

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

**Appellant:** [appellant]

**Agency classification:** Contract Oversight Specialist  
GS-1101-12

**Organization:** District of [state name]  
United States Marshals Service  
U.S. Department of Justice  
[city and state]

**OPM decision:** GS-1101-12  
Title to be determined by agency

**OPM decision number:** C-1101-12-04

/s/Robert D. Hendler

\_\_\_\_\_  
Robert D. Hendler  
Classification and Pay Claims  
Program Manager  
Center for Merit System Accountability

August 11, 2008

\_\_\_\_\_  
Date

As provided in section 511.612 of title 5, Code of Federal Regulations, this decision constitutes a certificate which 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 (Introduction)*, appendix 4, section G (address provided in appendix 4, section H).

**Decision sent to:**

[appellant's name and address]

The Honorable Jon Kyl  
United States Senator  
[Senator's address]

Assistant Director for Human Resources  
U.S. Marshals Service  
U.S. Department of Justice  
Washington, DC 20530-1000

[name]  
Director, Human Resources  
U.S. Department of Justice  
JMD Personnel Staff, Room 1110, NPB  
1331 Pennsylvania Avenue, NW  
Washington, DC 20530

## **Introduction**

The Dallas Oversight and Accountability Group of the U.S. Office of Personnel Management (OPM) accepted a classification appeal on January 14, 2008, from [appellant]. The appellant's position is currently classified as a Contract Oversight Specialist, GS-1101-12, but he believes his duties should be classified as a Correctional Program Specialist, GS-006, at the GS-13 grade level. The position is assigned to the District of [state name], United States Marshals Service (USMS), U.S. Department of Justice (DOJ), in [city and state]. We received the agency's administrative report on March 14, 2008. We have accepted and decided this appeal under section 5112 of title 5, United States Code (U.S.C.).

## **Background and general issues**

The appellant previously occupied a Correctional Program Specialist, GS-006-12, position at a Federal Bureau of Prisons' (BOP) Western Region facility before applying for and accepting his current position. The appellant said he performs duties similar to those he previously performed in his GS-006 position. At his request, USMS's Human Resources Division (HRD) reviewed his position. Their November 20, 2006, memorandum determined it was appropriately classified as GS-1101-12 and denied the appellant's request for coverage as a law enforcement officer (LEO) position. The appellant later forwarded a classification appeal to DOJ's Justice Management Division. Their July 31, 2007, decision sustained USMS HRD's findings.

The appellant subsequently forwarded his classification appeal to OPM. As a result, USMS HRD re-evaluated the appellant's position and, although sustaining the series and grade, revised the official position description (PD) to better reflect his current duties and responsibilities. On March 10, 2008, the appellant was officially reassigned to the new PD, number [number].

The appellant believes his position is appropriately classified in the GS-006 series, in part, because he is performing duties and responsibilities similar to those previously assigned to him while occupying a GS-006 position with BOP. By law, we must classify positions solely by comparing their 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 position to other positions, including the appellant's previous position, which may or may not have been classified correctly, as a basis for deciding his appeal.

The appellant's initial request to OPM, dated December 21, 2007, asks OPM to make a determination on his position's LEO coverage. OPM's authority in 5 U.S.C. 5112 is narrow and limited to making an independent decision solely on the proper classification of the appellant's position. Although our decision will not address the appealed position's LEO coverage, we noted DOJ's July 31, 2007, decision directed the appellant to specific avenues available to him in pursuing this matter.

**Position information**

The District of [state] is divided into five operational and administrative divisions, each headed by a Supervisory Deputy United States Marshal (SDUSM) (Supervisory Criminal Investigator, GS-1811-13). The District's approximately 60 employees are assigned to Court Operations, Administrative Operations, Investigative Services, Task Force Operations, and Prisoner Operations. The appellant is assigned to Prisoner Operations, whose staff also includes a Deputy United States Marshal (Criminal Investigator, GS-1811-12) and seven GS-1802, Detention Enforcement Officers, at either the GS-5 or GS-7 grade levels.

The Corrections Corporation of America (CCA) is the largest provider of jail, detention, and correctional management services to Government entities. CCA owns and operates the Central [state] Detention Center (C\*DC) and the [name] Correctional Center (\*CC), which house prisoners and detainees for USMS, the Department of Homeland Security's Immigration and Customs Enforcement (ICE), and other sources. As the District's Contracting Officer's Technical Representative (COTR), the appellant ensures the contractual agreement between USMS and CCA is met and guaranteed services (i.e., security and control, health services, personnel, training, religious services, food services, prisoner transportation, safety and emergency plans, sanitation and hygiene, and prisoner rights) are provided at both the C\*DC and \*CC. Although his office is physically located at a [city name] courthouse approximately 89 miles away, the appellant estimates visiting the neighboring C\*DC and \*CC facilities at least three to four times a week. The CCA provides for the housing, care, and security of the USMS's 3,000 to 3,900 prisoners charged with Federal offenses and detained while awaiting trial, sentencing, or hearings at C\*DC or \*CC. The appellant estimates the CCA's contract for the [state] facilities is worth \$112 million a year.

The appellant ensures the work performed by CCA's personnel is in compliance with the contract, the Federal Performance-Based Detention Standards issued by DOJ's Office of the Federal Detention Trustee (OFDT), and the contractor's operational policies and procedures. The statement of work (SOW) defines USMS's and CCA's responsibilities in more detail to identify the work to be accomplished when managing and operating detention facilities for USMS's prisoners. The appellant identifies issues of concern or noncompliance with CCA's work performance from his own observation; directly from prisoners or CCA staff; or indirectly from various sources such as other USMS staff during transport or court appearances, prisoners' families, attorneys, etc. The appellant is responsible for investigating issues, interviewing applicable program offices, communicating findings, and ensuring CCA's plan of action adequately and appropriately addresses the area of concern. If, for example, CCA staff fails to deliver prisoners for a scheduled airlift, the appellant will investigate to determine if USMS or CCA is at fault. If CCA is responsible, the appellant issues a memorandum for the facility's warden to communicate his findings and ensure USMS does not incur the cost of housing and securing those prisoners.

The PD and other material of record provide more information about the appellant's duties and responsibilities and how they are performed. The Chief Deputy U.S. Marshal, his second-level supervisor, certified to the accuracy of the duties described in PD number 28090. However, the appellant believes his PD includes erroneous or inadequately described duties and

responsibilities. For example, he believes the PD inaccurately states, “The incumbent oversees the contractors who input the prisoner data into the Prisoner Tracking System (PTS).” A PD is the official record of the *major duties* and responsibilities assigned to a position by an official with the authority to assign work. Major duties are normally those occupying a significant portion of the employee’s time. We found the appellant’s PD adequately captures the position’s major duties, is adequate for classification purposes, and is therefore incorporated by reference into this decision.

To help decide this appeal, we conducted telephone audits with the appellant on April 11, 2008, and May 5, 2008, as well as a telephone interview with his immediate supervisor, the Prisoner Operations SDUSM, on May 16, 2008. We also received input from the Task Force Operations SDUSM, who until recently served as the appellant’s immediate supervisor. In reaching our classification decision, we carefully considered all of the information gained from these interviews, as well as all other information of record furnished by the appellant and his agency, including the PD of record.

### **Series and title determination**

The appellant’s position is currently classified to the General Business and Industry Series, GS-1101, which covers all classes of positions administering, supervising, or performing (1) any combination of work characteristic of two or more series in the GS-1100, Business and Industry Group, where no one type of work is series controlling and where the combination is not specifically included in another series, or (2) other work properly classified in this Group for which no other series is appropriate.

In general, the GS-1100, Business and Industry Group, includes all classes of positions involving advising on, administering, supervising, or performing work requiring a knowledge of business and trade practices; characteristics and use of equipment, products, or property; or industrial production methods and processes. Work may include the conduct of investigations and studies; collection, analysis, and dissemination of information; establishment and maintenance of contracts with industry and commerce; provision of advisory services; examination and appraisal of merchandise or property; and the administration of regulatory provisions and controls.

The appellant believes his position should be classified in the Correctional Institution Administration Series, GS-006. This series covers positions involving responsibility for managing, or participating in the overall management of, correctional institutions, correctional systems, or correctional programs, and positions which involve responsibility for advising on, reviewing, and evaluating the management of such institutions, systems, or programs. Work in the GS-006 series requires knowledge of (1) penological theories, principles, and techniques; and (2) the problems, methods, and techniques of institutional management.

The appellant asserts his current position’s duties and responsibilities are similar to those he performed for BOP in a GS-006-12 position. However, his initial request to OPM did not include work-based comparisons or examples to support classifying his current position to the GS-006 series. The request included the following brief statement:

I am assigned as COTR for 2 separate facilities, with a prisoner population of over 4,000. I have sole authority for approving polices and procedures at the facility. This is the largest contract for correctional facilities in DOJ.

On the surface, the appellant performs duties similar to Correctional Program Specialists in that he is responsible for monitoring CCA as they provide the services and programs described in the contract and SOW. To do so, the appellant spends three or four days each week visiting the detention facilities, and his position, like GS-006 positions, requires working effectively with contractor personnel and prisoners in a detention/correctional environment setting. He also asserts his position oversees CCA's security and control of USMS prisoners and requires knowledge of correctional facility management (e.g., to determine adequacy of facility fences, motion sensors, leg irons, and other restraints, etc.).

Despite surface similarities, the appellant's position does not require applying the full scope of knowledge and skills; nor does he fully carry out the duties typical of GS-006 positions. GS-006 positions, at the GS-11 and above levels, must demonstrate successful experience to include (1) understanding the problems of custody, treatment, training, and release of inmates of penal or correctional institutions; (2) a thorough and comprehensive knowledge of an institution's internal policies, programs, regulations, and procedures; and (3) training subordinates, coordinating and directing activities and functions, evaluating performance of operations and the effectiveness of programs, and maintaining high standards of work objectives. The appellant's COTR responsibilities, including identifying and communicating findings regarding the contractor's operational efficiency and effectiveness, are performed within the framework of the contract's provisions (i.e., the chief purpose of his work is determining, "Is CCA in compliance with the *contract*?"). In contrast to the appellant's oversight role, GS-006 positions are responsible for the operation and management of a correctional program and are vested with the authority to plan, develop, and implement programs designed to meet prisoner needs. The appellant's oversight role requires observing the contractor's processes and procedures. When a problem is identified, CCA will develop an action plan for the appellant's review; the appellant said he is not normally involved in developing or approving the action plan as his role is primarily limited to ensuring results are achieved as opposed to how they are achieved. Rather, it is CCA staff who are responsible for making and implementing decisions affecting the overall administration and management of the correctional program. As his position's authority and responsibilities are more defined and constricted, the appellant is not required to apply the full scope of knowledge and skills expected of GS-006 positions.

The Prisoner Operations SDUSM said the appellant's position requires the following: knowledge of the Federal Acquisition Regulations (FAR); knowledge of USMS's mission, functions, contract procedures, and agency-specific databases; ability to communicate oral and written findings and recommendations; ability to work well with others; and ability to understand the operations of a correctional facility. The appellant's supervisor briefly described the origins of the appealed position, explaining that COTR responsibilities were previously rotated among the SDUSMs as a collateral duty. She, although possessing an extensive law enforcement background, and other SDUSMs previously performed COTR duties without the knowledge of penological theories, principles, and techniques required of GS-006 positions confirms the work

does not require possession and exercise of the full scope of GS-006 occupational knowledge and skills to warrant or permit allocation of the position to the GS-006 series.

The appellant's position is properly classified to the GS-1101 series. His position is primarily responsible for providing technical contract oversight, and it requires core business competencies including oral communication, decision making, teamwork, problem solving, attention to detail, flexibility, interpersonal skills, influencing and negotiating, written communication, etc. This kind of work is typically classified to the GS-1101 series. This series does not have prescribed titles, so the agency may assign a title following the guidance in the *Introduction to the Position Classification Standards (Introduction)*.

### **Standard and grade determination**

The GS-1101 series does not contain grade-level criteria. As directed by the *Introduction*, an appropriate general classification guide or criteria in a standard for related work should be used if there are no specific grade-level criteria. The agency applied the grading criteria in the Administrative Analysis Grade Evaluation Guide (AAGEG), which provides criteria for nonsupervisory staff administrative analytical, planning, and evaluative work for grades GS-9 and above. The appellant does not disagree with the agency using AAGEG's grade-level criteria, and after careful review of the record, we concur.

The AAGEG is written in the Factor Evaluation System format, under which factor levels and accompanying point values are assigned for each of the nine factors. The total is converted to a grade level by use of the grade-conversion table provided in each standard. Under this system, each factor-level description demonstrates the minimum characteristics needed to receive credit for the described level. 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.

The appellant disagrees with the agency's evaluation of Factors 1, 2, 4, and 5. We reviewed the agency's determination for Factors 3, 6, 7, 8, and 9; concurred; and credited the position accordingly. Therefore, our evaluation will focus on only Factors 1, 2, 4, and 5.

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

This factor measures the nature and extent of information or facts the employee must understand to do acceptable work (e.g., steps, procedures, practices, rules, policies, regulations, and principles) and the nature and extent of the skills needed to apply that knowledge.

At Level 1-7, the position requires knowledge and skill in applying analytical and evaluative methods and techniques to issues or studies concerning the efficiency and effectiveness of program operations carried out by administrative or professional personnel, or by substantive administrative support functions (i.e., internal activities or functions such as supply, budget, procurement, or personnel which serve to facilitate line or program operations). Level 1-7 includes knowledge of pertinent laws, regulations, policies, and precedents affecting the use of program and related support resources (people, money, or equipment) in the area studied. Projects and studies typically require knowledge of the major issues, program goals and

objectives, work processes, and administrative operations of the organization. Knowledge is used to plan, schedule, and conduct projects and studies to evaluate and recommend ways to improve the effectiveness and efficiency of work operations in a program or support setting. The assignments require knowledge and skill in adapting analytical techniques and/or organizational productivity. Knowledge is applied in developing new or modified work methods, organizational structures, management processes, procedures for administering program services, guidelines and procedures, etc.

At Level 1-8, the employee operates as an expert analyst who has mastered the application of a wide range of qualitative and/or quantitative methods for the assessment and improvement of program effectiveness or the improvement of complex management processes and systems. This level also requires comprehensive knowledge of the range of administrative laws, policies, regulations, and precedents applicable to the administration of one or more important public programs. This typically includes knowledge of agency program goals and objectives, the sequence and timing of key program events and milestones, and methods of evaluating the worth of program accomplishments. Work requires knowledge of relationships with other programs and key administrative support functions within the employing agency or in other agencies. Study objectives are to identify and propose solutions to management problems which are characterized by their breadth, importance, and severity, and for which previous studies and established management techniques are frequently inadequate. Also included at this level is skill to plan, organize, and direct team study work and to negotiate effectively with management to accept and implement recommendations, where the proposals involve substantial agency resources, require extensive changes in established procedures, or may be in conflict with the desires of the activity studied.

Level 1-7 is met. The appellant's position is responsible for continuously monitoring CCA's daily operational activities at C\*DC and \*CC, ensuring USMS prisoners are treated fairly and that their legal rights are protected. Similar to Level 1-7, his position requires thorough knowledge of the contractor's correctional service programs and specifically its operating procedures, policies, goals, and objectives along with a comprehensive knowledge of management techniques, systems, and procedures as applied in performing a variety of investigations related to management improvement, productivity improvement, management controls, and long-range planning. By routinely reviewing reports from CCA management (e.g., ad hoc incident reports, action plans, monthly progress reports, etc.), the appellant determines whether findings are captured accurately and corrective actions for identified weaknesses appear adequate to produce the desired contract- and/or SOW-based outcomes. The contractor's monthly progress reports typically include information on key performance indicators including qualitative and quantitative data such as numbers of incidents, staff turnover, drug offenses, assaults, attempted or completed escapes, and attempted or completed suicides. The appellant can, by reviewing and analyzing technical indicators, identify and communicate potentially harmful trends such as spikes in gang-affiliated violence to CCA management. He recommends improvements to work processes and procedures, in addition to corrections to deficiencies, based on an analysis of existing information and knowledge of pertinent laws and regulations. The appellant's work is comparable to a Level 1-7 illustration, which describes a position requiring knowledge of qualitative and quantitative techniques for analyzing and measuring the

effectiveness, efficiency, and productivity of administrative and technical programs along with the knowledge of the mission, organization, and work processes of the various programs.

Level 1-8 is not met. As COTR, the appellant is responsible for closely observing CCA's daily operational activities to determine whether USMS receives the services for which it contracted and in accordance with the SOW, contract, program guidelines, and operating procedures. For instance, the appellant monitors the contractors moving prisoners through the receiving and discharge (R & D) process, ensuring staff is properly fingerprinting, photographing, performing criminal history checks, and maintaining adequate and accurate records of inmates. However, Level 1-8 describes positions with much broader responsibilities than the appellant's. His work, unlike Level 1-8, does not involve analyzing or evaluating a public program or requiring knowledge of broad agency (i.e., DOJ) administrative programs where legislation must be translated into program goals, actions, or services. The appellant investigates an assortment of operational issues or problems unique to detention/correctional facilities; this includes situations involving inmate escapes, prisoners missing scheduled transportation, reported complaints, incorrect input of prisoner information, etc. Based on an analysis of existing information, the appellant forwards recommendations of SOW modifications (e.g., increase the number of available bed space) to the OFDT Contracting Officer. In contrast, Level 1-8 work involves making decisions significantly changing, interpreting, or developing important policies or dealing with extremely complex problems.

Level 1-7 is credited for 1,250 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 for carrying out assignments, and how completed work is reviewed.

At Level 2-4, employees work within a framework of priorities, funding, and overall project objectives (e.g., cost reduction, improved effectiveness and efficiency, better workload distribution, or implementation of new work methods). The employee and supervisor mutually develop a project plan that includes identifying the work to be done, the scope of the project, and deadlines for completion. Employees at this level are responsible for planning and organizing the study and conducting all phases of the project, including the interpretation of regulations, procedures, and application of new methods. The employee informs the supervisor of potentially controversial findings, issues, or problems with widespread impact. Completed assignments are reviewed by the supervisor for compatibility with organizational goals, guidelines, and effectiveness in achieving intended objectives.

At Level 2-5, the employee, as a recognized authority in the analysis and evaluation of programs and issues, is subject only to administrative and policy direction concerning overall project priorities and objectives. At this level, the employee is typically delegated complete responsibility and authority to plan, schedule, and carry out major projects concerned with the analysis and evaluation of programs or organizational effectiveness. The employee typically exercises discretion and judgment in determining whether to broaden or narrow the scope of

projects or studies. Analyses, evaluations, and recommendations developed by the employee are normally reviewed by management officials only for potential influence on broad agency policy objectives and program goals. Findings and recommendations are normally accepted without significant change.

Level 2-4 is met. The appellant's work assignments are self-initiated, resulting from his own observations, or are generated from various sources including inquiries from the immediate supervisor, other SDUSMs, District management officials, CCA staff, prisoners, prisoners' families, attorneys, etc. Comparable to Level 2-4, the appellant's assignments are couched in broad terms with latitude for him to independently plan and carry out assignments without any need of supervisory assistance. The supervisor at times provides guidance in defining the scope (e.g., limiting the investigation to a specific function) and/or deadlines of the work. As expected at Level 2-4, the appellant immediately advises his supervisor and other key District officials when potentially controversial or problematic issues with widespread impact occur including facility lockdowns, escapes, security breaches, suicide attempts, deaths, power outages, fires, or any other significant occurrence. His assignments are reviewed by the supervisor for compliance with organizational goals and guidelines, but primarily for effectiveness in achieving intended objectives (i.e., Do the appellant's findings and recommendations fully identify the causes and corrective actions of the problems under review?).

Level 2-5 is not met. The appellant's assignments are carried out with the purpose of directly influencing CCA's operational effectiveness. Unlike Level 2-5, this work does not involve carrying out major projects concerned with evaluating a major bureau program nor is his work reviewed only for potential influence on broad agency policy objectives and program goals. The appellant notifies the OFDT's Contracting Officer of significant problems or developments relating to technical areas of the contract. He also regularly communicates with CCA and USMS management on findings or outcomes from various investigations; for instance, he will identify the probable causes (e.g., inexperienced staff, security weaknesses, poor security practices, etc.) and corrective actions when prisoners escape.

The appellant performs this work with a great deal of independence in planning and executing his assignments. However, Factor 2 is designed to measure not only the degree of independence with which the employee operates but also the extent of responsibility inherent in the assignment. Level 2-4 describes work carried out with a high degree of independence and recognized expertise and as such fully represents the manner in which the appellant operates. Level 2-5 recognizes not only independence of action, but also a higher degree of responsibility and authority as the context for the independence exercised. Level 2-5 is predicated on responsibility for independently planning, designing, and carrying out a significant program or function, with only broad administrative and policy direction. In contrast, the appellant carries out ongoing operational activities, the content and boundaries of which are defined by the contract, SOW, and basic instructions from the supervisor and others. Regardless of how independently he works in completing these assignments, the nature of his work is not such that it would permit the exercise of this level of responsibility and authority, which is properly credited to the head of a program or function found at Level 2-5.

Level 2-4 is credited for 450 points.

*Factor 4, Complexity*

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

At Level 4-4, work involves gathering information, identifying and analyzing issues, and developing recommendations to resolve problems with the effectiveness and efficiency of work operations in a program or program support setting. Work at this level requires the application of qualitative and quantitative techniques that frequently require modification to fit a wider range of variables. Projects at this level usually consist of issues that are not always susceptible to direct observation and analysis. Difficulty is encountered in measuring effectiveness and productivity due to variations in the nature of processing information. For example, assignments may involve compiling voluminous workload data from a variety of sources with different reporting requirements and formats. Originality in refining existing work methods and techniques is characteristic of Level 4-4.

At Level 4-5, work consists of projects and studies requiring analysis of interrelated issues of effectiveness, efficiency, and productivity of substantive mission-oriented programs. Typical assignments require developing detailed plans, goals, and objectives for the long-range implementation and administration of the program, and/or developing criteria for evaluating the effectiveness of the program. Decisions about how to proceed in planning, organizing, and conducting studies are complicated by conflicting program goals and objectives which may derive from changes in legislative or regulatory guidelines, productivity, and/or variations in the demand for program services. Assignments are further complicated by the need to deal with subjective concepts such as value judgments; the quality and quantity of actions are measurable primarily in predictive terms; and findings and conclusions are highly subjective and not readily susceptible to verification through replication of study methods or reevaluation of results. Options, recommendations, and conclusions developed by the employee take into account and give appropriate weight to uncertainties about the data and other variables which affect long-range program performance.

Level 4-4 is met. As at this level, the appellant's work involves identifying and resolving problems with the effectiveness and efficiency of CCA's program operations, conferring with CCA management to determine the problem's cause and ways for improvement. He routinely responds to inquiries from prisoners, their family members, attorneys, private organizations, USMS management, and others on various matters including information on release dates, facility transfers, treatment and care of specific prisoners, etc. In fully addressing inquiries, this work may require investigating, researching, and interviewing CCA's program officials to determine the validity of the complaints. Similar to Level 4-4, the appellant's work encounters some difficulties or complications in his evaluation and analysis of CCA's program compliance. C\*DC and \*CC contain detainees for USMS, ICE, and others with each entity administering different rules as to the treatment of individuals in their custody. ICE, for example, does not allow CCA to conduct strip or visual body searches of their detainees. Although not directly affecting USMS prisoners, the appellant has to be aware of the differing rules and specifically their potential affect on prisoners in his agency's custody. Considering ICE's less stringent

search requirements, the appellant assesses CCA's work practices to ensure they are more vigilant to the increased possibility of contraband passing from ICE to USMS detainees.

Level 4-5 is not met. Work at this level involves analyzing interrelated issues of effectiveness, efficiency, and productivity of substantive mission-oriented programs with typical assignments requiring development of detailed plans, goals, and objectives for the program's long-range administration. The appellant encounters the challenges associated with monitoring CCA's program operations, as performed at C\*DC and \*CC, with two different prisoner populations, contract staffs, and wardens which increases the appellant's prospect of encountering potential difficulties in effectively communicating contract and SOW requirements in commercial and non-commercial terms. However, the appellant indicated significant compliance issues are rare for CCA's C\*DC and \*CC program operations with their wardens typically helpful and supportive of his role. As COTR, the appellant spends a significant amount of time ensuring C\*DC's and \*CC's R & D procedures comply with the contract, SOW, and current policy requirements; this includes, but is not limited to, guaranteeing prisoners' tuberculosis tests are read prior to assignment into the general population, procedures and practices for personal property and monies are intact for their storage and return upon the prisoners' release, and personal records inside the facilities are maintained properly for their security and confidentiality. This and other work characteristic of the appellant's assignments deal with a clear and distinct application of guidance associated with the functions of CCA's program offices. Unlike Level 4-5, these assignments do not regularly require evaluating changes in legislative or regulatory requirements, nor do they require encountering conflicting factors such as long-range planning, conflicting program goals, or subjective concepts.

Level 4-4 is credited for 225 points.

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

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

At Level 5-4, the purpose of work is to assess the productivity, effectiveness, and efficiency of program operations or to analyze and resolve problems in the staffing, effectiveness, and efficiency of administrative support and staff activities. Work involves establishing criteria to measure and/or predict the attainment of program or organizational goals and objectives. Work at this level may also include developing related administrative regulations such as those governing the allocation and distribution of personnel, supplies, equipment, and other resources, or promulgating program guidance for application across organizational lines or in varied geographic locations. At Level 5-4, the work has the effect of contributing to the improvement of productivity, effectiveness, and efficiency in program operations and/or geographic locations within the organizations. Work affects the plans, goals, and effectiveness of missions and programs at these various echelons or locations. Work may also affect the nature of administrative work done in components of other agencies (e.g., in preparation and submission of reports, in gathering and evaluating workload statistics, or in routing and storing official correspondence or files).

At Level 5-5, the purpose of work is to analyze and evaluate major administrative aspects of substantive, mission-oriented programs. This may involve, for example, developing long-range program plans, goals, objectives, and milestones, or evaluating the effectiveness of programs conducted throughout a bureau or service of an independent agency, a regional structure of equivalent scope, or a large complex multi-mission field activity. Work involves identifying and developing ways to resolve problems or cope with issues directly affecting the accomplishment of principal goals and objectives (e.g., the delivery of program benefits or services). Work products at Level 5-5 typically include complete decision packages, staff studies, and recommendations which upon implementation would significantly change major administrative aspects of missions and programs, or substantially affect the quality and quantity of benefits and services provided to the agency's clients.

Level 5-4 is met. The primary purpose of the appellant's position is the oversight of CCA's work operations, ensuring they are performing in a cost effective and efficient manner. Similar to Level 5-4, his work involves assessing CCA's operations, policies, and procedures at C\*DC and \*CC in providing contracted services. This requires identifying, analyzing, and making recommendations to resolve a wide range of operational problems and issues with conventional and unconventional conditions. The appellant's work involves the usual issues for which corrective measures and solutions can be effected quickly and easily, as well as serious problems involving the identification of severe weaknesses requiring new processes, standards, and/or enforcement procedures (e.g., to prevent inmate escapes). This matches Level 5-4.

Level 5-5 is not met. This level anticipates work with major significance to DOJ's top managers with recommendations significantly changing major aspects of missions and programs. In contrast, the appellant's work is primarily concerned with defined issues and conditions directly impacting CCA's, rather than USMS's or DOJ's, program operations, resources, and policies. His work significantly affects the housing, care, and security of prisoners in his agency's custody, but the effect of the appellant's work is not of the scale envisioned at Level 5-5.

Level 5-4 is credited for 225 points.

### *Summary*

<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	3-4	450
4. Complexity	4-4	225
5. Scope and Effect	5-4	225
6. & 7. Personal Contacts and Purpose of Contacts	3-c	180
8. Physical Demands	8-3	50
9. Work Environment	9-3	<u>50</u>
<i>Total</i>		2,880

A total of 2,880 points falls within the GS-12 range (2,755 to 3,150) on the grade conversion table in the AAGEG.

**Decision**

The position is properly classified as GS-1101-12. The title is at the agency's discretion.