

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

Appellant: [appellant]

Agency classification: Crane Operator
XF-5725-12

Organization: Structures Maintenance Unit Number 1
Maintenance Section
Operations Division
[location] Waterway Project Office
[location] District
U.S. Army Corps of Engineers
[city and state]

OPM decision: Crane Operator
XF-5725-12

OPM decision number: C-5725-12-01

/s/ Robert D. Hendler

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

February 5, 2007

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).

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Introduction

On April 5, 2006, the Chicago Field Services Group of the U.S. Office of Personnel Management (OPM) accepted a job grading appeal from [appellant] who currently occupies a job graded as Crane Operator, XF-5725-12, assigned to the [location Number #], Maintenance Section, [location] Waterway Project Office, Operations Division, [location] District, [location] Division (MVD), United States Army Corps of Engineers (USACE), Department of the Army (DA), Department of Defense (DoD), in [city a d state]. The appellant believes that his job should be graded as either Supervisory Crane Operator, XH-5725-08 / XH-5725-10 or Derrick Boat Operator, XH-5725-08/ XH-5725-10. He filed a job grading appeal with DoD's Civilian Personnel Management Service (CPMS), Field Advisory Services, on September 2, 2005. The agency issued a decision that sustained the current grading of the job on November 18, 2005. Although the appellant timely requested forwarding the appeal package to OPM, an agency administrative error resulted in an unintended delay. We received the initial agency administrative report (AAR) on February 6, 2006, and the complete AAR on September 7, 2006. We accepted and decided this appeal under section 5346 of title 5, United States Code (U.S.C.).

We conducted a telephone audit with the appellant on July 26, 2006, telephone interviews with his immediate and second-level supervisor on August 8, 2006, and had several follow up contacts with his supervisors subsequent to the original interviews to obtain additional information about the appellant's work. The appeal record contains additional descriptive information which we find, along with the official job description (JD), contains the major duties and responsibilities assigned to and performed by the appellant, and we incorporate it by reference into our decision.

General issues

The appellant states in his appeal letter that he disagrees with his agency's evaluation of his job because he does not believe he has received adequate credit for the training of other employees on how to operate the various cranes in the work unit. The appellant also makes various other statements about his agency and its evaluation of his supervisory responsibilities. Implicit in the appellant's rationale is a concern that his job is classified inconsistently with other positions in other Districts that perform similar work. By law, our job grading decisions must be based solely upon a comparison between the actual duties and responsibilities of the job and the appropriate Job Grading Standards (JGSs) (5 U.S.C. 5346). Since comparison to standards is the exclusive method for classifying jobs, we cannot compare the appellants' job to others as a basis for deciding this appeal. 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 appellant's concerns regarding his agency's job grading review process are not germane to this decision. In adjudicating this appeal, our only concern is to make our own independent decision based on the proper grading of his position.

A JD is the official record of the major duties and responsibilities assigned to a job by an official with the authority to assign work. A job is the duties and responsibilities that make up the work performed by an employee. Appeal regulations permit OPM to investigate or audit a job, and decide an appeal on the basis of the actual duties and responsibilities currently assigned by

management and performed by the employee. An OPM appeal decision grades a real operating job, and not simply the JD. Therefore, this decision is based on the work currently assigned to and performed by the appellant.

The appellant also believes that the Department of Army Manual Evaluation Standard (DAMES) used to evaluate his job is outdated. However, the content of standards established and approved by OPM for his job is not appealable (section 532.701 of title 5, Code of Federal Regulations).

Job information

The appellant is assigned to JD number [#####]. The appellant and his supervisor certified its accuracy in statements signed by the appellant and supervisor on December 4, 2005, and December 5, 2005, respectively. The appellant reports to the section chief, classified as a Crane Operator Supervisor, WS-5725-12, in the Structures Maintenance Unit 1 in support of the maintenance and repair of navigation locks and dams, who oversees 13 employees, including one Lock and Dam (L&D) Repairer Leader, two grade 12 Crane Operators (one of which is the appellant's job); one grade 11 Crane Operator, three grade 10 and one grade 8/10 L&D Repairers, one grade 5 L&D Repairer Helper, three XF-10 Marine Machinery Mechanics, one XH-10 Master Towboat Operator, and one XH-7 Towboat Operator.

The appellant operates a variety of cranes including fixed barge mounted ringer cranes, land based mobile cranes, and barge mounted mobile cranes. Work is typically done in restricted areas in the proximity of locks, dams, bridges, or other hydraulic structures where maneuverability of the cranes is highly restricted and accuracy is critical. He must make exact movements to position the load placements accurately and safely. He serves as the primary operator of the crane barge Hercules to perform heavy duty lifting (350-ton capacity). The Hercules is assigned to the [location] Waterway Project Office, but may perform work outside the project office and outside the MVD. All lifts, picks, and moves are made using hand signals or voice communications according to accepted crane and floating plant procedures.

The appellant operates other crawler or truck-mounted cranes (up to 100-ton capacity) on a variety of work operations, using load hooks in hoisting and handling heavy equipment and material, such as in yard loading and unloading materials from barges, trucks, and railroad cars. He lifts boats from water for repairs and returns them to water, working in tandem with other cranes for heavy loads. He sets floating coffer beams and needles, and handles concrete buckets. He works with divers doing underwater work, where the utmost care in operation is needed. He operates cranes in swampy areas and also on uneven ground. He often performs duties in areas of high tension electric wires and other overhead objects. He operates cranes at top capacity and determines the need for and establishing the amount of boom length, number of cable reaves, and counterweights needed to lift loads safely. The appellant directs deckhands operating spud motors and winches, handling lines, and rigging of cables to position barges properly.

The appellant performs daily, weekly, and monthly inspections of cables, booms, engines and other operating equipment. He performs preventive maintenance and minor field repairs such as adjustment of frictions, brakes, air cylinders, and replacement of cables. In working with

mechanics performing major overhauls, the appellant will operate cranes to lift an engine out of machinery for repair.

As an ancillary duty, the appellant trains other crane operators and individuals in the Wage Grade Career Development Program in the operation of the Hercules and other types of cranes providing instruction that enables the employees to pass written and operating tests. Successful completion of training results in certifying a trained employee's proficiency in crane operation and receipt of a license for crane operation.

Pay Plan, Occupational Code, Title, and Standard Determination,

The agency has determined the appellant's job is a floating plant job under a special wage schedule set aside from the regular FWS listed in the FWS Operating Manual, Appendix V. B. Corps of Engineers Floating Plant and Hopper Dredge Schedules and placed the appellant's job in the 5725 series with which the appellant has not disagreed. After a careful review of the record, we concur. The primary purpose for the appellant's job is to perform crane operator duties. Work of this nature is clearly described in the 5725 series, which covers nonsupervisory work involved in the operation of cranes to lift, transport, and position materials; to dig and move earth or other material; to drive pilings; or to destroy obsolete structures. The authorized title for jobs in this series is Crane Operator.

The appellant believes he should be graded as a supervisor or leader for the regular and recurring training he provides to lower-graded coworkers. However, we find that he performs the typical on-the-job training functions performed by journey-level trades employees by showing lower-graded employees proper work methods and answering questions on procedures and policies. As the senior crane operator, he provides instruction to new crane operators and other trainees in the proper operation of the cranes of the unit. However, it is common practice where nonsupervisory jobs involve some elements of supervisory responsibility, such as journey-level employees in the trades and crafts who give work assignments and instructions to other employees. The appellant does not perform training or supervisory functions as the primary responsibility and major expenditure of time as required for in the controlling DA Supplementary Job Evaluation Standards for Wage Board Jobs, CPR P42, as required for the lowest levels of such work covered by those standards. These duties and responsibilities are vested in the position occupied by the appellant's supervisor

He also suggests as an alternative that he could be graded as a Derrick Boat Operator, XH-5725-08/ XH-5725-10. However, this is not appropriate because the record does not show he operates a derrick boat, defined as a limited-lifting capacity floating crane.

The agency determined that the deck-mounted crane barge Hercules is part of the fleet and a floating plant piece of equipment. Floating plants are self-propelled and non-propelled floating equipment that are used in USACE to conduct construction, operations, and maintenance activities in and along inland navigable waters and coastal waters. Employees working on such floating plants are paid from special USACE floating plant pay schedules and are evaluated by reference to two standards approved by DA and published by USACE, as provided for in

Appendix V. B. 1. of the OPM Federal Wage System (FWS) Appropriated Fund Operating Manual.

DA's Decision Tree for Classifying Floating Plant Positions (Decision Tree) provides guidelines for determining which criteria are applicable for the position being classified either by the LD or by DAMES. Nonsupervisory floating plant positions (other than Hopper Dredges) are evaluated by DAMES and are designated as XF, XG (leader), or XH (supervisory) floating plant jobs are not covered by DAMES. DAMES also notes that XH and XG positions evaluated by the standard are restricted to employees performing revetment and bank stabilization work. The agency determined the appellant's position does not meet the criteria to be evaluated by the LD as outlined on the Decision Tree because the primary duty of the appealed position is to safely operate a variety of cranes. According to the diagram, jobs like the appellant's that are not supervisory or licensed on Hopper/Pipeline Dredge, Towboat, Tug, Tender or Derrick boats are evaluated instead using Section 6, Auxiliary Standard for Evaluation of Nonsupervisory Wage Board Jobs, of DAMES. After a careful review of the record, we concur. Therefore, the appellant's job is appropriately identified as a non-licensed, nonsupervisory job and is properly assigned to the XF pay plan code and is covered by DAMES, Part II - Standards for Wage Board Jobs for grading purposes.

Grade determination

DAMES, Part II, Section 6 - Standards for Wage Board Jobs, uses five factors in evaluating nonsupervisory blue collar jobs: 1) Experience and Training, 2) Responsibility, 3) Mental Application, 4) Physical Demand, and 5) Working Conditions. These five factors cover a total of ten elements with a specific point value assigned to each. The agency credited the evaluation elements, as follows: 1 and 2-290 points, 3-100, 4-80, 5-80, 6-120, 7-0, 8-180, 9-60, and 10-80. The appellant disagrees with the values assigned to Factor II, Elements 3, 4, and 5; Factor III, Element No. 6; and Factor V, Element No. 10. After a careful review of the record, we concur with the points assigned by the agency to the elements not in dispute. Our analysis will focus on the disputed elements, as follows:

Element 3, Supervision Received, is related directly to the complexity of the work performed. The value of Element 3 is based on the number of points given for experience and training under Factor I, Elements 1 and 2 (where the agency credited 290 total points, the highest described in the standard for 36 months of required experience and schooling). The appellant did not dispute Factor I where the agency credited the appellant's position as needing 36 months of experience and the completion of high school, but believes he should be credited with more points for Factor 2, Element 3, because of the unusual experience he brings to the job as the primary operator of the Hercules crane along with the skills necessary to perform the heavy duty lifting (350-ton capacity) required. However, there is no provision in the standard to credit Element 3 for unusual experience. According to the conversion table under the requirement for 36 months which the appellant did not challenge, positions that were credited between 260 and 300 points under Factor I are credited with 100 points for Factor II, Element 3. Therefore, this element is credited with 100 points.

Element 4, Responsibility for Tools, Materials, and Equipment, measures responsibility for avoiding or minimizing damage to or the loss of tools, machines, equipment, and materials used in performance of assigned duties. It measures the results of mishaps which are inherent in the job, but which can be avoided or minimized by a properly trained employee who applies training competently and exercises normal prudence in carrying out duties. It is not intended to measure loss which conceivably could occur on the job, but is unlikely to occur with competent and prudent job performance. The criterion used to measure the degree of responsibility under this element is the monetary loss that would result.

The agency credited this element with the 4th degree, the highest level described. The appellant believes that he should be credited with 150 points, but there is no provision in the standard to credit more than 80 points. After a thorough review of the record, we concur with the agency that the 4th degree most closely matches the description of work because the appellant must make exact movements where maneuverability of the cranes is highly restricted and accuracy is critical to position the load placements accurately and safely. We find his work fully comparable to the situation in which the work risks damaging vessel or harbor installations through collision. Therefore, Element 4 is credited at the 4th degree with 80 points.

Element 5, Responsibility for Safety of Others, measures the worker's responsibility for avoiding or preventing injury to others which would result from his own acts or failure to act. It takes into consideration potential injuries the causes of which are inherent in the job, but which can be minimized or prevented by applying the knowledge gained of such causes and by exercising prudence in carrying out the duties. It is not intended to measure responsibility for injuries which conceivably could be caused, but which are unlikely to occur with competent and prudent job performance. This element is not intended to measure the worker's responsibility for avoiding personal injury. That issue is measured under Element 10.

The appellant says DAMES does not properly credit him for the unusual level of responsibility required for the safety of others when he operates the Hercules crane. However, the criterion used to measure responsibility is the probable severity of the injuries likely to be suffered by others because of the incumbent's actions or his failure to act. The agency credited the appellant's responsibility at the 4th degree, the maximum described for this element in DAMES. After a careful review of the record, we concur because the job requires extreme care with regard to the safety of fellow workers. The appellant operates cranes to lift, transport, and position materials in the maintenance and repair of navigation of locks and dams which could result in serious injury or loss as described at this level. Similarly, he works with divers who perform underwater work, where the utmost care in operation is needed. This closely matches the example described at the 4th degree where such an accident could result in permanent disability or death. Therefore, this Element 5 is credited at the 4th degree with 80 points.

Element 6, Mental Effort Required, considers the intensity of mental effort required to do the job. There are five possible degrees available under Element 6. The agency credited the appellant's position with the 5th degree, the highest degree described in the auxiliary standard. The appellant believes that he should be credited with more points, but there is no provision in the standard to do so. Rather, the appellant's effort is similar to that described at the 5th degree, as the appellant must exercise a high degree of coordination in the operation of cranes,

particularly the Hercules, in a variety of work situations, to hoist and handle heavy equipment and material, such as in-yard loading and unloading materials from barges, trucks, and railroad cars. This describes the effort required by the appellant's job and closely matches the 5th degree where extreme mental effort is required to operate marine and heavy industrial equipment such as power shovels, cranes, and dredging equipment. Therefore, this element is properly credited at 5th degree with 120 points.

Element 10, Exposure to Hazards, addresses the probable severity of injuries, or the potential of serious disabling health conditions to the crane operator, which reasonably may be expected to occur under normal working conditions. It is not intended that the element be measured by the most serious accident that conceivably could occur in the conduct of the job. Five degrees are identified under this element. The appellant believes that he should be credited with the 4th degree because it mentions the risks present while oiling running machinery where a probable mishap would result in loss of a hand, foot, arm, or leg. However, the appellant's job does not meet the level of severity of injuries or result in the type of permanent disabilities as intended by the 4th degree. The agency credited the appellant's position with the 3rd degree where probable normal mishaps would involve serious burns, loss of a finger joints, fractures of extremities, or other serious accidents causing loss of time beyond five days, but not permanent disability. After a careful review of the record, we concur with the agency that the risks are consistent with this lower level based on a determination that the loss of limb would not normally occur in the performance of his crane operator duties, nor is there an exposure to health hazards that would result in permanent disability. We find the hazards typical of crane operator duties comparable to motor vehicle operator duties directly addressed by the 3rd degree. Therefore, this element is credited at the 3rd degree with 80 points.

Summary

Factor summary

Factor I, Experience and Training

Element 1, Experience or Training Required (36 mos.)

Element 2, Education Required (Column E)

Rating of 1 and 2 produces value on table of 290 (value table)

Factor II, Responsibility

Element 3, Kind of Supervision Received 100 (A to B table)

Element 4, Responsibility for Tools, Materials, and Equipment 80 (4th degree)

Element 5, Responsibility for Safety of Others 80 (4th degree)

Factor III, Mental Application

Element 6, Mental Effort Required 120 (5th degree)

Element 7, Visual Attention Required 0 (1st degree)

Factor IV, Physical Demand

Element 8, Physical Demand 180 (5th degree)

Factor V, Working Conditions

Element 9, Environmental Conditions 60 (3rd degree)

Element 10, Exposure to Hazards 80 (3rd degree)

Total point value

990 points

A total point value of 990 falls with the grade 12 range (945-1004) on the grade conversion table contained in Section 6, Auxiliary Standard for Evaluation of Nonsupervisory Wage Board Jobs, of DAMES (page 49).

Decision

The appellant's job is properly graded as Crane Operator, XF-5725-12