

**OFFICE OF PERSONNEL MANAGEMENT**  
**MERIT SYSTEMS OVERSIGHT AND EFFECTIVENESS**  
**DALLAS OVERSIGHT DIVISION**  
**CLASSIFICATION APPEAL DECISION**

Under section 5112(b) of title 5, United States Code

---

**Appellant:** [appellant's name]

**Position:** Supervisory Immigration Inspector, GS-1816-11  
Position Number: SD252F

**Organization:** [appellant's activity]  
Immigration and Naturalization Service  
Department of Justice

**Decision:** Supervisory Immigration Inspector, GS-1816-11

**OPM Decision Number:** C-1816-11-01

---

**Approved by:**

/s/ Bonnie J. Brandon  
Bonnie J. Brandon  
Classification Appeals Officer

5/5/97  
Date

**Copy of decision sent to:**

[appellant's name and address]

Teresa Singleton  
Acting Chief  
Classification and Compensation Policy Section  
Human Resources and Development  
Immigration and Naturalization Service  
425 Eye Street, NW., Room 2006  
Washington, DC 20536

Director of Personnel  
Immigration and Naturalization Service  
Department of Justice  
111 Massachusetts Avenue, NW.  
Washington, DC 20536

Director, Personnel Staff  
JMD Personnel Staff  
Department of Justice  
1331 Pennsylvania Avenue, NW.  
Washington, DC 20530

## **INTRODUCTION**

The appealed position is located in the [appellant's activity, Immigration and Naturalization Service (INS), Department of Justice]. The position is classified as Supervisory Immigration Inspector, GS-1816-11. The appellant believes the position should be classified as Supervisory Immigration Inspector, GS-1816-12. We have accepted and decided her appeal under section 5112(b) of title 5, United States Code.

This is the final administrative decision of the Government, subject to discretionary review only under the conditions and time limits specified in subpart F of part 511 of title 5, Code of Federal Regulations, and appendix 4 of the *Introduction to the Position Classification Standards*.

## **GENERAL ISSUES**

The appellant cites the classification of higher graded positions similar to her own as one of the conditions to support her claim that her position should be at the GS-12 grade level. Her position is one of six first-level GS-1816 Supervisory Immigration Inspector positions assigned to [an airport]. The agency has classified five of these positions at the GS-11 grade level and one at the GS-12 level. The appellant contends there is no significant difference between the higher grade position and the GS-11 positions and, therefore, believes the GS-11 positions should be upgraded. In further support of her claim, the appellant provided copies of position descriptions for GS-12 Supervisory Immigration Inspector positions at two other airports (Houston and San Antonio) that she considers comparable to her position. The appellant did not identify specific aspects of these other positions that she believes are so similar to hers as to warrant the same classification.

In adjudicating this appeal, our only concern is to make our own independent decision on the proper classification of the appellant's position. By law, we must classify positions solely by comparing their current duties and responsibilities to Office of Personnel Management (OPM) standards and guidelines (sections 5106, 5107, and 5112 of title 5, United States Code). Therefore, we have considered the appellant's statements only insofar as they are relevant to our making that comparison.

Agencies are required to apply classification standards and OPM decisions consistently to ensure equal pay for equal work. Section 511.612 of title 5, Code of Federal Regulations, requires agencies to review their internal classification decisions for identical, similar, and related positions to ensure consistency with OPM certificates. Accordingly, our letter transmitting this decision advises the agency to respond to this issue.

## POSITION INFORMATION

Both the appellant and her supervisor have certified to the accuracy of the official position description, SD252F.

The Inspections Section is headed by a GS-13 Port Director, and the appellant reports directly to him. At the time of this appeal, the staff consisted of the following:

- 1 GS-1816-12 Supervisory Immigration Inspector
- 5 GS-1816-11 Supervisory Immigration Inspectors
- 2 GS-1816-11 Senior Immigration Inspectors
- 1 GS-1916-11 Training Officer
- 1 GS-334-11 Computer Specialist
- 24 GS-1816-9 Immigration Inspectors
- 6 GS-1816-7 Immigration Inspectors
- 5 GS-1816-5 Immigration Inspectors

According to the Port Director, the GS-12 Supervisory Immigration Inspector has responsibility for all administrative issues relating to the nonsupervisory GS-11 employees (e.g., rating performance and writing appraisals, handling disciplinary actions, approving leave) in addition to providing technical supervision to these employees. The GS-11 Supervisory Immigration Inspectors rate the performance of only the employees at GS-9 and below and provide feedback to the GS-12 supervisor on the performance of the GS-11 nonsupervisory employees. The GS-11 supervisors also have the authority to approve leave for the GS-11 employees if the GS-12 supervisor is not on duty. The Port Director further stated that the day-to-day operations activities are the same for both the GS-12 and GS-11 supervisors.

The Inspections Section operates on a seven-day-a-week schedule with two overlapping shifts each day. Shift hours are from 7:00 a.m. to 5:00 p.m. and from 11:00 a.m. to 9:00 p.m. The six supervisory immigration inspectors rotate shifts every two weeks. Four supervisory immigration inspectors and approximately 14 nonsupervisory immigration inspectors are usually on duty at any one time. Adjustments to these numbers are made to accommodate the workload.

Most of the immigration inspections occur at three terminals at the [airport]. Inspections at other, lesser airports under the jurisdiction of the [appellant's] District are usually conducted by U.S. Customs Service employees under terms of an agreement between INS and Customs. Occasionally, an INS immigration inspector may be dispatched to the other locations, e.g., when high dignitaries are expected or if it is known that more than eight aliens are on an international flight. Most of these other airports are located within the [appellant's] metropolitan area.

Based on our review of the information in the appeal file and findings from our interviews, the appellant spends most of her time supervising immigration inspectors who are

involved in the enforcement and administration of INS laws relating to the right of persons to enter, reside in, or depart from the United States. Her principal duties are as follows:

- carries out a range of personnel management supervisory authorities, e.g., rates the performance of the staff, develops and modifies performance work plans as required, resolves informal complaints and grievances and recommends solutions for those required for referral to the next higher organizational level, recommends promotions for employees in career ladder positions, determines need for training, approves annual and sick leave; carries out the agency's equal opportunity program;
- plans work distribution and makes assignments to meet expected workloads;
- makes frequent inspections of operations to observe and evaluate effectiveness of officers, initiate changes in methods and procedures to effect more efficient operations, take corrective action where necessary to effect compliance with established policies and procedures;
- directs and approves or disapproves any adverse or out-of-the-ordinary action effected against applicants for entry into the country, makes decisions on and resolves problems involving complex phases of the law or unusual situations requiring the interpretation and application of INS policy;
- maintains or directs the maintenance of appropriate reports and production records, oversees and ensures that intelligence information is properly recorded and promptly referred to the appropriate office for action; and
- directs the initiation of fines proceedings against air carriers.

Responsibility for some supervisory activities (e.g., scheduling the work of subordinate employees, approving leave requests that may significantly affect work schedules, completing standing reports) is shared among the six supervisory immigration inspectors and rotated on a yearly basis. For the same time period, an alternate is designated for each of the shared responsibilities.

Occasional personal work of the appellant involves immigration inspection duties and adjudication of applications and benefits under INS laws.

### **SERIES AND TITLE DETERMINATION**

The appellant does not question the series and title of her position. Thus, we will not discuss why we agree with the agency that the position is correctly classified as Supervisory Immigration Inspector, GS-1816.

## **GRADE DETERMINATION**

The General Schedule Supervisory Guide (GSSG), dated January 1993, is used for determining the grade level of the appellant's position. The GSSG uses a point-factor evaluation approach with six evaluation factors designed specifically for supervisory positions. If a factor is not equivalent in all respects to the *overall* intent of a particular level described in the guide, a lower level point value must be assigned, unless the deficiency is balanced by an equally important aspect that meets a higher level.

During our audit with the appellant, she stated that she contests only the agency's evaluation of Factor 1 and agrees with the agency's evaluation of the other five factors. We reviewed those five factors and found them to be correctly evaluated; therefore, we have confined our analysis to the disputed factor.

### **Factor 1, Program Scope and Effect**

This factor assesses the general complexity, breadth, and impact of the program areas and work directed, including its organizational and geographic coverage. It also assesses the impact of the work both within and outside the immediate organization. To assign a factor level, the full intent of the criteria dealing with both scope and effect must be met.

The agency evaluated this factor at Level 1-2. The appellant believes that Level 1-3 is warranted.

#### *Scope*

This element addresses the general complexity and breadth of the program directed; the work directed, the products produced, or the services delivered; and the geographic and organizational coverage of the program within the agency structure.

The program segment of work directed at Level 1-2 is administrative, technical, complex clerical, or comparable in nature. The functions, activities, or services provided have limited geographic coverage and support most of the activities comprising a typical agency field office, an area office, a small to medium military installation, or comparable activities within agency program segments.

Level 1-3 involves directing a program segment that performs technical, administrative, protective, investigative, or professional work. The program segment and work directed typically have coverage which encompasses a major metropolitan area, a State, or a small region of several States; or, when most of an area's taxpayers or businesses are covered, coverage comparable to a small city. Providing complex administrative, technical, or professional services directly affecting a large or complex multimission military installation also falls at this level.

The work that the appellant supervises is administrative in nature. The geographic coverage is limited predominantly to international passengers arriving at the [airport] with significantly lesser activity at several other airports under the [appellant's] District's jurisdiction. All of the work performed is at the district office level.

Both the appellant and her supervisor provided information relating to the INS Central Region immigration inspection activity during recent years. According to this information, approximately 1.3 million to 1.5 million people pass through the [appellant's] District inspection section annually; most pass quickly through the primary inspection station based on a brief review of documents and a few questions. During Fiscal Year 1996, the more complex or intensive services were provided to about 13,000 aliens who were processed in the secondary station.

When the complexity and intensity of service are taken into account, the appellant's situation is equivalent to that of a field office that provides services to the public. That is, she provides a *portion* of the [appellant's] District's services, often on a case basis. The appellant's assignment is comparable to that described in the second illustration at Level 1-2.

The population serviced by the [appellant's] District is the noncitizen population of the area covered by the district office. This population may exceed the population of a portion of a small city, but it is similar in all other respects. Although the *total* population of clients served by the appellant is comparable to that envisioned at Level 1-3, the relatively small number of international passengers who receive the more intensive service is equivalent to the size of the constituency served in a portion of a small city as described in the second illustration at Level 1-2.

The scope of the appellant's work falls short of Level 1-3. In terms of the breadth of the program segment directed within the organization of the agency, the appellant basically supervises activities comprising a typical field office of the agency and within the more comprehensive program segment administered by the [appellant's] District. The appellant's work does not entail furnishing a *significant* portion of the agency's line program, unlike the breadth of work envisioned at Level 1-3. Instead, her position is responsible for directing the immigration inspection function at designated points of entry within [her] District, i.e., inspection of individuals entering the country. As such, the appellant directs a portion of the overall programs assigned to [her] District. Her work is predominantly limited to one major airport, with minor activities at several lesser airports. The work does not affect most of the area's taxpayers or businesses; instead, it affects international travelers arriving at the airports for which the appellant is responsible. Further, only a cursory review is made of the vast majority of the persons who arrive on international flights with the more complex or intensive review being made of about 13,000 aliens annually who are processed in the secondary station. The general complexity of the work supervised by the appellant is not comparable to the general complexity demonstrated in the GSSG's illustrations for Level 1-3. Overall, we find the intent envisioned in the GSSG for scope of supervision at Level 1-2 is met in terms of

general complexity and organization and exceeds Level 1-2 for the total size of the constituency served.

Because the appellant's position does not meet the full intent of Level 1-3, Level 1-2 is assigned for this element.

### *Effect*

This element addresses the impact of the work, the products, and/or the programs described under *Scope* on the mission and programs of the customer(s), the activity, other activities in or out of government, the agency, other agencies, the general public, or others.

At Level 1-2, the services or products support and significantly affect installation-level, area office-level, or field office operations and objectives, or comparable program segments; or provide services to a moderate, local, or limited population of clients or users comparable to a major portion of a small city or rural county.

At Level 1-3, activities, functions, or services accomplished *directly* and *significantly* impact a wide range of agency activities, the work of other agencies, or the operations of outside interests (e.g., a segment of a regulated industry), or the general public. At the field activity level (involving large, complex, multimission organizations and/or very large serviced populations comparable to the examples on pages 11 and 12 of the GSSG) the work directly involves or substantially impacts the provision of essential support operations to numerous, varied, and complex technical, professional, and administrative functions.

The effect of the work supervised by the appellant is comparable to that described at Level 1-2. The work supervised by the appellant is carried out at the district office level and significantly affects district office operations. Minimal services are provided to a large number of persons (approximately 1.3 million annually), and substantive services are given to about 13,000 individuals annually. The number of individuals who receive *substantive* services equates to a portion of a small city as described in the second illustration at Level 1-2.

The effect of the work that the appellant supervises falls short of Level 1-3. She is *directly* and *significantly* responsible for a single agency activity (immigration inspection) rather than a wide range of agency activities. Although the appellant's work may affect national security, the criminal justice system, and international relations, responsibilities in these areas are of a collateral and indirect nature, with primary responsibility for these matters residing somewhere else (e.g., other offices within the INS or the Department of State).

Level 1-2 is assigned for this element.



*Conclusion*

Both *Scope* and *Effect* of the appellant's supervisory duties are properly evaluated at Level 1-2.

**Summary of Factors**

<u>Factor</u>	<u>Level</u>	<u>Points</u>
1. Program Scope and Effect	1-2	350
2. Organizational Setting	2-1	100
3. Supervisory and Managerial Authority Exercised	3-2	450
4. Personal Contacts		
4A. Nature of Contacts	4A-2	50
4B. Purpose of Contacts	4B-2	75
5. Difficulty of Typical Work Directed	5-5	650
6. Other Conditions	6-3	<u>975</u>
Total Points		2650

The 2650 total points fall with the GS-11 range of the point-to-grade conversion chart on page 31 of the GSSG. Therefore, the final grade for the appellant's position is GS-11.

**DECISION**

In comparison to the GS-1816 standard, the appellant's personally performed work does not exceed the GS-11 level. The appellant's position is properly classified as Supervisory Immigration Inspector, GS-1816-11.