

U.S. Office of Personnel Management
Office of Merit Systems Oversight and Effectiveness
Classification Appeals and FLSA Programs



San Francisco Oversight Division
120 Howard Street, Room 760
San Francisco, CA 94105

Classification Appeal Decision
Under Section 5112 of Title 5, United States Code

Appellant: [Appellant's name]

Agency classification: Inquiries and Investigations Analyst
GS-1801-11

Organization: [Appellant's organization]
U.S. Department of the Army

OPM decision: GS-1801-11
title at agency discretion

OPM decision number: C-1801-11-02

Carlos A. Torrico
Classification Appeals Officer
6/23/98

Date

As provided in section 511.612 of title 5, Code of Federal Regulations, this decision constitutes a certificate that is mandatory and binding on all administrative, certifying, payroll, disbursing, and accounting officials of the government. The agency is responsible for reviewing its classification decisions for identical, similar, or related positions to ensure consistency with this decision. There is no right of further appeal. This decision is subject to discretionary review only under conditions and time limits specified in the Introduction to the Position Classification Standards, appendix 4, section G (address provided in appendix 4, section H).

Decision sent to:

[Appellant's name and address]

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Introduction

On May 18, 1998, the San Francisco Oversight Division of the U.S. Office of Personnel Management (OPM) received a classification appeal from [appellant's name], whose position is currently classified as Inquiries and Investigations Analyst, GS-1801-11. However, he believes that the position should be classified as Inquiries and Investigations Analyst, GS-1801-12. The appellant's position is located in the [appellant's organization] U.S. Army. This appeal is accepted and decided under section 5112 of title 5, United States Code (U.S.C.).

General Issues

The appellant compares his position to a GS-12 position in a higher level headquarters office. By law, we must classify positions solely by comparing their current duties and responsibilities to OPM standards and guidelines (5 U.S.C. 5106, 5107, and 5112). Since comparison to standards and guidelines is the exclusive method for classifying positions, we cannot compare the appellant's position to another as a basis for deciding his appeal. Therefore, we have considered the appellant's statements only insofar as they are relevant to making that comparison.

Neither the appellant nor his supervisor have certified to the accuracy of the appellant's position description [appellant's position description number]. The appellant believes that it does not accurately reflect the duties and responsibilities that he actually performs, and he has been unable to resolve this issue with his agency. In such cases it is OPM policy to decide the appeal based on the actual duties that management assigns and that the employee performs. Therefore, to help decide this appeal we interviewed by telephone both the appellant and his supervisor.

In adjudicating this appeal, our only concern is to make our own independent decision on the proper classification of the appellant's position. In reaching our classification decision we have carefully considered information from our interviews, and all other information furnished by both the appellant and the agency, including a sample of cases completed by the appellant.

Position information

The appellant serves as an assistant inspector general in the [appellant's organization], U.S. Army. In summary, his principal duties include the following:

(1) Receives requests for assistance, allegations of wrongdoing, complaints and related information. Responds to the request, allegation or complaint, conducting associated follow up or inquiry, including, as warranted, fact-finding, investigation, and preparation of case file information. Issues dealt with are administrative versus criminal, from both military and civilian personnel. The appellant indicated that he spends about 80% of his time performing these duties.

(2) As requested, assists other IG's. The appellant indicated that he spends about 10% of his time performing these duties.

(3) Prepares various reports. Most of these are periodic, recurring statistical reports, some of which may require brief narrative. The appellant indicated that he spends about 10% of his time performing these duties.

The appellant's position description, results of our interviews, and other material and information in the case record furnish much more information about his duties and responsibilities and how they are carried out.

Series, title and appropriate standards

The primary aspect of the appellant's work involves receiving and following up on various requests for assistance, allegations of potential wrong doing, or complaints in administrative areas, and conducting associated follow up. This follow up requires inquiry and/or investigation to gather facts and provide requested assistance and/or to determine whether alleged violations have actually occurred, and preparing the case file. The case file may include a summary of allegations, applicable regulations or other relevant guidance, testimony taken, summary of records and document search, any other related findings, a determination of whether violations(s) were committed, and recommendations to correct problems found, if any. The case file with recommendations is provided to others, e.g., Judge Advocate General, for determination of any further action.

We find that the appellant's position is best classified to the General Inspection, Investigation, and Compliance Series, GS-1801. According to the series definition in the position classification standard for the GS-1801 series (dated October 1980), it covers positions the primary duties of which are to administer, coordinate, supervise or perform inspectional, investigative, analytical, or advisory work to assure understanding of and compliance with Federal laws, regulations, or other mandatory guidelines when such work is not more appropriately classifiable in another series either in the Investigation Group, GS-1800 or in another occupational group. We find that the appellant's mix of duties is not elsewhere classifiable in another series in the Investigation Group, GS-1800, or in another occupational group, and is therefore assigned to the GS-1801 series. The appellant does not disagree.

OPM has prescribed no titles for positions in the General Inspection, Investigation, and Compliance Series, GS-1801. Therefore, according to page 18 of the *Introduction to the Position Classification Standards*, the appellant's agency may choose the official title for his position. In doing so, the agency should follow the titling guidance on that page.

The GS-1801 standard does not include grade level criteria. Pages 20-21 of the *Introduction to the Position Classification Standards* explains that if there are no specific grade level criteria for the work, an appropriate general classification guide or criteria in a standard or standards for related kinds of work should be used. In using other standards, the criteria selected as the basis for comparison should be for a kind of work as similar as possible to the position to be evaluated with respect to: the kind of work processes, functions, or subject matter of work performed; the qualifications required

to do the work; the level of difficulty and responsibility; and the combination of classification factors which have the greatest influence on the grade level.

Guidance in the GS-1801 standard suggests that positions in that series that perform investigations be evaluated using the Grade-Level Guides for Classifying Investigator Positions (dated February 1972). However, page 3 of the Grade-Level Guides for Classifying Investigator Positions specifies that not all positions that involve fact-finding and reporting are classified as Investigators, i.e., those positions that involve case work whose development requires application of the *full range* of knowledges, skills, and abilities described in the Guide. The appellant applies some of the knowledges, skills, and abilities of an Investigator, such as interviewing, conducting research, and document review. However, our assessment of the information of record, including the sample of cases provided, and additional information provided during our interviews, is that his investigative assignments do not require application of the *full range* of knowledge, skills and abilities typical of positions classified by the GS-1810/1811 Grade-Level Guides. These knowledges, skills and abilities are listed on pages 12-14 of the Grade-Level Guides. They include such items as knowledge of rules of evidence or of criminal procedure, maintaining surveillances, performing undercover work, developing and using specialized investigative techniques, devices, and procedures, etc. We find that the knowledges, skills, and abilities required by the appellant for his work are more limited, and that classification of his position using the Guide is not appropriate.

Of the standards and guides available to evaluate the major aspects of the appellant's position, we have chosen to cross-series compare using the Equal Employment Opportunity Series, GS-260. As described on pages 2-3 in the standard for the GS-260 series (dated November 1980), positions in that series involve fact-finding, analysis, writing, and application of equal opportunity principles to identify and/or solve problems. Positions involve investigating, conciliating, negotiating, or consulting activities. Positions in this series are involved in investigating and conciliating allegations of discrimination; developing, administering, and evaluating affirmative action plans; advising Federal Government agency officials on equal employment opportunity policies and practices; and administering and enforcing the Federal Government's internal equal employment opportunity programs. Many positions in this series involve program development, program management, or program evaluation activities. These work processes are similar to those used by the appellant.

Positions in the GS-260 series require a common body of knowledges and skills including: (1) knowledge of the body of law governing Federal equal employment opportunity programs; (2) knowledge of personnel management principles in general including areas such as recruitment, merit selection, job evaluation, job design, grievances, appeals, labor relations, employee development and the like; (3) skill in identifying and defining illegal discrimination through systematic fact-finding or investigation; (4) a high degree of analytical skill; (5) understanding of the nature and causes of institutional barriers to equal employment opportunity; (6) skill in communicating orally and in writing; (7) ability to work effectively and deal with persons in various social or economic strata of society, regardless of the status of their position in a particular institution; (8) skill in negotiating or consulting; (9) judgment in applying equal opportunity principles to identify and solve problems; and (10) program management skills for program management positions. Although the appellant does

not work in the equal employment opportunity area, he applies similar knowledges and skills in carrying out his investigative duties and responsibilities.

Depending on the nature of responsibilities and duties assigned, equal employment manager and specialist positions may require a broad range of knowledges. Most positions at the full performance level require management and consulting skills to advise managers on policy formulation related to equal employment, to analyze management problems related to equal employment, and to monitor and evaluate agency management policies and practices to determine their impact on equal employment. Also, equal employment specialists and managers often apply knowledge in such areas as cross-cultural communication, social movements, and social dynamics to design and implement programs that meet agency equal employment needs. Additionally, equal employment specialists and managers typically must apply an understanding of legal procedures and terminology (e.g. rules of evidence, trial de novo, case law precedents, and interpretation of court decisions). Most positions require knowledge of investigative procedures and methods to direct investigations, skill in writing proposed dispositions and/or final agency decisions in complaints of discrimination, and knowledge and skill to monitor remedial actions. These skills are applied in the context of a broad knowledge of civil rights laws and regulations, and their relationship to agency policies and practices.

While we recognize that there are differences in the specific work performed by the appellant and that described in the GS-260 standard, his duties can be properly graded by focusing on the basic underlying concepts rather than specific GS-260 work examples. Because his work in preparing statistical reports and maintaining data bases constitutes about 10 percent of his position, and is less than the minimum 25 percent needed to affect its classification, we have not evaluated this portion of the appellant's position. Our evaluation of his primary duties follows.

Grade determination

The GS-260 standard 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--Level 1-7--1250 points

This factor measures the nature and extent of information or facts which the worker must understand in order to do acceptable work and the nature and extent of the skills needed to apply those knowledges.

The appellant's position favorably compares to Level 1-7 (pages 18 and 19) in the GS-260 standard. At Level 1-7 the position requires the specialist to apply comprehensive and thorough knowledge of laws, regulations, Executive orders, court decisions, and issues related to the Federal equal

employment opportunity program and skill to apply this knowledge to a variety of difficult and complex work assignments. Specialists must have knowledge of the organizational structure, management policies, procedures, and practices of Federal agencies. For example, specialists possess knowledge of the Federal personnel system including detailed knowledge of the kinds of policies and practices regulated or covered by Federal personnel regulations. Specialists at this level possess knowledge of basic principles involved in recruitment, selection, labor relations, job evaluation, and other personnel areas. They have a thorough and detailed knowledge of and skill in employing the methods and techniques typical of the program including fact-finding, analysis, and resolution of complex problems. Also at this level, the specialist must have skill in identifying problems and developing concrete action plans to solve these problems to advise Federal managers on appropriate courses of action to eliminate barriers to equal employment opportunity.

The appellant applies a similar level of knowledge and skill in carrying out his inspector general duties. He applies comprehensive knowledge of various military and civilian programs, such as awards, finance, personnel, travel, and equal opportunity, as they relate to allegations, complaints, and requests for assistance. He collects and analyzes facts, determines whether violations of law, regulation or policy may have occurred, and prepares or suggests resolutions to a variety of problems. These problems range from less complex and recurring, such as nonreceipt of a pay check, to more complex problems without directly applicable precedents involving such matters as sexual harassment or host country related issues. In doing this, he must be aware of related laws (primarily title 5 and title 10), supporting regulations and policies, primarily those of the U.S. Army and Department of the Defense, local installation and activity supplements to these policies and regulations, as well as factors such as Status of Forces Agreement, host country cultural and social issues, and other influences.

The appellant's position does not meet Level 1-8 (pages 19 and 20). As described at that level, the specialist must apply mastery of the concepts, principles, and methods of Federal equal employment opportunity to develop broad guidelines or regulations or to conduct projects to resolve complex systemic problems of broad scope (e.g., agency wide). This involves expert knowledge of the problem solving techniques of the field and the legal framework in which the program operates; and a high level of skill in interpreting and developing guidelines and regulations within the program area, where accepted methods and principles are questioned or challenged; and negotiating and otherwise resolving unprecedented, broad, difficult, or complex problems.

Unlike Level 1-8, the types of problems and situations the appellant deals with do not require him to apply a mastery level of his knowledges to *develop* broad guidelines or regulations (e.g., agency wide, or in the appellant's case, Army wide), nor do they require him to resolve Army wide systemic problems, as described at this level. In contrast, the appellant applies knowledges typically to address problems in the [appellant's organization] and its installations and activities, not Army wide.

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

Factor 2, Supervisory controls--Level 2-4--450 points

This factor covers the nature and extent of direct or indirect controls exercised by the supervisor, the employee's responsibility, and the review of the completed work.

At Level 2-4 (page 27) the supervisor sets the overall objectives and resources available. The supervisor and employee collaborate in developing deadlines and approaches to unusual or particularly sensitive problems. The employee exercises judgment in planning and carrying out the assignment and selects the appropriate techniques to complete the assignment most adequately. The employee advises the supervisor when major unexpected problems or significant controversial issues arise. Completed work is reviewed in terms of fulfillment of the assignment objectives within established target dates.

The appellant's position meets Level 2-4. Similar to that level, the [appellant's supervisor] establishes overall objectives. The appellant presents his plans for carrying out assignments, collaborating with his supervisor on approaches to unusual or particularly sensitive problems. He performs his work independently as described at Level 2-4, and uses judgment in planning and carrying out assignments, selecting appropriate techniques, sources, etc., to adequately complete the assignment. Because the appellant possesses considerable expertise in all phases of program activities, his completed assignments, including work decisions and recommendations, are typically accepted by the supervisor as authoritative and technically sound, and are reviewed for meeting assignment objectives.

At Level 2-5 (page 27), the supervisor provides administrative direction, giving assignments in terms of broadly defined missions or functions. This may include setting budget and personnel limits on the employee's program or project or setting broad policy goals and objectives. The employee is responsible for independently planning, designing, and carrying out assignments. Results of work are considered technically authoritative and are normally accepted without change. If work is reviewed, the review concerns such matters as fulfillment of program objectives, or the overall effect of the program.

The appellant's position does not meet Level 2-5. His assignments are more narrow and specific than the broadly defined missions or functions, or broad policy goals and objectives, that are mentioned at this level. The appellant's assignments are more focused on specific cases and situations, rather than overall program goals that would be typical of a program manager, such as his supervisor. Review of his completed work also focuses on cases, rather than on broad fulfillment of program objectives.

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

Factor 3, Guidelines--Level 3-3--275 points

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

At Level 3-3 (page 29) specialists perform assignments covered by available guidelines such as laws, Executive orders, regulations, directives, written instructions, and manuals. However, many significant factual situations, issues, and equal employment opportunity problems are encountered during the assignment which are not covered by guidelines, for which guidelines are general or vague, or for which guidelines are in conflict. The employee exercises judgment in interpreting, adapting, or extrapolating from existing guidelines to arrive at a finding or conclusion, or to decide to take a particular course of action.

The appellant's position meets Level 3-3, as described in the GS-260 standard. He applies general guidelines including those covering Federal rules of administrative procedure, Army and DOD regulations, as well as related supplemental [appellant's command] and organizational manuals and policies. He also may refer to certain court rulings and procedures. Like Level 3-3 he encounters specific situations that guidelines may not fully and directly address, and needs to use considerable ingenuity and judgment in applying and interpreting these guidelines as they relate to a particular situation.

The appellant's position does not meet level 3-4 (pages 29 and 30). At this level, the specialist performs work covered by guidelines such as laws, Executive orders, policy statements, and governmentwide or agencywide directives. In some cases guidelines may include broadly stated or incomplete procedural manuals. These basic guidelines are often inadequate in dealing with unusual cases such as developing equal employment opportunity programs or materially redesigning existing programs to meet new objectives. The employee uses initiative and resourcefulness in extending or redefining guidelines, or deviating from traditional principles and practices. For example, the employee solves unique equal employment opportunity problems, or develops guidelines, criteria, and methods for carrying out an equal employment opportunity program.

As noted above, and in contrast to Level 3-4, the appellant's assignments are generally covered by governmentwide and agencywide regulations which are further supplemented by other guidance, such as Inspector General SOP's, and [appellant's command] and local regulations or policy, such that he does not have to rely only on the more broad and general governmentwide or agencywide directives as is characteristic of Level 3-4. Further, his assignments do not involve situations without guidelines where he would be required to develop or materially redesign existing programs to meet new objectives, to extend or redefine the basic broad government or agency wide guidelines, or develop guidelines, criteria and methods for carrying out a program, or other work equivalent to that described at level 3-4.

Factor 3 is evaluated at Level 3-3 and 275 points are credited.

Factor 4, Complexity--Level 4-4--225 points

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.

As discussed in the GS-260 standard, employees at Level 4-4 (pages 34-36) typically perform complete assignments with widely varying duties including the complete cycle of fact-finding, problem definition and identification, determining cause and effect relationships, making conclusions, and recommending a decision or proposing action. Assignments are to solve complex problems typically characterized by factors such as a large body of interrelated facts, many sources of information (e.g., witnesses of parties to the complaint, files, records, and written and unwritten policies), many of the facts are disputed, facts are hidden and must be reconstructed from statements of persons and records, and conclusions require interpretation of rules and principles in a variety of situations not specifically covered by the regulations. Problems of the type encountered typically have been soluble, but solutions require selection and modification of appropriate methods and approaches used by the office. Decisions regarding what needs to be done include planning the project or assignment so that essential facts and issues are adequately covered, making major modification in methods and approach to the problem during the assignment as conditions warrant, and sorting relevant facts from a vast body of information, opinions, and conditions. The work requires making many decisions at each stage of the assignment such as identifying issues; defining the problem or problems in realistic terms that are compatible with the laws; and weighing facts or evidence to arrive at correct cause and effect relationships, sound conclusions, and appropriate actions. A broad range of accepted fact-finding and analytical techniques must be applied and modified as necessary to meet each particular situation. Assignments include compliance reviews of (or investigations of complaints of discrimination on the part of) employers concerning a broad range of improper policies and systemic practices including a number of fundamental activities (e.g., hiring, promotion, and treatment of employees on the part of an employer).

The appellant's position is comparable to Level 4-4 as described in the GS-260 standard. He is responsible for planning, organizing, and carrying out the complete cycle of fact-finding, problem definition and identification, determining cause and effect relationships, making conclusions and recommendations or proposing solutions or actions based on findings on alleged activities, as is described at this level. In collecting and analyzing information, he needs to make decisions on various aspects of the process through the cycle, such as dealing with incomplete or conflicting data, requiring further fact-finding to resolve the issues at hand. Also, like Level 4-4, he typically must evaluate information and make decisions and draw conclusions about a wide range of alleged or potential activities, based on information received from a variety of sources, such as interviews and testimony, records and documents, and subject matter experts. His cases may involve complications due to host country cultural and social factors, as well as other influences.

The appellant's position does not meet Level 4-5 (pages 36-39). At that level, employees perform complete assignments individually or as a team leader involving the resolution of *highly* complex

problems. Decisions regarding what needs to be done include major areas of uncertainty in planning projects, determining the scope of the project, determining applicable precedents, laws, or regulations to apply, and determining the most effective approach and methodology. This uncertainty is due to the complexity of the organizations serviced, the vastness of the facts involved, the ambiguity of conditions, or the absence of or conflict between laws, regulations, or precedents. At this level, employees make major or precedent setting technical *decisions* that change agency (i.e., U.S. Army) policy, establish criteria for deciding future cases of the same type, or change fundamental policies and practices of major institutions, such as national or regional organizations.

Neither the appellant's assignments nor his organizational situation are characterized by the degree of complexity described at Level 4-5. Although numbers of potential clientele may be large, his assignments do not involve major areas of uncertainty in determining the scope of the work or the most effective approach and methodology in the sense intended, or to the problems envisioned, at this level. Characteristic cases, while having variations, have precedents upon which subsequent work can be based (e.g., pay involves basically the same types of inquiries). Likewise, the appellant's more difficult assignments do not involve this level of degree of uncertainty in planning the work, as assignments do not involve the resolution of highly complex problems envisioned at this level, such as solving *Army wide* systemic problems. Further, the appellant does not make technical *decisions* that would be regarded as precedent setting or that would have the effect of changing fundamental policies and practices Army wide, or deal with other equivalent level types of highly complex problems characteristic of Level 4-5.

Factor 4 is evaluated at Level 4-4 and 225 points are credited.

Factor 5, Scope and effect--Level 5-3--150 points

This factor 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.

The appellant's position is best evaluated at Level 5-3 (page 43). At level 5-3, employees investigate or analyze individual equal employment opportunity problems, and/or recommend or negotiate resolution of the problems. The work results in resolution of individual complaint cases or the presentation of factual information to be used by others in altering agency practice. The work affects specific practices of Federal installations or organizational segments of Federal agencies.

Comparable to Level 5-3, the appellant deals with alleged activities, various problems, and requests for assistance that are primarily from individuals. As described at this level, he prepares reports with findings and recommendations that may be used by others to take action, such as the Judge Advocate General. As also described at this level, his work may affect specific practices of installations or activities of the [appellant's organization].

The appellant's position does not meet Level 5-4 (pages 43-44). At this level, the employee conducts projects to solve broad, difficult, and complex equal employment opportunity problems through systematic fact-finding, analysis, and consulting efforts. Work results in resolution of a wide variety of problems ranging from individual complaints to elimination of systemic barriers to equal employment opportunity, such as policies or widespread practices in a segment of a Federal agency. The work affects the equal employment opportunity of many persons.

We do not find that the appellant's assignments fully meet the scope and effect of Level 5-4. We acknowledge that the appellant's work may exceed Level 5-3 in some ways, such as some problems may involve more than one individual. However, our review of information in the record does not support a determination that cases characteristically involve the breadth and complexity of problems such that the effect or result is elimination of *systemic* policies or *widespread* practices envisioned at Level 5-4, versus specific practices of individuals or installations of the [appellant's organization], as described at Level 5-3. For instance, a case example that resulted in information being added during orientation on temporary quarters would not meet Level 5-4.

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

Factor 6, Personal contacts--Level 6-3--60 points

This factor includes face-to-face contacts and telephone and radio dialogue with persons not in the supervisory chain.

At Level 6-3 (pages 48-49) personal contacts are with persons outside the employing agency such as attorneys, equal employment specialists from other agencies, union officials, or community organization representatives. The content of each contact is different and the role or authority of each party is identified and developed during the course of the contact.

The appellant's personal contacts overall match Level 6-3. His contacts are with military and civilian members of the [appellant's organization and command], other DOD components, various subject matter experts, and inspector general representatives from other commands. The content of each contact varies, depending upon the subject and nature of the inquiry, and allegation or complaint being followed up. In the course of his contacts, the appellant's role and authority, and the role of the person contacted are identified and developed as the inquiry proceeds.

The appellant's contacts do not reach Level 6-4 (page 49), where personal contacts are with high-ranking officials from outside the employing agency. As described at that level, such contacts may be with heads of other Federal agencies, heads of large national civil rights organizations, or national officials of large unions of employee organizations. As described above, the appellants contacts are not normally with heads of Federal agencies, or other equivalent level persons.

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

Factor 7, Purpose of contacts--Level 7-3--120 points

The purpose of personal contacts ranges from factual exchanges of information to situations involving significant or controversial issues and differing viewpoints, goals, or objectives. The personal contacts which serve as the basis for the level selected for this factor must be the same as the contacts which are the basis for the level selected for Factor 6.

At Level 7-3 (page 50), the purpose of contacts is to negotiate on procedural points, conduct formal interviews (or interrogation) of witnesses or other persons having information essential to a complaint case, or to persuade individuals. The persons may be a party to a complaint, a representative of a party to a complaint, or a representative of an organization challenging the agency's policies. At this level persons contacted may be fearful, skeptical, or uncooperative, requiring the specialist to use skill in conducting the meeting to obtain the desired results.

Comparable to Level 7-3, the purpose of the appellant's contacts is to conduct formal interviews, including taped testimony, to obtain information essential to a complaint or allegation, as well as conduct general fact-finding. This includes contact with persons who may be a party to a complaint or the subject of allegations, who may be fearful, uncooperative, or evasive. This requires the appellant to use skill in obtaining the needed information to resolve the problem or allegation.

The appellant's contacts do not meet Level 7-4 (pages 50-51), where the purpose is to negotiate or conciliate resolutions to highly controversial or major issues, or to justify or defend decisions (as opposed to recommendations) on major controversial issues. In addition, at this level, negotiations or conciliations typically involve complicating elements, such as multiple, but related broad and complex issues which require shifting from issue to issue and consider trade-offs between issues, and affect the interest of parties either because major changes in their policies or practices are being proposed, or because the money involved is very large for the parties, or because of potential adverse publicity. The appellant's work does not typically involve situations requiring involvement in negotiating or conciliating highly controversial or major issues, as described at this level, or other equivalent type of work.

This factor is evaluated at Level 7-3 and 120 points are credited.

Factor 8, Physical demands--Level 8-1--5 points

This factor covers the requirements and physical demands placed on the employee by the work assignment.

At Level 8-1 (pages 51-52), regular and recurring work is performed at a desk, sitting in conferences and meetings, or riding in an automobile or public transportation, etc. No special physical demands are involved in performing the work. However, there may be occasional brief visits to worksites during fact finding.

Comparable to Level 8-1, the appellant's work is primarily sedentary, with visits to work sites during fact-finding, and may involve carrying items such as portable tape recorders and tapes to record testimony.

The appellant's position does not meet Level 8-2 (page 52), where the regular and recurring work requires some physical exertion such as long visits to industrial sites, or extended periods of intensive negotiation or conciliation without rest periods. (For example, this level includes movement over rough and uneven surfaces at an industrial site. Meetings with parties to complaints for intensive conciliation or negotiation for periods of 4 hours or longer.) The work requires specific, but common, physical characteristics and abilities such as above average resistance to fatigue.

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

Factor 9, Work environment--Level 9-1--5 points

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.

The appellant's position meets Level 9-1 (page 52). At that level, the regular and recurring work is performed in a work environment that involves normal everyday low risks or discomforts typical of offices or commercial vehicles such as airplanes, trains, or buses. Work areas are adequately lighted, heated, and ventilated. Similarly, the appellant performs work in an office setting that is adequately lighted, heated and ventilated. His work can involve travel in automobiles, sedans and other vehicles, to conduct fact-finding in field locations.

The appellant's position does not meet Level 9-2 (pages 52-53). At that level the work involves regular and recurring moderate risks, discomforts, or unpleasant surroundings. This includes fact-finding assignments in areas having high levels of noise and vibrations or dust and grease. This level also includes exposure to moderate risks when required to work in parts of industrial sites or similar areas presenting hazards of bodily harm because of exposure to moving parts on machinery, carts or similar vehicles, contagious diseases, or irritant chemicals. Special safety precautions are required and the employee may use protective clothing or gear such as boots, goggles, gloves, or coats

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

Summary

In summary, we have evaluated the appellant's position as follows:

Factor	Level	Points
1. Knowledge required by the position	1-7	1250
2. Supervisory controls	2-4	450
3. Guidelines	3-3	275
4. Complexity	4-4	225
5. Scope and effect	5-3	150
6. Personal contacts	6-3	60
7. Purpose of contacts	7-3	120
8. Physical demands	8-1	5
9. Work environment	9-1	<u>5</u>
Total points:		2540

A total of 2540 points is credited. By reference to the grade conversion table in the classification standard for the GS-260 series (page 16), we find that the appellant's work falls in the GS-11 range (2355-2750).

Decision

The appellant's position is properly classified to the General Inspection, Investigation, and Compliance Series GS-1801, graded at the GS-11 level, and titled at the agency's discretion.