



United States
**Office of
Personnel Management**

Washington, DC 20415

**Classification Appeal Decision
Under section 5112 of title 5, United States Code**

Appellant: [Name of appellant]

Agency classification: Firefighter
GS-081-5

Organization: [Appellant's organization/location]
Commander Navy Installations
Department of the Navy

OPM decision: Firefighter
GS-081-5

OPM decision number: C-0081-05-04

/signed/

Robert D. Hendler
Classification and Pay Claims
Program Manager
Center for Merit System Accountability
Human Capital Leadership
and Merit System Accountability

5/30/06

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).

As indicated in this decision, our findings show that the appellant's official position description does not meet the standard of adequacy described in section III.E. of the *Introduction to the Position Classification Standards*. Since position descriptions must meet the standard of adequacy, the agency must revise the appellant's position description to reflect our findings. The servicing human resources office must submit a compliance report containing the corrected position description and a Standard Form 50 showing the personnel action taken within 30 days of the date of this decision to the San Francisco Field Services Group.

Decision sent to:

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Introduction

On July 12, 2005, the San Francisco Field Services Group of the U.S. Office of Personnel Management (OPM) accepted a classification appeal from [name of appellant]. On February 2, 2006, we received the agency's complete administrative report. The appellant's position is currently classified as Firefighter, GS-081-5, but he believes it should be classified as Firefighter (Basic Life Support/Hazardous Materials Operations), GS-081-7. The appellant works in [appellant's organization/location], Commander Navy Installations, Department of the Navy. We have accepted and decided this appeal under section 5112 of title 5, United States Code (U.S.C.).

General issues

Both the appellant and his supervisor have certified to the accuracy of the appellant's official position description (PD) [number]. However, our review of the PD disclosed that it addresses shipboard and airfield firefighting which the appellant does not perform, and fails to include his duties as a hazardous materials first responder. Therefore, the appellant's PD of record does not meet the standard of adequacy addressed in section III.E. of the *Introduction to the Position Classification Standards*, and the agency must correct the PD to reflect our findings.

The appellant makes various statements about the classification review process conducted by his agency. 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 position classification 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. Because our decision sets aside all previous agency decisions, the classification practices used by the appellant's agency in classifying his position are not germane to the classification appeal process.

The appellant mentions his personal qualifications, including acquisition of various Department of Defense (DoD) firefighter certificates. Personal qualifications are considered in classifying positions to the extent they are required to perform current duties and responsibilities of an employee's position. Therefore, we have considered the appellant's personal qualifications insofar as they are required to perform his current duties and responsibilities along with all other information furnished by the appellant and his agency.

Through his representative, the appellant requests in the event OPM favorably decides his appeal, he be retroactively compensated for lost wages. 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).

Position information

As a firefighter crew member, the appellant primarily performs structural firefighting. He also provides emergency medical care including a variety of first aid measures to alleviate further injury and prepare the victim(s) for transport to a medical facility, and assists in reducing and/or eliminating potential fire hazards. Because he is certified to perform emergency medical technician (EMT-B) work, he may be called upon to furnish basic life support to injured individuals. In addition, he can be tasked to act as the first responder for hazardous materials containment and control.

In reaching our classification decision, we have carefully reviewed all information furnished by the appellant and his agency, including his official PD which, although not entirely accurate, is incorporated by reference into this decision. In addition, to help decide the appeal we conducted separate telephone interviews with the appellant and his second level supervisor (Assistant Fire Chief-Operations), who is the agency's designated point-of-contact for information regarding the appellant's supervision and assignments.

Series, title, and standard determination

The agency has classified the appellant's position in the Fire Protection and Prevention Series, GS-0081, titling it Firefighter, GS-081-5. The appellant agrees with the series, but believes the classification title should be Firefighter (Basic Life Support/Hazardous Materials Operations) because he is required to perform both parenthetical duties. We concur with the agency's assignment of basic title and series. As discussed in the general titling guidance of the Position Classification Standard (PCS) for the GS-0081 series, a parenthetical title is used only when it corresponds to the parenthetical title for the grade-level criteria used to evaluate the position. The appellant's position does not meet that requirement. Thus, no parenthetical title is assigned.

Grade determination

Part II of the GS-0081 PCS describes grade-level criteria for evaluating non-supervisory firefighter positions for grades GS-3 to GS-9. Because the appellant asserts he is required to perform duties at the GS-7 grade level, we have limited our discussion below to the grading criteria that address the firefighter functions at his current GS-5 level, the driver/operator and hazardous materials operations at the GS-6 level, and basic life support at the GS-7 level. The hazardous materials technician function described at the GS-7 level is not performed at the appellant's installation, and he does not perform fire protection inspector duties at either the GS-5 or 6 levels. Therefore, we have not addressed them in our evaluation.

Firefighter positions are treated somewhat differently than other General Schedule (GS) occupations in determining their grade controlling duties. In order for higher-graded work to be grade controlling in most GS positions, it must be performed for at least 25 percent of the time. In contrast, an emergency work rule applies to firefighters. Because firefighters respond to emergencies, the 25 percent rule in their case does not require actual performance of the higher-graded work 25 percent of the time. Rather, it requires that (1) the work be actually performed, or (2) be assigned, as on a work shift, to be performed, or (3) the firefighter be trained to perform the higher-level work, for a total of 25 percent or more of the firefighter's work time. Thus for

firefighters, being “ready to perform” by maintaining a state of readiness as the designated employee on a work shift to perform higher-graded duties is the key difference in applying the 25 percent rule for emergency work.

Structural firefighting at the GS-5 level requires knowledge of the complexity of installation fire hazards where expectancy of fire or toxic materials release is high. These mission-related operations are characterized by large shops engaged in industrial or maintenance and repair activities. Many shops cannot be protected by fire prevention techniques due to the basically hazardous nature of the operation because they are involved in activities using highly toxic or flammable liquids and gases which, if released, have great potential for destruction of life or property. Firefighting at the GS-5 level includes coverage of a large installation with large, multi-storied buildings, barracks, and individual dwellings. Many of the buildings are of nonresistant construction and are either not protected by fixed systems or the systems are inadequate for the highly hazardous conditions present.

GS- 5 level firefighters may be assigned special missions, such as hazardous materials containment and control. As a first responder to hazardous materials, the GS-5 firefighter: detects the presence of potentially hazardous materials; protects self and others by establishing a safe perimeter around the incident; notifies responsible agencies; identifies and collects hazard and response information; and uses, maintains, and decontaminates common hazardous materials response equipment and supplies. Additionally, the GS-5 firefighter assists the injured by applying knowledge and training for such purposes to use direct pressure and tourniquets to stop bleeding; check windpipe for obstructions; perform cardiopulmonary resuscitation (CPR); and immobilize the patient for safe transport. At this level, they do not administer drugs to patients either orally or by injection.

At the GS-6 level, in addition to the firefighting, hazardous materials awareness, and first responder duties described at the GS-5 level, firefighters may also drive and operate firefighting apparatus of significant complexity; e.g., pumpers, aerial ladder trucks, and crash rescue trucks. These duties include: driving a vehicle to the scene of the fire following a predetermined route, or selecting an alternate route when necessary; positioning the vehicle, considering factors such as wind direction, water sources, hazards from falling structures, location of armaments on aircraft, etc.; operating pumps, foam generators, boom and groundsweep nozzles, and other similar equipment; determining the proper pressure for the distances to be pumped and the number of lines being used; and applying principles of hydraulics to water flow friction and friction loss. When operating a crash truck, the GS-6 firefighter maneuvers the vehicle to keep the fire in optimum range while ensuring that backflash will not occur. The firefighter maintains a constant awareness of water levels in self-contained tanks and warns handline and rescue personnel when tanks are close to running dry; and assists in training other firefighters in the skills of driving and operating the equipment.

In addition to the duties and responsibilities described at the GS-5 first responder level, positions at the GS-6 level react to releases or potential releases of hazardous materials as part of the initial response to the site to protect nearby persons, property, or the environment from the effects of a release. The GS-6 firefighter performs the following duties: employs hazard and risk assessment techniques to complete initial incident analysis; establishes communication with responsible agencies to gain qualified assistance and additional technical guidance; plans and initiates the initial response within the capabilities and competencies of available personnel,

personal protective equipment, and control equipment; implements the response; evaluates the success and effectiveness of on-going response actions; and maintains and decontaminates common hazardous materials response equipment and supplies including protective clothing, breathing apparatus, dry and extinguishing chemicals, and decontamination agents and equipment, and replaces expended chemicals and agents.

In addition to the firefighter and first responder duties and responsibilities described at the GS-5 and GS-6 levels, employees at the Firefighter (Basic Life Support), GS-7 level follow protocols in providing basic life support and emergency care that are noninvasive. These procedures include: performing initial and on-going focused patient assessment and physical examination; determining priority of patient care based on assessment findings; taking, recording, and monitoring patient's baseline vital signs including temperature, blood pressure, and pulse; managing respiratory and cardiac emergencies to include performing CPR, bag-valve-mask resuscitation, or automatic external defibrillation (AED); controlling external bleeding with direct pressure and treating shock with pneumatic anti-shock garments; placing splints and immobilizing fractures and dislocations for transport; ascertaining whether the patient has preexisting medical problems and obtaining a comprehensive drug history from the patient that includes the names, strength, and dosage of drugs taken by the patient; assisting patients in taking emergency medications for certain complaints; e.g., Nitroglycerin tablets for chest pain, Epinephrine auto-injections for allergic reactions, or Albuterol inhalers for asthma patients, under the direction of standing orders or of a physician; establishing communication with the receiving facility, providing all patient information including estimated time of arrival; employing a variety of established emergency medical techniques, methods, and equipment to stabilize the patient for transport as soon as possible to the receiving facility; assisting intermediate life support or paramedic staff; preparing appropriate and relevant patient care documentation and reports to ensure medical requirements are met and accurately reported; and using and maintaining emergency equipment such as backboards, suction devices, splints, oxygen delivery systems, and stretchers; properly disposing of biohazard materials; and replacing medical and expendable supplies.

The GS-5 level is met. The appellant performs structural firefighting on facilities including large shops engaged in industrial or maintenance activities where the expectancy of fire or toxic release is high. Many of these shops are not fully protected by fire prevention techniques because they use hazardous and highly toxic or flammable liquids or gases. Like the GS-5 level, the appellant's structural firefighting duties cover a large installation with multi-storied buildings, military barracks, and individual family housing dwellings. Many of the buildings are made of nonresistant fire materials and not fully protected by fixed fire prevention systems.

Like the GS-5 level, the appellant is also assigned duties for hazardous materials containment and control. He acts as a first responder to release of hazardous materials, protecting himself and others by establishing a safe perimeter during such an incident, and notifying agencies and identifying and collecting hazard and response information. In addition, like the GS-5 level the appellant assists the injured by performing the medical first-aid procedures addressed at that level.

The appellant does not perform driver/operator duties characteristic of the GS-6 level. The record shows that he is neither qualified nor certified to drive the vehicles and operate the equipment discussed at that level, and our review of individual work shift logs covering the

period from January 4, 2005, through December 30, 2005, indicated that he had not been assigned that duty during that time. In addition, there is no record of his being assigned to perform GS-6 level hazardous materials operations work during the period noted above.

The appellant's position does not meet the GS-7 level criteria for Firefighter (Basic Life Support). Although he has completed prescribed training and is certified to perform such duties, the record shows that his life saving assignments have been limited to those immediate first-aid measures described under the Firefighter, GS-5 level. In addition, there is no shift log information to indicate that the appellant was specifically assigned to perform GS-7 level basic life support duties during the twelve month period specified above.

Based on the preceding analysis, we find that the appellant's position is properly graded at the GS-5 level.

Decision

The appellant's position is properly classified as Firefighter, GS-081-5.