

120 Howard Street, Room 760
San Francisco, CA 94105



**Classification Appeal Decision
Under Section 5112 of Title 5, U.S. Code**

Appellant:	[appellant's name]
Position:	Intelligence Research Specialist GS-132-12
Organization:	U.S. Department of the Treasury U.S. Customs Service [city and state]
Decision:	GS-1801-12; title at agency discretion
OPM Decision Number:	C-1801-12-03

Signed by Denis J. Whitebook
DENIS J. WHITEBOOK
CLASSIFICATION APPEALS OFFICER

March 14, 1997
DATE

As provided in section 511.612 of title 5, Code of Federal Regulations, this decision 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).

Since this decision changes the classification of the appealed position, it is to be effective no later than the beginning of the fourth pay period after the date of this decision (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.

Decision sent to:

[appellant's name and address]

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Introduction

On August 22, 1996, the San Francisco Oversight Division of the U.S. Office of Personnel Management (OPM) received a classification appeal from [the appellant]. Her position is currently classified as Intelligence Research Specialist GS-132-12. However, she believes its classification should be GS-13. She works in the [an activity in Customs Service, Department of the Treasury]. This appeal is accepted and decided under 5 U.S. Code 5112.

General issues

The appellant compares her position to several GS-132-13 positions within the agency. By law, we must classify positions solely by comparing their current duties and responsibilities to OPM standards and guidelines (5 U.S. Code 5106, 5107, and 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 her appeal.

Like OPM, the appellant's agency must classify positions based on comparison to OPM standards and guidelines. However, the agency also has primary responsibility for ensuring that its positions are classified consistently with OPM appeal decisions. Therefore, we have asked the agency to give our headquarters office an intra-agency classification consistency report. In making its report, the agency will review positions that are identical, similar, or related to the appellant's to ensure that they are classified consistently with this appeal decision. The Introduction to the Position Classification Standards, appendix 4, section I provides more information about such reports. We have asked the agency to inform the appellant of the results of its consistency review.

The appellant makes various statements about her agency and its evaluation of her position. In adjudicating this appeal, our only concern is to make our own independent decision on the proper classification of her position. By law, we must make that decision solely by comparing her current duties and responsibilities to OPM standards and guidelines (5 U.S. Code 5106, 5107, and 5112). Therefore, we have considered the appellant's statements only insofar as they are relevant to making that comparison.

The appellant has provided copies of several performance appraisals and letters of commendation. However, quality of work cannot be considered in determining the grade of a position (*The Classifier's Handbook*, page 47).

In reaching our decision, we have carefully considered all of the relevant information furnished by the appellant and her agency.

Position information

The appellant is responsible for the [activity's] program directed at Russian organized crime, terrorist groups, and child pornography trafficking rings. She develops and manages an intelligence collection program, monitors international and local developments of consequence, performs in-depth research and analysis, prepares and delivers periodic intelligence briefings to the SAC and multi-agency

intelligence teams, and works with other Federal, State, and local law enforcement agencies. The appellant advises and consults with investigators on these criminal issues and periodically produces written threat assessments. She is tasked with continuous detection and targeting of suspect persons and activities.

The appellant takes charge of analytical case support on complex investigations. She also responds to routine field requests for exhaustive research in Lexis/Nexis, Dun & Bradstreet, Treasury Enforcement and Communication Systems (TECS) II, U.S. Customs Automated Communication System (ACS) which contains importer/broker information, Internet, and classified data bases.

The standard position description (#7537) and other information furnished by the appellant and her agency provide additional details about the duties and responsibilities of the position and how they are carried out.

Series and title

The appellant's position is currently classified to the Intelligence Series GS-132. Although the agency has not changed the series, it has written in two evaluation statements dated June 1, 1995 and November 7, 1996 that the position is properly classified to the General Inspection, Investigation, and Compliance Series GS-1801. In a November 18, 1996 memorandum, the appellant indicated that she does not agree. The appellant maintains a broad knowledge of the interplay between geographical, political, military, economic, and industrial forces in various regions of the world as they relate to her areas of specialization, i.e., Russian organized crime, domestic and international terrorism, and child pornography.

The GS-132 series includes positions concerned with performing work in the collection, analysis, evaluation, interpretation, and dissemination of information on political, economic, social, cultural, physical, geographic, scientific, or military conditions, trends, and forces in foreign and domestic areas which directly or indirectly affect the national security. The GS-132 positions require a basic knowledge and understanding of one or more of the natural or social sciences, engineering, or military science, but do not demand, as a primary qualification requirement, full knowledge of the current state of the art. The appellant's position does not require a knowledge or understanding of the natural, social, engineering, or military sciences in order to carry out these duties. The appellant's position does not meet the definition for the Intelligence Series GS-132 on page 1 of the standard for the Intelligence Series GS-132.

The appellant's duties and responsibilities do not precisely match any series. For instance, the appellant performs work in support of criminal investigations, but she does not plan and conduct such investigations as would be required to be placed in the Criminal Investigating Series GS-1811. Her work does not match the Customs Patrol Officer Series GS-1884 either. The GS-1884 series covers positions that carry out law enforcement duties such as detecting and preventing the smuggling into or out of the United States of contraband and controlled substances. Since the position performs intelligence analysis work in support of civil and criminal investigations, we believe it is best matched

to the general series for two-grade interval work in the Investigations Group GS-1800. The General Inspection, Investigation, and Compliance Series GS-1801 covers positions that 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.

OPM has prescribed no titles for positions in that series. Therefore, according to page 18 of the *Introduction to the Position Classification Standards*, the appellant's agency may choose the official title for her position. In doing so, the agency should follow the titling guidance on that page.

Standard

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.

Although the agency found that the appellant's work was not covered by the GS-132 series, they found it was similar to work described in the GS-132 standard and graded the position using the GS-132 grade level descriptions. In her August 14, 1996, appeal letter, the appellant pointed out that the GS-132 standard was set up for the Central Intelligence Agency (CIA) and that U.S. Customs intelligence personnel do not function in the same capacity as CIA intelligence personnel. Page 2 of the GS-132 standard explains that the GS-132 grade level criteria are not to be used for cross-series comparisons due to the specialized nature of the intelligence functions described. OPM's Office of Classification, which is responsible for the standards, confirmed that the GS-132 standard could not be used for cross-series comparison.

Of the standards available, we believe that the standard for the Customs Patrol Officer Series GS-1884 is most appropriate for cross-series comparison. The GS-1884 standard covers two-grade level work like the appellant's and the grade level criteria describe intelligence analysis work requiring a knowledge of Customs and related laws and the ability to correlate, refine, evaluate, analyze, and use intelligence information collected from a wide variety of sources. The GS-1884 standard is written in the Factor Evaluation System (FES), which is the basic job evaluation approach most often used to assign grades to nonsupervisory positions under the General Schedule. Each standard written in the FES format is based on the Primary Standard. The Primary Standard describes the basic levels of the nine factors used in the FES format. The factor levels in the FES standards relate to the same factor level concepts of the Primary Standard. Since the factor levels in FES classification standards relate to the same factor level concepts of the Primary Standard, grade alignment among occupations

and across organizational lines is assured. Although there are differences in the specific work performed by the appellant and described in the GS-1884 standard, the appellant's work can be properly classified by focusing on the underlying basic factor level concepts rather than specific GS-1884 work examples.

Grade evaluation

The GS-1884 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.

In applying an FES standard, the position may be classified by comparison to a factor level description or to a benchmark describing a typical position. The Primary Standard may be used to point rate an individual factor when the position fails to meet the lowest, or exceeds the highest, factor level description in the FES standard being applied (page 21, *Introduction to the Position Classification Standards*). 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.

At Level 1-7, the position requires: extensive knowledge of specialized intelligence to serve as Intelligence Coordinator in charge of the intelligence collection, analysis, and dissemination program for a wide geographic area; extensive knowledge of Customs laws and related laws, statutes, precedents, various types of contraband and smuggling activities, etc., and of the relationships between these laws and statutes and those of other agencies with which the agency cooperates; skill in consolidating, evaluating, correlating, and analyzing a wide variety of seemingly unrelated facts, events, and occurrences and developing therefrom forecasts of trends and patterns in actual and potential contraband activities, information, apprehension, and prosecution of persons and groups of persons suspected of violating or conspiring to violate Customs and related laws; skill in coordinating intelligence gathering operations for a geographic area and developing cases on specific interdiction targets and planning agency participation in strike operations; and skill in developing continuing sources of information.

Level 1-8 is not described in the GS-1884 standard. The Primary Standard describes Level 1-8 as requiring a mastery of a professional or administrative field to: apply experimental theories and new developments to problems not susceptible to treatment by accepted methods; make decisions or recommendations significantly changing, interpreting, or developing important public policies or programs; or equivalent knowledge and skill.

Following are descriptions of the type of intelligence analysis work performed by the appellant.

- The appellant is the Russian Organized Crime (ROC) expert for the California, Oregon, Washington, and Alaska area, but primarily California. She has prepared an assessment of the ROC problem in the Central District of California for the Assistant U.S. Attorney's Organized Crime Strike Force, Central District of California. Her assessments identify each group; describe their criminal activities including drug trafficking, labor racketeering, infiltration, bribery, obstruction of justice, and money laundering; and assess the group's organization and activities, comparative seriousness of the organized crime groups; current allocation of law enforcement resources, and special obstacles. She attends the monthly team meetings of the Soviet Organized Crime Intelligence Team which includes the Federal Bureau of Investigation, Internal Revenue Service, U.S. Department of State, Drug Enforcement Administration, Immigration and Naturalization Service, Defense Intelligence Agency, Naval Criminal Investigative Service, and State and local law enforcement agencies. Ongoing contacts with the team members are maintained to exchange intelligence and investigative information. She is developing a pictorial guide to Russian gang tattoos. As project coordinator for threat assessment on ROC issues, the appellant established the outline format, and initiated memorandums sent nationwide which directed others regarding what areas of responsibilities to take. She later took all input and combined it into a national threat analysis on ROC.
- In Operation Sickle, a ROC investigation involving stolen goods, narcotics trafficking, and money laundering, the appellant set up a data base to sort information and determine associations.
- The appellant is responsible for intelligence/investigative issues dealing with child pornography (on the Internet) as they pertain to agency investigations.
- The appellant is responsible for intelligence/investigative issues dealing with terrorism. Los Angeles and the surrounding counties have the third largest number of militia groups in the United States. She has done extensive terrorism work for the State of California, working with the State Intelligence Analysis group.
- She is responsible for intelligence/investigative issues dealing with the proliferation of weapons of mass destruction, chemical biological warfare, nuclear weapons/materials, and the proliferation of advanced conventional weapons. She prepared a threat assessment of the importation and exportation of nuclear and radioactive materials and computer technology and the involvement of terrorist factions for the Resident Agent in Charge, San Francisco.
- The appellant identified and analyzed financial information in support of Operation Miranda, an investigation of the money laundering and narcotics trafficking activities of numerous toy/appliance export and import businesses located in the Los Angeles area, the Mexican businessmen facilitating these activities, and their connections to the Cali Cartel. The

intelligence information developed targeted businesses through the identification and analysis of financial information.

- The appellant has performed intelligence analysis work in support of Operation Omega. She developed the financial intelligence data base and the intelligence information forms used in the investigation of money laundering in Operation Omega. The appellant indicated that the data base and forms were adopted as the National Financial Data Base.
- Annually, she prepares the Southern Land Border Threat Assessment at the regional level to alert senior policy makers and planners to events related to narcotics that are likely to occur and the probable impact of such events on the agency at the national and international levels. The assessment provides an indepth view of the current narcotic situation along the specific border and the associated ports of entry and a projected view of narcotic trafficking for the next year.
- On a quarterly basis, she prepares the Cocaine Movement Assessment which analyzes the past and present trends of cocaine movement with respect to geographic zones, routing patterns, air, land, and sea movement, as well as commercial and noncommercial modes of transportation.

The knowledge required to carry out the above duties and responsibilities meet Level 1-7. For instance, her expertise in specialized areas such as ROC, child pornography, etc. and the ability to develop and manage an intelligence collection program for these areas is comparable to Level 1-7 where the employee has an extensive knowledge of specialized intelligence to serve as an intelligence coordinator in charge of the collection, analysis, and dissemination program. Also comparable to Level 1-7, the appellant exercises skill in consolidating, evaluating, correlating, and analyzing a wide variety of seemingly unrelated facts, events, and occurrences and developing forecasts of trends and patterns in actual and potential contraband activities, e.g., case support and threat assessments.

The appellant has been responsible for complex work such as developing data bases and collecting and analyzing information from various sources. There is no indication, however, that in order to do such work, she was required to apply experimental theories and new developments to problems not susceptible to treatment by accepted methods as described at Level 1-8. The appellant indicates that her assessment reports are used by management in developing policy and strategic planning. However, in our judgment, an assessment report (one of many sources of information considered by top level management in planning and policy development) is not equivalent to actually *making* decisions or recommendations *significantly* changing, interpreting, or developing important public policies or programs as described at Level 1-8. We can find no basis for evaluating the knowledge required by the appellant's position at Level 1-8.

The first factor 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, the supervisor sets the overall objectives and the resources available for intelligence operations for a large geographic area. The officers have continuing responsibility in this area of work. The officers carry out their work independently, establishing priorities, setting deadlines, determining the scope and intensity of their efforts based on the needs and objectives of the agency. At this level, the officers typically have developed considerable expertise in all phases of agency patrol operations and their decisions and recommendations typically are accepted as authoritative.

Level 2-5, the highest level for this factor in the FES system, is not described in the GS-1884 standard. However, the Primary Standard provides that at Level 2-5, the supervisor provides only administrative direction in terms of broadly defined missions or functions; the employee has responsibility for independently planning, designing, and carrying out the work; and results are considered technically authoritative. If the work is reviewed, the review concerns such matters as fulfillment of program objectives, effect of advice and influence on the overall program, or the contribution to the advancement of technology. Recommendations for new projects and alteration of objectives usually are evaluated for such considerations as availability of funds and other resources, broad program goals, or national priorities.

The appellant's supervisory controls are comparable to Level 2-4. The record reflects that the supervisor sets the overall objectives and resources available. The appellant has continuing responsibility for the collection and analysis of broad subject areas such as Russian organized crime, terrorism, child pornography, etc. She also serves as project lead for case support analysis work, e.g., as Project Omega lead, she was responsible for developing case analysis summaries of past cases and developing a financial data base and intelligence forms in support of Operation Omega. The appellant plans and carries out her assignments independently, determining the approach to be taken and methodology to be used. The record reflects that her work is accepted as technically sound.

The record does not support awarding Level 2-5. For instance, the appellant's assignments are not given in terms of broadly defined missions or functions as envisioned at Level 2-5. Her assignments are more specific, e.g., develop intelligence on Russian organized crime, develop case analysis summaries, etc. Her work does not reach the scope of work envisioned at Level 2-5 where recommendations for new projects and alteration of objectives usually are evaluated for such considerations as national priorities. Level 2-5 is not met.

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

Factor 3, Guidelines -- Level 3-4 -- 450 points

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

At Level 3-3 in the GS-1884 standard, employees use a variety of basic and general information contained in the various laws, regulations, and interpretations that pertain to their work. Additional guidance is contained in handbooks, procedural manuals, various instructions and orders, precedent court decisions and rulings, rules of evidence, and court procedures. Officers exercise considerable ingenuity in making judgments, applying various techniques and procedures, and using discretion in the application of available guidelines to the wide variety of individual cases and situations encountered. While guidelines are always available, officers frequently must apply standard practices and techniques to new situations, relate new situations to old precedents, and adapt and modify guidelines whenever it becomes necessary, e.g., application of instructions and procedures in land, sea, and air operations, in intelligence gathering where new information requires seeking and developing new or corroborative sources or in resolving apparently unreconcilable data in the search for common patterns.

The underlying concept for Level 3-3 is described in the Primary Standard as follows: Guidelines are available but are not completely applicable to the work or have gaps in specificity. The employee uses judgment in interpreting and adapting guidelines, such as agency policies, regulations, precedents, and work directions, for application to specific cases or problems. The employee analyzes results and recommends changes.

The GS-1884 standard does not describe Level 3-4. At Level 3-4 in the Primary Standard, administrative policies and precedents are applicable but are stated in general terms. Guidelines for performing the work are scarce or of limited use. The employee uses initiative and resourcefulness in deviating from traditional methods or researching trends and patterns to develop new methods, criteria, or proposed new policies.

At Level 3-5 in the Primary Standard, which is the highest level described for this factor in the FES system, guidelines are broadly stated and nonspecific, e.g., broad policy statements and basic legislation that require extensive interpretation. The employee must use judgment and ingenuity in interpreting the intent of the guides that do exist and in developing application to specific areas of work. Frequently, the employee is recognized as a technical authority in the development and interpretation of guidelines.

The appellant's position description states, "Guidelines consist of Treasury and U.S. Customs directives, issuances, regulations, laws, policy statements and other intelligence related guidelines. These are of limited use and thereby requires the incumbent to use initiative and resourcefulness in deviating from traditional research methods or trends and to develop new methods, criteria, and/or propose new policy."

The appellant's position exceeds Level 3-3 where there is considerable guidance in the form of laws, regulations, handbooks, procedure manuals, etc., that have gaps in specificity requiring the employee to interpret and adapt the guidelines to specific cases and problems.

The appellant performs work comparable to Level 3-4. The appellant's guidelines are generally applicable; however, the work involves complex and intricate problems for which established approaches, such as those outlined in handbooks, are of limited use. The appellant must overcome obstacles in establishing facts and interpreting evidence. For instance, records may have been hidden or falsified, witnesses are uncooperative or have been intimidated, various facts are in conflict, and pertinent facts must be identified from among especially voluminous data. Interpretation of evidence is difficult because individual facts are inconclusive and must be linked with other information to establish patterns or practices. The appellant must use initiative and resourcefulness in deviating from established methods to interpret questionable, conflicting, and voluminous data to support criminal investigations resulting in convictions. In addition to extremely complex interpretations in investigations, the appellant develops and manages intelligence collection programs and prepares threat assessments for each of her assigned areas: Russian organized crime, the importation and exportation of computer technology and nuclear and radioactive materials, and domestic and international terrorism.

The appellant's guidelines do not meet Level 3-5 where the employee must use judgment and ingenuity to develop guidelines for specific work areas from broad policy statements and basic legislation.

This factor is evaluated at Level 3-4 and 450 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.

Employees at Level 4-4 typically are responsible for planning, organizing, and directing the intelligence program for a geographic area. The assignments require the use of incomplete and inconclusive data, variations in approaches, and the resolution of unacceptable, inconsistent, or unforeseen results. Employees are confronted by large numbers of seemingly patternless and unrelated items, events, and occurrences that must be pieced together. Assignments typically require employees to make unreviewed decisions and draw conclusions or inferences about criminal activities, fraud, potential or actual organized conspiracies to violate Customs or other laws, and other similar matters after evaluating and interpreting intelligence received from a number and variety of sources. Such information typically is difficult to categorize and must be assessed on an individual or situational basis.

The next higher level is not included in the GS-1884 standard. Level 4-5, which is described in the Primary Standard, describes work which includes varied duties requiring many different and unrelated processes and methods that are applied to a broad range of activities or substantial depth of analysis, typically for an administrative or professional field. Decisions regarding what needs to be done include major areas of uncertainty in approach, methodology, or interpretation and evaluation processes that result from such elements as continuing changes in program, technological developments, unknown phenomena, or conflicting requirements. The work requires originating new techniques, establishing criteria, or developing new information.

The complexity found in the appellant's work is comparable to Level 4-4. She is responsible for collecting, analyzing, and disseminating intelligence concerning ROC, child pornography, and terrorist activities as well as providing case analysis. The information is collected from a number of Federal, State, and local law enforcement agencies, a variety of data bases inside and outside of the agency, seized documents, etc. In preparing intelligence products, the appellant must apply the intelligence cycle, recognize gaps, profiles, trends, and relevant information.

The appellant's work is not as complex as described at Level 4-5 as it does not involve making decisions regarding what needs to be done involving major areas of uncertainty in approach, methodology, or interpretation and evaluation *processes* that result from continuing changes in the program or conflicting requirements. Further, the record does not reflect that she is required to originate new techniques, establish criteria, or develop new information.

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

Factor 5, Scope and effect -- Level 5-4 -- 225 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.

Level 5-4 is the highest level described in the GS-1884 standard. At Level 5-4, the employee sifts, refines, correlates, and evaluates various forms of intelligence materials such as those forwarded by operational personnel in the field, received from the headquarters level, from counterpart officials in other Federal agencies, and from State and local enforcement personnel. Through analysis the employee identifies smuggling trends, patterns, and data that may lead to detection of major smuggling attempts, conspiracies to evade neutrality laws, and similar violations before they actually occur, and develops appropriate responses. The employee also plans and develops agency participation in major strike force actions which require that intelligence be correlated and integrated into broad, overall strategic strikes at major criminal activities. At this level information developed by the employees is used by responsible management as a basis for planning work; revising operations, procedures, and methods, for shifting areas of surveillance; altering allocations of resources in anticipation of activities; and for assignments of personnel.

At Level 5-5, which is described in the Primary Standard, the work involves isolating and defining unknown conditions, resolving critical problems, or developing new theories. The work product or service affects the work of other experts, the development of major aspects of administrative or scientific programs or missions, or the well-being of substantial numbers of people.

Comparable to Level 5-4, the appellant is responsible for the collection, analysis, and evaluation of various forms of intelligence materials received from various levels within the agency and from a number of other Federal, State, and local law enforcement agencies. The appellant identifies profiles, trends, and patterns through her analyses. Her intelligence products assist in targeting criminal activities for multi-agency task forces and case agents. The record reflects that her products are used by management in carrying out their planning responsibilities.

The record does not reflect the appellant's intelligence products involve isolating and defining unknown conditions or resolving critical problems affecting the work of other experts, the development of major aspects of administrative programs or missions, or the well-being of substantial numbers of people.

This factor is evaluated at Level 5-4 and 225 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, personal contacts are with the general public, including U.S. citizens and alien entrants, suspected violators, officials of other Federal agencies, e.g., the Drug Enforcement Administration and Interior, the U.S. Coast Guard, representatives of State and local governments, personnel from other law enforcement activities, Federal and non-Federal, and attorneys and court officials. Contacts are established on a nonroutine and routine basis, but take place in a wide variety of settings within or outside the assigned area.

In addition to Level 6-3 contacts, personal contacts at Level 6-4 are with counterpart officials of foreign governments, high ranking officials from outside the agency, including members of Congress and key officials and top law enforcement personnel from State and local government and leaders from the law enforcement, criminal justice, and legal communities.

The appellant's personal contacts best match Level 6-3. The record reflects that in addition to contacts within the agency, the appellant has regular and recurring contacts with U.S. Attorneys and Federal, State, and local law enforcement personnel. She serves on multi-agency task forces or committees and also exchanges intelligence information. She also has contacts in Russia and with the Canadian Police and Enforcement investigative officers, representatives from Japan and Australia, Amsterdam Police Department, and other specialists with Navy, State, Secret Service, U.S. Coast Guard, Drug Enforcement Administration, U.S. Border Patrol, Internal Revenue Service, the Bureau

of Alcohol, Firearms, and Tobacco, and the Federal Bureau of Investigations concerning Russian organized crime.

The appellant's contacts do not reach Level 6-4 where the employee has regular and recurring contacts with members of Congress and *key* officials and *top* law enforcement personnel from State and local government and *leaders* from the law enforcement, criminal justice, and legal communities.

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

Factor 7, Purpose of contacts -- Level 7-2 -- 50 points

In General Schedule occupations, 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.

It states in Benchmark GS-1884-11-01 on page 51 of the GS-1884 standard, that at Level 7-3 the purpose of the contacts is to obtain, evaluate, and piece together intelligence information from informants, alleged violators, and law enforcement personnel in order to obtain and provide operational and strategic intelligence and apprehend suspected violators. The employee at Level 7-3 also trains and orients other employees.

Level 7-4 is not described in the GS-1884 standard. At Level 7-4 in the Primary Standard, the highest level for this factor in the FES system, the purpose is to justify, defend, negotiate, or settle matters involving significant or controversial issues. The work usually involves active participation in conferences, meetings, hearings, or presentations involving problems or issues of considerable consequence or importance. The persons contacted typically have diverse viewpoints, goals, or objectives requiring the employee to achieve a common understanding of the problem and a satisfactory solution by convincing them, arriving at a compromise, or developing suitable alternatives.

The purpose of the appellant's contacts is comparable to the purpose of contacts described at Level 7-3 in the benchmark. She is responsible for piecing together intelligence in task forces and in case support work, and in preparing overall threat assessments to obtain and provide operational and strategic intelligence and to apprehend suspects. The record reflects that the appellant is the training officer for her unit similar to Level 7-3.

The purpose of the appellant's contacts does not meet Level 7-4. We did not find that the purpose of the appellant's contacts was to justify, defend, negotiate, or settle matters involving significant or controversial issues. The record reflects that the appellant attended conferences as the agency representative, but not that she actively participated in achieving a common understanding of a problem and a satisfactory solution to significant or controversial issues through negotiation, justification, etc., as envisaged at Level 7-4.

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, the work is primarily sedentary, although there may be some standing and bending involved. The employee may also be required to do some walking or lifting and carrying of small or light objects.

At Level 8-2, the work requires frequent and recurring surveillance in which there is a considerable amount of walking, stooping, bending, and climbing. The employee may also be required to lift and carry moderately heavy objects occasionally.

The record reflects that the appellant's work is primarily sedentary as described at Level 8-1. The appellant does not frequently and recurrently perform surveillance work requiring the level of physical exertion described at Level 8-2.

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.

At Level 9-1, work is usually performed in an office, classroom, or other environment which involves minimal risks and discomfort. No special safety or security precautions are required.

At Level 9-2, the work involves frequent exposure to moderate discomfort, unpleasant working situations, or exposure to adverse weather conditions, i.e., hot, cold, wet, and dry. Safety or security precautions are sometimes required and the officer may have to use special protective gear or clothing.

The record reflects that the appellant's work is performed in office settings comparable to Level 9-1. There is no indication in the record that she works in unpleasant situations or that she is exposed to moderate discomfort as described at Level 9-2.

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

Summary

In sum, 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	3-4	450
4. Complexity	4-4	225
5. Scope and effect	5-4	225
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:		2790

The appellant's position warrants 2790 total points. Therefore, in accordance with the grade conversion table on page 13 of the GS-1884 standard, her position is properly graded at GS-12 (2755-3150).

Decision

The appellant's position is properly classified to the the General Inspection, Investigation, and Compliance Series GS-1801 at the GS-12 level. The appellant's agency may choose the official title for her position following the titling guidance on page 18 of the *Introduction to the Position Classification Standards*.