

U.S. Office of Personnel Management
Division for Human Capital Leadership & Merit System Accountability
Classification Appeals Program

Chicago Field Services Group
230 S. Dearborn Street, DPN 30-6
Chicago, IL 60604-1687

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

Appellant: [appellant]

Agency classification: Motor Vehicle Operator
WG-5703-6

Organization: Facility Management Service
VA [area] Health Care System
Medical Center
Department of Veterans Affairs
[city and state]

OPM decision: Motor Vehicle Operator
WG-5703-7

OPM decision number: C-5703-07-03

/s/ William B. Middendorf, Jr.

William B. Middendorf, Jr.
Classification Appeals Officer

July 29, 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).

Since this decision changes the classification of the appealed position, it is to be effective no later than the beginning of the first pay period after the 60th day from the date [as determined under 5 CFR 532.703(b)(10)] the appellant filed the appeal with the agency (5 CFR 532.705.d). The servicing HR office must submit a compliance report containing the corrected job description and a Standard Form 50 showing the personnel action taken. The report must be submitted within 30 days from the date of the decision.

Decision sent to:

[representative]
AFGE Local [#####]
P.O. Box [#####]
[city and state]

[human resource officer]
Human Resources Officer
Department of Veterans Affairs
[area] Health Care System
Human Resources Service (HRM)
[address]
[city and state]

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

Introduction

The Chicago Oversight Division, now the Chicago Field Services Group, of the U.S. Office of Personnel Management (OPM) accepted a job grading appeal from [appellant] on February 11, 2003. We received the agency's administrative report on March 4, 2003. The appellant's job is currently graded as Motor Vehicle Operator, WG-5703-6. The appellant works in the Facilities Management Service, [area] Health Care System, Department of Veterans Affairs Medical Center (VAMC) in [city and state]. The appellant believes his job should be graded at the 7 level. The agency decision, issued on January 15, 2003, sustained the pay plan, occupational code, and grade of the position. We have accepted and decided this appeal under section 5346 of title 5, United States Code.

General Issues

The appellant believes his current job description (JD) does not properly consider the gross vehicle weight (GVW) of the 33,000 lbs laundry truck for which he is the primary driver. He does not agree with the VA's job grading decision; specifically the skill and knowledge factor, and the responsibility factor as it relates to the weight of the laundry truck and the determination of the route. Implicit in his rationale is that he disagrees with the agency's appeal rationale which did not consider the rated weight of the laundry truck, but rather it's actual weight from one occasion when the laundry truck was weighed, and the total weight by combining axle one and axle two was determined to be 21,200 lbs.

The appellant requests backpay for performing grade 7 work retroactive to May 1996 when he first began driving the laundry truck as its primary driver. However, the U.S. Comptroller General states that an “. . . employee is entitled only to the salary of the position to which he is actually appointed, regardless of the duties performed. When an employee performs the duties of a higher grade level, no entitlement to the salary of the higher grade exists until such time as the individual is actually promoted. This rule was reaffirmed by the United States Supreme Court in *United States v. Testan*, 424 U.S. 392, at 406 (1976), where the Court stated that ‘. . . the federal employee is entitled to receive only the salary of the position to which he was appointed, even though he may have performed the duties of another position or claim that he should have been placed in a higher grade.’ . . . Consequently, backpay is not available as a remedy for misassignments to higher level duties or improper classifications” (CG decision B-232695, December 15, 1989).

The appellant states that he is required to have a Class “A” commercial driver's license. 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). Trades and labor jobs are graded considering the actual skill, knowledge, and other requirements of the work performed. The appellant also cites the [state] Commercial Driver License Manual, Version 2.0, in materials provided to OPM. In adjudicating this appeal, our only concern is to make our own independent decision on the proper classification of his position. By law, we must make that decision solely by comparing his current duties and responsibilities to OPM standards and guidelines (5 U.S.C. 5106, 5107, and 5112). Therefore, we have considered the appellant's statements only insofar as they are relevant to making that comparison.

We conducted telephone audits with the appellant and his immediate supervisor by telephone on May 5, 2003, and reviewed copies of trip tickets and logs provided at our request to verify assignments. In deciding his appeal, we fully considered audit findings and the information of record provided by the appellant and his agency, including current work assignments and the official job description (JD), number [#####].

Job Information

The appellant works at the VA Medical Center located in [city and state], under the supervision of an Operations Foreman. The staff includes three grade 6 and one grade 8 Motor Vehicle Operators. The appellant is one of the grade 6's.

The appellant's primary duty is to drive a Ford F700 Diesel laundry truck on a prescribed route to deliver soiled laundry and pick up clean laundry. It is a diesel straight-in-line truck rated at 33,000 lbs. GVW which includes the weight of the vehicle plus weight of the load. It is 13'6" high, 36' long, and has air brakes, a hydraulic lift, two axles, and six tires. The route is between [city, city, and city, state] and is approximately 190 miles round trip. The Operations Foreman agrees with the number of miles driven by the appellant on the [city-city-city] route. The round trip is scheduled three days a week during summer; Monday, Wednesday, and Friday, and two days a week in winter; Monday and Thursday. The appellant is responsible for loading and unloading the truck with laundry carts filled with either soiled or clean linens. The truck's maximum capacity for the laundry carts is 15. The appellant loads and unloads the carts which are approximately six feet tall, and when full, weigh approximately 450-500 pounds. The carts are on wheels. Loading and unloading usually occurs at a dock, but sometimes does occur from the ground level, making it more difficult. The laundry truck has a hydraulic lift that is used to load and unload carts. The appellant must know how to properly and safely operate the lift, especially with fully loaded carts. When the appellant reaches [city], all of the carts containing soiled laundry are unloaded, he sprays the interior of the truck with a disinfectant, and then carts containing clean laundry are loaded and delivered to the locations in reverse order.

On the days he is not operating the laundry truck, he drives a wide variety of vehicles and operates an array of equipment. These include: a Dodge Caravan, a 15-passenger van, a dump truck, a diesel caterpillar, a bobcat, a front-end loader, lawn mowers, snow removers, and a semi-tractor/trailer equipped with a computed axial tomography (CAT) scan. The purposes of driving the vehicles and operating the equipment vary. Grounds work involves operating a motor grater, lawn mower, lawn sweeper, riding mower, snow plow, and street sweeper. Moving earth involves use of the loader, bobcat, backhoe, and tractor. The motor vehicles driven involve a pick-up, van, minivan and sedan which are used to transport patients or medical center personnel; and an emergency patient transport vehicle (EPTV) used to get to the flight line to load or unload a patient from an aircraft. The CAT scan 18-wheeler semi-tractor/trailer is used to transport the equipment to another VA medical facility. Some of the vehicles and the equipment driven or operated by the appellant contain hydraulic lifts or special attachments.

We reviewed Calendar Year 2002 trip tickets and logs to identify regular and recurring work performed by the appellant. The following table reflects the vehicles/equipment the appellant drives or operates in performing his assigned duties and the percentage of time spent doing so.

Vehicles and Equipment Driven and Operated by the Appellant Calendar Year 2002

Vehicles and Equipment	Percentage of Time
Food haul vehicles (trucks)	3%
Cat Scan semi-tractor/trailer	2%
Laundry truck	40%
Other vehicles (vans, trucks, etc.)	30%
Equipment (mower, sweeper, etc.)	20%
Operator Maintenance	5%

Occupation, Title, and Standard Determination

The agency placed the appellant's job in the 5703 Motor Vehicle Operator occupation, titled it Motor Vehicle Operator, and used the 5703 Job Grading Standard (JGS) for Motor Vehicle Operator to determine the grade level of the job. The appellant does not disagree with the assigned occupational code or title of his job. Based on our review of the record, we agree and find that the appellant's job is properly titled and coded as Motor Vehicle Operator, WG-5703.

Grade Determination

The 5703 JGS uses four factors to determine grade level: Skill and Knowledge, Responsibility, Physical Effort, and Working Conditions. No single factor is considered by itself, but only in relation to its impact on the other factors. A job is classified to the grade that best represents the overall demands of the work.

The 5703 JGS notes that indicators such as GVW, load capacity, number of forward speeds, number of driving (powered) wheels, and passenger capacity have been routinely used as the primary criteria for determining grade levels of motor vehicle operator jobs, but that these indicators are *insufficient* for determining the grade of the total job since they do not give consideration to all features of the job which affect the four grade determining factors of Skill and Knowledge, Responsibility, Physical Effort, and Working Conditions involved in performing the work. However, the JGS states that GVW *may* provide a frame of reference from which to conduct a complete analysis and evaluation of a job. Therefore, GVW was retained as a means of establishing a framework in grade analysis for straight-in-line vehicles, i.e., vehicles that are unitized with the axles, power source or cab portion of the vehicle, and load carrying body all on the same chassis. This indicator is not directly applicable to passenger buses, passenger ambulance buses, or motor coaches. The final grade level for all motor vehicle operator jobs is based on a thorough consideration of all four grading factors of the total job.

An underlying premise of the JGS is that the vehicles described at each grade level are operated on Government installations and on public roads in a full range of traffic conditions, and/or in installation environments that exhibit the same driving characteristics as public roads, on a regular and recurring basis. The JGS defines those public road characteristics as widely dispersed urban and rural roadway systems, two-lane and four-lane highways, various weight limits and vehicle prohibitions on certain roads or bridges, a range of driving speeds as well as highway speed limits on some roads; various traffic signals and multiple types of intersections, frequently heavy traffic congestion, and sharp curves and blind or steep hills.

The appellant stated, and the supervisor confirmed, that the appellant is the primary back-up to the grade 8 Motor Vehicle Operator. As such, he occasionally operates a CAT scan eighteen-wheel semi-tractor/trailer, rated at 52,000 lbs. GVW. However, duties performed only in the absence of another employee are *not* considered in determining the grade level of a job. In addition, since the primary driver is absent only a short amount of time each year, these duties would not be performed on a regular and recurring basis to constitute grade-controlling duties within the meaning of the FWS. Therefore, our decision does not consider the appellant's driving of the CAT scan semi-tractor/trailer.

Skill and Knowledge

Grade 6 motor vehicle operators typically drive vehicles that are higher, wider, longer, and heavier than those described at the grade 5 level. They operate and perform operator maintenance on one or more motor vehicles including platform trucks, van trucks, dump trucks, patient transport vehicles, passenger shuttle vans, and cargo vans which typically have an approximate GVW of more than 10,000 pounds and up to 26,000 pounds. Some of the vehicles at this level are equipped with air brakes. Drivers at the 6 level have the skills and knowledge to make more difficult judgments concerning loading and arranging cargo, overhead and side clearances, the turning radius, braking distance, and the distance to be maintained from other vehicles. At this level, drivers are selective in determining which routes to take because of the size and weight of the vehicle and the laws restricting the use of some roads by such vehicles. A variety of vehicles at this level are equipped with special-purpose equipment and drivers know how to use the devices and have skill to manipulate a variety of controls and to understand equipment gauges. For example, the driver may operate a winch on a flatbed truck or a snow auger or plow with a salt or sand spreader on a dump truck.

In contrast, drivers at the 7 grade level operate vehicles that are larger and longer than those driven at the lower grade levels, have heavier loads to secure and control, have air brakes and are more susceptible to sliding and tipping, and are difficult to maneuver, especially when turning and backing. Vehicles typically have an approximate GVW of more than 26,000 pounds and up to 32,000 pounds. Drivers must have the requisite skills and knowledge to operate the vehicles at this level over a variety of roads including interstate highways, narrow country roads, and on steep winding grades. Due to the size and weight of the vehicles, drivers are knowledgeable about which routes may be legally driven and the overpass clearances and other restrictions on such routes. Like the vehicles at the grade 6 level, some vehicles are equipped with special-purpose accessory equipment, but with more complex functions than those described at the grade 6 level. Also, this equipment has more intricate operating characteristics which make its manipulation and control more difficult. For example, the driver may operate a large snow blower or very large snow plows such as rollovers or v-blades for snow removal.

At the 8 grade level drivers operate truck tractors with semi-trailers or full trailers, and motor coaches. Also, at this grade level are drivers who operate and perform operator maintenance on straight-in-line trucks which typically have an approximate GVW of more than 32,000 pounds. Drivers at this level have greater knowledge and skill in the operation of their vehicles than required of drivers at grade 7 since the vehicles driven have limited maneuverability, have more than one body and two braking systems, or are oversized and carry large groups of people on trips where long periods of day and night driving are involved. The driver of tractor-trailer or truck and full trailer combinations must have knowledge and skill to determine the correct turning radius for these flexion-type vehicles, back the trailer into loading docks, between other

trailers, and in narrow, congested locations around warehouses and parking areas, and apply the dual braking system for the combination vehicles especially on steep winding grades, without causing the trailers to jackknife. They have knowledge to load, arrange, and secure cargo in the trailer in order to insure that it is not overloaded or unevenly loaded because of the trailer's tendency to sway. Open road travel planning involves evaluating the condition and load of bridges, scheduling weighing points, and assessing traffic conditions locally and over long-distance routes in unfamiliar geographic areas.

The appellant drives a variety of vehicles with the technical characteristics and operating demands requiring the application of grade 6 and 7 knowledge and skill. Consistent with the grade 8 level, the appellant drives vehicles ranging from ratings of up to 34,200 lbs. GVW capacity. The brakes on the vehicles vary from disk to air brakes. The numbers of axles vary from two to three, and the numbers of wheels vary from four to six. A number of the vehicles and the equipment the appellant operates are equipped with lifts or accessories that require skill and knowledge to safely and effectively maneuver. However, these vehicles do not require application of the full range of skill and knowledge found at the grade 8 level. The appellant's off-station vehicle operation uses a single primary route that does not require grade 8 level intensive route planning or the application of skill involved in accomplishing the long-distance day and night driving found at the grade 8 level. The predictable amount and type of cargo transported (laundry carts) which are not operated at full grade 8 GVW (the weight of the truck and the load) do not require application of the full range of load planning skill and knowledge envisioned in grade 8 long-distance day and night cargo movement. Because the skill and knowledge required does not fully meet the grade 8 level, this factor must be credited at the grade 7 level.

Responsibility

Grade 6 drivers receive instructions from the dispatcher or supervisor as to the type of vehicle to be operated, destination, cargo, passengers or patients to be transported, deadlines to be met, and any special information important to the mission. At the grade 6 level the driving proficiency is assessed in terms of safe and expeditious completion of the assigned job. The driver is responsible for selecting routes and obeying all traffic laws and regulations, as well as the safe loading and unloading of the vehicle. Performance of preventive maintenance tasks and preparation of trip tickets are reviewed for adequacy and compliance with instructions.

At grade 7, motor vehicle operator responsibilities are similar to that at the 6 level and with the addition that some drivers determine the route to be followed, taking into consideration such factors as the clearance of underpasses, overhead power lines, weight limitations, highway restrictions, and alternate bypass routes. Like the grade 6 level, drivers at WG-7 perform or oversee the loading and unloading of the vehicle, but the cargo may be bulky, cumbersome and he must assure that it is properly located, distributed, and secured in the vehicle for balance and stability. These drivers exercise more responsibility than drives at lower levels because of the weight of the cargo and the size and type of vehicle driven increase the tendency of the entire cargo to shift and the vehicle to tip. Drivers who operate special purpose accessory equipment are responsible for following a greater number of safety procedures and precautions than at the grade 6 level because the functions of the equipment are more complex. Drivers at the grade 7 level accomplish their assignments with considerable independence and are responsible for the safe operation of vehicles and equipment. Work is evaluated in terms of timeliness and driving competence.

The responsibilities beyond that of the 7 level include drivers who operate tractor-trailer or truck and full trailer combinations at WG-8. However, drivers at the 8 level are responsible for overseeing or assisting others with the loading and unloading of cargo and making difficult judgments concerning the arrangement and securing of that cargo. This responsibility is greater than described at the grade 7 level because the size and type of the vehicle increase the tendency of the trailer to sway and the driver to lose control of the vehicle. Drivers at the grade 8 level manage their assignments with virtually no supervision, and are responsible for the safe transport of cargo or the comfort of passengers on extended trips. Work is evaluated for efficiency and compliance with established policies, procedures, and instructions pertinent to the driving mission.

The appellant conducts a safety check of all vehicles before operating them. This includes checking headlights, brake lights, brakes for no leaks, and fluid levels. As part of regular operator maintenance, the appellant also checks the differential u-joints, reviews and maintains the maintenance logs, and ensures the oil is changed as required by the vehicle's operator's manual. When operating the food haul truck, the appellant is responsible for loading and unloading the food carts. The vans with wheelchair lifts require the appellant to safely operate it for wheelchair-passengers and to ensure they are secure while lifting and when loading and unloading the vehicle. The appellant receives his assignments by the trip tickets. The supervisor does not assist the appellant in determining routes, but periodically provides verbal instructions for an assignment. The supervisor reviews the appellant's work by checking his progress on a trip, checking completed trip tickets and logs, the outcome of the trip (delivery of load or patients on schedule or late), and following up on any complaints received.

As discussed previously, the appellant's responsibilities in performing his regular and recurring assigned tasks are equivalent to the grade 7 level and fall short of meeting the 8 level. His laundry truck trips do not involve responsibility for the more intensive route planning, long-distance day and night driving, or driving with loads typically found at the grade 8 level. The single long-distance trip coupled with the predictable amount and type of cargo transported (laundry carts) does not require application of the full range of load planning responsibility envisioned in grade 8 long-distance day and night cargo movement. Because the responsibility required does not fully meet the grade 8 level, this factor must be credited at the grade 7 level.

Physical Effort

At the grade 6 level, work requires greater physical effort than the requirements described at WG-5. The additional effort is needed at this level to maneuver the longer and heavier vehicles, especially when backing these vehicles. Ambulance or patient transport vehicle drivers may be required to assist patients into and out of the vehicle, which involves physical exertion and frequent stooping and bending.

Effort at the 7 level requires drivers to exert moderate physical effort in addition to those described at the grade 6 level in operating, turning, backing, and controlling vehicles which carry heavier loads or larger numbers of people than vehicles at the grade 6 level.

Drivers at the grade 8 level may exert moderate to heavy physical effort in climbing on tractors to hook up service lines, lower landing gears, and in climbing on the trailer to load or tie down cargo. Otherwise, the physical effort is the same as described at the grade 7 level.

Because the appellant's physical demands are the same as those described for work at the grade 7 level and many jobs at the grade 8 level, this factor does not have grade level impact and we will not discuss it further.

Working Conditions

The working conditions are the same as those described at the grade 5 level and remain the same for grades higher than the 5 level. Because the appellant's working conditions fully meet those at and above the grade 5 level, this factor does not have grade level impact and we will not discuss it further.

Decision

The appellant's job is properly graded as Motor Vehicle Operator, WG-5703-7.