

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

**Philadelphia Oversight Division
600 Arch Street, Room 3400
Philadelphia, PA 19106-1596**

**Classification Appeal Decision
Under Section 5112 of Title 5, United States Code**

Appellant: [appellant's name]

Agency classification: Park Ranger
GS-025-7

Organization: [name] National Wildlife Refuge
U.S. Fish and Wildlife Service
Region [number]
U.S. Department of the Interior
[location]

OPM decision: Police Officer
GS-083-8

OPM decision number: C-0083-08-02

*This decision was prepared, reconsidered, and suspended by
OPM decision number C-0083-07-03, dated 1/18/01.*

Robert D. Hendler
Classification Appeals Officer

1/3/00
Date

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

Since this decision changes the classification of the position, it is to be effective no later than the beginning of the fourth pay period after the date of the decision (5 CFR 511.702). The servicing human resources office must submit a compliance report containing the corrected position description (PD) and a Standard Form 50 showing the personnel action taken. The report must be submitted within 30 days from the effective date of the personnel action.

Decision sent to:

[appellant's name]
[address]

[name]
Personnel Officer
U.S. Department of the Interior
U.S. Fish and Wildlife Service
[address]
[location]

Chief, Office of Personnel Policy
U.S. Department of the Interior
Office of the Secretary
Washington, DC 20240

Introduction

On October 14, 1999, the Philadelphia Oversight Division of the U.S. Office of Personnel Management (OPM) accepted a classification appeal from [appellant's name]. The position he occupies currently, is classified as Park Ranger, GS-025-7 (Position Description (PD) #53550-98099). It is located in the [name] National Wildlife Refuge (NWR), U.S. Fish and Wildlife Service, U.S. Department of the Interior (DOI), Region [number], [location]. The appellant requests that we upgrade the position to Park Ranger, GS-025-9. We have accepted and decided this appeal under section 5112 of title 5, United States Code (U.S.C.).

General issues

U.S. Fish and Wildlife created the PD of record as a standard PD for certain positions at many of its National Wildlife Refuges. The position incumbents are commissioned law enforcement officers, who also perform natural resource education and public use management duties. The appellant was reassigned into the position on November 22, 1998, as the result of a position review. The appellant, his supervisor, and the agency confirmed that the appellant performs the duties the PD describes.

The appellant has occupied the position since March 1996. Before his November 22, 1998 reassignment, the position had been classified as a Refuge Law Enforcement Officer, GS-1802-7. The appellant states that the work he performs has not changed substantially since that time. Appealing the position's classification to DOI, the appellant asked the agency to forward his appeal to OPM if it decided that the position is not properly graded at the GS-9 grade level. DOI decided the position is correctly classified as a Police Officer, GS-083-7, but delayed reclassifying the position pending the OPM appeal decision.

The appellant states the nature and purpose of his personal contacts, as they are described in his PD and used to support DOI's appeal decision, are inaccurate, and that the supervisory controls over his work have been evaluated incorrectly. The appellant believes that the complexity and scope of his position are raised to the GS-9 grade level by his deviations from and creation of guidelines, report development, coordination with other agencies, training and supervising of seasonal employees, and the limited review his work receives. He also considers the workload and operations at the NWR to be of the same complexity as that at larger refuges and Park facilities. He further states that a knowledge and an ability listed on the vacancy announcement to which he applied for placement in the position, indicates that his position is undergraded. He believes comparing his work with that done by Park Rangers, GS-025-9 yields the same result.

These statements raise procedural issues warranting clarification. All positions subject to the Classification Law contained in 5 U.S.C. must be classified by application of PCS's published by OPM. If no PCS applies directly to a position, the position must be classified using PCS's for related kinds of work. The classification appeal process requires that we determine the duties and responsibilities assigned to and performed by appellants, and that we apply PCS's to evaluate those duties and responsibilities. Therefore, we must analyze the actual work performed by the appellant, and not just the descriptive information provided in the PD of record. Other position classification methods or factors are not authorized, such as comparing appellants' positions to

other positions that may or may not be classified correctly, even if they appear to involve similar work. Work quantity is not a classification issue; it is an issue handled under the performance management and awards programs.

We have evaluated the work assigned by management and performed by the appellant according to these requirements. In reaching our decision, we carefully reviewed the information provided by both the appellant and his agency, including a telephone audit with the appellant and a telephone interview with his immediate supervisor. With the exception of supervisory controls and guidelines, we found the PD contains the major duties and responsibilities assigned by management and performed by the appellant. It is incorporated by reference into this decision.

Position information

The appellant serves as a commissioned law enforcement officer at the Parker River NWR, located on the heavily populated Massachusetts North Shore. His law enforcement duties include detecting, investigating, apprehending, detaining and prosecuting violations of applicable Federal and Massachusetts laws and regulations. These include fish and wildlife laws, and protection of the public in the NWR.

The record shows that the appellant is responsible for managing the local law enforcement program, and working with other law enforcement entities on crimes of a more serious nature. Based on the program delegation of the Refuge Manager, the appellant is responsible for formulating local standard operating procedures to assure that law enforcement program requirements mesh properly with other NWR program priorities and requirements.

The record shows that the appellant's interpretive and recreational program work is limited in scope and is ancillary to his law enforcement program functions. These interpretive functions are normally integral to assuring that the public respects refuge resource protection and conservation and, therefore, are inseparable from his law enforcement program management functions. The appellant supervises two lower graded seasonal law enforcement program employees.

Series, title, and standard determination

The appellant believes that his duties are correctly classified to the Park Ranger Series, GS-025. DOI determined the position is covered by the Police Series, GS-083. The Park Ranger Series, GS-025, includes positions that supervise, manage, or perform work in the conservation and use of Federal park resources. Most Park Ranger duties involve one or more of the following three functions: interpreting features of a particular resource and area to enrich visitors' experiences; providing services to visitors; and managing and conserving areas. Park Rangers operate facilities, preserve structures and objects, and administer land-use activities and fish and wildlife management programs. A smaller part of their work time is spent collecting fees, preventing and suppressing fires, performing flood control, completing emergency searches and rescues, patrolling for enforcement and inspection purposes, and protecting visitors and resources. In GS-025 positions,

law enforcement, fee collection, and similar work are secondary functions. If they are performed as a position's primary and paramount duties, the position would be excluded from the GS-025 series.

In contrast, most Police Officer, GS-083 work involves performing or supervising law enforcement. Police preserve the peace; prevent, detect, and investigate violations of laws, rules, and regulations; arrest or apprehend violators; and assist citizens in emergencies. They are typically trained to deal with a range of misdemeanors and felonies, and to participate in criminal prosecution. Within their jurisdictions, police officers enforce many Federal, State, county, and municipal laws and ordinances, and agency rules and regulations. Their arrest and apprehension authority includes the power to detain individuals until they have been formally charged (booked); testifying at hearings; and/or participating in trials. The GS-083 PCS specifically cites enforcing State and Federal fish and game laws on Federal installations as an example of police work.

Consistent with the appellant's beliefs, he is performing some work described in the Park Ranger, GS-025 PCS. However, he performs duties that are typical of a Park Ranger and not law enforcement-related, approximately 25 percent of his work time. Because he may be the only Refuge employee that visitors see, he is expected to answer any general question he is asked, whether or not it is regarding laws and prohibited/authorized behaviors. During his contacts, however, he discusses law enforcement concerns approximately twice as often as he discusses wildlife, natural history, Refuge programs, and other non law enforcement matters. The general inquiries primarily entail passing on information and interpretations developed by other staff members, functions performed in the GS-025 occupation at grades below that of the appellant's law enforcement program work.

The appellant spends approximately 75 percent of his work time initiating, planning, and directing a law enforcement program for the Parker River NWR, and participating in such work for Region 5 of the U.S. Fish and Wildlife Service. The programs involve prevention, investigation, and prosecution responsibilities. The appellant determines when Federal fish and wildlife laws or regulations are violated, issues warnings and citations when he finds they are appropriate, files criminal complaints with courts, and serves as prosecutor in presenting cases. He employs criminal investigative techniques like surveillance and covert photography, executes searches, and uses informants to perform his duties. The appellant has received in the past, and will continue to receive in the future, specialized training in criminal prevention and investigation techniques. He has received no training specific to Park Ranger, GS-025 work since assigned to his current position. The appellant points out that he does not normally make arrests; however, he does have authority to do so if the situation warrants one. The appellant also wears a uniform and carries weapons. He supervises, at most, two seasonal employees during the NWR's busiest times.

The appellant's primary and paramount duties described above are identical to those described in the GS-083 series. His work does not satisfy the requirements for the supervisory title in that he does not spend 25 percent or more of his time supervising work performed by others. Therefore, his position is allocated properly as Police Officer, GS-083.

Grade determination

The Grade Evaluation Guide for Police Officer Positions, GS-083 (Guide) is written in the factor evaluation system (FES) format. The FES grades positions using nine factors common to the General Schedule. Levels for each factor are defined in PCS's, and a point value is assigned to each level. The level definition for each factor that best describes a position is selected, and the points associated with the levels are totaled. That total is compared to the range of points the PCS identifies for each grade. The position receives the grade that has the total of the factor-level points in its range. A position's work must be fully equivalent to the intent of a factor-level description to have that point value selected. If it does not, it receives the next lower level's point value.

Factor 1, Knowledge required by the position

This factor measures the nature and extent of the information and facts that employees must understand, and the skills they must apply, in order to do acceptable work.

The appellant applies knowledge at, but not above, Level 1-4 (550 points). This is the highest level described in the PCS for this factor. In addition to the more routine duties described at Level 1-3 (350 points), e.g., pursuing and apprehending fleeing suspects, subduing individuals causing disturbances, taking charge of and resisting access to crime and accident scenes, the appellant conducts ongoing investigations that require him to use surveillance techniques and to seek out informants. He uses an extensive body of standardized, optional, and innovative investigative procedures, techniques, and methods to detect, investigate, and resolve crimes and other incidents. The appellant uses his knowledge to complete a variety of standard and nonstandard assignments, involving a wide range of conditions and criminal activities. Typically, this work requires interviewing, planning, observing, conducting stakeout operations, and executing investigative techniques. It results in arrests and, in some instances, changes in patrol operating methods.

As is typical at Level 1-4, the appellant uses his knowledge to perform tasks such as: (1) conducting long- and short-term investigations when solutions cannot be achieved during the course of a normal patrol shift; (2) evaluating crime prevention programs and recommending changes to them that will reduce opportunities for theft, assault, illegal entry, or other violations; (3) developing and following leads, taking statements, and otherwise gathering information and facts; (4) analyzing facts to identify suspects, develop case information, press charges and bring suspects to trial; (5) coordinating case development and planning arrests and prosecutions with U.S. and other attorneys; (6) working under cover to detect and prevent criminal activities; and (7) coordinating with other law enforcement agencies to gather facts or evidence. Consistent with Level 1-4, the appellant uses his knowledge to detect and investigate violent crimes, and to apprehend individuals committing acts of violence. Although investigative functions occupy a limited amount of the appellant's time, he applies equivalent knowledge in planning and carrying out his law enforcement program functions, assuring that program procedures are integrated with and support NWR goals. Therefore, Level 1-4 (550 points) is credited.

Factor 2, Supervisory controls

This factor covers the nature and extent of direct or indirect controls exercised by the supervisor, employee responsibility for carrying out assignments, and the review of completed work.

The PD of record states that “The supervisor assigns interpretive and outreach work by indicating the assignment objective, the purpose, and any special circumstances of the project.” The PD also states that “Completed work is reviewed for technical accuracy, overall effectiveness in accomplishing objectives, and for conformance to established policy.” The appellant is supervised by a Refuge Manager, who makes assignments in terms of goals and annual work plans, program priorities, and special considerations. Regulations and State and Federal laws control how the appellant completes his assignments. He plans and carries out his daily work, deciding the steps required based on specific case conditions. He determines when and where he should deal with witnesses and suspects, considering confidentiality and witness exposure. In some cases, he decides that undercover work and stakeouts are needed. The appellant handles situations having no clear precedents by applying agency or local standards, previous training and experience, established practices, legal precedents, or other controls appropriate to the situation. His choice of methods and procedures is affected by whether the investigation will extend beyond a single shift, is interrelated with other cases, and/or involves other law enforcement agencies. His techniques are not reviewed in detail. He also coordinates with other law enforcement agencies independently.

The supervisor does not evaluate most of the appellant’s work for technical soundness such as the quality of evidence, the honesty of suspect or witness statements, the ability to get U.S. Attorneys or others to accept cases for prosecution, and contribution to the unit's crime prevention program. He reviews program work, e.g., reports, to decide whether it is effective and adheres to policies and procedures. Work products such as presentation outlines, incident reports, and individualized communications, are not reviewed. Therefore, we find that the appellant’s work meets, but does not exceed, Level 2-3 (275 points), the highest in the Guide. As at that level, the supervisor defines only work objectives, priorities, and deadlines. It is because of this limited work direction that Level 2-3 (275 points) is assigned.

Factor 3 - Guidelines

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

The appellant’s guidelines are generally similar to those described at Level 3-2 (125 points), e.g., Federal, State, and local laws; agency and local operating methods, techniques, procedures, rules and regulations; policies and procedures on the availability and use of equipment; documents listing the rights of suspected, accused, and innocent individuals; and concurrent jurisdiction agreements. However, because of the nature of his work assignments and environment, his guidelines do not always explain how to handle the specific situation at hand. He regularly uses his judgment to

interpret, adapt, apply, and deviate from guidelines, in emergency situations and in cases concerned with protecting the public and NWR resources.

The appellant uses the Fish and Wildlife Service Manual; however, the Manual does not discuss how to handle many situations encountered at the Refuge. As the only full-time law enforcement officer at the Refuge, the appellant regularly establishes operating procedures for the NWR's law enforcement program so that similar incidents are handled uniformly. In some cases, as when he performs in his Regional Fitness Coordinator role, he drafts procedures for region wide use. The appellant is also expected to identify situations that are or may become dangerous or destructive, and proposes to high level managers, ways to remove the danger. We found that the appellant's guidelines set the enforcement and protection program's framework and describe how related work is to be performed. This satisfies Level 3-3 (275 points), the highest level described in the Guide.

The PD of record states that the appellant, "Develops and makes recommendations to change standard operational procedures for the law enforcement program." In addition to his program responsibilities, we find the appellant's most complex law enforcement case work satisfies the intent of Level 3-3. On a daily basis, he determines the methods and techniques needed to prove violations of law, rule, and/or regulation at the NWR, ensuring that his findings can withstand scrutiny in a court of law. He is the NWR's prosecutor, consulting directly with court officials and other parties in legal cases. He defends the Refuge's law enforcement actions in court, questioning witnesses and securing the evidence needed to prove charges are warranted.

Our conclusion is reinforced by the fact that the appellant's work week is Friday through Tuesday. On weekends, when there are no official supervisors at the NWR, he and the NWR's Outdoor Recreation Planner manage the Refuge. The appellant regularly serves as the highest level official at the NWR, for a portion of his work week. In these capacities, he decides how to handle any situation that occurs at the Refuge, including when it should be closed for reasons such as dangerously inclement weather. Therefore, the position is credited at Level 3-3 (275 points).

Factor 4, Complexity

This factor covers the nature, number, variety, and intricacy of work's tasks, steps, processes, or methods; the difficulty in identifying what needs to be done; and the difficulty and originality involved in performing the work.

We find the difficulty of the appellant's work meets, but does not exceed, Level 4-3 (150 points), the highest level described in the Guide. The appellant's duties vary and require different and unrelated methods, practices, techniques, criteria, or police techniques. The appellant personally analyzes facts, clues, and case information, including what he gets from other officers, witnesses, and personal observations and interviews; jurisdictional issues; and other matters. He chooses a course of action from several alternatives to handle many problems, including emergency situations and felony and extensive investigations, e.g., detective work extending beyond the span of a single shift. The appellant decides whether standard or special procedures are needed, based on the

nature of the incident or threat; the presence or absence of weapons; the number and kinds of persons involved; which, if any, laws or regulations apply; and other variables.

The appellant must make quick decisions in order to apply the most appropriate level of force at the best time. Decisions vary according to the perceived threat in each situation. Threats may involve demonstrators or anticipated terrorist actions; the terrain's hazards; and/or weather or other conditions that affect lighting, communications, and the ability to observe or pursue violators. The appellant decides whether to handle situations himself, bring in local officials to handle arrests, or contact Federal officers to arrest and transport the suspect. He often works alone in isolated outdoor locations, and in various weather conditions. Based on case circumstances, he decides whether threats are actual or potential. He also determines the best time to search records and question witnesses so as not to alert a suspect, and whether confronting offenders requires special procedures to avoid danger to innocent bystanders. Depending on the case, its facts and available clues, the appellant determines the need for covert surveillance or other actions to resolve case issues. Although many of the appellant's cases deal with violations of fish and wildlife laws and regulations, his status as the sole law enforcement officer requires that he be prepared to handle any of a variety of real or potentially threatening situations. This is typical at Level 4-3. Therefore, Level 4-3 (150 points) is credited.

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 assignment) and the effect of work products or services within and outside the organization.

We find the scope and affect of the appellant's work meets, but do not exceed, Level 5-3 (150 points), the highest level described in the Guide. The appellant performs criminal investigative work and solves a variety of law enforcement problems ranging from simple rules violations to felony crimes. He also contributes to the development of crime prevention objectives and the adequacy of law enforcement programs for the NWR and, in some cases, the Region. When he functions as Regional Fitness Coordinator, he advises others on how to establish fitness programs. His work results in charging or convicting persons for violations affecting their economic well-being and freedom. Therefore, Level 5-3 (150 points) is credited.

Factor 6, Personal contacts

This factor considers face-to-face, telephone and radio encounters with persons not in the employee's supervisory chain. Levels describe what is required to make initial contact, the difficulty of communicating with those contacted, and the setting in which contacts take place, e.g., the degree to which the employee and those contacted recognize their relative roles and authorities.

We find the appellant's contacts closely match, but do not exceed, Level 6-3 (60 points), the highest level described in the Guide. The appellant contacts individuals or groups from outside the DOI in moderately unstructured settings. Most of his contacts are not established routinely; the purpose and extent of each may be different. The role and authority of each party are identified and developed during the course of the contact. The appellant's contacts are with NWR visitors; attorneys; contractors; representatives of professional organizations, the news media, public action groups; distraught individuals involved in or witnessing accidents; deranged persons; reluctant witnesses in court proceedings; or violators of laws, rules, or regulations who may be reluctant to accept his authority. They may be felons or suspects in felony crimes, who resist detention, attempt to flee, are otherwise unruly, or pose a threat to the appellant and/or other individuals present where there is potential for violent or irrational responses by the perpetrators or victims. Therefore, Level 6-3 (60 points) is credited.

Factor 7, Purpose of contacts

The purpose of personal contacts ranges from factual exchanges of information to situations involving significant or controversial issues and differing viewpoints, goals, or objectives. The purpose of contacts must relate directly to the level of contacts selected under Factor 6.

We find the appellant's work meets Level 7-3 (120 points) where the purpose is to influence, motivate, interrogate, or control persons or groups. The appellant's contacts may be fearful, skeptical, uncooperative, or dangerous, requiring that he is always mindful of how to get the desired effect when he approaches individuals or groups. He gets others to abide by policies and regulations using persuasion or negotiation, and gets information from a suspicious informant by establishing a rapport with him or her. His contacts may be prompted by traffic violations, disturbances of the peace, attempted suicides, the commission of crimes, or domestic disturbances.

At Level 7-4 (220 points), contacts are regularly and recurrently made to handle life threatening situations such as those involving hostages, barriers, terrorist attacks, kidnaping, or felony assaults.

Persons contacted are unstable and pose an immediate and direct threat to the life of the officer, innocent victims, or bystanders. The employee negotiates with individuals who clearly intend to carry out threats of violence, mayhem, or murder and, because of the emotional instability involved, must be convinced to stop their violent activities.

The suspects the appellant detains, and the investigations he conducts, do not routinely involve the life threatening or similar conditions found at Level 7-4. The nature of his most common contacts, e.g., suspects of the most serious crimes he regularly investigates, compares favorably to those typical of Level 7-3. Therefore, Level 7-3 (120 points) is credited.

Factor 8, Physical demands

This factor covers the requirements and physical demands placed on employees by work assignments. These include physical characteristics and abilities, such as agility and dexterity, and physical exertion involved in work, e.g., climbing, lifting, pushing, balancing, kneeling, crouching.

The appellant's physical demands match Level 8-2 (20 points), where work regularly requires the agility, dexterity and strength for long periods of standing, walking, driving, bending, stooping, reaching, and crawling. The appellant exerts himself when responding to alarms; pursuing, apprehending, and detaining uncooperative suspects, conducting searches and prolonged surveillances; participating in training activities; climbing stairs in office buildings; or walking foot patrols in and around large buildings. He may also lift and carry heavy objects, such as weapons, weighing as many as 50 pounds.

This work does not meet Level 8-3 (50 points), where the work requires considerable and strenuous physical exertion, on a regular and recurring basis. At this level, the employee frequently climbs flights of stairs, lifts objects weighing more than 50 pounds, crouches or crawls in restrictive areas during search or pursuit activities, or defends himself or others against physical attack. The appellant's work has these demands infrequently. They, therefore, cannot control the evaluation of this factor. Therefore, Level 8-2 (20 points) is credited.

Factor 9, Work Environment

This factor considers the risks and discomforts in the employee's physical surroundings or the nature of the work assigned and the safety regulations required. Although using safety precautions can practically eliminate certain dangers or discomforts, such situations typically place additional safety demands upon employees.

The appellant's work meets Level 9-2 (20 points), because it is performed in settings where there is regular and recurring exposure to moderate discomforts and unpleasantness. He is exposed to high levels of noise from machinery and equipment, high temperatures in confined spaces, or adverse weather conditions during extended periods of traffic control, patrol duties, and pursuing suspects. He may use protective clothing or gear such as masks, gowns, coats, boots, goggles, gloves, or shields, or take other safety precautions. He may be around hazardous materials such as toxic gases, explosives, and infectious biological materials, and suffer discomfort when working outdoors without shelter or operating land and water vehicles for extended periods of time.

The appellant's work does not meet Level 9-3 (50 points) because it does not regularly involve risks with exposure to potentially dangerous situations or unusual environmental stress. He does not normally take a range of safety and other precautions because conditions cannot be controlled, e.g., mob conditions. He neither works in a high crime area with easy public access, nor patrols

where persons are often armed while attempting auto theft, vandalism, narcotic transactions. His usual work is not performed in areas of extremely rough terrain and wide variations in climates, such as is found in very large military installations or Indian reservations. Because these types of demands are infrequent for the appellant, they cannot control evaluation of this factor. Therefore, the position is credited at Level 9-2 (20 points).

Summary

In summary, we have evaluated the appealed positions as follows:

Factor	Level	Points
1. Knowledge required by the position	1-4	550
2. Supervisory controls	2-3	275
3. Guidelines	3-3	275
4. Complexity	4-3	150
5. Scope and effect	5-3	150
6. Personal contacts	6-3	60
7. Purpose of contacts	7-3	120
8. Physical demands	8-2	20
9. Work environment	9-2	20
Total points:		1,620

A total of 1,620 points falls within the GS-8 grade level point range of 1,605-1,850 points on the Grade Conversion Table in the GS-083/085 Guide.

Decision

The appealed position is classified properly as Police Officer, GS-083-8.