



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT

Washington, DC 20415

Human Capital Leadership
and Merit System
Accountability Division

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

Appellant: [appellant]

Agency classification: Administrative Support Assistant (OA)
GS-303-7

Organization: [location] District of [location]
General Operations Division
United States Marshals Service
U.S. Department of Justice
[city and state]

OPM decision: GS-303-7
(Title at agency discretion)

OPM decision number: C-0303-07-10

/s/ Robert D. Hendler

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

July 26, 2006

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]
U.S. Marshals [location] District
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Introduction

On October 28, 2005 the Chicago Field Service Group of the U.S. Office of Personnel Management (OPM) accepted a classification appeal from [appellant], who currently occupies a position classified as Administrative Support Assistant (OA) GS-303-07, in the Criminal and Civil Enforcement Division, U.S. Marshals Service (USMS), [location] District of [state], Department of Justice, [city and state]. She believes her position should be classified as a Criminal Support Specialist GS-301-9 or as an Administrative Support Assistant (OA) GS-303-9. We received the initial agency administrative report (AAR) on December 13, 2005, and documents to complete the AAR on May 10, 2006. We accepted and decided this under the provisions of section 5112 of title 5, United States Code (U.S.C.).

General issues

The appellant is assigned to position description (PD) number [#####], which is a standard USMS PD used in many USMS Districts. Her immediate supervisor certified the PD accuracy, but the appellant states that it still is not accurate because the number of duties and volume of work have increased considerably due to a large increase in the prison population. We accepted her classification appeal based on evidence that she had made a reasonable attempt to obtain the accurate PD, and we will decide the appeal on the basis of actual duties assigned by management and performed by the employee (5 CFR 511.607 (a)(1)).

The appellant states that her official PD is not accurate because it does not depict the additional duties performed. 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. A position is the duties and responsibilities that make up the work performed by an employee. Position classification appeal regulations permit OPM to investigate or audit a position and decide an appeal on the basis of the actual duties and responsibilities assigned by management and performed by the employee. An OPM appeal decision grades a real operating position, and not simply the PD. Therefore, this decision is based on the actual work assigned to and performed by the appellant.

The appellant says that in the absence of a former employee, who occupies an Investigative Research Analyst, GS-301-9, position, she serves as a back up to entering probation and parole violation warrants into the warrant information network (WIN). However, duties that are not regular and recurring and occupy at least 25 percent of the employee's time or are carried out only in the absence of another employee cannot affect the grade of a position (*Introduction to the Position Classification Standards*, section III.J). She also says beginning November, 2004 until July, 2005, she also handled incoming *Writs of Habeas Corpus ad Prosequendum* and Attorney Request for Production (ARS) and entering warrants and indictments into the WIN database for a USMS sub-office in [location] City. This duty is no longer assigned to the appellant by management, can no longer be considered part of her current duties and responsibilities and, therefore, cannot be considered in the classification of her position.

Implicit in the appellant's rationale is a concern that her position is classified inconsistently with other positions that perform similar work. By law, we must classify positions solely by comparing current duties and responsibilities to OPM standards and guidelines (5 U.S.C.

5106, 5107, and 5112). Since the comparison to standards is the exclusive method for classifying positions, we cannot compare the appellant's position to others, which may or may not be classified correctly, as a basis for deciding the appeal.

Like OPM, the appellant's agency must classify positions based on comparison to OPM standards and guidelines. It also has primary responsibility for ensuring that its positions are classified consistently with OPM appeal decisions. If the appellant considers her position so similar to another that they both warrant the same classification, she may pursue the matter by writing to her agency's headquarters human resources office. In doing so, she should specify the precise organizational location/installation, classification, duties, and responsibilities of the position in question. If the position is found to be basically the same as hers, the agency must correct its classification to be consistent with this appeal decision. Otherwise, the agency should explain to her the differences between her position and the other.

The appellant indicates that one of the biggest demands of the position involves the increase in the volume of work for which she is responsible. However, the issue of volume of work is listed as a factor which cannot be considered in determining the grade of a position (*The Classifier's Handbook*, chapter 5).

The appellant believes that the GS-303 flysheet and functional PCS for clerical and assistance work are outdated. However, the adequacy of grade-level criteria in OPM standards is not appealable (section 511.607 of title 5, Code of Federal Regulations).

The appellant also makes various other statements about the agency and its evaluation of her position. However, because our decision sets aside all previous agency decisions, the appellant's concerns regarding her agency's classification review process are not germane to this decision. In adjudicating this appeal, our only concern is to make our own independent decision as to the proper classification of the position, and we will consider the information provided by the appellant insofar as they are relevant to that analysis.

Position information

The appellant's position was established to provide administrative and technical support to the District criminal and civil programs. Her supervisor occupies the District Administrative Officer, GS-301-11, position.

The appellant serves as the focal point for coordinating prisoner movement for her District which averages approximately 20 to 40 prisoners per month. She receives criminal writs, court orders, detainers, Judgment and Commitment orders, and requests for prisoner movement. She verifies the accuracy of those documents and supporting information concerning individual prisoners to ensure they are sent to the proper destinations using the appropriate mode of transport, coordinates with submitting offices and institutions to resolve discrepancies, and institutes actions as requested. She is responsible for ensuring that the orders of the court are given proper priority and that the deadlines are met. The appellant receives, coordinates, and disseminates the proper legal documentation required by law to advance the prisoner in Federal Court at a specific time and date which involves the movement of the prisoners according to their legal status within the Justice Prisoner and

Alien Transportation System (JPATS), a Bureau of Prison reference database shared with the USMS. Her coordinating duties include working closely with staff of the Bureau of Prisons, Probation Offices, Parole Commissions, and other USMS officers in designating and transporting prisoners to and from local, state, and Federal institutions and correctional facilities.

The appellant monitors cell block visitation and security alarms, maintains self surrender log when a prisoner is out on bond and is reporting to their court assigned prison, and facilitates good communication as well as to provide a human link to assist family members, attorneys, pre-trial service officers and probation officers with reoccurring informational questions. The appellant is responsible for updating and recording self surrender log journals, operating the paging system, and reproducing communication leaflets for distribution.

The appellant is also responsible for providing mailroom support to the organization. The mail duties for this position are limited to receiving, metering, sorting, and routing mail for internal distribution to 26 mailboxes. She sends and receives regular and certified mail.

We conducted a telephone audit with the appellant on March 8, 2006 and a telephone interview with her immediate supervisor on March 22, 2006. In addition, we conducted an on-site desk audit with the appellant on July 13, 2006. The appeal record contains additional descriptive information which we find, along with the official PD, contains the major duties and responsibilities assigned to and performed by the appellant, and we incorporate it by reference into our decision.

Series, title, and standard determination

The agency has classified the appellant's position in the Miscellaneous Clerk and Assistant Series, GS-303, but the appellant also believes it could be assigned to the Miscellaneous Administration and Program Series, GS-301. The GS-301 series includes positions that perform, supervise, or manage non-professional, two-grade interval work for which no other series is appropriate. The work requires analytical ability, judgment, discretion, and knowledge of a substantial body of administrative or program principles, concepts, policies, and objectives. The administrative work of this series involves skills such as analytical, research and writing ability, and requires the application of judgment typically demonstrated by substantial, responsible experience, or that equivalent to a college level education.

The Miscellaneous Clerk and Assistant Series, GS-303, includes positions that perform or supervise clerical, assistant or technician, one-grade interval work for which no other series is appropriate. The work requires knowledge of the procedures and techniques involved in carrying out the work of an organization, and involves application of procedures and practices within the framework of established guidelines.

Classification guidance in the *Introduction to the Position Classification Standards* and *The Classifier's Handbook* describe distinctions between positions properly classified in two-grade interval administrative series and those classified in one-grade interval support series. Administrative positions (two-grade interval) are involved in work primarily requiring a high order of analytical ability. This ability is 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 positions are involved with analyzing, evaluating, modifying, and developing basic programs, policies, and procedures that facilitate the work of Federal agencies and programs.

In contrast, support positions (one-grade interval) perform work that follows established methods, procedures, and guidelines, and may require a high degree of technical skill, care, and precision. The work can be performed based on a practical knowledge of the purpose, operation, procedures, techniques, and guidelines of the specific program area or functional assignment. Support personnel typically learn to do the work on the job and also may attend specific training courses related to their work.

We find that the appellant's position does not meet the GS-301 series definition as the duties do not require a high order of analytical ability or a comprehensive knowledge of management principles and theories or analytical methods and techniques. Her work does not require knowledge of a substantial body of administrative or program principles, concepts and policies, nor does it involve extensive skills in research methods and writing ability. The appellant performs technical work that directly supports a function of the USMS. She arranges for the production of prisoners in Federal Courts at specific dates and times, verifies the accuracy of all documentation, and tracks and coordinates the movement of prisoners. She uses judgment in choosing, interpreting, or adapting available rules, regulations, standards, and guidelines to specific situations and in identifying and applying regulations. Although she reviews and verifies the accuracy of supporting legal documents concerning individual prisoner movement, the focus of the review is on ensuring the proper destination and method of transportation, rather than reviewing them for legal accuracy requiring in-depth technical knowledge of legal process as included in GS-986 Legal Assistance work. Her duties do not meet the intent of two-grade interval administrative work. They match one-grade interval technical work typical of the GS-303 series which is based on a practical knowledge of the purpose of the function supported and the program's operations, procedures, techniques and guidelines. Like the GS-303 series, her work involves specialized duties for which there is no more appropriate occupational series established.

There are no titles specified for positions in the GS-303 series. Therefore, the agency may construct a title in keeping with the nature of the support work performed. In doing so the agency should adhere to the position titling guidance contained in the *Introduction to the Position Classification Standards*. As recognized by the agency, the appellant's work requires knowledge of office automation systems and a qualified typist to perform word processing duties. Consequently, the agency must add the parenthetical title "Office Automation" abbreviated as (OA) to the official title selected. To grade the appellant's technical support work, we have applied the criteria in the Grade Level Guide for Clerical and Assistance Work (the Guide). Because the appellant's office automation duties represent lower level work, and are neither series nor grade controlling, we have not evaluated their grade level in this decision.

Grade determination

There are also no grade-level criteria provided by the GS-303 flysheet. In such cases, Section III. I. 1. of the *Introduction* directs us to use grading criteria in a published PCS or

functional standard covering a series that has similar kinds of work processes, functions, or subject matter, knowledge and skills, and entails a similar level of difficulty and responsibility. The agency evaluated the substantive work of the appellant's position by applying the Grade Level Guide for Clerical and Assistance Work (the Guide), and after a thorough review of the record, we concur. The Guide provides general criteria for use in determining the grade level of nonsupervisory clerical and assistance work. Clerical work is defined in the guide by examples of preparing, receiving, reviewing, and verifying documents; maintaining office records; and compiling information for reports. Assistance work is defined as technical work that supports the administration or operation of the programs of an organizational unit, and requires a working knowledge of the work processes and procedures of an administrative field and the mission and operational requirements of the unit. The record shows that the appellant primarily performs assistance work. The Guide uses two classification factors to evaluate the work of a position: (1) Nature of Assignment which includes knowledge required and complexity of the work, and (2) Level of Responsibility which includes supervisory controls, guidelines, and contacts. Our evaluation by application of the two classification factors in the Guide follows. The Guide also includes benchmark job descriptions describing typical work situations in the occupation at various grade levels. These benchmarks include descriptions of the nine factors and the associated factor levels. They may be used to evaluate a position under the various factors if the duties described in the benchmark are similar to those being evaluated.

Nature of Assignment

At the GS-7 level, which is the highest level for this factor described in the Guide, work consists of specialized duties with continuing responsibility for projects, questions, or problems that arise within an area of a program or functional specialty as defined by management. Work assignments involve a wide variety of problems or situations common to the segment of the program or function for which the employee is responsible. Decisions or recommendations are based on the development and evaluation of information that comes from various sources. The work involves identifying and studying factors or conditions and determining their interrelationships as appropriate to the defined area of work. The work requires knowledge and skill to recognize the dimensions of the problems involved, collect the necessary information, establish the facts, and take or recommend action based upon application or interpretation of established guidelines. It requires practical knowledge developed through increasingly difficult on-the-job training or experience dealing with the operations, regulations, and principles of the assigned program, function, or activity.

The appellant's position meets, but does not exceed, the GS-7 level. Like that level, as the sole individual responsible for continually coordinating prisoner movement, she performs specialized duties in support of the District's overall prisoner accountability program. Her work assignments involve a wide variety of problems or situations common to her segment of the program such as short lead-times, problems in transit, determining need for temporary assignment to a holding institution, dealing with generally inadequate documentation concerning foreign entry, emergency situations (sickness, pregnancy, danger) or similar situations. The duties of her position involve the performance of assistance functions requiring knowledge of criminal and civil prisoner administrative procedures. Like the GS-7 level, each of her assignments consists of a series of related actions or decisions she must take to determine when, where, and how movement will be done prior to completing the

work. Based on her knowledge of Federal criminal process procedures and relevant writs, warrants, and other court documents and orders, she must determine the most appropriate method of transportation of individual prisoners. This includes preparing the necessary manifests and supporting documents considering complicating factors or conditions such as illness, for which she must arrange in transit medical aid at a secure facility, or high-danger risk, coordinating with foreign government representatives for movement to a foreign country, planning for space availability for ground or air transportation, and determining departure dates covering 108 correctional facilities nationwide where individuals may be sent. Throughout this process she inputs data into the agency's prisoner tracking system, ensuring transit and arrival at the final destination are monitored.

Like the GS-7 level, her decisions are based on gathering and evaluating relevant information from various sources including local, state and Federal jurisdictions. Complicating her work is the fact that her District contracts with State and local courts to provide prisoner movement. She must be knowledgeable of their unique requirements for transportation, and ensure the agency is reimbursed for its services. All of her duties require the skill and practical knowledge to recognize the breadth of the problems, collect and review necessary documents and determine missing information, establish the factual information, and take action based upon her knowledge of the agency's established guidelines for the program area.

Level of Responsibility

At the GS-7 level, which is the highest level for this factor described in the Guide, the supervisor makes assignments in terms of objectives, priorities, and deadlines. The employee independently completes assignments in accordance with accepted practices, resolving most conflicts that arise. Completed work is evaluated for appropriateness and conformance to policy. Because the employee at this level encounters a wide variety of problems and situations, guidelines used are complex and require choosing alternative responses. Guides such as regulations, policy statements, and precedent cases, tend to be general and descriptive of intent, but do not specifically cover all aspects of the assignments. They apply less to specific actions and more to the operational characteristics and procedural requirements of the program or function. Employees must use significant judgment and interpretation to apply the guides to specific cases and adapt or improvise procedures to accommodate unusual situations. At the GS-7 level, contacts and purpose of contacts are to serve as a central point-of-contact to provide authoritative explanations of requirements, regulations, and procedures and resolve operational problems or disagreements affecting assigned areas.

The appellant's position meets but does not exceed the GS-7 level. Like that level, her supervisor assigns work by defining the objectives, priorities and deadlines. As the only employee responsible for prisoner transport, she independently completes assignments and resolves most conflicts that arise. The supervisor evaluates completed work for appropriateness of conclusions or recommendations, consistency, relevance of supporting material, and compliance with policies and requirements. Guidelines used by the appellant include USMS procedures, policies, and manuals. Like the GS-7 level, these tend to be general in nature focusing on procedural requirements rather than specific actions, so the appellant must exercise judgment in interpreting, adapting, and applying them to specific case issues, problems, or unusual situations. As at the GS-7 level, the appellant functions as

the District's central point-of-contact in providing authoritative and definitive explanations to staff on the requirements, regulations, and operational procedures governing all elements of prisoner transport.

Summary

By application of the grading criteria in the Guide, we find that the nature of the appellant's assignments and her level of responsibility meet, but do not exceed, the GS-7 level. Therefore, the position is graded at that level.

Decision

The appellant's position is properly classified as GS-303-7. Selection of an appropriate title is at the discretion of the agency with inclusion of the parenthetical OA.