

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

Appellants: [Names of appellants]

Agency classification: Police Officer (Instructor)
GS-083-7

Organization: [Appellants' organization]
Department of the Navy

OPM decision: Police Officer (Instructor)
GS-083-9

OPM decision number: C-0083-09-03

//Judith A. Davis for

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

3/7/2013

Date

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

Since this decision changes the classification of the appealed position, it is to be effective no later than the beginning of the fourth pay period after the date of this decision (5 CFR 511.702). As indicated in this decision, our findings show the appellants' official position description (PD) does not meet the standard of adequacy described in section III.E. of the *Introduction*. Since PDs must meet the standard of adequacy, the agency must revise the appellants' PD to reflect our findings. The servicing human resources office must submit a compliance report containing the corrected 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 to the OPM office that accepted the appeal.

Decision sent to:

[Names of appellants and mailing address of their representative]

[Address of appellants' servicing human resources office]

Deputy Assistant Secretary of the Navy (Civilian Human Resources)
1000 Navy Pentagon
Room 4D548
Washington, DC 20350-1000

Director, Workforce Relations and Compensation Division
Department of the Navy
Office of Civilian Human Resources
614 Sicard Street SE, Suite 100
Washington Navy Yard, DC 20374-5072

Director, Office of Civilian Human Resources
Department of the Navy
614 Sicard Street SE, Suite 100
Washington Navy Yard, DC 20374-5072

Principal Classifier
Department of the Navy
Human Resources Service Center- Southeast
9110 Leonard Kimble Road
Stennis Space Center, MS 39522-0002
laithe.haik@navy.mil

Chief, Classification Appeals
Adjudication Section
Department of Defense
Defense Civilian Personnel Advisory Service
4800 Mark Center Drive, Suite 05G21
Alexandria, VA 22311
janice.cooper@cpms.osd.mil

Introduction

On March 26, 2012, the U.S. Office of Personnel Management's (OPM) San Francisco Oversight accepted a group classification appeal from [names of appellants]. On May 15, 2012, we received the complete agency administrative report (AAR). The appellants' position is currently classified as Police Officer (Instructor), GS-083-7. However, they believe the position should be classified in the Training Instruction Series, GS-1712, at the GS-11 grade level. The appellants work for the [appellants' organization and work location] Department of the Navy (DON). The appellants perform essentially identical duties and are currently assigned to the same official position description (PD). Therefore, we have processed this case as a group appeal. We have accepted and decided this appeal under section 5112(b) of title 5, United States Code (U.S.C.).

General issues

The appellants make various statements about their agency's evaluation of their position and compare their duties to similar positions in their organization which were formerly classified in the Training Instruction Series, GS-1712, but at higher-grade levels. In adjudicating this appeal, our responsibility is to make our own independent decision on the proper classification of their position. By law, we must make that decision solely by comparing their 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 appellants' position to others that may or may not be properly classified, as a basis for deciding their appeal. Because our decision sets aside any previous agency decisions, the appellants' statements regarding the classification practices used by their agency to classify their position are not germane to the classification appeal process.

Like OPM, the appellants' agency must classify positions based on comparison to OPM standards and guidelines. However, the agency also has primary responsibility for ensuring that its positions are classified consistently with OPM appeal decisions. If the appellants consider their position so similar to others that they all warrant the same classification, they may pursue the matter by writing to their agency's human resources headquarters. In doing so, they 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 theirs, the agency must correct their classification to be consistent with this appeal decision. Otherwise, the agency should explain to them the differences between their position and the others.

The appellants state they have been tasked with additional duties causing an increase in their workload and scope of responsibilities. They indicate their workload now involves instructing additional Naval Security Forces (NSF) courses and providing logistical support when certified as explosive material drivers. However, volume of work cannot be considered in determining the grade of a position (*The Classifier's Handbook, chapter 5*).

The appellants believe their official PD [number] is not accurate because it fails to fully address the scope of their duties including additional courses they teach. However, their first- and second-level supervisors (Supervisory Police Officer, GS-083-12 and Non-Guard Services Program Manager, GS-080-13) have certified to its accuracy. A PD is the official record of the

major duties and responsibilities assigned to a position by an official with the authority to assign work. A position is the duties and responsibilities that make up the work performed by the employee. Classification appeal regulations permit OPM to investigate or audit a position and decide an appeal based on the actual duties and responsibilities currently assigned by management and performed by the employee. An OPM appeal decision classifies a real operating position, and not simply a PD. This decision is based on the work currently assigned and performed by the appellants.

Our review disclosed the appellants' PD is inaccurate under "Factor 1 – Knowledge Required" because it states the position requires "Knowledge of professional instructional methods and theories used in a formal Police Officer Training environment..." As discussed later in this decision, we find the position does not require professional knowledge of the theories, principles, and techniques of education and training. Therefore, the appellants' PD of record does not meet the standard of adequacy addressed on pages 10-11 of the *Introduction*, and the agency must revise the PD to reflect our findings.

Position information

[Name of appellants' region] covers the states of [list of states in the region] encompassing twelve installations including naval bases, naval air stations, and weapons stations. The appellants' RTA provides training in Anti-Terrorism, Force Protection, and Law Enforcement Education to new recruits and experienced law enforcement personnel through basic training and in-service training lectures and practical application. Organizationally, the academy falls under NGS. RTAs are found in five separate naval regions. The appellants serve as training instructors at the RTA located at [name of naval base], but they may provide training throughout [name of region]. All newly hired cadets must attend an RTA for initial training, regardless of previous law enforcement training received prior to being hired. The [name of region] provides initial training for all Navy Civilian Police (NCP) (GS-083) and Navy Security Guards (NSG) (GS-085) through Navy Security Force (NSF) and Security and Auxiliary Security Force (ASF) Training.

The appellants are responsible for instructing 18 stand-alone courses, and administering four written and four physical agility exams. One of the major NSF training courses they conduct is the nine-week apprentice training (police academy). All NSF personnel are required to complete the police academy prior to assuming their duties, and must also attend annual sustainment training sessions. Some of the categories of police academy training the appellants present include weapon operations, use of force, search and seizure, unarmed individual self-defense, terrorism awareness, apprehension and transport of offenders, protection of a crime scene, Driving Under the Influence (DUI) DUI enforcement, crowd/riot control, Cardio-pulmonary Resuscitation (CPR)/Automated External Defibrillator (AED)/First Aid and physical training. The appellants' also present the Navy Security Annual Sustainment Training (AST) course attended by military law enforcement personnel, DON civilians, and contractors to maintain their certifications. They also teach the Field Training Officer (FTO) course for all NCP graduates prior to assignment of duties. Some of the other courses offered by the RTA and taught by the appellants include the Emergency Vehicle Operational Course (EVOC), the Active Shooter Course, the Basic Traffic Investigation Course, CPR, and DUI/Field Sobriety Test Courses.

The Commander Navy Installation Command (CNIC), the Center for Security Forces (CENSECFOR) and the Navy Safety Training Center develop standardized curricula for all courses, except those directed by Naval Operation Instructions (OPNAV) and Directives to be established at the local level to incorporate State and local requirements. The RTA Director has authority to approve courses established at the local level. The appellants are responsible for selecting appropriate training techniques and methods to teach course curricula so students can meet minimum training standards and certifications. They prepare lesson plans, instructor guides, and other training material (e.g., PowerPoint presentations, role-playing exercises) and research current developments in the field of law enforcement to provide applicable local and State updates for their lesson plans. They recommend curricula modifications including law and regulation updates and presentation of new material. Any recommendations for changes in a particular curriculum are sent to their supervisor for review. The supervisor reviews such proposals for content and accuracy and, if appropriate, submits them to CNIC for final approval. If approved by CNIC, the changes are implemented across the Navy regions.

In reaching our classification decision, we have carefully reviewed all information provided by the appellants and their agency, including their official PD which, although not completely accurate, we have incorporated by reference into this decision. In addition, to help decide the appeal we conducted separate telephone interviews with the appellants and their immediate supervisor.

Series, title, and standard determination

The agency has classified the appellants' position in the Police Series, GS-0083, but the appellants believe it should be classified in the Training Instruction Series, GS-1712. The GS-1712 series covers positions concerned with administration, supervision, training program development, evaluation, or instruction in a program of training when the paramount requirement of the work is a combination of practical knowledge of the methods and techniques of instruction and practical knowledge of the subject-matter taught. Positions in this series do not have either a paramount requirement for professional knowledge and training in the field of education, or mastery of a trade, craft, or laboring occupation. Positions in both this series and the professional series in this group involve career patterns that are primarily in the field of education and training. Positions involving education and training work are normally classified in the appropriate subject-matter series when the paramount qualification requirements for the work and the career patterns for the position are primarily in the subject-matter field rather than in the education and training field. Positions involving education and training work requiring subject-matter knowledge are classified in this series when the career patterns of the positions are primarily associated with the field of education and training, when instruction is the highest level skill required, or when no appropriate subject-matter series has been established.

The GS-083 series includes positions the primary duties of which are the performance or supervision of law enforcement work in the preservation of the peace; the prevention, detection, and investigation of crimes; the arrest or apprehension of violators; and the provision of assistance to citizens in emergencies, including the protection of civil rights. Federal police officers receive training in police academies or other training facilities in subjects involving

community relations; the definition and application of arrest authority; familiarity with Federal and other laws, rules, and regulations; the rights of individuals; laws of search and seizure; the use of weapons; protecting evidence; interviewing witnesses; and other information pertinent to performing law enforcement duties. Police work in the Federal service may involve both line operations and auxiliary operations. Line operations typically include such activities as patrol work, traffic control, canine operations, vice control, work with juveniles, and detective operations. Auxiliary operations performed by officers include such activities, and other miscellaneous duties that support and enhance line operations. Trained officers might perform in any of the line or auxiliary operations in full-time or part-time assignments. Some officers receive additional training covering specialized techniques for crowd and riot control; detection and response to attempts at espionage and sabotage; specialized weapons; bombs and incendiary materials; and special measures pertinent to the specific installation or facility.

Classification guidance in the *Introduction* and *The Classifier's Handbook* describes that for positions whose duties fall in more than one occupational group, the most appropriate series for the positions depends on consideration of a number of factors. For many positions, the grade controlling duties will determine the series. Sometimes, however, the highest level of work performed does not represent the most appropriate series and the series can be determined only after considering the paramount qualifications required, sources of recruitment and line of progression, the reason for establishing the position, and the background knowledge required.

The record shows, the paramount knowledge required and used by the appellants to perform their primary duties involves knowledge of a body of laws and regulations, law enforcement operations, practices, and techniques that require training and experience in police work to instruct cadets to perform a wide range of police officer line and auxiliary operations. Furthermore, the appellants must possess knowledge of related Federal, Department of Defense (DOD), Navy, State, county, municipal laws and ordinances, NGS practices and procedures to develop and prepare lesson plans and training materials. To carry out their instruction responsibilities, they have acquired supplemental practical knowledge of teaching techniques by attending various instructor training courses. For instance, they must complete the four-week Basic Instructor Course 9502 to learn the skills necessary to instruct effectively in the classroom, and also attend the Small Arms Marksmanship Instructor Course to become Range Safety Officers/Small Arms Instructors.

Although this position is established to provide the services of a course instructor, the record shows and our fact-finding revealed the primary knowledge requirement, career pattern, principal sources of recruitment and occupational lines of progression are in the subject-matter field of law enforcement. Background information indicates that all the appellants possessed extensive law enforcement experience when recruited for the appealed position (e.g., Police Officers, Police Sergeant, U.S Navy Master of Arms, Law Enforcement Specialist), and that knowledge and experience is necessary to provide comprehensive technical training to students at the RTA assigned to civilian and military police forces. Absent the appellants' law enforcement subject matter-expertise gained through experience and training in that field, they would be unable to effectively instruct in the technical aspects and related practical applications of the courses delivered at the RTA.

While the appellants do not perform duties typical of active police officers (i.e., protect life, property, and the civil rights of individuals), and are not required to be in police officer uniforms or carry fire arms, their work involves providing training in the occupational knowledge and technical elements of police work. To perform those duties they must possess and apply specialized knowledge of the police occupation, a range of Federal, State, county, and municipal laws and ordinances, and agency rules and regulations relating to law enforcement. Such knowledge is typical of positions classified in the Police Series GS-083. Like police officers, the appellants must have in-depth knowledge of the rights of suspects, the laws of search and seizure, constraints on the use of force (including deadly force) and the civil rights of individuals, in order to teach courses covering all of those topics at the RTA. In addition, they must be knowledgeable of standardized procedures and law enforcement operating techniques to provide practical application of these topics, e.g., search and seizure and use of force. Although the appellants are not engaged in patrol duties and/or traffic control, they must apply knowledge of specialized methods and operating techniques of those tasks to teach courses such as the nine-week police academy course, Basic Traffic Investigation Course, Radar Certification Course, DUI/Field Sobriety Test Course, or the Oleoresin Capsicum Spray Recertification Course.

Like active line police officers who carry firearms or other weapons, the appellants are required to periodically re-certify their skills in use of such weapons as the M9 service pistol, M16 rifle, shotguns, Oleoresin Capsicum (OC) spray, and employment of the police baton in order to qualify as a force protection team member and teach weapons' use. For example, they attend courses to qualify for classroom and hands-on instruction in weapons training (i.e., Small Arms Marksmanship Instructor – SAMI), so they can instruct the Security Reaction Force Team Member Basic (SRFTM-B) Course. Like the appellants, graduates of the latter course must have qualified in all of the weapons listed above.

Unlike positions classified in the GS-1712 series (or a professional series in the GS-1700 Education Group), the career patterns of the appellants' position are not primarily associated with the field of education and training. Rather, as discussed above the paramount qualification requirements for their work and career patterns for the position needed to instruct law enforcement courses at the RTA are primarily in the subject-matter fields of police/law enforcement. The record shows that recruitment for these positions focuses on candidates having extensive police/law enforcement backgrounds and experience, and the career patterns stem from occupations in those fields. The supervisor (whose position is classified in the GS-083 series) indicated that knowledge and skill in police/law enforcement is essential in filling the position, and those selected to be instructors initially receive instruction on classroom and related training procedures and skills by attending the four-week Basic Instructor 9502 course before assigned teaching responsibilities. The appellants instruct police officers in the Federal service who are responsible for maintaining law and order, and the training they provide ensures students will perform their mission of ensuring compliance with Federal laws and agency rules and regulations pertaining to law enforcement.

For the preceding reasons we find the appellants' position is properly classified in the Police Series, GS-083. Official position titles are prescribed by the classification standard for a selected series or by the general titling instructions in the *Introduction*. As prescribed in the Grade Evaluation Guide for Police and Security Guard Positions, GS-083 and GS-085, Police Officer

or Detective is the established title for nonsupervisory positions in the Police Series, GS-083. The detective title is for positions primarily concerned with police investigations involving violations of criminal or other laws. Therefore, the title Police Officer is assigned. However, the Grade Level Guide for Instructional Work (GLGIW) which we have applied for grading purposes in this decision indicates the parenthetical title “(Instructor)” may be added to instructional positions like the appellants’ assigned to a subject-matter series.

The *Introduction* notes that where work assigned to a position is covered by a classification standard for a particular occupational series, the duties should be evaluated using the grade level criteria in that standard. However, where grading criteria is absent or not appropriate, the work should be evaluated using an appropriate general classification guide, or with criteria in a standard for related kinds of work. In the appellants’ case, because they do not perform line police work and the guide for evaluating Police, GS-083 work contains no grading criteria for evaluating instructional duties in that series, we have applied the criteria in the GLGIW to grade the appellants’ position. Our application of that grading criteria follows.

Grade determination

The grade level criteria in the GLGIW are divided into two parts:

Part I covers instructor work involving the following activities:

- Preparing daily work plans based on general course outlines and established learning objectives. Plans cover instructional methods and techniques, training materials and aids, time schedules, etc.
- Training in traditional classroom situations or in self-paced learning programs where the instructor guides students in the use of special learning techniques.
- Evaluating the progress of students and advising and assisting them to improve their performance.

Part II covers instructional specialist work such as:

- Ascertaining needs for training and education, usually through surveys or job analysis.
- Determining the objectives and scope of the courses, the subjects to be covered, and the criteria for evaluation.
- Developing, revising, or adapting courses and instructional materials and guides.
- Evaluating education and training programs and recommending needed changes and improvements.

The appellant's duties include all of those associated with Part I. In addition, as described under particular grade level criteria in Part I, they are also involved in limited course modification for certain law enforcement subjects taught at the RTA. However, that activity does not include course development and revision typical of instructional specialist work, and does not meet the scope of adaptation under Part II concerning application to broader education and training programs including multiple courses and curricula overseen by numerous course directors. Therefore, we have applied the grading criteria of Part I to the appellants' position.

Part I discusses distinctions between grade levels of work based upon two factors: (1) *Nature of Assignment* which encompasses such aspects as the knowledge, skill, and ability required to perform work, and the complexity and difficulty of the duties and responsibilities assigned; and (2) *Level of Responsibility* which includes independence, availability of guidelines, and the kinds of contacts required to perform the work.

Nature of Assignment

At the GS-7 level, the instructor's work may be developmental or non-developmental. At the developmental level, instructors are preparing for higher-level responsibilities. Assignments may be similar to those at the GS-5 level, but with an increasing variety of topics assigned. Guidelines for developmental assignments are specifically prescribed, but supervisory review of work plans and audits of classroom sessions decrease as GS-7 instructors progress in their development. Other GS-7 assignments may involve conducting or assisting with courses comparable to those at the GS-9 level, but with close supervision and specific and detailed guidelines immediately available. At the non-development level, GS-7 instructor assignments typically involve short, repetitive courses or course units that are highly structured. The instructor works independently. GS-7 instructors make suggestions for course modifications that are primarily procedural; they may occasionally make substantive recommendations. Examples of courses taught at this level include those in beginning typing, or a course in the operation, repair, and maintenance of uncomplicated equipment, e.g., hand and shoulder weapons.

Courses taught at the GS-9 level cover a wide variety of topics in well-established areas of a subject-matter field. They include course taught by a technical service school in the fundamentals and skills of a technical occupation; courses taught at the secondary through basic undergraduate levels; or all subjects taught at an elementary school level. They require thorough familiarity with the assigned subject-matter area and use of a wide range of teaching methods or tools depending on the students' learning requirements. They are usually well structured and have ample training materials. These courses generally involve instructional problems that require organization, illustration, and interpretation of course material in order to reach and motivate students who may pose typical problems of communication and motivation, e.g., diverse ages, backgrounds, and levels of interest in the course. GS-9 instructors need to give concrete expression to the abstract principles and concepts taught at this level. They make recommendations for changes which involve substantive rather than procedural matters. Obtaining and adapting current instructional material is typical of this level. An example of instruction at this level would include a broad course in the fundamentals and basic skills of an occupation such as computer operation or engineering drafting.

At the GS-11 level, courses taught cover advanced technical systems or subject-matter areas comparable to the upper-division undergraduate level. These courses are not in standardized or pre-structured form, and they typically have source materials problems, e.g., source materials may be excessively numerous, may be difficult to locate, or may be difficult to adapt. GS-11 instructors are responsible for overall maintenance of their assigned courses, and determine the need for and initiate changes/updates in course content. They participate substantially in course development or modification. GS-11 instructors frequently demonstrate techniques to trainee instructors and evaluate the performance of lower level instructors.

Some courses taught at the GS-11 level are similar to those taught at the GS-9 level, but GS-11 instructors are required to adapt or revise their courses because of subject-matter or student problems. Subject-matter problems result from technological changes or new developments in the field and require frequent updating of knowledge and course content by instructors; student problems relate to students with complicated, specialized, or persistent learning difficulties requiring instructors to modify courses to meet the needs of the students.

The appellant's assignments exceed the GS-7 level and fully meet the GS-9 level. In contrast to the GS-7 level which typically involves highly structured short, repetitive courses or course units, the appellants teach comprehensive courses covering a wide variety of topics in the subject-matter field of law enforcement. Comparable to the GS-9 level, like a technical service school the RTA's police academy course is a nine-week course (340 hours) having more than 60 topics in law enforcement, including 16 practical exercises and requiring the instructors to administer four written and four physical agility exams. The course provides the fundamental concepts, knowledge and skills of law enforcement and the police occupation to cadet officers so that upon graduation they may fully function as newly certified police officers at their respective organizations. In addition, the 40-hour AST refresher course covers over 20 topics in the subject-matter field of law enforcement.

Comparable to the GS-9 level, the appellants teach courses similar to those presented in a basic undergraduate curriculum in law and justice at a community college with emphasis on the conceptual and practical aspects of police work. For example, the nine-week police academy course includes topics such as the legal principles and conduct of searches and seizures, crowd behavior and dynamics, drug identification, use of force/deadly force, dealing with explosive threats, controlling traffic, introduction to response protocols, police information systems, unarmed self-defense, terrorism awareness, apprehending and transporting offenders, protecting a crime scene, DUI enforcement, CPR/AED/First Aid, physical training and many others. Moreover, some of the practical exercises in the field augmenting classroom training include Unarmed Self Defense Skills, Expandable Baton class, Cuffing Positions, Team Control and Baton Techniques, Handguns Practical Weapons, Evidence Collection, Packaging and Marking, Crime Scene Security, Traffic Stops and Accident Investigation. AST topics include Professionalism and Standards of Conduct, California Law Enforcement Telecommunication System, Hazmat, Court Martial Procedures, Anti-Terrorism Level I, Evidence Collection, Interpersonal Skills, Report Writing, Building Entry Techniques and Narcotics and Drugs of Abuse Identification. FTO training topics include subjects such as Legal Liability Issues for FTO, Use of Force Case Law, Introduction to Remedial Training and True Motivators.

Like GS-9 level assignments, due to their experience and training the appellants are thoroughly familiar with the subject-matter area of law enforcement and operating procedures of police work, and use a wide range of teaching methods and tools to support students' learning requirements. These include lectures, group discussions, role-playing, experiments (i.e., sobriety testing), and practical exercises. They also employ training tools such as visual aids, PowerPoint presentations, dummies, simulations, weapons, patrol vehicles, handcuffs, and examination of representative "crime scene" rooms. Because higher level commands (e.g., CNIC, CENSECFOR, Navy Safety Center) are responsible for developing training course curricula presented at all RTAs, comparable to the GS-9 level the appellants' courses are usually well structured and have ample training materials. Similar to the GS-9 level, courses taught generally involve instructional problems (e.g., how best to present conceptual legal principles, or determining the most effective practical exercise for illustrating a concept or procedure) requiring organization, illustration, and interpretation of course material in order to reach and motivate students who may pose typical problems of communication and motivation. The appellants indicated that students frequently have high anxiety, varying skill levels or degrees of motivation due to their diverse ages, backgrounds, and degree of interest in course content. In such circumstances, the appellants must apply motivational techniques to emphasize the goals and importance of the course and its benefit for the student. With students having difficulty in learning during practical exercises (e.g., weapons firing or driving police vehicles at high speeds) or grasping topic concepts, the appellants provide individual remedial training and/or organize a topic in a way that presents additional illustrations or added sequences to reinforce the training experience. Because course core topics contain abstract principles and concepts, like the GS-9 level the appellants must develop background material and interpretive illustrations to concretely demonstrate the concepts presented. For instance, course curriculum provides the topic of "constitution law" and the instructors supplement the material by referring to relevant current and historical events, legal research, and case law to expand on the subject.

Like the GS-9 level, the appellants are involved in making recommendations for changes which involve substantive rather than procedural matters, and obtain and adapt current instructional material for their courses. This is particularly true when local laws and procedures affect the information presented in courses. For instance, although the Department of Transportation controls and issues DUI regulations, States may use various methods such as measuring sobriety levels through blood, urine or breath tests. However, Navy policy directs the usage of only breath testing. Therefore, when presenting the DUI/Field Sobriety Course the appellants must modify content accordingly. There is often a need to update the content of a course to adapt to applicable State laws such as changes in what constitutes a felony theft (e.g., \$ 400 versus \$950), or updating information to meet new Navy regulations in the Semi-Annual Weapons Familiarization Sustainment course. They were also tasked to modify the content of the EVOC re-certification course to condense it from 3 days to 4 hours while still meeting the basic course training objectives. The appellants also review the police academy curriculum and recommend changes to the content that will make the material more understandable. For instance, they clarify terminology and recommend separation of topics that are clearly different but could be viewed as the same, e.g., inspections versus search and seizure. In addition, under the direction of the RTA Director at the end of each training year the appellants are assigned a topic from the AST for modification and updating. This assignment requires them to review the lesson plans, PowerPoint presentations, and instructor's guide and make recommendations to update the

material with current developments in the field consisting of legal, regulatory and applicable State changes, and modify and update nonlethal weapon tactics and patrol procedures to be consistent with CNIC policy. The appellants also submit recommendations on course content for consideration by CNIC. For example, for the development of CNIC's Active Shooter course they provided copies of proposed locally developed lesson plans and instructor guides addressing key concepts for inclusion in the course. They recommended covering tactical team movements that would provide maximum protection in static and dynamic active shooter situations, and proposed scenarios requiring students to make proper determinations on handling a barricaded shooter or hostage situation. Many of their recommendations were subsequently adopted by CNIC. Prior to submission, such recommendations are forwarded to the RTA Director for review and approval.

The GS-11 level is not met. Unlike this level, the appellants do not teach courses covering advanced technical systems or subject-matter areas comparable to the upper-division undergraduate level, where courses are not in standard or pre-structured form and typically contain source materials problems. Although they recommend changes, updates, and modifications in course content, the courses they teach are structured and standardized. In addition, while they do make substantive changes to courses, they are not confronted with significant subject-matter problems due to technological changes or new developments in the field requiring frequent updating/revising of courses to meet new knowledge requirements. In contrast to the GS-11 level, the record shows the students they teach do not possess complicated, specialized, or persistent learning difficulties. Thus they are not required to modify courses to meet the special learning needs of such individuals.

Level of Responsibility

This factor includes such things as independence (e.g., the degree to which work and decisions are supervised or reviewed); the extent to which guidelines for the work are available or must be developed; and the kinds of contacts required to perform the work.

In contrast to the GS-7 level where instructors receive close supervision, instructors at the GS-9 level independently plan and carry out their training sessions within the prescribed course framework. They resolve normal classroom problems and make outside contacts for supplemental information and materials. On unusual matters or questions of program objectives and policy, they obtain guidance before taking action. Recommendations for course modification receive review for consistency with overall course material, for technical accuracy, and for educational adequacy. Courses of instructors at this level are audited and evaluated periodically by higher level instructors. GS-9 instructors may participate in task analyses for determining training requirements or in special staff studies of training and testing materials, for which they receive specific guidance on coverage, methodology, approaches, and sources to use.

Instructors at the GS-11 level receive course assignments with the course objectives, topics to be covered, and general content in a prescribed form, but they also typically participate in original course content development and in its subsequent modification. Within the framework of approved course objectives and topics to be covered, GS-11 instructors use such methods as they believe will be most effective. They determine the need for additional subject-matter

information and may meet with representatives of outside organizations in order to obtain it. They develop or adapt new or revised training or testing materials for formal course use. These materials may be reviewed by the instructor's supervisor for technical accuracy, consistency with course objectives, educational effectiveness, and program policy.

The appellants' level of responsibility meets the GS-9 level. Like this level, they independently plan and carry out their training sessions within the prescribed course framework. They resolve normal classroom problems and make outside contacts to supplement course information and materials as needed. For example, for the Active Shooter course the appellants researched course content by making contact with other law enforcement organizations, e.g., local sheriff departments, [name of city college police department], and Naval Criminal Investigative Service. On unusual matters or questions regarding particular course objectives or overall training policy, they obtain guidance from the supervisor before taking action. The supervisor develops the master training schedule and rotates staff to ensure all instructors get the opportunity to teach the police academy and AST courses throughout the year. Like the GS-9 level, the supervisor reviews their recommendations for course modifications to ensure consistency with overall course material and objectives, technical accuracy, and educational adequacy. Comparable to the GS-9 level, the supervisor or higher-level instructors (e.g., Team Lead or Master Training Specialist) periodically audit the appellants' classroom instruction or field exercises to assess their teaching and provide timely feedback and critique on their performance. The appellants are not involved in task analyses or special staff studies which are optional responsibilities at the GS-9 level.

The appellants' level of responsibility does not meet the GS-11 level. Unlike this level, because courses are developed and substantially modified by CNIC and other higher-level training organizations, they do not participate in original course development, and their assignments and methods of instruction are more specifically prescribed as compared to the GS-11 level. Although they determine the need for additional subject-matter information and sometimes make outside contacts to obtain it, this effort is limited and performed within the context of GS-9 level course assignments (i.e., course in the basic skills of an occupation) rather than, for example, more complex courses covering advanced technical systems such as maintenance and repair of major aircraft systems characteristic of the GS-11 level. In contrast to the GS-11 level, they do not develop or adapt new or revised training or testing materials for formal course use. Such responsibilities are found at higher training command levels.

Summary

By application of the two factors in the GLGIW, both the appellants' nature of assignments and level of responsibility meet the GS-9 level. Therefore, their instructional work is graded at that level.

Decision

The appellants' position is properly classified as Police Officer (Instructor), GS-083-9.