



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

**Atlanta Oversight Division
75 Spring Street, SW., Room 972
Atlanta, GA 30303**

**Classification Appeal Decision
Under Section 5112 of Title 5, United States Code**

Appellant: [appellant's name]

Agency classification: Supervisory Immigration Inspector
GS-1816-13

Organization: Immigration and Naturalization Service
United States Department of Justice

OPM decision: Supervisory Immigration Inspector
GS-1816-13

OPM decision number: C-1816-13-01

Kathy W. Day
Classification Appeals Officer

9/23/99

-
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 representative]

[appellant's agency]

Assistant Commissioner for Office of
Human Resources and Development
Immigration and Naturalization Service
U. S. Department of Justice
800 K Street, NW., Room 5000
Washington, DC 20536

Acting Chief, Classification and
Compensation Policy
Human Resources and Development Branch
Immigration and Naturalization Service
U. S. Department of Justice
425 I Street, NW.
Washington, D. C. 20536

Director of Personnel
U. S. Department of Justice
JMD Personnel Staff
1331 Pennsylvania Avenue, NW.
Suite 1110
Washington, DC 20530

Introduction

On June 16, 1999, the Atlanta Oversight Division, U.S. Office of Personnel Management, accepted an appeal for the position of Supervisory Immigration Inspector, GS-1816-13, Immigration and Naturalization Service, United States Department of Justice, [city/state] The appellant is requesting that his position be changed to Supervisory Immigration Inspector, GS-1816-14.

The appeal has been accepted and processed under section 5112(b) of title 5, United States Code. This is the final administrative decision on the classification of the position subject to discretionary review only under the limited conditions and time outlined in part 511, subpart F, of title 5, Code of Federal Regulations.

General issues

The appellant contends that his agency did not properly consider the duties and responsibilities of his position in its determination of the appropriate grade. He specifically disagrees with the agency's assessment of Factor 1, Program Scope and Effect. He believes that the increased complexity and impact resulting from his responsibility for the expedited removal process, the size and geographical dispersion of his district, and other aspects of his work which he feels to be grade enhancing were not taken into account by his agency. We have reviewed the agency's evaluation of Factors 2, 3, 4, 5 and 6 and concur with their findings. Therefore, our evaluation will address only the factor with which the appellant disagrees.

Position information

The appellant is assigned to position [description number]. The appellant, supervisor and agency have certified the accuracy of the position description.

The appellant functions as a Supervisory Immigration Inspector, or Assistant District Director, Inspections, [district], Inspections Unit. This office is responsible for the performance of all duties under the Immigration and Naturality Act pertaining to inspection, examination, deportation, detention and investigation issues related to the prosecution, detention, and travel arrangements of aliens for criminal violations at ports-of-entry. Within this framework, the appellant is responsible for planning, organizing, and directing the primary and secondary inspections of all persons entering the United States within the jurisdiction of the [District Office]. He develops local policies, procedures and work methods to achieve the agency's mission and improve local operations and conditions; oversees inspector staffing and recruitment; ensures effective utilization of manpower; manages the training budget for all personnel under his supervision; develops the unit's annual budget; and implements and administers the employee performance appraisal program. He also has responsibility for managing reporting programs related to administration, personnel, facilities, security and enforcement; conducting inspections of operations to evaluate efficiency and effectiveness; resolving EEO complaints and grievances through informal means; and resolving special problems and conflicts resulting from the use of ports of entry by domestic and foreign diplomatic and political figures. The appellant has responsibility for making final decisions on the means of resolving

problems involving complex issues of immigration law and agency policies. He is responsible for making decisions involving the expedited removal process which removes or bars from admission to the United States aliens who do not meet immigration laws. The work also requires that he maintain liaison and coordinate his activities with local, county, state, and federal representatives; domestic and foreign agencies; and a variety of domestic law enforcement and intelligence agencies and organizations. He ensures that relations between his agency and air carriers and shipping companies are harmonious, as well.

The appellant works under the general supervision of the Deputy District Director. He is expected to independently plan and execute the work of his unit and is held accountable for the technical accuracy of the functions performed. The activities of the unit are reviewed by means of occasional spot check inspections of operations. Work is reviewed in terms of results achieved and soundness of judgment exercised in recommendations made and actions taken on situations requiring on-the-spot decisions.

Series determination

The agency placed the position in the Immigration Inspection Series, GS-1816. The appellant does not contest the placement of his position in this series, and we agree.

The Immigration Inspection Series, GS-1816, includes inspection or examining work involving the enforcement and administration of laws relating to the right of persons to enter, reside in, or depart from the United States, Puerto Rico, Guam, and the Virgin Islands. Inspection work requires knowledge of laws, regulations, procedures and policies concerning the entry of persons to the United States and their eligibility for various benefits under immigration laws; ability to acquire information about citizenship and status through interviewing persons and examining documents; ability to make sound decisions to enter or exclude aliens from the United States; and sound judgment in detaining or apprehending persons at the point of entry who are violating immigration or other laws.

The appellant's position is properly placed in the Immigration Inspection Series, GS-1816.

Title determination

The appellant does not contest the title of his position, and we agree. The title *Supervisory Immigration Inspector* is authorized by the GS-1816 series standard for positions, such as the appellant's, which involve supervision.

Standard determination

Immigration Inspection Series, GS-1816, October 1980.
General Schedule Supervisory Guide, April 1993.

Grade determination

The General Schedule Supervisory Guide (GSSG) is used to determine the grade of General Schedule (GS or GM) supervisory positions in grades GS-5 through GS-15. The GSSG employs a factor-point evaluation method that assesses six factors common to all supervisory positions. To grade a position, each factor is evaluated by comparing the position to the factor-level descriptions for that factor and crediting the points designated for the highest factor-level which is fully met, in accordance with the instructions specific to the factor being evaluated. The total points accumulated under all factors are then converted to a grade by using the point-to-grade conversion table in the Guide. The position is evaluated as follows:

Factor 1, Program Scope and Effect

This factor assesses the general complexity, breadth, and impact of the program areas and work directed, including the organizational and geographic 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. The agency evaluated this factor at Level 1-2. The appellant contends that this factor warrants Level 1-3 or 1-4.

a. *Scope*

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

At Level 1-2, the program segment or work directed is administrative, technical, complex clerical, or comparable in nature, has limited geographical coverage, and supports 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 1-3, the position directs a program segment that performs technical, administrative, protective, investigative, or professional work covering a major metropolitan area, a State, or a small region of several States; or, when most of an area's taxpayers or businesses are covered, comparable to a small city. Providing complex administrative or technical or professional services directly affecting a large or complex multimission military installation also falls at this level.

The appellant supervises a staff of 110 personnel comprised of Immigration Inspectors, Information Officers, Adjudications Officers, and support staff at locations designated as ports-of-entry and under the jurisdiction of the [District Office]. This includes airports and/or seaports handling international aircraft and ship arrivals in the states of Alabama, Georgia, North Carolina and South Carolina, several of which are geographically remote (up to 300 miles) from the appellant's physical location. The staff at these entry locations are responsible for determining whether or not individuals attempting to enter the United States are in fact eligible for admittance.

The primary focus of the work is identifying, detaining, prosecuting, and deporting to their country of origin, aliens who have criminally violated the immigration laws and/or are otherwise ineligible for entry into the United States.

The appeal record contains statistical data gathered by the agency, which the appellant does not contest, for use in assessing the complexity, breadth, impact, and geographical coverage of the work directed by the appellant. This data reflects the total number of persons requiring primary and/or secondary inspection processing at the various ports-of-entry for which the appellant has supervisory responsibility. The data indicates that Hartsfield International Airport had in excess of 1,500,000 persons requiring processing passing through it for the period considered. Of that number, approximately 25,800 individuals required secondary inspection as the result of problems with their documents, actual violation of immigration-related laws, or for other reasons. The remaining individuals were subjected only to primary inspection, consisting of a few questions and a brief review of their admittance documents, and were permitted to enter the United States. In addition to the activity at Hartsfield International Airport, the data also reflected the arrival of 160 vessels per month at three seaports under the appellant's jurisdiction. The number of individuals requiring inspection at these facilities totaled 43,200 and resulted in 1,160 detainees and 80 stowaways. There was also inspection activity involving 180 private and 680 military aircraft, for a total of 860 flights, arriving at military bases and civil aviation facilities. Of the individuals arriving on these flights, approximately 28,000 were military personnel who are not typically subjected to the level or intensity of inspection required for noncitizens to enter the United States. Overall, there were in excess of 1,570,000 individuals who were subjected to primary inspection activity during the period considered. Two other areas also contributed to the population serviced by the organization the appellant supervises. The first is individuals, estimated by the appellant as numbering 25,000, requesting benefits in the form of applications or petitions for admittance to the United States. The second is several hundred individuals the appellant is required to deal with in the expedited removal process. The total population for which the appellant's organization provided the more complex and intensive inspection services was determined to be 53,000 individuals annually.

The activities in which the appellant and his organizational segment are involved most closely resemble those described at Level 1-2. The work supervised by the appellant is administrative in nature. The geographic coverage is limited predominately to international passengers arriving at one major airport, with minor activities at several lesser airports/seaports under the Atlanta District's jurisdiction. All of the work performed is at the district office level. The population serviced by the [District] is the noncitizen population of the area covered by the district office. This population may exceed the population of a portion of a small city, but it is similar in all other respects. When the complexity and intensity of the service provided is considered, the appellant's situation is equivalent to that of a field office providing services to the public. In essence, he provides a portion of the Atlanta District's services, generally on a case basis, to the noncitizens entering the United States through the ports-of-entry which he supervises. The appellant's assignments are comparable to that described in the second illustration at Level 1-2.

The scope of the appellant's work falls short of Level 1-3. In terms of the breadth of the program segment directed within the organization of the agency, the appellant basically supervises activities comprising a typical field office of the agency and within the more comprehensive program segment administered by the [District]. Unlike the work envisioned at Level 1-3, the appellant's work does not entail furnishing a *significant* portion of the agency's line program. Instead, his position is responsible for directing the immigration inspection function at designated ports-of-entry within his District, i.e., inspection of individuals entering the country. This activity directed by the appellant comprises a portion of the overall programs assigned to his District. The work does not affect most of the area's taxpayers or businesses; instead, it affects international travelers arriving at the airports/seaports for which the appellant is responsible. Generally, only a cursory review is made of the vast majority of the persons who arrive on international flights with the more complex or intensive review being made of about 53,000 noncitizens annually who are processed in the secondary station. The general complexity of the work supervised by the appellant is not comparable to the general complexity described in the GSSG's illustrations for Level 1-3. Overall, we find the intent envisioned in the GSSG for scope of supervision at Level 1-2 is met in terms of general complexity and organization and for the size of the constituency served.

Level 1-2 is assigned for this element.

b. *Effect*

This element addresses the impact of the work, the products, and/or the programs described under "Scope" on the mission and programs of the customer(s), the activity, other activities in or outside of the Federal Government, the agency, other agencies, the general public, or other entities.

At Level 1-2, 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 1-3, the activities, functions, or services accomplished directly and significantly impact a wide range of agency activities, the work of other agencies, the operations of outside interests (e.g., a segment of a regulated industry), or the general public. At the field activity level (i.e.,

large, complex multi-mission organizations or very large serviced populations), the work directly involves or substantially impacts the provision of essential support services to numerous, varied, and complex technical, professional, or administrative functions.

The effect of the work supervised by the appellant is comparable to that described at Level 1-2. The work supervised by the appellant is carried out at the district office level and significantly affects district office operations. Minimal inspection services are provided to a large number of individuals (about 1.5 million annually). The majority of these inspections, however, do not result in situations requiring further, close scrutiny of these individuals or their documents. The more complex, intensive, and substantive services (secondary inspections) are provided to 53,000 individuals annually. The number of individuals who receive *substantive* services equates to a portion of a small city as described in the second illustration at Level 1-2.

Level 1-3 is not met. The general complexity of the work supervised by the appellant falls short of this level. He is directly responsible for a single agency activity or program segment (immigration inspection) rather than a wide range of agency activities. The appellant's work does not *directly and significantly* impact a wide range of agency activities, the work of other agencies, or the operations of outside interests, or the general public as depicted at Level 1-3.

This element is evaluated at Level 1-2.

Level 1-2 is the highest level credited for both elements, and is, therefore, credited for this factor, for 350 points.

SUMMARY		
FACTOR	LEVEL	POINTS
1. Program Scope and Effect	1-2	350
2. Organizational Setting	2-1	100
3. Supervisory and Managerial Authority Exercised	3-3b	775
4. Personal Contacts		
A. Nature of Contacts	4A-3	75
B. Purpose of Contacts	4B-3	100
5. Difficulty of Typical Work Directed	5-6	800
6. Other Conditions	6-5c	1225
	TOTAL	3425

A total of 3425 points equates to GS-13, 3155-3600 points, according to the point-to-grade conversion chart in the GSSG.

Decision

This position is properly classified as Supervisory Immigration Inspector, GS-1816-13.