

OFFICE OF PERSONNEL MANAGEMENT
MERIT SYSTEMS OVERSIGHT AND EFFECTIVENESS
DALLAS OVERSIGHT DIVISION
CLASSIFICATION APPEAL DECISION

Under section 5112(b) of title 5, United States Code

Appellant: [appellant's name]

Position: Intelligence Research Specialist, GS-132-12
Position Number: 75372D

Organization: Department of Treasury
U.S. Customs Service
[appellant's activity]

Decision: GS-1801-12
(Title at agency's discretion)
(Appeal denied)

OPM Decision Number: C-1801-12-01

Approved by:

/s/ Judith Frenzel for
Bonnie J. Brandon
Classification Appeals Officer

11/13/96
Date

Copy of decision sent to:

[appellant's name and address]

Mr. Robert M. Smith
Director of Personnel
U.S. Customs Service
2120 L Street, Room 6100
Gelman Building
Washington, DC 20037-0000

INTRODUCTION

This position is assigned to the [appellant's activity]. The agency has classified the position as Intelligence Research Specialist, GS-132-12. The appellant believes the position should be reclassified to a higher grade level.

This appeal is filed with the Office of Personnel Management (OPM) under the provisions of chapter 51, title 5 of the United States Code. This is the final administrative decision of the Government, subject to discretionary review only under the conditions and time limits specified in title 5 of the Code of Federal Regulations, sections 511.605 and 511.613.

POSITION INFORMATION

The appellant works under the supervision of a Supervisory Criminal Investigator responsible for enforcement activities related to marine smuggling. The appellant gathers, researches, analyzes, and develops intelligence information to support agents in the conduct of complex criminal investigations. Through use of a variety of electronic databases, the appellant identifies, interprets, and reports information needed to locate suspects, determine asset ownership, and establish associations between entities. Additionally, he examines and analyzes telephone toll data received from pen registers to establish patterns and identify new leads.

The appellant is assigned to a standard position description which does not reflect the proper organizational assignment of his position. The description indicates the position is located in the Office of Intelligence and reports to a Supervisory Intelligence Research Specialist as part of a team providing tactical and strategic intelligence products. Although the position description does not reflect that the focus of his work is case-based in nature, the major duties and factor levels described provide sufficient information to properly evaluate the position.

SERIES AND TITLE DETERMINATION

The agency has classified the position in the GS-132 Intelligence Series. Although this series covers research and analytical work similar to the appellant's, the knowledge requirements of the occupation ("...basic knowledge and understanding of one or more of the natural or social sciences, engineering, or military science...") do not pertain.

The skill and knowledge requirements for the work performed by the appellant are closely related to those of the GS-1811 Criminal Investigator Series. However, the investigative techniques and procedures employed by the appellant do not encompass the full scope of the GS-1811 series. Therefore, the knowledge requirement is more limited, and classification to that series is not appropriate. Because of the close relationship to a GS-1800 Group occupation and the absence of a specific series for application, we find that the GS-1801 General Inspection, Investigation, and Compliance Series is appropriate. This series covers:

...positions the primary duty of which are to administer, coordinate, supervise, or perform inspectional, investigative, analytical, or advisory work to assure understanding of and compliance with Federal laws, regulations, and other mandatory guidelines when such work is not more appropriately classifiable in another series either in the Investigation Group, GS-1800 or in another occupational group.

OPM has prescribed no titles for positions in this series. Therefore, according to page 18 of the Introduction to the Position Classification Standards, the agency may choose the official title for the position. In doing so, the agency should follow the titling guidance on that page.

GRADE DETERMINATION

There are no published grading criteria for the GS-1801 series. In this situation, closely-related standards and grading criteria should be used. Because of the aforementioned similarities with work in the GS-132 series, we have selected that series as the grading reference.

The GS-132 series standard measures five factors to determine the difficulty and responsibility of intelligence research work. These are 1) nature and scope of the assignment; 2) independence of operation and judgment; 3) personal work contacts; 4) nature and scope of commitments; and 5) skills and knowledge required. An evaluation of each factor is provided below.

Nature and Scope of the Assignment

At the GS-12 level, intelligence research specialists are recognized as expert technicians with responsibility for the most complex and difficult assignments in a given area of responsibility. They have increasing responsibility in projecting data for estimates of future situations. They give professional guidance to their juniors and advise higher level officials and groups working on specific problems related to their area. At this level, specialists are required to establish methodologies for problems which do not appear to be susceptible to treatment by generally accepted methods. They prepare finished intelligence reports and guides for field personnel. They review and evaluate incoming intelligence reports and information. Typically, GS-12's are faced with significant gaps in data or data that are difficult to evaluate. GS-12 specialists develop data and draw conclusions based upon their knowledge of current and past intelligence situations and their understanding of trends and conditions in the assigned area of specialization.

At the GS-13 level, intelligence research specialists provide consultant services in interrelated geographic or functional fields. The GS-13 has continuing responsibility for projecting long-range estimates and serves on top level review committees to analyze and evaluate intelligence reports and intelligence plans. The specialist represents the organization to outside intelligence sources, traveling to other parts of the country to solve problems that require special expertise. The GS-13 may participate in developing new

research programs, including justification of projects and briefing top agency personnel on the purposes and progress.

The nature and scope of the appellant's assignments closely match the GS-12 level. He is recognized as an expert on intelligence research related to marine smuggling activities. The nature of his work puts him in a position of rendering advice that significantly influences the direction and conduct of criminal investigations. He identifies, searches, and analyzes data from on-line electronic databases to provide critical information that will further investigations, e.g., LEXIS/NEXIS, the Treasury Enforcement Communications System, National Law Enforcement Telecommunications Systems, the National Criminal Information Center, and the Drug Enforcement Administration's El Paso Intelligence Center. He develops finished intelligence reports and prepares link analyses outlining his identification of various social, business, and family relationships of violators. In support of an Organized Crime Drug Enforcement Task Force, he examines and analyzes telephone activity obtained from dialed number recorders (pen registers) and clone pagers in order to establish relationships and target situations he believes have significance in an investigation. He has designed or modified existing databases to assist in analyzing data, such as tracking and breaking complex pager codes. His work has identified numerous interrelated businesses and violators involved in smuggling activities, including some which extend to cartels in South America.

The appellant's position does not match the criteria for GS-13. He does not operate as a consultant or monitor projects in interrelated geographical or functional fields nor does he serve on top-level review committees to evaluate, test, and validate intelligence research reports or develop research programs. He is clearly a field-level, first-line analyst. Although he has prepared threat assessment reports for his supervisor, there is no evidence of continuing responsibility for long-term trend analysis. His predominant responsibility is for operational, case-based analysis.

Independence of Operation and Judgment

At the GS-12 level, specialists perform duties without specific instructions. They receive supervision through conferences and discussions with their superiors. Their work products are generally accepted as accurate, with supervisory review concentrating on methodology and approach. Judgment and ingenuity are required in the interpretation of data and adaptation of techniques and methodology.

Work at the GS-13 level is performed under general administrative direction. Results are reviewed for compliance with directives, and are not questioned on a technical basis. Decisions and recommendations are often made under conditions of urgency and pressure based upon mature judgment and experience. The GS-13 must develop new concepts and methods to solve unprecedented problems and develop experimental approaches and solutions.

The appellant receives minimal guidance from his supervisor in accomplishing his work. He exercises judgment in deciding what intelligence should be researched and the impact the information will have on the investigations. He independently identifies the approach to

take and determines pertinent sources to tap, coordinates with information sources, and decides the relevance and benefits of the data obtained. His supervisor accepts his intelligence reports and reports of investigation as being technically accurate, subject only to occasional minor change. There is no evidence, however, that the appellant develops new concepts and methods to solve unprecedented problems, nor does he develop experimental approaches and solutions. Accordingly, the appellant's position is credited at the GS-12 level for this factor.

Personal Work Contacts

GS-12 specialists carry out personal coordination and liaison with counterparts throughout the intelligence community. They frequently represent their organization in working groups. They travel to other areas to explain the needs of their organization or to give expert assistance. They give professional guidance to juniors in their own and other organizations and serve as project coordinators for joint efforts.

At the GS-13 level, specialists have extensive contacts with individuals in the intelligence community at both operating and policy levels. They participate in top echelon intra- and inter-agency planning. They may serve on committees that have national or international representation and that are concerned with matters of great international importance.

To obtain information and follow-up on investigative leads, the appellant establishes contacts with investigative and intelligence employees within Customs, U.S. Attorney's Offices, local sheriff and police departments, other Federal and State law enforcement agencies, and the private sector, such as utility and telephone companies. His contacts match those described at the GS-12 level. There is no evidence that the appellant has contacts with top-level policy officials nor does he participate on committees that have national or international representation and deal with matters of great international importance, as depicted in the standard at the GS-13 level.

Nature and Scope of Commitments

At the GS-12 level, specialists are recognized as experts within their geographic or functional assignment. They frequently represent their activity in terms of this expertise.

GS-13 specialists make decisions and recommendations on controversial or novel matters that may serve as precedents. Findings are accepted as technically accurate and used by higher authority. The GS-13 has authority to undertake extensive exploratory projects so long as they do not conflict with other work.

The appellant is recognized by his colleagues as an expert on intelligence research related to marine smuggling activities. He is called upon to provide advice to analysts in other areas on use of computer-based programs related to obtaining intelligence information and methodologies to employ on cases with marine implications. He testifies in court concerning information he develops, e.g., his link analyses on the relationships of violators. These responsibilities are characteristic of the GS-12 level. There is no evidence that he

makes decisions on controversial or novel matters that may serve as precedents, nor does he undertake extensive exploratory projects, as required for the GS-13 level.

Skills and Knowledges Required

GS-12 specialists have expert specialized knowledge in their own subject-matter field and the ability to apply facts and estimates derived from numerous sources to a variety of problems having different technical aspects.

At the GS-13 level, specialists must have a comprehensive knowledge of the entire intelligence program of the organization and its relation to the national intelligence activity. This must include an understanding of the functions of other intelligence organizations.

The appellant is responsible for developing and reporting intelligence information in support of criminal investigations involving marine smuggling operations. He utilizes his expertise in marine activities to aid in developing leads from numerous sources. The knowledges and skills required for the appellant to carry out his responsibilities are consistent with those described at the GS-12 level. Because of the primary focus of the position on marine smuggling activities in the Gulf area, the duties do not impose knowledge requirements in terms of program scope that are equivalent to the GS-13 description.

Grade Determination: The duties and responsibilities of the appellant's position are evaluated at the GS-12 level in each of the five factors outlined in the standard. Accordingly, we find that the position is appropriately graded at GS-12.

DECISION

The appellant's position is properly classified as GS-1801-12. Titling is at the discretion of the agency.