and skill needed to assist in routine maintenance of the grounds equipment.

The skill and knowledge required for the appellant's job does not exceed grade 2 where laborers have manual skill and knowledge to safely operate simple power equipment such as powered push lawn mowers, weed trimmers, and leaf blowers. Laborers at grade 2 must have basic knowledge of routine maintenance procedures for power equipment operated that include visually checking the equipment, cleaning the equipment, and refueling as necessary. No prior experience or on-the-job-training is necessary for laborers at grade 2.

The skill and knowledge required for the appellant's use of powered equipment and infrequent use of small tractors, including the use of a backhoe, do not meet the grade 3 level. Work at the grade 3 level requires knowledge and skill in the operation, control, and cleaning of heavy equipment, such as large, industrial-type snowblowers. The nature of duties and the kind of equipment used by laborers at this level require continual care and attention both to avoid accidents and to complete work according to established schedules. Prior job experience or on-the-job training is normally required to gain this level of manual skill. The appellant's work does not require the skill and knowledge to operate and maintain equipment and heavy tools described at the grade 3 level.

This factor is evaluated at the grade 2 level.

### *Responsibility*

The appellant works under the direct supervision of the [supervisor of the appellant's section]. He may also receive direction from a working leader within the section. The appellant performs his tasks following established safety rules and procedures to prevent accidents or injuries. He is responsible for the safe operation of lawn care and snow removal equipment. He also checks the equipment to ensure it is in proper working order and for simple maintenance of the mowers and snow removal equipment. When more complex maintenance or any repairs are needed, the appellant notifies his supervisor and returns the equipment to the facility's machine shop. The nature of the appellant's tasks is repetitive and seldom varies. The appellant's supervisor has established a schedule for day-to-day assignments; for example, the appellant removes trash from external receptacles on a daily basis and mows the lawns each week. For any deviation from regularly scheduled tasks, the appellant receives specific instructions from the supervisor. The supervisor periodically checks the appellant's work throughout the various stages of completion.

The appellant's responsibilities are comparable to the grade 2 level. Laborers at grade 2 receive oral and written instructions from the supervisor or higher grade worker regarding what to do and when to do new tasks. Grade 2 laborers are responsible for checking and performing simple maintenance of the equipment that they use, and they report to the supervisor any maintenance repairs that require disassembly or alignment. Laborers at this level are responsible for following proper safety procedures. Their supervisors check the work for compliance with instructions and established practices.

The appellant's job does not meet the grade 3 level where the supervisor gives general instructions. Laborers at this level do not require detailed instructions or continual supervision of routine duties. The supervisor of a grade 3 laborer checks work on a random basis for timeliness, work practices, and compliance with instructions. The appellant's supervisor provides more specific instructions for assignments and conducts a closer review of work than envisioned for laborers at the grade 3 level.

This factor is evaluated at the grade 2 level.

### *Physical effort*

The appellant regularly lifts and carries objects weighing up to 20 pounds. He is occasionally required to lift objects up to 50 pounds, e.g., the appellant lifts boxes of ice melting pellets and empties them into a spreader or barrels located around the facility. This level of physical effort meets the grade 2 description where laborers frequently lift and carry heavy objects weighing up to 40 pounds and occasionally lift and carry objects weighing up to 50 pounds. The appellant's job does not meet the grade 3 level where laborers frequently lift and move objects weighing more than 50 pounds, operate heavy power mowers on grades, or push wheelbarrow loads of cement.

This factor is evaluated at the grade 2 level.

*Working conditions*

The appellant's working conditions meet the grade 2 level where laborers are exposed to all types of weather when working outside. As at the grade 2 level, the appellant is subject to the possibility of bruises, cuts, and scrapes. The appellant follows basic safety procedures and uses standard safety equipment, including steel-toe boots, gloves, and ear and eye protection. The appellant's job does not meet the grade 3 level because he does not use the types of equipment, e.g., heavy power mowers, where mishandling the equipment may result in injuries more serious than those described at the grade 2 level.

This factor is evaluated at the grade 2 level.

**Decision**

The appellant's job is properly graded as Laborer, WG-3502-2.