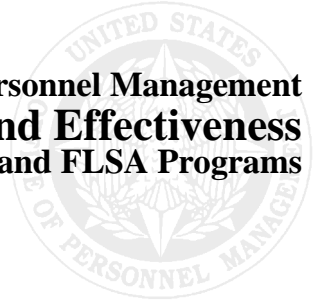


**U.S. Office of Personnel Management
Office of Merit Systems Oversight and Effectiveness
Classification Appeals and FLSA Programs**



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

**Classification Appeal Decision
Under Section 5112 of Title 5, United States Code**

Appellants: [Appellants' names]

Representative: [Appellants' Representative]

Agency Classification: Detective, GS-083-7

Organization: Department of the Navy
[Installation name]
Security & Firefighting Department
Security Division
Police Administrative & Investigations Branch
[City, State]

OPM decision: **GS-083-7**
Detective

OPM decision number: C-0083-07-01

/s/

Frederick J. Boland
Classification Appeals Officer
01/22/98

Date

As provided in section 511.612 of title 5, Code of Federal Regulations, this decision constitutes a certificate that 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).

Decision sent to:

[name and address of appellants'
Representative]

Ms. Roberta K. Peters
Director, Office of Civilian Personnel
Management
Department of the Navy
800 North Quincy Street
Arlington, Virginia 22203-1998

[name and address of appellants' servicing
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Mr. William Duffy
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INTRODUCTION

The appellants contest their agency's decision classifying their position as Detective, GS-083-7. The position (YPBFN) is located in the Police Administrative and Investigations Branch of the Security Division in the Security and Firefighting Department, [Installation name, City, State]. They believe their position description accurately lists their major duties, but feel the nature of their work requires the use of greater personal judgment than credited under Factor 3 of the Grade Evaluation Guide for Police and Security Guard.

POSITION INFORMATION

The appellants are four of about 29 civilian employees within the Police Administrative and Investigations Branch, which also has 39 military workers. The four appellants comprise the full complement of GS-083-7 civilian Detectives working in the branch. Another three GS-7 Detectives are located in the Patrol Section of the [Branch name]. The appellants report to a GS-10 Supervisory Police Officer in their branch.

Their major duties include developing and following leads; taking statements; gathering information and facts; analyzing facts to identify suspects and develop cases; and communicating investigative findings through written in-depth reports, affidavits, and statements. They conduct long and short term investigations when solutions cannot be achieved during the course of a normal shift. They report all major incidents (e.g., felonies) to the Naval Criminal Investigative Service (NCIS), which handles them or refers them to the appropriate agency [e.g., Federal Bureau of Investigation (FBI); Drug Enforcement Administration (DEA); Alcohol, Tobacco and Firearms (ATF), etc.] for follow-up. However, they are expected to handle cases of larceny up to \$3,000. (Larceny is considered a felony if the value of the cash/goods stolen is \$1,000 or more.) They detain and apprehend suspects. They maintain liaison with various local law enforcement agencies, both military and civilian, and may assist NCIS conducting larceny, drug abuse, homicide, etc., investigations.

ANALYSIS AND FINDINGS

Series and Title Determination

The appellants' duties fall within the Detective section of the Police, GS-083, occupational series. Police assigned to detective work conduct investigations of crimes and maintain surveillance over areas with high rates of crime. Their investigations involve searching crime scenes for clues, interviewing witnesses, following leads, analyzing and evaluating evidence, locating suspects, and making arrests. [In cases involving major crimes (capital crimes, those involving prescribed monetary values, or others that may vary in different jurisdictions), the FBI or other specialized law enforcement agencies may assume jurisdiction and control over the investigation. In these cases, Detectives may perform some investigative work under the direction of the assigned Criminal Investigators.]

Investigations conducted by Detectives are distinguished from those conducted by GS-1811 Criminal Investigators. Detectives handle cases that occur within a prescribed local jurisdiction, where the violations are clearly within the authority of the local police force. Police investigations, like the

appellants', are limited by agreements with investigative agencies (FBI, DEA, etc.), which prescribe responsibility according to the seriousness of crimes committed and monetary values involved, and are conducted totally within the local jurisdiction. They are commonly of relatively short duration (e.g., a few days). Criminal Investigators, by contrast, tend to handle cases that clearly involve felonies, violate Federal law, extend over other Federal and civil jurisdictions or involve large monetary values and extend for periods of weeks, months, or even years.

The prescribed title for non-supervisory positions that, like the appellants', are primarily concerned with police investigations involving violations of criminal or other laws is *Detective*.

Grade Determination

The OPM *Grade Evaluation Guide for Police and Security Guard Positions, GS-083 and GS-085*, dated April 1988, is in Factor Evaluation System (FES) format. This system requires that credit levels assigned under each factor relate to only one set of duties and responsibilities. Under FES, work must be fully equivalent to the factor-level described in the standard to warrant credit at that level's point value. If work is not fully equivalent to the overall intent of a particular level described in the standard, a lower level and point value must be assigned, unless the deficiency is balanced by an equally important aspect of the work that meets a higher level.

Work demanding less than a substantial (at least 25 percent) amount of time is not considered in classifying a position. Similarly, acting, temporary, and other responsibilities that are not regular and continuing are not considered in classifying positions. (Temporary assignments of sufficient duration, though, are sometimes recognized in accordance with agency discretion by temporary promotion if higher graded duties are involved, by formal detail, or by performance recognition.)

Factor 1: Knowledge Required by the Position

This factor assesses the nature and extent of information or facts that employees must understand to do acceptable work (e.g., steps, procedures, practices, rules, policies, theories, principles, and concepts) and the nature and extent of the skills needed to apply those knowledges.

The appellants claim that:

DURING THE COURSE OF OUR CRIMINAL INVESTIGATIVE ASSIGNMENTS, WHICH INCLUDE FELONY AND MISDEMEANOR CASES, AT THE [INSTALLATION NAME], WE HAVE DONE AND CURRENTLY DO CRIMINAL INVESTIGATIONS WHICH ARE LONG TERM OR SHORT TERM IN NATURE. SOME INVESTIGATIONS HAVE LASTED SEVERAL WEEKS TO MONTHS.

IN THE COURSE OF OUR NORMAL WORK DAY, OUR CRIMINAL INVESTIGATIONS INCLUDE BUT ARE NOT LIMITED TO: HOMICIDE; ARMED ROBBERY; STRONG ARMED ROBBERY; STOLEN AUTOS; SEXUAL ASSAULT; SEXUAL HARASSMENT; BURGLARY; BATTERY/ASSAULT; BOMB THREATS; THEFTS OF ALL KINDS (PARTICULARLY ATM THEFTS); AND DECEPTIVE PRACTICE (BOGUS CHECKS).

As examples of current and past criminal investigative cases the appellants cite the following:

A. SUSPECT WAS A NAVY EXCHANGE CUSTOMER WHO WROTE ABOUT \$2,000 IN BAD CHECKS. THE [COUNTY NAME] STATES ATTORNEY HAS AGREED TO PROSECUTE THIS OFFENDER AND HAD A WARRANT FOR ARREST ISSUED IN THIS CASE.

B. CASE INVOLVES CURRENT AND FORMER NAVY EXCHANGE (NEX) WAREHOUSE EMPLOYEES WHO ARE SUSPECTED OF STEALING NEW WAREHOUSE MERCHANDISE. NEX BELIEVES SEVERAL THOUSAND DOLLARS ARE MISSING FROM

INVENTORY. THIRTY PLUS EXHIBITS MAY HAVE BEEN OBTAINED TO INCLUDE INTERROGATIONS/INTERVIEWS, STATEMENTS, EVIDENCE, AND SUPPORTING DOCUMENTATION.

C. A PAST HOMICIDE INVESTIGATION, IN CONJUNCTION WITH ANOTHER FEDERAL AGENCY, CONCLUDED WITH A CONVICTION OF MANSLAUGHTER IN STATE COURT. WE WERE REQUIRED IN COURT FOR TESTIMONY. THE OFFENDER WAS SENTENCED TO 3 YEARS IN PRISON. THIS WAS AN INVESTIGATION OF A TODDLER DEATH. THE CONVICTED OFFENDER WAS THE BABYSITTER.

D. ANOTHER HOMICIDE INVESTIGATION INVOLVED THE UNTIMELY DEATH OF A KNOWN FEMALE PROSTITUTE. IT CONCLUDED WITH THE ARREST, PROSECUTION AND CONVICTION, IN A NAVY COURTS MARTIAL, OF A SAILOR.

E. PARTICIPATED IN THE RESCUE OF A SAILOR ATTEMPTING SUICIDE BY JUMPING FROM THE ROOF OF A TALL BUILDING. RECEIVED A MONETARY AWARD FOR HEROISM FOR SAVING THE LIFE OF THE SAILOR.

F. DETECTIVES RESPONDED TO A CALL OF ILLEGAL SUBSTANCE (POSSESSION OF COCAINE). INTERVIEWED SUSPECTS AND WITNESSES AND OBTAINED SEARCH WARRANTS FOR FURTHER FOLLOW-UP. THE INVESTIGATION, ALONG WITH ANOTHER AGENCY, TERMINATED WITH SEVERAL ARRESTS FOR POSSESSION OF ILLEGAL DRUGS.

G. WHILE ON A SPECIAL LONG TERM DETAIL, INVESTIGATING A RASH OF THEFTS FROM COIN OPERATED VENDING MACHINES, BURGLARY AND ASSAULT, DURING NIGHT-TIME HOURS, AN OFFENDER WAS APPREHENDED/ARRESTED; CHARGED, PROSECUTED (OUR TESTIMONY WAS REQUIRED) AND RETURNED TO STATE PRISON FOR PAROLE VIOLATION.

H. WORKED ON SEVERAL FEDERAL INVESTIGATIONS ALONG WITH THE US POSTAL INSPECTORS.

1. INITIATED AN INVESTIGATION, THEFT FROM THE US MAIL. PARTICIPATED WITH THE POSTAL INSPECTORS ON SURVEILLANCE.

2. INITIATED THE SECOND CASE, INVESTIGATING THEFT FROM THE US MAIL OF A CREDIT CARD. WE WERE ABOUT TO SET UP A "STING" ON THE OFFENDER, WHEN THE "VICTIM" MADE A COMPLAINT ABOUT THE OFFENDER WHICH CAUSED OUR INVESTIGATION TO BECOME KNOWN AND COMPROMISED.

I. RESPONDED TO THE SCENE OF A BATTERY/MOB ACTION AND INITIATED AN INVESTIGATION (OBTAINED WARRANT) WHICH RESULTED IN THE ARREST AND CONVICTION OF ONE OFFENDER. SEVERAL OF THE OTHER OFFENDERS HAD LEFT THE STATE'S JURISDICTION AND THE STATE'S ATTORNEY DECIDED NOT TO ISSUE WARRANTS OR RETURN THEM TO THE STATE FOR PROSECUTION.

J. RESPONDED TO A "ROBBERY JUST OCCURRED", ON A SUNDAY EVENING, AND INITIATED AN IMMEDIATE INVESTIGATION. WHILE TOURING THE NEIGHBORHOOD WITH THE VICTIM, THE JUVENILE VICTIM IDENTIFIED TWO JUVENILE SUSPECTS STOPPED BY POLICE FOR QUESTIONING. ONE OFFENDER WAS LATER CHARGED AND CONVICTED IN JUVENILE COURT OF ARMED ROBBERY. THE SECOND OFFENDER FLED THE STATE AND WAS NOT CHARGED (A DECISION OF THE STATE'S ATTORNEY).

The agency has already credited the appellants at Level 1-4 of this factor, for the knowledge that they demonstrate in conducting investigations and resolving crimes such as theft, burglary, robbery and possession of illegal substances. They are already credited with using a variety of investigative procedures and techniques to develop and follow leads, interview witnesses and suspects, take statements, obtain search warrants, gather information and facts, plan and conduct stakeouts, analyze facts to identify suspects and develop case information, and coordinate investigations with other law enforcement agencies.

Virtually all of the appellants' cases handled within the last year are at or below Level 1-4. In contrast to the cases they single out in their appeal letter, most of their cases involve theft or larceny. For example, a representative list of individual assignments for the last year is as follows: 13 theft cases (6 of these are vending machine thefts); 11 burglaries to automobiles (8 of which were treated as 1 case); 2 domestic batteries; 1 hit and run; 2 vending machine damage cases; 1 civil complaint; 1 assault and battery; 1 controlled substance; and 3 bomb threats.

The appellants cite some cases that are equivalent to Level 1-3, rather than Level 1-4. For example, in each of the bomb threats, the Detective called to the scene examined the suspected bomb and determined if a bomb team should be called, but had little further involvement in the investigation.

The battery/mob action, in which the Detectives were called to the scene of a brawl, also equates to Level 1-3, where employees perform tasks involving significant threats, serious accidents, or violence posing a threat to public safety.

The appellants, as do other Detectives, deal with cases within a prescribed local jurisdiction. Their cases are typically limited to less serious crimes. The more serious crimes are referred to Investigators in other organizations. None of the appellants' regular and recurring work exceeds that which is required for Level 1-4 of this factor. The homicides cited above by the appellants (items C and D) are rare occurrences. The two referenced occurred in 1994 and the appellants followed standard procedures in securing the scene, searching for clues, talking to witnesses, and ultimately referred the cases to NCIS.

We evaluate this factor at Level 1-4 and credit 550 points.

Factor 2: Supervisory Controls

This factor covers the nature and extent of direct and indirect controls exercised by the supervisor, the employee's responsibility, and the review of completed work. Controls are exercised by the supervisor in the way assignments are made, instructions are given to the employee, priorities and deadlines are set, and objectives and boundaries are defined. Responsibility of the employee depends upon the extent to which the employee is expected to develop the sequence and timing of various aspects of the work, to modify or recommend modification of instructions, and to participate in establishing priorities and defining objectives. The degree of review of completed work depends upon the nature and extent of the review, e.g., close and detailed review of each phase of the assignment, detailed review of the finished assignment, spot-check of finished work for accuracy, or review only for adherence to policy.

The appellants are already credited with Level 2-3, the highest level of independence and responsibility typically encountered in detective work, where investigations have clear precedents to follow. As at Level 2-3, the appellants' supervisor makes assignments and assists in unusual situations. He evaluates their completed work for technical soundness, but does not review the work in detail. Though their ample experience may allow the appellants to work more independently than typical of Level 2-3, their level of responsibility remains the same, i.e., for less serious crimes and their local jurisdiction. A significant increase in responsibility must accompany increased independence to receive higher credit under this factor.

We evaluate this factor at Level 2-3 and credit 275 points.

Factor 3: Guidelines

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

The appellants believe the nature of their work meets the requirements of Level 3-3. To support this claim they state:

PERSONAL JUDGMENT OF THE DETECTIVE IS EXPECTED IN ORDER TO HANDLE UNEXPECTED SITUATIONS WHICH CANNOT BE ADEQUATELY COVERED BY AGENCY GUIDELINES. BECAUSE OF THE NATURE OF THE DETECTIVE WORK

ASSIGNMENTS (INVESTIGATIONS, BOMB THREATS, SUICIDE ATTEMPTS, SURVEILLANCE ETC), OR IN THE ENVIRONMENT THEY ARE PREFORMED, WRITTEN GUIDANCE IS NOT ALWAYS AVAILABLE OR ALL ENCOMPASSING. ON MANY OCCASIONS, IMMEDIATE DECISIONS MUST BE MADE WHICH DO NOT ALLOW THE DETECTIVES: TIME TO CONSULT WITH LEGAL ADVISORS IN CASES INVOLVING DECISIONS OF SEARCH AND SEIZURE OR ARREST/APPREHENSION ETC.

THE DETECTIVES USE PERSONAL JUDGEMENT IN INTERPRETING, ADAPTING, APPLYING AND DEVIATING FROM GUIDELINES BASED ON UNUSUAL OR EMERGENCY CIRCUMSTANCES AND CONCERN WITH PROTECTING THE PUBLIC SAFETY. THE DETECTIVES ANALYZE THE RESULTS OF SUCH ADAPTATIONS AND RECOMMEND CHANGES IN ESTABLISHED METHODS AND PROCEDURES TO ACCOMPLISH THEIR MISSION.

At Level 3-2, the appellants are already credited for using procedures, instructions, and a number of specific guidelines covering a variety of legal, procedural, and administrative conditions. They are credited with using judgment in identifying and applying the proper procedures and techniques for application to specific actions and in making minor deviations according to the specific circumstances encountered at the scene of activity and determining which of several established alternatives to use.

In contrast, at Level 3-3, the guidelines used are not always applicable in circumstances such as those encountered in volatile emergency situations such as terrorist attacks, hostage situations, armed robbery, or prolonged investigations.

The cases reflected in the appellants' workload in the past year require use of standard police procedures and the good judgment that employees with extensive police/detective experience are expected to exercise in deciding which procedures to apply and what actions to take according to the circumstances. In performing their duties, the appellants use established procedures, instructions, and guidelines. They are rarely assigned cases lacking clear, applicable precedents or requiring significant deviation from standard procedures and guidelines.

We evaluate this factor at Level 3-2 and credit 125 points.

Factor 4: Complexity

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.

At Level 4-3, the highest level of complexity typically encountered in detective work, the appellants are already credited with deciding upon methodology and specific actions to take based upon their assessment of information obtained from other officers and witnesses, their personal observations, and upon jurisdictional authority. They are credited with applying different and unrelated practices and techniques to gather facts and develop evidence, including interviewing witnesses and suspects, planning and implementing stakeouts, obtaining search warrants, and/or taking statements. None of their regular and recurring assignments significantly exceed this level (i.e., require decisions complicated by unusual circumstances, many controversial issues, cases branching into separate investigations, or high sensitivity, etc.).

We evaluate this factor at Level 4-3 and credit 150 points.

Factor 5: Scope and Effect

This factor covers the relationship between the nature of the work (i.e., the purpose, breadth, and depth of the assignment) and the direct effect of work products or services both within and outside the organization. Only the effect of properly performed work is considered.

As at Level 5-3, the highest level typically encountered in detective work, the appellants investigate a variety of crimes in conformance with established procedures. Their work results in the charging and convicting of persons for criminal violations and affects the economic well-being and freedom of individuals on base. Their assignments do not involve unusual investigative problems or conditions and the broader impact characteristic of higher levels.

We evaluate this factor at Level 5-3 and credit 150 points.

Factor 6: Personal Contacts

This factor includes face-to-face contacts and telephone and radio dialogue with persons not in the supervisory chain. Levels of this factor are based on what is required to make the initial contact, the difficulty of communicating with those contacted, and the setting in which the contact takes place (e.g., the degree to which the employee and those contacted recognize their relative roles and authorities).

The appellants are already credited with Level 6-3, the highest level of personal contacts typical of detective work, for their contacts with suspects who refuse to accept their authority and resist detention or attempt to flee. None of their contacts significantly exceed this level.

We evaluate this factor at Level 6-3 and credit 60 points.

Factor 7: Purpose of Contacts

The purpose of personal contacts ranges from factual exchanges of information to situations involving significant or controversial issues and differing viewpoints, goals, or objectives.

The purpose of the appellants' contacts, as at Level 7-3, is to interrogate suspects and interview witnesses and victims who may be fearful, skeptical, uncooperative, or dangerous. Unlike Level 7-4, their assignments do not include negotiating issues of considerable consequence, e.g., hostage, kidnap, or terrorist attack, or similar issues demanding exceptional persuasiveness and caution.

We evaluate this factor at Level 7-3 and credit 120 points.

Factor 8: Physical Demands

This factor covers the requirements and physical demands placed upon the employee by the work assignment. This includes physical characteristics and abilities and physical exertion involved in the work.

Level 8-2 work involves considerable walking, stooping, bending, climbing, etc., long periods of standing, or recurring lifting of moderately heavy items of 50 pounds or less. This level also includes physical characteristics and abilities in agility and dexterity and the strength to pursue, apprehend, and detain uncooperative suspects. The appellants' work meets Level 8-2. It does not meet Level 8-3, which involves regular and recurring work that requires considerable and strenuous physical exertion, such as frequent climbing of multiple flights of stairs, lifting heavy objects over 50 pounds, crouching or crawling in restrictive areas during search or pursuit activities, or defending against physical attack.

We evaluate this factor at Level 8-2 and credit 20 points.

Factor 9: Work Environment

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.

Level 9-2 work involves regular and recurring exposure to moderate discomforts and unpleasantness, such as high noise levels in industrial settings, high temperatures in confined spaces, or adverse weather conditions during extended periods of traffic and patrol duties. Such work involves moderate risks and discomfort and may require protective clothing or gear. The appellants have no regular patrol or other assignments subjecting them to such conditions. Minimum credit, therefore, applies.

We evaluate this factor at Level 9-1 and credit 5 points.

FACTOR LEVEL POINT SUMMARY

Factor	Level	Points
1	1-4	550
2	2-3	275
3	3-2	125
4	4-3	150
5	5-3	150
6	6-3	60
7	7-3	120
8	8-2	20
9	9-1	5
	Total:	1455

The table above summarizes our evaluation of the appellant's work. As shown on page 11 of the standard, a total of 1455 points falls within the GS-7 grade range (1355-1600).

Decision

The proper classification of the appellants' position is Detective, GS-083-7.