

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



Dallas Oversight Division
1100 Commerce Street, Room 4C22
Dallas, TX 75242

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

Appellant: [appellant's name]

Agency classification: Immigration Agent (Enforcement)
GS-1801-9

Organization: [the activity]
[name of city] District Office
[name of region]
Office of Investigations
Immigration and Naturalization Service
U.S. Department of Justice
[city, state]

OPM decision: GS-1801-9
(Title at the discretion of the agency)

OPM decision number: C-1801-09-02

/s/ _____

Bonnie J. Brandon
Classification Appeals Officer

10/30/98 _____

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:

[appellant's name]
[appellant's address]

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Introduction

On April 2, 1998, the Dallas Oversight Division of the U.S. Office of Personnel Management (OPM) received a classification appeal from [appellant's name], an employee in the Investigations Branch, [name of city] District Office, [name of region], Office of Investigations, Immigration and Naturalization Service (INS), U.S. Department of Justice, [name of city and state]. [name of appellant] is currently employed as an Immigration Agent (Enforcement), GS-1801-9. He believes his position should be classified as Criminal Investigator, GS-1811-12.

The appeal has been accepted and decided under section 5112 of title 5, United States Code. To help decide the appeal, an Oversight Division representative conducted telephone audits with the appellant and his immediate supervisor. In reaching our classification decision, we have reviewed the audit findings and all information of record furnished by the appellant and his agency, including his official position description, B40C3A98.

General issues

Upon receipt of our request for information concerning the appellant's position, the Acting Chief of the INS Classification and Compensation Policy Section in Washington, DC, asked that we allow her office time to review the subject position as well as other Immigration Agent positions to determine if the positions were operating as intended when they were originally established. As a result of that review, the INS classifier found that the appellant had been performing duties outside the scope of his official position description. Following completion of the INS review and referencing a memorandum from the INS Commissioner dated June 5, 1998, the [name of city] District Director issued a memorandum on June 19, 1998, stating that Immigration Agents are to work only within their position descriptions and that they are not to perform any GS-1811 criminal investigator duties. According to information in the appeal file, on April 23, 1998, the Assistant District Director of Investigations, [name of city], issued instructions to all GS-1801 Immigration Agents to cease performing any duties that were not associated with the Alien Criminal Apprehension Program (ACAP) and Worksite Enforcement/Employer Sanctions Programs.

During our interviews with the appellant and his supervisor, they stated that the appellant had performed duties they considered to be the same as those performed by GS-1811 criminal investigators. However, both the appellant and his supervisor stated that the appellant is no longer performing those investigator duties, as instructed in the [name of city] District Director's memorandum of June 19, 1998. Although the appellant may have previously performed GS-1811 investigator duties as indicated by him and his supervisor, we must consider only the duties and responsibilities currently assigned to the appellant. By law, we must classify positions solely by comparing their current duties and responsibilities to OPM standards and guidelines (5 U.S.C. 5106, 5107, and 5112). Since comparison to standards is the exclusive method for classifying positions, we cannot compare the appellant's current duties to former ones or to other positions as a basis for deciding his appeal.

Position information

The Investigations Branch comprises five units, three of which have one Immigration Agent each. The appellant is the only Immigration Agent in his unit. Other positions in his unit include Criminal Investigators and one Investigative Assistant. His unit is headed by his immediate supervisor who is a GS-13 Supervisory Criminal Investigator. The appellant is assigned to a standard position description used nationwide for GS-9 Immigration Agents. The appeal file contains a memorandum, dated April 24, 1998, from the appellant's immediate supervisor certifying to the duties performed by the appellant. The appellant agreed with the description of duties identified in the memorandum. Duties currently assigned to the appellant include the following:

- ▶ identifies, monitors, and arrests violators of Immigration and Nationality laws who are subject to deportation and who are located in Federal, State and local jails;
- ▶ reviews documents and related files and conducts interviews with aliens and others to determine the alien's identity and immigration status;
- ▶ receives information used to locate and apprehend criminal aliens;
- ▶ prepares paperwork to initiate deportation hearings;
- ▶ prepares papers to hold aliens in jails; and
- ▶ obtains and serves search warrants or warrants of arrest.

Series, title, and standard determination

As previously stated, the appellant believes that his position should be classified in the GS-1811 series. This 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 and 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 Grade-Level Guides for Classifying Investigator Positions, dated February 1972, point out that 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 Guides. 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 Guides are distinguished from certain law enforcement occupations that require employees to use some investigative techniques (e.g., interviewing, checking records) but do not require the full range of knowledges, skills, and techniques as described in the Guides. 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 United States, for example:

- knowledge of what constitutes a crime or violation as defined in pertinent statutes, including the Uniform Code of Military Justice, and statutes with anti-fraud or similar criminal penalties;
- the kind of evidence that is required to prove that a crime was committed;
- sources of information, i.e., informants, and methods of obtaining required evidence;
- availability and use of modern detection devices and laboratory services; and
- awareness of continuing advances in investigative technology.

An INS memorandum, dated June 15, 1995, provides policy guidelines for GS-1801 Immigration Agent positions. This memorandum states that Immigration Agents are not authorized to conduct investigations beyond routine fact-finding as required by the functions described in the position description. The memorandum clearly indicates that these positions were established to perform important, high volume, but lower-graded interior enforcement functions which do not require the full range of investigative techniques. Based on this information and our interview with the appellant and his supervisor, we determined that his investigative assignments do not require application of the *full range* of knowledge, skills, and abilities typical of positions classified in the GS-1811 series. The appellant applies investigative techniques in performing a variety of enforcement and compliance functions associated with locating criminal aliens and apprehending absconders evading deportation proceedings. These investigative duties are not comparable to the wide range of complex and sensitive investigations as described in the GS-1811 Guide. When the appellant's cases become 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, he is required to turn those cases over to a GS-1811 Special Agent. Therefore, the appellant's position does not meet the criteria for the GS-1811 series.

We agree with the agency's allocation of the appellant's position to 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 analyzing information

from records and documents or statements taken from individuals to decide and document issues of deportability and compliance. This work requires knowledge of basic law enforcement methods for reviewing records, interviewing, and analyzing information from records and documents. The appellant's work and knowledge required for that work fit within the GS-1801 criteria.

The GS-1801 standard does not include grade level criteria. 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. The appellant's position, therefore, must be classified by reference to standards that are as similar as possible to the subject position considering the kind of work performed, qualification requirements of the work, level of difficulty and responsibility, and the combination of classification factors which have the greatest influence on the grade level. The GS-1810/1811 Grade-Level Guides for Classifying Investigator Positions is used to assess the grade of the appellant's investigative duties. This is in keeping with the guidance of the GS-1801 standard, which indicates that positions in that series that perform investigations be evaluated using the Grade-Level Guides for Classifying Investigator Positions. The standard for the Border Patrol Agent Series, GS-1896, dated September 1978, is used to evaluate the appellant's law enforcement and administrative duties because this standard covers two-grade level work similar to the appellant's and has as its primary functions the enforcement of the immigration and nationality laws and the corresponding criminal code and the apprehension of violators of these and related laws within the jurisdiction of the Immigration and Naturalization Service. The Border Patrol Agent positions require knowledge and understanding of the laws, regulations, precedent decisions, and instructions pertaining to such matters as admission, exclusion, and deportation of persons; right of an alien to be in or remain in the United States; and acquisition and derivation of United States citizenship, naturalization and expatriation. Similarly, the appellant's position requires knowledge in enforcing and administering immigration and naturalization rules and laws.

OPM has no prescribed titles for positions in the General Inspection, Investigation, and Compliance Series, GS-1801. As such, the agency has discretion to determine the title of the position following general guidelines on titling practices in the Introduction to the Position Classification Standards. The title assigned to the appealed position is Immigration Agent (Enforcement), and we do not disagree with this.

Grade determination

Evaluation using GS-1810/1811 Grade-Level Guides for Classifying Investigator Positions

The Guides use 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

As described in the Guides, the GS-9 investigator characteristically performs the full range of investigative functions on assigned cases or portions of cases, from planning through fact-finding to reporting the results of the investigations. Assignments at the GS-9 level typically involve subjects on which information is readily available, cases that involve straightforward issues or persons that are not controversial; and routine exchanges of factual information with other agencies. The appellant's assignments involving identifying violators of immigration and nationality laws and receiving information from Federal, State, and local agencies to locate and apprehend criminal aliens reflect GS-9 characteristics. The investigative functions he performs on these cases include planning, fact-finding, and report writing. As at the GS-9 level, the appellant's investigations involve straightforward issues and concern persons who are not controversial. Depending on the subject matter and jurisdiction, he exchanges factual information with law enforcement staff of other agencies, e.g., San Antonio Police Department, Bexar County Sheriff's Department, U.S. Secret Service, U.S. Postal Inspection Service, and the Mexican Consulate. Few or no controversial issues grow from the original investigation; and as is typical at the GS-9 level, the appellant's cases begin and end with one subject who is ultimately cited for a law enforcement violation. As at the GS-9 level, the appellant normally closes cases with a citation of the violator and a report.

The appellant's cases fall short of the complexity of assignments described at the GS-11 level; e.g., they do not include delicate issues which would involve potential interest by the news media, organized groups, or the public. The appellant's investigations involving identifying violators of immigration and nationality laws and locating and apprehending criminal aliens do not meet the intent of the six complicating characteristics typical of GS-11 level assignments discussed in the Guides. None of his cases involved (1) conflicting testimony or evidence, (2) subjects operating on the fringes of organized crime or operating bogus record keeping systems to divert goods or material, (3) separate investigative matters which grew from his typical assignments, (4) the straightforward nature of requiring the degree of skill in establishing the interrelationship of facts or evidence typical of the GS-11 level, (5) assignments with the degree of sensitivity of subjects or investigative matters found at the GS-11 level, and (6) complicated jurisdictional issues or the jurisdictional problems, described at the GS-11 level.

Level of responsibility

The appellant's level of responsibility does not exceed the GS-9 level. Similar to this level, the appellant independently plans and carries out assignments and resolves problems in accordance with general directions, previous training, or accepted organizational practices. The appellant refers to the supervisor when operating guidelines or instructions do not apply. As at the GS-9 level, the appellant's work is reviewed for adequacy, completeness, and adherence to governing laws. In contrast, employees at the GS-11 level receive authorizations from their superiors and some instructions on how to develop a case. Investigators at the GS-11 level use more initiative and resourcefulness than at the GS-9 level in that the GS-11 investigator develops more information to

resolve conflicts when witnesses' statements contain conflicting information. At the GS-11 level, work is reviewed for overall adequacy, accuracy, completeness, and accomplishment of objectives.

Summary

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 using GS-1896 Border Patrol Agent standard

The GS-1896 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

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.

Level 1-6 requires, in addition to basic knowledge and skill found at the lower levels, an intensive practical knowledge of the laws, concepts, operational practices, and law enforcement methods and techniques to perform independently the full range of duties typically encountered in the enforcement of immigration and nationality laws and apprehension of violators.

Level 1-7 requires the type knowledge described at Level 1-6 plus extensive knowledge of immigration and nationality laws, regulations, precedents, court decisions, and current instructions concerning nationality and citizenship, admission, exclusion, deportation, inspection, rights and requirements of aliens, smuggling, and illegal entry; skill in consolidating ostensibly disparate facts, events, and other types of intelligence material and developing therefrom information, guidelines, and techniques for application in the detection, apprehension, and prosecution of persons attempting to violate immigration and nationality laws; skill in coordinating intelligence gathering operations on a sector-wide basis and developing specific cases or complaints; and skill in developing continuing sources of information.

The appellant's position favorably compares to Level 1-6. The work he performs in dealing directly with aliens is analogous to the duties performed by Border Patrol Agents at this level. He applies similar knowledge and skill in enforcing and administering immigration and naturalization rules and laws. He performs a variety of enforcement and compliance functions associated with criminal aliens and the apprehension of absconders from deportation proceedings. Performing these duties requires

the appellant to make determinations regarding compliance with immigration laws, alienage, immigration status, and deportability. He reviews documents and files or personally interviews aliens and others to determine the identity and immigration status of aliens. He prepares reports and required INS documentation to initiate deportation proceedings. These duties require knowledges of and skills in basic law enforcement methods for reviewing records, interviewing, and analyzing information from records and documents or statements of individuals and knowledge of law enforcement theory, methods and procedures, as well as basic knowledge of pertinent parts of the Immigration and Nationality Act, as amended, and related laws, regulations, operations instructions, and INS policy. These knowledges are comparable to those described at Level 1-6, i.e., sound practical knowledge of immigration and nationality law precedents and court decisions and INS instructions and regulations concerning nationality and citizenship, alien smuggling, illegal entry, fraud and conspiracy, rights of aliens and the protection and recording of evidence; knowledge of techniques for identifying and categorizing fraudulent documents and expertise in proper law enforcement methods including interrogation, searching, seizing, arresting and self-defense; and skill in the preparation of reports and other written technical material, in the preparation of evidence, testimony, information matters about illegal activities and practices encountered in daily activities and similar data.

The appellant's position does not require skill in developing information, guidelines, and techniques from consolidating very different kinds of facts, events, and other types of intelligence material for application in the detection, apprehension, and prosecution of persons attempting to violate immigration and nationality laws. Therefore, Level 1-7 is not met.

We evaluate this factor at Level 1-6 and credit 950 points.

Factor 2, Supervisory controls

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 2-3 the supervisor makes assignments which involve the performance of the full range of duties. While the supervisor generally establishes objectives and priorities and highlights areas for special emphasis, the agent plans and carries out assignments independently in accordance with established operating procedures and instructions. Completed work is reviewed through reports and discussions between the agent and the supervisor. The review is focused on general adequacy, soundness of decisions made, and conformity to established procedures and instructions.

At Level 2-4 the supervisor assigns work in a specific specialized area. The agent typically has a continuing responsibility in this area of work. Agents plan and carry out their work independently, establishing priorities, setting deadlines, and determining the scope and intensity of their effort based on the needs and objectives of the INS. At this level, agents typically have developed considerable expertise in the work of the assigned area and their decisions and recommendations typically are accepted as authoritative statements of fact. In most instances, the work of the agent is performed

at locations or in situations that do not lend themselves to supervisory oversight. Completed work products, usually technical reports, digests of situations encountered, informative abstracts or letters, are accepted as technically sound.

The appellant's position fully meets Level 2-3. The supervisor plans the work and makes assignments. The appellant independently carries out assignments and resolves problems or deviations in the work in accordance with general directions, previous training, or accepted techniques and organizational practices. The appellant knows what his assignments entail and basically follows a daily routine in carrying out his duties, e.g., checks the computer system which is directly linked to the local jail's computer system to identify those persons booked the previous night; performs background checks on anyone who does not appear to be born a U.S. citizen; and goes to the Federal, State, or local jail to interview the individual. The appellant's supervisor reviews reports for written clarity and conciseness, evaluating thoroughness of planning analysis, soundness of judgment exercised, and results achieved. He reviews applications for Orders to Show Cause and Warrants of Arrest for completeness, consistency, and for compliance with INS policy.

Level 2-4 is not met because the appellant's work is not assigned to a specific specialized area and his completed work products are not accepted as technically sound, but rather are reviewed by the supervisor for completeness and compliance with INS policy. At this level, agents typically plan and carry out their work independently, establishing priorities, setting deadlines, determining the scope and intensity of their effort based on the needs and objectives of the INS, the limitations imposed by statute and precedent, the resources available and the constraints imposed by time, geographical area to be covered, and alien activity.

This factor is evaluated at Level 2-3 and 275 points are assigned.

Factor 3, Guidelines

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

At Level 3-3, 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. Agents 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, agents 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 does not exceed Level 3-3. He uses discretion to interpret and adapt guidelines when making decisions concerning interviews and arrests. He applies written guidelines

such as those covering Federal codes and rules of criminal procedure, the Immigration and Nationality Act, and INS handbooks, manuals, precedent decisions, and policies.

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

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 agent uses established procedures and methods to apprehend, interrogate, and process illegal aliens. Assignments are complicated by changing conditions or situations. The requirements or individual assignments may alter established operating procedures, standing orders and rules or require new interpretations and different application of statutory authorities conferred by the Immigration and Nationality Act.

At Level 4-4, the work is usually performed in connection with anti-smuggling or intelligence activities. The agent is confronted by large numbers of disparate operating situations which fit no common pattern and are not susceptible to solution by a single method, approach, or attack. Assignments typically require making unreviewed decisions and drawing conclusions about matters relating to the immigration and nationality laws after evaluating and interpreting information from many sources. This information is typically difficult to standardize. Work performed at this level requires use and control of informants and the conduct of probing interrogations.

The appellant's position compares to Level 4-3. He uses established procedures and methods to conduct fact-finding on his cases and to report the results. Problems encountered in his assignments involve analyzing facts and selecting and applying appropriate legal and regulatory guidelines. He must determine which and how many records to examine or persons to interview, whether or not he should deport the alien, or whether or not to use his arrest authority. He must determine when sufficient information has been gathered to substantiate findings.

The appellant's position does not meet the level of difficulty described for Level 4-4. Also, at Level 4-4, the standard provides for the use and control of informants. Immigration Agents are prohibited from use and control of informants.

Factor 4 is evaluated at Level 4-3 and 150 points are credited.

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 effect of work products or services both within and outside the organization.

At Level 5-3, work involves actions that prevent unauthorized persons from entering the United States; deter the smuggling of aliens, narcotics, and other contraband goods; promote the detection and prevention of crime at or near the borders of the United States; and effect the apprehension and expulsion of aliens who are in an illegal status. Effective accomplishment of assigned duties has considerable impact on the reservation of employment opportunities for U.S. citizens and legal resident aliens; reduction of unlawful drains on economic, social, and political services and institutions; and the operations of other enforcement units of the Immigration and Naturalization Service.

In addition to performing the kinds of work assignments described at Level 5-3, the work of the agent at Level 5-4 involves uncovering suspected conspiracies and attempted violations of law before they actually occur, developing appropriate responses which eliminate or minimize these activities, collecting advance information on these attempted violations, and collecting and refining information in cooperation with officials of other nations. Information developed by the agent is used by responsible management as a basis for planning work, revising operations and methods, shifting areas of surveillance, and altering sector or unit complements and preparing them for anticipated activities and assigning personnel.

The appellant's work is most similar to that at Level 5-3 in that he identifies violators of Immigration and Nationality laws who are incarcerated in Federal, State, and local correctional institutions. His work also involves locating and arresting aliens who have criminal backgrounds, failed to appear for deportation hearings, failed to depart from the country voluntarily, or may have escaped from INS custody. As indicated in the standard, his work affects the apprehension and expulsion of aliens who are in an illegal status.

His work does not meet Level 5-4 in that it does not involve uncovering suspected conspiracies and attempted violations of law before they actually occur. The majority of the appellant's cases are comprised of violators of immigration and nationality laws who are already incarcerated.

Therefore, this factor is evaluated at Level 5-3 and credited with 150 points.

Factor 6, Personal contacts

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

At Level 6-3, personal contacts are with the general public, including legal and illegal immigrants, officials of other Federal agencies, representatives of State and local governments, personnel from other law enforcement agencies, foreign officials, and attorneys. These contacts are established on a nonroutine basis and may take place in a wide variety of settings within or outside the assigned area.

At Level 6-4, personal contacts are with high ranking officials from outside the assigned area including key officials and top law enforcement personnel from other Departments and agencies,

representatives of foreign governments, congresspersons, top officials from State and local governments and leaders from the law enforcement, criminal justice, and legal communities.

The appellant's personal contacts match Level 6-3. His law enforcement contacts are with aliens, members of the general public, law enforcement officials of other Federal agencies, and State and county personnel. Contacts take place on a nonroutine and routine basis, in various settings of the appellant's work environment.

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

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

Factor 7, Purpose of contacts

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 7-3, contacts are established to detain, control, or interrogate apparent violators of the immigration laws. Persons contacted frequently are frightened, uncooperative, uncommunicative, hostile, evasive, or dangerous. These conditions require agents 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.

At Level 7-4, the purpose of contacts is to justify, defend, negotiate, or settle matters involving significant or controversial issues. The work usually involves active participation in conferences, meetings, hearings, or presentations involving problems or issues of considerable consequence or importance. The people contacted typically have diverse viewpoints, goals, or objectives requiring achieving a common understanding of the problem and a satisfactory solution by convincing them, arriving at a compromise, or developing suitable alternatives.

The purpose of the appellant's contacts as they relate to his law enforcement duties meets Level 7-3. His contacts are for the purpose of detaining apparent violators of immigration laws. Often during interrogation they are uncooperative, hostile, evasive, and frightened. Some situations can prove to be potentially dangerous which causes the appellant to be extremely careful and discreet in the manner in which he approaches individuals and groups.

Level 7-4 is not met in that the appellant's contacts are not for the purpose of having to justify, defend, negotiate, or settle matters involving significant or controversial issues.

This factor is evaluated at Level 7-3 and 120 points are credited.

Factor 8, Physical demands

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

At Level 8-2, the work requires some physical exertion such as long periods of standing; walking over rough, uneven, or rocky surfaces; or recurring bending, crouching, stooping, stretching, reaching, or similar activities. The work may require lifting and carrying moderately heavy objects occasionally.

At Level 8-3, work requires considerable and strenuous physical exertion such as long periods of standing, walking and running over rough, uneven or rocky surfaces; and defending oneself or others against physical attack, resorting to the use of firearms only as a last resort.

Physical demands of the appellant's position meet Level 8-2.

This factor is evaluated at Level 8-2 and 20 points are credited.

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.

At Level 9-2, the work involves exposure to moderate risks or discomforts. Safety or security precautions are sometimes required, and the agent may have to use special protective gear or clothing.

At Level 9-3, work environment involves high risks with exposure to potentially dangerous situations or unusual environmental stress. The employee may work long and irregular hours, on weekends and at night, frequently changing shifts and duty stations. Assignments are subject to change without advance notice.

The appellant's routine law enforcement work is performed in an office setting. Therefore, this factor is evaluated at Level 9-2 and 20 points are credited.

Summary

In sum, we have evaluated the appellant's law enforcement duties as follows:

Factor	Level	Points
1. Knowledge required by the position	1-6	950
2. Supervisory controls	2-3	275
3. Guideline	3-3	275
4. Complexity	4-3	150
5. Scope and effect	5-3	150
6. Personal contacts	6-3	60
7. Purpose of contacts	7-3	120
8. Physical demands	8-2	20
9. Work environment	9-2	<u>20</u>
Total points:		2020

The point total for the nine factors is 2020. In accordance with the grade conversion table in the standard, a total of 2020 points falls within the GS-9 range (1855-2100).

Decision

The appellant's position is properly classified to the General Inspection, Investigation, and Compliance Series GS-1801, graded at the GS-9 level, and titled at the agency's discretion.