

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

**Appellant:** [appellant's name]

**Agency classification:** Investigations and Inquiries Specialist  
GS-1801-13

**Organization:** [division]  
Office of the Inspector General  
[command]  
U.S. Department of the Air Force  
[installation]

**OPM decision:** GS-1801-13  
Title to be determined by agency

**OPM decision number:** C-1801-13-04

/s/ Linda J. Kazinetz 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 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 the *Introduction to the Position Classification Standards (Introduction)*, appendix 4, Section G (address provided in appendix 4, section H).

As discussed in the decision, the appellant's position description (PD) of record must be revised to meet the PD standard of adequacy in the *Introduction*. The revised PD must be submitted to the U.S. Office of Personnel Management (OPM) office that accepted this appeal within 30 calendar days of the date of this decision.

**Decision sent to:**

[appellant's name and address]

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## **Introduction**

On May 3, 2012, OPM's Dallas Oversight office accepted a classification appeal from [name of appellant]. The appellant's position is currently classified as Investigations and Inquiries Specialist, GS-1801-13, but he believes it should be classified as Supervisory Investigations and Inquiries Specialist, GS-1801, at the GS-14 or GS-15 grade level. The position is located in the [division], Office of the Inspector General, [specific command] (hereafter referred to as Command), U.S. Department of the Air Force (USAF), at [installation]. We received the agency's administrative report on June 21, 2012. We have accepted and decided this appeal under section 5112 of title 5, United States Code (U.S.C.).

## **Background**

The appellant previously occupied PD, number [number], classified as Investigations and Inquiries Specialist, GS-1801-13. The position was then moved to the National Security Personnel System (NSPS). In December 2008, the appellant requested a classification review of his position from the Air Force Manpower Agency (AFMA), now the Air Force Personnel Command, requesting the pay band (PB) of his position be changed from PB 2 to PB 3. When NSPS was repealed in 2009, the appellant was assigned to the "reach back" PD, number [number], while AFMA continued with the classification review of the appellant's position. Their March 15, 2011, evaluation statement determined his position was appropriately classified as GS-1801-13, but lowered the level assigned for Factor 2, Supervisory Controls, from Level 2-5 to 2-4. The appellant was reassigned to the current PD, number [number], reflecting the crediting of Level 2-4. The appellant subsequently filed a classification appeal with the Department of Defense's (DoD) Civilian Personnel Advisory Service. Their November 17, 2011, decision sustained AFMA's classification determination.

## **General issues**

The appellant raises concerns about his agency's position reviews, e.g., that the agency classifier failed to adequately consider his position's authority and responsibilities. In adjudicating this appeal, our responsibility is to make our own independent decision on the proper classification of the appellant's position. Because our decision sets aside all previous agency decisions, any concerns regarding the agency's classification review process are not germane to this decision.

The appellant also said Air Force Instruction (AFI) 90-301 supports his classification appeal request, since it states:

Independent installation IGs will be established at all active duty bases and at Air Force Reserve and Air National Guard wings. IGs at Air Force installations with a base population (officer, enlisted, and government civilians) of 5,000 people or more will be in the grade of lieutenant colonel or colonel (or civilian equivalent); those installations with a base population of less than 5,000 people will be in the grade of major or lieutenant colonel.

By law, we must classify positions solely by comparing their current duties and responsibilities to OPM position classification standards (PCS) and guidelines (5 U.S.C. 5106, 5107, and 5112). Since comparison to PCSs is the exclusive method for classifying positions, we cannot compare the appellant's current duties to the AFI as a basis for deciding his appeal. In addition, the AFI provides guidance regarding the grading of IGs, not [division] Chief positions like the appellant's.

The appellant said his duties are similar to those performed by higher-graded [division] Chief positions. Like OPM, the appellant's agency must classify positions based on comparison to OPM PCSs and guidelines. However, the agency also has primary responsibility for ensuring its positions are classified consistently with OPM appeal decisions. The appellant forwarded GS-14 PDs for the [division] Chief at the USAF [organization] Command and the USAF [organization] Command, the Deputy IG for Investigations at USAF [organization] Command, and an Investigations and Complaints Resolution Specialist for the USAF [organization]. In reviewing the PDs, we noted significant differences between the appellant's and two of the other higher-graded PDs (e.g., one position serves as deputy to a GS-15 IG and the other as a supervisor for subordinate supervisors). However, the other GS-14 PDs describe duties similar to the appellant's. The appellant and immediate supervisor said in separate telephone discussions that both are familiar with the organizational structures and functions described in the GS-14 PDs, and neither can discern any significant differences between that of the appealed position and the higher-graded PDs.

After careful consideration of the documentation provided by the appellant, we have asked the agency to provide us with an intra-agency classification consistency report on positions cited by the appellant: the [division] Chief at the USAF [organization] and the Investigations and Complaints Resolution Specialist for the USAF [organization]. In making its report, the agency will review positions that are identical, similar, or related to the appellant's position to ensure they are classified consistently with this appeal decision. The *Introduction*, appendix 4, section I, provides more information about such reports. We have also tasked the agency to inform the appellant of the results of its consistency review.

### **Position information**

The appellant serves as the Chief of the [division], a component of the Command IG Office at the Command headquarters. The Command is a major military command (MAJCOM) with a direct reporting relationship to the USAF headquarters. The appellant's immediate supervisor (a Colonel position) serves as IG and reports directly to the MAJCOM Commander (a 4-star General Officer position). The Command consists of approximately [number] military and civilian personnel and has [number] Numbered Air Force (NAF), [number] Center, and [number] Wing components. The mission and operations of the Command involve ballistic missile and rocket launch applications, space-based and ground-based satellite and surveillance systems, advanced communications systems, experimental/developmental test systems and applications, and space/missile/cyber acquisition programs.

Each USAF installation typically has its own on-base IG, who primarily serves the installation commander and the assigned organization by performing complaint resolution functions; training

members of the organization on IG processes and fraud, waste, and abuse (FWA) issues; and conducting unit inspections. The installation IG reports directly to the installation commander, but the appellant's IG [division] (the organization is referred to as the [organization name]) retains technical oversight responsibility for Command-wide [division] functions.

The [organization name] receives complaints alleging FWA, reprisal, improper restriction of access, improper referral for mental health evaluation, etc. Each complaint received by the [organization name] is analyzed for validity and relevance, resulting in one of the following actions: assistance if the complaint is not an IG matter but the IG can provide assistance, referral if another grievance channel exists, transfer if it is a matter appropriate for the USAF but for an IG other than the receiving one, dismissal, or investigation. If the complaint falls under [organization name] jurisdiction and meets required timeframes, the appellant may investigate the complaint, assign the complaint to an investigator in his [organization name], or prepare an appointment letter to initiate an Investigating Officer (IO). In 2011, of the complaints received by the [organization name], 125 were dismissed, 376 led to assistance to the complainant, 60 were referred to the appropriate authority, 38 were transferred out of the Command, and six led to full investigations.

IG investigations are administrative proceedings and preponderantly address complaints involving the 'big three' issues (i.e., reprisal, restricted access, or improper mental health evaluation referral). However, they may also cover other types of wrongdoing including abuse of authority, FWA, and other violations of law or regulation. An investigation requires collecting documents; taking sworn testimony from complainants, subjects, and other witnesses; and communicating findings in a Report of Investigation (ROI). The timeline of a complaint, from intake to investigation, typically spans 120 calendar days.

The appellant independently conducts or directs IG investigations correcting systemic, programmatic, or procedural weaknesses. His investigations work requires applying an expert knowledge of investigative techniques, principles, and procedures. For example, he analyzes evidence and documentation (what are the facts), identifies guidelines (what standards apply), gathers evidence, interviews witnesses, and draws conclusions (are allegations substantiated). He prepares ROIs in accordance with appropriate guidelines and summaries of testimony when appropriate. His investigative work entails a large body of interrelated facts, many sources of information, disputed facts, and findings requiring interpretation of diverse laws, rules, and regulations. The appellant considers documentary evidence in the form of handwritten notes, correspondence, reports, emails and other computer records, procurement records, financial records, manning documents, personnel files, etc. He also interviews individuals to gather information pertinent to the complaint.

The appellant recently concluded an investigation stemming from a complaint forwarded by the Office of Special Counsel (OSC), disclosing potential abuses of authority and other violations involving employees at a Center. Based on the allegation, he determined the legal framework involving Office of Government Ethics and DoD regulations, title 5, U.S.C., and various agency instructions; identified pertinent issues (as determined by the initial allegation and through the investigative process) including abuse of authority, operating a business at the workplace during duty time, use of Government equipment and other resources, duration and severity of violations,

outside employment, and gifts and solicitation; and conducted interviews and a review of documents. The appellant used a variety of interview methods and techniques to gather testimony from often uncooperative and fearful individuals. As is common in this type of investigation, he decides whether the testimony of an individual is rendered not credible if, for example, the witness is uncooperative, if the testimony is inconsistent with documentary evidence, etc. Based on witness testimony, he unearthed potential systemic, Center-wide violations involving the operation of personal businesses. Consequently, in addition to the disciplinary actions levied on particular employees, the Center Commander instituted new standard practices and procedures when an employee engages in a personal business and other off-duty employment and ordered mandatory Center-wide ethics training.

The appellant also conducts or directs investigations complicated by jurisdictional issues. For example, he can investigate an employee accused of abusing leave, although the individual may no longer be assigned to or employed by the Command. He can interview management officials at the individual's current command or employer. In addition, complaints are especially sensitive when involving allegations against a Colonel or other high-ranking position. The appellant recently investigated reprisal allegations against a Colonel, reviewing personnel files of the subject and the complainant to identify opportunities to commit reprisal; interviewing the parties to the complaint, subordinates, and peers; and drawing legally supportable conclusions based on varying and conflicting testimony.

The appellant has signatory and release authority for ROIs. If the appellant serves as the investigator of record, the IG serves as the appointing officer and final signer for the case. Cases involving allegations against senior officials (i.e., positions above Colonel or the civilian equivalent) are forwarded to the IG for the Secretary of the USAF (SAF) for resolution. The appellant may investigate cases involving all other positions except senior officials, forwarding results to the SAF IG for recordkeeping purposes.

The appellant serves as the Command's subject matter expert (SME) on complaints resolution, as IGs (including his current supervisor) are generally not investigators and are selected from other USAF career paths. The appellant reviews all Command investigative reports, providing the reports to the DoD for review and subsequent forwarding to Congress. His work also entails identifying and analyzing complaint trends, collecting information for submission to agency databases, and addressing significant concerns with his supervisor, the SAF [organization name], or other higher-level officials. Other duties include developing [division] procedures and guidance for all Command installation IGs, providing policy development input to the SAF [organization name], participating in USAF-wide discussions and conferences regarding revisions to [division] policies, providing training on the IG program, and serving as the Command's release authority on Privacy Act and Freedom of Information Act requests.

The Inspections Division of the Command's IG office, not the [organization name], has primary responsibility for the inspection program. The Division conducts unit climate and efficiency reviews for NAFs, Wings, Groups, and other large Command components. Installation IGs conduct reviews for Squadrons, Flights, and other smaller units. The appellant participates in the inspections of the larger Command components. His duties entail evaluating the organization's IG functions; reviewing IG reports; interviewing staff at various levels and functions; and

providing an oral briefing and written summary of findings to the installation commander. The appellant's supervisor is responsible for the consolidated inspection report.

The PD shows the appellant spends 25 percent of his time on each of the following duties: (1) developing and implementing Command-wide policies, programs, and procedures; (2) overseeing handling of Command-wide IG reviews, inquiries, and investigations; (3) serving as the Command's SME on complaints and investigations; and (4) performing supervisory personnel management responsibilities. The appellant and immediate supervisor certified to the accuracy of the duties described in the official 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. Major duties are normally those occupying a significant portion of the employee's time. They should be only those duties currently assigned, observable, identified with the position's purpose and organization, and expected to continue or recur on a regular basis over a period of time.

The record shows the appellant's PD overestimates the percentage of time spent on supervisory work which we discuss in more detail later in the decision. PDs must meet the minimum standard of adequacy as described in the *Introduction*. Therefore, the appellant's PD must be revised so that there is a clear understanding of the duties and responsibilities representing the approved classification. Regardless, an OPM decision classifies a real operating position and not simply the PD. We have decided this appeal based on an assessment of the actual work assigned to and performed by the appellant.

To help decide this appeal, we conducted telephone audits with the appellant on July 9 and 16, 2012, and a telephone interview with his immediate supervisor on July 11, 2012. In deciding this appeal, we fully considered the interview findings and all information of record provided.

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

The agency assigned the appellant's position to the GS-1801 General Inspection, Investigation, Enforcement, and Compliance Series. The appellant does not disagree and, after careful review of the record, we concur. Since OPM has not prescribed titles for positions in this series, the agency may assign a title following the guidance in the *Introduction*.

The appellant said he spends approximately 50 percent of his time supervising the Command's [organization name] staff, including one civilian and two military employees (i.e., Inquiries and Investigations Specialist, GS-1801-12; Complaints Resolution Officer, an O4 Major; and Inquiries and Investigations Specialist, an E8 Senior Master Sergeant). He and the immediate supervisor assert the appellant spends at least 25 percent of his time supervising and that the General Schedule Supervisory Guide (GSSG) should be used to evaluate the position's grade level. Coverage by the GSSG requires a position to (1) accomplish work through combined technical and administrative direction of others; (2) constitute a major duty occupying at least 25 percent of the position's time; and (3) meet at least the lowest level of Factor 3, Supervisory and Managerial Authority Exercised, in the guide. The appellant's position does not fully meet GSSG coverage requirements.

Classification principles require agreement between the supervision given as described in a supervisor's PD with the supervision received as described in the PDs of subordinate employees. We considered the subordinate employee's GS-1801-12 PD, for which the appellant provides a full range of technical and administrative supervision. We note the PD credits Level 2-4, stating the position works independently in exercising judgment in planning and carrying out assignments and selecting the appropriate techniques when completing assignments, informing the appellant of potentially controversial issues or problems. Thus, we must conclude the appellant spends a limited amount of his time supervising the GS-12 specialist.

In considering the supervision of military staff, the appellant asserts the military members require additional training and oversight due to inexperience from the lack of IG career paths in the military, limited formal training, and staff turnover every couple years. However, the appellant exercises limited supervisory responsibility over the military staff. For example, he is not involved in the 'hiring' process but instead provides feedback on several candidates while the military chain-of-command retains appointment authority. He does not develop performance standards; military members are assigned to standard personnel manning documents which include performance standards. The appellant also develops and presents [division] program training, but the military staff adheres to training required by military regulations and advancement in rank. Thus, his hiring, training, performance evaluation, and other supervisory responsibilities are lessened when dealing with active-duty military staff in comparison with his sole civilian subordinate.

We reviewed the Officer Performance Report, signed by the appellant as supervisor, for the Complaints Resolution Officer position. We noted the position is responsible for coordinating the complaints resolution program; providing oversight of the installation IGs; and evaluating unit plans, training, and crew force management. The nature of the duties described in the performance report suggest the position's coordination, evaluation, and oversight work demands an environment free from close supervision claimed by the appellant.

The appellant reports spending half his time supervising his [organization name] staff and reviewing the ROIs and other work products of the installation IGs for Command-wide consistency. The primary purpose of his position, as [division] Chief, is to technically manage the investigations process. The appellant exercises no administrative supervisory responsibility for installation-level IG staff. His review of installation-level work products entails nonsupervisory technical program management responsibilities unrelated to the work covered by the GSSG involving technically and administratively directing the work of subordinate positions. The GSSG specifically excludes positions with program management responsibilities that do not directly supervise the work of a recognizable workforce on a regular and recurring basis. Given the small size of the appellant's subordinate workforce, the relative independence with which the employees work, and the limitations on supervisory authority exercised over the military staff, we find the record does not support the conclusion that the appellant spends 25 percent or more of his time on supervisory duties.

Thus, his position is not covered by the GSSG and the GSSG may not be used for grade level analysis. Therefore, we have applied the grading criteria in the Job Family Standard (JFS) for



Administrative Work in the Inspection, Investigation, Enforcement, and Compliance Group, 1800, which provides grading criteria for nonsupervisory positions in the 1800 Group.

### **Grade determination**

The GS-1800 JFS is written in the Factor Evaluation System (FES) format, under which factor levels and accompanying point values are assigned for each of the nine factors. The total is converted to a grade level by use of the grade conversion table provided in the JFS. Under the FES, each factor-level description demonstrates the minimum characteristics needed to receive credit for the described level. If a position fails to meet the criteria in a factor-level description in any significant aspect, it must be credited at a lower level unless an equally important aspect that meets a higher level balances the deficiency. Conversely, the position may exceed those criteria in some aspects and still not be credited at a higher level.

The appellant disagrees with the agency's evaluation of Factors 2, 3, 5, and 7. We reviewed the agency's determination for Factors 1, 4, 6, 8, and 9, concur, and have credited the position accordingly. Our evaluation will focus on the remaining factors.

#### *Factor 2, Supervisory Controls*

This factor covers the nature and extent of direct or indirect controls exercised by the supervisor, the employee's responsibility, and the degree to which the work is reviewed by the supervisor.

At Level 2-4, the supervisor outlines overall objectives and available resources; discusses projects and timeframes with the employee; and determines the parameters of the employee's responsibility. The employee determines the most appropriate avenues to pursue; decides the practices and methods to apply in all phases of assignments including the approach to take, and the depth and intensity needed; interprets policy and regulations and resolves most conflicts as they arise; coordinates projects or cases with others as necessary; and keeps the supervisor informed of progress and potentially controversial matters. The supervisor does not normally review the methods used but reviews completed work for soundness of overall approach; effectiveness in producing results; feasibility of recommendations; and adherence to requirements.

At Level 2-5, the supervisor provides general administrative direction for assignments in terms of broad program objectives and agency resources. The employee is responsible for a significant program, project, or investigation; independently plans, organizes, and carries out the work to be done; and analyzes objectives or interprets policies promulgated by senior authorities and determines their effect on the agency's programs. The supervisor reviews the work for potential impact on broad agency policy objectives and program goals; usually evaluates the employee's recommendations for new systems, methods, projects, or program emphases in light of the availability of funds and personnel, equipment capabilities, and agency priorities; and normally accepts work as technically authoritative and rarely makes changes to the employee's work.

The appellant's position meets Level 2-4. As at this level, he is responsible for independently planning, directing, and carrying out the [division] program function for the Command

headquarters. He reviews incoming complaints; assigns, coordinates, and provides technical advice on the Command's investigative work; reviews ROIs to verify conclusions are consistent with case facts; ensures complaints are addressed accurately, adequately, fairly, timely, and in compliance with agency reporting requirements. He also drafts and distributes implementing guidelines on [division] matters used by installation IGs, and provides input into the Command's inspections division procedures. The appellant is considered the SME on investigation-related matters, but he is expected to notify his supervisor or other senior leaders of any reports of significant findings such as those concerning the conduct or practices of unit commanders, prior to communicating findings. Similar to Level 2-4, his work involves applying judgment in carrying out assignments and deciding the proper approach within parameters established by guidelines including AFIs, DoD instructions and directives, and Federal laws and regulations.

The appellant seeks to credit his position at Level 2-5, stating he has authority to appoint IOs and approve investigation reports from installation IGs. However, implicit at Level 2-5 is a degree of program management responsibility not present in the appellant's position. Level 2-5, the highest level in the FES, describes positions performing program work with the highest degree of independence within the context of broadly defined missions or functions. In contrast, the appellant's position is not responsible for a broad program or function requiring he determine and design the activities or tasks to be completed. These functional requirements are established by and controlled at the SAF- and DoD-level IG organizations. The appellant exercises substantial program control such as analyzing policies from the higher-level IG organizations and determining the impact at the Command-level, formulating and issuing supplemental procedures, providing program guidance, and analyzing data to identify trends. Unlike Level 2-5, his work is not performed within the context of only a broadly defined, i.e., general or not detailed, mission or function. His [division] tasks are performed within the framework, policies, and controls established by AFIs and other agency guidelines.

The appellant has full program management authority for the Command's [organization name]. His immediate supervisor, a military officer, does not have in-depth technical expertise on [division] matters. Thus, the appellant's supervisory controls approach Level 2-5, as his supervisor normally accepts his work as technically authoritative and rarely makes changes. The supervisor reviews his work to ensure the [organization name] program objectives and deadlines are met, but he does not and cannot review the technical accuracy or adequacy of the appellant's advice, recommendations, conclusions, and other work products. However, in contrast to Level 2-5, his supervisor does not review work from the standpoint of its potential impact on broad agency policy objectives, or evaluate his recommendations for new systems, methods, projects, or program emphases as that type of broad agency-level work impacting policy objectives or recommending novel initiatives is the responsibility of the SAF IG and other higher-level program offices.

Level 2-4 is credited for 450 points.

### *Factor 3, Guidelines*

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

At Level 3-4, employees use administrative policies and precedents which are applicable but stated in general terms. Guidelines for performing the work are scarce or of limited use. The employee uses initiative and resourcefulness in deviating from established methods to address specific issues or problems; identify and research trends and patterns; develop new methods and criteria; or propose new policies and practices.

At Level 3-5, employees use as guidance basic legislation, judicial rulings, and broad policy statements which are often ambiguous and require extensive interpretation. There are frequently no comparable precedents to use as a guide. The employee uses considerable judgment and ingenuity to interpret the intent of new or revised guidance and develops policy, guidelines, and practices for specific areas of work.

The appellant's position fully meets Level 3-4. As at this level, he uses administrative policies and precedents that are stated in general terms such as applicable guidelines in AFI 90-201, the USAF Inspection Program; AFI 90-301, the IG Complaints Resolution Program; AFI 90-401, the USAF Relations with Congress; DoD instructions and directives; titles 5 and 10, U.S.C.; and other Federal laws, rules, and regulations. Each investigation is different and guidelines are not always applicable. Similar to Level 3-4, the appellant uses initiative and resourcefulness in deviating from established methods to address the specific issue or problem raised in the complaint.

The appellant seeks to credit his position at Level 3-5, stating his work frequently has no precedents due to the different investigation types and also that he assists in policy development with the SAF [organization name]. He advises installation IGs in the implementation of new [division] regulations and policies; e.g., when AFI 90-301 was significantly revised, he provided implementing guidance to all Command IGs. The appellant's position is responsible for drafting [division] standard operating procedures for all Command IGs. This work requires applying considerable judgment in interpreting the intent of new or revised guidelines and developing supplemental instructions for use by others in the [division] program area. But unlike Level 3-5, his guidelines include agency program directives and instructions and are more specific than the basic legislation and broad policy statements described at Level 3-5. In contrast to Level 3-5, the appellant does not develop new approaches and concepts where precedent does not exist, or nationwide standards, procedures, and instructions to guide IG staff on [division] functions as those are typically originated, developed, and issued by the SAF [organization name] albeit with input from the Command and other MAJCOMs within USAF.

The appellant participates in policy drafting meetings and provides comments on significant revisions to the USAF policies relating to [division] matters. This work entails recommending procedures and guidelines for policy development, contributing to advisory products. However, unlike Level 3-5, those end products are reviewed and approved by the SAF IG and other higher-level officials prior to agency dissemination. Typical of Level 3-4, the appellant develops and updates the Command's [division] procedures and guidelines. He keeps abreast of the developments in nation- and agency-wide guidelines, making appropriate adjustments to the Command [division] operating procedures; however, his position is not responsible for originating and developing nation- or agency-wide standards typical at Level 3-5.

Level 3-4 is credited for 450 points.

*Factor 5, Scope and Effect*

This factor covers the relationship between the nature of the work; i.e., the purpose, breadth, and depth of the assignments, and the effect of work products or services both within and outside the organization.

At Level 5-4, work involves planning and conducting multi-agency, multi-state, or international studies, reviews, or investigations; developing operational criteria, plans, and bulletins; or investigating or analyzing a variety of unusual situations. Work efforts result in the disruption of large-scale organized illegal activity and/or in changes to business practices or procedures promoting the health, safety, or fair treatment of a large group or whole class of people. Work may also result in improved planning and operational aspects of agency programs.

At Level 5-5, work involves planning, organizing, and performing assignments addressing the most complex problems or initiatives crossing a range of program areas. Work efforts result in the detection and resolution of threats or challenges to the well-being of substantial numbers of people, cause changes in business practices of large important institutions, or serve as the basis for changes in the direction of major agency initiatives or in longstanding agency practices.

The appellant's position meets Level 5-4. As at this level, his work involves planning, performing, or directing investigations; developing operating procedures for [division] functions; and reviewing and analyzing investigative findings involving 'big three' and other allegations. Typical of this level, the appellant's work affects major aspects of the Command's IG investigations and results in the improvement of various agency operations (e.g., by correcting systemic, programmatic, or procedural weaknesses). His work is equivalent to an illustration in the JFS at Level 5-4 where work involves planning and performing independent research to reconstruct complicated events; developing case-specific subject profiles and link analyses for complex investigations; keeping abreast of innovations, trends, new search and retrieval techniques; and coordinating with investigators in other agencies assigned to task forces. Level 5-4 positions affect the conduct and outcome of investigations and enables investigators to narrow investigative leads.

The appellant seeks to credit his position at Level 5-5, stating his investigations are detailed, multifaceted, and cross functions including human resources, ethics, and medical and civil engineering. He also said FWA investigations impact the direction of major agency investigations, and OSC-referred investigations demonstrate a broad impact outside the agency. Although the appellant's investigations involve several functional areas, the immediate results of the work do not normally serve as the basis for changing longstanding policies or the direction of USAF initiatives as expected at Level 5-5. The appellant investigates cases involving positions at or below the Colonel or the civilian equivalent, while allegations against senior officials are forwarded to the SAF IG for investigation. He forwards investigation results to the SAF IG, who generally accepts his findings without change. The SAF retains responsibility for investigating allegations against senior officials; these type investigations result in high-profile, contentious findings due solely to the focus of the allegations and regardless of its content. Level 5-5 is the

highest level in the FES, is reserved for positions, unlike the appellant's, involved in the planning, organizing, and performing of assignments addressing the most complex problems or initiatives crossing a range of program areas. In contrast to the impact on major agency initiatives described at Level 5-5, his position is primarily concerned with the program, operations, and issues of the Command's [division] function.

The appellant's work also does not have breadth, depth, or impact comparable to an illustration at Level 5-5 in the JFS. The JFS describes Level 5-5 work as involving coordinating and negotiating with domestic and foreign law enforcement, legal, Government, and industry officials to resolve significant jurisdictional issues and technical and legal implications; and leading a multi-agency taskforce investigating criminal intrusion into, or sabotage of, computer information systems including: invasive entry of systems underlying Internet website with worldwide users; and injecting programming which overloads system capacities or paralyzes operations. The Level 5-5 illustration also describes work as affecting the development and use of novel and innovative approaches such as: tracing background system logging information to connect subjects to crimes; and utilizing expert sources to write programming codes to extract and decipher encrypted evidentiary information. The affect of the appellant's work is limited to the outcome of the Command's investigations and findings, and it does not influence the development and use of novel and investigative techniques on issues of the breadth and impact found at Level 5-5.

Level 5-4 is credited for 225 points.

#### *Factor 7, Purpose of Contacts*

This factor includes face-to-face and telephone contacts with persons not in the supervisory chain. Levels described under this factor are based on what is required to make the initial contact, the difficulty of communicating with those contacted, and the setting in which the contact takes place.

At Level c, the contacts' purpose is to influence, persuade, interrogate, or control people or groups. The people contacted may be fearful, skeptical, uncooperative, or dangerous. The employee must be skilled at approaching the individual or group to obtain the desired effect, such as gaining compliance with established policies and regulations by persuasion or negotiation, or gaining information by establishing rapport with a suspicious informant.

At Level d, the contacts' purpose is to justify, defend, negotiate, or settle matters involving significant or controversial issues and/or problems. Work usually involves active participation in conferences, meetings, hearings, or presentations about problems or issues of considerable consequence or importance. People contacted typically have diverse viewpoints, goals, or objectives which require the employee to achieve a common understanding of the problem and a satisfactory solution by convincing them, arriving at a compromise, or developing suitable alternatives.

The purpose of the appellant's contacts meets Level 7-c. His investigations work requires dealing with fearful, skeptical, or uncooperative complainants, subjects, and witnesses. Similar

to Level 7-c, the appellant approaches the individual or group to obtain the desired effect by establishing rapport to obtain information on sensitive or controversial issues. The supervisor said the appellant does not normally encounter uncooperative individuals of this type while participating in unit reviews; however, his work involves contact with employees at all Command levels and requires establishing a rapport to gain information. He also discusses his findings and suggestions with the unit commander at the conclusion of the review. As at Level 7-c, this and other contacts are not only for the purpose of obtaining and exchanging information but also for influencing, persuading, and gaining the support of sometimes unwilling and uncooperative individuals when discussing, defining, promoting, and recommending practices representing a change in existing [division] program and other IG-related procedures and operations.

The appellant said his unit climate assessment work supports crediting his position at Level 7-d. He presides over open door sessions where participants have diverse viewpoints and controversial issues may be discussed. However, the purpose of this and other contacts do not meet Level 7-d. The appellant uses skill in persuasion and tact to provide feedback on how well the unit fulfills [division] program and other IG-related responsibilities. The unit commander may have mission-oriented priorities different from those of the appellant's. However, disregarding inspection findings risk being noncompliant with AFI, DoD instructions and directives, etc. Commanders are required to follow the agency's IG policies, programs, and procedures. In this environment, we conclude the appellant's contacts do not involve the highly controversial or major issues similar to Level 7-4, as commanders normally cooperate, sometimes reluctantly, or risk the consequences of noncompliance with agency requirements. He also consults with the supervisor before discussing potential changes or potentially controversial findings with the unit commander or other high-level official during briefing sessions. The issues identified during an inspection primarily relate to the unit, a segment of the Command, and does not involve the issues of considerable consequence or importance described at Level 7-d.

The purpose of his contacts involve the resolution of difficult and/or emotionally charged problems characteristic of Level 7-c. The appellant also advises his supervisor on Congressional matters, which entails responding to allegations brought to the [organization name] attention by members of Congress. He does not directly contact Congressional staff; instead, the Command's Congressional Liaison Officer is the point of contact with Congressional staff. The appellant also participates on policy development committees and professional conferences. Unlike Level 7-d, the contacts involved in this and other assignments are more collaborative and do not require justifying, negotiating, or settling matters with significant or controversial issues to the extent described at Level 7-d.

Levels 6-3 and 7-c are credited for 180 points.

*Summary*

<i>Factor</i>	<i>Level</i>	<i>Points</i>
1. Knowledge Required by the Position	1-8	1550
2. Supervisory Controls	2-4	450
3. Guidelines	3-4	450
4. Complexity	4-5	325
5. Scope and Effect	5-4	225
6. & 7. Personal Contacts and Purpose of Contacts	3-c	180
8. Physical Demands	8-1	5
9. Work Environment	9-1	<u>5</u>
<i>Total</i>		3,190

A total of 3,190 points falls within the GS-13 range (3,155 to 3,600) on the grade conversion table in the JFS.

**Decision**

The position is properly classified as GS-1801-13. The title is at the agency's discretion.