



United States Office of Personnel Management

Office of Merit Systems Oversight and Effectiveness

Digest of Significant Classification Decisions and Opinions

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Article No. 24-01

Standard: General Investigating, GS-1810 (February 1972)
Criminal Investigating, GS- 1811 (February 1972)
Police, GS-083 (April 1988)

Factor: N/A

Issue: Series coverage

Identification of the Classification Issue

This issue arose as a result of OPM's adjudication of two group classification appeals. The appellants worked in security and law enforcement organizations at the local and regional level. They were not part of the agency's centrally managed criminal investigations organization. Their positions were classified to the General Investigating Series, GS-1810. The appellants claimed that they planned and conducted investigations relating to alleged or suspected violations of criminal law covered by the Criminal Investigating Series, GS-1811.

The appellants needed to know what constituted a crime, the kind of evidence required to prove that a crime was committed, the methods and patterns of criminal operations, and the decisions and precedents that control search and seizure, admissibility of evidence, and arrest authority. The appellants worked in cooperation with other Federal, State and local criminal investigation organizations. They employed criminal investigative techniques such as surveillance, covert photography, executed searches, and used information supplied by informants. They were directly authorized to conduct property investigations involving Government funds of up to \$2,500. They also investigated child pornography, computer theft, workers compensation and other cases. The appellants gathered and preserved evidence for forensic analysis and used photography for covert recording of criminal activity. They had the authority to carry weapons and make arrests.

Resolution

The Grade-Level Guides for Classifying Investigator Positions (GS-1810/1811 Guide) list specific knowledge, skills, and abilities that distinguish GS-1810 and GS-1811 positions. OPM found that the appellants spent all of their time investigating criminal or potentially criminal violations of Federal law. Given these facts, OPM found the positions were excluded from the GS-1810 series.

However, OPM also found that the mission and functions assigned to the appellants' organizations and, therefore their positions, did not support their claim that they performed criminal investigations within the meaning of the GS-1811 series. The agency's criminal investigations service was responsible for investigating actual, suspected, or alleged major criminal offenses. In contrast, activities and regional offices (local) were authorized to maintain limited investigative capability for resolving minor offenses punishable by confinement of one year or less. An internal agency instruction stipulated that local investigators were permitted to investigate major crimes when the criminal investigations service declined jurisdiction. However, certain matters had to be referred to that service, including such cases as loss of ordnance, narcotics, dangerous drugs or controlled substances; incidents of aberrant sexual behavior involving force/coercion or when children were involved; and thefts of minor amounts of personal property when ordnance, contraband, or controlled substances were involved. The instruction stated that local off-base investigative activities were limited to minor offenses and to the immediate area surrounding the installation and off-base housing areas. However, this policy did not restrict such functions as preventing the escape or loss of identity of suspected offenders, preserving crime scenes, and ensuring the integrity of physical evidence.

The distinction between high level police work, discussed in the Grade Evaluation Guide for Police and Security Guard Positions (GS-083/085 Guide) as detective assignments, and lower level criminal investigating work can be difficult to make because the case work is often similar. OPM determined that the GS-1810/1811 Guide had to be read in conjunction with the information contained in the more recently issued GS-083/085 Guide. That Guide clarifies that the GS-1811 series covers positions primarily responsible for investigating alleged or suspected *major offenses or violations of specialized laws of the United States*. While agency policy typically required the criminal investigations service's involvement in violent crimes, this did not mean that the GS-1811 series alone covered all such crimes within its occupational definition. The GS-083/085 Guide defines major crimes found in the GS-1811 occupation as a capital crime, those involving prescribed monetary values, or others that may vary in different jurisdictions. Level 1-4 in the GS-083/085 Guide specifically includes investigating violent crimes and conducting long-term investigations, within the meaning of the GS-083 occupation. Therefore, OPM found that higher level detective work in the GS-083 series was very similar to the appellants' assignments.

Both guides recognize employees in the GS-083 and GS-1811 occupations frequently help one another. GS-1810/1811 Guide grade level distinctions are based on primary case agent responsibility. Helping in a case by executing warrants, conducting surveillance, and conducting interviews has no particular impact with respect to determining the grade level of an investigator's

position. Similarly, OPM concluded the appellants' assignments in serving warrants, contacting local and State authorities to obtain and/or provide background information on suspects, and traveling across state lines to perform searches and conduct interviews and suspect surveillance failed to prove that the appellants were performing GS-1811 functions. OPM found that travel across state lines in the GS-1811 occupation typically meant investigating criminal enterprises that operate in multiple jurisdictions. It did not necessarily cover conducting interviews and/or searches in the commuting area around a Federal installation, or the similar off-post work examples provided by the appellants.

OPM concluded the appellants' cases were long-term investigations within the meaning of the GS-083/085 Guide in that they extended from several days to several weeks, were local in nature, and were resolved by applying investigative and related techniques typical of the GS-083 occupation. Furthermore, agency policy limited the breadth, depth, and complexity of investigations that could be managed by the appellants. OPM found all the positions were covered by the GS-083 series.

“Back to the Basics”

The series determination decision in this case illustrates that standards are dynamic. Information in the newer GS-083/085 Guide updated and clarified the meaning of the previously issued GS-1810/1811 Guide.

Duties and responsibilities assigned to positions are controlled by the mission assigned to the organization in which those positions are found. The positions created to perform an assigned mission must be considered in relation to one another; i.e., each position reflects only a part of the organization's work as a whole. The existence of the agency-level criminal investigations service and its responsibility for conducting or controlling investigations of serious crimes so limited the breadth, depth, and complexity of the investigations conducted by the appellants as to exclude their positions from the GS-1811 series.

Link to [C-0083-08-01](#), [C-0083-09-01](#), [C-0083-09-02](#)