

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

Chicago Oversight Division
230 South Dearborn Street, DPN 30-6
Chicago, Illinois 60604

**Job Grading Appeal Decision
Under Section 5346 of Title 5, United States Code**

Appellant:	Appellant
Agency classification:	Motor Vehicle Operator WG-5703-5
Organization:	Department of Veterans Affairs Medical Center Facilities Management Service Section city and state
OPM decision:	WG-5703-6 Motor Vehicle Operator
OPM decision number:	C-5703-06-02

Signed _____
Frederick J. Boland
Classification Appeals Officer

May 10, 1999

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). It must be implemented no later than the beginning of the fourth pay period following the date of the decision. The effective date of the implementing action must be no later than the beginning of the first pay period that begins after the 60th day from the date the appellant filed the appeal with the agency (5 CFR 532.705(d)).

Decision sent to:

Appellant
Facilities Management Service
VA Medical Center
address
city and state

Mr. Ronald E. Cowles
Deputy Assistant Secretary for
Human Resources Management
Department of Veterans Affairs
Washington, DC 20420

Personnel Officer
Chief, Human Resources Management
Service
VA Medical Center
address
city and state

INTRODUCTION

The appellant is assigned to job number #, position, WG-5703-5, located in the, Department of Veterans Affairs Medical Center.

The appellant agrees that the position description accurately reflects his duties and responsibilities, but believes he should be higher graded because the vehicles he drives include large trucks and because he transports patients.

JOB INFORMATION

The appellant is one of about 23 employees in his unit, which includes a WS-10 Maintenance and Operation Supervisor, 11 Mechanics, five Boiler Plant Operators, two Materials Handlers, and two WG-6 and two WG-5 Motor Vehicle Operators.

The appellant operates and maintains several vehicles, devoting most of his time, by his estimate about 55 percent, to two vans, a Dodge Caravan mini-van and a Chevy Astro van. Each van is approximately 3,800 pounds gross vehicle weight (GVW). He uses the vans to transport patients from the Medical Center to off-site centers for treatment, such as cancer treatment centers or other Medical Centers in city and state; city and state; city and state; and city and state. These weekly trips vary from about 10 miles to 260 miles one way. He drives a Ford Explorer and Jeep Cherokee as backups for the same purpose. These vehicles are each approximately 3,350 pounds GVW. The Ford Explorer and the Chevy Astro van have protective cages between the driver and the passenger compartment and are primarily used to transport psychiatric patients. A nurse or medical staff member usually accompanies patients on all trips should they require emergency care. The appellant is not required to know cardiopulmonary resuscitation (CPR) or basic first aid.

The appellant also operates and maintains a Laundry Truck, 24,500 pounds GVW, with air brakes. He also operates a 14-passenger Ford Aerotech Bus, which is specially equipped for up to four wheelchair patients, 14,050 pounds GVW. He spends the remainder of his time completing trip tickets, maintenance reports, General Services Administration (GSA) mileage reports, and patient care mileage reports. The position description states he is responsible for operating a 40 horse power tractor used for snow removal and groundskeeping. However, he no longer performs this duty, though he does routine maintenance on the tractor.

ANALYSIS AND FINDINGS

Pay System Determination

A job is exempt from the General Schedule only if the paramount requirement of the job is knowledge and experience in trades, crafts, or laboring. The primary duty for the appellant's job is driving and maintaining vehicles to transport patients and cargo. The chief requirement of his job is knowledge and experience in operating and maintaining various types of motor driven vehicles. Consequently, his job is exempt from the General Schedule and falls under the Federal Wage System (FWS).

Code and Title Determination

An FWS job is coded to the occupation that represents the best match between the content of the job and the definitions of the various occupations. Jobs requiring the performance of work in two or more occupations are coded to the occupation that is most important for recruitment, selection, placement, promotion, or reduction-in-force purposes. This is ordinarily the occupation having the highest skill and knowledge requirements, as long as that occupation's duties are regular and recurring.

The *Motor Vehicle Operator, WG-5703, Series* job grading standard, dated April 1991, covers work like the appellant's involving the operation of gasoline, diesel, or electric powered wheeled vehicles to haul cargo and fuel, transport passengers, or to tow or recover equipment. The prescribed title for jobs in the 5703 series is *Motor Vehicle Operator*.

GRADE DETERMINATION

FWS work is graded based on the regular and recurring duties of the job that involve the highest skill and qualification requirements, even though the duties may not be performed most of the time. Duties performed only in the absence of another employee, to meet emergency workloads, or for development are not considered regular and recurring.

A job is graded as a whole against the level of demands found at differing grades. These demands are expressed in the job grading standard as four factors: 1) skill and knowledge, 2) responsibility, 3) physical effort, and 4) 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.

Factor 1: Skill and Knowledge

This factor covers the nature and level of skill, knowledge, and mental application required to perform the work.

The appellant states:

I am the alternate driver for the laundry truck. This vehicle is 24,500 GVW with the air brakes. I drove this vehicle 27 days in 1997 and 52 days in 1998. I feel this is enough time to be regular and recurring duties.

In addition, I am the alternate driver of our 14 passenger bus that is especially equipped for up to four wheelchair patients and it requires a commercial drivers license with a passenger endorsement. I drove this vehicle approximately 40 days in 1998. We just received this vehicle in the past year.

The appellant most often operates light vans. He drives heavier vehicles, like the laundry truck and 14 passenger bus, largely as a backup to two higher graded drivers. However, he substitutes for these other drivers with such regularity that this aspect of his job cannot be dismissed solely as emergency or temporary work.

The heavier vehicles present a modest time demand for the appellant, but one sufficient enough to warrant consideration under the Federal Wage System. Job grading is based on the regular duties

of the job, even though the duties may not be performed most of the time. There is no specified percentage-of-time requirement for grade controlling duties, though low percentages warrant examination to ensure the duties are repetitively performed on a continuing basis, require the full range of work and qualifications characteristic of the grade, and are performed under normal supervision for the grade.

Regular by definition means conforming to a rule or pattern. This may be a fixed schedule (such as daily, weekly, or bi-monthly) or conditional (such as whenever an event occurs, like the triggering of an alarm). Recurring by definition means occurring again, such as repeated occurrences or cycles. Duties conforming to a fixed schedule are always recurring when permanently assigned. A temporary assignment, however, has a fixed duration and, hence, is not recurrent over the long term. Emergencies are typically unexpected events demanding immediate attention that do not typically conform to a schedule, rule, or pattern, though they do recur. The appellant's operation of heavier trucks does not conform to a fixed schedule, but it follows a rule and he has been continually assigned such work for over a year.

At our request, the appellant provided trip tickets from a recent week. During the week, he drove the Chevy Astro, the laundry truck, and the passenger bus approximately 14, 16, and 70 percent of the time, respectively. Though the week is not representative of his usual time demands, it illustrates the extent to which they may fluctuate. Over a longer period, January 1998 to January 1999, he operated the laundry truck 52 days, or roughly 15 percent of the time. In addition, from November 1998 to early March 1999, he operated the 14 passenger bus about 90 hours, a somewhat smaller percentage of time than the laundry truck. Consequently, operation of heavier vehicles is a task the appellant performed repeatedly for more than a year. The rule governing his operation of heavier vehicles is that he alone, until recently, drives whenever either one of the higher graded drivers is unavailable, though he is also allowed to drive the laundry truck when free of other demands. Consequently, he operates heavier vehicles regularly.

An exception to the regular and recurring grading principle excludes from consideration duties performed only in the absence of another employee. This exception excludes acting assignments, typically those where an employee fills in for his supervisor (even though such assignments rarely involve full responsibility and tend to be more custodial in nature and, hence, would not warrant a change in grading). It also excludes substituting for a higher graded co-worker, even when full responsibility is assumed. However, the exclusion is not a blanket exception for skirting chronic staffing shortages. It refers to assuming a singular employee's duties for a temporary period. Repeatedly assuming several employees' duties whenever they are absent requires assessment of those duties against the regular and recurring grading principle.

Both the laundry truck and 14 passenger bus require significantly greater knowledge and skill than credited at the WG-5 level. Indeed, the appellant obtained a higher class license at his agency's request so he could operate such vehicles. Both are significantly higher, wider, longer, and heavier than the 10,000 pound GVW vehicles found at the WG-5 level. The appellant's possession of a commercial driver's license necessary for heavier vehicles permits his lawful operation of them outside the Medical Center. Driving them as he does with a full load of passengers or laundry involves the

full range of work and qualifications normally expected and he performs the work with only normal supervision.

Like WG-6 drivers, he must ensure the distribution of weight in the laundry truck is even by determining the number of carts being transported and their weight so that he may load heavier carts over the axle center. Like WG-6 truck drivers, he must have skill in manipulating the 14 passenger bus's hydraulic controls to safely raise and lower patients on its wheelchair lift. He must make more difficult judgments concerning the loading and unloading of cargo or passengers, overhead and side clearances, turning radius, braking distance, and safe intervals between other vehicles.

Like WG-6 patient transport operators, he must properly load and secure patients by fastening their wheelchairs to tie downs on the bus floor with ratchet straps and three belts that serve as shoulder and lap restraints. He must be skillful in bus operation to maintain patient comfort over the variety of road conditions he traverses.

He does not operate the heavy vehicles typical of the WG-7 level. Vehicles at the WG-7 level are typically 26,000 pounds GVW and heavier or, in the case of passenger ambulance buses, are used to transport patients and their family members and medical personnel and are equipped with litter facilities and other medical support equipment. Such vehicles are significantly larger and longer than any the appellant operates.

We evaluate this factor at the WG-6 level.

Factor 2: Responsibility

This factor covers the nature and degree of responsibility involved in the work, given its complexity and scope, the difficulty and frequency of judgments and decisions made, the supervisory controls, and the work instructions and technical guides used.

I believe the grading standard clearly distinguish's a difference between grade 5 and 6 with the transportation of patients, drivers at the DV]MC city transport medical and surgical patients. All of the drivers are responsible for GSA mileage reports and patient care reports.

Also, all of our GSA vehicles on station are equipped with oxygen holders, with two vehicles equipped for psychiatric patients.

As at the WG-6 level, the appellant is responsible for selecting routes and obeying all traffic laws and safety regulations as well as the safe loading and unloading of the two larger vehicles he operates. Unlike WG-7 drivers, he does not have responsibility for selecting routes based upon the greater size and length of WG-7 level vehicles or the loading of the heavier and less stable loads these vehicles may transport.

We evaluate this factor at the WG-6 level.

Factor 3: Physical Effort

This factor assesses the physical effort involved in the work according to its nature, degree, frequency, and duration of exertion.

Like WG-6 level drivers, the appellant expends significantly greater effort in maneuvering the two longer and heavier vehicles he operates, especially when backing these vehicles or assisting wheelchair patients. However, he does not handle the heavier vehicles and loads common to WG-7 drivers.

We evaluate this factor at the WG-6 level.

Factor 4: Working Conditions

This factor covers the usual hazards, physical hardships, and conditions to which workers are exposed. Exposure to unusually severe conditions (hazards, physical hardships, or working conditions) is compensated by environmental pay differentials. Related demands on skill, knowledge, and responsibility are accounted for in the standard.

Working conditions are the same at grade levels 5 and above.

We evaluate this factor at the WG-6 level.

DECISION

The appellant's work equates to the WG-6 level in all four factors. Consequently, the proper grading of the appellant's job is Motor Vehicle Operator, WG-5703-6.