

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

San Francisco Oversight Division
120 Howard Street, Room 760
San Francisco, CA 94105-0001

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

Appellant: [The appellant]

Agency classification: Law Enforcement Ranger
GS-1801-9

Organization: [The appellant's organization]
Bureau of Land Management
U.S. Department of the Interior

OPM decision: GS-1801-9
(Title at agency discretion)

OPM decision number: C-1801-09-11

Carlos A. Torrico
Classification Appeals Officer

September 11, 2001
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:

[The appellant's address]

Agency:

[The appellant's servicing personnel office]
Bureau of Land Management
U.S. Department of the Interior

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Introduction

On December 6, 2000, the San Francisco Oversight Division of the U.S. Office of Personnel Management (OPM) received a classification appeal from [the appellant]. [The appellant's] position is currently classified as Law Enforcement Ranger, GS-1801-9. However, he believes the position should be classified as Resident Ranger, GS-1801-11. The appellant works in the [appellant's organization and location], Bureau of Land Management (BLM), U.S. Department of the Interior. We have accepted and decided his appeal under section 5112 of title 5 United States Code (U.S.C.).

General issues

This decision is based on a thorough review of all information submitted by both the appellant and his agency. In addition, an OPM representative conducted telephone interviews with the appellant, his immediate supervisor, and the manager of the [name of appellant's field office] to gather more information about the position. The appellant makes various statements about his working conditions and the agency's evaluation of his position. He also contends that he performs the same duties as those of another BLM law enforcement position classified at the GS-11 level. Thus he believes that his position warrants that grade level. In adjudicating this appeal, our only concern is to make our own independent decision on the proper classification of the appellant's position. By law, we must make that decision solely by comparing his 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 position to others as a basis for deciding his appeal. In addition, we have considered his statements concerning his agency's evaluation of his position only insofar as they are relevant to making that comparison.

Both the appellant and his supervisor believe that the appellant's official standard position description (PD) does not accurately or adequately describe his duties and responsibilities. In particular, the appellant believes his PD inadequately describes various non-law enforcement duties and responsibilities he performs in support of resource management activities within the [name of appellant's sector office]. The parties have been unable to resolve the PD accuracy issue within the agency. In such cases it is OPM policy to adjudicate the appeal based on the actual duties that management has assigned and the appellant performs.

The appellant discusses several duties that he performed for many years, beginning in the early 1990's and continuing until the Fall of 1999, that he believes warrant a GS-11 level classification. In light of those duties, the appellant believes he should receive GS-11 level pay retroactive to 1994. However, 5 U.S.C. §5112 indicates that we can consider only current duties and responsibilities in classifying positions. OPM guidelines and previous decisions show that in evaluating positions, such as the appellant's, current duties are those that have occurred in about the past year. Therefore, we cannot consider duties performed over a year ago in deciding this appeal. In addition, the U.S. Comptroller General states that an "...employee is entitled only to the salary of the position to which he is actually appointed, regardless of the duties performed. When an employee performs the duties of a higher grade-level, no entitlement to the salary of the higher grade exists until such time as the individual is actually promoted. This rule was

reaffirmed by the United States Supreme Court in *United States v. Testan*, 424 U.S. 392, at 406 (1976), where the Court stated that "...the federal employee is entitled to receive only the salary of the position to which he was appointed, even though he may have performed the duties of another position or claim that he should have been placed in a higher grade..." Consequently, backpay is not available as a remedy for misassignments to higher level duties or improper classifications" (CG decision B-232695, December 15, 1989).

Position information

The primary purpose of this position is to enforce Federal laws and regulations relating to public lands and resources managed by the BLM. The appellant is an armed, uniformed law enforcement officer with full delegated law enforcement authority. He is assigned a geographic area of public land within the [name of sector office] and is responsible for identifying and investigating criminal activity occurring within the area, apprehending suspects and violators, and carrying out the law enforcement objectives of the Federal Land Policy Management Act of 1976 (FLPMA). He is also responsible for enforcing certain State laws and county ordinances on the Federal land and on private property adjacent thereto. In addition, the appellant may take part in special law enforcement assignments or interagency law enforcement activities. In carrying out these duties he works closely with agents and other representatives from the U.S. Border Patrol and other Federal, State and local law enforcement agencies. Our fact-finding disclosed that law enforcement duties take up about 75% of the appellant's work time.

The appellant also performs various non-law enforcement duties in support of resource management activities occurring within his sector. These support duties include advising and assisting other agencies on the engineering, construction and maintenance of roads on the public lands; inspecting commercial mining operations; sign planning and placement; and identifying and facilitating resolution of problems involving trespass and/or unauthorized use of the lands and resources. Sometimes the appellant performs these duties alone. In other cases, he acts as a member of a multi-disciplinary team that may include BLM resource management specialists, realty specialists, geologists, botanists, wildlife biologists or others from the Field Office or [name of office]. The appellant may be called upon to provide assistance in support of Search and Rescue (SAR) operations conducted in the area, although the primary responsibility for SAR resides with the Sheriff of [name of county] County, and the [name of field office] Field Office takes the lead for the BLM. The appellant devotes about 25% of his time to performing these duties.

The appellant's PD, the results of our interviews, and other material of record furnish much more information about his duties and responsibilities and how they are performed.

Series, title, and standard determination

The agency has classified the appellant's position in the General Inspection, Investigation and Compliance Series, GS-1801, and the appellant does not disagree. We concur with the agency's series determination. As described in the standard for the GS-1801 series (dated October 1980, reissued in HRCD-7, July 1999), positions in that series are established primarily to effect compliance of individuals or organizations with laws, rules, regulations, executive orders, or

other mandatory guidelines. Compliance is assessed by such means as inspections, investigations and analysis of reports. Compliance may be obtained by methods such as persuasion, negotiation, and technical assistance. Compliance may also require actions such as citation of violations, drafting of complaints, and referral of cases for administrative or legal proceedings. Compliance positions include both line and staff work involving tasks such as onsite inspections or surveys to assess compliance, investigations to substantiate alleged or suspected instances or patterns of noncompliance, negotiations with persons or organizations whose activities have been found to be at odds with mandatory guidelines, and analysis of reports required of individuals or organizations engaged in regulated activities to assess their compliance with mandatory guidelines. Many such positions also involve work in explaining and promoting the regulatory or compliance program to those whose activities are subject to it and to the general public as well. The GS-1801 is a general series covering compliance and investigative work when such work is not more appropriately classifiable in another series either in the Investigation Group, GS-1800, or in another occupational group.

Similar to jobs in the GS-1801 series, the appellant's work is best described as law enforcement work combined with general inspections and investigations intended to determine and achieve compliance by the general public and permitted users with appropriate Federal laws and regulations governing the use, management, and development of the public lands and resources. The work is not classifiable in any more specific series and is therefore assigned to the GS-1801 series.

There are no titles specified for positions classified in the GS-1801 series. Therefore, according to section III.H.2 of the *Introduction to the Position Classification Standards*, the appellant's agency may choose the official title for his position. In doing so, the agency should follow the titling guidance in that section.

The classification standard for the GS-1801 series does not provide grade level criteria. The standard instructs that positions in this series be evaluated by reference to position classification standards for related kinds of work. Therefore, we have evaluated the appellant's law enforcement duties by cross-series comparison to the grading criteria in the standard for the Customs Patrol Officer Series, GS-1884 (dated November 1980, reissued in HRCD-7, July 1999). Positions in the GS-1884 series perform law enforcement work concerned with detecting and preventing the smuggling into or out of the United States of contraband and controlled substances and materials; detecting and preventing theft, pilferage or diversion of merchandise, cargo, or other materials from areas under Customs jurisdiction or custody; and detecting and apprehending suspected violators of the criminal provisions of the Customs laws of the United States. Enforcement duties are carried out by patrol and surveillance. Such work requires knowledge and understanding of Customs and related laws, instructions, and precedent decisions; the ability to evaluate information; the ability to make timely decisions and apply judgment in taking prompt and appropriate actions in all situations; and the ability to use basic enforcement procedures to enforce the Customs laws and other laws which the Customs Patrol Officer may be called upon to enforce or assist in enforcing.

The appellant's authority and enforcement responsibilities are similar to those of Customs Patrol Officers. He must enforce BLM and related laws and regulations, detect violations of such laws

and regulations, patrol his sector, issue citations or execute arrest warrants and or make arrests, and investigate various alleged or witnessed violations. Although the work of Customs Patrol Officers and the appellant are not the same, there are sufficient parallels in the major aspects of their law enforcement duties to warrant use of the grade level criteria in the GS-1884 standard.

As previously mentioned, the appellant also spends about 25% of his work time performing non-law enforcement duties in support of resource management activities occurring within his sector. While not the primary purpose of the position, he carries out these duties for a sufficient amount of time to warrant grade evaluation by reference to a standard for another occupational series. For that purpose we have cross referenced to the grading criteria in the standard for the Park Ranger Series, GS-025 (dated November 1985, reissued in HRCD-7, July 1999). Although the appellant's work is not the same as Park Ranger work, there are sufficient similarities between his non-law enforcement duties and those done by Park Rangers. That series includes positions the duties of which are to supervise, manage and/or perform work in the conservation and use of Federal park resources. As explained on page one of the standard, this involves functions such as park conservation; natural, historical, and cultural resource management; and the development and operation of interpretative and recreational programs for the benefit of the visiting public. Under this standard, resource management involves the protection, management, and conservation of the natural, historical, and cultural resources and other characteristics of the area through such activities as forest, wildland, and structural fire prevention and suppression, boundary encroachment and land-use activities; fish and wildlife management; preservation of natural, cultural, and/or historical structures and objects; and flood control activities.

Park programs or functions range from preserving wilderness to operating urban parks; from protecting natural forests and historical buildings to safeguarding people on crowded recreational beaches or lakes; from patrolling back-country areas to delivering interpretative talks in parks, community centers, schools, and similar establishments; from fighting forest fires to controlling large crowds; from overcoming encroachments on public lands to encouraging people to use properly and enjoy park facilities.

Grade determination

Evaluation of law enforcement duties

The GS-1884 standard uses the Factor Evaluation System (FES), which employs nine factors. Under the FES, each factor level description in a standard describes the minimum characteristics needed to receive credit for the described level. Therefore, if a position fails to meet the criteria in a factor level description in any significant aspect, it must be credited at a lower level. Conversely, the position may exceed those criteria in some aspects and still not be credited at a higher level. Our evaluation with respect to the nine FES factors follows.

Factor 1 – Knowledge required by the position -Level 1-6, 950 points

This factor measures the nature and extent of information or facts the officer must understand to do acceptable work and the nature and extent of the skills needed to apply the information.

At Level 1-6 the officer applies an intensive practical knowledge of the laws, concepts, operational practices and law enforcement methods and techniques to perform independently the full range of duties typically encountered in the enforcement of Customs and other laws enforced by the U.S. Customs Patrol, and in the apprehension of persons suspected of violating those laws. This level is required to properly identify/recognize patterns and practices used by violators; to properly interrogate, search, seize, arrest, and exercise appropriate self-defense measures; to identify, protect and record evidence, testimony, and other information for use in court; to prepare written technical and other reports about activities and events encountered in daily activities; and to understand and thus anticipate and eliminate day-to-day actual and potential illegal activities within the area of responsibility.

Level 1-7 requires extensive knowledge of specialized intelligence to serve as Intelligence Coordinator in charge of the intelligence collection, analysis and dissemination program for a wide geographic area; extensive knowledge of agency and related laws, statutes, precedents, court and administrative decisions, and current instructions, and of the relationships of these laws and statutes and those of other laws and agencies with which the agency cooperates in law enforcement. Skill is required in consolidating, evaluating, correlating, and analyzing a wide variety of seemingly unrelated facts, events, and occurrences and developing therefrom forecasts of trends and patterns in actual and potential violations; developing cases on specific interdiction targets and planning agency participation in strike operations; and developing continuous sources of information.

The knowledge required by the appellant's position equates to Level 1-6. His position requires a solid and intensive practical knowledge of BLM and related Federal, State, County and local laws, regulations and ordinances pertaining to the use, development and management of public lands and resources. The appellant must have knowledge of legal principles and concepts sufficient to determine what constitutes a violation of those laws and regulations, and understand the kinds of evidence necessary to prove a violation has occurred, including *Federal Rules of Criminal Procedure*, *Rules of Evidence*, *Search and Seizure*, and *Rules of Arrest*. He must also have knowledge of natural resource management principles, practices and concepts in order to perform work within multiple-use guidelines relative to the evaluation and protection of a wide variety of those resources on public land. He applies the knowledge described in carrying out his regular and recurring duties. He patrols his sector, responds to complaints or reports of violations or suspected violations, and provides information and assistance to visitors and other land users in order to educate, gain compliance and deter violations. The appellant conducts compliance checks, or onsite inspections to assure users comply with permitting and other requirements. His work requires him to interview witnesses and suspects; collect and prepare physical evidence; analyze suspected crime/accident scenes; gather information; issue warnings or citations; execute or serve search and/or arrest warrants (or act without them as appropriate within his delegated law enforcement authority); and write reports.

The appellant's position does not meet Level 1-7. He is not required to have extensive knowledge of numerous laws and regulations and the relationships that exist among the laws and regulations of several agencies. His duties do not regularly require him to consolidate, evaluate, correlate, and analyze a wide variety of seemingly unrelated facts, events, and occurrences to develop forecasts of trends and patterns in actual and potential violations; developing cases on

specific interdiction targets and planning agency participation in strike operations; and developing continuous sources of information as described at this level.

Factor 1 is evaluated at Level 1-6 and 950 points are assigned.

Factor 2 – Supervisory Controls -Level 2-3, 275 points

This factor covers the nature and extent of direct or indirect controls exercised by the supervisor, the employee's responsibility, and the review of completed work.

At Level 2-3, the supervisor makes assignments that involve the performance of the full range of duties available at the district or station where the officer is assigned. While the supervisor generally establishes objectives or priorities and highlights areas for special emphasis, the officer plans and carries out assignments independently in accordance with established operating procedures and instructions. In connection with their day-to-day assignments, officers make independent on-the-spot decisions on the basis of available evidence and in the light of statute and precedent, as the supervisor is generally not available for advice or assistance. Completed work is reviewed through reports and discussions between the officer and the supervisor concerning actions taken and assignments completed. The review is focused on general adequacy, soundness of decisions made, and conformity to established procedures and instructions.

At Level 2-4, the supervisor sets the overall objectives and the resources available for intelligence operations for a large geographic area; for example a region or district. The employee has a continuing responsibility in this area of work. The officer plans and carries out the work independently, establishing priorities, setting deadlines, determining the scope and intensity of efforts based on the needs and objectives of the agency. At this level, officers typically must resolve problems that involve deviations from established procedures or instructions, unfamiliar situations or unusual requirements on their own initiative. Completed work products, such as technical bulletins, digests of situations encountered, operational plans, procedural guides, etc., are accepted as technically sound. Unusual or controversial findings, plans, or recommendations are reviewed primarily to determine if they are a potential basis for modifications of program emphases, or operational procedures or instructions.

The appellant's supervisory controls favorably compare to Level 2-3. The appellant's immediate law enforcement supervisor is a BLM Law Enforcement Ranger stationed at the [name of field office]. The [name of office] Chief Law Enforcement Ranger is a GS-1801-12 Supervisory Staff Law Enforcement Ranger. The Supervisory Staff Law Enforcement Ranger, with input from the appellant and others, prepares and updates the Law Enforcement Plans and work plans which establish overall objectives and special program emphasis. The appellant's immediate supervisor prioritizes work and ensures that the planned objectives are communicated to the appellant. As the sole law enforcement ranger assigned to the [name of office], the appellant plans and independently carries out his daily assignments in accordance with established operating procedures and instructions. In carrying out his duties, the appellant makes independent, on-the-spot decisions on the basis of his observations and available evidence, as the supervisor is generally not available on the spot for immediate assistance. The supervisory law enforcement

ranger is available by radio, phone or arranged meeting, for technical guidance or advice. BLM special agents are also available as an information resource or to provide technical guidance if needed.

Level 2-4 is not met. The appellant does not independently exercise the wide level of discretion described in establishing priorities and deadlines or determining the scope and intensity of BLM law enforcement operations in his sector. He provides input but those decisions are made by the supervisors and communicated through plans and instructions. The appellant's work is reviewed primarily in terms of results achieved, adherence to policies and procedures, and effectiveness of results. This reflects a closer review than that envisioned at Level 2-4.

Factor 2 is evaluated at Level 2-3 and 275 points are assigned.

Factor 3 – Guidelines - Level 3-3, 275 points

This factor covers the nature of guidelines and the judgment needed to apply them.

At Level 3-3 (the highest level for this factor in the standard) the employee uses a variety of basic and general information contained in various laws, regulations, and interpretations that pertain to the work. Additional guidance is contained in handbooks, manuals, instructions and orders, precedent court decisions and rulings, rules of evidence, and other applicable procedures. At this level, Customs Officers exercise considerable ingenuity in making judgments, applying various techniques and procedures, and using discretion in the application of available guidelines to the wide variety of individual cases and situations encountered. While the guidelines are always available, the officer must frequently apply standard practices and techniques to new situations, relate new situations to old precedents, and adapt and modify guidelines whenever it becomes necessary.

The guidelines available and the degree of judgment the appellant exercises in applying them fully meets that described at Level 3-3. The appellant uses and relies upon a variety of guidelines in performing his duties. These include Departmental and agency policies and procedures, law enforcement handbooks, the United States Code (U.S.C.) including criminal codes covering the laws enforced, the Code of Federal Regulations, Federal court system case law, annual work plans, and other management guidance. The guidance covers law enforcement responsibilities, delegated law enforcement authorities, criminal laws and regulations, criminal procedures, prohibited acts, and a variety of resource laws to be enforced on the public lands. The appellant's extensive experience allows him to exercise considerable judgment in interpreting the various guidelines available and in applying them to a wide variety of situations; recognizing whether actions or situations constitute violations of law or regulation; and adapting or modifying guidelines to handle situations encountered in the most effective way.

Factor 3 is evaluated at Level 3-3 and 275 points are assigned.

Factor 4 - Complexity - Level 4-3, 150 points

This factor covers the nature, number, variety, and intricacy of tasks, steps, processes, or methods in the work performed; the difficulty in identifying what needs to be done; and the difficulty and originality involved in performing the work.

At Level 4-3 the standard describes using established procedures and methods to engage in surveillance and information gathering, and to apprehend, interrogate, arrest or detain suspected smugglers, seize materials and means of transport, and prepare required reports. Assignments are complicated by changing conditions or situations involving such factors as the nature of the illegal activity encountered, degree of difficulty in establishing facts, *modus operandi* of the lawbreaker, protection of suspects' civil rights, etc. Individual assignments may alter established operating procedures, standing orders and rules, or require new interpretations and different application of statutory authorities conferred by the various laws and regulations under which the Customs Patrol Officers work.

At Level 4-4, Officers typically are responsible for planning, organizing, and directing the intelligence program for a geographic area. Assignments require the use of incomplete and inconclusive data, variations in approaches, and the resolution of unacceptable, inconsistent, or unforeseen results. Officers are confronted by large numbers of seemingly patternless and unrelated items, events, and occurrences that must be pieced together.

The appellant's assignments most closely match those described at Level 4-3. Like that level he uses established methods and procedures to carry out his law enforcement duties. Because of the wide variety of criminal offenses that occur on public lands, the appellant must analyze each situation and determine the most appropriate course of action to take. The work is complicated by such factors as complex bodies of law covering mining or other land uses. The appellant also must be able to alter standing procedures when necessary. The complexity of the appellant's work does not rise to that described at Level 4-4, which requires the planning, organizing and performance of a wide variety of complex assignments that involve the use of incomplete or inconclusive information or the resolution of unacceptable, inconsistent or unforeseen results.

Factor 4 is evaluated at Level 4-3 and 150 points are assigned.

Factor 5 – Scope and Effect - Level 5-3, 150 points

This factor covers the relationship between the nature of the work, i.e., the purpose, breadth, and depth of the assignment, and the effect of work products or services both within and outside the organization.

At Level 5-3, the officer's actions are directed towards interception of movements of contraband, deterrence or apprehension of smugglers of narcotics or other illegal or prohibited substances, prevention of crime at or near Coastal and land boundaries of the United States at and between international ports of entry, and effecting the seizure of smuggled materials and the means used to transport them, and the apprehension of the suspects involved. The effective accomplishment of assigned duties has considerable impact on denial of sources of narcotics and other controlled

substances, prevention of smuggling to avoid duties and taxes, protection of wildlife and endangered species, the general health and welfare of the public, and operations of other enforcement units of the Customs Service.

At Level 5-4, the officer sifts, refines, correlates, and evaluates various forms of intelligence such as that forwarded by operational personnel in the field, received from the headquarters level, from counterpart officials in other Federal agencies, and from State and local law enforcement personnel. Through such analysis, the officer identifies smuggling trends, patterns and data that may lead to detection of major smuggling attempts, conspiracies, and other attempted violations before they actually occur, and develops appropriate responses, i.e., Customs Patrol operational plans, technical bulletins, etc. At this level the officer also plans and develops Customs Service participation in major strike force actions which require that intelligence be correlated and integrated into broad, overall strategic strikes at major criminal activities. Information developed is used by responsible management as a basis for planning work; revising operations, procedures and methods; or altering allocations of resources in anticipation of activities; and for assignments of personnel.

The appellant's work meets Level 5-3. His work involves treating a variety of recurring situations and problems involving law enforcement in his sector. The result of the work is to protect the public lands, resources, visitors and users from harm or degradation due to illegal or otherwise inappropriate activity. The appellant is responsible for enforcing various Federal and other appropriate laws and regulations that relate to the use, development and management of the public lands and its resources. The appellant's work prevents or deters illegal activity; apprehends suspects or violators and seizes evidence necessary for prosecution; develops case information sufficient for effective presentation at court hearings or trials; and promotes education and thus crime prevention on public lands. The effect of the work is the protection and enhancement of the lands and of numerous high value resources on and within them, and protection of the various visitors and land users.

The appellant's work does not meet Level 5-4 as it does not involve the coordination of various intelligence sources and correlation of that information to establish trends and patterns. Neither does the work involve correlation of various intelligence into broad, overall BLM plans for participation in major strikes against major criminal activities. Information developed during the course of the appellant's law enforcement work is not normally used by management as described at Level 5-4, i.e., as a basis for planning work; revising operations, procedures and methods; or altering allocations of resources in anticipation of activities; and for assignment of personnel.

Factor 5 is evaluated at Level 5-3 and 150 points are assigned.

Factor 6 – Personal Contacts - Level 6-3, 60 points

This factor includes face-to-face and telephone and radio dialogue with persons not in the supervisory chain.

At Level 6-3, personal contacts are with the general public, suspected violators, officials of other Federal agencies, representatives of State and local governments, personnel from other law enforcement activities, Federal and non-Federal, and attorneys and court officials. Contacts are established on a routine and a nonroutine basis, and may take place in a wide variety of settings both within and outside the assigned area.

At Level 6-4 contacts include (in addition to those at Level 6-3) counterpart officials of foreign governments, high ranking officials outside the agency, including Members of Congress and key officials and top law enforcement personnel from State and local government and leaders from the law enforcement, criminal justice and legal communities.

The appellant's position requires personal contacts like those described at Level 6-3. He establishes and maintains contacts with BLM law enforcement and resource staff specialists, other Federal, State, County and local law enforcement officials, suspects and witnesses, special interest groups, land users and the general public. Unlike Level 6-4 the position does not require establishing and maintaining personal contacts with high ranking officials from outside the BLM, top law enforcement personnel from State and local governments, or with counterpart officials of foreign governments.

Factor 6 is evaluated at Level 6-3 and 60 points are credited.

Factor 7 – Purpose of Contacts - Level 7-3, 120 points

At Level 7-3 (the highest level for this factor in the standard), contacts are established to detain, control or interrogate apparent or suspected violators of the Customs and related laws. Persons contacted frequently are frightened, uncooperative, hostile, evasive, and dangerous. These conditions require officers to be extremely skillful and discrete in the manner in which they approach individuals and groups, and very selective in the methods and techniques used to collect and evaluate information and interrogate suspects.

The appellant's position meets Level 7-3. His contacts are made to enforce laws and regulations as they apply to use, development and management of public lands and resources. He makes contacts to interview witnesses and suspects and to apprehend suspected violators. Such situations include contact with persons who are uncooperative, hostile, and dangerous. Other contacts are to negotiate or administer agreements, investigate and resolve complaints, reconcile conflicts, and to otherwise represent the BLM law enforcement ranger function.

Factor 7 is evaluated at Level 7-3 and 120 points are assigned.

Factor 8 – Physical Demands-Level 8-3, 50 points

This factor covers the requirements and physical demands placed on the employee by the work assignment. This includes physical characteristics and abilities and the physical exertion involved in the work.

Level 8-2 applies to work requiring frequent and recurring surveillance in which there is a considerable amount of walking, stooping, bending, and climbing. The officer may be required to lift and carry moderately heavy objects occasionally.

At Level 8-3 (the highest level for this factor described in the standard) the work requires protracted periods of strenuous physical exertion such as long periods of standing, walking, crawling and running over rough, uneven, or rocky terrain; operating vehicles in light and darkness over rough or uneven surfaces in cold and hot climates or in dusty, dry areas; climbing trees or buildings of various heights; or working in mountainous country. The officers must be able to defend themselves and others as required against physical attack.

The appellant's physical demands match Level 8-3. Like that level his work involves rigorous physical demands, walking and running in rough uneven terrain, working in cold or hot climatic conditions, and instances when he must proceed from sedentary to strenuous activity. He must be prepared at all times to respond to threats of violence against him or others, including as a last resort, the use of deadly force.

Factor 8 is evaluated at Level 8-3 and 50 points are assigned.

Factor 9 – Work Environment - Level 9-3, 50 points

Level 9-2 describes work that involves frequent exposure to moderate discomfort, unpleasant working situations, or exposure to adverse weather conditions, i.e., hot, cold, wet, and dry. Safety or security precautions are sometimes required and the officer may have to use special protective gear or clothing.

Level 9-3 (the highest level for this factor described in the standard) involves high risks with exposure to a wide variety of potentially dangerous situations or unusual environmental stresses such as operating on rough terrain, driving motor vehicles in day and night high speed chases, possible gunfire, or physical attack. The officer typically works long and irregular hours, on weekends, and at night and frequently changes shifts or duty stations. Assignments are subject to change without advance notice and in some instances with very little lead time.

The appellant's work environment compares to Level 9-3. Like that level he often works alone in isolated areas in mountainous or dry desert terrain, for extended periods of time. He travels on foot, on horseback, or by use of car, truck or other specialty vehicle. The work involves potentially high risks with personal exposure to dangerous situations, including possible physical attack and other uncontrollable conditions.

Factor 9 is evaluated at Level 9-3 and 50 points are assigned.

Summary

<i>Factor</i>	<i>Level</i>	<i>Points</i>
1. Knowledge required by the position	1-6	950
2. Supervisory controls	2-3	275
3. Guidelines	3-3	275
4. Complexity	4-3	150
5. Scope and effect	5-3	150
6. Personal contacts	6-3	60
7. Purpose of contacts	7-3	120
8. Physical demands	8-3	50
9. Work environment	9-3	50
	Total	2,080

The appellant's position warrants 2080 total points which falls in the GS-9 range (1855-2100). Therefore, in accordance with the grade conversion table on page 12 of the standard for the Customs Patrol Officer Series, GS-1884, the law enforcement duties of the appellant's position are graded at GS-9.

Evaluation of resource management support duties

As explained earlier, we have cross referenced to the grading criteria in the standard for the Park Ranger Series, GS-025, to evaluate the grade level of the appellant's non-law enforcement, resource management support duties and responsibilities. The standard uses two factors to grade positions: Nature of Assignment, and Level of Responsibility.

Nature of Assignment measures the complexity/difficulty and scope of the assignment and the knowledge and skills required to carry out the assignment.

Level of Responsibility takes into account the judgment exercised, the supervision and guidance received, and the review of the work -- either during the course of the work or upon completion.

Nature of Assignment

Park Rangers at the GS-9 level apply resourcefulness, judgment, and ingenuity in the accomplishment of tasks such as the formulation and execution of park resource and interpretative plans and programs; the promotion of environmental, conservation, and public use programs; the planning and execution of resource management analyses concerning the level and type of uses of resources, deterioration in resources, and changes needed in operating programs or type of use; the planning and execution of management analyses concerning the effectiveness and visitor appeal of the interpretative programs and literature; and the development of necessary program improvements, including the selection of new media or techniques.

GS-9 rangers may be responsible for overseeing the development and execution of programs, including coordinating the work of other rangers, or may serve as staff specialists providing advice and guidance agencywide.

The standard provides the following illustrative examples of assignments at the GS-9 level:

Drafts plans for operations, including resource management and seasonal staffing priorities. Compiles evaluation reports and makes recommendations on specific management problems, including scenic easement, special use permits, and visitor use and safety. Develops training programs and prepares new or revised guidelines and operating procedures that deal with matters such as regulatory or law enforcement activities, wildland and structural fire control, and search and rescue problems. Makes periodic inspections of campgrounds, picnic areas, Government buildings, trails, roads, lakeshores, and parking areas, to determine quality of operations and services, and uses this information to develop improvements in diverse areas such as added employee training, requests for new facilities, and changes in concessionaire operation.

Coordinates the development and implementation of plans, such as the burro, back-country, river, wildlife, fish, and vegetation management plans. Provides advice and guidance to ranger staff and management on the environmental impact of potential or proposed activities. Coordinates preparation of base maps and overlays for ecosystems of the area and assembles data files for use of rangers. Establishes a routine to monitor ecological processes, to identify incipient problems, and to develop and recommend corrective projects or programs. Reviews and analyzes new construction or other development proposals, including concession activities, to assure adequate preservation and appropriate use of all park resources. Coordinates programs for the protection of rare and endangered plant and animal species with staff within the agency and in other federal, state, and local agencies and institutions.

Park Rangers at the GS-11 level receive assignments that typically consist of diverse complex technical and/or administrative problems. They independently identify the nature of the problem and the kinds of information, criteria, and techniques needed to arrive at a solution. Typical assignments at the GS-11 level require consideration of and selection from several alternative approaches or solutions to problems and sometimes require substantial adaptation of standardized guides and criteria. Park Rangers, GS-11, are required to have substantial knowledge and understanding of the impact that the management of historical, cultural and/or natural resources may have on communities and other interested groups, e.g., conservation and historical associations. The work situation is described as one where development and planning are only partially completed, or if completed, requires substantial modification to accommodate different characteristics than previously anticipated, such as a significant increase in visitor loads; a loss of visitor facilities or services due to vandalism, fire, or other similar circumstances; an increase in size of the area to be managed; or a significant increase in organized and critical public interest in resource management plans.

The appellant's resource management support assignments are comparable to those described at the GS-9 level. His assignments include carrying out plans for monitoring public use of lands in his assigned sector, and ensuring that resources are properly protected and utilized in accordance with prescribed land and mineral use authorizations. Examples include inspecting operating

mines and the areas surrounding them for use and safety considerations and real estate issues; inspecting small resource sales for compliance with permit requirements; sign planning and placement; and generally observing, monitoring, resolving and reporting trespass and unauthorized use situations on the public lands, which may involve natural, cultural, and/or historical sites. He is also involved with other agencies in coordinating plans for the routing and maintenance of roads built through the sector. This task involves performing field assessments on the impact of the project on sector resources including observable erosion/road degradation problems, probable riparian sedimentation, and illegal encroachment. He also recommends project improvements such as regrading roads, filling in of gullies and dry washes, and building or rebuilding drainage controls.

Similar to the GS-9 level, the appellant is involved in activities that promote environmental and resource conservation. For example, he is very actively involved with the inter-agency [name of technical committee] which is considering how the U.S. Border Patrol's use of BLM lands for their law enforcement efforts will be affected by implementation of the requirements of the Multiple Species Conservation Plan (MSCP) which addresses the protection of animals and plants. The appellant's responsibilities include developing training modules and plans, displays, and other MSCP information which he will present to educate all Border Patrol officers and staff who operate within and around the [name of sector office].

Other past projects that provide examples of the appellant's involvement with land use issues include attending meetings and providing input in regards to the development and use of recreational target shooting areas on BLM land in the sector, and the development of an Off Highway Vehicle (OHV) use area.

In carrying out his assignments, the appellant exercises resourcefulness, judgment and ingenuity in the promotion of environmental, conservation and public use programs. He stays attuned to the level and types of use in effect, and to real and potential deterioration in those resources. Like the GS-9 illustrative examples in the standard, he develops training plans dealing with regulatory activities (e.g., Border Patrol training in connection with implementation of the MSCP), and makes periodic inspections of resource areas within the public lands.

The appellant's assignments do not meet the GS-11 level. His assignments do not typically consist of diverse complex technical and/or administrative problems requiring substantial adaptation of standardized guides and criteria. His work situation is not one where development and planning for resource management activities are only partially complete, or require substantial adaptation or modification of standardized guides and criteria.

Level of Responsibility

At the GS-9 level, the supervisor outlines major objectives, critical deadlines, and the overall nature of expected results. The Park Ranger independently plans the detailed steps necessary to complete assignments, including recommending changes in operating plans when necessary. When unexpected or unusual conditions or work situations are encountered which might engender significant controversy, the GS-9 ranger discusses proposed actions with the supervisor before implementation.

The GS-9 Park Ranger works with guides that are generally applicable but not specific to onsite conditions or problems. The ranger must select from alternative methods or approaches which appear to be appropriate to the existing situation, and make or recommend compromises required to meet objectives. Completed work, whether routine or nonroutine, is reviewed for overall adequacy, consistency, and correlation with related activities, programs, and objectives.

At the GS-11 level, the supervisor specifies the objectives and the general scope of the assignment. Park Rangers at that level are generally free to develop work plans, to devise techniques covering both routine and nonroutine operations and activities, and to select, modify, and use the techniques for carrying out assignments. Supervisory personnel may provide advice and assistance in the implementation of new or revised policies and procedures or in making a choice between several equally complex and rational approaches to work planning and execution.

The GS-11 ranger is expected to recognize critical trends in park use and operations, to evaluate their significance, and to plan and implement changes in park programs and operations. Completed work is usually reviewed on a spot-check basis for sound approach and accomplishment of program objectives.

At the GS-11 level, rangers have considerable contacts with community officials, various interest groups, and other groups and individuals regarding such matters as the negotiation of agreements, investigation and resolution of complaints, and reconciliation of differences.

The appellant's position favorably compares to the GS-9 level. Work plans are prepared by the supervisory law enforcement staff ranger, and resource management activities are coordinated with appropriate resource specialists, the [name of office] project manager, or the [name of field office] manager. The appellant's supervisor outlines major work objectives, specifies deadlines and expected results. The appellant independently completes his resource support assignments. He applies many and varied guidelines that are generally applicable but may not be specific to onsite conditions or problems. When encountering situations in the field, he must chose from alternative methods or approaches and make or recommend compromises, so as to meet the program objective. His completed work is reviewed for overall adequacy, and its relation to other resource management activities and objectives. The appellant's level of responsibility does not rise to the GS-11 level as he does not have the authority to plan and implement changes in programs and operations within the [name of office] based on his own observations and recommendations. In addition, the development of work plans and freedom to devise techniques covering non-routine activities, as well as to modify techniques, are not present in his position.

Summary

By application of the grading criteria in the standard for the Customs Patrol Officer Series, GS-1884, we have evaluated the appellant's law enforcement duties at the GS-9 level. In addition, by cross reference to the grading criteria in the standard for the Park Ranger Series, GS-025, we have evaluated the appellant's resource management support duties at the GS-9 level. Therefore, the appellant's position is graded overall at the GS-9 level.

Decision

The proper series and grade of the appellant's position is GS-1801-9. Selection of an appropriate title is at the agency's discretion.