

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

San Francisco Field Services Group  
120 Howard Street, Room 760  
San Francisco, CA 94105-0001

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

**Appellants:** [Names of appellants]

**Agency classification:** Border Patrol Agent  
GS-1896-11

**Organization:** [Appellants' organization/location]  
U.S. Border Patrol  
Bureau of Customs and  
Border Protection  
Department of Homeland Security

**OPM decision:** Border Patrol Agent  
GS-1896-11

**OPM decision number:** C-1896-11-02

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Marta Brito Pérez  
Associate Director  
Human Capital Leadership  
and Merit System Accountability

July 2, 2004  
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:**

[Names and address of appellants]

Human Resources Officer  
Headquarters Human Resources Branch  
Bureau of Customs and Border Protection  
Department of Homeland Security  
800 K Street, NW, Room 5000  
Washington, DC 20035

## **Introduction**

On September 2, 2003, the San Francisco Field Services Group of the U.S. Office of Personnel Management (OPM) accepted a group classification appeal from [names of appellants]. On January 28, 2004, we received the agency's complete administrative report. Preparation and submission of the agency's administrative report to OPM was delayed due to the transition and consolidation of human resources services from various bureaus within the Department of Homeland Security. The appellants occupy identical additional positions (hereinafter referred to as position) classified as Border Patrol Agent, GS-1896-11, but they believe the position should be graded at the GS-12 level because they serve as "leads" for overseeing and monitoring the work of groups of detailed agents on various work shifts. The appellants work in the [name of appellants' organization/location], U.S. Border Patrol, Bureau of Customs and Border Protection, Department of Homeland Security (DHS). We have accepted and decided this appeal under section 5112 of title 5, United States Code (U.S.C.).

This decision is based on a thorough review of all information submitted by the appellants and their agency. In addition, to help decide the appeal we conducted a group telephone audit with all of the appellants, and separately interviewed their immediate supervisor.

## **General issues**

The appellants and their immediate supervisor have indicated that they disagree with the accuracy of the appellants' official position description (PD) [number] because they believe it does not adequately address their "leader" functions. A PD is the official record of the major duties and responsibilities assigned to a position or job by an official with the authority to assign work. A position is the duties and responsibilities that make up the work performed by the employee. Classification appeal regulations permit OPM to investigate or audit a position and decide an appeal on the basis of the actual duties and responsibilities currently assigned by management and performed by the employee. An OPM appeal decision classifies a real operating position, and not simply the PD. This decision is based on the work currently assigned to and performed by the appellants and sets aside any previous agency decision.

The appellants make various statements about the classification review process conducted by their agency, and compare their work to higher graded positions in other units of the sector. By law, we must classify positions solely by comparing their current duties and responsibilities to OPM position classification standards and guidelines (5 U.S.C. 5106, 5107, and 5112). In adjudicating this appeal, our only concern is to make our own independent decision on the proper classification of their position. Since comparison to standards is the exclusive method for classifying positions, we cannot compare the appellants' position to others, which may or may not be properly classified, as a basis for deciding their appeal. Because our decision sets aside any previous agency decision, the classification practices used by the appellants' agency in classifying their position are not germane to the classification appeal process.

## **Position information**

As senior Border Patrol Agents in the [appellants' unit], each appellant serves as a shift leader over an assigned shift. The [unit] operates 24 hours a day, 7 days a week, in three shifts. There are two sections that run on the day shift (6:00 a.m. – 2:00 p.m.), one on an evening shift (2:00 p.m. – 10:00 p.m.), and one on the midnight shift (midnight – 6:00 a.m.). Each appellant oversees the work in one of the four sections. The sections are each staffed by five (on the average) senior Border Patrol Agents, GS-1896-11, who are informally “detailed” (no official personnel actions are issued) for one year from their border patrol stations into the sections and shifts on a rotational basis (every six months) for on-the-job cross-training in prosecutions work. Each shift receives cases and/or complaints from various stations in the sector covering such offenses as illegal entry, re-entry after deportation, false entry, document fraud, alien smuggling (drugs or individuals), assault on a Federal officer, illegal aliens in possession of firearms, and removal proceedings involving both adults and juveniles.

The appellants oversee, review, instruct, and provide technical advice and knowledge to detailed agents in the legal procedures used in preparing and presenting administrative and criminal cases for adjudication and prosecution before immigration judges, Federal Magistrates, and Federal District Courts. The appellants evaluate incoming cases to determine whether immigration or criminal proceedings should be pursued, decide if cases require additional investigation and which are the most appropriate charges for filing, and ensure that each case is entered into the computer tracking and control log. They assign administrative and criminal case work to detailed agents, and provide technical assistance to them as they work the case. They review completed complaints, magistrate information sheets, and statements of facts prepared by shift members for legal and procedural requirements, and ensure that each case is routed to the proper destination within the time frames required by law. The appellants also do cases themselves, and serve as court liaison agents to U.S. District Court. The [appellants' unit] is headed by a Supervisory Border Patrol Agent, GS-1896-12, whom the appellants work for. The unit consists of a total of seven permanent employees.

The results of our interviews, the appellants' PD and other material of record furnish more information about their duties and responsibilities and how they are performed. Based on our review, we find that the appellants' official PD accurately reflects the duties assigned by management and performed by the appellants.

## **Series, title, and standard determination**

The agency has assigned the appellants' position to the Border Patrol Agent Series, GS-1896, titling it Border Patrol Agent. The appellants agree with the agency on the series and basic title, but believe the title should include the prefix “Lead” to reflect their team leader responsibilities. For the reasons discussed below, we concur with the agency's determination.

As previously mentioned, the appellants believe their position should be classified as a “lead” position because they provide on-the-job cross-training to detailed agents, and oversee and monitor their work on three separate work shifts. Part II of the General Schedule Leader Grade

Evaluation Guide (GSLGEG) is used to classify positions whose primary purpose is, as a regular and recurring part of their assignment and at least 25 percent of their duty time, to lead a team of other General Schedule (GS) employees in accomplishing two-grade interval work that meets at least the minimum requirements of Part II. Team leaders usually also participate in the work of the team by performing work that is of the same kind and level as the highest level of work accomplished by the team led.

Team leaders work with team members to achieve specific tasks, produce work products and services and meet program and production goals. Typically, a team leader assists the team through knowledge and application of leadership and team building skills and techniques such as group facilitation, coordination, coaching, problem solving, interpersonal communication, integration of work processes and products, obtaining resources, and liaison with the supervisor. Team leaders are accountable for outcomes and results, e.g., timely delivery of quality work products and services produced by the team led. The GSLGEG specifically excludes positions that fully meet Factor Level 3-2 of the General Schedule Supervisory Guide (GSSG), those for which a base level cannot be determined, and positions that have functional “project” responsibility but do not lead other workers on a continuing basis and/or personally perform work at a higher grade level than the work led.

The appellants’ position meets some, but not all of the coverage requirements for application of the GSLGEG. Like team leader positions, the primary purpose of their position is to regularly oversee, monitor, and review the work of other GS employees who accomplish two-grade interval work, i.e., GS-1896 series. Additionally, given the fact that they are providing developmental training to shift members, they spend considerably more than 25 percent of their time overseeing and monitoring the work. However, despite spending most of their time overseeing the senior agents, those agents are not officially detailed and remain on the roles of their permanent units rather than being officially assigned on a time limited basis to the [appellants’ unit]. The GSLGEG was developed to grade positions that lead permanently assigned teams. Although in this case the senior agents are permanent to the agency, they are not permanently assigned to the appellants, and therefore are not team members within the meaning of the GSLGEG. In addition, their position does not exercise all of the minimum authorities and responsibilities required for coverage under Part II. At a minimum, Team Leaders must perform all of the first seven (7) coaching, facilitating and mentoring duties listed in the GSLGEG, and a total of fourteen (14) of the twenty duties listed in the guide. Listed below are the first seven duties, followed by a comparison to the appellants’ position.

(1) Ensure that the organization’s strategic plan, mission, vision and values are communicated to the team and integrated into the team’s strategies, goals, objectives, work plans and work products and services. We find that the appellants do not perform this responsibility because the [appellants’ unit] supervisor has the primary role for communicating the unit’s mission, values, and vision during the initial orientation with newly detailed agents. While the assigned “team leader” is present during the meeting for introductory purposes, the supervisor explains the unit’s work plans and individual employee performance expectations, and is ultimately responsible for ensuring that the unit’s mission and values are integrated into each shift’s work objectives and products, particularly as he spot checks and reviews completed cases emanating from each shift.

(2) Articulate and communicate to the team the assignment, project, problem to be solved, actionable events, milestones, and/or program issues under review, and deadlines and time frames for completion. The appellants perform this duty as they coach and instruct the rotated agents on identifying the key issues that must be addressed in each assignment, and the processing timeframes and case deadlines to be achieved.

(3) Coach the team in the selection and application of appropriate problem solving methods and techniques, providing advice on work methods, practices and procedures, and assisting the team and/or individual members in identifying the parameters of a viable solution. The appellants fully perform this duty as they advise the rotated agents on individual case practices and procedures, how and where information can be found to resolve technical issues, and how to identify when cases are sufficiently researched and contain all legal references and supporting documentation so they can be forwarded to the Assistant Chief Patrol Agent for review and action.

(4) Lead the team in: identifying, distributing and balancing workload and tasks among employees in accordance with established work flow, skill level and/or occupational specialization; making adjustments to accomplish the workload in accordance with established priorities to ensure timely accomplishment of assigned team tasks; and ensuring that each employee has an integral role in developing the final team product. The appellants meet this duty. Depending on the quantity and types of cases that must be processed during the shift, the appellants distribute and balance case workload to detailed staff based on individual skill level and complexity of the complaints being reviewed. Newer members are given more straight forward administrative cases (e.g., illegal alien clearly deportable), while more experienced agents perform complex criminal case work, e.g., those involving smuggling, drug trafficking, previous felonies. The appellants ensure that case work is completed within prescribed time frames, and that each agent fulfills their role in preparing a complete case file with required supporting documents and evidence.

(5) Train or arrange for the training of team members in methods and techniques of team building and working in teams to accomplish tasks or projects, and provide or arrange for specific administrative or technical training necessary for accomplishment of individual and team tasks. Although the appellants provide individual on-the-job technical training on specific methods for processing, researching, and preparing complaints and statements of fact for prosecution, they do not train, or provide for such training, of shift members on the methods, techniques, and concepts of team building. Indeed, the record does not show that such training is necessary for shifts devoted to individual, developmental training staffed by the agents who rotate yearly, and are permanently assigned to their respective stations. Additionally, the unit supervisor's PD notes that he identifies and develops training needs for the unit and instructs subordinates or arranges for formal training, and establishes and institutes training procedures for the agents who are rotated through the unit.

(6) Monitor and report on the status and progress of work, checking on work in progress and reviewing completed work to see that the supervisor's instructions on work priorities, methods, deadlines and quality have been met. The appellants meet this duty in that they monitor and check on all case work in progress, and review final work to ensure that the supervisor's

priorities and work expectations are met, and that accurate, complete and timely case files are submitted at the end of each shift for further action.

(7) Serve as coach, facilitator and/or negotiator in coordinating team initiatives and in consensus building activities among team members. Although the appellants provide developmental training to individual senior agents, because the work performed is done on an individual basis focusing on accomplishment of tasks related to specific cases, there is no need to facilitate or coordinate team initiatives or carry out consensus building. The record does not show that the appellants have or are required to foster any group/team initiatives or activities.

Because the appellants do not “lead” permanently assigned teams, and their position exercises only five of the first seven coaching, facilitating and mentoring duties required for coverage under Part II of the GSLGEG, the guide cannot be used to classify their position. Therefore, the title and series of the position is Border Patrol Agent, GS-1896. To grade the position we have applied the grading criteria in the GS-1896 standard as discussed below.

### **Grade determination**

The standard for the Border Patrol Agent Series, GS-1896, 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 that a worker must understand to do acceptable work, such as the steps, procedures, practices, rules, policies, theories, principles, and concepts; and the nature and extent of the skills needed to apply this knowledge.

At Level 1-7 (the highest level for this factor described in the standard), in addition to the knowledge described at the next lower level, agents apply 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, illegal entry, etc. They exercise skill in consolidating ostensibly disparate facts, events, and other types of intelligence material and developing there from information, guidelines, and techniques for application in the detection, apprehension and prosecution of persons attempting to violate immigration and nationality laws.

The appellants’ position meets but does not exceed Level 1-7. As senior agents, they apply a comprehensive knowledge of immigration and nationality laws (Title 8 and 18 U.S.C.), citizenship requirements, and regulations governing admission, exclusion, and deportation requirements, the rights and requirements of aliens to due process, rules of Federal criminal procedures and evidence, appellate and administrative court decisions, requirements to show

illegal entry, etc. This extensive knowledge is applied in preparing documentation for both administrative and criminal prosecutions. Like Level 1-7, in preparing and overseeing cases prepared by others in their sections, the appellants exercise skill to research, consolidate, and analyze disparate facts and events and other information received from arresting officers, in order to develop a thorough and convincing case against persons attempting to violate immigration laws.

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

### *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 completed work.

At Level 2-4 (the highest level for this factor described in the standard), the supervisor assigns work to the agent in a specific specialized area for a particular geographic area. The agent typically has continuing responsibility in this area of work. Agents plan and carry out their work independently, establishing priorities, setting deadlines, determining the scope and intensity of their efforts based on the needs and objectives of the agency, the limitations imposed by statute and precedent, the resources available and the constraints imposed by time, geographical area covered and alien activity. At this level, agents typically have developed considerable expertise in the work (e.g., Patrol) and their decisions and recommendations 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. Consequently, they must resolve problems, including those involving deviations from established procedures, unfamiliar situations or unusual requirements, on their own initiative. Completed work products are accepted as technically sound. Unusual or controversial findings are reviewed by the supervisor primarily to ascertain if they are a potential basis for modifications of operating instructions, procedures or program emphasis.

The appellants' position fully meets but does not exceed Level 2-4. Like that level, the [appellants' unit] supervisor assigns work to the appellants in the specialized area of criminal and administrative prosecutions. Cases received and processed cover the entire sector geographic area (consisting of seven stations), and the appellants have ongoing responsibility for conducting, overseeing and reviewing all complaints received during their respective shifts. They plan and carry out their work independently, establishing priorities for working cases, setting deadlines for completion of specific complaints, determining the scope and intensity of research and further investigative work required for cases (particularly the more complex criminal ones), and depending on the severity of the alien activity, deciding on the resources and skill levels needed to effectively and thoroughly prepare a complaint for prosecution during the shift. As senior agents, they must be thoroughly familiar with all of the methods, techniques and activities typical of Patrol work, in order to effectively determine the adequacy of supporting facts and evidence for each complaint. Their decisions on cases are typically accepted by the supervisor as authoritative statements of fact.

Similar to Level 2-4, their work is performed in situations that do not lend themselves to supervisory oversight because the supervisor is not present or available on all shifts, or the appellants may be in court away from the sector office, or in the field performing further fact-finding. Thus they must frequently resolve most problems, even those requiring deviations from established procedures and guidelines, on their own initiative. Their completed case files are accepted as technically sound, but the supervisor provides advice on and reviews potentially controversial, news worthy, or highly sensitive cases to determine the adequacy of findings and supporting documentation, and assesses the impact on established operating instructions.

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

### *Factor 3, Guidelines*

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

At Level 3-3 (the highest level for this factor described in the standard), basic and general information is provided in the various laws, regulations and interpretations that pertain to the work performed by the Border Patrol Agent. These include handbooks, manuals, instructions and orders, precedent court decisions, appeals board rulings, rules of evidence and court procedures. The agent exercises 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, the agent 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, e.g., application of instructions and procedures to situations involving re-entry, voluntary deportations, assisting in entry, etc.

The appellants' position fully meets but does not exceed Level 3-3. Like that level, the appellants use a variety of basic and general laws, regulations, court decisions and interpretive material, agency manuals and orders, and guidance concerning court procedures and rules of evidence, to process complaints for prosecution. They use considerable judgment and discretion in applying these guidelines to a wide variety of administrative and criminal cases. For example, they frequently adapt and interpret established guidelines to determine the circumstances surrounding the complaint, assess the merits of each case and severity of the charge, and interpret guides to ensure that the legal rights of suspects are not violated during interrogations. Similar to Level 3-3, the appellants must also apply established guidelines to new situations where precedents are lacking.

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

### *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 Border Patrol Agent uses established procedures and methods to apprehend, interrogate and process illegal aliens. Assignments are complicated by changing conditions or situations involving factors such as the nature of the illegal activity encountered, modus operandi of the lawbreaker, degree of difficulty involved in establishing facts and protection of the suspect's civil rights. The requirements of 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 of the Border Patrol Agent, usually performed in connection with anti-smuggling or intelligence activities, includes planning, organizing and carrying out a variety of complex assignments that involve the use of incomplete or inconclusive information, the need for variation in approaches and the resolution of unacceptable, inconsistent or unforeseen results. 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 the agent to make un-reviewed decisions and draw conclusions about matters of citizenship, criminal activities, right of entry, fraud, conspiracy and other similar matters relating to the immigration and nationality laws after evaluating and interpreting information from many sources. This information is typically difficult to standardize and must be assessed on an individual or situational basis. Work performed at this level requires the agent to use and control informants and conduct subtle, probing interrogations, in many instances, in Spanish or another foreign language.

The appellants' position meets Level 4-3, but falls short of Level 4-4. Like Level 4-3, they use established methods and procedures to process both administrative and criminal cases concerning illegal aliens. The cases are complicated by the nature of the illegal activity (e.g., reinstatements of deportation orders, smuggling, felony convictions), the difficulty in establishing facts thus requiring more extensive interrogations and gathering additional evidence, and the need to protect the alien's civil rights. The more complex cases frequently require adjusting standing procedures to accommodate the particular situation, and sometimes include discussion with the Assistant U.S. Attorney on new interpretations and different applications on facets of the Immigration and Nationality Act and agency regulations.

The appellants' position does not meet Level 4-4. Unlike that level, their work is not usually performed in connection with anti-smuggling or intelligence activities, involving complex assignments concerning those types of activities. Their work does not involve direct enforcement work with aliens engaged in smuggling or other felonies, requiring the need for varying approaches to resolve unacceptable or unforeseen results. They do not encounter situations typical of agents operating at Level 4-4, who frequently deal with information that is difficult to standardize. Additionally, they are not involved in controlling informants. The types of assignments described at Level 4-4 are not part of the mission and functions of the appellants' unit.

This factor is evaluated at Level 4-3 and 150 points are assigned.

### *Factor 5, Scope and effect*

Scope and effect 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, the agent's actions 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 agency.

At Level 5-4, the work of the agent 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 the collection and refinement of information in cooperation with officials of other nations, e.g., locating and securing birth or baptismal certificates from jurisdictions in the interior of Mexico. Information developed by the agent is used by responsible management as a basis for planning work, revising operations and methods, shifting areas of surveillance, altering sector or unit complements and preparing them for anticipated activities and assigning personnel.

The appellant's position meets Level 5-3, but not Level 5-4. Similar to Level 5-3, the appellants' actions prevent unauthorized persons from remaining in the United States, particularly those engaged in criminal activities. Through preparation of cases for administrative and criminal proceedings and prosecution, their efforts promote the detection and prevention of illegal entry and criminal activities near the borders of the United States, and have a direct bearing on the expulsion or incarceration of aliens in an illegal status. Effective accomplishment of their duties has considerable impact on employment opportunities for legal residents, reduces unlawful drains on economic and social services, and positively impacts the agency's deportation and detention program.

The appellant's position does not meet Level 5-4. Unlike that level, they are not involved in uncovering suspected conspiracies and attempted violations of law before they actually occur, collecting advance information about possible violations, and working with officials of other nations to gather additional information on suspected individuals. Contrary to Level 5-4, their role is to prepare documents for prosecution of illegal aliens after violations have occurred.

This factor is evaluated at Level 5-3 and 150 points are credited.

### *Factor 6, Personal contacts*

This factor includes face-to-face contacts and telephone and radio 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, e.g., Department of Justice, representatives of State and local governments, personnel from other law enforcement agencies, foreign officials and attorneys. These contacts are established on a non-routine basis and may take place in a wide variety of settings within or outside the sector or station. Most agents are at this level.

At Level 6-4, personal contacts are with high ranking officials from outside the agency including key officials and top law enforcement personnel from other Departments and agencies, representatives of foreign governments, congress persons, top officials from State and local governments and leaders from the law enforcement, criminal justice and legal communities.

The appellants' position fully meets Level 6-3, but falls short of Level 6-4. Like Level 6-3, their contacts include legal and illegal aliens, officials of other Federal agencies (e.g., Department of Justice), law enforcement personnel from city, county and State jurisdictions, representatives of foreign governments, and private attorneys. Their contacts are made on a non-routine basis, and generally take place at locations within the sector or stations.

The position does not meet Level 6-4. Unlike that level, their contacts do not include high ranking officials from outside their agency, or top law enforcement personnel from other Departments or agencies, top officials of State and local governments, or any of the other high level contacts noted under level 6-4.

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

#### *Factor 7, Purpose of contacts*

This factor covers the purpose of personal contacts ranging from factual exchanges of information to situations involving significant or controversial issues and differing viewpoints, goals, or objectives.

At Level 7-3 (the highest level for this factor described in the standard), contacts are established to detain, control or interrogate apparent violators of the immigration laws. Persons contacted frequently are uncooperative, uncommunicative, hostile, afraid, evasive or dangerous. These conditions require agents to be extremely skillful in how they approach individuals and groups and very selective in the methods and techniques used to collect and evaluate information and interrogate suspects. Most agents are at this level.

The appellants' position meets but does not exceed Level 7-3. In carrying out their prosecution assignments, they frequently perform extensive interrogations to gather additional information concerning illegal activities and develop more facts and evidence to substantiate a complaint. Those suspects contacted are generally uncooperative, uncommunicative, and sometimes hostile, so that the appellants must be very skillful in approach and interviewing techniques.

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

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

The appellants' position meets Level 8-1, but not Level 8-2. Like Level 8-1, their work is primarily sedentary, with some standing and bending involved at times, and walking, lifting, and carrying small objects as needed. Unlike Level 8-2, their work does not require frequent and recurring surveillances, and a considerable amount of walking, stooping, bending, and climbing. They are not required to carry moderately heavy objects occasionally.

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

### *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 9-1, work usually is performed in an office, classroom or communications center environment which involves minimal risks and discomfort. No special safety or security precautions are required.

At Level 9-2, the work involves frequent exposure to moderate discomfort, unpleasant working situations or exposure to high noise levels and adverse weather conditions, hot, cold, wet and dry. Safety or security precautions sometimes are required, and the agent may have to use appropriate clothing or gear.

The appellants' position meets Level 9-1, but not Level 9-2. Like Level 9-1, their work is usually performed in an office environment either at the [appellants' unit], or when visiting field stations in the sector area. Their duties involve minimal risks and discomforts, with generally no special safety or security precautions needed. Unlike Level 9-2, they are not frequently exposed to the moderate discomforts, unpleasant working conditions, or exposure to the environmental elements listed at that level. While occasionally they may be called upon to provide armed escort and transport for illegal aliens, thus requiring security precautions, this is not done on a regular and recurring basis.

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

*Summary of FES factors*

<i>Factor</i>	<i>Level</i>	<i>Points</i>
1. Knowledge required by the position	1-7	1250
2. Supervisory controls	2-4	450
3. Guidelines	3-3	275
4. Complexity	4-3	150
5. Scope and effect	5-3	150
6. Personal contacts and	6-3	60
7. Purpose of contacts	7-3	120
8. Physical demands	8-1	5
9. Work environment	9-1	<u>5</u>
<i>Total</i>		2465

A total of 2465 points falls within the GS-11 range (2355-2750) on the grade conversion table in the GS-1896 standard. Therefore, the appellants' position is graded at the GS-11 level.

**Decision**

The appellants' position is properly classified as Border Patrol Agent, GS-1896-11.