

**CLASSIFICATION APPEAL DECISION OF THE  
U.S. OFFICE OF PERSONNEL MANAGEMENT  
CHICAGO FIELD SERVICE OFFICE**

INCUMBENT: **[appellant's name]**  
POSITION NUMBER: N292CA  
AGENCY CLASSIFICATION: Supervisory Criminal Investigator  
GM-1811-13  
POSITION LOCATION: U.S. Department of Justice  
Immigration and Naturalization Service  
[appellant's activity]  
OFFICE OF PERSONNEL  
MANAGEMENT DECISION: **Supervisory Criminal Investigator  
GS-1811-13**  
**OPM DECISION NUMBER:** CI-1811-13-01

This appellate decision constitutes a certificate that is mandatory and binding on administrative, certifying, payroll, and accounting offices of the Government. It is the final administrative decision on the classification of the position, not subject to further appeal. It is subject to discretionary review only under the conditions and time limits specified in Part 511, Subpart F, of Title 5, U.S. Code of Federal Regulations.

---

FREDERICK J. BOLAND  
CLASSIFICATION APPEALS OFFICER

6/4/96

---

DATE

**DECISION TRANSMITTED TO:**

[appellant's name and address]

[name and address of appellant's servicing  
personnel officer]

Ms. Carol Hall  
Director of Personnel  
Immigration and Naturalization Service  
Chester Arthur Building, Room 2006  
425 I Street, N.W.  
Washington, D.C. 20536

Mr. Henry Romero  
Director, Personnel Staff  
Department of Justice  
Ariel Rios Building, Room 5206  
12th and Pennsylvania, N.W.  
Washington, D.C. 20530

## INFORMATION CONSIDERED

- ▶ Appellant's memorandum dated November 27, 1995, giving the reasons for his appeal and subsequent submissions in response to our requests for additional information.
- ▶ Copy of the appellant's official position description, number N292CA.
- ▶ Copy of appellant's immediate supervisor's position description.
- ▶ Copy of appellant's subordinates' position descriptions.
- ▶ Copy of the organization charts and mission and functions statements for the appellant's organization.
- ▶ Phone audit with the appellant September 5, 1995, and follow-up telephone calls.
- ▶ Phone audit with the appellant's supervisor October 26, 1995.
- ▶ Agency report on information requested by OPM, dated April 19, 1995, and subsequent submissions in response to our requests for additional information.

## EVALUATION CRITERIA

- ▶ OPM *Grade-Level Guides for Classifying Investigator Positions, GS-1810/1811*, dated February 1972.
- ▶ OPM *General Schedule Supervisory Guide*, dated April 1993.

## INTRODUCTION

The appellant contests his agency's decision classifying his position, number N292CA, as Supervisory Criminal Investigator, GM-1811-13. The position is located in Department of Justice, Immigration and Naturalization Service (INS), [appellant's activity]. The appellant agrees that his official position description accurately reflects his major duties, but believes his work warrants higher credit based upon its scope and effect, supervisory and managerial authority, purpose of contacts, and special conditions that add to the difficulty of supervision (Factors 1, 3, 4, and 6 of the *General Schedule Supervisory Guide*).

The appellant also cites the classification of higher graded positions similar to his own as a part of his appeal, indicating that approximately 29 Assistant District Directors for Investigation range in grade from GS-13 to GS-15. By law, positions are classified based upon their duties, responsibilities, and qualification requirements compared to the criteria specified in the appropriate OPM classification standard or guide. Other methods of evaluation, including comparison to other positions, are not permitted. Agencies are, however, required to apply classification standards and OPM decisions consistently to ensure equal pay for equal work. OPM will require an agency to conduct a consistency review upon showing that specifically identified positions at different grades have identical duties and responsibilities. Accordingly, our letter transmitting this decision to his agency advises that it respond to this issue, should the appellant specifically identify such a position.

## **JOB INFORMATION**

As the Assistant District Director for Investigation (ADDI), the appellant supervises 12 employees in [his] Branch, which is composed of two units, a Criminal Aliens unit and an Employer Sanctions and Fraud unit. A subordinate supervisor heads each unit. All but one of the employees, a GS-1807-7 Investigative Assistant, are GS-1811 Criminal Investigators. The appellant also is first-line supervisor to a GS-1811-13 Criminal Investigator specializing in Organized Crime Drug Enforcement Task Force assignments. The Branch is responsible within the states of Nebraska and Iowa for investigating violations of laws and regulations enforced by INS, apprehending illegal and criminal aliens, initiating deportation proceedings, and assisting in determining entitlement to benefits applied for under Immigration and Nationality laws. Its aims include limiting illegal alien access to jobs and benefits, detecting large-scale criminal organizations and activities like drug smuggling or marriage, document, and other immigration fraud, and targeting high profile, high impact employers suspected of violating employer sanctions laws.

## **ANALYSIS AND FINDINGS**

### **Series and Title Determination**

The GS-1811 Criminal Investigating Series includes positions, like the appellant's, that involve planning and conducting investigations relating to alleged or suspected violations of criminal laws and that require knowledge of investigative techniques, laws of evidence, and rules of criminal procedure, the ability to recognize, develop, and present evidence that reconstructs events, and skill in applying techniques required in performing such duties as surveillance, undercover work, and assisting the U.S. Attorney.

The prescribed title for supervisory positions in the GS-1811 series is *Supervisory Criminal Investigator*.

### **Grade Determination**

The appellant's supervisory and non-supervisory work must be evaluated separately because the same classification criteria do not apply to both. The overall grade of the position is the higher level of either the supervisory or non-supervisory work. The GS-1810/1811 grade level guides are used to evaluate the appellant's personally performed work and the General Schedule Supervisory Guide (GSSG) is used to evaluate his supervisory duties and responsibilities. The appellant does not challenge the application of the GS-1811 grading criteria to his personally performed work. Such work can be no higher graded than the GS-13 grade already assigned to his supervisory duties unless it entails planning and conducting exceptionally complex and large-scale investigations, which it does not. Consequently, the appellant's personally performed work is not further examined in this decision.

The GSSG uses a point-factor evaluation approach where the points assigned under each factor must be fully equivalent to the factor-level described in the guide. If a factor is not equivalent in all respects to the overall intent of a particular level described in the guide, a lower level point value must be assigned, unless the deficiency is balanced by an equally important aspect that meets a higher level.

## **Factor 1: Program Scope and Effect**

*This factor measures the general complexity, breadth, and impact of the program areas and work directed, including organizational and geographic coverage. It also assesses the effect of the work both within and outside the immediate organization.*

*Scope addresses complexity and breadth of the program or work directed, including the geographic and organizational coverage within the agency structure. Effect addresses impact of programs, products, or correctly performed work both within and outside the agency.*

*All work for which the supervisor is both technically and administratively responsible, including work accomplished through subordinates or contractors, is considered. To receive credit for a given level, the separate criteria specified for both scope and effect must be met.*

### **Subfactor 1a: Scope**

Level 1-3 involves the direction of a program segment performing administrative, investigative, or professional work where the program segment and work directed encompass a major metropolitan area, a state, or a small region of several states.

Level 1-4 involves the direction of a segment of a professional, highly technical or complex administrative program that involves the development of major aspects of key agency administrative, regulatory, or policy development or comparable, highly technical programs.

The appellant agrees with his Headquarter's evaluation of program scope at Level 1-3, based upon the investigative nature of the work, the significant range of enforcement, and the two states encompassed. Unlike Level 1-4 scope, his work does not involve the development of major aspects of key agency programs or policy.

We evaluate Scope at Level 1-3.

### **Subfactor 1b: Effect**

At Level 1-2, services directed significantly affect field office operations and objectives. In a field office providing services to the general public, furnishing a portion of such services, often on a case basis, to a small population of clients meets this level. The size of the population serviced by the field office is the equivalent of all citizens or businesses in a major portion of a small city. Depending on the nature of the service provided, however, the serviced population may be concentrated in one city or spread over a wider geographic area.

At Level 1-3, services *directly and significantly* affect a wide range of agency activities, other agencies, outside interests (e.g., a segment of a regulated industry), or the general public. Furnishing a significant portion of the agency's line program to a moderate-sized population of clients meets this level. The size of the population serviced by the position is the equivalent of a group of citizens and/or businesses in several rural counties, a small city, or a portion of a larger metropolitan area. Depending on total population serviced by the agency and the complexity and intensity of the service

itself, however, the serviced population may be concentrated in one specific geographic area, or involve a significant portion of a multistate population, or be composed of a comparable group.

The appellant claims Level 1-3 Effect based upon the population, outside interests, and external law enforcement agencies affected by his Branch's work. His Headquarters denied credit for this level because the [appellant's] District has one of the smallest illegal alien populations of any INS District. INS figures for October 1992 for instance, estimate California alone has over 1,400,000 illegal aliens, New York over 400,000, Texas and Florida each over 300,000, and Illinois over 150,000. The same INS estimates show Nebraska and Iowa combined have under 10,000 illegal aliens. (Specifically, they show Nebraska and Iowa at 4,700 and 2,100, respectively. More current estimates from INS have not been obtainable.)

The appellant suggests the age of these estimates and the inherent difficulty of gauging the size of an illegal population work to his disadvantage. Although he believes these estimates low, he provides no alternative, authoritative estimates indicating that they err badly. He cites items from newspaper articles claiming the *legal* and illegal immigrant Hispanic population for Iowa is 30,000, claiming the Congressional Quarterly reported that the illegal immigrant population in Iowa rose from 2,100 to 3,000 between 1990 and 1992, and claiming the number of immigrants applying for legal status in Nebraska and Iowa rose from 3,082 to 5,975 during fiscal years 1994 - 1995. He also states that last year his Branch took into custody over 500 illegal aliens and arrested 372 criminal aliens, versus 1,060 arrests by the Chicago District. None of these articles or figures, however, suggest the illegal alien population of Nebraska and Iowa far exceeds 10,000. He further suggests that because his Branch located over 1,000 illegal aliens in six workplaces and because there are about 200 food processing plants within his District, the INS estimate must be extraordinarily low. However, because the Branch specifically targets workplaces likely having the highest number of illegal workers, the demographics of these six cannot be considered representative of the whole. He also compares the number of arrests per agent in [his city] to Chicago, but such comparisons reflect variances in staffing levels and other factors more than population.

Lacking other authoritative estimates, this decision must be based upon INS furnished estimates. Even allowing for a lack of precision and likely increases in the illegal and criminal alien population, that population remains considerably smaller than the alien population, which 1990 census data placed at about 36,000 for the [appellant's] District (showing Nebraska with 12,886 noncitizens and Iowa with 23,324 noncitizens). The 36,000 estimate, though dated, is readily comparable to the Level 1-2 population range credited in other appeal decisions, e.g., a Supervisory Social Insurance Administrator servicing about 20,000 applicants and claimants annually and a Supervisory Inspector whose staff screens nearly a million visitors annually, but significantly affects only about 45,000 aliens. The District's illegal and criminal alien population presents more significant investigatory demands than its legal alien population, elevates the complexity of the Branch's work, and better reflects the Branch's target population. A fraction of the legal alien population size, it falls more tellingly short of Level 1-3's population criterion. Regardless of which population, legal or illegal and criminal, is considered, Level 1-2 accommodates existing estimates with room to spare.

In further support of his appeal, the appellant references his Branch's affect on outside interests, pointing to the importance and size of the meat packing industry, often the target of INS raids, and

suggests that his Branch impacts a major, nationwide industry. He cites a newspaper article quoting [his] District Director's remarks that Nebraska and Iowa have one of the highest concentrations of meat-processing facilities in the United States and that the District's workload has increased significantly over the last couple of years because of a large criminal alien population and because of the many meat-processing plants in these two states.

The Investigations Branch focuses on meat packing plants within the [appellant's] District, but has no nationwide responsibility for such plants. The plants are often the target of raids because aliens with fraudulent documentation frequently find work there. The Branch's role in dealing with the plants is twofold: educating the employers on detecting fraudulent documentation and sanctioning those who are negligent in screening illegal workers. The direct and significant impact of such work falls on the employer and the illegal worker. The illegal worker population, as noted above, falls within the range typical of Level 1-2. The approximately 200 plants are major employers in their small communities and a raid that removes a significant portion of a plant's workforce can impair plant operations. The Branch's choice of enforcement methods affects the interests of employers who may be targeted or fined under employer sanction laws. However, the Branch's impact on outside interests is more modest than envisioned at Level 1-3. Level 1-3 has been credited where multimillion dollar amounts are at risk, for example, to programs investigating regulated businesses for compliance with specific laws and regulations, where annual business transactions totaling over \$30 million are intercepted and transactions totaling over \$16 million are disallowed. The employer fines levied by the appellant's program, on the other hand, do not approach the multimillion dollar range, amounting annually instead to about \$115,000 (as derived from the appellant's estimate). The effect of removing illegal aliens from employment has an indirect, additive, socio-economic effect on the targeted plants and their communities, as the appellant mentions, but Factor 1 assesses only direct effect. Consequently, his Branch's impact on outside interests also fails to meet Level 1-3 Effect.

The appellant further claims that because one of his Branch's aims is to assist law enforcement agencies in identifying, prosecuting, and removing from the United States criminal aliens, it has direct and significant impact on other agencies, as characteristic of Level 1-3. For instance, he points out that since 1990, many of the major drug organizations have been run within the States by aliens. He says that because all the other Federal law enforcement agencies in Nebraska and Iowa are relatively small, they must combine resources and work closely together, thus having significant impact on each other. He states that his Branch serves over 500 law enforcement agencies and indirectly serves the public by working with these agencies to remove convicted criminal aliens from the country and illegal aliens from employment.

Criminal and illegal alien arrests are a major objective and occupation of the Investigations Branch, but a small part of other law enforcement agency efforts, which have differing missions, mostly unrelated to the enforcement of Federal immigration and nationality laws. Therefore, a more accurate characterization of the Branch's role with other law enforcement agencies would emphasize its need to exchange information with other agencies (e.g., F.B.I., D.E.A., Customs, state and local law enforcement agencies) in order to gain the assistance it needs to improve the effectiveness of its own enforcement actions. The cooperation it gains from other agencies furthers its own objectives, but the appellant's claim of direct and significant impact on other agencies is not evident in the work

examples he provides, e.g., obtaining or providing backup assistance on raids, when available. Such examples do not compare in impact to directing programs that, as part of their mission, provide construction, housing, maintenance, health, protection, or comparable services to other agencies. Consequently, the appellant's program also fails to meet Level 1-3 Effect based upon other agency impact.

We credit Effect at Level 1-2.

To receive credit for Level 1-3, the work directed must fully meet both Level 1-3 Scope and Level 1-3 Effect. The appellant's work meets the requirements of Level 1-3 Scope, but not Effect. Therefore, we evaluate this factor at Level 1-2 and credit 350 points.

## **Factor 2: Organizational Setting**

*This factor considers the organizational position of the supervisor in relation to higher levels of management (the rank of the person to whom the supervisor reports for direction and appraisal).*

Under this factor, if the position being classified reports directly to a Senior Executive, flag officer, or the equivalent, it receives Level 2-3 credit. If not, but the second-level supervisor of the position being classified is a Senior Executive, flag officer, or the equivalent, it receives Level 2-2 credit. In all other cases, the position being classified receives minimum credit, Level 2-1. Full deputies are treated as being at the same level as the deputy's chief for this factor.

The appellant reports to the Deputy District Director, who is a full deputy and therefore treated under the guide the same as if reporting to the District Director, a GS-15. The District Director reports to the Regional Director, an SES position. Therefore, Level 2-2 applies.

We evaluate this factor at Level 2-2 and credit 250 points.

## **Factor 3: Supervisory and Managerial Authority**

*This factor covers the delegated supervisory and managerial authorities that are exercised on a recurring basis.*

At Level 3-2, supervisors function at the first line level and are delegated broad authority to direct the operations of their work units on a basis free from close review and oversight by higher echelons. The GSSG provides three alternative sets of criteria under which Level 3-2 credit is possible. The third of these options (cited in paragraph 3-2c of the guide) specifies ten authorities and responsibilities characteristic of supervisors functioning at this Level. The appellant exercises all ten in overseeing his work unit and thereby meets Level 3-2.

At Level 3-3, supervisors typically exercise managerial authorities over lower organizational units and subordinate supervisors or leaders, or have equivalent second level type authority and responsibility. The GSSG specifies two methods through which a position can meet this level. The first of these, Level 3-3a, essentially concerns managerial positions closely involved with high level program officials in the development of overall goals and objectives. Managers at this level typically direct the development of data to track program goals, secure legal opinions, prepare position papers or



legislative proposals, and execute comparable activities. The appellant lacks significant responsibility in these areas. Such responsibilities belong to higher level positions than his own. He claims, however, to have sufficient authority to fully satisfy Level 3-3b criteria, which describe 15 supervisory authorities that exceed in complexity and responsibility the ten depicted under paragraph 3-2c. Under this alternate provision, a position can be credited at Level 3-3b if, *in addition* to exercising all or nearly all the Level 3-2c authorities, it also exercises at least 8 of the 15 supervisory authorities specified at Level 3-3b.

The appellant's claims to Level 3-3 are based largely upon the presence of two subordinate supervisory positions in his Branch since August 1992 and, therefore, the implication that he exercises four second level supervisory authorities detailed in Level 3-3b, namely, authorities 1, 5, 6, and 8. However these four authorities cannot be significantly exercised by the appellant for lack of organizational complexity. Authority 1 credits work requiring the use of multiple supervisors, team chiefs, or comparable personnel to direct, coordinate, or otherwise oversee work; and/or providing similar oversight of contractors. Authority 5 concerns work problems presented by subordinate supervisors, authority 6 concerns evaluating subordinate supervisors, and authority 8 concerns recommending selections of subordinate supervisors. The Investigations Branch, with a total staff of about 13 employees, lacks the organizational size, intricacy, and complexity to permit significant exercise of the four second level supervisory authorities just cited. Factor 3-3b credits the greater difficulty of supervision stemming from the need for subordinate supervisors to help ensure plans are carried out, policies understood, objectives accomplished, discipline maintained, etc. This need stems from the organization's complexity rather than from the number of designated supervisors or team leaders. The appellant's Branch lacks highly complex operations, an unusual rate of change, extraordinary difficulties in training subordinates or assessing their work accomplishments, and similar attributes that might demand a narrow span of control. Designation of two of the 12 subordinates within the Branch as supervisors adds to the supervisory structure, but little to the difficulty of supervision otherwise exercised by the appellant. Consequently, these four authorities cannot be significantly exercised.

Authority 4 concerns the direction of a program or major program segment with multimillion dollar funding, a resource level greater than the Investigations Branch's present funding and not claimed by the appellant.

Authority 10 concerns approving serious disciplinary actions (e.g., suspensions), an authority which is reserved by higher management levels and not claimed by the appellant.

Authority 11 concerns nonroutine, costly, or controversial training needs and requests. The appellant claims such authority but supports it by reference instead to routine and unscheduled training he has approved. The examples of training furnished, such as sending agents to special firearms training, to retirement training, to writing training, etc., are clearly routine training requirements for most investigators. The appellant's supervisor indicated that the appellant finds training that is available locally or through the agency's training program. We do not find the appellant regularly approving training that would be regarded as controversial for Investigators to attend, nonroutine for their line of work, or unduly costly for the subject matter involved.

Authority 12 concerns determining the acceptability of contractor performed work for payment. The appellant is one of the District's contracting officers with a warrant of \$25,000 for the purchase of equipment and services. He indicates that when goods and services are received, he determines that they meet the standards necessary for authorization of payment. However, the goods and services purchased, rather than being an integral part of the Branch's work, are supportive in nature and do not require technical assessment comparable to, e.g., the adequacy of information developed by a contractor conducting an investigation for the Branch.

Though the appellant indicates in his appeal that [his district's] per person workload, types of cases, and supervisory ratio are comparable to other Districts, such as Kansas City, the evaluation of supervisory authorities must be based on the guide's criteria rather than staffing levels or other designs. Although he exercises some of Level 3-3b's 15 authorities, he does not exercise the 8 examined above, thus falling short of the required majority. Therefore, only Level 3-2 credit applies.

We evaluate this factor at Level 3-2 and credit 450 points.

#### **Factor 4: Nature and Purpose of Contacts**

*This is a two-part factor that measures the nature and purpose of personal contacts related to supervisory and managerial responsibilities. The contacts used to determine credit level under one subfactor must be the same used to determine credit under the other subfactor.*

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

*This subfactor covers the organizational relationships, authority or influence level, setting, and preparation difficulty involved in the supervisor's work. To be credited, contacts must be direct and recurring, contribute to the successful performance of the work, and have a demonstrable impact on the difficulty and responsibility of the position.*

At Level 4A-2, contacts are with members of the business community; the general public; higher ranking managers, supervisors, or staff of program, administrative, or other work units and activities throughout the field activity; representatives of local public interest groups; technical or operating level employees of State and local governments; or 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, televised, radio, or similar contact, and sometimes require nonroutine or special preparation.

At Level 4A-3, frequent contacts are with high ranking managers, supervisors, and technical staff at bureau and major organization levels of the agency; with agency headquarters administrative support staff; or with comparable personnel in other Federal agencies; key staff of public interest groups with significant political influence or media coverage; journalists representing influential city or country newspapers or comparable radio or television coverage; congressional committee and subcommittee staff assistants below staff director or chief counsel levels; contracting officials and high level technical staff of large industrial firms; or 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 which 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.

The appellant regularly consults and advises regional program staff and, on a limited basis, the headquarter's program staff about District investigations program matters. In addition to these contacts, the incumbent has frequent contacts with comparable-rank officials of other Federal, State and local agencies on matters relating to investigative operations, as at Level 4A-2. He meets with U.S. Assistant Attorneys serving the two States under the District's jurisdiction as the occasion arises. He has minimal contact with local media involving issues related to the investigations program as the District Director or Deputy usually handles the media contacts. He lacks the frequent contacts often requiring extensive preparation typical of Level 4A-3.

We evaluate this subfactor at Level 4A-2 and credit 50 points.

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

*This subfactor 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(s), or organizational unit(s) 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(s) managed.

The appellant disagrees with his Headquarters' evaluation of this subfactor at level 4B-2, which held that negotiations for assistance in conducting major raids on meat processing plants, though similar to Level 4B-3, occurred too infrequently for credit. The appellant places the number of such raids at about three a year. Although these raids are not numerous on a yearly basis, our supervisory and appellant telephone audits verified the preparation and negotiation involved in such raids, which enlist the support of other INS organizations and external law enforcement agencies at the Federal, state, and local levels, occur throughout the year and demand several months preparation for each raid. As at Level 4B-3, these negotiations require the appellant's active participation in meetings and presentations and involve issues of considerable importance to the District's enforcement of immigration and nationality laws. The Branch's education of employers on their responsibilities, enlistment of their support in experimental programs, and levying of fines also requires the appellant to gain compliance as required at Level 4B-3.

Unlike Level 4B-4, the appellant is not required to persuade persons or groups to take actions necessary to advance the fundamental goals and objectives of a program, in face of intense opposition due to significant conflict, competing objectives, major resource limitations, or comparable issues.

We evaluate this factor at Level 4B-3 and credit 100 points.

### **Factor 5: Difficulty of Typical Work Directed**

*This factor covers the difficulty and complexity of the basic (mission oriented) 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).*

The level credited for this factor normally must constitute at least 25 percent of the workload of the organization supervised. Excluded from consideration are:

- work of lower level positions that primarily support the basic work of the unit,
- work that is graded based upon the supervisory or leader guides,
- work that is graded higher than normal because of extraordinary independence from supervision, and
- work not fully under the supervisor's authority and responsibility as defined under Factor 3.

The INS workload analysis indicates 73 percent of the Branch's investigative hours were expended on GS-12 level type cases. Higher graded work is performed primarily by one of the Investigators (the supervisory duties of two subordinate Investigators are excluded from consideration) and does not constitute a substantial (at least 25 percent) portion of the Branch's workload. Consequently, GS-12 is the highest grade level representative of the Branch's work. A GS-12 base level of work equates to Factor Level 5-7, according to the conversion table on page 24 of the guide.

There is an alternative method for determining the base level of work directed by second-level supervisors. The highest grade of non-supervisory work directed that requires at least 50 percent of the duty time of the second-level supervisor may be used as the base level instead. Since GS-13 grade level investigative work represents such a small portion of the Branch's work, it does not demand half the appellant's time to oversee.

We evaluate this factor at Level 5-7 and credit 930 points.

### **Factor 6: Other Conditions**

*This factor measures the extent to which various conditions add to the difficulty of supervision. For credit, the condition must be present and dealt with on a regular basis. Positions at Level 6-3 or below are boosted one level if they also meet at least three of the eight special situations described in the guide.*

Level 6-4 of the guide addresses complications arising from the supervision of work comparable in difficulty to the GS-11 level *and* requiring substantial coordination and integration of a number of major assignments or projects.

Level 6-5 addresses complications arising from the supervision of work comparable in difficulty to the GS-12 level *and* requiring significant and extensive coordination and integration. (Managing work through subordinate supervisors who each direct substantial GS-11 level workloads may also meet Level 6-5, as might directing GS-13 base level work in some situations.)

As determined under Factor 5, GS-12 characterizes the highest grade level of the Investigation Branch's work, thus meeting a portion of Level 6-5's requirements. However, unlike Level 6-5, the Investigations Branch's work does not require significant and extensive coordination and integration. Supervision at Level 6-5 involves major recommendations that have a direct and substantial effect on the organization and projects managed. This might be evidenced by making major recommendations in at least three of the areas listed below or in comparable areas:

1. Significant internal and external program and policy issues affecting the overall organization, such as those involving political, social, technological, and economic conditions, as well as those factors cited in the first item of Factor Level 6-4a;
2. Restructuring, reorienting, recasting immediate and long range goals, objectives, plans, and schedules to meet substantial changes in legislation, program authority, and/or funding;
3. Determinations of projects or program segments to be initiated, dropped, or curtailed;
4. Changes in organizational structure, including the particular changes to be effected;
5. The optimum mix of reduced operating costs and assurance of program effectiveness, including introduction of labor saving devices, automated processes, methods improvements, and similar;
6. The resources to devote to particular programs (especially when staff-years and a significant portion of an organization's budget are involved);
7. Policy formulation and long range planning in connection with prospective changes in functions and programs.

While the appellant is responsible for development of a plan for investigative operations for [his] District within the approved budget for the fiscal year and while he determines how best to meet priorities, goals, and objectives within the allotted funds, his recommendations and changes do not approach the wide significance envisioned at Level 6-5. Recommended changes to his Branch's organizational structure require higher levels of approval. In addition, approval for significant deviations to funding priority levels must be obtained from Headquarters. Consequently, the integration and coordination demands of his position do not include making major recommendations in three of the above areas, or comparable areas.

Level 6-5 may also be met by directing certain types of GS-13 level work, which is higher graded work than characteristic of the Investigations Branch, as explained under Factor 5. Finally, Level 6-5 can be met by directing work through subordinate supervisors who themselves exercise Level 6-4a coordination in directing substantial workloads comparable to the GS-11 level.

To support Level 6-4, the degree of coordination and integration must be comparable to that involved in any of the following examples:

1. Identifying and integrating internal and external program issues affecting the immediate organization, such as those involving technical, financial, organizational, and administrative factors.
2. Integrating the work of a team or group where each member contributes a portion of the analyses, facts, information, proposed actions, or recommendations; and/or ensuring compatibility and consistency of interpretation, judgment, logic, and application of policy.
3. Recommending resources to devote to particular projects or to allocate among program segments.
4. Leadership in developing, implementing, evaluating, and improving processes and procedures to monitor the effectiveness, efficiency, and productivity of the program segment and/or organization directed.
5. Reviewing and approving the substance of reports, decisions, case documents, contracts, or other action documents to assure that they accurately reflect the policies and position of the organization and the views of the agency.

As head of the Investigations Branch, the appellant is expected to demonstrate leadership in evaluating, improving, etc., procedures to monitor enforcement effectiveness, as in item 4 above. The Branch's limited organizational complexity and size present little opportunity for comparable coordination in any significant and regular fashion by his subordinate supervisors. Level 6-4, therefore, cannot be credited to his subordinate supervisors nor, consequently, Level 6-5c to his own position.

We evaluate this factor at Level 6-4a and credit 1120 points.

### **FACTOR LEVEL POINT SUMMARY**

Factor	Level	Points
1	1-2	350
2	2-2	250
3	3-2c	450
4A	4A-2	50
4B	4B-3	100
5	5-7	930
6	6-4a	1120
	<b>Total:</b>	<b>3250</b>

The preceding table summarizes our evaluation of the appellant's work. As shown on page 31 of the guide, a total of 3250 points converts to grade GS-13 (3155-3600).

### **DECISION**

As explained in the foregoing analysis, the proper classification of the appellant's position is Supervisory Criminal Investigator, GS-1811-13.