

U.S. Office of Personnel Management  
Division for Human Capital Leadership & Merit System Accountability  
Classification Appeals Program

San Francisco Field Services Group  
120 Howard Street, Room 760  
San Francisco, CA 94105-0001

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

**Appellant:** [Name of appellant]

**Agency classification:** Lead Detention Enforcement Officer  
GS-1802-8

**Organization:** [Appellant's organization/location]  
United States Marshals Service  
U.S. Department of Justice

**OPM decision:** Title at agency discretion,  
GS-1802-8

**OPM decision number:** C-1802-08-01

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Marta Brito Pérez  
Associate Director  
Human Capital Leadership  
and Merit System Accountability

July 14, 2004

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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).

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 the decision (5 CFR 511.702). As indicated in this decision, our findings also show that the appellant's official position description does not meet the standard of adequacy described on pages 10-11 of the *Introduction to the Position Classification Standards*. Since position descriptions must meet the standard of adequacy, the agency must revise the appellant's position description. The servicing human resources 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 to the San Francisco Field Services Group.

**Decision sent to:**

[Appellant's name and address]

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## **Introduction**

On December 15, 2003, the San Francisco Field Services Group of the U.S. Office of Personnel Management (OPM) accepted a classification appeal from [name of appellant]. On January 26, 2004, we received the agency's administrative report. The appellant's position is classified as Lead Detention Enforcement Officer, GS-1802-8, but he believes it should be classified as Deputy United States Marshal, GS-082-9. The appellant works in the [appellant's organization/location], United States Marshals Service, U.S. Department of Justice. We have accepted and decided this appeal under section 5112 of title 5, United States Code (U.S.C.)

This decision is based on a thorough review of all information submitted by the appellant and his agency. In addition, to help decide the appeal we conducted separate telephone interviews with the appellant and his immediate and third level supervisors, and followed up with an onsite audit with the appellant and interview with his third-level supervisor.

## **General issues**

The appellant does not believe that his current official position description (PD) [number] is completely accurate, but the record shows that his supervisors have certified to its accuracy. 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 the employee. Classification appeal regulations permit OPM to investigate or audit a position and decide an appeal on the basis of the actual duties and responsibilities currently assigned by management and performed by the employee. An OPM appeal decision classifies a real operating position, and not simply the PD. This decision is based on the work currently assigned to and performed by the appellant. Our fact-finding disclosed that the appellant's standard PD is not accurate, and does not meet the standards of adequacy addressed on pages 10 and 11 of the *Introduction to the Position Classification Standards*. As discussed later in this decision, the duties describing his "leader" responsibilities are not sufficient to warrant the current classification of the position, thus the PD must be revised to reflect our findings.

The appellant makes various statements about the classification review process conducted by his agency, and compares his work to other positions in different series and at higher grades within his agency. By law, we must classify positions solely by comparing their current duties and responsibilities to OPM position classification standards and guidelines (5 U.S.C. 5106, 5107, and 5112). In adjudicating this appeal, our only concern is to make our own independent decision on the proper classification of his position. 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. Therefore, we have considered the appellant's statements only insofar as they are relevant to making that comparison. Because our decision sets aside any previous agency decision, the classification practices used by the appellant's agency in classifying his position are not germane to the classification appeal process.

The appellant believes that duties and responsibilities performed in his previous position, Detention Enforcement Officer, GS-1802-7, should be considered in his classification appeal

because his current position is in the same occupational series. An employee may only appeal the classification of a position to which he/she is officially assigned. Therefore, the duties and responsibilities the appellant performed when assigned to his previous position cannot be considered in this appeal decision.

### **Position information**

The appellant oversees during his shift five to six employees assigned by his supervisor to the [name of cellblock area]. The staff consists of two permanently assigned Detention Enforcement Officers, GS-1802-5/6/7, and generally up to three non-permanently assigned Deputy U.S. Marshals, GS-082-5/7/9, and occasionally a trainee Criminal Investigator, GS-1811-5/7. One or two non-Federal contract guards are also assigned to the cellblock. The Deputy U.S. Marshals and Criminal Investigator are informally assigned (no official personnel action is issued) to the cellblock for career development and cross-training in confinement operations for a rotational period of six to eight weeks. The appellant oversees and trains the non-permanent staff in all aspects of detention operations and procedures. At the conclusion of their training period they return to their assigned sections, i.e., Court Operations or District Investigations Sections.

The appellant is responsible for performing and overseeing technical support work related to the transporting, searching, securing, feeding, and safeguarding of prisoners/detainees brought on a daily basis to holding cells in a cellblock area at [address of courthouse] (hereafter referred to as [name of cellblock area]). The appellant performs and monitors the daily operations associated with ensuring that each morning the control room, all the holding cells and interview rooms are clean, safe and in operational condition before the prisoners arrive in the cellblock area. His daily routine includes checking that all doors, surveillance cameras and monitors and mechanisms surrounding and in the cellblock area are in operating condition and ready to secure and safeguard prisoners/detainees transported from the [cellblock name] Cellblock Area in a nearby building to his location. Prisoners are transported to [name of cellblock area] to await their scheduled court arraignments, or meet with their attorneys, probation officers, or other law enforcement officials. The appellant ensures that other staff assigned to the cellblock prepare prisoners for pickup by Deputy U.S. Marshals who escort detainees to scheduled court hearings or other meetings in the building.

The appellant instructs employees in the specific tasks and job techniques associated with transporting, searching, applying and/or removing restraints, and securing and safeguarding the prisoners and detainees before and after their scheduled court arraignment or special meeting. As needed, the appellant makes adjustments to the day-to-day work assignments of employees to accommodate any changes occurring due to change in staff, changes or delays in the scheduled court appearance of a prisoner/detainee or changes to established priorities. The appellant gives on-the-job training to newly assigned rotational employees in accordance with established procedures and practices on properly restraining prisoners for court appearance, conducting pat down searches and removing restraints, transporting prisoners from the Metropolitan Detention Center (MDC), city, county, state or Federal institutions, and securing and safeguarding prisoners/detainees while located in the [name of cellblock area]. The appellant must make sure that staff properly separate and secure prisoners/detainees in the holding cells while they await scheduled court appearances or meetings.

The appellant checks the work performed by staff to ensure compliance with established U.S. Marshals Service nationwide or [name of agency District] local instructions, policies, and procedures. He stays abreast of policies, directives, and procedures that affect the [appellant's section] so that he can respond to employees' questions, and ensures that prisoners/detainees under his watch are treated and handled according to established policies and procedures. The appellant resolves simple complaints of staff and prisoners/detainees and refers more serious ones to his supervisor. He is constantly aware of all situations, work in progress, or completed work in the cellblock area through physical inspection or close circuit surveillance monitors. The appellant controls access to [name of cellblock area] through physical inspection or close circuit television monitors ensuring that all entries and exits are by authorized personnel.

Because he is responsible for the operation of the [name of cellblock area], the appellant inputs information and data concerning the work or the prisoners into a computerized log, on a regular basis (thirty-minute intervals) throughout his shift or, if necessary, as activities occur within the cellblock area. He reports collected information and data and all other work accomplished to his supervisor through e-mail, telephone, or correspondence. The appellant also reports to his supervisor on staff performance. He conducts surveillance of the cellblock area via closed circuit television monitors and physical inspections to ensure that work is performed, that prisoners are monitored, and that all entrances and exits are controlled. The appellant performs or assists with the transporting by bus, car, van, or air of prisoners/detainees from city, county, state, or Federal jails or prisons to the main Federal Courthouse. He also coordinates with law enforcement personnel in [name of other state and territory] for transportation of prisoners who are required to attend arraignments in the [name of agency District].

The results of our interviews and other material of record furnish more information about the appellant's duties and responsibilities and how they are performed.

### **Series, title, and standard determination**

The agency assigned the appellant's position to the Compliance Inspection and Support Series, GS-1802, titling it Lead Detention Enforcement Officer. However, the appellant believes that his duties and responsibilities warrant classification to the United States Marshal Series, GS-082.

The United States Marshal Series, GS-082, covers positions "involving a range of law enforcement responsibilities including serving a variety of civil writs and criminal warrants issued by Federal courts; tracing and arresting persons wanted under court warrants; seizing and disposing of property under court orders; safeguarding and transporting prisoners; providing for the physical security of court facilities and personnel; providing for the physical security of jurors and key Government witnesses and their families; preventing civil disturbances or restoring order in riot and mob violence situations; and performing other special law enforcement duties as directed by a court order or by the Department of Justice. These positions require ability in locating and identifying wanted persons or property, knowledge of court procedure, basic knowledge of business records and practices, knowledge of Federal and State laws which deputies must enforce, as well as relevant court decisions, and ability to deal with persons from all levels of society." As a minimum requirement for the classification of a

position to the GS-082 series, the service of process and the execution of orders issued by Federal courts and the Board of Parole must be a regular and recurring part of the position. Positions established primarily for the performance of work in other occupations which, on an emergency, incidental, or temporary basis, require performance of duties characteristic of Deputy U.S. Marshal positions are excluded from the GS-082 series.

The GS-082 classification standard lists key law enforcement functions typical of positions classified in that series including serving a wide variety of court orders; making arrests for violation of Federal and State laws; attaching, seizing, safeguarding, and disposing of many kinds of real and personal property; maintaining custody of and transporting prisoners; providing for the physical security of court personnel and facilities; providing for the physical security of jurors and key witnesses; maintaining or restoring order in the event of actual or potential civil disturbance; and performing a variety of special law enforcement functions in response to court orders and requests of the Department of Justice and other Federal agencies.

The GS-082 standard provides other examples of duties and responsibilities performed by Deputy U.S. Marshals such as performing intelligence reconnaissance or quasi-investigatory duties at the request of other Federal law enforcement agencies. Specialized law enforcement activities may also include planning and making arrests of persons wanted for criminal violations such as forgery, counterfeiting, illegal entry into the United States, smuggling, kidnapping, auto theft, tax evasion, parole or probation violations, or violations of narcotics, alcohol, tobacco, gambling, or firearms laws. Many of these arrests are made under authority of warrants issued by the courts and the Board of Parole.

All Deputy U.S. Marshal positions require knowledge of court procedures, the kinds of writs and warrants issued by Federal courts, and the authority and responsibilities each kind imposes on the marshal. They also require a good knowledge of the law and judicial decisions on such matters as stop and frisk and arrest on the basis of probable cause. All deputy marshal positions require knowledge of detection techniques and the ability to use a variety of communications, surveillance and detection equipment, which are used in court and witness security programs. Equipment includes closed circuit TV, surveillance radios, intrusion detection devices, night seeing equipment, metal detection devices, illumination facilities, and physical barriers. They also require the ability to test suspicious powders or liquids for narcotic and barbiturate elements. All positions require the ability to testify in legal, quasi-legal and administrative proceedings, and the ability to deal effectively with a wide variety of people from every level of society, frequently under conditions of stress and sensitivity.

The appellant's position does not perform the full scope of duties typical of GS-082 positions, and he is not required to apply the knowledge, skills and abilities characteristic of Deputy U.S. Marshals. The position does not meet the minimum coverage requirement concerning the service of process and execution of orders issued by Federal courts and the Board of Parole. Our review disclosed that he carries a copy of warrants or writs to institutions where prisoners are retrieved (e.g., MDC, local jails) in order to secure their release for transportation to [name of cellblock area]. This is not an initial service and does not constitute an arrest. Aside from maintaining custody of and transporting prisoners, the appellant performs none of the other key law enforcement functions done by Deputy U.S. Marshals. He does not serve a wide variety of court orders, has no power to make arrests for violation of Federal and State laws, is not involved

in attaching or seizing property, is not responsible for the physical security of jurors or key witnesses, is not involved on a regular basis in quelling civil disturbances, and performs no special law enforcement functions in response to requests or court orders, e.g., arrests of those engaged in forgery, counterfeiting, smuggling, kidnapping. Additionally, his position requires none of the knowledge, skills, and abilities typical of GS-082 positions including knowledge of court procedures and of the kinds of writs and warrants issued by Federal courts and how they impact the authority of the marshal (e.g., probable cause), knowledge of relevant judicial decisions, detection, surveillance and communications techniques, and the ability to testify in legal proceedings.

The appellant's position is appropriately assigned to the Compliance Inspection and Support Series, GS-1802. That series includes positions which perform or supervise inspectional or technical support work in assuring compliance with or enforcement of Federal law, regulations, or other mandatory guidelines and which are not classifiable in another, more specific, occupational series. The work requires knowledge of prescribed procedures, established techniques, directly applicable guidelines, and pertinent characteristics of regulated items or activities. Similar to positions in the GS-1802 series, the appellant provides technical support to the agency's law enforcement program and staff by ensuring that prisoners/detainees are properly maintained, processed, secured, and safeguarded, and that all activities governing the processing and holding of prisoners/detainees are in full compliance with prescribed agency policies and techniques.

The appellant's position is currently titled and classified as Lead Detention Enforcement Officer, GS-1802-8, based on the agency's application of Part I of the General Schedule Leader Grade Evaluation Guide (GSLGEG). Part I of the GSLGEG is used to classify positions of work leaders who, as a regular and recurring part of their assignment, lead three or more employees in clerical or other one-grade interval occupations in the General Schedule in accomplishing work. Work leaders also perform work that is usually of the same kind and level as that done by the team led. As previously mentioned, the appellant oversees the work of two permanent Detention Enforcement Officers, GS-1802-5/6/7. The GS-082 and 1811 non-permanently assigned employees rotate through [name of cellblock area] for training purposes for six to eight week periods on an ongoing basis, and are not performing two-grade interval work while training in the cellblock but rather one-grade interval duties equivalent to the assigned GS-1802 employees. Although the appellant oversees three or more workers, the GSLGEG was developed to evaluate positions that lead permanently assigned employee teams. Despite the fact that the GS-082 and 1811 employees are permanent to the agency, they are not permanently assigned to the appellant (no official personnel action is issued), and therefore are not team members within the meaning of the GSLGEG. The contract guards are not employees of the agency thus are not considered under Part I.

Part II of the GSLGEG also is not applicable to the appellant's position. Part II covers employees who, on a regular and recurring basis, spend at least 25 percent of their duty time leading a team of other GS employees in accomplishing two-grade interval work that meets at least the minimum requirements of Part II. Not only are the GS-082 and 1811 employees not permanently assigned, but when working in [name of cellblock area] they are performing one-grade interval work. Because the GSLGEG does not apply to the appellant's position, the

position can neither be titled as a “lead” nor evaluated for grade level by reference to the guide. The standard for the GS-1802 series prescribes no titles for positions in that series. Therefore, the agency may use any appropriate title consistent with the titling instructions in Part III of the *Introduction to the Position Classification Standards*.

The standard for the GS-1802 series contains no grading criteria. Depending on the kind of work performed, positions classified in that series are evaluated by reference to classification guides and standards for specific occupational series involving analogous knowledge and skills. To evaluate the appellant’s duties we have cross referenced to the grading criteria in the classification standard for the Correctional Officer Series, GS-007. That series covers positions involving the correctional treatment, custody, and supervision of criminal offenders in correctional institutions or community-based correctional treatment or rehabilitation facilities. While the appellant does not apply the full scope of correctional knowledge and skills typical of GS-007 positions, his prisoner custodial and cellblock oversight duties are sufficiently similar for cross series comparison.

### **Grade determination**

The standard for the Correctional Officer Series, GS-007, uses two classification criteria to evaluate work in that series: *Nature of assignment* and *Level of responsibility*. *Nature of assignment* covers the type, variety, and difficulty of assignments commonly found in correctional officer positions. *Level of responsibility* measures the kind and degree of supervision received, and the degree of judgment and independence required.

#### *Nature of assignment*

Correctional Officers at the GS-8 level regularly perform a variety of very difficult assignments in a correctional institution. Such assignments, based on the recognition of superior correctional skills of the incumbent, require the judgment, maturity, and knowledge of inmate behavior developed through experience gained in a wide variety of assignments. GS-8 correctional officers typically supervise groups of inmates in situations that are critical to the effectiveness of the correctional treatment program and to the efficient operation of the institution. Work examples include custody of newly committed offenders, with responsibility for orienting them to the procedures of the institution in order to influence behavior; direct responsibility for supervising the activities of a large group of inmates during a specified period under less regulated conditions, and where the officer may be assisted by other correctional officers of lower grade; coordinating a work release program with responsibility for making satisfactory arrangements for meeting the needs of inmates outside their assigned institution, including transportation, and making contacts with employers to determine any special issues that may arise.

Correctional Officers at the GS-9 level perform functions requiring the application of technical treatment and/or counseling skill and techniques acquired through formal and supervised practical training. These skills and techniques are normally associated with services provided by professionals in social work or the behavioral sciences. The GS-9 officer applies a practical



knowledge of the specific techniques under the guidance of professional workers. Assignments at this level are typically in direct support of structured treatment or rehabilitation programs.

The appellant's assignments favorably compare to the GS-8 level, but fall short of the GS-9 level. Similar to the GS-8 level, he performs a variety of difficult assignments as the sole individual directly responsible for the onsite operation and related activities of [name of cellblock area], and the care, welfare and security of the prisoners in his custody. His duties require superior detention skills, mature judgment, and knowledge of inmate behavior developed through experience gained in a wide variety of assignments. He directly oversees staff and monitors the activities of up to fifty-five prisoners/detainees on a daily basis to ensure the efficiency and effectiveness of the [name of appellant's section], and the associated correctional treatment programs, in accordance with the agency's prescribed standards and procedures. He controls all aspects of the cellblock area by personally assessing the condition of holding cells, interview rooms, surveillance equipment, and all entries and exits. He reviews the Court List for the day covering such items as prisoner identity, special needs for specific prisoners including those that due to behavioral problems must be separated from the others, and arranges for transportation to and from the area (including from [name of territory and state]). He monitors the activities of prisoners in the cellblock, ensures that only authorized and cleared individuals enter the area, that prisoners are prepared for their appointed interviews/meetings with designated personnel, and that they are released to the proper individuals and attend scheduled court appearances. He is responsible for maintaining a log of all actions occurring in the cellblock every thirty minutes, or each time a prisoner leaves the area for a meeting or court appearance. These duties are made more difficult because of the need for the appellant to simultaneously monitor and cross-train staff who rotate through the cellblock.

Similar to the GS-8 level, the appellant's contacts with prisoners sometimes present the opportunity to influence attitudes and behavior. Prisoners frequently become irritated and disruptive, requiring the appellant to exercise his extensive inter-personal skills to determine the cause of the problem (in order to maintain discipline and security), by convincing the individual or group to adapt to the situation and environment, and improve their behavior. Comparable to the GS-8 level, the appellant is involved in processing and orienting new offenders who are taken into custody, and for generally advising either personally or through assigned staff, all prisoners on the procedures and requirements governing their stay in the [name of cellblock area].

The appellant's assignments do not meet the GS-9 level. Unlike that level his work does not require the application of technical treatment and/or counseling skills and techniques acquired through formal and supervised practical training. The skills and techniques that he applies are not related or associated with services provided by professionals in social work or the behavioral sciences. In contrast to the GS-9 level, he does not work in direct support of a structured treatment or rehabilitation program.

#### *Level of responsibility*

Correctional Officers at the GS-8 level work with a great deal of independence in performing very difficult assignments. They utilize superior skills and insight in observing and interpreting inmate activities, making sound decisions rapidly, and resolving difficult correctional problems.

GS-8 officers usually receive only general instructions as to the purpose of the assignment. Because of their recognized ability, correctional supervisors and other institutional staff give considerable weight to the officers' reports and recommendations on inmate behavior and operational procedures.

Correctional Officers at the GS-9 level exercise independent judgment in performing the day-to-day counseling and treatment assignments. While GS-8 officers work from post orders that specify many of the tasks to be performed, GS-9 officers have considerable latitude for judgment within the framework of the basic program policy, because of the individualized attention given each offender. Much of their individual counseling is subject to review only in terms of overall results. Social workers or psychologists are normally available for guidance in dealing with unusual or complex situations.

The appellant's level of responsibility meets the GS-8 level but not the GS-9 level. Similar to the GS-8 level, in operating the cellblock, overseeing staff, and monitoring prisoners' activities, he functions with a great deal of independence in performing difficult assignments without the presence of his immediate supervisor. He exercises superior skills in observing and correcting, as necessary, prisoner/detainee behavior, and makes sound decisions to resolve challenging detention problems. The appellant receives only general instructions regarding operation of the cellblock, and because of his recognized experience and ability his reports and recommendations on improving operating procedures are given considerable weight by his supervisors.

The appellant's position does not meet the GS-9 level. Unlike that level he works from standard operating procedures and governing manuals regarding operation of [name of cellblock area], and the processing and handling of prisoners/detainees. In addition, although he functions with considerable independence, the level of his responsibility does not encompass the types of counseling and treatment assignments found at the GS-9 level.

### *Summary*

By application of the grading criteria in the GS-007 standard, both the nature of the appellant's assignments and his level of responsibility equate to the GS-8 level. Therefore, his position is graded at the GS-8 level.

### **Decision**

The proper series and grade of the appellant's position is GS-1802-8. Selection of an appropriate title is at the discretion of the agency.