

U.S. Office of Personnel Management  
Division for Human Capital Leadership & Merit System Accountability  
Classification Appeals Program

Dallas Field Services Group  
1100 Commerce Street, Room 441  
Dallas, TX 75242

**Classification Appeal Decision**  
**Under section 5112 of title 5, United States Code**

**Appellant:** [appellant]

**Agency classification:** Legal Assistant (Office Automation)  
GS-986-7

**Organization:** Staff Judge Advocate  
[number]<sup>th</sup> Air Base Wing  
Air Force Material Command  
Department of the Air Force  
[location]

**OPM decision:** Legal Assistant (Office Automation)  
GS-986-7

**OPM decision number:** C-0986-07-01

---

Kaye Coles James  
Director, Office of Personnel Management

6/15/04

---

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 and address]

Civilian Personnel Officer  
[servicing HR address]

Director, Civilian Personnel Operations  
HQ AFPC/DPC  
U.S. Department of the Air Force  
550 C Street West, Suite 57  
Randolph Air Force Base, TX 78150-4759

Chief, Civilian Policy  
HQ USAF/DPFC  
U.S. Department of the Air Force  
1040 Air Force Pentagon  
Washington, DC 20330-1040

Director of Civilian Personnel  
HQ USAF/DPCC  
1040 Air Force Pentagon  
Washington, DC 20330-1040

Chief, Classification Appeals Adjudication Section  
Civilian Personnel Management Service  
Department of Defense  
1400 Key Boulevard, Suite B-200  
Arlington, VA 22209-5144

## **Introduction**

On September 19, 2003, the Dallas Field Service Group of the U.S. Office of Personnel Management (OPM) accepted a classification appeal from [appellant's name]. We received her agency's administrative report on October 10, 2003. The appellant's position is currently classified as Legal Assistant (Office Automation), GS-986-7. She believes the position should be classified as a Paralegal Specialist, GS-950, at a higher grade level. The position is assigned to the Staff Judge Advocate Office, [number] Air Base Wing, Air Force Material Command, at [location]. We accepted and decided this appeal under the provisions of section 5112 of title 5, United States Code.

## **Background**

The appellant believes that her position supports a higher grade level because she is responsible for the supervision of the Legal Assistance Office and the administration of the Armed Forces Victim and Witness Assistance Program (VWAP). This includes training civilian and military personnel on the program. She believes the type of contacts she has outside the agency, and the level of discretion and judgment that she exercises warrant a higher grade level. The appellant believed her duties and responsibilities to be more appropriately classified as a GS-950 Paralegal Specialist at a higher grade level and filed an appeal through her agency. The Department of Defense decision, dated September 20, 2003, sustained the current classification of the position.

To help decide this appeal, an OPM representative held telephone interviews on December 18, 2003, with the appellant and her immediate supervisor. In reaching our decision, we have reviewed information gained from these interviews and all material of record furnished by the appellant and her agency, including the appellant's official position description, core document number [number].

## **General issues**

The appellant makes reference to and provides position descriptions for similar positions at other Air Force bases involved with the VWAP. The PD's provided in support of the appellant's rationale contain some duties that parallel work performed by the appellant. However, these duties are taken out of the context in those documents since they contain other duties that are different from those assigned to the appellant. For example, one GS-950 PD is primarily responsible for preparation and development of cases and preparing summaries and recommendations to the attorney. A GS-962 PD involves providing tax assistance work as well as VWAP program work. If the appellant considers her position so similar to warrant the same classification, she may pursue the matter by writing to her agency's personnel headquarters. In doing so, she should specify the precise organizational location, classification, duties, and responsibilities of the positions in question. If the positions are found to be basically the same as hers, the agency must correct their classification to be consistent with this appeal decision. Otherwise, the agency should explain to her the differences between her position and the others. By law, we must classify positions solely by comparing current duties and responsibilities to OPM standards and guidelines (5 U.S.C. 5106, 5107, and 5112). Since the comparison to

standards is the exclusive method for classifying positions, we cannot compare the appellant's position to others as a basis for deciding her appeal.

The appellant also makes various statements about her agency and its evaluation of her position. In adjudicating this appeal, our only concern is to make our own independent decision on the proper classification of her position. Again, by law, we must make that decision solely by comparing current duties and responsibilities to OPM standards and guidelines (5 U.S.C. 5106, 5107, and 5112). Therefore, we have considered the appellant's statements on insofar as they are relevant to making that comparison.

### **Position information**

The appellant's position is assigned to the Staff Judge Advocate Office, a combination military justice and civilian law practice organization. The organization is headed by a Lt. Colonel, who supervises three military attorneys who serve, respectively, as Assistant Staff Judge Advocate, Chief of Justice, and Chief of Claims; four civilian attorneys who serve, respectively, as Chief of Civil Law, Claims, Labor Law, and Contracts; an Environmental Attorney; and an E-6 Law Office Manager. The appellant is supervised by the GS-905-13 Chief of Civil Law.

The Legal Assistance Program provides free legal advice to military identification card holders, including active duty and retired members and their families, and widows and dependents of deceased retired military members. The appellant provides legal assistance to clients on matters such as wills, living wills, powers of attorney, property deeds, landlord tenant agreements, pro se divorce petitions, custody issues, and other civil legal issues, under the direction of an attorney. She assists clients in the preparation of these and other legal documents to be filed by the individual with the appropriate court or legal authority. In the course of these duties, she may at times make independent determinations of a client's ability to understand their rights in regard to legal documents and their implications, especially when dealing with retired military. She also provides advice to clients who have chosen to proceed without legal representation in civilian courts. These duties represent approximately 40 percent of the appellant's time.

The appellant is responsible for administering and coordinating the VWAP as directed by Department of Defense and Air Force guidance. She counsels victims and witnesses and informs them of their rights, and ensures the delivery of their proper entitlements throughout involvement with the program. The appellant maintains and reports program statistics, chairs quarterly VWAP meetings, and provides quarterly training to both military and civilian personnel on the program and any changes. She also conducts training and information sessions that inform outside public agencies and organizations of the VWAP and their role. VWAP duties occupy approximately 30 percent of the time.

The appellant conducts legal research for staff attorneys that provide information for developing case materials for cases to be heard in Federal Magistrate Court, U.S. District Court, the Juvenile Advocacy Program, and the Civil Compromise Program. She coordinates hearing dates, documents for the District and Magistrate Courts, and provides support for the Juvenile Advocacy and Civilian Compromise programs. These duties occupy approximately 20 percent of her time.

The appellant supervises a student temporary employee who works part-time during school sessions and full-time during school breaks, a permanent part-time receptionist, and a part-time volunteer. These supervisory duties occupy 10 percent of her time.

### **Series and standard determination**

The GS-900 Job Family Position Classification Standard for Assistance Work in the Legal and Kindred Group (JFS) includes nonsupervisory one-grade interval administrative support (i.e. assistance) positions. The Legal Assistance Series, GS-986, included in the JFS covers one-grade interval administrative support positions that supervise, lead, or perform legal assistance work not classifiable in any other series in the Legal and Kindred Group, GS-900. The work requires specialized knowledge of processes, procedures, and practices to support legal activities. Legal assistants typically perform one or more of the following duties: initiate and compose standardized legal documents routinely needed for specific legal actions; accept service of legal documents, review them for correct form and timeliness, and annotate case files and status records to reflect receipt and due date for response and other required actions; process legal instruments by checking them for required information; locate and compile information from files; maintain docket calendars and tickler systems, coordinate schedules with Clerks of Courts, remind attorneys of court appearances and deadlines for submitting various actions or documents, and notify witnesses of appearances and of changes resulting from suspensions or settlements; attend and keep a record of all court proceedings; maintain a court calendar; and/or establish, maintain, and close case files or systems of legal records, annotate indices and status records, compile workload and status reports, and locate and abstract data from files and records. This series also covers one-grade interval administrative support positions that perform various legal assistant support functions, including assistance in conducting hearings or judicial proceedings, case management, litigation, debt collection, and other similar types of activities for which there are ample precedents, and established procedures.

The Contact Representative Series, GS-962, is also included in the GS-0900 JFS. This series covers one-grade interval administrative support positions that supervise, lead, or perform support and related work in connection with dispersing information to the public on rights, benefits, privileges, or obligations under a body of law; explaining pertinent legal provisions, regulations, and related administrative practices, and their application to specific cases; and assisting individuals in developing needed evidence and preparing required documents, or in resolving errors, delays, or other problems in obtaining benefits, services, or fulfilling obligations.

The Paralegal Specialist Series, GS-950, includes positions not requiring professional legal competence which involves various legal assistance duties, of a type not classifiable in the Legal and Kindred Group, in connection with functions such as hearings, appeals, litigation, or advisory services. The GS-950 series requires a conceptual knowledge, rather than a practical knowledge, of techniques and guidelines pertinent to the area of assignment. It includes positions that involve legal work which is usually ancillary to the work of attorneys, administrative law judges, administrative agency appellate boards, or other duly designated managers of legal work. Duties may include examining case files to determine issues and sufficiency of evidence or documentation; searching for legal precedents, analyzing their

applicability, and preparing digests of points of law involved; drafting briefs, other litigation papers, or advisory opinions for review and approval of attorneys; analyzing legal issues involved in requests for agency records; analyzing subpoenaed documents for possible patterns and trends relevant to litigation; initiating additional fact finding by agency personnel in other offices; developing and justifying recommendations for agency action on legal issues; analyzing appellate records to isolate facts pertinent to distinct legal issues; interviewing and evaluating potential witnesses; and/or preparing for hearing and court appearances by briefing attorneys or administrative law judges on the issues.

The appellant interviews clients to determine the most appropriate solution for the client, based on the specific issue, e.g., to consult with a military or civilian attorney, seek medical help, request various social services or law enforcement assistance, or to seek civil remedies without formal legal assistance. She provides clients with the assistance necessary to follow the determined course of action in regard to the VWAP or the drafting and implementation of legal documents, such as powers of attorney, living wills, divorce decrees or custody petitions. The appellant's duties deal with legal issues that, while varied, are procedural in nature and have many guidelines and precedents upon which to determine the end product. She also performs limited legal research and assembles and arranges case files, exhibits, and documents. Her work requires an expert knowledge of procedures and legal situations in order to provide proper advice and assistance, but does not require the level of substantive legal analysis typical of the Paralegal Specialist Series, GS-950. Her position fits within the type of work covered in the GS-0900 JFS. While there are similarities with the Contact Representative GS-962 work, the appellant's duties go beyond providing advice and assistance since she is involved preparing, examining, or otherwise processing documents and supporting civil law functions of the office. The intent of the appellant's position is to provide a broad range of legal assistance for a variety of different legal situations; therefore, the position is best represented by the duties outlined in the GS-986 Legal Assistant Series and evaluated by use of the GS-900 JFS.

The appellant's VWAP duties have surface similarities to work performed in the GS-186, Social Service Aide and Assistance Series, and the GS-187, Social Services Series. The GS-186 series covers nonprofessional positions in support of counseling, guidance and related social services work in social, employment assistance, or similar programs. The GS-187 series covers positions which require application of specialized program knowledge and service skills in providing assistance to individuals and families served by social welfare programs.

As discussed in the Air Force VWAP instruction, the program provides for the treatment of victims and witnesses of offenses under the Uniform Code of Military Justice. It is intended to provide for protection and assistance of victims and witnesses, enhance their role in the military criminal justice process, and preserve the constitutional rights of the accused. The instruction recognizes that those who provide this assistance "may be a medical health care provider, judge advocate, paralegal, or other person appropriate under the circumstances of a particular case....and for making contact between victims and service agencies and arranging for those services, when appropriate."

Unlike GS-186 and GS-187 positions, the appellant's VWAP work is an outgrowth of the legal functions of the Staff Judge Advocate; it is not part of a social, employment assistance, or social

welfare program. The appellant refers victims to programs in which those services are provided. In addition, these functions ancillary to the appellant's primary work and the reasons for the position's existence; i.e. performing a wide range of legal support duties. The paramount qualification for this work is specialized knowledge of the processes, procedures, and practices required to perform those support duties; e.g., advising on preparing wills, providing information and guidance on probating estates, conducting legal research to assist attorneys, as well as assisting victims in obtaining a restraining order, an order of protection, or a commander-directed "no contact order" based on the specifics of the case. Therefore, as discussed previously, the appellant's position is properly placed in the GS-986 series.

As the application of office automation technology is a recurrent part of the appellant's job, the grade level of these duties was evaluated in accordance with the criteria established in the Office Automation Grade Evaluation Guide. These duties were found to be of a lower grade level than the GS-986 work. Since the office automation duties are not grade controlling, they will not be discussed further.

### **Title determination**

The appellant's duties related to the supervision of support personnel do not occupy the 25 percent or more of the appellant's time as required for coverage by the General Schedule Supervisory Guide. These duties will not be discussed further and a supervisory title is not appropriate.

The basic title prescribed for the GS-986 Legal Assistant Series is Legal Assistant. As the position does require the regular use of office automation technology and skills, the parenthetical title *Office Automation* is appropriate.

### **Grade determination**

The JFS for Assistance Work in the GS-900 Legal and Kindred Group was used to evaluate the grade level of the position. The standard is written in the Factor Evaluation System (FES) format, which uses nine factors. Each factor is evaluated separately and is assigned a point value consistent with factor level definitions described in the standard. The total number of points for all nine factors is converted to a grade by use of the standard's grade conversion table. Under the FES, each factor level description 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 the next lower level. Conversely, the position may exceed those criteria in some aspects and still not be credited the higher level.

#### *Factor 1, Knowledge Required by the Position*

This factor measures the nature and extent of information or facts that an employee 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 necessary to apply that knowledge.

At Level 1-4, positions require knowledge of, and skill in applying an extensive body of rules and procedures gained through extended training or experience sufficient to perform interrelated and nonstandard legal support work; plan, coordinate, and/or resolve problems in support activities; use a wide range of office software applications to prepare complex documents containing tables or graphs; and to use online legal resources to obtain information accessible over the Internet, as needed. It also requires examination of documents where the information and facts are straightforward and readily verifiable; need little development; require limited searches of reference, file, or historical material; and entail comparisons with explicit criteria.

At Level 1-5, the highest level for this factor, in addition to the knowledge and skills required at lower levels, the work requires knowledge of, and skill in applying, comprehensive legal regulations, techniques, and procedures that are not readily understood, sufficient to perform assistance work requiring extensive searches of records, reference, or historical material and comparisons with complex, voluminous, or broadly written criteria; use specialized, complicated techniques to complete assignments, such as comparing options or identifying conflicts; develop, examine, adjust, reconsider, or authorize settlements; and assist higher grade employees to plan strategies. A position at this level is illustrated by duties that would include a knowledge of, and skill in applying, regulations and agency manuals, court decisions and precedents, Federal sentencing laws and guidelines, outstanding warrants, and State extradition law sufficient to review legal instruments from law enforcement organizations (e.g. police departments) and make appropriate sentencing determinations; investigate inmate's prior criminal history records and track prior incarcerations for lawful application of jail time credit in response to various law enforcement agency inquiries; and establish appropriate release dates from custody for inmates.

The appellant regularly interviews clients eligible under the Air Force Legal Assistance Program to determine their needs and the circumstances surrounding those needs. She then provides advice that presents various options and the implications of those actions, i.e., things the client should consider before taking an action. In addition, she regularly visits military retirees at their homes or at hospitals to assist them with the initiation of certain legal matters. For example, a client wishes to designate a power of attorney or a living will. The son, daughter, or another interested party may have contacted the appellant to initiate the action. The appellant must determine that the request is made with the client's full consent, understanding, and comprehension of the implications and possible outcomes of their legal decision and is not coerced. She also ensures that they understand their rights with regard to those actions. To draft a will for an off-site client, the appellant conducts an interview to make the appropriate competency decision, consulting with the physician or other medical staff as needed. She will then determine the client's wishes, and advise them of and explain alternative courses of action to consider, such as a trust. After gaining all the appropriate information, she returns to the Legal Assistance Office and drafts the document for review by a staff attorney. She then returns the document to the client and ensures that the document is properly signed, witnessed, and notarized.

These aspects of the appellant's work are most comparable to the illustration for Contact Representative at Level 1-4. Positions at this level have a knowledge of, and skill in applying, an extensive body of rules and procedures concerning benefits processing sufficient to clarify benefit processes and procedures to customers; conduct personal or telephone interviews; search



records or guidelines; provide full explanations in response to specific inquiries relating to the agency; resolve problems and issues; evaluate the extent of customers' knowledge of the options and choices open to them; explain the requirements placed on them by laws and regulations; and review records and contact other offices to learn the status of pending actions, the reasons for delays or changes, and what action or additional information is needed to resolve the case.

Many Air Force personnel are not considered legal residents of the state in which the base is located. In many instances, the appellant must conduct research to determine the laws and regulations of the state in which the legal document being drafted will apply, whether that is a will, a divorce petition, custody petition, or a real estate document. Comparable to Level 1-4, the appellant independently interviews, counsels, and assesses the needs of victims and witnesses and informs them of their rights under the VWAP, and assures that their rights are not violated by the judicial process and by updating the necessary forms as required. She also ensures that participants in the program receive proper medical care, makes contact with law enforcement officials to file reports or make statements, or determines if action is required by base personnel, such as an order of "no contact."

The appellant is responsible for checking files for missing documents and inconsistent materials, as well as entering data about the activities of the Legal Assistance Office into various databases for reporting purposes. As at Level 1-4, the appellant deals with an extensive body of rules and procedures. However, there are clear procedures for her to follow in completing her assignments. Her assignments do not regularly require use of the specialized, complicated techniques typical of Level 1-5 or as described in the illustration for Legal Assistance at that level. While much of the contact work is accomplished independently, the options presented to the clients and decisions made by the appellant do not fully meet the level of alternatives described as typical at Level 1-5 for either the Contact Representative or the Legal Assistant series. Therefore, Level 1-4 is appropriate for this factor.

Level 1-4 (550 points) is credited for this factor.

### *Factor 2, Supervisory Controls*

This factor covers the nature and extent of direct or indirect controls exercised by the supervisor or another individual over the work performed, the employee's responsibility, and the review of completed work. The primary components of this factor are how work is assigned, employee responsibility, and how work is reviewed.

At Level 2-2, the supervisor provides assignments indicating generally what is to be done, data and required information, limitations, deadlines, quantities, and priorities. The supervisor provides specific instructions on new or unusual assignments that have clear precedents. The employee uses initiative and works independently within the framework established by the supervisor in carrying out recurring assignments; follows limited or applicable instructions or procedures that specifically describe how the work is done, and the kind of adaptations or exceptions that can be made; and refers specific problems not covered by the supervisor's instructions or standard operating procedures to a supervisor or designated employee. The supervisor reviews work to verify accuracy and conformance to procedures and special

instructions, may spot check work for accuracy, reviews recurring assignments, reviews new or difficult assignments, and closely reviews situations with potential adverse impact in process and upon completion.

At the highest level for this factor, Level 2-3, the supervisor makes assignments by outlining or discussing issues and defining objectives, priorities, and deadlines. The supervisor provides advice or additional specific instructions on new or unusual situations that do not have clear precedents. The employee independently plans the work; resolves problems; carries out successive steps of assignments; follows instructions, policies, previous training, or accepted practices; makes adjustments using accepted legal practices and procedures; handles problems that arise in accordance with instructions, policies, and guidelines; and refers controversial issues to the supervisor for direction. The supervisor reviews completed work for technical soundness, appropriateness, and conformity to policies and requirements. The technical methods and procedures used in completing assignments seldom require detailed review.

As at Level 2-3, the appellant's supervisor makes assignments by defining overall objectives and office priorities. The appellant independently plans her own work and assigns work to her staff; resolves problems or issues that arise in the course of her work; and follows local installation, Air Force, and Department of Defense (DoD) instructions, policies, and accepted practices. She makes any adjustments necessary using appropriate legal practices and procedures and handles problems or unusual situations that may arise in accordance with Air Force and DoD instructions, policies, and guidelines. She consults with her supervisor on unusual situations or circumstances. The appellant works with a high degree of independence and her supervisor occasionally reviews routine completed work for overall technical soundness, appropriateness, and conformity with policy and law. The supervisory controls exercised over the appellant's position meet but do not exceed the intent of Level 2-3.

Level 2-3 (275 points) is credited for this factor.

### *Factor 3, Guidelines*

This factor covers the guidelines and the judgment employees need to apply them. Individual assignments may vary in the specificity, applicability, and availability of guidelines; thus, the judgment the employee uses similarly varies. The existence of detailed plans and instructions may make innovation in planning and conducting work unnecessary or undesirable. In the absence of guidance, the employee may use considerable judgment in developing an approach or planning work. Guides may include Federal regulations covering program operations; administrative policies; official tax publications; legal system documentation; local policies, handbooks, precedent cases, and operating procedures; legal dictionaries and legal references; and claims manuals. The primary components of this factor are the guidelines used and the judgment needed to accomplish work.

At Level 3-2, employees use readily available guidelines in the form of agency policies and procedures that are clearly applicable to most transactions. These consist of legal regulations, dictionaries and references, computer manuals, office manuals, office policies and procedures, directives, general decisions, and agency guides. The employee uses judgment to determine the

most appropriate guidelines or procedures to apply based on the nature of the assignment, adapts guidelines in specific cases and makes minor deviations when necessary, and refers issues that do not readily fit instructions to a supervisor.

At Level 3-3, the highest level described in the JFS, the employee uses guidelines that have gaps in specificity and are not applicable to all work situations. The employee may have to rely on experienced judgment, rather than guides to fill in gaps, identify information sources, and make working assumptions. The employee uses judgment to select the most appropriate guidelines and decide how to complete the various transactions. In some situations, guidelines do not apply directly to assignments and require the employee to make adaptations to cover new and unusual work situations.

The appellant's guidelines consist of agency manuals of policies and procedures; law dictionaries; and Department of Defense directives, state and Federal statutes, local laws and ordinances, rule of practice of courts, Federal magistrate court rules of procedure, precedent decisions, digests, and others depending on the specific circumstances. Comparable to Level 3-3, the guidelines used when assisting attorneys with a client's case or when dealing with the VWAP program have gaps in their specificity requiring the appellant to rely on her experience and independent judgment to identify sources of information to perform her work. She gathers and organizes information for the Judge Advocate's Office for cases in the Federal Magistrate Court, Juvenile Advocacy Program, and the VWAP. The appellant's guidelines and level of judgment fully meet but do not exceed Level 3-3.

Level 3-3 (275 points) is 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. The primary components of this factor are the nature of the assignments, what needs to be done, and the difficulty and originality involved.

At Level 4-2, work consists of related steps, processes, and standard explanations of methods or programs in the function. Assignments may also be designed to prepare the employee for more difficult work. Data in legal documents are factual in nature, usually designed to record specific items of routinely required information in a uniform manner and are used for only one primary purpose or action. Supporting documents contain direct, firsthand evidence and are usually considered as conclusively establishing the point in question. The employee checks and performs initial processing of legal documents received in the office; answers inquiries about applications, legal instruments, forms, and/or benefits; obtains missing information; compares information with information previously recorded; and considers and evaluates sources of information, appropriateness of legal citations, and legal requirements of documents, legal instruments, or claims. The employee also recognizes different procedures that are required to process documentation and assist customers. Choices are limited. Difficulties encountered

include meeting strict deadlines and keeping track of large quantities of facts, figures, information, and paperwork.

At Level 4-3, the highest level described in the JFS, work consists of different and unrelated processes, methods, and sequences of tasks. The employee analyzes facts and identifies issues; defines the problem; determines courses of actions from many alternatives; searches, isolates, and determines interrelationship among available information; assesses a variety of situations that depend on the particulars of the case and/or submitting party; selects appropriate resources and applies them to the problem at hand; evaluates records in relation to legal requirements; and develops recommendations for problem resolution. The employee determines what needs to be done including choosing the order of research necessary, the sequence of steps, and the manner in which findings are presented. Actions may be complicated by situations where the facts are not clearly established. Verification or development of information from external sources is frequently required. The organization and presentation of information of documents can vary substantially. The same document is used for different purposes or actions. Successive submission of the same type of document may involve different kinds of information.

The appellant's clients may need assistance with drafting wills, powers of attorney, living wills, real estate deeds, landlord-tenant agreements, or other legal documents. She regularly meets with clients that have varied situations, circumstances, and needs. She independently assesses the best means to assist the client by providing information concerning alternative options and entitlements and explains those alternatives so that clients can make the best informed decision regarding a specific course of action. As at Level 4-3, situations sometimes are complex and may have many possible outcomes depending upon the course of action chosen. As coordinator of the VWAP, she coordinates with various base organizations that have specific responsibilities that are already outlined in the Air Force Instructions. She must also coordinate with outside entities such as non-military law enforcement, area hospitals and clinics, state and local social services, and other organizations that may be able to assist victims eligible to receive program assistance. This coordination is required to ensure that victims of and witnesses to crimes receive the proper assistance. For example, if the situation warrants, a victim may need to seek a protective order. The appellant must present the benefits and possible detriments, as well as other possible outcomes to the victim. She must, in some cases, persuade victims and witnesses to testify in cases where they may feel intimidated by either the circumstance or the perpetrator. The program itself has many specific guidelines, but the different numbers and types of situations allow for considerable variation in application of those guidelines in order provide assistance to those eligible for the program. She also assists victims and witnesses in receiving compensation they may be eligible for under the Air Force program or, if ineligible, a similar state program. The appellant's work complexity meets but does not exceed Level 4-3.

Level 4-3 (150 points) is credited for this factor.

#### *Factor 5, Scope and Effect*

This factor covers the relationships between the nature of 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. Effect measures such things as whether the work output facilitates the work of

others, provides timely services of a personal nature, or impacts the adequacy of research conclusions.

At Level 5-2, work involves specific rules, regulations, or procedures. Work is constrained by well-defined and precise conditions. Work includes reviewing documents for missing information, searching records and files, verifying and maintaining records of transactions, and answering routine procedural questions. The work affects the quality of services performed by the office and provides the basis for subsequent actions taken by the organization to provide services to the public.

At Level 5-3, the highest level described, the work involves treating a variety of routine problems, questions, or situations within the work environment. The employee advises and assists applicants or other individuals requesting benefits or services with a variety of problems, questions, or situations in conformance with established criteria. Work may involve subjective considerations, such as looking for misrepresentation, fraud, or other illegal activity. The work affects the accurate and timely attainment of licenses, permits, or other legal documents, rights, or privileges; the accurate and timely resolution of claims; and the economic well being of individuals requesting benefits, claims, and/or services.

Like Level 5-3, the appellant's work involves a variety of situations, circumstances, questions, or situations that may have a broad or narrow impact on their lives. Clients have different problems and needs. In many cases, their solutions have a large impact on legal situations that occur both on and off base. Assisting a client with the legal documentation necessary to file for the probate of a will may affect both their potential economic and, in some cases, emotional well being. Timely completion of work affects the ability of the Staff Judge Advocate's Office to represent the government in either military or civilian courts. Individuals eligible for the VWAP need timely assistance to assure their rights are protected and their needs are met. The scope and effect of the appellant's work meets, but does not exceed, Level 5-3.

Level 5-3 (150 points) is credited for this factor.

#### *Factor 6, Personal Contacts, and Factor 7, Purpose of Contacts*

These factors include face-to-face and remote dialogue, e.g., telephone, email, and video conferences, with persons not in the supervisory chain. The levels of these factors consider/take into account what is necessary to make the initial contact, the difficulty of communicating with those contacted, the setting in which the contact takes place, and the nature of the discourse. Factors 6 and 7 are inter-dependent.

#### *Personal Contacts*

The appellant's personal contacts meet, but do not exceed, the highest level described, Level 2. At this level, the employee has contact with employees in the same agency and/or with members of the general public in a moderately structured setting, such as applicants, retirees, beneficiaries, taxpayers, court personnel, or other individuals related to court processes. Comparable to this level, the appellant has contact in her day-to-day work with clients, attorneys, military retirees

from all branches of the service, representatives from other base organizations, and with members of the general public.

#### *Purpose of Contacts*

The appellant meets but does not exceed Level B, the highest level described for this factor. At this level the employee's contacts are to plan or arrange work efforts; coordinate and schedule activities; resolve problems relating to documents or procedures; provide explanations, discuss alternatives, and explain those alternatives. Comparable to Level B, the appellant's work requires contact with employees inside and outside the agency to obtain information or coordinate their provision of services to Legal Assistance Office clientele. She is required to interact with Federal Magistrate Court personnel and participants on the Juvenile Advocacy Program Boards to assure they receive all case information and that she receives all documentation regarding case decisions. In her communication with clients, she is required to assist them by explaining specific legal documents, their rights, obligations, and alternatives with respect to those rights.

Factors 6 and 7 are combined to determine their point value. Factor 6, Level 2 and Factor 7, Level B are credited for 75 points.

#### *Factor 8, Physical Demands*

Level 8-1 describes work that is mainly sedentary, but may require periods of walking, standing, bending, driving an automobile, etc. Employees frequently carry case files and other similar materials. The work does not require any special physical effort or ability. This is comparable to the appellant's work.

Level 8-1 (5 points) is credited.

#### *Factor 9, Work Environment*

At Level 9-1, the work area is usually an office setting that is adequately lighted, heated, and ventilated. The work environment involves everyday risks or discomforts that require normal safety precautions. This level equates to the appellant's work environment.

Level 9-1 (5 points) is credited.

*Summary*

<i>Factor</i>	<i>Level</i>	<i>Points</i>
1. Knowledge required by the position	1-4	550
2. Supervisory controls	2-3	275
3. Guidelines	3-3	275
4. Complexity	4-3	150
5. Scope and effect	5-3	150
6. & 7. Personal contacts and Purpose of contacts	2-B	75
8. Physical demands	8-1	5
9. Work environment	9-1	5
<i>Total</i>		1485

The point total for the nine factors is 1485. When compared to the JFS for Assistance Work in the Legal and Kindred Group, GS-900, grade conversion table, this total converts to the GS-7 grade level (point range of 1355-1600).

**Decision**

The appellant's position is properly classified as Legal Assistant (Office Automation), GS-986-7.