

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

Dallas Oversight Division  
1100 Commerce Street, Room 4C22  
Dallas, TX 75242-9968

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

**Appellant:** [appellant's name]

**Agency classification:** Supervisory Border Patrol Agent  
GS-1896-12

**Organization:** [appellant's activity]  
U.S. Immigration and Naturalization  
Service  
Department of Justice  
[geographic location]

**OPM decision:** Supervisory Border Patrol Agent  
GS-1896-12

**OPM decision number:** C-1896-12-01

/s/ Bonnie J. Brandon

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Bonnie J. Brandon  
Classification Appeals Officer

November 21, 2000

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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:

[appellant's name and address]

### Agency:

[servicing personnel office]

Acting Chief  
Classification and Compensation Policy  
Immigration and Naturalization Service  
Department of Justice  
800 K Street, NW., Room 5000  
Washington, DC 20536

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

## **Introduction**

On April 4, 2000, the Dallas Oversight Division of the U.S. Office of Personnel Management (OPM) accepted a classification appeal from [the appellant]. The appellant is employed as a Supervisory Border Patrol Agent at the [appellant's activity], U.S. Immigration and Naturalization Service (INS), Department of Justice, in [a specific geographic location]. The agency uses the organizational title *Assistant Patrol Agent in Charge* (APAIC) for the appellant's position. The appellant believes his position should be graded at the GS-13 level. We have accepted and decided this appeal under section 5112 of title 5, United States Code (U.S.C.).

On July 30, 2000, the appellant's position description was officially changed to document the position's responsibility for overseeing the investigative programs carried out by five GS-1811-12 Criminal Investigators located at the [appellant's] Station. The agency classifier who reviewed the appealed position concluded that the change did not affect the grade of the position and that the position was properly classified at the GS-12 level. On July 19, 2000, the INS Classification and Compensation Policy office provided its own evaluation report. The report supports the position's GS-12 classification. The appellant agrees that his current position description is accurate, but he disagrees with his agency's classification decision.

The appealed position serves as an alter ego to the GS-1896-13 Supervisory Border Patrol Agent in charge of the [appellant's] Station (the organizational designation of the position is *Patrol Agent in Charge* (PAIC)), fully sharing in the management of all phases of the organization's work. The appellant depicts his position as a full deputy to the PAIC. He acknowledges that the grades of such positions are normally set one grade lower than the grades of the supervisory duties of the positions to which they report. Nevertheless, he believes his agency arbitrarily classified his position in this manner and that it discounted the GS-1811-12 level work he directly supervises.

To help decide the appeal, we conducted telephone audits with the appellant, his first-line supervisor, and the Assistant Chief Patrol Agent of [the appellant's] Sector. In reaching our decision, we reviewed all information of record furnished by the appellant and his agency as well as materials provided in conjunction with our telephone audits.

## **General issues**

The appellant compares his position to other GS-13 supervisory positions. He points out that Supervisory Border Patrol Agent positions have been upgraded based solely on direct supervision of investigative positions. He also notes that the anti-smuggling unit supervisor at the [appellant's] Station is a GS-1811-13 and only supervises five GS-1811-12 positions.

By law, we must classify positions 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 appellant's current duties and responsibilities to others as a basis for deciding his appeal.

Like OPM, the appellant's 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 appellant considers his position so similar to others that they all warrant the same classification, he may pursue the matter by writing to his personnel office. In doing so, he 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 his, the agency must correct the classification of those positions to be consistent with this appeal decision. Otherwise, the agency should explain to the appellant the differences between his position and others.

### **Position information**

The appellant's position is assigned to [a specific station in a state]. As an interior station, the [appellant's] Station is a backup to line stations along the U.S.-Mexico border assigned to [two specific] Sectors. The [appellant's] Station covers 17 counties and encompasses over 25,000 square miles. The combined population of the area is over 300,000. Two interstate highways, several major highways, and numerous secondary roads throughout the area afford smugglers various avenues to transport illegal aliens. There are 17 sheriff's departments and 15 police departments in the area, as well as numerous [State] Department of Public Safety and other State and Federal law enforcement offices.

The appellant works under the general direction of the PAIC, [at the appellant's] Station. As the APAIC, the appellant fully shares the PAIC's responsibility for the management, administration, and technical direction of all of the station's functions. The primary functions of the Border Patrol program are to prevent and deter the illegal entry of aliens into the United States; to seek out and apprehend smugglers of aliens; and to enforce the criminal provisions of immigration and nationality laws. The PAIC and the APAIC work jointly to maintain a strong liaison with county sheriffs, chiefs of police, Deputy U.S. Marshals, various law enforcement agencies, and professional and civic organizations. The PAIC and APAIC have received media training that prepared them to give television interviews and provide statements to local newspapers. During the last two years, the appellant estimates that he and the PAIC have been interviewed for television about six times and have issued a similar number of press releases. Periodically, the PAIC, APAIC, and members of the staff make presentations at city council meetings, to professional organizations such as [a specific] Law Enforcement Association, and to special meetings for businesses which are subject to having workers submit counterfeit documents. The station receives inquiries from the public and community organizations such as Catholic Charities about immigration laws since the closest INS district offices are in [two cities some distance from the appellant's station].

The appellant has first-line supervisory responsibility over two GS-12 Supervisory Border Patrol Agents, five GS-1811-12 Criminal Investigators, one GS-1896-11 Border Patrol Agent, one WG-5823-10 Automotive Mechanic, and one GS-318-5 Secretary. He has second-line responsibility over four GS-1896-11 Border Patrol Agents assigned to the Border Patrol's (BOR) Criminal Alien Program, one GS-1896-11 assigned to handle prosecution work, and eleven GS-1896-9 Border Patrol Agents. The two GS-1896-12 positions serve as working supervisors and spend about 15 percent of their time working with the GS-1896-9 agents to make arrests and

process aliens. Their nonsupervisory work does not normally include the BOR Criminal Alien Program.

Border Patrol Agents work rotating shifts that cover a 20-hour period, seven days a week. The day shift begins between 6 a.m. and 7 a.m., and the night shift starts at 6 p.m. and ends at 2 a.m. Agents normally work five days a week, 10 hours a day.

### **Series, title, and guide determination**

The appellant's position supervises and oversees enforcement work that matches the GS-1896 series definition. The work primarily involves (1) detecting and preventing the smuggling or illegal entry of aliens into the United States; (2) detecting and apprehending aliens at interior points in the United States who entered illegally; (3) detecting and apprehending producers, vendors, and users of counterfeit, altered, and genuine documents used to circumvent the immigration and nationality laws of the United States; and (4) enforcing criminal provisions of the immigration and nationality laws and regulations of the United States. The appellant's position also supervises investigatory work classified in the GS-1811 Criminal Investigating Series. This work requires regular and recurring surveillance activities and more protracted investigations to develop evidence of illegal activities than GS-1896 positions require.

The most appropriate series for the appealed position is the GS-1896 series even though the appellant's position supervises some GS-1811 work. The position divides its time equally between supervising five GS-1811-12 journey level positions and overseeing station operations, but the appellant estimates that station operations get more sway. The station's staffing mix suggests the predominate mission requirement is GS-1896 work. Three-fourths of the station's nonsupervisory line positions are classified in the GS-1896 Series. The purpose of the appellant's position is to share the PAIC's responsibility for managing, administering, and directing all of the station's functions, not to serve as the first-line supervisor for GS-1811 journey level criminal investigators.

The proper title for the position is *Supervisory Border Patrol Agent* because the appellant's position functions as a deputy to a supervisory position that meets the criteria for coverage by the General Schedule Supervisory Guide (GSSG). The work is accomplished through the combined technical and administrative direction of others; supervisory work and related managerial responsibilities occupy at least 25 percent of the position's time; and the work meets the lowest level of Factor 3 of the GSSG.

We used the criteria in the GSSG to arrive at the appropriate grade for the appellant's position.

### **Grade determination**

The GSSG contains specific guidance for classifying deputy positions. Full deputy or full "assistant chief" supervisory positions which share fully in the duties, responsibilities, and authorities of the "chief" are normally set one grade lower than the grade of the supervisory duties of the position to which they report. The agency used this provision to classify the

appellant's position. Therefore, the appealed position was established one grade lower than the PAIC [at the appellant's specific station].

According to the GSSG, the definition of deputy excludes some positions. Specifically, it excludes positions at lower organizational or program segment levels that primarily involve performing supervisory duties. The deputy concept is intended to cover positions that fit one of two very specific situations. First, the concept covers a traditional organizational arrangement where a position is designated as a full assistant to the organizational head and shares in the management of the entire organization. Second, it covers an arrangement where the chief and the deputy manage equal portions of the total organization. The [appellant's] Station (which is staffed with 17 GS-1896 positions, 2 subordinate GS-1896 supervisory positions, and 5 GS-1811 positions) is comparable to the first situation. Consequently, we used the GSSG to determine the proper grade of the appellant's position by first determining the correct grade of the PAIC position.

The GSSG uses a point-factor approach with six evaluation factors specifically designed to assess supervisory positions. The points for all levels are fixed, and no interpolation or extrapolation of them is permitted. If one level of a factor is exceeded, but the next higher level is not met, the factor is credited at the lower level. Points accumulated under all factors are converted to a grade using the guide's point-to-grade conversion table. An adjustment provision is applied if the supervisory work does not fall at least one grade above the base level of work supervised.

#### *Factor 1, Program scope and effect*

This factor has two components, *scope* and *effect*. The full intent of the criteria for both components must be fully met in order to assign a particular factor level.

##### *Scope*

This component addresses the general complexity and breadth of the program and work directed, including geographic and organizational coverage. At Level 1-2, the program segment or work directed is administrative, technical, complex clerical, or comparable work. The functions, activities, or services provided have limited geographic coverage and support most of the activities comprising a typical agency field office, an area office, or comparable activities within agency program segments. At Level 1-3, technical, administrative, protective, investigative, or professional work is directed that typically encompasses a major metropolitan area, a State, or a small region of several States. When most of an area's businesses or taxpayers are concerned, coverage may be comparable to a small city. At Level 1-4, the work directed consists of a segment of a professional, highly technical, or complex administrative program that involves developing major aspects of key agency programs.

The program segment directed by the PAIC position exceeds Level 1-2 but fails to meet Level 1-4. The program's scope is fully comparable to Level 1-3. The work is protective and investigative in nature. The [appellant's] Station covers 17 counties and encompasses over 25,000 square miles of [a specific state]. The combined population of the area is over 300,000.

The area is large and compares in size to one or a few small New England States. Most of the area's businesses and taxpayers are affected economically by the influx of aliens illegally entering the United States from Mexico.

*Effect*

This component addresses the impact of the program areas and work directed on the mission and programs of the agency, the activity, other agencies, other activities in or out of the Government, and the general public. At Level 1-2, services support and significantly affect area office level or field office operations and objectives. Positions that direct operating program activities at the section or branch level of a bureau are illustrative of this level. At Level 1-3, activities significantly impact a wide range of agency activities, the work of other agencies, or the general public. Illustrative of this level are positions that provide a significant portion of the agency's line program to a moderate-sized population of clients. The size of the population serviced is equivalent to a group of citizens and/or businesses in several rural counties, a small city, or a portion of a larger metropolitan area. The serviced population could involve a significant portion of a multistate population. At Level 1-4, the work impacts an agency's headquarters operations, several bureau-wide programs, or most of an agency's entire field structure.

The effect of the program areas under the PAIC position's control exceeds Level 1-2 but does not meet Level 1-4. The work directed does not affect Departmental headquarters' operations or several INS programs as envisioned at Level 1-4. The effect of work directed by the PAIC meets Level 1-3. It has a direct and significant impact on the work of other agencies and the general public. The PAIC and his subordinate staff interact regularly with county sheriffs, local police departments, U.S. Marshals, U.S. Customs agents, area employers, and other law enforcement officials to identify, prosecute, and remove illegal aliens. The work frequently requires the inspection of business records of companies which are suspected of hiring undocumented workers. Catching illegal aliens before they can infiltrate and be absorbed into local job markets and beyond is economically advantageous to the general population.

This factor is evaluated at Level 1-3 (550 points).

*Factor 2, Organizational setting*

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

The PAIC reports to the GS-14 Supervisory Border Patrol Agent (organizationally, the Assistant Chief Patrol Agent) of [a specific] Border Patrol Sector. The GS-14 position is subordinate to the GS-15 Supervisory Border Patrol Agent (organizationally, the Deputy Chief Patrol Agent/Chief Patrol Agent) positions that manage the [specific] Border Patrol Sector. The Chief Patrol Agent ([for a specific] Sector) reports to the Regional Director [of a specific region] who occupies a Senior Executive Service (SES) position. The PAIC position in [the appellant's station] is accountable to a position that is two levels below the first SES position in the direct supervisory chain. Therefore, Level 2-1, is the appropriate level to assign.

This factor is evaluated at Level 2-1 (100 points).

### *Factor 3, Supervisory and managerial authority exercised*

This factor covers the delegated supervisory and managerial authorities which are exercised on a recurring basis. To be credited with a level under this factor, a position must meet the authorities and responsibilities described for the specific level.

To be credited at Level 3-2, positions must meet one of three descriptions. Level 3-2a contains criteria for evaluating positions that supervise production-oriented work, and Level 3-2b covers supervision in organizations where work is contracted out. Neither is appropriate for the PAIC position. Level 3-2c is the appropriate description to use in evaluating the PAIC's supervisory and managerial duties and responsibilities.

The PAIC carries out all of the authorities and responsibilities described at Level 3-2c. He convenes periodic meetings with the APAIC and other subordinate supervisors to plan Station operations. The APAIC coordinates biweekly schedules with the GS-1811's he supervises. Work is assigned through subordinate supervisors based on priorities and consideration of the difficulty of assignments in relation to the abilities of the employees. The PAIC collaborates with his subordinates on the content of their individual performance standards. The PAIC is the rating official for the APAIC and the second-level reviewing official for staff the APAIC directly supervises. The PAIC evaluates work performance and gives advice, counsel, and instruction to his subordinates on technical and administrative matters. He provides input and makes recommendations for promotions to the Sector Chief. He effects minor discipline, such as warnings and reprimands, and recommends more serious disciplinary actions when circumstances warrant. The PAIC relies on the APAIC to coordinate local training needs. For example, the staff is required to maintain and demonstrate proficiency with firearms, batons, and mace quarterly. Periodically, the PAIC meets with the APAIC and other subordinates to discuss trends and ways to improve mission accomplishment.

To be credited at Level 3-3, positions must meet either paragraph a or b of the factor description. Level 3-3a is applicable to positions that are closely involved with high level program officials, or comparable agency level staff personnel, in developing overall goals and objectives for assigned programs. This is not characteristic of the PAIC position.

Level 3-3b is appropriate for positions which exercise at least 8 of 15 authorities specified in the factor description. The PAIC position meets eight of the responsibilities: 1, 2, 4, 5, 6, 8, 9, and 15. The PAIC position meets responsibility 1 because it uses the APAIC and two subordinate supervisors to direct, coordinate, and oversee Station operations that involve 22 line positions and two support positions. It meets responsibility 2 because the PAIC exercises significant responsibilities in dealing with officials of other units or organizations. For example, he deals with higher-graded management officials in [two] Districts and various Institutional Hearing Program directors about the removal of deportable aliens. The PAIC coordinates special operations with high ranking U.S. Customs officials and meets with numerous heads of law enforcement agencies and Mexican Consulates about on-going investigations and strategies to reduce illegal entries into the United States. The PAIC position meets responsibility 4 because it directs a major program segment with significant resources. The APAIC estimates that the



Station has an annual payroll and budgetary outlay of approximately three million dollars. The PAIC position meets responsibility 5 because it directs operating program activities for the Station in part by making decisions on work problems presented to him by his subordinate supervisors. The PAIC meets responsibility 6 because he is the rating official for the APAIC and the second-level reviewing official for staff the APAIC directly supervises. The PAIC position meets responsibility 8 because it provides input and recommends selections for subordinate supervisory and similar positions to the Sector Chief. The PAIC position meets responsibility 9 because it hears and attempts to resolve all complaints and grievances regardless of the seriousness. The PAIC position meets responsibility 15 because it is empowered to eliminate outdated and ineffective operations and practices which might become barriers to the effective management of the Station.

The PAIC position does not meet responsibilities 3, 7, 10, 11, 12, 13, and 14. Responsibility 3 cannot be credited because there is no need for the PAIC to assure reasonable equity among subordinate units for performance standards and in rating techniques. The supervised workforce is small and fairly homogeneous. Performance plans and rating techniques are generally standardized for Border Patrol Agents, and subordinate supervisors have little flexibility to make adjustments or deviate from INS-wide norms. The PAIC position does not meet responsibility 7 because all selections must be approved by the Sector Chief. The PAIC position does not meet responsibility 10 because it is authorized only to propose disciplinary action up to and including a written reprimand. Serious disciplinary actions are reviewed and approved by higher level management. The PAIC position does not meet responsibility 11 because higher management makes decisions about nonroutine, costly, or controversial training. Locally, training activities mostly involve coordinating training sessions and documenting training needs. The PAIC position does not meet responsibility 12 because it does not regularly oversee the work of contract employees in the same manner as it directs and oversees the work of subordinate employees. The PAIC position is responsible for determining whether projects such as installing a large awning over the gasoline refueling station and installing computer monitoring devices on gasoline pumps meet standards of adequacy for payment. This level of oversight of contractor work does not meet the intent of responsibility 12. The PAIC position does not meet responsibility 13. The PAIC position is authorized to approve within grade increases, but it does not have the authority to approve extensive overtime. It can only recommend approval to higher management. The PAIC position does not meet responsibility 14 even though it recommends approval of awards for Station personnel. It cannot propose substantive changes in position classification which could reasonably be expected to change the composition of the Station's authorized personnel.

The PAIC position exercises eight of the authorities specified in the factor description. This is sufficient to meet Level 3-3b.

Level 3-4 may be credited only after it is established that the position involves responsibilities that are equivalent to or exceed *all of those described in both paragraphs a and b of Level 3-3*, that is, both the managerial and supervisory responsibilities depicted at Level 3-3. As previously stated, the PAIC position does not meet the criteria for Level 3-3a. Therefore, there is no need to evaluate the position against Level 3-4a or Level 3-4b since the position fails to meet the minimum criteria for Level 3-4.

This factor is evaluated at Level 3-3 (775 points).

*Factor 4, Personal contacts*

This is a two-part factor which assesses the nature and purpose of personal contacts related to supervisory and managerial responsibilities. Subfactor 4A covers the organizational relationships, authority or influence level, setting, and difficulty of preparation associated with making personal contacts involved in supervisory and managerial work. Subfactor 4B covers the purpose of the personal contacts, including the advisory, representational, negotiating, and commitment making responsibilities related to supervision and management.

*Subfactor 4A, Nature of contacts*

At Level 4A-2, frequent contacts are with members of the business community or the general public; technical or operating level employees of State and local governments; higher ranking managers, supervisors, and staff of other work units and activities throughout the field activity; 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, television, or similar contact.

At Level 4A-3, frequent contacts are comparable to contacts with high ranking managers, supervisors, and technical staff at bureau and major organization levels of the agency; key staff of public interest groups (usually in formal meetings) with significant political influence or media coverage; Congressional committee and subcommittee staff assistants; local officers of professional organizations; 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. Contacts often require extensive preparation of briefing materials or up-to-date familiarity with complex subject matter.

The PAIC position meets Level 4A-2. His managerial duties and responsibilities require frequent interaction with Federal, State, and local government officials concerning the enforcement of immigration laws. He is required to maintain up-to-date familiarity with the complex subject matter this involves. Although the PAIC position meets some aspects of Level 4A-3, the PAIC does not have *frequent* contacts with high level bureau management, State and local government officials, or other individuals where the issues discussed would be of such magnitude as to require the degree of preparation described at this level.

This subfactor is evaluated at Level 4A-2 (50 points).

*Subfactor 4B, Purpose of 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 with others outside the organization; and/or to resolve differences of opinion among managers, supervisors, employees, 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 usually involve active participation in conferences, meetings, or presentations involving problems or issues of considerable consequence or importance to the program or program segment(s) managed.

The PAIC position fully meets Level 4B-2. It does not match Level 4B-3. The PAIC position is not required to justify, defend, or negotiate on behalf of his organization, and the position does not have the requisite control and level of authority to commit resources.

This subfactor is evaluated at Level 4B-2 (75 points).

*Factor 5, Difficulty of typical work directed*

This factor measures the difficulty and complexity of the basic work most typical of the organization directed, as well as other line, staff, or contracted work for which the PAIC has technical or oversight responsibility, either directly or through subordinate supervisors.

The work is carried out through subordinate supervisors who provide administrative as well as technical supervision to those they supervise. The predominant mission-oriented work of the [appellant's] Station is classified to the GS-1896 Border Patrol Agent Series. The remaining mission-oriented work is directly supervised by the APAIC and is classified to a related series, the GS-1811 Criminal Investigator Series. The investigators work under minimal supervision, but the APAIC oversees the line of investigation of their cases, reviews their investigative reports, and monitors the status of case prosecutions. All nonsupervisory work performed in these two series is applicable to determining the difficulty of the typical work directed.

The highest grade that best characterizes the nature of the mission-oriented nonsupervisory work is GS-11 because it constitutes at least 25 percent of the workload of the [appellant's] Station. Nonsupervisory workload at the GS-12 level is less than 25 percent. The following table depicts the estimate of how duty hours of the nonsupervisory staff are expended. It shows that 50 percent of the workload is equivalent to GS-9, 27.3 percent to GS-11, and 22.7 percent to GS-12.

Series/Grade	# of Posns	Description of Work Performed	Nonsupervisory Work Performed (as a percent)	Supervisory/ Collateral Duty (as a percent)
GS-1896-12	2	Generally supervisory work	15 (GS-9)	85
GS-1811-12	5	General investigation (e.g., workplace enforcement)	100	
GS-1896-11	1	Intelligence Unit duties	100	
GS-1896-11	4	BOR Criminal Alien Program	100	
GS-1896-11	1	Prosecution Officer	100	
GS-1896-9	8	Detecting and apprehending aliens	100	
GS-1896-9	3	Detecting and apprehending aliens	90	10

Sometimes heavy supervisory or managerial workload related to work above the base level may be present. When this is the case, the GSSG permits using the highest level of nonsupervisory work directed which requires at least 50 percent of the duty time of the supervisory position under evaluation. The PAIC position is the supervisory position under evaluation. The focus of the PAIC position does not include overseeing the general investigative duties performed by the GS-12 Criminal Investigators. Thus, the alternative method for determining the difficulty of the typical work directed is not appropriate for evaluating the PAIC position.

This factor is evaluated at Level 5-6 (800 points).

#### *Factor 6, Other conditions*

This factor measures the extent to which various conditions contribute to the difficulty and complexity of carrying out supervisory duties, authorities, and responsibilities. Conditions affecting work for which the supervisor is responsible may be considered if they increase the difficulty of carrying out assigned supervisory and managerial duties and responsibilities.

The PAIC position fully meets Level 6-4a. The PAIC position requires supervision and oversight of a number of major work assignments, projects, or program segments of administrative work comparable in difficulty to the GS-11 level. Coordination provided by the PAIC position involves:

- identifying and integrating internal and external program issues that affect the immediate organization;
- recommending resources to devote to particular projects or to allocate among program segments to the [appellant's specific] Sector;
- providing leadership in developing, implementing, evaluating, and improving processes and procedures to monitor the effectiveness, efficiency, and productivity of the organization directed; and
- reviewing and approving the substance of reports, decisions, case documents, and other action documents to assure that they accurately reflect the policies and position of the organization and the views of the agency.

The PAIC position does not meet Level 6-5. Paragraph a is not creditable because the work directed by the PAIC position does not meet the level of difficulty characterized by GS-12. Additionally, the PAIC position does not make major recommendations in any of the seven areas described in paragraph a. Paragraph b is not applicable either because the work directed is not equivalent to the GS-13 level. Likewise, paragraph c is not applicable. Two GS-1896-12 subordinate supervisors supervise 16 subordinates. Neither of those two subordinate supervisors expends significant time supervising the five GS-11 employees who independently carry out the BOR Criminal Alien Program and perform Prosecution Officer duties. Only one subordinate supervisor, the APAIC, expends about 50 percent of his time monitoring and overseeing five GS-12 Criminal Investigators and one GS-1896-11. According to the GSSG, in order for paragraph c to apply, work must be managed through subordinate supervisors who each direct

substantial workloads comparable to the GS-11 level. The first-line supervisors must provide similar coordination as that described at Level 6-4a. The Station's subordinate supervisors do not each provide coordination that matches the Level 6-4a definition.

This factor is evaluated at Level 6-4 (1120 points).

*Summary*

<b>Factor</b>	<b>Level</b>	<b>Points</b>
1. Program scope and effect	1-3	550
2. Organizational setting	2-1	100
3. Supervisory and managerial authority exercised	3-3b	775
4. Personal contacts		
A. Nature of contacts	4A-2	50
B. Purpose of contacts	4B-2	75
5. Difficulty of typical work directed	5-6	800
6. Other conditions	6-4	1120
<b>Total:</b>		<b>3470</b>

A total of 3,470 points falls within the GS-13 range of 3,155 to 3,600 points on the Point-to-Grade Conversion Chart of the GSSG.

**Decision**

The PAIC position is appropriately classified at the GS-13 level. The appealed position, as a full deputy supervisory position, is properly classified one grade lower than the position to which it reports. The appealed position is properly classified as Supervisory Border Patrol Agent, GS-1896-12.