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

Washington Oversight Division
1900 E Street, NW., Room 7675
Washington, DC 20415-6000

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

Appellant:	[name]
Agency classification:	Firearms Enforcement Officer GS-301-12
Organization:	[branch] [division] Bureau of Alcohol, Tobacco, and Firearms Department of the Treasury Washington, DC
OPM decision:	GS-1601-11 (Title at agency discretion)
OPM decision number:	C-1601-11-01

/s/

Linda Kazinetz
Classification Appeals Officer

October 12, 2001

Date

As provided in section 511.612 of title 5, Code of Federal Regulations, this decision constitutes a classification 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 the conditions and time limits specified in title 5, Code of Federal Regulations, sections 511.605, 511.613, and 511.614, as cited in the Introduction to the Position Classification Standards, appendix 4, section G (address provided in appendix 4, section H).

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

The personnel office must also determine if the appellant is entitled to grade or pay retention, or both, under 5 U.S.C. 5362 and 5363 and 5 CFR 536. If the appellant is entitled to grade retention, the two-year retention period begins on the date this decision is implemented.

Decision sent to:

[appellant]
[servicing personnel officer]
[Department personnel officer]

Introduction

On May 5, 2000, the Washington Oversight Division of the U.S. Office of Personnel Management (OPM) accepted a position classification appeal from [appellant], who is employed as a Firearms Enforcement Officer, GS-301-12, in the [branch], [division], [directorate], in the Bureau of Alcohol, Tobacco, and Firearms (BATF) in Washington, D.C. [Appellant] requested that his position be classified as Firearms Enforcement Officer, GS-301-13. This appeal was accepted and decided under the provisions of section 5112 of title 5, United States Code.

An on-site position audit was conducted by a Washington Oversight Division representative, including an interview with the assistant branch chief (currently acting branch chief), [name]. This appeal was decided by considering the audit findings and all information of record furnished by the appellant and his agency, including his official position description, number 98-159, most recently classified by the servicing personnel office as Firearms Enforcement Officer, GS-301-12, on June 22, 1998.

General Issues

In support of his request for a higher grade, the appellant compares his position to those of other employees in the branch classified at the GS-13 level. 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, 5112). Since comparison to standards is the exclusive method for classifying positions, we cannot compare the appellant's position to others as a basis for deciding his appeal.

Position Information

The primary purpose of the appellant's position is to identify and classify firearms and ammunition to assist law enforcement personnel in the investigation and prosecution of criminal cases related to the use and possession of illegal firearms. The branch receives requests to identify firearms and related materials from Federal, State, and local law enforcement personnel throughout the U.S. and occasionally from international and foreign police organizations. The actual firearm may be sent to the branch for identification, or the inquiry may take the form of a written or telephonic description. The appellant researches the office's extensive reference library, technical files, and firearms reference collection in order to identify the item. He determines the type of firearm, manufacturer, design and construction characteristics, and any alterations or modifications, and test-fires the weapon to establish its serviceability and mode of operation. He prepares detailed descriptive reports of the firearm and the results of the test-firing, and establishes the firearm's classification under various gun control statutes. He testifies in court as an expert witness in the prosecution of gun control violators, and occasionally accompanies special agents in the execution of search warrants when large firearms seizures are anticipated. He also answers correspondence from individuals inquiring about the legality, classification, or registration of particular firearms.

Series Determination

The appellant's position should not be assigned to the Miscellaneous Administration and Program Series, GS-301, which includes positions the duties of which are which are to perform, supervise, or manage nonprofessional, two-grade interval work for which no other series is appropriate. Work in that series requires analytical ability and knowledge of a substantial body of *administrative or program* principles, concepts, policies, and objectives. The appellant's position is not administrative in nature, i.e., it is not performed as a service function supporting the agency's mission or programs (for instance, budget analysis, personnel management, procurement, office services.) Likewise, it does not involve functions related to the planning, management, or execution of a defined agency program (for example, developing new legislation or regulations, conducting program evaluations.).

The appellant's work requires a high degree of *technical* knowledge related to the characteristics, components, and functions of all types of firearms and ammunition, and understanding of firearm classification as defined in gun control statutes, in order to establish the correct classification of individual firearms based on their construction and operating characteristics. The position is most appropriately assigned to the GS-1600 Equipment, Facilities, and Services Group, which includes positions the duties of which are to advise on, manage, or provide instructions and information concerning the operation, maintenance, and use of equipment or facilities, and which require technical knowledge and ability plus a practical knowledge of trades, crafts, or manual labor operations. Since there is no series in this group that specifically covers the type of work performed by the appellant, his position is assigned to the GS-1601 General Facilities and Equipment Series, which covers positions properly classified to this group for which no other series has been established.

Title Determination

Since there are no titles prescribed for the GS-1601 series, the position may be titled at the agency's discretion.

Grade Determination

The agency used the Administrative Analysis Grade Evaluation Guide to evaluate the appellant's position. This is not an appropriate source of evaluative criteria for the position. The Administrative Analysis Guide is designed to evaluate staff analytical, planning, and evaluative work concerned with the administrative and operational aspects of agency programs and management. Positions covered by this guide require knowledge of the agency's overall mission, functions, and organization; management principles and processes and the organization of work within the agency; agency program operations and objectives; and quantitative and qualitative analytical techniques. These positions serve as staff advisors to line management to support the agency's administrative management or its program planning, development, and execution. The work relates exclusively to the conduct of *projects and studies* to recommend ways to improve work operations or administrative and management systems. There are no commonalities between this work and the duties performed by the appellant, either in terms of the knowledge requirements, the nature of the work, or the work products. Therefore, any grade

level conclusion derived through application of this guide to the appellant's position would not be valid.

There are no published grade-level criteria for the GS-1601 series.[1] Therefore, the position was evaluated by application of the criteria contained in the standard for the Equipment Specialist Series, GS-1670, and the Fingerprint Identification Series, GS-072 (Part II).

Evaluation using the GS-1670 standard

This series covers positions that involve performing work that requires primarily an intensive, practical knowledge of equipment and its characteristics, properties, and uses in order to (1) collect, analyze, interpret, and provide specialized information about equipment together with related advice to those who design, test, produce, procure, supply, operate, repair, or dispose of equipment; (2) identify and recommend practical solutions to engineering design and manufacturing defects and recommend use of substitute testing or support equipment when the equipment requested is unavailable; or (3) develop, install, inspect, or revise equipment maintenance programs and techniques. Although the appellant's work is performed within a different program context than that covered by this series, the knowledge requirements and general objectives of the work are analogous to (1) above in that the position requires intensive practical knowledge of the design, characteristics, and operation of firearms and related equipment in order to provide specialized technical information to law enforcement personnel and members of the general public.

This standard is written in the Factor Evaluation System (FES) format, under which factor levels and accompanying point values are to be assigned for each of the following nine factors, with the total then being converted to a grade level by use of the grade conversion table provided in the standard. The factor point values mark the lower end of the ranges for the indicated factor levels. For a position to warrant a given point value, it must be fully equivalent to the overall intent of the selected factor level description. If the position fails in any significant aspect to meet a particular factor level description, the point value for the next lower factor level must be assigned, unless the deficiency is balanced by an equally important aspect that meets a higher level.

Factor 1, Knowledge Required by the Position

This factor measures the nature and extent of information an employee must understand in order to do the work, and the skills needed to apply that knowledge.

At Level 1-6, work requires knowledge of specified equipment and established methods, procedures, and techniques to perform independently projects where the objectives are specific and well defined, and problems can be solved by varying slightly from established methods, procedures, and precedents. Examples of assignments at this level include:

[1] There are grade-level criteria for the GS-1601 series, but it is limited to production and maintenance shop manager positions and, therefore, does not apply to this position.

- Writing and revising technical manuals for agencywide use, and providing technical advice concerning parts, materials, and manufacturing, repair, and maintenance processes and procedures. Written products provide step-by-step instructions on how to maintain and repair subsystems and components. This work involves researching documents, interpreting drawings, contacting manufacturers to learn the processes, materials, and parts they are using, and advising on the causes and solutions to problems.

- Developing technical procurement packages including quality assurance, test, and inspection requirements. This work involves reviewing technical data, drawings, and specifications to determine and establish sources of manufacture, analyzing and evaluating minor deviations in technical requirements, developing technical changes to procurement specifications, evaluating engineering change proposals, and determining alternate supply methods.

The knowledge required by the appellant's position is comparable to Level 1-6. The position requires knowledge of firearms and ammunition and skill in the established processes and methodology used in the branch. The objectives of the work are specific and well-defined, i.e., to identify and classify firearms. The work is performed and usually completed by researching the branch's reference sources and specimen collection for comparison purposes, although occasionally the appellant may have to contact other sources, such as manufacturers or other law enforcement organizations, that may have encountered the particular firearm. His work is analogous to the two examples cited above for this level, which involve writing technical equipment manuals and equipment procurement packages. Although the purpose and products of the work are different, the actual processes performed are quite similar, i.e., examining the equipment (in this case, firearms), comparing it to similar items, and writing detailed technical descriptions.

The position does not meet Level 1-7. At that level, work requires knowledge of a wide range of concepts, principles, and practices in the occupation, or those concepts and principles characterized as requiring extended specialized training and experience, and skill in applying this knowledge to difficult and complex assignments such as planning and conducting work that requires significant judgment in *evaluating, selecting, and adapting precedents and modifying procedures and criteria*. Examples of assignments at this level include:

- Managing complex subsystems, such as automatic test equipment used to test missile or aircraft weapons systems, including its software and related support equipment, for a worldwide military organization. This work involves developing the maintenance concept, including forecasting usage rates and establishing initial repair and replacement factors; determining the technical data required; recommending or evaluating required operational capabilities; interpreting and explaining operation and maintenance requirements and procedures; recommending practical design modifications; and monitoring and coordinating resolution of all maintenance and engineering problems within the assigned area.

- Providing technical equipment advice, recommendations, and decisions for a nationwide agency with extensive locations or a worldwide organization on all varieties of electronic maintenance and repair parts, assemblies, components, and subsystems. This work involves reviewing proposed purchases to assure they meet current configuration requirements; deciding upon, imposing, and revising inspection requirements based on such considerations as the degree

of manufacturing difficulty, manufacturer′s reliability, degree of urgency, and the item′s criticality and safety requirements; and examining and evaluating the material and functional characteristics of completed items and assigning fail rates to components and subsystems as part of initial baseline procurement data.

Although the appellant′s work requires extensive experience with firearms in some capacity, it is not of the same degree of difficulty and complexity as described at this level. The assignments are basically repetitive and the objectives and form of the work products do not vary significantly from case to case. The work consists of two main functions, examining firearms and answering correspondence. It does not require any appreciable planning or making significant adaptations to the way in which the assignments are normally carried out. Unlike the Level 1-7 examples cited above, the work does not extend beyond description and identification of items to more complex functions directly related to their design or maintenance, and it does not involve modifying or establishing criteria (e.g., relating to firearm classification.)

Level 1-6 is credited. 950 points

Factor 2, Supervisory Controls

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

The level of responsibility under which the appellant works is comparable to Level 2-4 (the highest level described under this factor.) At that level, the supervisor assigns continuing areas of responsibility and sets overall objectives and resources available. The employee and the supervisor jointly develop the deadlines, projects, and work to be done. The employee plans and carries out the work, resolves most of the conflicts that arise, coordinates the work with others, and interprets policy on his own initiative in terms of established objectives. The employee keeps the supervisor informed of progress and potential controversies. The supervisor reviews completed work only from an overall standpoint in terms of feasibility, compatibility with other work, or effectiveness in meeting requirements.

The appellant is assigned cases or correspondence and proceeds independently in researching the item and preparing a report or reply. The supervisor reviews completed work for responsiveness rather than for detailed technical accuracy.

Level 2-4 is credited. 450 points

Factor 3, Guidelines

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

At Level 3-3, guidelines consist of a variety of standard, detailed guidelines and references, such as agency instructions, policies and regulations, technical publications, and manufacturers′ catalogs and handbooks. These are not completely applicable to the work or have gaps in

specificity. The employee uses judgment to interpret and adapt the guides for application to specific problems, to analyze results, and to recommend changes.

The guidelines used by the appellant match Level 3-3. The branch has an extensive firearms reference library, technical files, and specimen collection that are used to identify firearms and ammunition. However, since many of the firearms sent to the branch for identification have been altered or modified, or may be of obscure origin and manufacture, these various reference sources may not yield an exact match. The appellant also must know and apply those provisions of various gun control laws that pertain to firearm classification.

The position does not meet Level 3-4. At that level, the employee uses a wide range of technical material similar to Level 3-3, but also other guidelines such as agency regulations and policy statements whose contents are frequently quite broad and general in nature. These provide only general guidance as to the most productive approach or methods to solve the most highly complex or unusual problems in the work. The employee must deviate from or extend traditional methods or to research trends in order to *develop new criteria or new policy approaches.*

The appellant's work does not require him to interpret agency policy or regulations in the sense intended at this level. He must know the statute-based definitions for the various controlled firearm classifications, but he has no involvement in developing new criteria, such as regulations or guidelines, or new policy approaches for the work performed by the branch. He adheres to previous interpretations or rulings made by the branch in regard to particular types of firearms, and is not given assignments that would require making precedent-setting determinations.

Level 3-3 is credited. 275 points

Factor 4, Complexity

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

At Level 4-3, assignments consist of various tasks or duties involving different and unrelated processes or methods. An example of work at this level is an assignment including such tasks as researching documents or examining items to identify, describe, and issue them when the information on requisitions is missing or incomplete, or identifying and describing items for reference purposes.

The complexity of the appellant's work is analogous to Level 4-3 in its description of examining, identifying, and describing items in the absence of any actual identifying information.

The position does not meet Level 4-4. At that level, assignments require application of *many different and unrelated processes and methods*, such as those relating to well established aspects of broad equipment stages, for example, preproduction and production, or usage and disposal. Examples of the degree of assignment complexity typically found at this level are as follows:

- Working with several different contractors who are supplying the major components of a new or extensively modified weapons system; chairing various provisioning conferences to determine the quality and quantity of repair parts and tools required to support the components; establishing delivery dates and priorities within the framework of overall weapons system logistical deadlines; and assuring that contractors provide equipment that conforms to specification requirements established for the weapons system.

- Providing technical support during the usage stage for assigned categories of equipment by investigating deficiency reports and taking broad corrective action; developing plans required to design, produce, and issue one new standardized component to correct most or all of the individual equipment deficiencies; recommending the new design, evaluating the specifications, mockups, and prototypes, and providing the contractor, procurement, and supply specialists with technical descriptive and performance data; developing maintenance policies and procedures; and recommending disposal of the items replaced.

The appellant's work does not share any functional similarities with the assignments described above, but they clearly involve much more varied duties than are performed by the appellant. The appellant's work is basically limited to examining firearms to identify them and establish their classification under various gun control statutes. Beyond being able to identify the firearm and describe its mode of operation, the appellant does not need to know how to maintain it or improve its design. He does not have the type of broad responsibility that would engender a range of varied and unrelated duties as expected at this level.

Level 4-3 is credited. 150 points

Factor 5, Scope and Effect

This factor covers the relationship between the nature of the work, and the effect of the work products or services both within and outside the organization.

At Level 5-3, the purpose of the work is to treat a variety of conventional problems, questions, or situations in conformance with established criteria. The work product or service affects the design or operation of systems, programs, or equipment, the adequacy of testing operations, or the physical well-being of persons. In some work situations, the service affects the capability of employees to perform their mission.

The scope and effect of the appellant's work are consistent with Level 5-3 in that its purpose is to process what would be characterized as standard firearm identification cases, and its effect is to provide information needed by law enforcement personnel to establish criminal action.

The position does not meet Level 5-4. At that level, the purpose of the work is to establish criteria, formulate projects, assess program effectiveness, or investigate or analyze a variety of unusual conditions or problems. For example, the employee speaks for the agency on technical panels and committees that develop plans and procedures for the introduction of a new weapons system into the agency's logistical support program, or makes design and provisioning decisions that materially affect the readiness or capability of a total aircraft, weapon, or vehicle system that

is distributed worldwide. The work product or service affects the work of other experts in this or related occupations, or the development or accomplishment of major aspects of a weapon systems program or agency mission.

The appellant's work does not include the types of broad functions described at this level. As such, it does not have a comparable degree of effect on either the internal workings of the program (e.g., establishing program criteria, formulating projects, or evaluating program effectiveness) or on the agency mission as a whole.

Level 5-3 is credited. 150 points

Factor 6, Personal Contacts
and
Factor 7, Purpose of Contacts

This factor includes face-to-face and telephone contacts with persons not in the supervisory chain. The relationship between Factors 6 and 7 presumes that the same contacts will be evaluated under both factors.

Under *Persons Contacted*, the position matches Level 3 (the highest level described under this factor), where contacts are with individuals or groups from outside the employing agency.

Under Purpose of Contacts, the position matches Level c, where contacts are for the purposes of persuading individuals or groups with different opinions or interests, e.g., to accept findings.

Level 3c is credited. 180 points

Factor 8, Physical Demands

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

The position matches Level 8-1, which covers work that is primarily sedentary.

Level 8-1 is credited. 5 points

Factor 9, Work Environment

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 position matches Level 9-2, where the work involves exposure to moderate risks and discomforts and requires special safety precautions. This credits the appellant's responsibility for test-firing firearms.

Level 9-2 is credited. 20 points

Summary

Factors	Level	Points
Knowledge Required	1-6	950
Supervisory Controls	2-4	450
Guidelines	3-3	275
Complexity	4-3	150
Scope and Effect	5-3	150
Personal Contacts/ Purpose of Contacts	3c	180
Physical Demands	8-1	5
Work Environment	9-2	20
Total		2180

The total of 2180 points falls within the GS-10 range (2105-2350) on the FES grade conversion table.
The GS-1670 series covers two-grade interval work. As such, the intermediate grade of GS-10, although permissible, is unusual. Therefore, the appellant's position was also evaluated by cross-referencing the GS-072 standard.

Evaluation using the GS-072 standard

The GS-072 series covers positions that involve examining, developing, and classifying fingerprints usually associated with crimes and testifying in court to explain findings. The work *processes* are thus analogous to those performed by the appellant in that he examines and identifies/classifies firearms and testifies in court on his findings.

The GS-072 standard is written in a narrative format with grade-level criteria expressed in terms of two factors, *Assignment Characteristics* and *Level of Responsibility.*

Assignment Characteristics

At the GS-11 level, employees are assigned complicated and difficult cases, both civil and criminal. They are also required to give expert testimony in complicated court cases, typically involving major crimes (murder, sexual offenses, major robberies, etc.), a high degree of public interest (substantial media coverage), and the expectation of severe and searching cross-examination. Typically, the employee's testimony is a major part of the evidence. These factors combine to create a situation which places great importance on the expertise, credibility, and testimony of the employee.

The appellant's assignments match the GS-11 level. The appellant examines firearms in connection with the investigation of criminal gun control violations, often confiscated in conjunction with drug offenses. These cases may involve large firearm seizures and often generate significant local media attention. The work is difficult and complicated in that many of the firearms have been modified or altered, the manufacturers' markings have been removed, or

the firearm may be new, obscure, or of foreign origin and may not appear in any of the office′s reference sources. His testimony is usually central to the charges being prosecuted and is often challenged, particularly if the firearm was altered and its exact classification or place of manufacture are critical to establishment of the prosecution′s case.

At the GS-12 level, cases typically are those which require the services of recognized experts who possess outstanding knowledge, skills, and abilities. These employees resolve the most complex, delicate, and sensitive cases. When these cases require court testimony, the prosecutors expect severe challenges to the employee′s testimony or to the identification system. Court testimony may reach this level of difficulty when the case involves, in combination, such elements as a crime of the most serious type (espionage, assassinations, offenses involving public figures, kidnappings, especially heinous murders, especially notorious robberies, etc.), widespread (typically national) public interest and media coverage, and the expectation of severe challenges to the employee′s testimony or to the identification system because of the importance of the case, because the testimony is crucial to it, and because the testimony involves identification based on fragmentary or imperfect impressions. Such situations call for the highest level of expertise to establish and maintain credibility as a witness.

Because of their recognized expertise in their field, GS-12 employees also perform a great variety of project-type assignments, such as planning, conducting, and directing research studies in fingerprint identification or experiments in new techniques, materials, methods, and equipment; advising and consulting on the establishment of fingerprint facilities by State and local law enforcement agencies; or serving as coordinator of a team of specialists dispatched to a large crime scene.

Assignments at the GS-12 level frequently require contacts with officials such as police chiefs, State attorneys-general and others who are directly trying to obtain the facts about the case on which the specialist is working. These contacts are often highly controversial and deal with situations that are highly charged because of conflicting viewpoints.

The appellant′s assignments are not analogous to the GS-12 level work described above. Although the appellant is considered an expert in firearms identification, he is not assigned the most complex or sensitive cases presented to the branch. He is specifically assigned standard, BATF-based cases involving primarily technical problems in identifying the type of firearm and its manufacturing source, rather than complex, precedent-setting regulatory questions regarding importability or licensing. He has not been assigned any project-type work, such as evaluating proposed legislation or providing definitive interpretations of existing law or regulation. Although he routinely deals with law enforcement personnel, prosecutors, and U.S. Attorneys on his assigned cases, these do not include the more controversial or high-profile issues and cases, such as those involving the importability of a particular type of firearm where no precedent rulings have been made by the branch.

Level of Responsibility

At the GS-11 level, employees independently plan and carry out assignments. Without specific guidance or instruction, the GS-11 employee is expected to devise appropriate combinations of techniques to fit each assignment. The supervisor spot checks critical portions of the work and gives advise on the more difficult cases and on preparing testimony in sensitive cases where the testimony will be of critical importance to a trial.

The appellant's level of responsibility meets the GS-11 level. The appellant carries out his assignments without any preliminary supervisory instructions, researching or contacting the appropriate reference sources as needed to identify the firearm. However, the branch chief technically reviews and signs all reports and correspondence leaving the office. Any court testimony given by the appellant relates to the technical content of his reports, which have already been reviewed and cleared.

At the GS-12 level, employees receive minimum technical supervision and assistance. Their work is evaluated in terms of overall results. The GS-12 employee typically represents the final authority on technical problems.

The appellant carries out his work independently, but all written products are reviewed and modified as appropriate. He is not the "final authority" on technical problems, i.e., he is assigned cases where decisions about a particular firearm's classification have already been made.

Summary

Since the appellant's position is evaluated at GS-11 under both classification factors, then GS-11 represents the grade evaluation using this standard.

Decision

The appellant's position was evaluated at the GS-10 level using the GS-1670 standard and at the GS-11 level using the GS-072 standard. Although the GS-1670 standard more closely reflects the knowledge requirements of the position, the GS-072 standard provides a closer match in terms of the work context and thus allows for crediting of certain elements, such as giving testimony in court cases, that are not included in the GS-1670 standard. Therefore, the GS-072 standard is considered to more accurately represent the difficulty and responsibility inherent in the work performed by the appellant.

The appealed position is properly classified as GS-1601-11, with the title at agency discretion.