

**U.S. Office of Personnel Management
Classification Appeal Decision
Under sections 5103 and 5112 of title 5, United States Code**

Appellant: [Appellant]

Agency classification: Supervisory Security Guard
(Patrol Boat Operator), GS-085-8

Organization: [Organization]
[Organization]
[Organization]
[Organization]
Department of Army
[Location]

OPM decision: Supervisory Security Guard
(Parenthetical title at agency's
discretion), GS-085-7

OPM decision number: C-0085-07-01

/s/ Judith A. Davis for

Robert D. Hendler
Classification and Pay Claims
Program Manager
Merit System Audit and Compliance

11/27/2012

Date

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

Since this decision lowers 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 applicable provisions of 5 CFR parts 351, 432, 536, and 752 must be followed in implementing the decision. If the appellant is entitled to grade retention, the two-year retention period begins on the date this decision is implemented. The servicing human resources office must submit a compliance report containing the corrected position description (PD) reflecting the change in grade level and a Standard Form 50 showing the personnel action taken. The report must be submitted to the U.S. Office of Personnel Management (OPM) office which adjudicated the appeal within 30 days from the effective date of the personnel action.

Decision sent to:

[Appellant]
[Address]
[Location]

[Name]
[Address]
[Location]

Department of the Army
Office of the Assistant Secretary (Manpower and Reserve Affairs)
Deputy Assistant Secretary of the Army (Human Resources)
Attn: SAMR-HR
The Pentagon, Room 2E468
Washington, DC 20310-0111

Department of the Army
Office of the Deputy Chief of Staff, G-1
Assistant G-1 for Civilian Personnel
Attn: DAPE-CP
The Pentagon, Room 2C453
Washington, DC 20310-0300

Department of the Army
Office of the Assistant G-1 for Civilian Personnel
Chief, Program Development Division
Hoffman Building, Room 1108
2461 Eisenhower Avenue
Alexandria, VA 22332-0320

Department of the Army
Office of the Assistant G-1 for Civilian Personnel
Director, Civilian Personnel Evaluation Agency
Attn: DAPE-CP-EA
2461 Eisenhower Avenue
Alexandria, VA 22332-0320

Chief, Classification Appeals
Adjudication Section
Department of Defense
Defense Civilian Personnel Advisory Service
4800 Mark Center Drive, Suite 05G21
Alexandria, VA 22311-1882 5144

Introduction

On January 4, 2012, OPM's Atlanta Oversight accepted a classification appeal from [Appellant]. On May 14, 2012, it was transferred to Philadelphia Oversight for adjudication. The appellant's position is currently classified as Supervisory Security Guard (Patrol Boat Operator), GS-085-8, located in the [Organization] Department of Army, in [Location]. The appellant believes his position should be placed in the Federal Wage System (FWS) and graded as a Supervisory Small Boat Operator, WS-5786-9. We received the complete agency administrative report (AAR) on January 25, 2012, and have accepted and decided this appeal under sections 5103 and 5112 of title 5, United States Code (U.S.C.).

To help decide this appeal, we conducted telephone interviews with the appellant on June 11, 2012, and his immediate supervisor on June 13, 2012. In reaching our classification decision, we have carefully considered all of the information obtained from the interviews, as well as all other information of record provided by the appellant and his agency.

Background information

In September 1995, OPM's Atlanta Field Service Office issued a classification appeal decision for the then-occupants of [Organization] Security Guard (Patrol Boat Operator), GS-085-5, position which downgraded the position to the GS-4 grade level. In June 2004, all of [Organization] boat- and land-based security guard positions were upgraded to the GS-5 grade level based on what the agency states were the requirements added to security-type positions after the September 11, 2001, terrorist attacks. In January 2007, the harbor patrol security guard positions were upgraded to the GS-6 grade level based on what the agency states were additional maritime security and water search and rescue functions.

General issues

The appellant raises concerns about his agency's classification review process. By law, we must make our decision solely by comparing the appellant's current duties and responsibilities to OPM position classification standards (PCS) and guidelines (5 U.S.C. 5106, 5107, and 5112). In adjudicating this appeal, our responsibility is to make our own independent decision on the proper classification of his position. Because our decision sets aside all previous agency decisions, the agency's classification review process is not germane to this decision.

The appellant does not agree that his official position description [PD #] dated February 28, 2012, accurately describes his supervision of first-level supervisors who perform boat operation duties or his payroll duties for the harbor patrol employees. He states the latest revision of his PD further erodes its ship/boat/ nautical references. The appellant also states the points assigned to Factor I, Knowledge required by the position, as listed in his PD are incorrect and Factor II, Supervisory controls should show he reports to the chief of police. His supervisor has certified to the accuracy of the appellant's PD.

A PD is the official record of the major duties and responsibilities assigned to a position or job by an official with the authority to assign work. It is not intended to be an exhaustive task list

requiring the specificity the appellant desires regarding his payroll duties or ship/boat/nautical references. A position is the duties and responsibilities which make up the work performed by the employee. Classification appeal regulations permit OPM to investigate or audit a position and decide an appeal based on 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.

A PD is adequate for classification purposes when it is considered so by a person knowledgeable of the occupation and the classification standards and is supplemented by current information about the position's organization, functions, programs, and procedures. After careful review, we find the appellant's PD meets the standards of PD accuracy for classification purposes as discussed in section III.E of the *Introduction* and we incorporate it by reference into our decision.

In his response to the AAR, the appellant states the principle of providing equal pay for equal work was designed to prevent FWS jobs from being hidden under the general schedule (GS) based on the work product, which for him includes supervising subordinates who operate small crafts. Implicit in the appellant's rationale is that placement of his position in the GS denies him the higher level of pay he would receive if placed in the FWS. The classification appeal process provides for determining the proper pay plan, series, title, and grade of the position under appeal. Once a decision is reached regarding the proper pay plan, we may only apply published standards for that pay plan in determining the grade of the position. We may not, as the appellant appears to request, apply grading criteria from another pay system to grade a position for the purpose of ensuring what he perceives is pay equity. Therefore, we will not address the issue further in this decision.

Position information

[Organization] is a 16,000-acre Army-owned site built with a large undeveloped buffer zone and large sand berms for safety. It is the largest ammunition port in the nation and the Army's primary east coast deep-water port. It provides worldwide trans-shipment of the Department of Defense's ammunition, explosives, and other dangerous cargo. The munitions are brought in by truck or train and loaded aboard ships bound for Europe. [Organization] also supports Fort Bragg by shipping heavy equipment, bulk supplies, and ammunition for the 82nd Airborne Division and its supporting units when they are mobilized.

[Organization] provides physical security, force protection, and law enforcement support as well as safeguards critical trans-shipments of ammunition, explosives, and other dangerous cargo in support of global contingency operations. The appellant serves as a supervisor for the harbor patrol security guards who patrol the seven mile (when including the curves or bends) stretch of restricted waters of the Cape Fear River running along [Organization] shore line. He also serves as a subject-matter expert (SME) overseeing the harbor patrol program.

The [Organization] is authorized a total of 102 positions and operates two patrol boats. The staff is headed by the Chief of Police/Provost Marshal (GS-083-11). The Chief of Guards (GS-085-

10) oversees the land-based guard staff. The patrol boat component is headed by the Harbor Patrol Captain (HPC) (GS-085-8) (the appellant) who reports directly to the Chief of Police. The patrol boat operations staff reporting to the HPC is organized into four groups. Each group is staffed by one GS-7 Supervisory Security Guard (Patrol Boat Operator) and three GS-6 Security Guard (Patrol Boat Operators). Two groups work a set day shift of 6:00 A.M to 6:30 P.M and two groups work a set evening shift of 6:00 P.M to 6:30 A.M., including weekends and holidays. Cycles for these groups vary over the two week pay period, e.g., four days on and three days off the first week and three days on and four days off the second week. Each shift includes one GS-7 Supervisory Security Guard (Patrol Boat Operator) who serves as the shift supervisor over staff on both patrol boats (three GS-6 Security Guard (Patrol Boat Operators)). Each shift includes two land-based [Organization] staff members, typically a GS-5 Security Guard and GS-6 Police Officer, so that each boat is staffed by three people.

The land shift staff includes one GS-8 Supervisory Police Officer, five GS-6 Police Officers, one GS-7 land-based Supervisory Security Guard, one GS-6 land based Security Guard who serves as the Desk Sergeant, and 11 GS-5 land-based Security Guards.

The HPC typically works 6:30 A.M. to 3:00 P.M. Monday through Friday. The Chief of Police and Chief of Guards typically work Monday through Friday, but work staggered hours. The remaining staff includes a Physical Security Specialist, Training Officer, and Security Assistant who typically work 7:30 A.M to 4:00 P.M Monday through Friday.

We find the appellant performs the duties contained in his PD of record:

The appellant performs the following supervisory duties over the patrol boat operators 50 percent of the time. He instructs subordinates in specific tasks/job techniques, and provides written instructions, reference materials, and supplies as necessary. The appellant assigns work based on priorities, difficulty of assignments, and the capabilities of the subordinates; provides technical oversight; and develops performance standards and rates subordinates. As positions become open, he interviews candidates for subordinate positions, and recommends promotion and reassignment actions. The appellant takes disciplinary actions such as warnings and reprimands. He identifies developmental and training needs of subordinates and provides and/or makes arrangements. The appellant provides a work environment which is free from all forms of discrimination, harassment, and retaliation; addresses subordinates' concerns and follows up with appropriate action to correct or eliminate tension in the workplace; and executes equal employment opportunity (EEO) policies and communicates his support of them to his subordinates. He ensures equality in determining selections, promotions, details, training, discipline, and awards; ensures equal consideration for training opportunities, and nominations to boards and committees; and coordinates efforts with EEO officials during the development and execution of policies impacting his subordinates. The appellant also prepares his assigned portion of the [Organization] budget.

The appellant performs harbor patrol program management duties 50 percent of the time. As the program SME, he assesses maritime security risks; and plans, develops, and implements preparedness planning, deterrence, and protection measures to defend against associated threats and incident management. He conducts base inspections to determine if security duties are

effectively performed; and observes general physical security conditions. Each pay period, the appellant makes work assignments, revises schedules, and reviews/approves shift reports. As needed, he prepares input for budget and manpower reports and requirements; develops local instructions and procedures to clarify existing guidelines or non-routine assignments; and recommends changes to existing patrol zones or establishes new ones. The appellant attends meetings to discuss new or revised regulations, procedures, and methods; and plans and directs security operations and general day-to-day use of [Organization] wharfs, piers, and docks. He also works with public works, fire, and other installation departments to ensure safe and proper operations are conducted.

Pay category determination

The agency classified the appellant's position to the 085 Security Guard occupational series, titling it Supervisory Security Guard (Patrol Boat Operator), but the appellant believes his position should be placed in the 5786 Small Craft Operating series and graded at the WS-9 level. The paramount functions of his position are to supervise subordinates who operate patrol boats to properly secure a federally restricted waterfront and serve as the SME for the harbor patrol program. The appellant states that without the patrol boats his subordinates cannot fulfill their mission. He further states his position exists to secure the restricted waters, wharfs, and vessels moored at [Organization] which is his primary duty. For reasons discussed below, we find the appellant's position is not covered by the FWS.

Jobs in the 5786 series perform work involving the operation of small oar, sail or mechanically propelled craft, generally under 55 meters (180 feet) in length, to transport personnel and supplies, control harbor pollution, remove aquatic plants, conduct hydrographic surveys of rivers and harbors, or carry out similar functions. The operations are characterized by regular daily tours of duty followed by employees' physical departure from the boat rather than watch and watch, which is characteristic of maritime industry practices. This work requires the ability to steer and navigate the small craft, operate the engines and, in some assignments, to make operating repairs to the engines and the boat itself. However, in order to be covered under the FWS, the paramount requirement to perform the primary duties of the job must be trades, crafts, or laboring experience. The term "paramount requirement" refers to the essential, prerequisite knowledge, skills, and abilities to perform the primary duty or responsibility for which the job has been established. If a position does not meet the preceding FWS coverage requirements, it is subject to the GS even if it requires physical work, if its primary duty requires knowledge or experience of an administrative, clerical, scientific, artistic, or technical nature not related to trade, craft, or manual labor work.

The appellant's primary and paramount duties flow from the mission and function of the organization in which he works. The record shows that trades or crafts knowledge and skill are not required to perform the primary duties of the appellant's position. The appellant's classification appeal request states: "The position exists for a security mission; therefore the prerequisite skills of a small craft operator are what make the mission possible. The duties of a small craft operator require a highly specialized skill set with a long apprenticeship program." However, this misconstrues the meaning of the terms "primary" and "paramount." As previously discussed, the appellant serves as the SME for the harbor patrol program and

supervises the patrol boat operators who conduct water-based security patrols of the ships at berth and routine patrols to ensure the safety of [Organization] restricted waters. This is confirmed by his immediate supervisor who states the appellant's primary duty is to maintain the security of the restricted waters of the Cape Fear River.

A review of the merit promotion announcement (MPA) used to fill the appellant's position shows an applicant must be able to **maintain** a U.S. Coast Guard License to operate the patrol boats used at [Organization] once they enter the position, which is a condition of employment. Supervisory MPAs target internal applicants who possess the knowledge and skills necessary to oversee, as well as to perform, the same work performed by the non-supervisory employees in the unit to be supervised. Candidates selected for the base-level Security Guard (Patrol Boat Operators) positions need to only be able to obtain a license to operate a patrol boat once they enter the position. In order for the appealed position to be covered under the FWS, the prerequisite knowledge, skills, and abilities must be trades, crafts, or laboring experience. Since possessing a small craft operator license is not required before entering the subordinate positions, it cannot be construed as the paramount requirement of this position. Instead, operation of small craft is a tool used to conduct the primary and paramount security function of the appellant's position and is a skill that may be learned after placement in the position. We find the appellant does not apply knowledge and skills of trades and crafts to perform his primary duties. Consequently, the position is not covered by the FWS and is appropriately placed in the GS.

Series and title determination

The appellant's primary duties require technical knowledge of Federal, State, and local laws, rules, regulations, and codes to include maritime law and security standard operating procedures. In performing his duties, the appellant supervises and oversees [Organization] waterfront security program through the prevention of unauthorized access. These duties are covered by the Security Guard Series, GS-085, which includes positions involved in supervising or performing protective services work in guarding Federally owned or leased buildings or property; protecting Government equipment and material; and controlling access to Federal installations by employees, visitors, residents, and patients. The appellant's position supervises GS-085 security guards who prevent, respond to, and/or resist attempted violations, apprehend and detain offenders, and turn over cases and violators to police or other law enforcement officers. Like GS-085 supervisory positions, the appellant serves as the SME for the harbor patrol program conducting base inspections to determine if security duties are effectively performed; observes the general security conditions at [Organization]; develops local instructions and procedures as needed to clarify existing guidelines or non-routine assignments; recommends changes to patrol zones; plans and directs the security operations and general day-to-day use of [Organization] wharfs, piers, and docks; develops and implements preparedness planning, deterrence and protection measures; and works with public works, fire, and other installation departments to ensure safe and proper operations are conducted.

The demands of small craft operation and such issues as the specialized skills and a long apprenticeship program needed to operate small craft are not germane to our evaluation of the appellant's job and will not be addressed further as they are ancillary to the appellant's primary and paramount GS-085 work as discussed previously in this decision.

The agency decided the appellant's position meets the requirements for designation as a supervisor under the General Schedule Supervisory Guide (GSSG) and added the prefix "Supervisory" to the position's title. The appellant does not contest the title's prefix and, based on careful analysis of the record, we concur.

Based on the mandatory titling requirements of the Grade Evaluation Guide for Police and Security Guard positions in Series, GS-083 and GS-085 (Guide), Supervisory Security Guard is the established title for supervisor positions in the GS-085 series. The agency added a parenthetical title of Patrol Boat Operator to the basic title. The *Introduction* states that parenthetical titles may be used to further identify the duties and responsibilities which reflect special knowledge and skill needed to perform the work. Therefore, the appellant's position is allocated as Supervisory Security Guard, GS-085, with a parenthetical designation at the discretion of the agency.

Standard determination

The agency used the Guide and the GSSG to evaluate the grade level of the appellant's position. The appellant's harbor patrol program duties are an integral part of his supervisory functions. Since the Guide does not include grading criteria for program management work, it is neither necessary nor appropriate to apply it to the appellant's position for grading purposes. Therefore, the grade level of the appellant's position is properly determined by application of the grading criteria in the GSSG. Since the appellant did not address any of the factor levels assigned to his position, our evaluation will address all of the factors below.

Grade determination

The GSSG is a cross-series guide used to determine the grade level of supervisory positions in the General Schedule. The GSSG has six evaluation factors, each with several factor-level definitions and corresponding point values. Positions are evaluated by crediting the points designated for the highest level met under each factor, and converting the total to a grade by using the point-to-grade conversion chart in the guide.

Factor 1, Program scope and effect

Subfactor 1a: Scope

This element addresses the general complexity and breadth of the program (or program segment) directed; or the work directed, the products produced, or the services delivered. The geographic and organizational coverage of the program (or program segment) within the agency structure is included under this element.

At Level 1-1 of this subfactor, the work directed is procedural, routine, and typically provides services or products to specific persons or small, local organizations. Illustrative of this work is a supervisor who directs messenger, guard, clerical, or laboratory support work below grade GS-

5, or equivalent and provides local services to an organizational unit, small field office, or comparable activity.

In contrast, at Level 1-2, the program segment or work directed is administrative, technical, complex clerical, or comparable in nature. The functions, activities, or services provided have limited geographic coverage and support most of the activities comprising a typical agency field office, an area office, a small or medium military installation, or comparable activities within agency program segments. Illustrative of line program work is a field office providing services to the general public, in which the office furnishes a portion of such services, often on a case basis, to a small population of clients. The size of the population serviced by the field office is the equivalent of all citizens or businesses in a portion of a small city. Depending on the nature of the service provided, however, the serviced population may be concentrated in one city or spread over a wider geographic area.

As at Level 1-1, the appellant directs a port security guard program providing protective services to the military, civilian, and contractor personnel working at [Organization]. This local program functions within the confines of substantial policy and program controls exercised at the [Organization] and higher Army levels. Our decision on a group appeal filed by the appellant's nonsupervisory subordinates found their positions properly classified at the GS-4 grade level. Similar to Level 1-2, MOTSU is considered a small military installation. However, since the level of work supervised is below grade GS-5, it fails to meet the definition of administrative, technical, or complex clerical work required to meet Level 1-2. Therefore, this subfactor is credited at Level 1-1.

Subfactor 1b: Effect

This element addresses the impact of the work, the products, and/or programs described under "Scope" on the mission and programs of the customer(s), the activity, other activities in or out of government, the agency, other agencies, the general public, or others.

At Level 1-1 of this subfactor, the work directed facilitates the work of others in the immediate organizational unit, responds to specific requests or needs of individuals, or affects only localized functions. In contrast, at Level 1-2, the services or products support and significantly affect installation, area office, or field office operations and objectives or comparable program segments; or provide services to a moderate, local or limited population of clients or users comparable to a major portion of a small city or rural county.

Similar to Level 1-2, the services provided by the appellant's staff involves conducting water-based security patrols of ships at berth, wharfs and other waterfront facilities, as well as overseeing the harbor patrol program and ensuring [Organization] restricted waters are secure at all times which directly impacts [Organization] overall security. Therefore, this subfactor is credited at Level 1-2.

Since Level 1-2 is not met for both subfactor portions of this factor, Level 1-1 must be credited.

This factor is evaluated at Level 1-1 and 175 points are assigned.

Factor 2, Organizational Setting

This factor considers the organizational situation of the supervisory position in relation to higher levels of management.

As at Level 2-1, the position is accountable to a position that is two levels below the first SES, flag or general officer, or equivalent higher level position in the direct supervisory chain. The appellant reports to the Chief of Police, a GS-11 position which, in turn, reports to the Deputy Commander/Commander, an O-6 position which, in turn, reports to [Organization] Base Commander, a General Officer. This reporting relationship fails to meet Level 2-2 where the position is accountable to a position that is one level below the first SES, flag or general officer, or equivalent or higher level position in the direct supervisory chain. Therefore, this factor must be credited at Level 2-1.

This factor is evaluated at Level 2-1 and 100 points are assigned.

Factor 3, Supervisory and managerial authority exercised

This factor covers the delegated supervisory and managerial authorities which are exercised on a recurring basis.

To meet Level 3-2, a position must meet either paragraph 3-2a, 3-2b or 3-2c as discussed below.

At Level 3-2c, a supervisor must exercise at least three of the first four, and a total of six or more of the responsibilities under 3-2c of the GSSG. Our analysis of Level 3-2c responsibilities as they relate to the appellant's position follows:

Responsibility 1 is credited since the appellant plans work, sets and adjusts priorities and prepares work schedules for his subordinates.

Responsibility 2 is credited since the appellant assigns work to his subordinates based on its priority, any difficulties associated with the assignment, and the capabilities of his employees.

Responsibility 3 is credited since the appellant evaluates the work performance of his subordinates.

Responsibility 4 is credited since the appellant gives advice, counsel, and instruction to subordinates on both work and administrative matters.

Responsibility 5 is credited since the appellant interviews candidates for positions in the unit and recommends appointments, promotions, or reassignments to such positions.

Responsibility 6 is credited since the appellant hears and resolves complaints from subordinates and refers group grievances and more serious unresolved complaints to a higher-level supervisor.

Responsibility 7 is credited since the appellant effects minor disciplinary measures and recommends other action in more serious cases.

Responsibility 8 is credited since the appellant identifies, provides or arranges for the development and training needs of his subordinates.

Responsibility 9 is credited. This responsibility involves finding ways to improve production or increase the quality of the work directed. The appellant carries out the second portion of this responsibility in relation to finding ways to increase the quality of the work directed.

Responsibility 10 is credited since the appellant develops performance standards.

Since the appellant's position can be fully credited with all 10 of the listed responsibilities, it fully meets Level 3-2c. Because his position meets Level 3-2c, there is no need to, nor will we address Levels 3-2a or 3-2b further.

To meet Level 3-3, a position must meet either paragraph 3-3a or 3-3b as discussed below.

At Level 3-3a, a position exercises delegated managerial authority to set a series of annual, multi-year, or similar types of long-range work plans and schedules for in-service or contracted work. These positions assure implementation (by lower and subordinate organizational units or others) of the goals and objectives for the program segment(s) or function(s) they oversee. They determine goals and objectives that need additional emphasis; determine the best approach or solution for resolving budget shortages; and plan for long range staffing needs, including such matters as whether to contract out work. These positions are closely involved with high level program officials (or comparable agency level staff personnel) in the development of overall goals and objectives for assigned staff function(s), program(s), or program segment(s). For example, they direct development of data; provision of expertise and insights; securing of legal opinions; preparation of position papers or legislative proposals; and execution of comparable activities which support development of goals and objectives related to high levels of program management and development or formulation.

The appellant's position does not meet Level 3-3a. Unlike that level, the appellant oversees the harbor patrol program with no subordinate levels, ensuring established guard protection policies and regulations are implemented and enforced. In contrast to Level 3-3a, the limited size of the organization does not necessitate planning for long-range staffing needs. None of the work is contracted out, and decisions on issues of this nature are reserved to higher level positions in the organization. Unlike Level 3-3a, the appellant is not closely involved with high level program officials (or comparable agency level staff personnel) in the development of overall goals and objectives for his assigned function. The appellant serves as a first-level supervisor whose position does not exercise the degree of delegated program management authority envisioned at Level 3-3a.

At Level 3-3b, a supervisor must exercise all or nearly all of the supervisory responsibilities described at Level 3-2c, plus at least 8 of the 15 responsibilities listed under Level 3-3b of the

GSSG. As stated before, the appellant's position exercises the responsibilities required for the crediting of Level 3-2c. Our analysis of Level 3-3b responsibilities follows:

Responsibility 1 is credited. It involves using subordinate supervisors, leaders, team chiefs, group coordinators, committee chairs, or comparable personnel to direct, coordinate, or oversee work; and/or providing similar oversight of contractors. Based on the classification appeal decisions we have issued concerning the appellant's subordinates, we find the appellant uses several leaders to direct and oversee guard protection work.

Responsibility 2 is credited. It involves exercising significant responsibilities in dealing with officials of other units or organizations, or in advising management officials of higher rank. As the unit supervisor and SME for the harbor patrol program, the appellant has a significant coordinative and advisory role with other department supervisors and higher ranking [Organization] officials.

Responsibility 3 is not credited. It involves ensuring reasonable equity (among units, groups, teams, projects, etc.) of performance standards and rating techniques developed by subordinates, or assuring comparable equity in the assessment by subordinates of the adequacy of contractor capabilities or of contractor completed work. The appellant's unit has no subordinate supervisors and none of the work is contracted out.

Responsibility 4 is not credited. It involves direction of a program or major program segment with significant resources (e.g. one at a *multi-million* dollar level of annual resources). The appellant is responsible for an assigned portion of the [Organization] budget which does not reach the multi-million dollar level of annual resources contemplated in the GSSG.

Responsibility 5 is credited since the appellant makes decisions on work problems presented by work leaders.

Responsibility 6 is credited since the appellant evaluates team leaders and serves as the reviewing official on the evaluations of the nonsupervisory security guards made by the leaders.

Responsibility 7 is credited since the appellant approves selections for subordinate non-supervisory positions.

Responsibility 8 is not credited. It involves recommending selections for subordinate supervisory positions and for work leader, group leader, or project director positions responsible for coordinating the work of others, and similar positions. Since the appellant does not supervise any subordinate supervisory positions, this responsibility is not-creditable.

Responsibility 9 is credited since the appellant has authority to hear and resolve employee complaints.

Responsibility 10 is not credited. It involves reviewing and approving serious disciplinary actions (e.g. suspensions) involving non-supervisory subordinates. The record shows the

appellant recommends serious disciplinary actions and stated the police chief and chief of guards retain this authority.

Responsibility 11 is not credited. While harbor patrol program employees submit job-related training requests geared toward career development, the nature of the work performed does not regularly provide the need to submit non-routine, costly, or controversial training requests.

Responsibility 12 is not credited. It involves determining whether contractor performed work meets standards of adequacy necessary for authorization of payment. Since the appellant does not oversee any contractor work, this responsibility is not creditable.

Responsibility 13 is not credited. It involves approving expenses comparable to within-grade increases, extensive overtime and employee travel. The appellant exercises the authority to approve extensive overtime expenses since one leader position is vacant, one leader is out on extended leave, and when any subordinate scheduled to work is on leave. However, the record shows the chiefs retain the authority to approve within-grade increases and his subordinates do not routinely engage in official travel.

Responsibility 14 is not credited. The appellant has the authority to recommend awards for non-supervisory personnel. However, the record shows his subordinates are on standard PDs which have already been classified and the chief of police retains the authority to make changes.

Responsibility 15 is not credited. It involves finding and implementing ways to eliminate or reduce significant bottlenecks and barriers to production, promote team building, or improve business practices (e.g. a large production or processing unit). This would apply to large organizations whose missions would be susceptible to the application of such methodological or structural improvements. The work supervised by the appellant does not lend itself to these types of management applications.

Since the appellant's position is credited with 6 of the listed responsibilities, it does not meet Level 3-3b.

This factor is evaluated at Level 3-2c and 450 points are assigned.

Factor 4, Personal Contacts

Factor 4 is divided into two parts: Subfactor 4A, Nature of contacts; and Subfactor 4B, Purpose of contacts. The nature of the contacts credited under Subfactor 4A, and the purpose of those contacts credited under Subfactor 4B, must be based on the same contacts.

Subfactor 4A: Nature of contacts

At Level 4A-2, the employee has frequent contacts with members of the business community, the general public, higher ranking managers, supervisors, and staff of program, administrative, or other work units and activities throughout the installation, command (below major command level) or major organization level of the agency; representatives of local public interest groups;

case workers in congressional district offices; technical or operating level employees of State and local governments; and reporters for local and other limited media outlets reaching a small, general population. Contacts may be informal, occur in conferences and meetings, take place by telephone, teleconference, radio, or similar means, and sometimes require special preparation.

In contrast, Level 4A-3 involves frequent contacts with high ranking military or civilian managers, supervisors, and technical staff at bureau and major organization levels of the agency; with agency headquarters administrative support staff; or with comparable personnel in other Federal agencies; key staff of public interest groups (usually in formal briefings) with significant political influence or media coverage; journalists representing influential city or county newspapers or comparable radio or television coverage; congressional committee and subcommittee staff assistants below staff director or chief counsel levels; contracting officials and high level technical staff of large industrial firms; local officers of regional or national trade associations, public action groups, or professional organizations; and/or State and local government managers doing business with the agency. Contacts include those which take place in meetings and conferences and unplanned contacts for which the employee is designated as a contact point by higher management. They often require extensive preparation of briefing materials or up-to-date technical familiarity with complex subject matter.

The appellant's position meets Level 4A-2. Like this level, contacts involved with his supervisory and related SME work include supervisors, military personnel, and higher ranking managers when the appellant conducts base inspections to determine if security measures are effectively performed; observes the general physical security conditions at [Organization]; attends meetings to discuss new or revised regulations, procedures, and methods; and plans and directs security operations and use of [Organization] wharfs, piers, and docks. He also has contact with public works, fire, and other installation department personnel to ensure safe and proper operations are conducted. His contacts with [Location] Marine Patrol Officers, the [Location] County Sheriffs, and U. S. Coast Guard members are to discuss security issues taking place along the Cape Fear River. The position does not meet Level 4A-3 because the appellant does not have frequent contacts with any of those listed under that level.

This factor is evaluated at Level 4A-2 and 50 points are assigned.

Subfactor 4B: Purpose of contacts

At Level 4B-2, the purpose of contacts is to ensure that information provided to outside parties is accurate and consistent, to plan and coordinate the work directed with that of others outside the subordinate organization, and/or to resolve differences of opinion among managers, supervisors, employees, contractors, or others. In contrast, the purpose of Level 4B-3 contacts is to justify, defend, or negotiate in representing the project, program segment(s), or organizational unit(s) directed, in obtaining or committing resources, *and* gaining compliance with established policies, regulations, or contracts. Contacts at this level usually involve active participation in conferences, meetings, hearings, or presentations involving problems or issues of considerable consequences or importance to the program or program segment(s) managed.

As at Level 4B-2, the purpose of the appellant's contacts are made to ensure security information provided is accurate and consistent, and to coordinate his unit's work with that of others outside his immediate organization including [Location] Marine Patrol Officers, the [Locations] County Sheriffs, and U. S. Coast Guard members. The position does not meet Level 4B-3 because he is not faced with justifying, defending, or negotiating with those contacted on project or harbor patrol program issues; in obtaining or committing resources; or gaining compliance with policies, regulations, or contracts.

This factor is evaluated at Level 4B-2 and 75 points are assigned.

Factor 5, Difficulty of typical work directed

This factor measures the difficulty and complexity of the basic work most typical of the organization directed as well as other line, staff, or contracted work for which the supervisor has technical or oversight responsibility, either directly or through subordinate supervisors, team leaders, or others.

Based on our review, the highest grade level which best characterizes the nature of the basic (mission oriented) non-supervisory work performed under the appellant's supervision, and which constitutes 25 percent or more of the workload of the organization, is GS-4.

Using the conversion chart in the GSSG for Factor 5, a GS-4 base level equates to Level 5-2 and 205 points are assigned.

Factor 6, Other conditions

This factor measures the extent to which various conditions contribute to the difficulty and complexity of carrying out supervisory duties, authorities, and responsibilities. There are two steps involved in assigning a level under Factor 6: (1) select the highest level that the position meets, and (2) if the level selected in step 1 is either 6-1, 6-2, or 6-3, refer to the *Special Situations* section of Factor 6. If the position meets 3 or more of the situations, then a single level is added to the level selected in the first step. If the level selected under step 1 is either 6-4, 6-5, or 6-6, the *Special Situations* section does not apply, and no level is added to the one selected on step 1.

The appellant's position meets Level 6-1 since he supervises a stable GS-4 work force performing guard protection operations that are routine in nature. Unlike Level 6-2, the appellant does not supervise a work force performing technician or support work equivalent to the GS-7 or 8 grad levels nor does he perform full and final technical authority over his subordinates. Our analysis of the Special Situations as they pertain to the appellant's position follows:

Variety of Work

This situation is credited when more than one kind of work, each kind representing a requirement for a distinctly different additional body of knowledge on the part of the supervisor, is present in

the work of the unit. A “kind of work” usually will be the equivalent of a classification series. Each “kind of work” requires substantially full qualification in distinctly separate areas, or full knowledge and understanding of rules, regulations, procedures, and subject matter of a distinctly separate area of work. Additionally, to credit “Variety” (1) both technical and administrative responsibility must be exercised over the work, and (2) the grade level of the work cannot be more than one grade below the base level of work used in Factor 5.

The record shows the appellant supervises one kind of work; i.e., GS-085 Security Guard work. He exercises full administrative and technical supervision over only these positions. Therefore, this situation is not credited.

Shift Operations

This situation is credited when the position supervises an operation carried out on at least two fully staffed shifts.

The record shows the harbor patrol program operates on a 24-hour, 7 days per week basis. The appellant’s subordinate personnel work one of two shifts as discussed previously in this decision. Therefore, this situation is credited.

Fluctuating Work Force or Constantly Changing Deadlines

Fluctuating work force is credited when the workforce supervised by the position has large fluctuations in size (e.g. when there are significant seasonal variations in staff) and these fluctuations impose on the supervisor a substantially greater responsibility for training, adjusting assignments, or maintaining a smooth flow of work while absorbing and releasing employees.

Constantly changing deadlines is credited when frequent, abrupt, and unexpected changes in work assignments, goals, and deadlines require the supervisor constantly to adjust operations under the pressure of continuously changing and unpredictable conditions.

The work force and deadlines for the unit are stable and do not continuously fluctuate as defined under this *Special Situation*. The appellant’s harbor patrol program goals and responsibilities do not change as defined under this *Special Situation*. Therefore, this situation is not credited.

Physical Dispersion

This situation is credited when a substantial portion of the workload for which the supervisor is responsible is regularly carried out at one or more locations which are physically removed from the main unit (as in different buildings, or widely dispersed locations in a large warehouse or factory building), under conditions which make day-to-day supervision difficult to administer.

The harbor patrol program operates two boats within the restricted waters of the Cape Fear River on each shift. However, one leader serves as the “shift supervisor” and each patrol boat is in radio communication with the [Organization] during the shift. These work controls do not create

a situation which makes the appellant's day-to-day supervision more difficult. Therefore, this situation is not credited.

Special Staffing Situations

This situation is credited when: (1) a substantial portion of the work force is regularly involved in special employment programs, or in similar situations which require involvement with employee representatives to resolve difficult or complex human resources management issues and problems; (2) requirements for counseling and motivational activities are regular and recurring; and (3) job assignments, work tasks, working conditions, and/or training must be tailored to fit the special circumstances.

The appellant's work force is not involved in special employment programs discussed and does not have disciplinary or performance issues to the extent discussed above. Therefore, this situation is not credited.

Impact of Specialized Programs

This situation is credited when supervisors are responsible for a significant technical or administrative workload in grades above the level of work credited in Factor 5, provided the grades of this work are not based upon independence of action, freedom from supervision, or personal impact on the job.

The appellant does not supervise other non-leader nonsupervisory positions above the GS-4 base level of work credited under Factor 5. Therefore, this situation is not credited.

Changing Technology

This situation is credited when work processes and procedures vary constantly because of the impact of changing technology, creating a requirement for extensive training and guidance of the subordinate staff.

The appellant's work processes and procedures do not vary due to changing technology as envisioned in this *Special Situation*. They remain stable and constant. Therefore, this situation is not credited.

Special Hazard and Safety Conditions

This situation is credited when the supervisory position is regularly made more difficult by the need to make provision for significant unsafe or hazardous conditions occurring during performance of the work of the organization.

Harbor patrol personnel carry safety equipment such as a baton, bullet proof vest, and steel tip boat boots. Training exercises and drills using the various pieces of safety equipment are conducted during the year through the training/supply officer and the appellant may watch and/or participate in them. If an employee finds a piece of equipment is not in working order during his

equipment inspection, the training/supply officer can issue a replacement. The appellant performs inspections, some a surprise in nature, of his subordinates' uniforms and equipment. The appellant is responsible for ensuring the safety equipment referenced above remains in working order. Therefore, this situation is credited.

As previously stated, Level 6-1 was credited for the first step of the evaluation of this factor. Because this position meets only two Special Situations and not three, a single additional level is not added to the level selected in the first step.

This factor is evaluated at Level 6-1 and 310 points are assigned.

Summary

<i>Factor</i>	<i>Level</i>	<i>Points</i>
1. Program Scope and Effect	1-1	175
2. Organizational Setting	2-1	100
3. Supervisory/Managerial Authority	3-2c	450
4. Personal Contacts		
Nature of Contacts	4A-2	50
Purpose of Contacts	4B-2	75
5. Difficulty of Work Directed	5-2	205
6. Other Conditions	6-1	310
<i>Total Points</i>		1,365

The total points fall within the GS-7 point range of 1,355 to 1,600 on the grade conversion table provided in the GSSG.

Decision

The position is properly classified as Supervisory Security Guard, GS-085-7, with a parenthetical designation at the discretion of the agency.