

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

San Francisco Oversight Division  
120 Howard Street, Room 760  
San Francisco, CA 94105-0001

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

**Appellant:** [The appellant]

**Agency classification:** Supervisory Immigration Inspector  
GS-1816-12

**Organization:** [Appellant's organization/location]  
Immigration and Naturalization Service  
U.S. Department of Justice

**OPM decision:** Supervisory Immigration Inspector  
GS-1816-12

**OPM decision number:** C-1816-12-01

/s/

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Carlos A. Torrico  
Classification Appeals Officer

September 30, 2002  
Date

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

**Decision sent to:**

**Appellant:** [Appellant's address]

**Agency:** [Address of servicing human resources office]  
Immigration and Naturalization Service  
U.S. Department of Justice

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## **Introduction**

On January 23, 2002, the San Francisco Oversight Division of the U.S. Office of Personnel Management (OPM) accepted a classification appeal from [the appellant]. On May 3, 2002, the Division received the agency's complete administrative report concerning the appeal. The appellant's position is currently classified as Supervisory Immigration Inspector (Area Port Director), GS-1816-12. However, he believes his position should be classified as Supervisory Immigration Inspector (Area Port Director), GS-1816-13. Prior to appealing to OPM, [the appellant] filed a request to review the classification of his position with his servicing administrative center of the Immigration and Naturalization Service (INS). In an evaluation statement dated August 31, 1998, the bureau sustained the current classification. The position is assigned to the [appellant's organization/location] Immigration and Naturalization Service, U.S. Department of the Justice. We have accepted and decided his appeal under section 5112 of title 5, United States Code (U.S.C.).

This appeal decision is based on a careful review of all information furnished by the appellant and his agency. In addition, to help decide the appeal an Oversight Division representative conducted separate telephone interviews with the appellant and his supervisors. Both the appellant and his supervisor have certified to the accuracy of the appellant's official position description (PD) [number].

Since we accepted the appeal, the appellant has reported two substantive changes to his position. At our request, the INS provided additional information on September 12, 2002. The INS has confirmed a reclassification of the Immigration Inspector position journey level GS-1816-9. An agency-wide upgrade of the position to the GS-1816-11 level was effective on August 11, 2002. We have considered this upgrade in our decision on the appellant's appeal.

In addition, the appellant indicated that a restructuring of his organization has affected his position. In a recent memorandum from the [name of city] District Director, the adjudication program was separated from the inspections program effective July 29, 2002, so that the appellant now reports directly to the Deputy District Director. He now has full jurisdiction over the inspections program, including oversight of the budget and three more seaports. We have considered this functional change in our evaluation of the appellant's position.

## **General issues**

The appellant compares his position to other GS-13 Supervisory Immigration Inspector (Area Port Director) positions; therefore, he believes his position should be higher graded. By law, we must make that decision solely by comparing his current duties and responsibilities to OPM standards and guidelines (5 U.S.C. 5106, 5107, and 5112). Since comparison to standards is the exclusive method for classifying positions, we cannot compare the appellant's position to others as a basis for deciding his appeal.

Like OPM, the appellant's agency must classify positions based on comparison to OPM standards and guidelines. The agency also has a responsibility for ensuring that its positions are classified consistently with OPM appeal decisions. If the appellant considers his position so

similar to others that they all warrant the same classification, he may pursue the matter by writing to his personnel office. In doing so, he should specify the precise organizational location, classification, duties, and responsibilities of the positions in question. If the positions are found to be basically the same as his, the agency must correct their classification to be consistent with this appeal decision. Otherwise, the agency should explain to him the differences between his position and the others.

### **Position information**

The appellant serves as the Supervisory Immigration Inspector (Area Port Director) of the [appellant's organization/location] in the [name of city] District. He is responsible for supervising and managing the inspections operation within [name of state] including international and remote sites totaling twelve air, land and sea ports. He ensures that the operations of admission, refusing permission to enter or referral of persons at air, land and seaports of entry are appropriate under laws and conditions governing entry to the United States. The appellant manages and coordinates all functions involved in the management and operations of the inspections program segment. He prioritizes and coordinates requests for staffing, budget, facilities and housing needs. The appellant's position manages the accounts for funding procurements, travel and overtime.

The appellant supervises Immigration Inspectors and Supervisory Immigration Inspectors. His direct reports are two Supervisory Immigration Inspectors (Port Directors), GS-1816-12, a Supervisory Immigration Officer, GS-1801-12, and his second line reports include five Special Operations Immigration Inspectors (SOI), GS-1816-11, three Senior Immigration Inspectors (SRI), GS-1816-11, an Intelligence Immigration Inspector, GS-1816-11, an Immigration Officer, GS-1801-11, twenty-nine Immigration Inspectors, GS-1816-11, six seasonal Immigration Inspectors, GS-1816-7 and one GS-1802-7, Inspections Assistant.

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

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

The appellant's agency has classified his position to the Immigration Inspection Series, GS-1816, and the appellant does not disagree. We concur with the bureau's series determination. As stated in the classification standard for the GS-1816 series (dated April 1969, reissued in WCPS-2, August 2002), his duties involve the management and coordination of work concerning the enforcement of regulations, examining documents and interviewing persons who attempt to seek temporary or permanent entry to the United States. Such work requires knowledge of laws governing entry to the United States, and the ability to use seasoned judgment to evaluate a total situation and coordinate with other agencies and government officials. Because the appellant's position fully meets the coverage requirements for titling and evaluation using the grading criteria in the General Schedule Supervisory Guide (GSSG), reissued in WCPS-2, August 2002, the proper title and series of the position is Supervisory Immigration Inspector, GS-1816.

Our review disclosed that the appellant spends all his time performing supervisory and related managerial responsibilities. Therefore, as discussed below, we have evaluated the grade of the appellant's supervisory duties by application of the GSSG.

### **Grade determination**

The GSSG employs a factor-point evaluation method that assesses six factors common to all supervisory positions. To grade a position, each factor is evaluated by comparing the position to the factor level definitions for that factor and crediting the points designated for the highest factor level which is met in accordance with the instructions specified to the factor being evaluated. If one level of a factor is exceeded, but the higher level is not met, the lower level is credited. The total points accumulated under all factors are then converted to a grade by using the point-to-grade conversion chart in the GSSG. Each factor is evaluated below for the appellant's position.

#### *Factor 1: Program scope and effect*

This factor assesses the general complexity, breadth and impact of the program areas and work directed, including its organizational and geographic coverage. It also assesses the impact of the work both within and outside the immediate organization. To assign a factor level, the criteria dealing with both scope and effect must be met. The bureau evaluated this factor at Level 1-2, but the appellant believes Level 1-3 is warranted.

Scope addresses the general complexity and breadth of the program directed, work directed, products produced, or services delivered. The geographic and organizational coverage of the work of the program (or program segment) within the agency structure is included under Scope. Scope does not address geographic size alone. The activities in which the appellant and his organizational coverage are involved most closely resemble those described at Level 1-2a. Like that level his work is administrative in nature and supports activities comprising a typical agency field or area office; i.e., an INS District Office.

Level 1-3a discusses directing a program segment that performs technical, administrative, protective, investigative, or professional work. The program segment and the work directed typically have coverage which encompasses (1) a major metropolitan area, a State, or a small region of several States; or, (2) when most of an area's taxpayers or businesses are covered, coverage comparable to a small city. Providing complex administrative or technical or professional services directly affecting a large or complex multimission military installation also falls at this level.

The appellant directs a program segment that covers [state]. This may appear to meet Level 1-3a since in geographic size [the state] is one of the largest states in the nation. However, the Scope element does not measure geographic size alone but the volume of work generated in the metropolitan area, a State, or small region of several States. Unlike Level 1-3a the appellant's program segment does not cover most of an area's taxpayers or businesses, coverage comparable to a small city. His work affects a limited clientele of international travelers arriving at the ports for which he is responsible. Although many thousands of travelers each year are subject to a

cursory, primary general inspection, available data for Fiscal Year 2001 provided by the appellant for certain ports revealed that only a fraction (less than one percent) of these go on to receive a secondary, more thorough immigration inspection. The limited scope of the work managed by the appellant does not fully meet Level 1-3a; therefore, it is credited at Level 1-2a.

Effect addresses the impact of the work, products, or programs described under Scope on the mission and program of the customers, the activity, other activities in or out of government, the agency, other agencies, the general public, or others. The appellant's position meets Level 1-2b. Similar to that level, the immigration inspections performed within his unit significantly affect District Office (i.e., field office) operations and objectives.

The appellant's work does not meet the intent of Level 1-3b for Effect. The criteria for that level include activities, functions, or services that directly and significantly impact a wide range of agency activities, the work of other agencies, or the operations of outside interests, or the general public. The appellant is responsible for a single bureau activity rather than a wide range of agency (i.e., Department of Justice) activities. While he sometimes coordinates his work with other agencies, that effort does not directly and significantly impact accomplishment of their operations or program objectives. Unlike Level 1-3b, his activities do not involve large, complex, multimission organizations, or very large serviced populations, substantially impacting the provision of essential support operations to numerous technical and administrative functions.

Both Scope and Effect are evaluated at Level 1-2; therefore, this factor is evaluated at Level 1-2 and 350 points are credited.

### *Factor 2: Organizational setting*

This factor considers the organizational situation of the supervisory position in relation to higher levels of management. The appellant reports directly to the Deputy District Director of the [name of city] District, who in turn reports to a District Director, GS-1801-15 position. The District Director reports to the Regional Director who occupies a SES position. This is consistent with Level 2-2 where the position being evaluated is accountable to a position that is one reporting level below the first SES or higher level position in the direct supervisory chain. The position does not meet Level 2-3. To meet that level the position is accountable to a position that is a SES level position or to a position which directs work through GS/GM-15 or equivalent level subordinate supervisors, contractors, or others. This is not the case in the appellant's organization.

Level 2-2 is assigned and 250 points credited.

### *Factor 3: Supervisory and managerial authority exercised*

This factor covers the delegated supervisory and managerial authorities that are exercised on a recurring basis. To be credited with a level under this factor, a position must meet the authorities and responsibilities to the extent described for the specific level. The bureau awarded Factor Level 3-2, but the appellant believes his position meets Factor Level 3-3.

Level 3-2 requires that the position must meet one of the paragraphs: a, b, or c. Paragraph a discusses production-oriented work and b describes situations where work is contracted out. Neither is appropriate for the appellant's position. At Level 3-2c, the position must have responsibility for carrying out at least three of the first four and a total of six or more of ten authorities and responsibilities listed. The appellant's position fully meets the criteria for Level 3-2c.

To be awarded Factor Level 3-3, a position must meet either Level 3-3a or 3-3b. The appellant's position does not meet Level 3-3a. Level 3-3a describes positions exercising delegated managerial authority to set a series of long-range work plans and schedules and assuring implementation of goals and objectives by subordinate organizations. They determine goals and objectives that need additional emphasis, determine the best approach for resolving budget shortages, and plan for long-range staffing needs. The 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 functions or programs. 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 that support development of goals and objectives of high levels of program management and development or formulation. The appellant's position does not meet this level. He is not closely involved with agency-level officials in the development of the overall goals and objectives for the bureau's or [the state's] inspection program. Additionally, he has no independent authority to make the types of decisions and perform many of the tasks supporting development of overall program goals addressed at Level 3-3a. Such matters are addressed at higher levels within the bureau. The intent of Level 3-3a is to credit significant decision-making involvement in bureau-wide staffing, budgetary, policy, and regulatory matters.

To meet Level 3-3b, a position must exercise all or nearly all of the delegated authorities and responsibilities described at Level 3-2c and, in addition, at least 8 of the 15 responsibilities listed under Level 3-3b. The appellant believes that he exercises 13 of the 15 responsibilities listed under Level 3-3b. We find that he exercises only 7 of the 15 responsibilities listed, as discussed below.

As previously noted, the appellant's position meets the criteria for Level 3-2c. He also exercises 7 of the 15 responsibilities listed under Level 3-3b. Specifically, he exercises Responsibilities 1, 2, 3, 5, 6, 8, and 13. For instance, he carries out Responsibilities 1, 3, 5, and 6 since he directs work through subordinate supervisors, ensures reasonable equity of performance standards and rating techniques developed by the subordinate supervisors, makes decisions on work problems presented by the supervisors, and evaluates subordinate supervisors and serves as the reviewing official on evaluations of nonsupervisory staff. The appellant has demonstrated significant responsibility in dealing with officials of other units (Responsibility 2). The position meets Responsibility 8 because he makes recommendations for selecting subordinate supervisory positions. His position exercises Responsibility 13 because he approves the expenses of within-grade increases, an extensive overtime budget (\$30, 000 cap per employee), and employee travel.

The appellant's position is not credited with the other 8 responsibilities listed under Level 3-3b. That is, it cannot receive credit for Responsibilities 4, 7, 9 through 12, 14, and 15, for the reasons discussed below.

*Responsibility 4* requires direction of a program or major program segment with significant resources, e.g., one at a multimillion dollar level of annual resources. The appellant indicated he met this criterion because his office directs a program that involves significant resources for facilities, housing, fleet vehicles, overtime, procurement, and travel. However, Responsibility 4 is intended to credit only positions that exercise direct control over a multimillion dollar level (i.e., at least \$2 million or more) of annual resources. The appellant lacks direct control over the budget spent to cover some of these inspection program operations in the twelve [name of city] District ports. For instance, housing and facility allocations are authorized accounts administered by the Administrative Office in [name of city and state], not from a fund in the appellant's office. Additionally, the annual budget in each Fiscal Year 2001 and 2002 was less than 1.5 million, which is not a multimillion dollar level budget. Since the appellant lacks direct control over a multimillion dollar level of annual resources, Responsibility 4 is not credited.

*Responsibility 7* involves making or approving selections for subordinate nonsupervisory positions. The appellant's position recommends selections to the District Director, who holds approval authority and makes the final selection. Responsibility 7 is not credited.

*Responsibility 9* requires hearing and resolving group grievances or serious employee complaints. The appellant does not perform this function; thus, this responsibility is not credited.

Under *Responsibility 10* a supervisor must review and approve serious disciplinary actions involving nonsupervisory subordinates. The appellant's position does not have authority to approve serious disciplinary actions such as suspensions. Responsibility 10 is not credited.

*Responsibility 11* involves making decisions on nonroutine, costly, or controversial training needs and training requests related to employees of the unit. The appellant's authority is limited to providing and arranging for routine/reinforcement training and development of INS and U.S. Customs employees in conducting immigration inspections. Responsibility 11 is not credited because he does not make decisions on training that is nonroutine, costly or controversial in character.

Under *Responsibility 12*, a supervisor must determine whether contractor-performed work meets standards of adequacy needed to authorize payment. The appellant neither oversees nor authorizes payment of contractor work. Therefore, this responsibility is not credited.

*Responsibility 14* requires that the supervisor recommend awards or bonuses for nonsupervisory personnel and changes in position classification, subject to approval by higher level officials, supervisors, or others. The appellant recommends awards and bonuses for subordinate personnel. He also occasionally makes proposals for minor changes to standard position descriptions established from the Headquarters or Regional office. The record indicates that the appellant's changes to a position description involve tailoring a standard position description to more closely resemble the localized area. Such changes have had no impact on the classification of positions.

To meet Responsibility 14 a position classification change would involve making major changes and/or writing a complete position description with a reasonable expectation of approval for changing the classification. The appellant's position does not meet Responsibility 14.

*Responsibility 15* applies to supervisory and managerial positions that oversee organizations with workloads that are so large and complex as to require attention to team building, reducing barriers to production, or improving business practices. The appellant finds ways to improve production or increase the quality of the work directed through redirecting immigrant lines, devising a log tracking seized mail, and reminding employees of professionalism. His effort to improve office operations does not exceed the demands of finding ways to improve production or increase the quality of work directed described at Level 3-2c. Therefore, this responsibility is not credited.

In summary, we have credited 7 responsibilities under Level 3-3b. Because the position is not credited with 8 or more of the listed responsibilities, it fails to meet Level 3-3b. The appellant's position is assigned Factor Level 3-2 and credited with 450 points.

#### *Factor 4: Personal contacts*

Factor 4 is divided into two parts: Subfactor 4A, Nature of contacts; and Subfactor 4B, Purpose of contacts. The bureau assigned Levels 4A-2 and 4B-2 to the appellant's position, and he does not disagree. We concur with the bureau's determination.

##### *Subfactor 4A: Nature of contacts*

Contacts credited under Subfactor 4A cover the organizational relationships, authority or influence level, setting, and difficulty of preparation associated with making personal contacts involved in supervisory and managerial work. To be credited, the level of contacts must contribute to the successful performance of the work, be a recurring requirement, have a demonstrable impact on the difficulty and responsibility of the position, and require direct contact.

The appellant's position meets Level 4A-2 by having direct and frequent contacts with higher ranking managers in his District. The appellant's contacts also include personnel from facilities management to bring ports into compliance with INS security regulations. His recurring contacts do not meet any of those listed under Level 4A-3 such as high ranking managers at the bureau or major organizational levels of the agency, key staff of public interest groups, etc.

The nature of contacts for this position is evaluated at Level 4A-2 and 50 points are credited.

##### *Subfactor 4B: Purpose of contacts*

Subfactor 4B describes the purpose of the personal contacts credited in Subfactor 4A, including the advisory, representational, negotiating, and commitment making responsibilities related to supervision and management.

At Level 4-B2 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.

The appellant's position meets Level 4B-2 because the purpose of his contacts is to ensure that information provided to District managers, Federal, State and local officials is accurate and consistent in order to plan and coordinate the inspection work with others outside the organization, and to resolve differences of opinion among supervisors and employees.

The position does not meet Level 4B-3, where the purpose is to justify, defend, or negotiate in representing the organizational unit directed, in obtaining or committing resources, and in gaining compliance with established policies, regulations, or contracts. Contacts at this level usually involve active participation in various forums involving problems of considerable consequence or importance.

The purpose of contacts for this position is evaluated at Level 4B-2 and 75 points are credited.

*Factor 5: Difficulty of typical work directed*

This factor measures the difficulty and complexity of the basic work most typical of the organization directed. The base level is the highest grade which best characterizes the nature of the basic (mission oriented) nonsupervisory work performed or overseen by the organization directed, and constitutes 25 percent or more of the workload of the organization. In some cases, work above the base level may be credited if it requires at least 50 percent of the duty time of the supervisory position under evaluation. The latter is not the case in the appellant's position. We have determined that the highest graded nonsupervisory, mission oriented work performed in the appellant's organization, constituting at least 25 percent of the workload, is GS-11.

The final base level determination is GS-11. Using the base level to factor level conversion chart in the GSSG, we assign Level 5-6 and credit 800 points.

*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. If Level 6-1, 6-2, or 6-3 under this factor is selected, and the position meets three or more of the eight Special Situations described, the original level selected is increased by one level. If Level 6-4, 6-5, or 6-6 is selected, the Special Situations do not apply and no additional level is added.

The bureau assigned Level 6-4 to the appellant's position, and he does not disagree. We concur with the bureau's determination. In order to meet Level 6-4, a position must meet either Level 6-4a or 6-4b.

The appellant's position fully meets Level 6-4a. Like that level he coordinates and integrates a number of major work assignments, projects, or program segments of administrative work

comparable in difficulty to the GS-11 level (base level). He identifies and integrates internal and external program issues affecting the immediate organization, such as those involving technical, financial, and administrative matters.

The appellant's position does not meet Level 6-5 because it does not meet any of the three options listed under that level. It does not meet Level 6-5a because that level requires significant and extensive coordination and integration of a number of important program segments of professional, scientific, technical, managerial, or administrative work comparable in difficulty to the GS-12 level. Supervision at Level 6-5a involves major recommendations which have a direct and substantial effect on the organization and projects managed. Unlike that level, the appellant manages the single program segment of inspections with a base level of GS-11. The appellant's position does not meet Level 6-5b because the appellant does not coordinate or integrate work comparable in difficulty to the GS-13 level or higher. The appellant's position does not fully meet Level 6-5c because for that level subordinate supervisors must direct a substantial workload comparable to the GS-11 level, *and* such base work requires similar coordination as that described at Factor Level 6-4a. Our review disclosed that Level 6-5c is not met as each of the appellant's subordinate first line supervisors does not perform the work coordination responsibilities described at Level 6-4a.

### *Summary*

By application of the GSSG, we have evaluated the appellant's supervisory duties as follows:

<u>Factor</u>	<u>Level</u>	<u>Points</u>
1. Program Scope and Effect	1-2	350
2. Organizational Setting	2-2	250
3. Supervisory & Managerial Authority Exercised	3-2	450
4. Personal Contacts		
4A Nature of Contacts	4A-2	50
4B Purpose of Contacts	4B-2	75
5. Difficulty of Typical Work Directed	5-6	800
6. Other Conditions	6-4	<u>1120</u>
Total:		3095

A total of 3095 points falls into the GS-12 range (2755-3150) by reference to the point-to-grade conversion chart in the GSSG. Therefore, the appellant's supervisory duties are graded at the GS-12 level.

### **Decision**

The appellant's position is properly classified as Supervisory Immigration Inspector, GS-1816-12.