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

Appellant: [appellant's name]

Agency classification: Law Enforcement Dispatcher
GS-2151-7

Organization: Support Services
[name] District Office
[state] State Office
Bureau of Land Management
U.S. Department of the Interior
[city and state]

OPM decision: GS-1802-7
Title to be determined by agency

OPM decision number: C-1802-07-04

J. Sumberg for Ana A. Mazzi

Ana A. Mazzi
Deputy Associate Director
Merit System Audit and Compliance

1/6/2011

Date

As provided in section 511.612 of title 5, Code of Federal Regulations (CFR), 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).

Since this decision changes the series of the appealed position, it is to be effective no later than the beginning of the fourth pay period after the date of this decision, as permitted by 5 CFR 511.702. The servicing human resources office must submit a compliance report containing the corrected position description and a Standard Form (SF) 50 showing the personnel action taken. The report must be submitted within 30 days from the effect date of the personnel action to the Dallas Oversight.

Decision sent to:

[appellant's name and address]

[servicing HR office name and address]

Director of Personnel
U.S. Department of the Interior
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Introduction

On August 6, 2010, the Dallas Oversight of the U.S. Office of Personnel Management (OPM) accepted a classification appeal from [appellant's name]. The appellant's position is currently classified as Law Enforcement Dispatcher, GS-2151-7, but he believes it should be classified to the GS-1801 General Inspection, Investigation, and Compliance Series or the GS-1802 Compliance Inspection and Support Series. The position is located in Support Services, [name] District Office, [state] State Office, Bureau of Land Management (BLM), U.S. Department of the Interior (DOI), in [city and state]. We received the complete agency's administrative report on September 13, 2010. We have accepted and decided this appeal under section 5112 of title 5, United States Code (U.S.C.).

General issues

In his initial appeal request, the appellant said the sensitivity of his position is identified inconsistently in his official position description (PD) and current SF 50. Under 5 CFR 732.201, each agency is required to designate risk or sensitivity levels for its positions. These determinations are separate and distinct from the classification appeals process and, therefore, not reviewable under this process. In adjudicating this appeal, our responsibility is to make a decision on the proper pay plan, series, title, and grade of the appealed position solely by comparing the appellant's current duties and responsibilities to OPM position classification standards (PCS) and guidelines (5 U.S.C. 5106, 5107, and 5112). Therefore, we will not address this issue further.

Position information

The appellant's position is assigned to the [name] Center which provides dispatch, emergency answering, aviation coordination, and investigative assistance services for approximately 150 law enforcement officers (LEO) assigned to the Department of Agriculture's U.S. Forest Service (USFS) and multiple DOI bureaus including BLM, Fish and Wildlife Service, Bureau of Indian Affairs, and National Park Service. The Center provides services to LEOs of all the client agencies for the State of [state] (14 million acres) and to LEOs of the BLM for parts of [state] (20,000 to 30,000 acres) and [state] (50,000 to 60,000 acres).

During emergencies, the LEOs contact the Center's dispatchers who gather and disseminate relevant information to provide to the appropriate law enforcement and medical emergency services personnel. The Center is staffed with approximately 12 GS-2151 positions, which includes the appellant's position, 8 other dispatchers at the GS-6 or GS-7 grade levels, 2 GS-8 lead dispatchers, and the GS-10 Interagency Center Coordinator serving as the immediate supervisor for all dispatcher positions. The Center operates 24 hours a day, seven days a week, with shifts normally set from 6:30 a.m. to 3:30 p.m., 2:30 p.m. to 11:00 p.m., and 8:00 p.m. to 6:30 a.m. The Center Coordinator said one to three dispatchers normally cover a shift with the supervisor or lead dispatcher available for only a part of the shift.

The appellant also performs a mix of investigative assistance and coordination support services for the LEOs. For example, he completes record checks at the officer's request. This entails

accessing real-time information from a wide variety of automated law enforcement and Government systems. The appellant maintains access to and performs computerized searches using various systems including the [state] Criminal Justice Information Systems (acronym), National Crime Information Center (NCIC), and National Law Enforcement Telecommunication System. He also schedules the LEOs to fly with contract aircraft and ensures pilots are properly certified. As is often the case, the officers fly with the Air National Guard and the appellant is not required to verify the pilot's certifications as long as a memorandum of understanding (MOU) exists. He notifies appropriate officials if and when the LEO plans to fly into the airspace of the [name] Range, a training area in [location] for aerial gunnery, rocketry, electronic warfare, and tactical maneuvering and air support.

The appellant's other responsibilities include notifying local law enforcement agency representatives when Federal warrants are to be issued; using ArcGIS, a geographic information system, to build maps pinpointing the location identified by LEOs of known criminal activity (e.g., hideaways for criminal lookouts); and providing training to the Center's dispatchers and LEOs from client agencies.

The appellant's PD of record, number [number], and other material of record furnish much more information about his duties and responsibilities and how they are performed, and we incorporate it by reference into this decision. The appellant and his immediate supervisor certified to the accuracy of the duties described in the PD, which is a standardized description covering other Center positions. To help decide this appeal, we conducted a telephone audit with the appellant on October 8, 2010, and November 22, 2010, as well as a telephone interview with the immediate supervisor on October 21, 2010. In deciding this appeal, we carefully considered all of the information furnished by the appellant and his agency, including the PD of record which we find is current and accurate and which we incorporate by reference into this decision.

Series and title determination

The appellant's position is currently classified to the GS-2151 series which covers one-grade interval positions supervising or performing work involved in dispatching or scheduling motor vehicles, trains, aircraft, or vessels used for the transportation of passengers, mail, equipment, or supplies. The positions are primarily of an office or clerical nature and involve assigning vehicles, keeping records and reports, and providing route and destination information and instructions to the drivers, engineers, or pilots.

The appellant believes the position should be classified to the GS-1800 Investigation Group in either the two-grade interval GS-1801 series or the one-grade interval GS-1802 series. The GS-1800 Group includes all classes of positions the duties of which are to advise on, administer, supervise, or perform investigation, inspection, or enforcement work primarily concerned with alleged or suspected offenses against the laws of the United States, or such work primarily concerned with determining compliance with laws and regulations.

To decide the proper series, we must first determine whether the work performed by the appellant is one-grade interval administrative support or two-grade interval administrative in

nature. Guidance on distinguishing between one-grade and two-grade interval work is available in *The Classifier's Handbook*.

The appellant's work assignments closely match the description of support work. Employees performing support work follow established methods and procedures. They have specific boundaries narrowly restricting their work. They use a limited variety of techniques, standards, or regulations. Support work involves handling problems which are often recurring and have precedents. Like support work, the appellant's assignments are of a continuing, repetitive nature typical of a dispatcher's work environment. He performs duties including receiving and transmitting telephone and radio telecommunications. His work involves receiving and documenting incoming communications, forwarding information to appropriate individuals, and maintaining logs of various activities in the Intelligent Computer Aided Dispatch Center (ICAD). As intermediary between LEOs and emergency personnel, the appellant is responsible for ascertaining pertinent information on the nature, location, and extent of the situation when receiving calls for aid. Not following standard operating procedures (SOP) risks delaying or misdirecting emergency personnel. Typical of support work, the appellant's work involves following strict protocol directing his actions in various emergency situations.

In contrast to positions performing administrative work, the appellant's work assignments do not require a high order of analytical ability combined with a comprehensive knowledge of (1) the functions, processes, theories, and principles of management, and (2) the methods used to gather, analyze, and evaluate information. Administrative work also requires skill in applying problem-solving techniques and skill in communicating both orally and in writing. For example, the appellant's record check work does not reflect such breadth or depth as to require or permit the level of analysis or use of evaluative methods or techniques inherent in two-grade interval work. His record check duties require applying a practical knowledge of the purpose, operation, procedures, and guidelines related to querying local, national, and international law enforcement and Government information systems. Unlike administrative work, the appellant does not have leeway to apply discretion and judgment in determining how to gather, evaluate, and disseminate information. These decisions have been predetermined and addressed in detailed SOPs, initial training, certification requirements for database operations, and instructions for the various law enforcement and Government systems. The appellant's work involves retrieving data for the purpose of supporting the LEOs with their Federal law enforcement responsibilities. The database query is the appellant's end product as he does not use the data as a springboard for making further decisions or recommendations. His work is primarily for the purpose of sharing information with the LEOs, who are vested with the authority to act on record-check findings as part of their enforcement responsibilities. Therefore, the appellant's position is properly evaluated in a one-grade interval support series.

The appellant's is a mixed series position involving work covered by more than one occupational support series. He performs work covered by the GS-2151 and GS-1802 series. The *Introduction* and *The Classifier's Handbook* provides guidance in classifying mixed positions. The most appropriate series depends on consideration of a number of factors but, in general, the grade-controlling duties determine the series. Sometimes the highest level of work performed does not represent the most appropriate series, and the series can be determined only after

considering other factors including paramount qualifications required, sources of recruitment, and the background knowledge required.

Similar to GS-2151 positions, the appellant's work requires comprehensive knowledge of communications equipment, radio usage, radio codes and terminology, and procedures to receive and send information. Also like GS-2151 work, the appellant must have complete geographical knowledge of the area served (roads, streets, highways, and mountains) within the Center's area of responsibility, and sufficient knowledge of surrounding jurisdictions to ensure proper coordination with other agencies. He uses this knowledge to accomplish one of the main functions of his job which is to receive and clarify routine and emergency requests for assistance, which are incomplete or unclear, in order to transmit precise and accurate information to dispatch the appropriate personnel.

As stated in the GS-2151 PCS, the higher grade levels are predicated on the extent to which the employee must have knowledge of the organization and the geographic area served and of the characteristics and capacity of the transportation equipment being dispatched. We evaluated the appellant's GS-2151 work along those lines to determine whether this knowledge is ancillary to that applied to perform the investigative assistance work properly covered by the GS-1802 series.

The GS-2151 PCS does not contain grade-level criteria. As explained in the *Introduction*, an appropriate general classification guide or criteria in a PCS or PCSs for related work should be used if there are no specific grade-level criteria in the work. The appellant's dispatcher-like work may be evaluated by the Grade Evaluation Guide (GEG) for Police and Security Guard Positions. The GEG covers "control desk" work, like the appellant's, involving receiving and recording radio, telephone, and personal messages and instructions involving emergencies, complaints, violations, accidents, and requests for information and assistance. Control-desk employees also transmit messages and instructions to officers on patrol and dispatch officers to investigate complaints and assist in emergencies. They maintain records and prepare reports covering activities and events occurring during the shift. By comparison with the GEG, we evaluated the appellant's control desk type activities at the GS-5 level.

In addition, we found the grade-level criteria in the PCS for the GS-390 Telecommunications Processing Series appropriate for evaluating the appellant's GS-2151 work. The GS-390 series covers one-grade interval positions involving work performing or supervising the operation of equipment in transmitting, receiving, and relaying messages. The work requires knowledge of message-handling procedures and use of computer hardware and software or other equipment to send messages to their proper destinations. GS-390 operators distribute incoming messages to the proper address, and apply knowledge of computer operation to identify and correct systems problems and operate peripheral devices through the console. By comparison with the GS-390 PCS, we evaluated the appellant's dispatcher work at the GS-5 level. Based on the grade-level analysis that follows, the appellant's GS-2151 work is not grade-controlling. Consequently, we will not discuss this work further.

In their September 8, 2010, response to the appellant's classification appeal, the agency supports classifying the appellant's position to the GS-2151 series. They state:

The primary purpose of the position is to receive public safety and emergency requests for assistance and to dispatch the appropriate personnel and apparatus in response. This is evident from the performance measurement criteria contained in the appellant's Employee Performance Appraisal Plan (EPAP). According to "Critical Element 1" in the appellant's EPAP his performance is measured on his ability to "provide public safety and emergency dispatch services to inter-agency law enforcement personnel and departments."

After reviewing the appellant's EPAP, we noted the performance measures for the critical element cited above includes, among other things, performing computerized investigative and criminal inquiries. This and other investigative assistance work performed by the appellant is properly covered by the GS-1802 series. The GS-1802 series covers positions, like the appellant's, performing or supervising inspectional or technical support work in assuring compliance with or enforcement of Federal laws, regulations, or other mandatory guidelines which are not classifiable to a more specific occupational series. GS-1802 work requires knowledge of prescribed procedures, established techniques, directly applicable guidelines, and pertinent characteristics of regulated items or activities. Furthermore, the Job Family Standard for Administrative Work in the Inspection, Investigation, Enforcement, and Compliance Group, GS-1800 (under Additional Occupational Considerations) directs work involving searching electronic databases in response to individual search requests from law enforcement agencies for outstanding warrants, immigration, and violations be classified to the GS-1802 series.

Based on the grade-level analysis that follows, we found the appellant's GS-1802 covered duties are grade-controlling. The record shows the appellant's GS-2151 and GS-390 covered work is ancillary to and supports the position's primary and paramount purpose of performing investigative assistance work. We conclude the GS-1802 work is predominant in terms of the basis purpose of the position and the paramount knowledge required. The appellant's position is properly classified to the GS-1802 series. The GS-1802 series does not have published titles, and the agency may assign a title following the guidance in the *Introduction*.

Standard and grade determination

The GS-1802 series does not contain grade-level criteria. PCSs used for cross comparison should cover work as similar as possible to the work being performed with regard to the kind of work processes, functions, or subject matter; qualifications required to do the work; level of difficulty and responsibility; and the combination of classification factors with the greatest influence on grade level.

We find the appellant's grade-controlling work is best evaluated by application of the grading criteria in the Grade Level Guide for Clerical and Assistance Work (Guide) which provides general criteria for grading clerical and assistance work. The Guide provides general criteria to use in determining the grade level of nonsupervisory clerical and assistance work being performed in offices, shops, laboratories, hospitals, and other settings in Federal agencies. The Guide describes the general characteristics of each grade level from GS-1 through GS-7, and uses the two following criteria for grading purposes: *Nature of Assignment* (which includes

knowledge required and complexity of the work) and *Level of Responsibility* (which includes supervisory controls, guidelines, and contacts).

Nature of Assignment

At the GS-7 level, assistant work consists of specialized duties with continuing responsibilities for projects, questions, or problems arising within an area of a program or functional specialty. Assignments consist of a series of related actions or decisions prior to final completion, and the decisions or recommendations are based on the development and evaluation of information from various sources. The work involves identifying and studying factors or conditions and determining their interrelationships as appropriate to the defined area of work. Work requires knowledge and skill to recognize the dimensions of the problems involves, collect the necessary information, establish the facts, and take or recommend action based upon application or interpretation of established guidelines. It requires practical knowledge, learned through on-the-job training and experience, to deal with the operations, regulations, principles, and peculiarities of the assigned program, function, or activity.

The nature of the appellant's assignments meets but does not exceed the GS-7 level. As at this level, his work consists of specialized duties with ongoing responsibility for a wide variety of investigative assistance projects, questions, and problems. The appellant's Center is distinct in that it crosses both geographical and agency boundaries, providing services to the LEOs from multiple agencies in multiple States and jurisdictions. Because of the Center's multi-agency, multi-State scope of responsibility, the appellant's position requires knowledge of the law enforcement agreements and MOUs in effect; the various Federal laws, regulations, and guidelines applicable to client agencies; State laws for [state, state, and state]; appropriate emergency procedures for the different geographical areas; and general legal concepts regarding warrants, legal systems, criminal histories, etc.

In approaching a task, the appellant evaluates the situation and makes a decision based on consideration of various factors including whether the LEO's organization has an existing agreement or MOU with the Center; applicable State, city, and county laws; the Federal laws and regulations from which the agency derives their authority; etc. For example, after a LEO contacts the appellant regarding a situation, the appellant may pinpoint the location of the incident through the ICAD's land ownership map. If the incident occurs on a Native American reservation, the appellant determines whether the event occurred on Federal, State, or tribal lands; decides who has jurisdiction; identifies who to call; and resolves the situation while avoiding any jurisdictional conflicts. This and other examples are characteristic of the GS-7 level, where the appellant makes decisions and takes actions based on an evaluation of the situation; the information and facts obtained from the LEOs; and regulations, procedures, and practices established for handling these matters.

The appellant's variety and range of duties, the problems encountered, and the decisions and recommendations made are also typical of the GS-7 grade level. He regularly runs record checks for LEOs in the course of their conducting traffic stops or counternarcotics investigations. Some of the commonly used databases include, but are not limited to, NCIC which stores information on criminal histories, vehicle registrations, drivers' licenses, wants and warrants, and weapons

and property; and [acronym] which stores various databases on persons and property in the State. During the course of an investigation, a camera may be used to take pictures of full or partial license plates on cars involved in illegal activity. The appellant runs a search of the plates, refining the query based on vehicle color, make, model, and other identifying features when only a partial plate is available.

The appellant also regularly works with the U.S. Customs and Border Protection (CBP) on the common intelligence picture, a joint effort to consolidate intelligence gathering. In geographic areas of interest, the LEOs report the location of guns, drugs, and other illegal contraband to the appellant, who periodically reports to the CBP and Border Patrol Tactical Unit including the items found, location coordinates, individuals involved, and any other significant information. The appellant also participates on a quarterly taskforce group that issues Federal warrants in the [city] metropolitan area. After the magistrate swears out a Federal warrant, the appellant enters the information into a local database; runs record checks to determine if the individual has other outstanding warrants; obtains driver's license pictures from the [state] Department of Transportation; divides the warrants among the taskforce members; and notifies the local law enforcement prior to the team issuing the warrants.

As a senior employee, the appellant regularly participates in user group meetings along with his immediate supervisor and groups of senior LEOs to discuss the Center's operational issues, ways to improve and streamline communications, and recommendations for modifying processes and procedures (e.g., when LEOs call in a traffic stop). The appellant also provides training to LEOs during user meetings. Occasionally he also provides training or scenarios for the Center's dispatcher staff. This work meets but does not exceed the GS-7 level.

This factor is evaluated at the GS-7 level.

Level of Responsibility

At the GS-7 level, the supervisor makes assignments by defining objectives, priorities, and deadlines. Employees work independently, using a general understanding of the expected outcomes and the scope of the assignments, and draw upon experience in resolving the more difficult situations which arise. Completed work is evaluated for appropriateness and conformance to policy. Guides, such as regulations, policy statements, and precedent cases, tend to be general and descriptive of intent, and they do not specifically cover all aspects of the assignments. Guidelines apply less to specific actions and more to the operational characteristics and procedural requirements of the program or function. Even though personal contacts for GS-7 employees are often the same as those for GS-6 employees, the GS-7 employees serve as a central point of contact to provide authoritative explanations of requirements, regulations, and procedures and to resolve operational problems or disagreements affecting assigned areas.

The appellant's level of responsibility meets but does not exceed the GS-7 level. During the appellant's shift, the immediate supervisor and/or lead dispatcher are normally available for only a part of the shift, if at all. Similar to the GS-7 level, the appellant performs day-to-day work independently. This entails controlling his and the Center's workflow, setting priorities, managing events, and resolving most conflicts that arise without any direct supervision. He

prioritizes tasks under routine and high-stress situations based upon extensive training and clear but ambiguous guidelines (e.g., emergencies precede all tasks, radio communication precedes phone communication, and LEOs occupied with individuals precede those unoccupied). The appellant resolves situations with competing priorities if another dispatcher is not available to assist. As at the GS-7 level, the supervisor reviews the results of the appellant's work for conformance to policies, procedures, and regulations by reviewing incident reports in ICAD, feedback from LEOs, notifications of significant events, etc. The appellant typically makes decisions and takes action although he calls the supervisor regarding significant events such as equipment failure or officer-involved shootings.

The appellant's guidelines include the Center's SOP; instructions for the law enforcement and Government information systems; applicable Federal, State, and local laws and regulations; and the different protocols, processes, and procedures for client agencies (e.g., the USFS, unlike other agencies, does not allow the faxing of secure documents). His regular contacts include, but are not limited to, Center staff, LEOs assigned to the agency and to other Federal agencies, the general public, CBP employees, and representatives of local law enforcement agencies. The appellant develops and exchanges information and resolves or elevates, as appropriate, the Center's operating problems. He also provides training for LEOs and dispatchers to refine or resolve problems with the Center's operational processes and procedures. This work is characteristic of the GS-7 level.

This factor is evaluated at the GS-7 level.

Summary

By comparison with the Guide, both factors are credited at the GS-7 levels.

Decision

The appellant's position is properly classified as GS-1802-7. The title is at the agency's discretion.