



United States  
Office of  
Personnel Management

Washington, D.C. 20415-0001

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7 Oct 91

In Reply Refer To

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Your Reference

John L. Shrader  
Chief, Benefits & Entitlements  
Division  
Directorate of Civilian Personnel  
Department of the Air Force  
Headquarters U.S. Air Force  
Washington, D.C. 20330-5060

Dear Mr Shrader:

This is in response to your request for a determination of general coverage under 5 U.S.C. 8336(c) for the position(s) listed in your letter dated May 29, 1991.

We have approved general coverage for the following position(s) in the Secondary/Administrative category:

<u>Position Title</u> <u>(Org. Title)</u>	<u>Series/</u> <u>Grade</u>	<u>PD#</u>
Firefighter (Emergency Medical Technician)	GS-081-06	E6187

COMMENTS:

This coverage applies only to employees covered by the Civil Service Retirement System (CSRS). All new employees should be cautioned that although a position is covered under the CSRS, it is not necessarily covered under the Federal Employees' Retirement System (FERS). The agency head is authorized to make determinations regarding whether positions under FERS qualify as law enforcement officer or firefighter positions.

Sincerely,

*Larry Hines*

Larry Hines  
Initial Claims Branch 6(c)  
Disability and Special  
Entitlements Division

"Primary Position" means a position whose primary duties are to perform work directly connected with controlling and extinguishing fires or maintaining and using firefighter apparatus and equipment.

"Secondary Position" means a position that (a) is clearly in the firefighting field (b) in an organization having a firefighting mission; and (c) is either-

- (1) Supervisory; i.e., a position whose primary duties are as a first -level supervisor of firefighters in primary positions; or
- (2) Administrative; i.e., an executive, managerial, technical, semiprofessional, or professional position for which experience in a primary firefighting position, or equivalent experience outside the Federal government, is a mandatory prerequisite.

Section 831.903 Conditions for coverage in primary positions.

An employee's service in a position that has been approved as a primary position by OPM or its predecessor, the U.S. Civil Service Commission, is automatically covered under the provisions of 5 U.S.C. 8336(c).

Section 831.904 Conditions for coverage in secondary positions.

(a) An employee's service in a secondary position is covered under the provisions of 5 U.S.C. 8336(c) if the employee meets the following criteria:

- (1) Employee is transferred directly (i.e., without a break in service exceeding three (3) days) from a primary position to a secondary position; and
- (2) If applicable, the employee has been continuously employed in secondary positions since transferring from a primary position without a break in service exceeding three (3) days, except that a break in employment in secondary positions which begins with an involuntary separation (not for cause), within the meaning of section 8336(d)(1) of title 5, United States Code, is not considered in determining whether the service in secondary positions is continuous for this purpose.

(b) This requirement for continuous employment in a secondary position applies only to voluntary breaks in service beginning after January 19, 1988.

(c) An employee who is not in a primary or secondary position and is detailed to a secondary position is not covered under the provisions of 5 U.S.C. 8336(c).

(d) The service of an employee who is in a position on January 19, 1988 that has been approved as a secondary position by OPM or its predecessor, the U.S. Civil Service Commission, will continue to be covered under the provision of 5 U.S.C. 8336(c) as long as the employees remains in that position without a voluntary break in service and coverage is not revoked by OPM.

Section 831.905 Agency requests for OPM determination of primary positions.

(a) After its analysis of the evidence required, an agency will submit a request to OPM for a determination that the duties of the position qualify the position as a primary position.

Section 831.906 Agency requests for OPM determination of secondary positions.

After its analysis of the evidence listed, an agency will submit a request to OPM for a determination that the position meets the criteria for a secondary position.

The following positions meet the criteria for coverage in the secondary/administrative category:

<u>POSITIONS</u>	<u>SERIES/GRADE</u>	<u>PD#</u>
Supvy. Firefighter	GS-081-11	3223830
Supvy. Fire Protection Inspector	GS-081-08	E6710

Based on OPM's review of the position description for Firefighter (Emergency Medical Technician), we find that we do not concur with your determination that the following position meets the criteria established for coverage in the primary category.

Firefighter (Emergency Medical Technician)	GS-081-06	E6187
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The primary duty of this position is not to fight fires. While the position description includes prior firefighting experience, the actual duties performed are those of a paramedic, involving emergency medical treatment.

The duties of this position fail to meet the definition of a primary position as stated herein; therefore, general coverage in the primary category is denied. This does not prevent you from requesting secondary/administrative coverage under 5 USC 8336(c) (1) for this position if you wish to do so.

Pursuant to Section 831.909, Code of Federal Regulations, effective January 19, 1988, you (the agency) are responsible for notifying each employee whose rights or interest are affected by the decision that the decision may be individually reconsidered by OPM in accordance with Section 831.908.

Notification to the employee should be accomplished within 30 days of your receipt of this decision, must be duly dated, and a copy must be entered as a permanent record in the employee's official personnel file. The time limit for requesting reconsideration is 30 days from the date of your notification to the affected employee.

If the employee plans to submit additional evidence which is unavailable, he should not delay his request, just include a statement that additional evidence will be submitted under separate cover. The request for reconsideration should be addressed to:

U.S. Office of Personnel Management  
Employee Service & Records Center  
ATTN: 6(c) Reconsideration  
P.O. Box 45  
Boyers, Pennsylvania 16020

We realize that position descriptions do not always reflect the actual duties and responsibilities of an individual. The request for reconsideration should include an explanation as to why the requirements of the position and duties performed were different than those reflected in the official position description. In an effort to fully document the claim for benefits under section 8336(c), the employee bears the burden of proof with respect to credit. The employee must provide all necessary pertinent