

**U.S. Office of Personnel Management
Pay Category Appeal Decision
Under section 5103 of title 5, United States Code**

Appellants: [Appellant]

Agency classification: Marine Machinery Mechanic
(Propulsion Systems)
WG-5334-10

Organization: [Name]
[Organization]
[Organization]
[Organization]
[Organization]
[Location]

OPM decision: Federal Wage System

OPM decision number: C-5334-00-02

/s/ [Judith A. Davis]

Robert D. Hendler
Classification and Pay Claims
Program Manager
Merit System Audit and Compliance

10/16/2012

Date

As provided in section 511.612 of title 5, Code of Federal Regulations (CFR), this decision constitutes a certificate which 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 (Introduction)*, appendix 4, section G (address provided in appendix 4, section H).

Decision sent to:

[Appellant]
[Address]
[Location]

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Introduction

On May 15, 2012, OPM's Philadelphia Oversight accepted a pay category appeal from [Appellant]. The appellant's job is currently graded as a Marine Machinery Mechanic (Propulsion Systems), WG-5334-10, located in the [Organization], [Organization], [Organization], [Organization], [Organization], in [Location]. The appellant believes his job should be reclassified to the General Schedule (GS) as a Mechanical Engineering Technician, GS-802-11. We received the complete agency administrative report (AAR) on June 18, 2012, and have accepted and decided this appeal under section 5103 of title 5, United States Code (U.S.C.).

General issues

The appellant takes issue with the actions of a [Organization] human resources staff member when determining the pay plan of his job. Because an OPM appeal decision sets aside any previous agency decisions, the agency's pay category determination practices are not germane to the pay category appeal process. Our sole responsibility is to make an independent pay category determination regarding the appellant's job.

The appellant provided a copy of a Mechanical Engineering Technician, GS-802-11, position description (PD) from another [Organization] where he previously worked and stated his current job requires more time instructing students. By law, we must determine the proper pay plan by comparison to OPM's position classification standards (PCS), job grading standards (JGS), and guidelines (5 U.S.C. 5103, 5106, 5107, 5346(a)). Since comparison to PCS's/JGSs is the exclusive method for grading positions, we cannot compare the appellant's job to others that may or may not have been placed in the proper pay plan as a basis for deciding his appeal.

The appellant believes his current job description (JD) number 5304N05 does not fully address his student instruction duties or his technical oversight responsibilities regarding the other Federal Wage System (FWS) employees within the department. The appellant's supervisor, in his certification of JD accuracy, states the appellant's instructional duties are understated.

A JD or PD is the official record of the major duties assigned to a job by an official with the authority to assign work. A job or position is the work made up of the duties and responsibilities performed by an employee. OPM's classification appeal regulations permit OPM to investigate or audit a job or position and decide an appeal on the basis of the actual duties and responsibilities assigned by management and performed by the employee. An OPM appeal decision classifies a real operating job/position and not simply the JD/PD. We find the JD includes the major duties and responsibilities of the appellant's job, is adequate for job grading purposes when supplemented with other information of record, and we hereby incorporate it into our decision.

Job information

The [Organization] is responsible for the custody, maintenance, and operation of all small water craft assigned to the [Organization] and its training vessels, operation of the piers, workshop, and marina-type buildings associated with the waterfront activity.

The appellant serves as the [Organization] primary point-of-contact concerning all marine engineering systems and performs the following duties.

He conducts regular inspections of [Organization] powered vessels to determine any needed repairs to ensure they are safe and in working order. The appellant develops a maintenance schedule, listing repairs in priority order. The appellant keeps higher-level management up-to-date on the time and cost estimates of repairs, maintenance issues, and when vessels are unavailable. For repair work under \$3,000.00, he is authorized to contact up to three contractors, explain the work that needs to be performed, and receive their quotes on the amount of money it will cost to perform the work. The appellant forwards the quotes to the [Organization] assistant department chief with his recommendation of which contractor to choose, based on such things as his knowledge of the contractor and the work to be performed. During the repair process, he inspects the contractor's work and reports any concerns with the work to the assistant department chief. For repair work over \$3,000.00, the appellant provides input through his chain-of-command as to what work needs to be performed. After contract work begins, he inspects the contractor's work and reports any concerns with the work through his chain-of-command. Examples of contractor-performed work include replacing a 440-volt switch on the engine room ventilation system aboard one of the training vessels, and rebuilding a 180 horse power diesel engine on one of the vessels. Projects are contacted out approximately four to six times each year. The appellant also maintains supplies of engine and related parts and manages the fuel storage tanks and the waste oil containment center.

The appellant tears down, adjusts, repairs, modifies, maintains, tests, loads, and/or overhauls engines and related major propulsion system components, such as transmissions and associated hydraulic, fuel, and electrical systems, and propellers; marine machinery equipment and systems; and other vessel components, such as masts, rigging, plumbing, doorways, ladders, and rudders. He repairs nonpropulsion mechanical, hydraulic, pneumatic systems and their components, and electrical systems such as electrical lines, circuits, systems, and associated fixtures, controls, and equipment. The appellant determines the placement of new electrical panels, boxes, fittings, and connections and installs wiring, couplings, conduits, etc.; and marine electronics equipment, such as navigation equipment, depth sounders, chart plotters, radios, and radar. He follows the instructions contained in applicable manufacturers' repair manuals, technical specifications, schematics, engineering drawings, diagnostic codes, computer printouts, and safety manuals or relies on past experiences to perform the work. The appellant also operates a crane to lift vessels from the water for maintenance, repair, or storage activities.

The appellant isolates and repairs malfunctions by using a combination of visual and auditory examinations and test equipment, such as engine analyzers, compression testers, special feelers, and dial gauges. He also uses a wide variety of test procedures and equipment, such as computer-based engine diagnostics in tracing hard-to-locate defects or problems. After he breaks down, repairs, replaces, reconditions, or rebuilds the components, the appellant makes independent judgments on how to proceed based on the specifications listed in technical manuals

and accepted trade practices. He makes the repairs and installations with little or no technical advice or guidance.

He maintains the shop areas. The appellant assists with the general maintenance and repair of the waterfront infrastructure and with inventory delivery, transport, and storage of supplies which may require the use of a forklift or a truck. He also performs duties related to the winter storage and spring commissioning of vessels and equipment.

The appellant provides hands-on instruction to students on equipment and system maintenance and repair. He also instructs the students on vessel operation. This includes teaching the basic rules-of-the-road, navigation, how to maneuver boats to dock and undock or come alongside larger vessels, engine speeds, and rudder movements. He teaches non-movement vessel activities such as operator maintenance, adjustment of dock lines to allow for changes in water level, load capacity, and wind and weather conditions which may cause unsafe sea conditions. Once each trimester, he instructs a U.S. Coast Guard (USCG) 100 ton Master Captain's license preparatory course when six engineering major students are interested in obtaining a Master Captain's License. He uses the topics found on the USCG's Web site, gathering materials covering these topics from various sources, such as government publications covering seamanship/navigation, USCG material, and past experience. Once they take the course, the students take the written test at a designated location.

The appellant and up to three other instructors teach the Skipper's course once each trimester. Upon successful completion, the students may serve as skippers within the [Name] or other extra-curricular teams for training vessels while attending the [Organization]. Prior to August 30, 2012, the appellant, along with a contractor, delivered a pre-approved USCG Fast Rescue Boat course through the [Name] once each trimester. The students who took this course are [Organization] or other extra-curricular team members seeking to obtain a Fast Rescue Boat endorsement once they obtain a USCG Master Captain's License. Once the course was completed, the written test was administered by the appellant, who was given the USCG's approval to administer the test. The appellant is currently working with the USCG to obtain approval to again offer the Fast Rescue Boat course. The appellant instructs a Convoy Operation course twice each trimester. Each class consists of approximately 35 students, most from the [Name]. During the six-hour course, the skipper on each training vessel, in turn, serves as the Lead Boat Skipper, providing directions to the other vessels, and demonstrate the course topics of safety, procedures, formations, and schedules. This course is designed to supplement the for-credit Convoy Operations course by providing the students with hands-on experience in using the concepts they were taught.

In reaching our appeal decision, we have carefully reviewed all the information furnished by the appellant and his agency including his official JD which we previously incorporated by reference into this decision. In addition, to help decide the appeal we conducted telephone interviews with the appellant on September 12, 2012, and his supervisor on September 18, 2012.

Pay category determination

The agency placed the appellant's job in the 5334 Marine Machinery Mechanic series and titled it Marine Machinery Mechanic (Propulsion Systems). However, the appellant believes his position should be classified in the GS because it exists to provide instruction to the students, ensure the engines on the vessels remain in working order, and inspect the work of the other department FWS employees and the students. The appellant's supervisor states the mission of the appealed position and the [Organization] are to provide instruction to the students: "...the primary role of the position is to help instruct Midshipmen in hands-on marine engineering, and that is the highest priority throughout all of the positions [sic] duties." For the reasons discussed below, we find the appellant's job is covered by the FWS.

Section 5102 of 5 U.S.C. requires 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 *Introduction* 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 a position is in a trade, craft, or manual labor occupation within the meaning of title 5 depends primarily on the duties, responsibilities, and qualification requirements; i.e., the most important, or chief, 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 to perform its primary duty, the position is under the FWS. Paramount does not rely on percentages of work time.

Positions classified to the 802 series perform work in a variety of unique work situations, often aligned with professional engineering and architecture fields and each with a fairly distinct set of knowledge and skill requirements. The work involves functions such as research, development, design, evaluation, construction, inspection, production, application, standardization, testing, or operation of engineering facilities, structures, systems, processes, equipment, devices, or materials. Basic knowledge and skills are transferable from one specialization to another. The positions do not require professional knowledge and abilities for full performance and therefore do not require training equivalent in type and scope to that represented by completing a professional curriculum leading to a bachelor's degree in engineering or architecture.

The appellant's primary and paramount duties flow from the mission and function of the organization in which he works, which is trades in nature. The record shows trades or crafts knowledge and skill are required to perform the primary and paramount duties of the appellant's job. The appellant must apply trades skills to maintain and repair the electronic (e.g., navigation and engine monitoring and control), and marine mechanical systems (e.g., hydraulics, steering, pneumatics) of [Organization] vessels. Most of these projects provide hands-on experience for interested students looking to supplement their coursework or learn more about a particular topic. For example, the appellant needed to determine why the 550 horse power diesel engine on one of the vessels was not operating properly. The appellant worked with approximately 15 students on this project, overseeing and instructing them step-by-step from how to haul the vessel out of the water and place it into a boat bay, to removing the engine, breaking down and labeling each part of the engine, inspecting each engine part for cracks and tolerances, determining which parts and

materials were needed to make the necessary repairs, and launching the vessel and testing the engine to ensure it was operating within the manufacturers specifications. This work is typical of on-the-job training provided by journey-level trades and crafts employees to trainees.

The appellant and his supervisor stated the appellant cannot perform his “primary” duty of instructing the students without the technical knowledge of the various vessel systems previously discussed. However, this misconstrues the meaning of the terms “primary” and “paramount” in the pay category determination process. As discussed above, the appellant must be able to maintain and repair the electronic and marine engineering systems of [Organization] vessels. This is the paramount knowledge required by the appellant in order to “help instruct Midshipmen in hands-on marine engineering” as certified by the appellant’s supervisor. The latest vacancy announcement for the appellant’s Marine Machinery Mechanic (Propulsions Systems) job confirms this fact when it states that the purpose of the job is to perform a wide variety of activities needed to operate, maintain, and repair a range of boats and vessels with a special emphasis on engine maintenance and repair duties, and provide upkeep and support of the waterfront environment. These requirements are also reflected in the appellant’s performance standards.

In order for the appealed position to be covered under the GS, the prerequisite knowledge, skills, and abilities must be of an administrative, clerical, scientific, artistic, or technical nature not related to trade, craft, or manual labor experience. Since knowledge of maintaining and repairing electronic and marine engineering systems is required to both instruct the students and maintain the [Organization] fleet of vessels, this “knowledge” is the paramount requirement of the job. The ability to instruct is a skill that may be learned after placement in the job. Since the appellant must apply trades and crafts knowledge and skills to perform his primary duties, his job is covered by the FWS.

Decision

By application of controlling pay category determination criteria, the appealed job is covered by the FWS.