

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

Atlanta Oversight Division  
75 Spring Street, SW., Suite 972  
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<b>Classification Appeal Decision</b>	
<b>Appellant:</b>	[appellant's name]
<b>Agency classification:</b>	Customs Inspector GS-1890-9
<b>Organization:</b>	Department of the Treasury
<b>OPM decision:</b>	Customs Inspector GS-1890-9
<b>OPM decision number:</b>	C-1890-09-01

           (s)  
Timothy Heath  
Classification Appeals Officer

           8/31/01  
Date

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

**Decision sent to:**

[appellant's name and address]

[agency]

Director, Office of Personnel Policy  
U.S. Department of the Treasury  
1500 Pennsylvania Avenue, NW  
ATTN: Metropolitan Square  
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## **Introduction**

On April 25, 2001, the Atlanta Oversight Division of the Office of Personnel Management (OPM) accepted an appeal for the position of Customs Inspector, GS-1890-9 [agency name and city/state]. The appellant is requesting that his position be classified as Customs Inspector, GS-1890-11.

The appeal has been accepted and processed under section 5112(b) of title 5, United States Code. This is the final administrative decision on the classification of the position subject to discretionary review only under the limited conditions and time outlined in part 511, subpart F, of 5 CFR.

## **General issues**

On March 22, 2000, a member of the staff of the Customs Service's Position Management and Classification Branch, Office of Human Resources Management, conducted an onsite desk audit of the appellant's position. This action was taken following a request for a classification review of this position by the Director of Field Operations, [location], Customs Management Center (CMC). In a memorandum dated September 25, 2000, the CMC was notified that the review had determined that a significant amount of the work assigned to and performed by the appellant was classifiable at the GS-11 level. The memorandum included several recommendations for resolving the classification issue, such as promoting or reassigning the appellant or eliminating the higher level work. No action was taken by the agency on any of the recommendations. The appellant subsequently appealed to OPM.

An Atlanta Oversight Division representative conducted telephone interviews with the appellant and the appellant's immediate supervisor. 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.

## **Position information**

The appellant is assigned to [position description number]. The appellant, his second level supervisor, and the agency have certified the accuracy of the position description.

The appellant functions as a journey level Customs Inspector at the [agency]. He performs the full range of inspection, enforcement and examination work related to the entry and clearance of foreign merchandise, cargo, passengers and baggage, and carriers entering and departing the United States through the Port of [location]. The appellant's activities are primarily focused on the inspection of merchandise, cargo, and articles accompanying travelers entering and leaving the United States, and the arrival and departure of vessels, aircraft, and vehicles transporting cargo and travelers. The purpose of the work is to exclude terrorists, drugs and other contraband; enforce quotas and marketing agreements; collect and protect revenues due the United States; and facilitate legitimate international trade and traffic. The appellant conducts visual and physical inspections of cargo and baggage; searches and detains suspected violators of civil and criminal laws; searches vessels, aircraft and vehicles; and seizes prohibited or smuggled articles, contraband, equipment, and vehicles transporting these items. He inspects records and documents required for merchandise,

cargo, travelers and accompanying baggage and items to enter or leave the United States. Where warranted, the appellant is empowered to make arrests and is required to maintain firearm proficiency. The appellant is the senior inspector at this facility and, as officer-in-charge, makes decisions on behalf of the Port Director during his absences. He attends meetings with port authority staff; coordinates activities with personnel representing other agencies (e.g. Immigration and Naturalization Service (INS), U.S. Department of Agriculture (USDA), etc.); provides technical direction to the part-time inspectors assigned to the facility; and serves as the agency representative on various committees and teams. The appellant also functions as the private aircraft overflight coordinator, LAN coordinator, computer system officer, and trains inspectors assigned to the facility on agency computer hardware/software

The appellant works under the general supervision of the Port Director who assigns work in terms of objectives, priorities and deadlines. The appellant is responsible for independently planning and carrying out assignments. In the absence of the supervisor, he is responsible for making decisions, which are considered authoritative and technically accurate and are subject to review only after the fact. The supervisor is kept informed of the status of the appellant's activities and of situations that are unusual or involve issues related to agency policy. Completed work is reviewed in terms of its overall adequacy, effectiveness and appropriateness, and conformance with guidelines.

### **Series and title determination**

The agency determined that the appellant's position is properly placed in the Customs Inspection Series, GS-1890, and titled Customs Inspector. The appellant does not contest this determination and we concur.

### **Standard determination**

The agency contests the use of the Administrative Analysis Grade Evaluation Guide by the Office of Human Resources Management staff member in determining that GS-11 is the proper grade for this position. The Administrative Analysis Grade Evaluation Guide covers work that is administrative in nature and does not require specialized subject-matter knowledges and skills. The agency maintains that the Customs Inspection Series, GS-1890, standard should be used to determine the proper grade.

We concur that the GS-1890 standard is appropriate for evaluating the appellant's position. Work in the GS-1890 series requires knowledge of laws, regulations, policies and procedures concerning the entry, examination, classification and release of merchandise; the ability to obtain data regarding the description, characteristics, value, and country of origin of merchandise by questioning people, examining merchandise, and reviewing documents; the ability to search baggage, people, cargo, and carriers for contraband; the ability to make sound decisions to admit and to hold or release merchandise; and sound judgment in detaining and apprehending persons at the point of entry who are violating customs or other laws. *Customs Inspector* is the authorized title.

### **Standard determination**

Customs Inspection Series, GS-1890, dated April 1973.

## **Grade determination**

The GS-1890 standard uses two factors to determine the degree of difficulty and complexity and level of responsibility of nonsupervisory customs inspector positions: *Nature of assignment* and *Level of responsibility*.

### *Nature of assignment:*

This factor deals with the nature and purpose of the functions performed; the complexity and difficulty of the assignments and problems encountered; the degree of judgment; and the skills and knowledges required.

At the GS-9 level, inspectors independently examine and release a wide variety of merchandise from many sources or countries. This merchandise is received as baggage, cargo or informal entries. The GS-9 inspectors perform the full range of any combination of examining and inspecting work including examining merchandise and inspecting baggage, cargo, or informal entries; or associated functions such as boarding vessels and aircraft and inspecting exports. They carry out complete inspections involving a wide variety of conditions and complexities with responsibility for exploring issues and taking final action. These issues may involve various problems such as uncooperative people, missing shipments or documents, improper entries, attempted smuggling, and fraud, or inadequate description of or unusual merchandise.

At the GS-11 level, the highest level described in the standard, customs inspectors perform a wide range of advisory, coordinating, and special investigating duties involving complex and highly sensitive inspection and control issues. These issues require expertise in a broad range of inspection, enforcement, special interrogation and inquiry, and merchandise examining functions. Inspectors responsible for overseeing inspection and control operations for cargo or baggage, or both, perform a broad range of administrative, advisory, and coordinating duties and responsibilities. They assess the ongoing activities to ensure that the work is carried out in a timely, expeditious and appropriate manner. They plan and coordinate actions with other functional areas (e.g., classification and value, and investigations) in applying intelligence information, resolving mutual problems, and interpreting requirements. They advise other customs inspectors, travelers, and commerce agents of procedures and requirements in unusual or controversial situations. They approve the inspection and control action to be taken involving sensitive and unique conditions. They initiate remedial action to correct deficiencies. The GS-11 inspectors plan and carry out assignments, projects, studies, or investigations to explore and resolve major problems in improving operations and enforcement activities, installing new procedures, establishing evidence of irregular and fraudulent practices, and planning and participating in cooperative arrangements with other countries.

The GS-9 level is met. Similar to illustrations #1, #2, and #3 in the standard, the appellant performs inspections of travelers, accompanying baggage and other articles and conveyances. Based on information obtained from agency computerized systems, the appellant identifies inbound flights and/or vessels having the potential to contain high-risk cargo and/or passengers. He evaluates a wide

variety of information and observations related to passengers (e.g., citizenship, behavior, where traveled, type of baggage, destination, type of importations, required documents, and inconsistencies) to identify individuals and cargo warranting closer attention. The appellant uses judgment based on his experience to determine the appropriate level of interrogation, searching, and examination required for specific instances. As at the GS-9 level, the volume and variety of conditions encountered by the appellant present problems in detecting smuggled narcotics, contraband, undeclared and undervalued merchandise; classifying and appraising merchandise; and processing entries for temporary, restricted, or special importations. He initiates actions to obtain additional resources (e.g., personnel from the INS, USDA, or Canine Enforcement Team) to conduct more intensive inspections and searches where warranted. The appellant performs the full range of customs functions for informal entry of a wide variety of merchandise. He classifies and determines the value of goods; prepares documents related to informal entries of commercial imports up to allowable values; advises importers when formal entry is required; and retains imported goods lacking proper licenses and permits in bonded warehouse facilities. He selects cargo items being imported or exported which will be physically examined or inspected. These inspections are conducted to ensure that the merchandise is properly documented and meets conditions for import or export or warrants more intensive inspection.

The GS-11 level is not met. The appeal record does not contain any information indicating that the appellant performs advisory, coordinating, and special investigative duties associated with the complex, highly sensitive inspection and control issues typical of the GS-11 level. The appellant's regular and recurring responsibilities are primarily concerned with inspection, enforcement, and examination activities and processes related to baggage, cargo, and informal entries. The problems encountered by the appellant are conventional in nature and primarily involve matters such as uncooperative individuals, missing documents or those with improper entries, attempted smuggling and fraud. They are handled in accordance with established criteria. Inspection and control issues that are of a complex, sensitive, or unusual nature are referred to the Port Director, investigators, or import specialists for additional guidance or action.

The GS-9 level is credited for this factor.

#### *Level of responsibility*

This factor reflects the degree of supervision received, the nature and complexity of decisions made by inspectors, and the nature of personal contacts.

At the GS-9 level, inspectors work under the general supervision of a supervisory inspector who assigns them to duty posts. They have complete independence for carrying out all types of inspection processes in the admission and release of baggage, cargo, and informal entries. The GS-9 inspectors are primarily assigned to activities or stations that are remote from or for which it is impractical to provide supervision. They are free to make on-the-spot decisions in planning work, following leads and developing evidence of fraud, smuggling, and violation of other laws.

At the GS-11 level, inspectors operate with a high degree of independence in identifying problems to be resolved that impede operations in the assigned areas of responsibility. They receive special assignments as a stated problem or an area for investigation and analysis for which objectives are indicated in general terms. They organize the approach and the extent of fact finding and analysis required. They apply an extensive knowledge of inspection and control programs, policies, and processes including the application of intelligence information, entry requirements, and overall tariff considerations in identifying the issues and developing solutions to problems, or fully substantiating evidence for penalty actions or prosecution. They adapt techniques and methods to the particular problems involved and carry follow up actions and projects through to completion. The GS-11 inspectors carry out assignments that require negotiation on important questions of compliance, enforcement, and operating practices with highly knowledgeable terminal staff, importing firms, transportation companies and others in the importing and exporting business. Similarly, they must use a high degree of skill in a wide range of contacts to elicit information, unearth irregular practices, and identify operational problems. Judgments and decisions of inspectors at this level are typically accepted as completed staff actions. Their recommendations on changes in procedures and practices are reviewed for their effect on other operations and administrative and policy considerations such as time, staff, and cost.

The position meets the GS-9 level. The appellant functions independently in carrying out his regular and recurring inspection responsibilities related to the admission and release of baggage, cargo, and informal entries. He is free to make on-the-spot decisions and to take steps in suspicious situations that can provide or preserve evidence related to smuggling, fraud, terrorism, or other violations of customs or other laws. As at the GS-9 level, the appellant is authorized to independently initiate steps such as interrogations of travelers, importers, or carrier staff; intensive inspection, examination or search of documents, cargo, merchandise, containers, carrier aircraft, vessels, and vehicles; and seizure of detected contraband and prohibited articles or items. The appellant's decisions and actions on the admission and release of informal entries are final and largely unreviewed. The appellant's supervisor is kept informed of the status of activities in which he is involved and is notified of all unusual situations and those involving policy issues.

The GS-11 level is not met. The appeal record contains no information that the appellant's work involves independently identifying and resolving problems that impede operations, or that he receives special assignments for which he organizes approaches and determines the level of analysis and factfinding required. The appellant works under the general supervision of a higher grade Customs Inspector who is consulted on matters that involve unusual situations, may delay or impede work, may result in controversy, prosecution, or attract attention at higher levels within the agency, and when the appellant's authority to take action is limited.

The GS-9 level is credited for this factor.

## **Decision**

Since both *Nature of assignment* and *Level of responsibility* are credited at the GS-9 level, the position is properly classified as Customs Inspector, GS-1890-9.