

U.S. Office of Personnel Management
Division for Human Capital Leadership & Merit System Accountability
Classification Appeals Program

Dallas Field Services Group
1100 Commerce Street, Room 441
Dallas, TX 75242

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

Appellant: [appellant]

Agency classification: Supervisory Customs Inspector
GS-1890-12

Organization: Port Operations
[name] Customs Management
Center, [city]
Office of Field Operations
Customs and Border Protection
Border and Transportation Security
Directorate
U.S. Department of Homeland Security
[city and state]

OPM decision: Supervisory Customs Inspector
GS-1890-12

OPM decision number: C-1890-12-01

/s/Judith L. Frenzel

Judith L. Frenzel
Classification Appeals Officer

September 23, 2003

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's name and address }

Chief, Position Management and Compensation
Human Resources Management
Customs and Border Protection
U.S. Department of Homeland Security
1300 Pennsylvania Avenue, NW.
Washington, DC 20229

Introduction

On April 15, 2003, the Dallas Field Services Group of the U.S. Office of Personnel Management (OPM) accepted a classification appeal from [appellant]. We received the agency's administrative report on June 27, 2003. The appellant's position is currently classified as Supervisory Customs Inspector, GS-1890-12, and is located in the Port Operations, [name] Customs Management Center, Office of Field Operations, Customs and Border Protection (CBP), Border and Transportation Security Directorate, U.S. Department of Homeland Security (DHS), in [city and state]. The appellant does not dispute the title and series of his position, but believes it should be classified at the GS-13 grade level. We have accepted and decided this appeal under section 5112 of title 5, United States Code (U.S.C.).

Background

The appellant appealed the classification of his position through the U.S. Customs Service's Staffing and Compensation Programs Division. Their February 2003 decision on his appeal sustained the title, series, and grade of the position. The appellant subsequently filed an appeal with our office.

The DHS came into being on March 1, 2003, when the Homeland Security Act of 2002 created the cabinet-level department that merged 22 previously disparate domestic agencies. The CBP, along with the Immigration and Customs Enforcement (ICE) and the Transportation Security Administration (TSA), operates under the auspices of the Directorate of Border and Transportation Security. The U.S. Customs Service, the Immigration and Naturalization Service (INS), and elements of the Animal and Plant Health Inspection Service ceased to exist and their functions moved to CBP, unifying inspectors under a single chain of command. For that reason, the organizational structure that existed when the appellant first appealed to his agency has since changed.

To help decide this appeal, we conducted telephone audits with the appellant on July 17 and 22, 2003, a follow-up discussion with him on August 22, and a telephone interview with the Acting Port Director on August 12. The appellant's position is supervised currently by the Acting Port Director as the position of Assistant Port Director, Trade Operations, is vacant. We also conducted a telephone interview with the second-level supervisor, the Interim Port Director, CBP, on August 20, 2003. The appellant provided additional information via facsimile and electronic mail. In reaching our classification decision, we carefully considered all of the information gained from these interviews, as well as the written information furnished by the appellant and his agency.

General issues

The appellant believes he performs duties similar to unidentified higher graded positions located in other ports. As a result, he believes his position should be graded higher. The appellant stated that he performed duties as a GS-12 Inspector that are now assigned to the GS-13 Assistant Port Director position. He also noted that he acted as Port Director on numerous occasions. After the September 11, 2001, terrorist attacks, the appellant was affirmed as a Deputy United States

Marshal. He and approximately ten other senior inspectors were given arrest authority and assigned to patrol the airport. This assignment lasted about four to six weeks. By law, OPM must classify positions solely by comparing 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, which may or may not be accurately described or classified correctly, as a basis for deciding this appeal. Duties performed in another employee's absence and the quality of work cannot be considered in determining the grade of a position (*The Classifier's Handbook*, chapter 5).

The appellant is concerned that his position is classified inconsistently with other positions. Like OPM, the appellant's agency must classify positions based on comparison to OPM PCS's and guidelines. Section 511.612 of 5 CFR requires that agencies review their own classification decisions for identical, similar, or related positions to insure consistency with OPM certificates. Thus, the agency has the primary responsibility for insuring that its positions are classified consistently with OPM appeal decisions. If the appellant believes that his position is classified inconsistently with others, he may pursue this matter by writing to his agency headquarters human resources office. In so doing, he should specify the precise organizational location, series, title, grade, duties, and responsibilities of the positions in question. The agency should explain to him the differences between his position and the others, or grade those positions in accordance with this appeal decision.

The appellant makes various statements about his agency's evaluation of his position, i.e., the performance of the desk audit and the supervisors who were contacted. Because our decision sets aside all previous agency decisions, the appellant's concerns regarding his agency's classification review process are not germane to this decision. In adjudicating this appeal, our only concern is to make our own independent decision on the proper classification of his position. Therefore, we have considered the appellant's statements only insofar as they are relevant to making that comparison.

Position information

The immediate supervisor certified to the accuracy of the duties described in the appellant's position description (PD) of record, number [number]. In a memo, dated April 7, 2003, the appellant stressed that his PD is not classified accurately, in part, because his agency's evaluation did not give him sufficient credit for the following duties:

1. He provides employees with on-the-job and classroom training in various subjects including, but not limited to, policies on personal searches, HAZMAT detection, weapons of mass destruction, and use of radiation detector equipment. The appellant indicates he is the only supervisor certified to perform and train employees in these functions. He states that he has attended more train-the-trainer courses than the other two supervisors and thus has become the primary training officer. The appellant said this occupies four days a month (20.0 percent).

2. He examines HAZMAT cargo in an effort to mitigate the safety, smuggling, and terrorism risks associated with the importation of hazardous materials. The appellant said this occupies five hours a week (12.5 percent).
3. He annually completes two reports for the Safety Specialist located in Seattle, Washington. The appellant, to ensure compliance with safety rules, inspects Customs-occupied locations and reports to the Safety Specialist any deficiencies identified, e.g., too many items plugged into an outlet. It is the Safety Specialist who is ultimately responsible for convincing appropriate officials to correct problems. The appellant said this occupies ten hours a month (6.25 percent).
4. He completes necessary paperwork for employees who have been in work-related accidents requiring injury compensation, and then follows up with appropriate officials to ensure compensation is provided. He will also work with the Safety Specialist to decide how to avoid similar accidents in the future. He notifies families when subordinate employees are seriously injured or die in the line of duty. He follows up with agency officials to ensure the family receives the correct benefits and pension. The appellant said this occupies three days a year (1.25 percent).
5. He plans and coordinates work with ICE's special agent-in-charge (SAIC) and local law enforcement on joint operations.
6. In addition, the appellant stated that he negotiated with airport officials to provide a pistol range at no cost for use by Customs employees; created the Threat Assessment Group, an amalgamate of law enforcement agencies that meet monthly; and assisted TSA officials by temporarily storing ammunition, locating work space, and providing training assistance.

While not described explicitly in the PD, duties 1, 3, 4, 5, and 6 are inherently supervisory in nature and are considered in factors contained in the General Schedule Supervisory Guide (GSSG). The examination of HAZMAT cargo is performed in his role as a senior inspector provided with specific training pertaining to this area. Since the HAZMAT duties occupy less than 25% of his time, they cannot affect the grade of a position and will not be evaluated separately (*Introduction to the Position Classification Standards*, section III.F.2).

The position is assigned to what was previously the Inspection Branch of Port Operations located at the [city] International Airport. The appellant is one of three supervisory customs inspectors assigned to the Branch that now includes a total of 18 customs inspector positions. One of those three supervisors is now serving as the Acting Port Director. The port is considered to be low risk and moderately sized. The appellant functions as a first-line supervisor, providing technical and administrative supervision over a small workforce that performs a full range of inspection, enforcement, and examination work related to the entry and clearance of merchandise, cargo, and passengers passing through the port. The purpose of the work is to prevent terrorists, drugs, and other contraband from entering the United States; collect duties; and enforce Customs statutes and more than 400 provisions of law for 40 other Federal agencies. Balancing these duties is the need to move passengers and traffic through the port as smoothly as possible. Customs Inspectors rotate between cargo and passenger and enforcement functions on a bi-weekly basis. Supervisors rotate assignments less frequently.

The agency evaluation credits the appellant with supervising eight employees. The appellant provided more current information from the Treasury Enforcement Communications System that indicates he supervises approximately 11 employees. These include four full-time, GS-11 Customs Inspectors, one GS-1801-11 Canine Enforcement Officer, and one part-time, GS-9 Customs Inspector in [city]. In addition, the appellant supervises two full-time and one intermittent GS-11 Customs Inspectors; and one intermittent, GS-8 Customs Inspector positions located at user fee airports in [names of three cities]. He also supervises a GS-6 Customs Technician. User fee airports are located in communities desiring customs services but do not meet the workload requirements, e.g., 15,000 annual international air passengers, for these services to be provided at the expense of the Federal government. Instead, user fee airports agree to reimburse all costs for the customs services, including the expense for a minimum of one full-time inspector.

The appellant plans and assigns work, sets priorities, and reviews completed work for the employees assigned to him. He also schedules work for four different eight-hour tours of duty. The appellant carries out supervisory personnel management duties such as evaluating performance; hearing and resolving complaints; taking limited disciplinary actions; approving overtime; and awarding, developing, and training employees. The appellant's PD and other material of record furnish much more information about his duties and responsibilities and how they are performed.

Series, title, and standard determination

The appellant's position is properly assigned to the Customs Inspection Series, GS-1890. The position meets the requirements for coverage and evaluation by the GSSG. The authorized title for supervisory positions in this series is Supervisory Customs Inspector. Neither the appellant nor the agency disagrees with the title or series of the position.

Grade determination

The majority of the appellant's work time is devoted to managing and administrating segments of customs programs and activities through the performance of supervisory work. The grade level for supervisory positions is determined through application of the criteria in the GSSG. This cross-series guide uses a factor-point method that assesses six factors common to supervisory General Schedule positions. Evaluators assign a point value to each factor based on a comparison of the position's duties with the factor-level descriptions. The factor point values mark the lower end of the ranges for the indicated factor levels. For a position factor to warrant a given point value, it must be fully equivalent to the overall intent of the selected factor-level description. If the position fails to meet a particular factor level description in any significant aspect, the point value for the next lower factor level must be assigned. If an equally important aspect that meets a higher level balances the deficiency, however, the next higher level is assigned. The points total assigned is then converted to a grade using the conversion table in the standard.

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 geographical coverage. It also assesses the impact of the work both within and outside the immediate organization. To credit a particular factor level, the criteria for both scope and effect must be met.

In evaluating the population affected under this factor, we may only consider the total population serviced directly and significantly by a program. We cannot count the total population in the geographic area potentially covered by a program.

At Level 1-2a, the program segment or work directed is administrative, technical, complex clerical, or comparable in nature. The functions, activities, or services provided have limited geographic coverage and support most of the activities comprising a typical agency field office, an area office, a small to medium military installation, or comparable activities within agency program segments.

At Level 1-3a, the position directs a program segment that performs technical, administrative, protective, investigative, or professional work. The program segment and work directed typically have coverage encompassing a major metropolitan area, a state, or a small region of several states. When most of an area's taxpayers or businesses are covered, coverage is comparable to a small city.

Level 1-2a is met. The work the appellant supervises is administrative in nature. The geographic coverage is limited predominantly to international passengers arriving at the [city] airport with significantly less activity at user fee airports under the port's jurisdiction. Most passengers will pass through the primary inspection station based on a brief review of documents and a few questions. The more complex or intensive services are provided to only a minority of the population. Only 2 percent of the incoming flights are international carriers. The appellant provided some statistics for the period from January 1, 2002, to September 15, 2003. During this time period, the [city] airport averaged 172 arriving international flights with 26,902 passengers per month. They reported an average of 29 enforcement reports (arrests, seizures of contraband, etc) and 4.8 incident reports (violent passengers, calls for paramedics, etc) per month. The appellant also reports an average of 325 "entries" per business day for cargo, an "entry" being the official paperwork required to obtain clearance of imported merchandise.

In terms of the breadth of the program segment directed within the organization of the agency, the appellant supervises activities comprising a typical field office of the agency and within the more comprehensive program segment administered by the Customs Management Center in [another city and state]. His position is responsible for the inspection and control activities at designated points of entry associated with the clearance of cargo, passengers, and carriers. The work affects international travelers passing through the airports and businesses with financial interest in port operations, and the total primary inspection populations served by the port meets that envisioned at Level 1-3a. However, a significantly smaller number of international passengers and customers receive the more intensive service required for Level 1-3a; i.e., secondary inspection and equivalently intensive services. This population falls materially short

of that defined at Level 1-3a. Because the position fails to fully meet Level 1-3a, this subfactor must be credited at Level 1-2a.

Subfactor 1b: Effect

This element addresses the impact of the work, products, and/or programs described under “Scope” on the mission, the agency, other agencies, the general public, or others.

At Level 1-2b, the services or products support and significantly affect installation level, area office level, or field office operations and objectives, or comparable program segments; or provide services to a moderate, local or limited population of clients or users comparable to a major portion of a small city or rural county.

At Level 1-3b, the services directly and significantly impact a wide range of agency activities, the work of other agencies, the operations of outside interests, or the general public.

The effect of the work supervised by the appellant is comparable to that described at Level 1-2b, where inspection services are performed for passengers and cargo entering the port. This work supports the mission of a port of entry that serves a limited population of users. The effect of the work supervised falls short of Level 1-3b. The work directed is concerned with a single agency activity, Customs inspection, rather than a wide range of agency activities. Although the appellant’s work may affect national security, the criminal justice system, and international relations, responsibilities in these areas are of an indirect nature, with primary responsibility for these matters residing elsewhere, e.g., DHS. Level 1-2b is credited for this element.

Level 1-2 is credited for this factor and 350 points are assigned.

Factor 2, Organizational setting

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

At Level 2-1, the position is accountable to a position that is two or more levels below the first (i.e., lowest in the chain or command) Senior Executive Service level position in the direct supervisory command.

The appellant’s organizational setting meets Level 2-1. Responsibility for supervising the appellant’s position is shared between the GS-13 Port Director, Customs, and the GS-13, Assistant Port Director, Trade Operations, (vacant) positions. Due to the new DHS management structure, they now report to the GS-14 Interim Port Director, CBP. Although interim port directors are presently situated at each port, former Customs and/or Immigration port directors still retain their positions and are responsible for operational matters in their area. The GS-14 Interim Port Director reports to the GS-15 Interim Director of Field Operations, [name] Customs Management Center, [city].

Level 2-2 is not met. At this level, the position is accountable to a position that is one reporting level below the first Senior Executive Service level position in the direct supervisory command.

Level 2-1 is credited for this factor and 100 points are assigned.

Factor 3, Supervisory and managerial authority exercised

This factor considers 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.

To meet Level 3-2c, the position must carry out at least three of the first four, with a total of six or more, of the 10 authorities and responsibilities described for this level in the guide.

Level 3-2c is met. The appellant's delegated supervisory responsibilities include all of the ten required authorities under this level. The appellant is responsible for planning work to be accomplished by subordinates, setting and adjusting short-term priorities, and preparing schedules for completion of work for subordinate inspectors. He assigns work to employees based on priorities, selective consideration of the difficulty and requirements of assignments, and the capabilities of subordinates; evaluates work performance; and provides advice, counsel, or instruction to employees on both work and administrative matters, such as safety and work-related accidents.

In addition, the appellant interviews candidates for positions in his unit; recommends appointment, promotion, or reassignment to such positions; hears and resolves complaints from employees, referring group grievances and more serious unresolved complaints to a higher level supervisor or manager; and effects minor disciplinary actions and recommending other action in more serious cases. He identifies developmental and training needs of employees, providing or arranging for needed development and training. For example, he provides on-the-job and classroom training in various subjects, such as policies on personal searches, HAZMAT detection, use of radiation detector equipment. He is responsible for developing performance standards; and finding ways to improve production or increases the quality of the work directed. For example, the union agreement requires port employees to rotate between the cargo, passenger operations, and the enforcement and outbound operations sections. Consequently, the appellant devised a method where responsibility for a duty would be vested on a duty location rather than a specific inspector.

At Level 3-3, the supervisor must meet one of two conditions spelled out in the guide. To meet the first condition Level 3-3a, the supervisor must exercise delegated managerial authority to set a series of annual, multiyear, or similar types of long-range work plans and schedules for in-service or contracted work; determine the best approach for resolving budget shortages; and plan for long-range staffing needs. The appellant does not set long-range work plans, resolve budget shortages, or plan for long-range staffing needs, as required by Level 3-3a. While the appellant may provide information for the budget, e.g., to calculate dollars spent on overtime for a given period, it is the Interim Port Director, CBP, who is held accountable for resolving budget problems.

To meet the second condition, Level 3-3b, the supervisor, in addition to exercising the authorities and responsibilities described at Level 3-2 c, must meet at least 8 in a list of 15 additional authorities and responsibilities that establish a level of authority significantly higher than Level 3-2c. The position (1) uses subordinate supervisors to direct the work; (2) exercises significant responsibilities in dealing with officials of other units or organizations or in advising management officials of higher rank; (3) assures reasonable equity of performance standards and rating techniques developed by subordinates; (4) directs a program or major program segment with significant resources; (5) makes decisions on work problems presented by subordinate supervisors; (6) evaluates performance of subordinate supervisors and serves as the reviewing official on evaluations of nonsupervisory employees rated by subordinate supervisors; (7) makes or approves selections for subordinate supervisory positions; (8) recommends selections for subordinate supervisory positions; (9) hears and resolves group grievances or serious employee complaints; (10) reviews and approves serious disciplinary actions involving nonsupervisory subordinates; (11) makes decisions on nonroutine, costly, or controversial training needs and training requests related to employees of the unit; (12) determines whether contractor performed work meets standards of adequacy necessary for authorization of payment; (13) approves expenses comparable to within-grade increases, extensive overtime, and employee travel; (14) recommends awards or bonuses for nonsupervisory personnel and changes in position classification, subject to approval by higher level officials, supervisors, or others; and (15) finds and implements ways to eliminate or reduce significant bottlenecks and barriers to production, promote team building, or improve business practices.

Responsibilities 1, 3, 5, 6, and 8 refer to situations where work is accomplished through subordinate supervisors, team leaders, or other similar personnel. Supervisors at this level exercise these responsibilities through multiple subordinate supervisors or team leaders. Further, the supervisor's organizational workload must be so large and its work so complex that it requires using two or more subordinate supervisors, team leaders, or comparable personnel to direct the work. The appellant is a first-level supervisor that directs a staff of eight full time and three part-time and/or intermittent employees. The appellant's position cannot be credited for these responsibilities.

Responsibilities 7, 10, 13, and 14 may not be credited as the authority to make those decisions had not been delegated to the appellant's position. For 7, he appellant interviews and recommends selections. For 10, the appellant acts as the proposing official for serious disciplinary actions but approval is a higher levels. The appellant cannot approve expenses such as those described in 13. While he can approve Time-Off Awards for up to one day and can recommend special act awards, the nature of the organization precludes recommending changes in position as classification described in responsibility 14.

Responsibility 2 is not exercised on a regular basis as he does not have significant responsibilities for dealing with officials of other organizations or in advising management officials of higher rank. The appellant, in the past, assisted TSA officials in setting up their presence at the airport, e.g., from helping to locate office space to explaining to employees the Customs Service's role. He also dealt with airport officials in setting up their user fee status. These, however, were one-time duties and there is no evidence that the appellant performs these responsibilities on a regular basis.

Responsibility 4 is not credited because the appellant does not direct a program with multimillion-dollar resources. Responsibility 12 is not credited as there is no contractor work performed for the organization. The size of the organization directed also precludes exercising responsibilities 9, 11, and 15 on a regular basis at the level intended by the Guide, i.e., hearing and resolving group grievances or serious employee complaints; making decisions on nonroutine, costly, or controversial training needs, e.g. management development, sabbaticals, etc., and finding and implementing methods to reduce or eliminate barriers to production, promote team building, or improve business practices.

The appellant's position does not meet Level 3-3b in that he does not have the authority to exercise the minimum number of responsibilities required at this level.

Level 3-2c is credited for this factor and 450 points are assigned.

Factor 4, Personal contacts

This is a two-part factor that assesses the nature and purpose of personal contacts related to supervisory and managerial responsibilities. The nature of contacts, credited under element 4A, and the purpose of those contacts, credited under element 4B, must be based on the same contacts.

Subfactor 4A: Nature of contacts

This element covers the organizational relationships, authority or influence level, setting, and difficulty of preparation associated with the personal contacts. 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.

At Level 4A-2, contacts are with members of the business community or the general public; higher ranking managers, supervisor, and staff of program, administrative, and other work units and activities throughout the field activity, installation, command, or major organization level of the agency; representatives of local public interest groups; case workers in congressional district offices; technical or operating level employees of State and local governments; reporters for local and other limited media outlets reaching a small, general population. Contacts may be informal, occur in conferences and meetings, or take place through telephone, radio, or similar contact, and sometimes require nonroutine or special preparation.

At Level 4A-3, frequent contacts are comparable to any of the following: high ranking military or civilian managers, supervisors, and technical staff at bureau and major organizational levels of the agency; agency headquarters administrative support staff; or with comparable personnel in other Federal agencies; key staff of public interest groups (usually in formal briefings) with significant political influence of media coverage; journalists representing influential city or county newspapers or comparable radio or television coverage; congressional committee and subcommittee staff assistant below staff director or chief counsel levels; contracting officials and

high level technical staff of large industrial firms; local officers of regional or national trade associations, public action groups, or professional organizations; and/or state and local government managers doing business with the agency. Contacts include those that take place in meetings and conferences and unplanned contacts for which the employee is designated as a contact point by higher management. They often require extensive preparation of briefing materials or up-to-date technical familiarity with complex subject matter.

Comparable to Level 4A-2, the appellant's recurring contacts are with representatives of Federal, State, and local government, e.g., Federal Bureau of Investigation, U.S. Attorney's Office, county commissioners, and mayors. Also typical at this level, he contacts airport officials, business representatives having a financial interest in the Port operations, and representatives at other directorate offices, such as TSA officials and the ICE SAIC.

Level 4A-3 is not met. The appellant's contacts are more limited than those described at this level. He does not have frequent contact with high ranking civilian managers, supervisors, and technical staff at bureau and major organization levels of his agency; the agency's headquarters administrative support staff; or with comparable personnel in other Federal agencies. Unlike the 4A-3 level, the appellant's contacts do not typically involve individuals or parties who are politically influential, represent large regional or national trade organizations, or are associated with influential media outlets. Furthermore, his contacts do not require the extensive preparation of briefing materials or knowledge of subject matter of the complexity expected at this level.

Level 4A-2 is credited for this element and 50 points are assigned.

Subfactor 4B: Purpose of contacts

This element includes the advisory, representational, negotiating, and commitment responsibilities related to the supervisor's contacts.

At Level 4B-2, the purpose of contacts is to ensure that information provided to outside parties is accurate and consistent; to plan and coordinate the work directed with that of others outside the subordinate organization; and/or to resolve differences of opinion among managers, supervisors, employees, contractors, or others.

At Level 4B-3, the purpose of contacts is to justify, defend, or negotiate in representing the project, program segment, or 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 conferences, meetings, hearings, or presentations involving problems or issues of considerable consequence or importance to the program or program segment managed.

Level 4B-2 is met. Contacts by the appellant are primarily for the purpose of planning and coordinating the work performed within the immediate unit and that of other functions, providing accurate information to outside parties, and to resolve differences of opinions regarding how activities are or should be carried out or coordinated. For example, consistent with this level, the

appellant contacts or is contacted by various law enforcement agencies for the purpose of coordinating and consulting on customs activities.

Level 4B-3 is not met. The appellant believes more consideration should be given to his working closely with officials at user fee airports. When the [two names] airports first requested user fee status, the appellant surveyed their facilities to determine if the technical requirements for a user fee facility were met and, if not, identified the modifications needed to obtain status. Nonetheless, OPM guidance and policy states that the criteria for Level 4B-3 is stringent, in that all three of the conditions listed under this level must be present in a position to award credit for this level. In order to represent the organization in program defense or negotiations, as expected at this level, a supervisor must have the requisite control over resources and the authority necessary to gain support and compliance on policy matters. The responsibility and authority to obtain or commit resources for the organizational segment does not reside in the appellant, but in higher level officials.

Level 4B-2 is credited for this element and 75 points are assigned.

Factor 5, Difficulty of typical work directed

This factor measures the difficulty and complexity of the basic work most typical of the organization directed, as well as other line, staff, or contracted work for which the supervisor has technical or oversight responsibility, either directly or through subordinate supervisors, team leaders, or others. It involves determining the highest grade of basic (mission-oriented) nonsupervisory work performed that constitutes 25 percent or more of the workload of the organization. Among the types of work excluded from consideration are work for which the supervisor does not have the minimum supervisory and managerial authorities defined under Factor 3, and lower-level support work that primarily facilitates the basic work of the unit.

Level 5-6 is met. This level is assigned when the highest level of base work is GS-11 or equivalent. The appellant supervises eight GS-11 Customs Inspector positions; one part-time, GS-9 Customs Inspector; one intermittent, GS-11 Customs Inspector; one intermittent, GS-8 Customs Inspector; and one GS-6 Customs Technician. For the purposes of adjudicating this appeal, we will accept the agency's classification of the full performance level for the Customs Inspection positions involving the full range of inspections work related to passenger, cargo, and enforcement operations. We will concur with the agency's determination that at least 25 percent of the substantive work supervised is at the GS-11 level.

Level 5-7 is not met. This level is assigned when the highest level of base work is GS-12 or equivalent.

Level 5-6 is credited for this factor and 800 points are assigned.

Factor 6, Other Conditions

This factor measures the extent to which various conditions contribute to the difficulty and complexity of carrying out supervisory duties, authorities, and responsibilities. The difficulty of

work is measured primarily by the grade level of work credited under factor 5. Complexity is measured by the level of coordination required.

At Level 6-4, supervision requires substantial coordination and integration of a number of major work projects or program segments of professional, scientific, technical, or administrative work comparable in difficulty to the GS-11 level. Such coordination may involve, e.g., integrating internal and external program issues affecting the immediate organization; integrating the work of a team or group and/or ensuring compatibility and consistency of policy interpretation and application; and leadership in developing, implementing, and improving processes and procedures to monitor the effectiveness, efficiency, and productivity of the program segment and/or the organization directed.

The appellant's position requires substantial coordination of the GS-11 work carried out at the port and, therefore, meets Level 6-4. Consistent with this level, the appellant is involved with implementing and coordinating customs activities with inspectors, businesses, and other law enforcement entities; ensures inspectors are consistent in the enforcement of Customs statutes and provisions of law for other Federal agencies; and integrates intelligence information from varying sources.

Level 6-5 is not met. This level assumes that the difficulty of typical work directed is GS-12. By contrast, as determined in Factor 5, the difficulty of typical work directed by the appellant is GS-11.

Level 6-4 is credited for this factor and 1120 points are assigned.

Summary

<i>Factor</i>	<i>Level</i>	<i>Points</i>
1. Program Scope and Effect	1-2	350
2. Organizational Setting	2-1	100
3. Supervisory & Managerial Authority Exercised	3-2c	450
4. Personal Contacts		
A. Nature of Contacts	4A-2	50
B. Purpose of Contacts	4B-2	75
5. Difficulty of Typical Work Directed	5-6	800
6. Other Conditions	6-4	1120
<i>Total</i>		2945

The total of 2945 points falls within the GS-12 range (2755 - 3150) on the grade conversion table provided in the GSSG.

Decision

The position is properly classified as Supervisory Customs Inspector, GS-1890-12.