

Department of Defense (DoD)
Civilian Personnel Management Service (CPMS)
Field Advisory Services - *FAS*
Classification Appeal Decision

DoD Decision:	Federal Wage System
Initial classification:	Federal Wage System (Plumber, WG-4206-09)
Organization:	Marine Corps Air Station Facilities Maintenance Department Maintenance & Repair Branch
Date:	October 5, 1998

BACKGROUND

On August 5, 1998, the Defense Civilian Personnel Management Service accepted a classification appeal from , who is classified in the Federal Wage System as a Plumber (Water Systems Distribution Mechanic), WG-4206-09, located in the Facilities Directorate, Facilities Maintenance Department, Maintenance and Repair Division, Preventive Maintenance Branch, Marine Corps Air Station. The appellant, in accordance with 5 CFR 511.603(a)(2), has appealed the pay category of his job, claiming that it is properly covered under the General Schedule, specifically Mechanical Engineering Technician, GS-802-11.

This decision constitutes the final administrative decision by the Department of Defense.

SOURCES OF INFORMATION

- Information contained in the appeal file submitted by the appellant
- Information contained in the appeal file submitted by the servicing personnel office
- Telephone audit with appellant
- Telephone interview with the appellant's first line supervisor

POSITION INFORMATION

The appellant is responsible for maintaining the installation's potable water distribution system, and is designated as the Cross-Connection Control and Backflow Prevention Program Manager. The term "backflow" means an unwanted flow of non-potable water or substance from a domestic, industrial, or institutional piping system into the pure, potable water distribution system. A backflow occurrence may result in the introduction of hazardous material into the potable water system. The point at which the non-potable material comes into contact with potable water is called a "cross-connection." Prevention of backflow requires the installation of a mechanical device known as a "backflow preventer" onto the water piping systems. The appellant is responsible for ensuring that cross-connections are identified, and that appropriate backflow prevention devices are installed and maintained in accordance with the Safe Drinking Water Act of 1974, the State Administrative Code, the State Building Code, and various EPA, Department of Navy, and local regulations.

The duties performed by the appellant in carrying out the backflow prevention program include annual surveys of all buildings on the installation with potable water systems (as well as some off-site facilities) to locate possible cross-connections; installing backflow prevention devices where necessary; inspecting, testing, and certifying backflow prevention devices (approximately 550 devices on the installation which are inspected every six months); training other facilities maintenance personnel in the installation and inspection of backflow preventers; and reviewing contractor plans, blueprints, and specifications to ensure cross-connections and backflow issues have been properly addressed. The appellant maintains records on the backflow prevention program, including certification documents, survey reports, and test and inspection reports. The work involves coordination with various personnel within the installation, including engineering, environmental, contracts, and facilities maintenance.

A description of the appellant's duties is contained in job description, which has been certified as accurate by both the appellant and his supervisor.

STANDARD(S) REFERENCED

- Office of Personnel Management Introduction to the Position Classification Standards, Section IV
- Title 5, United States Code, Chapter 51
- Office of Personnel Management Job Grading Standard for Plumber, 4206, TS-6,

3/69

- Office of Personnel Management Position Classification Standard for Engineering Technician, GS-802, TS-80, 6/69

PAY CATEGORY DETERMINATION

The appellant has appealed the pay category of his job, asserting that it is properly classified in the General Schedule. The basis for this claim, according to the appellant, is the position's overall responsibility for managing the backflow prevention and water quality program. The appellant believes that such "program management" functions are General Schedule in nature. He has stated that although much of his work involves actual hands-on installation and maintenance of the backflow prevention devices, he is currently in the process of training other maintenance personnel to perform this aspect of the program. Both the appellant and his first line supervisor have stated that it is management's intent to eventually assign all of the installation, maintenance and repair work to other employees. This has not yet been accomplished, however, because the appellant regularly performs this work himself. Although "management's intent" is, at times, considered in the classification of positions, the appeals process requires that we classify the duties as they are assigned by management and performed by the employee. Projected duties cannot provide the basis for an appeal decision.

5 U.S.C. 5102(c)(7) exempts from coverage under the General Schedule "employees in recognized trades or crafts, or other skilled mechanical crafts, or in unskilled, semi-skilled, or skilled manual labor occupations, and other employees including foremen and supervisors in positions having trade, craft, or laboring experience and knowledge as the paramount requirement." Such positions are classified in the Federal Wage System. The "paramount requirement" refers to the essential skills, abilities, and knowledge required to perform the position's primary duty or responsibility (the basis for which the position was established). In this case, the appellant's primary duty must be identified in order to determine whether the job is included in or excluded from the General Schedule.

According to the appellant, his primary duty is managing the backflow prevention and water quality program. This, however, is more of a functional statement than a duty description. The essential duties and responsibilities that accompany this function must be examined in order to properly assign the pay plan. According to the local instruction that assigns responsibilities for the program (entitled *Cross-Connection Control and Backflow Protection Program for United States Government Activities Located at Marine Corps Air Station*), there are three administrators for the program. The "Program Director" (facilities maintenance officer) has overall responsibility for the program; the "Program Coordinator" (environmental affairs

officer) is responsible for policy matters and liaison with state officials; and the "Program Manager" (appellant) is responsible for the daily management of the program. This responsibility involves three major duties performed by the appellant: (1) installation, inspection, test and repair of backflow prevention devices; (2) conducting building surveys to identify cross-connections (and subsequently install backflow preventers where necessary); and (3) reviewing contractor plans and blueprints to ensure construction projects adhere to program requirements. These duties involve a mixture of work that is both typically General Schedule and typically Wage Grade. For example, reviewing contractor plans and blueprints for construction projects is typically a GS function, often performed by Engineering Technicians (GS-802) or Construction Representatives (GS-809). However, these reviews are generally for the purpose of ensuring that overall design requirements are met and construction methods and techniques are appropriate. (The appellant's reviews are much narrower, focusing on cross-connections and backflow aspects, and would be classified as lower level technician work.) In contrast, the installation, repair, and inspection of backflow prevention devices on water distribution systems is clearly wage grade work, typically performed by Plumbers or other employees in the facilities maintenance trades.

The primary duty or responsibility (and paramount knowledge requirement), therefore, must be gleaned from this mixture of duties in order to determine the correct pay category. Although the appellant performs a variety of duties in the day-to-day management of the backflow prevention program, the primary purpose of his job is to ensure that backflow prevention devices are installed properly, and are maintained and inspected in accordance with applicable regulations. Overall program responsibility, as well as policy matters pertaining to the program (work normally covered by the General Schedule), have been assigned to other personnel, in accordance with the local governing instruction. Currently, the appellant installs about half of all backflow preventers on the base, and conducts tests on most of the 550 devices currently in place. This requires the appellant to be skilled in the installation of the devices, and be highly familiar with the mechanical makeup of the devices and how they work (several types of backflow preventers are available, depending on the degree of hazard and the type of cross-connection). The appellant must also be knowledgeable of water distribution and plumbing systems, and have the ability to read and interpret blueprints, and be skilled in the use of the tools and equipment related to the plumbing trade. This trades knowledge and experience is paramount for the successful accomplishment of the work of the position, causing it to be excluded from the General Schedule.

The other duties associated with the appellant's work, such as developing survey and inspection schedules, maintaining files and databases, and developing reports, require some knowledge and skills often found in General Schedule occupations, but are ancillary to the central purpose of the appellant's job. In fact, such duties are often assigned to Federal Wage System employees in many situations, particularly those who develop a specialty within a trade. The fact that such duties may also be found in properly classified General Schedule

positions (such as engineering technicians) is not material; it simply indicates that those positions do not have trades and crafts knowledge as the paramount requirement.

The appellant's responsibility to perform installation, maintenance, repair and testing on the backflow prevention devices requires skill and knowledge in a recognized trade (paramount requirement), and is the basis for excluding the job from the General Schedule.

DECISION

The appellant's job is excluded from the General Schedule, and is properly classified in the Federal Wage System.