

120 Howard Street, Room 760
San Francisco, CA 94105



**Classification Appeal Decision
Under Section 5112 of Title 5, U.S. Code**

Appellant:	[appellant's name]
Position:	Supervisory Law Enforcement Officer GS-1802-11
Organization:	[appellant's activity] U.S. Forest Service U.S. Department of Agriculture
Decision:	GS-1801-11; title at agency discretion
OPM Decision Number:	C-1801-11-01

Signed by Denis J. Whitebook
DENIS J. WHITEBOOK
CLASSIFICATION APPEALS OFFICER

July 16, 1997
DATE

As provided in section 511.612 of title 5, Code of Federal Regulations, this decision 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, appendix 4, section G (address provided in appendix 4, section H).

Since this decision changes the classification of the appealed position, it is to be effective no later than the beginning of the fourth pay period after the date of this decision (5 CFR 511.702). The servicing personnel office must submit a compliance report containing the corrected position description and a Standard Form 50 showing the personnel action taken. The report must be submitted within 30 days from the effective date of the personnel action.

Decision sent to:

[appellant's name and address]

[name and address of appellant's servicing personnel officer]

[name and address of personnel office for the appellant's region]

Mr. Roger L. Bensey
Director, Office of Human Resources Management
U.S. Department of Agriculture
Washington, D.C. 20250

Introduction

On January 30, 1997, the San Francisco Oversight Division of the U.S. Office of Personnel Management (OPM) received a classification appeal from [the appellant], whose position is currently classified as Supervisory Law Enforcement Officer, GS-1802-11. However, he believes that the position should be classified as Criminal Investigator (Special Agent), GS-1811-12. The appellant's position is located in [his activity, U.S. Forest Service, U.S. Department of Agriculture]. This appeal is accepted and decided under 5 U.S. Code 5112.

This appeal decision is based on a careful review of all information submitted by the appellant and his agency. In addition, the appellant and his supervisor were interviewed by telephone to gather more information about the duties and responsibilities of the position. Both individuals have certified to the accuracy of the official position description (#X4279217). However, our review disclosed that the percentages of work time noted on the position description devoted to the appellant's principal duties differed from the actual percentages we found, which are discussed in the "position information" section of this evaluation. The agency should correct the position description to reflect our findings. In the case file the appellant makes various statements about his agency and its evaluation of the position. In adjudicating this appeal, our only concern is to make our own independent decision on the proper classification of his position. By law, we must make that decision solely by comparing his current duties and responsibilities to OPM standards and guidelines (5 U.S. Code 5106, 5107, and 5112). Therefore, we have considered the appellant's statements only insofar as they are relevant to making that comparison.

Position information

The appellant is the program manager for the public safety and patrol aspects of the law enforcement program covering [two] Ranger Districts of [his] National Forests. His principal duties include the following:

(1) Develops, plans, leads and manages unit wide policies concerning the public safety and patrol aspects of the law enforcement program. This includes providing planning guidance to resource staff on law enforcement needs and resources, developing forest law enforcement plans, administering cooperative law enforcement agreements with other Federal, State and local agencies, and monitoring forest resource and protection activities to identify potential law enforcement problems. The appellant indicated that he spends about 56% of his time performing these duties.

(2) Conducts investigations of misdemeanor crimes and petty offenses of regulatory and Federal criminal laws (Title 36, Part 261) affecting forest lands and resources. The appellant investigates complaints covering violations of special use authorization permits, littering and burning violations, damages to forest lands and property by individuals or commercial interests, etc. In the course of investigations he may secure and protect crime scenes, collect and/or seize evidence, interview witnesses and suspects, prepare investigative reports, and testify at hearings or trials. Our fact-finding disclosed that the appellant spends about 33% of his time performing investigative duties.

(3) Provides technical and administrative supervision to two full performance level Law Enforcement Officers, one Forestry Technician position devoting one-half FTE to the law enforcement program, and one clerical support employee hired under a special authority for employment of senior citizens. Our fact-finding revealed that the appellant spends about 6%-10% of his time carrying out supervisory duties.

The appellant's position description, results of our interviews, and other information in the case record furnish more information about his duties and responsibilities and how they are carried out.

Series, title and appropriate standards

The appellant's position is currently classified to the Compliance Inspection and Support Series, GS-1802. According to the series definition in the position classification standard for the GS-1802 series (dated October 1980), that series covers positions which perform or supervise inspectional or technical support work in assuring compliance with or enforcement of Federal law, regulations, or other mandatory guidelines and which are not classifiable in another, more specific, occupational series. Employees whose jobs are classified in the GS-1802 series either (1) conduct inspections where determinations are based on specific inspection techniques and relatively clear-cut considerations, or (2) they perform technical support to inspections or investigations including such tasks as records searches, doing structured interviews, telephone inquiries, etc. These tasks follow prescribed procedures and are intended to assist compliance inspectors, investigators, and program officials in their fact-finding or program administration responsibilities.

We disagree with the agency's series determination. The scope of the appellant's work goes far beyond strictly technical support to investigators. Although current work and functional requirements dictate that he support, as needed, agency criminal investigators who primarily do investigations of felony offenses, he independently conducts investigations involving all Class A and B misdemeanors and petty offenses in his assigned geographic area. Performance of these investigations requires considerable evaluative judgment, extensive fact-finding and analysis to determine key investigative issues, the ability to interview witnesses and alleged violators, pursue leads, identify relevant evidence, prepare cases for administrative or legal proceedings, and develop reports of investigation. This work is carried out independently, and complements the appellant's overall administration of the law enforcement program for which he is responsible. We believe the appellant's work is best matched to the general series for two-grade interval work in the Investigation Group, GS-1800. As noted in the classification standard (dated October 1980) for the General Inspection, Investigation, and Compliance Series, GS-1801, positions covered by that series administer, coordinate, supervise, or perform inspectional, investigative, analytical, or advisory work to assure understanding of and compliance with Federal laws, regulations, or other mandatory guidelines when such work is not more appropriately classifiable in another series either in the Investigation Group, GS-1800, or in another occupational group. The appellant's position involves considerable analytical and advisory work not only in his conduct of investigations, but also in performing law enforcement program duties in order to analyze violation trends, and advise District resource managers (e.g., recreation, fire management) on law enforcement issues and areas of concern. Although his work is not strictly

devoted to compliance, similar to work in that field he cites violators, drafts complaints, and refers cases for administrative or legal proceedings. We find that the appellant's mix of duties is not elsewhere classifiable in another occupational group, and is therefore assigned to the GS-1801 series.

The appellant believes that his position should be classified in the Criminal Investigating Series, GS-1811. As described in the series definition for the GS-1811 occupation contained in the Grade-Level Guides for Classifying Investigator Positions (dated February 1972), that series includes positions that involve planning and conducting investigations related to alleged or suspected violations of criminal laws. These positions require primarily a knowledge of investigative techniques; a knowledge of the laws of evidence, the rules of criminal procedure, and precedent court decisions concerning admissibility of evidence, constitutional rights, search and seizure, and related issues; the ability to recognize, develop, and present evidence that reconstructs events, sequences, and time elements, and establishes relationships, responsibilities, legal liabilities, and conflicts of interest, in a manner that meets requirements for presentation in various legal hearings and court proceedings; and skill in applying the techniques required in performing such duties as maintaining surveillance, performing undercover work, and advising and assisting the U.S. Attorney in and out of court.

The Guide points out on page 3 that although all Federal investigators fact-find and report, not all positions that involve fact-finding and reporting are classified as investigators. Investigator positions are those that involve cases whose development requires application of the *full range* of knowledges, skills, and abilities described in the Guide. Typically, this full range of knowledges, skills, and abilities is called into use only in the development of cases that are so complex that they normally unfold over a period of time, i.e., days, weeks or months. Thus investigator positions covered by the Guide are distinguished from certain law enforcement occupations that require incumbents to use some investigative techniques (e.g., interviewing, checking records), but not the full range of knowledges which, for criminal investigating, are listed on page 5 of the Guide. As discussed in that section, positions classified in the GS-1811 occupation are concerned with investigations of alleged or suspected violations against the laws of the United States. The work requires a knowledge of the criminal laws and Federal rules of procedure involving crimes against the U.S., including:

- Knowledge of what constitutes a crime or violation as defined in pertinent statutes, including those with anti-fraud or similar criminal penalties;
- Knowledge of the laws of evidence and the kind that is required to prove that a crime was committed;
- Knowledge of the relationships among the criminal investigative jurisdictions of various agencies;
- Knowledge of decisions and precedent cases involving admissibility of evidence, search and seizure, and arrest authority;
- Knowledge of the rules of criminal procedure;
- Ability to develop and use sources of information (e.g., informants), and knowledge of the methods for obtaining required evidence;
- Knowledge of the methods and patterns of criminal operations;
- Knowledge of the availability and use of modern detection devices and laboratory services;

- Knowledge of the continuing advances in investigative technology.

The purpose of the case, i.e., alleged or suspected violation of criminal law, imposes additional requirements on most positions in the Criminal Investigating Series, GS-1811. For example, most criminal investigators must be skillful in such activities as:

- Maintaining surveillances;
- Performing undercover work;
- Making arrests;
- Taking part in raids.

There are also instances in which investigators follow leads that indicate a crime will be committed rather than begin an investigation after a crime has been committed. Additional knowledges, skills and abilities required of positions classified in the General Investigating Series, GS-1810, and the Criminal Investigating Series, GS-1811, are discussed on pages 12-14 of the Grade-Level Guides for Classifying Investigator Positions. Positions classified as investigators also apply many of the investigative techniques discussed on page 6 of the GS-1810/1811 Grade-Level Guides. These are applied to assignments which are sufficiently complex as to normally require extended periods of time, sometimes up to several months to complete. Assignments of this nature typically involve many of the evaluative and analytical tasks listed on page 6 of the Guide dealing with the definition of investigative cases.

As previously mentioned, the appellant's investigations are limited to Class A and B misdemeanors and petty offenses. These include violations of Forest Service regulations and laws governing littering, conducting business or other activities on Forest Service lands without a special use authorization permit, illegal game hunting, leaving a fire unattended, damaging Forest Service lands and resources, placement of fire hazards on or near Forest Service lands, etc. The maximum penalty for these misdemeanors is six months imprisonment and up to a \$5,000 fine. When the appellant has gathered enough information to establish that a violation has occurred, he normally issues a citation to the alleged offender and releases him/her. In some instances the citation requires a future appearance at a legal hearing before the U.S. Magistrate for the Northern Division of the Judicial District of Nevada. Failure to appear can result in the arrest of the alleged violator.

Based on our review of the cases described by the appellant in the record, and additional information provided during our interviews, we have determined that his investigative assignments do not require application of the *full range* of knowledge, skills and abilities typical of positions classified in the Criminal Investigating Series, GS-1811. By their very nature, investigations of misdemeanor violations lack the complexity typical of felony investigations. The latter carry much more stringent penalties (i.e., imprisonment for one year or more), and such cases must frequently be brought before a grand jury for possible indictment of alleged offenders. Felony cases require much more extensive fact-finding, a broader knowledge of evidence and criminal procedure, and comprehensive legal research, in order to convince a panel of jurors that sufficient information is present to indict an alleged violator. In most of the appellant's misdemeanor cases, violators were simply cited and

released. We note that even in the more difficult cases he described--including those concerning damage to Forest Service lands by outfitter/guides running small businesses but working without special use permits, and those involving considerable littering on the forest by individual miners--he did not have to apply the full scope of knowledge and skill typical of investigator positions as listed on pages 12-14 of the Grade-Level Guides. While we recognize that a few of these cases necessitated application of some of the GS-1811 knowledges, skills and abilities (e.g., knowledge of the rules of evidence, interviewing witnesses, observing and reporting facts, testifying in legal proceedings), most are not applied on a regular and recurring basis. Additionally, his cases are not so complex as to require development of issues and application of the full range of GS-1811 knowledge and skill over an extended period of time. We note that even in his most challenging investigations of misdemeanor violations, the total work time spent on a given case did not exceed two weeks, with most ranging from 3-7 days. Although pending investigative tasks sometimes delayed the conclusion of certain cases for longer periods of time, this was generally for the purpose of getting an interview from a previously unavailable witness, or receiving technical information from an expert in a particular field, e.g., archaeologist, forester, expert in mapping. However, overall the total work time devoted to the cases did not exceed that mentioned above.

For the preceding reasons, the appellant's position is best assigned to the General Inspection, Investigation, and Compliance Series, GS-1801. OPM has prescribed no titles for positions in that series. Therefore, according to page 18 of the Introduction to the Position Classification Standards, the appellant's agency may choose the official title for his position. In doing so, the agency should follow the titling guidance on that page. However, we note that the appellant's position is currently titled as "supervisory." This is inappropriate since the position does not meet the criteria in the General Schedule Supervisory Guide (GSSG), dated April 1993, for evaluation as a supervisory position. As noted in the "Statement of Coverage" on pages 1-2 of the GSSG, one of the three factors that a position must meet to be considered supervisory, is that the supervisory work "constitutes a major duty occupying at least 25% of the position's time." The appellant devotes only 6%-10% of his time to supervisory and related managerial work. Therefore the position is excluded from both supervisory titling and grade evaluation by application of the GSSG.

There are two primary aspects to the appellant's work: (1) conduct of investigations of misdemeanor violations, and (2) managing the public safety and law enforcement program for his area. However, the GS-1801 standard does not include grade level criteria. Pages 20-21 of the Introduction to the Position Classification Standards explains that if there are no specific grade level criteria for the work, an appropriate general classification guide or criteria in a standard or standards for related kinds of work should be used. In using other standards, the criteria selected as the basis for comparison should be for a kind of work as similar as possible to the position to be evaluated with respect to: the kind of work processes, functions, or subject matter of work performed; the qualifications required to do the work; the level of difficulty and responsibility; and the combination of classification factors which have the greatest influence on the grade level. Of the standards and guides available to evaluate the two major aspects of the appellant's position, we have chosen to cross-series compare using the Grade-Level Guides for Classifying Investigator Positions to assess the grade of the position's investigative duties. This is in keeping with the guidance on page 7 of the GS-1801

standard, which suggests that positions in that series that perform investigations be evaluated using the Grade-Level Guides for Classifying Investigator Positions. To evaluate the appellant's public safety and law enforcement program management duties, we have cross referenced to the standard for the Customs Patrol Officer Series, GS-1884, dated November 1980. The GS-1884 standard covers two-grade level work like the appellant's and the grade level criteria describe intelligence analysis work requiring a knowledge of Customs and related laws and the ability to correlate, refine, evaluate, analyze and use intelligence information. It also evaluates intelligence related program management responsibilities for a geographic area. Although there are differences in the specific work performed by the appellant and that described in the GS-1884 standard, the appellant's program management duties can be properly classified by focusing on the basic underlying concepts rather than specific GS-1884 work examples. Our evaluation of his two primary duties follows.

Grade determination

Evaluation of Investigative Duties

The Grade-Level Guides for Classifying Investigator Positions uses two factors to distinguish between grade levels: (1) Complexity of assignments, which measures the scope, complexity, and sensitivity of investigative assignments, and (2) Level of responsibility, which measures the kind and extent of supervision given to investigators, and the degree of resourcefulness in finding and verifying information pertinent to cases.

Complexity of assignments

Based on our review, we find that the types of investigations typically performed by the appellant over the last 18 months would not exceed the GS-9 level, which is described on pages 19-21 of the Guide. During that time he has worked on several misdemeanor cases which fully meet the GS-9 level, but fall short of the GS-11 level (pages 21-25). His assignments involving violations by outfitter/guides and miners, in particular, reflect many GS-9 characteristics. He performed several investigative functions on these cases including planning, fact-finding, and report writing. Like the GS-9 level the investigations involved straightforward issues (e.g., littering on Forest Service lands or damaging forest vegetation and resources), and concerned persons who were not controversial. Depending on the subject matter and jurisdiction, he exchanged factual information with law enforcement staff of other agencies, e.g., Bureau of Land Management, State and local offices. The investigations contain many of the characteristics illustrated at the GS-9 level in the Guide. For example, the subject or persons under investigation are small businessmen (outfitter/guides) who have been cited for violations based on the appellant's investigation of their activities. However, their business activities are not likely to be adversely affected by the investigation. Few or no controversial issues grow from the original investigation, and typically like the GS-9 level, the appellant's cases begin and end with one subject who is ultimately cited for a law enforcement violation.

Similar to the GS-9 level, facts in the appellant's cases we reviewed were relatively easy to find, consisting of land records, information on rights-of-way and boundaries of private and public lands,

as well as the location of public roads, to establish that violations occurred on national forest lands. We found no indication that the appellant's cases included delicate issues which could involve potential interest by the news media, organized groups or the public. The appellant's investigations rarely include surveillance work. When it is performed, like the GS-9 level it is done for only a few hours with very little risk of discovery.

The appellant's cases do not meet the complexity of assignments described at the GS-11 level. We found no indication that his investigations of misdemeanor violations substantially met any of the six complicating characteristics typical of GS-11 level assignments discussed in the Guide. That is to say that none of his cases (1) involved conflicting testimony or evidence, (2) the subjects did not operate on the fringes of organized crime or operate bogus recordkeeping systems to divert goods or material, (3) separate investigative matters did not grow from his typical assignments, and like the GS-9 level he normally closed cases with a citation of the violator and report, (4) the straightforward nature of his cases did not require the degree of skill in establishing the interrelationship of facts or evidence typical of the GS-11 level, (5) his assignments did not involve the degree of sensitivity of subjects or investigative matters found at the GS-11 level, and (6) jurisdictional issues were quite limited and did not include the jurisdictional problems described at the GS-11 level.

Level of responsibility

The appellant's level of responsibility exceeds the GS-9 level (page 21) and in some aspects appears to meet the GS-11 level described on pages 25-26 of the Guide. Similar to the GS-11 level he initiates investigative assignments himself, developing and following leads as needed. However, unlike that level, conflicting issues and statements normally do not occur. Thus, the degree of resourcefulness needed at that level in following leads and interviewing witnesses is not necessary. In addition, like the GS-9 level, less initiative is required in reviewing record information because it is generally available and reliable. This is in contrast to the GS-11 level where records are more difficult to find, and therefore information must be gathered or reconstructed from other sources. Like the GS-11 level, the supervisor reviews the appellant's work (e.g., reports of investigation) for overall adequacy, accuracy, completeness, and accomplishment of objectives.

The appellant's level of responsibility thus appears to meet the GS-11 criteria in some respects. However, careful reading of the Guide and other OPM guidelines indicates that for a person's level of responsibility to truly meet GS-11 criteria, his/her responsibilities should be exercised within the context of GS-11 level assignments. As discussed under the first classification factor, the appellant's investigative assignments are best graded at GS-9.

Both the complexity of the appellant's assignments and his level of responsibility are evaluated at the GS-9 level. Therefore his investigative work is graded at that level.

Evaluation of Public Safety/Law Enforcement Program Duties

The GS-1884 standard uses the Factor Evaluation System (FES), which employs nine factors. Under the FES, each factor level description in a standard describes the minimum characteristics needed to receive credit for the described level. Therefore, if a position fails to meet the criteria in a factor level description in any significant aspect, it must be credited at a lower level. Conversely, the position may exceed those criteria in some aspects and still not be credited at a higher level. Our evaluation with respect to the nine FES factors follows.

Factor 1, Knowledge required by the position--Level 1-7--1250 points

This factor measures the nature and extent of information or facts which the worker must understand in order to do acceptable work and the nature and extent of the skills needed to apply those knowledges.

The appellant's position favorably compares to Level 1-7 (page 21) which is the highest level for this factor described in the GS-1884 standard. At Level 1-7 the position requires: extensive knowledge of specialized intelligence to serve as Intelligence Coordinator in charge of the intelligence collection, analysis, and dissemination program for a geographic area; extensive knowledge of Customs laws and related laws, statutes, precedents, and of the relationships between these laws and statutes and those of other agencies with which the agency cooperates; skill in consolidating, evaluating, correlating, and analyzing a wide variety of seemingly unrelated facts, events, and occurrences and developing therefrom forecasts of trends and patterns.

The appellant applies similar knowledge and skill in administering the Districts' public safety and law enforcement program. In his role as law enforcement coordinator, he applies extensive knowledge of the various aspects of that field as it relates to resource protection on a national forest. He collects, analyzes and distributes program information to other resource programs in the Districts, covering a wide geographic area totaling approximately 1.4 million acres. He must be aware of related laws and statutes governing resource protection administered by other Federal agencies (e.g., Bureau of Land Management), and the local laws enforced by the immediate jurisdictions bordering the Humboldt/Toiyabe National Forests. The appellant regularly gives advice to other key resource specialists to ensure that law enforcement and public safety needs are reflected in their annual work plans, budget proposals, and land management planning. He analyzes law enforcement reports for trends concerning areas and types of enforcement problems, and uses those data as input in preparing the annual law enforcement program plan. Similar to the Intelligence Coordinator referenced in Level 1-7, he works closely with other agencies to plan, coordinate, and conduct mutual law enforcement operations. He monitors forest resource and protection activities (e.g., timber sales, recreation activities) to identify potential law enforcement problems, and develops future corrective measures for use during the planning stages of timber, resource, recreation, and other ecosystem projects.

This factor is evaluated at Level 1-7 and 1250 points are credited.

Factor 2, Supervisory controls--Level 2-4--450 points

This factor covers the nature and extent of direct or indirect controls exercised by the supervisor, the employee's responsibility, and the review of the completed work.

At Level 2-4 (pages 23-24) the supervisor sets the overall objectives and the resources available for intelligence operations for a large geographic area. The officers have continuing responsibility in this area of work. The officers carry out their work independently, establishing priorities, setting deadlines, determining the scope and intensity of their efforts based on the needs and objectives of the agency. At this level, the officers typically have developed considerable expertise in all phases of agency patrol operations and their decisions and recommendations typically are accepted as authoritative.

The appellant's position fully meets Level 2-4 which is the highest level for this factor addressed in the standard. Similar to that level, the [appellant's supervisor] establishes broad program and administrative objectives for the public safety and law enforcement program carried out by the appellant in his two Districts, which cover a large geographic area. He performs his work independently as described at Level 2-4, establishing program priorities, deadlines, and determining the scope and intensity of law enforcement efforts. Because the appellant possesses considerable expertise in all phases of law enforcement patrol and program activities, his decisions, recommendations, and completed work are typically accepted by the supervisor as authoritative and technically sound.

This factor is evaluated at Level 2-4 and 450 points are assigned.

Factor 3, Guidelines--Level 3-3--275 points

This factor covers the nature of guidelines and the judgment needed to apply them.

At Level 3-3 (page 25) employees use a variety of basic and general information contained in the various laws, regulations, and interpretations that pertain to their work. Additional guidance is contained in handbooks, procedural manuals, various instructions and orders, precedent court decisions and rulings, rules of evidence, and court procedures. Officers exercise considerable ingenuity in making judgments, applying various techniques and procedures, and using discretion in the application of available guidelines to the wide variety of individual cases and situations encountered. While guidelines are always available, officers frequently must apply standard practices and techniques to new situations, relate new situations to old precedents, and adapt and modify guidelines whenever it becomes necessary.

The appellant's position meets Level 3-3 which is the highest level for this factor described in the standard. He applies general guidelines including those covering Federal rules of criminal procedure, Federal, State and local laws and regulations, Regional and Forest law enforcement plans, and agency manuals and handbooks. He also may refer to certain court rulings and procedures. Like Level 3-3

he uses considerable ingenuity and judgment in applying and interpreting these guidelines as they relate to particular law enforcement situations. Although guidelines are generally available, he sometimes must adapt and modify them as necessary, e.g., development of prohibition orders.

This factor is evaluated at Level 3-3 and 275 points are credited.

Factor 4, Complexity--Level 4-4--225 points

This factor covers the nature, number, variety, and intricacy of tasks, steps, processes, or methods in the work performed; the difficulty in identifying what needs to be done; and the difficulty and originality involved in performing the work.

As discussed on page 26 of the standard, employees at Level 4-4 typically are responsible for planning, organizing, and directing the intelligence program for a geographic area. The assignments require the use of incomplete and inconclusive data, variations in approaches, and the resolution of unacceptable, inconsistent, or unforeseen results. Employees are confronted by large numbers of seemingly patternless and unrelated items, events, and occurrences that must be pieced together. Assignments typically require employees to make unreviewed decisions and draw conclusions or inferences about criminal activities, and similar matters, after evaluating and interpreting intelligence received from a number and variety of sources. Such information typically is difficult to categorize and must be assessed on an individual or situational basis.

The appellant's position compares to Level 4-4 which is the highest level for this factor described in the standard. He is responsible for planning, organizing, and directing the public safety and law enforcement program for two Ranger Districts which cover a very large geographic area. In collecting, analyzing and disseminating law enforcement information and preparing law enforcement plans, he sometimes deals with incomplete data, requiring further fact-finding to resolve the issues at hand. Like Level 4-4, he typically must evaluate information and make unreviewed decisions and draw conclusions about potential criminal activities, based on information received from a variety of law enforcement and related sources.

Factor 4 is evaluated at Level 4-4 and 225 points are credited.

Factor 5, Scope and effect--Level 5-4--225 points

This factor covers the relationship between the nature of the work, i.e., the purpose, breadth, and depth of the assignment, and the effect of work products or services both within and outside the organization.

Level 5-4 (page 28) is the highest level for this factor described in the GS-1884 standard. At Level 5-4 the employee sifts, refines, correlates, and evaluates various forms of intelligence materials such as those forwarded by operational personnel in the field, received from the headquarters level, from counterpart officials in other Federal agencies, and from State and local enforcement personnel.

Through analysis the employee identifies trends, patterns, and data that may lead to detection of illegal activities. At this level information developed by the employees is used as a basis for planning work, revising operations and procedures, altering allocations of resources, and assigning personnel.

Comparable to Level 5-4, the appellant is responsible for the collection, analysis, and evaluation of various forms of law enforcement information received from District resource managers and employees, and from a number of other Federal, State, and local law enforcement agencies. He identifies profiles, trends, and patterns through his analysis of the information, and shares it with other program officials in the Districts, as well as Regional and Zone law enforcement personnel. The information is also used as a basis for planning crime prevention activities, altering annual law enforcement program objectives, and assigning staff.

This factor is evaluated at Level 5-4 and 225 points are credited.

Factor 6, Personal contacts--Level 6-3--60 points

This factor includes face-to-face contacts and telephone and radio dialogue with persons not in the supervisory chain.

At Level 6-3 (page 29) personal contacts are with the general public, including U.S. citizens and alien entrants, suspected violators, officials of other Federal agencies, e.g., the Drug Enforcement Administration and Interior, representatives of State and local governments, personnel from other law enforcement activities, and attorneys and court officials. Contacts are established on a nonroutine and routine basis, but take place in a wide variety of settings within or outside the assigned area.

In addition to Level 6-3 contacts, personal contacts at Level 6-4 (page 29) are with counterpart officials of foreign governments, high ranking officials from outside the agency, including members of Congress, and key officials and top law enforcement personnel from State and local government and leaders from the law enforcement, criminal justice, and legal communities.

The appellant's personal contacts overall match Level 6-3. His law enforcement program contacts are with members of the general public and interested groups as forest users. He also meets with law enforcement program officials of other Federal agencies, State and county personnel, court officials and attorneys. Contacts take place on a nonroutine and routine basis, in various settings on or off forest lands.

The appellant's contacts do not reach Level 6-4 where the employee has regular and recurring contacts with members of Congress and key officials and top law enforcement personnel from State and local government and leaders from the law enforcement, criminal justice, and legal communities.

This factor is evaluated at Level 6-3 and 60 points are credited.

Factor 7, Purpose of contacts--Level 7-2--50 points

In General Schedule occupations, purpose of personal contacts ranges from factual exchanges of information to situations involving significant or controversial issues and differing viewpoints, goals, or objectives. The personal contacts which serve as the basis for the level selected for this factor must be the same as the contacts which are the basis for the level selected for Factor 6.

At Level 7-2 (page 30) contacts are established to plan and coordinate work efforts with other Customs Service personnel and resolve operating problems. The people contacted by the employee at this level are generally cooperative and have mutual objectives or goals.

At Level 7-3 (page 30) contacts are established to detain, control, or interrogate apparent or suspected violators of the Customs and related laws. Persons contacted frequently are frightened, uncooperative, uncommunicative, hostile, evasive, and dangerous. These conditions require employees to be extremely skillful and discreet in the manner in which they approach individuals and groups, and very selective in the methods and techniques used to collect and evaluate information and interrogate suspects.

The purpose of the appellant's contacts as they relate to his administering the public safety and law enforcement program meets Level 7-2, but falls short of Level 7-3. Like Level 7-2, he meets with District Rangers, resource staff officers, and higher level Forest Service personnel to resolve problems, plan and coordinate law enforcement program plans, project work efforts, and discuss current ecosystem management activities to ensure law enforcement program issues and concerns are taken into account. Although Level 7-2 does not specifically address making contacts outside the employing agency, the appellant also makes program related contacts with law enforcement staff of other Federal agencies, and State, local and county governments to negotiate cooperative law enforcement agreements and deal with problems of mutual concern on overlapping jurisdictions. All law enforcement contacts are generally cooperative and share common objectives.

In terms of law enforcement program administration, the position does not meet Level 7-3. Although the appellant may have to deal with the kinds of situations described at Level 7-3 when personally conducting investigations, these do not routinely occur when carrying out his program management duties.

This factor is evaluated at Level 7-2 and 50 points are credited.

Factor 8, Physical demands--Level 8-1--5 points

This factor covers the requirements and physical demands placed on the employee by the work assignment.

At Level 8-1 (page 31) the work is primarily sedentary, although there may be some standing and bending involved. The employee may also be required to do some walking or lifting and carrying of small or light objects.

At Level 8-2 (page 31) the work requires frequent and recurring surveillance in which there is a considerable amount of walking, stooping, bending, and climbing. The employee may also be required to lift and carry moderately heavy objects occasionally.

The appellant's law enforcement program management work is primarily sedentary as described at Level 8-1. To perform that function he does not frequently and recurrently perform surveillance work requiring the level of physical exertion described at Level 8-2.

This factor is evaluated at Level 8-1 and 5 points are credited.

Factor 9, Work environment--Level 9-1--5 points

This factor considers the risks and discomforts in the employee's physical surroundings or the nature of the work assigned and the safety regulations required.

At Level 9-1 (Page 32) work is usually performed in an office, classroom, or other environment which involves minimal risks and discomfort. No special safety or security precautions are required.

At Level 9-2 (page 32) the work involves frequent exposure to moderate discomfort, unpleasant working situations, or exposure to adverse weather conditions, i.e., hot, cold, wet and dry. Safety or security precautions are sometimes required and the officer may have to use special protective gear or clothing.

The appellant's law enforcement and public safety program management work is performed in an office setting comparable to Level 9-1. These duties do not require that he work in unpleasant situations or that he be exposed to moderate discomfort as described at Level 9-2.

Factor 9 is evaluated at Level 9-1 and 5 points are credited.

The nine FES factors and point values assigned to each for the appellant's public safety and law enforcement program management duties are assigned as follows:

Factor	Level	Points
1. Knowledge required by the position	1-7	1250
2. Supervisory controls	2-4	450
3. Guidelines	3-3	275
4. Complexity	4-4	225
5. Scope and effect	5-4	225
6. Personal contacts	6-3	60
7. Purpose of contacts	7-2	50
8. Physical demands	8-1	5
9. Work environment	9-1	<u>5</u>
Total points:		2545

A total of 2545 points is credited for the appellant's public safety and law enforcement program management duties. By reference to the grade conversion table on page 13 of the classification standard for the GS-1884 series, we find that the appellant's work falls in the GS-11 range (2355-2750).

Summary

The appellant's investigative work is graded at the GS-9 level, while his public safety and law enforcement program management duties are graded at the GS-11 level. Since the program management duties are the highest level work assigned to and performed by the appellant for the majority of his time, those duties are grade determining. Therefore the final grade of the position is GS-11.

Decision

The appellant's position is properly classified to the General Inspection, Investigation, and Compliance Series GS-1801, graded at the GS-11 level, and titled at the agency's discretion.