

OFFICE OF PERSONNEL MANAGEMENT  
ATLANTA OVERSIGHT DIVISION  
ATLANTA, GEORGIA

CLASSIFICATION APPEAL DECISION

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

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

**Position:** Legal Instruments Examiner (Office Automation),  
GS-963-06

**Organization:** Criminal Law Division  
Staff Judge Advocate Office  
Headquarters, [identifying number] Infantry Division  
[large military post and location]

**Decision:** Legal Instruments Examiner (Office Automation),  
GS-963-06  
(Appeal Denied)

**OPM Decision Number:** C-0963-06-01

Kathy W. Day  
Classification Appeals Officer

12/12/96

rdrive # 0963067A

## **Background**

On September 25, 1996, the Atlanta Oversight Division, Office of Personnel Management, accepted an appeal for the position of Legal Instruments Examiner (Office Automation), GS-963-6, located in the Criminal Law Division, Staff Judge Advocate Office Headquarters, [identifying number] Infantry Division, large military post and location]. The appellant is requesting that her position be changed to Legal Instrument Examiner (Office Automation), GS-963-08.

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

## **Sources of Information**

This appeal decision is based on information from the following sources:

1. A letter from the appellant dated June 18, 1996, appealing the classification of her position.
2. The agency's letter of September 13, 1996, providing position and organizational information.
3. A telephone interview with the appellant on November 8, 1996.
4. A telephone interview with [name], the appellant's immediate supervisor, on November 26, 1996.
5. A telephone interview with [name], the servicing classifier, on November 27, 1996.

## **Position Information**

The appellant is assigned to Position Number 96146, which was classified on June 17, 1996. The appellant, supervisor, and agency have certified to the accuracy of the position description.

The appellant performs administrative and technical functions that require examination of legal instruments and supporting documents to determine the adequacy in meeting certain technical requirements of governing provisions for the post-trial section. She oversees all administrative functions of the post-trial section. Post-trial duties are performed 40 percent of the time. These duties include monitoring, coordinating, and facilitating the completion of the records of trial that have been recorded by the court reporters. The appellant reviews the records of trial to ensure that they are in accordance with statute, regulations, and the executive orders. She drafts recommendations, summaries of post-trial matters, addendums, and actions of findings and sentences; she conducts final screenings for signature, receipts of service, delays and related actions; completes required forms; and she assures that the modification of the charges, preparation, and distribution of orders are in compliance.

The appellant spends 40 percent of her time performing Victim Witness Liaison Officer (VWLO) duties. She reviews all military and civilian law enforcement agency reports. She is the point of contact person for victims and witnesses who may need assistance such as: information packets, financial and legal information, advice on the criminal justice process, the status of their case, and other information concerning law enforcement and constitutional rights.

The appellant reports to the Supervisory Attorney (military) who assigns work accordingly. The appellant plans and carries out the required steps of the work independently and handles problems and deviations in accordance with instructions or accepted practices. Completed work is checked for appropriateness of results and conformity. The methods used are not normally reviewed in detail.

The appellant is requesting an upgrade based on the assignment of additional duties related to the Victim Witness Liaison system functions and the expanded responsibilities of her post-trial duties. She believes that these duties comprise major changes to her position description. In addition, she disagrees with Factor 1, Knowledge Required of the Position, and Factor 3, Guidelines, of the agency's evaluation.

### **Standards Referenced**

Legal Instruments Examining Series, GS-963, January 1992.  
Office Automation Grade Evaluation Guide, November 1990.  
Grade Level Guide for Clerical and Assistance Work, June 1989.  
Paralegal Specialist Series, GS-950, August 1986.

### **Series and Title Determination**

*Series:*

The agency determined that the appellant's position is properly placed in the Legal Instruments Examining Series, GS-963, which covers positions that are primarily concerned with the examination of legal instruments and supporting documents, other than claims, to determine whether a requested action complies with certain provisions of various laws. The work requires the application of particular regulatory and procedural knowledge that is based on those laws. We agree with the agency's decision that the type of assignments performed by the appellant fall within the purview of the Legal Instruments Examining Series, GS-963.

*Title:*

The appropriate title for all nonsupervisory positions in the GS-963 series is Legal Instruments Examiner.

The Office Automation Grade Evaluation Guide states that the parenthetical title (Office Automation), which may be abbreviated as (OA), is added to the title of positions when such

positions require significant knowledge of office automation and a fully qualified typist to perform word processing duties.

The appellant's position is properly titled and coded as Legal Instruments Examiner (OA), GS-963.

### **Grade Determination**

The mixed nature of the appellant's position necessitates the use of more than one classification standard for grade determination. The examination of legal instruments and supporting documents is measured by the GS-963 standard, where the work requires the application of particular regulatory and procedural knowledge based on laws. Victim witness liaison duties are measured by the Grade Level Guide for Clerical and Assistance work, which requires a working knowledge of the work processes and procedures of an administrative field, to meet the mission and operational requirements of the unit. The Office Automation Guide measures the knowledge of office automation systems. The position is evaluated as follows:

#### ***Legal Instruments Examiner, GS-963:***

The GS-963 standard is written in the Factor Evaluation System (FES) format. Under the FES, positions are placed in grades on the basis of their duties, responsibilities, and the qualifications required as evaluated in terms of nine factors common to nonsupervisory General Schedule positions.

A point value is assigned to each factor based on a comparison of the position's duties with the factor-level descriptions in the standard. The factor point values mark the lower end of the ranges for the indicated factor levels. For a position factor to warrant a given point value, it must be fully equivalent to the overall intent of the selected factor-level description. If the position fails in any significant aspect to meet a particular factor-level description in the standard, the point value for the next lower factor level must be assigned, unless the deficiency is balanced by an equally important aspect which meets a higher level. The total points assigned are converted to a grade by use of the grade conversion table in the standard.

Under FES, positions which significantly exceed the highest factor level or fail to meet the lowest factor level described in a classification standard must be evaluated by reference to the Primary Standard, contained in Appendix 3 of the Introduction to the Position Classification Standards. The Primary Standard is the "standard-for-standards" for FES.

#### **Factor 1 - Knowledge Required by the Position:**

This factor measures the nature and extent of information or facts that a worker must understand to do acceptable work, such as the steps, procedures, practices, rules, policies, theories, principles, and concepts; and the nature and extent of the skills needed to apply this knowledge. The agency credited level 1-4 for this factor. The appellant believes that she meets Level 1-5, situation b.

At Level 1-4, the work requires knowledge of particular regulations, interpretive material, procedures, and processes established by an agency to conduct examinations of a type of legal instrument and associated supporting documents. This knowledge includes certain limited aspects of the subject-matter field, such as legal and technical terminology commonly encountered in the examination process. The knowledge is used to examine instruments that --

- present information and facts that are straightforward, readily verifiable, and need little development;
- require limited searches of reference, file, or historical material; and
- entail comparisons with explicit criteria.

The work also requires skill in oral and written communication sufficient to obtain information and to deal with inquiries.

The appellant meets Level 1-4. She has to have a practical knowledge of standard procedures, rules, regulations, and established processes to oversee all administrative functions of the post-trial section. This knowledge is used to extract straightforward, readily verifiable information and facts when reviewing post-trial legal instruments and supporting documents, and court-martial records, and to determine the applicability of the information in meeting requirements of the records.

At Level 1-5, the work requires either: (A) a depth of regulatory, procedural, and program-related knowledge to examine a type of legal instrument and associated supporting documents that require development and evaluation of the situation behind the documentation submitted; extensive searches of records, reference, or historical material; and comparisons with complex, voluminous, or broadly written criteria. This knowledge enables the examiner to deal with situations that involve varying conditions, circumstances, options, or alternatives and to arrive at a decision or recommendation tailored specifically to the individual case. This knowledge includes sufficient familiarity with the subject-matter field to be able to seek out, interpret, and understand information in subject-matter texts and technical reference material; or (B) a knowledge of various regulations, interpretive material, procedures, and processes established by agencies to conduct examinations of more than one type of legal instrument and associated supporting documents. This knowledge includes certain limited aspects of the subject-matter fields involved, such as legal and technical terminology commonly encountered in the examination process. This knowledge is used to examine instruments that differ in subject matter and/or purpose and that require the application of multiple or unrelated bodies of governing provisions.

The appellant's required knowledge falls short of Level 1-5. She is required to have a working knowledge to determine whether requested actions (legal instruments) comply with certain provisions of various laws. She is not required to have a knowledge to develop and evaluate the situations behind the actions (legal instruments). There is no evidence in the appeal package that shows that she exercises extensive searches of records as described here. Although she must be knowledgeable of various regulations, interpretive material, procedures, and processes, this knowledge is associated with a more limited area ( the record of trial) than described in Level 5b where subjects differ and

require application of multiple or unrelated bodies of rules, regulations, laws, etc. The full intent of this level is not met and, therefore, cannot be credited.

Level 1-4, for 550 points, is credited for this factor.

Factor 2 - Supervisory Controls:

This factor covers the nature and extent of direct or indirect controls exercised by the supervisor, the employee's responsibility for carrying out assignments, and how completed work is reviewed. The agency credited level 2-3 for this factor, and the appellant agrees.

At level 2-3, the supervisor assigns work according to a standardized control system, such as batched work, case load level, geographic area, or some other defined structure. The supervisor provides standing general instructions about timeliness, objectives, and relative priorities. The supervisor assists the employee with unusual situations that do not have clear precedents. The employee independently performs complete examining functions and carries out the successive steps and handles problems and deviations in the work assignment in accordance with instructions, policies, previous training, or accepted work practices. Completed work is reviewed by a quality review sampling system and/or is spot checked by the supervisor or a senior worker for appropriateness of results and conformity to established requirements and deadlines. Work methods used in arriving at a product are not normally reviewed in detail.

Level 2-3 is met where the supervisor defines the objectives, priorities, and deadlines and assists with unusual situations that do not have clear precedents. The appellant independently plans and carries out all of the administrative functions of the post-trial section. Completed work and recommendations are reviewed for technical soundness and conformity to policy and requirements, however, the work methods used are not usually reviewed in detail.

At Level 2-4, the supervisor sets the overall objectives and resources available. The work is usually assigned according to a standardized control system or otherwise goes directly to the employee. The employee participates in the development of standing general instructions about timeliness and relative priorities. In addition to performing all aspects of the work independently, the employee is also delegated commitment authority and takes final disposition action. The employee is responsible for resolving most of the conflicts that arise; coordinating the work with others as necessary; and, on own initiative, interpreting policy in keeping with established objectives. Certain cases may be referred to subject-matter specialists (e.g., medical doctors, engineers) because of legal requirements and/or professional standards of practice. The employee keeps the supervisor informed of progress and potentially controversial matters. The employee's judgment is accepted as technically sound, and completed work is reviewed from an overall standpoint in terms of feasibility, compatibility with other work, or effectiveness in meeting requirements or achieving expected results.

The full intent of Level 2-4 is not met. There is no evidence in the appeal record that the appellant has delegated authority to take final disposition actions without technical review, or participates in

the development of general instructions concerning timeliness and relative priority. She receives assistance from either her supervisor and or the staff judge advocate in resolving conflicts. This level cannot be credited.

Level 2-3, for 275 points, is credited for this factor.

Factor 3 - Guidelines:

This factor covers the nature of guidelines used, and the judgment needed to apply them. The agency credited level 3-2 for this factor. The appellant believes that she meets Level 3-3.

At Level 3-2, the procedures for doing the work are well-established, and written guidelines, such as straightforward regulatory and technical specifications or otherwise interpreted regulations and technical material, procedural manuals, and other instructions are available for all aspects of the work. The employee selects the appropriate references and procedures for each phase of the examination process, question, or condition that develops. The employee selects the appropriate guidelines according to circumstances arising from the particular instrument being examined. Some portions of the guidelines may change from time to time, and the employee must adjust to such changing conditions or interpretations. Situations to which the existing guidelines cannot be applied or circumstances that require significant deviations from the guidelines are referred to the supervisor.

The appellant best meets Level 3-2. The appellant's position description indicates that the guidelines are available for use and that the appellant uses judgment in selecting the appropriate guidelines for the various actions being performed. It also indicates that the guidelines change from time to time making it necessary for the appellant to adjust to changes.

At Level 3-3, the guidelines are numerous and varied, and consist of general and uninterpreted references, such as basic and unabridged laws or regulatory material, technical manuals, court or other legal decisions, and other precedents. These guidelines may contain, for example, frequent and extensive amendments or revisions, or superseded laws that continue to have certain applicability. They may contain differing provisions of overlapping jurisdictions, i.e., requirements of Federal, State, county, municipal, and/or international or foreign laws that must be applied; or they may contain legislative, regulatory, or administrative exceptions that possess certain unique and deviant requirements. Some guidelines may include technical or professional literature of a difficult and advanced level, or other similar complicating conditions. The employee chooses from among a variety of guidelines, selects those that are most appropriate, and interprets and/or adapts them in relation to specific problems encountered in the examination process. The employee searches through complex and voluminous reference material and may encounter precedents that are incomplete or not specific to the situation and that require careful analysis and interpretation. The employee describes problem conditions and recommends changes or additions to examining procedures that are inadequately covered or are missing from existing guidelines.

The appellant falls short of meeting Level 3-3. The appellant states that many of the guidelines are conflicting and have not evolved into an established system. According to the position description, the guidelines consist of regulations, SOPs, manuals, directives, laws, and messages. These guidelines serve as tools of how to do the work. If the guidelines are technical or complicated, there are channels to seek guidance. Changes in the guidelines are infrequent and do not change the nature of the work. Judgment consists of selecting the proper guidelines and procedures for the particular case in accordance with departmental regulations, executive orders, and laws, etc. The appellant does not have to routinely search and interpret complex and voluminous reference material in order to analyze the information and determine if it is appropriate to a specific case. This level cannot be credited.

Level 3-2, for 125 points, is credited for this factor.

#### Factor 4 - Complexity:

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. The agency credited Level 4-3 for this factor. The appellant does not disagree with this determination.

At Level 4-3, the highest level described in the standard, the employee reviews the instruments and supporting documents, obtains additional data or information to reconcile discrepancies, and determines whether the instruments conform to governing legal provisions, policies, precedent decisions, procedures, and other criteria. The employee ensures that the submitting party has met all requirements, then searches records, data bases, and historical material to determine that no conditions or conflicts exist that might preclude or limit approval. Actions taken on examining instruments may be complicated by situations where the facts are not clearly established; information is likely to be fraudulent; contradictions, conflicts, and inconsistencies must be reconciled; and/or verification or development of information from external sources is required. The employee evaluates submissions in relation to legal requirements, verifies factual interrelationships that are not always obvious, and assesses a variety of situations that depend on the particulars of the case and the submitting party. The employee chooses an appropriate course of action from among several possible outcomes.

The appellant meets Level 4-3. She performs a variety of tasks that include identifying the format, function, and the content of legal instruments and supporting documents. She evaluates the record in relation to the legal requirements and drafts recommendations.

At Level 4-4, according to the Primary Standard, the work typically includes varied duties requiring many different and unrelated processes and methods such as those relating to well-established aspects of an administrative or professional field. Decisions regarding what needs to be done involve the assessment of unusual circumstances, variations in approach, and resolving incomplete or conflicting



data. The work requires making many decisions concerning such things as interpretation of considerable data, planning of the work, or refinement of the methods and techniques to be used.

Level 4-4 is not met. The work performed by the appellant does not equate to the level of complexity intended at Level 4-4. The appellant's duties may differ depending on the subject matter of the case, but the processes and methods are recurring and related in nature. This level is not met.

Level 4-3, for 150 points, is credited for this level.

#### Factor 5 - Scope and Effect:

This factor covers the relationship between the nature of the work, as measured by the purpose, breadth, and depth of the assignment, and the effect of work products or services both within and outside the organization. The agency credited Level 5-3 for this factor. The appellant does not disagree with this determination.

At Level 5-3, the highest level described in the standard, the purpose of the work is to examine legal instruments and supporting documents to determine whether requested actions meet governing provisions. The work is accomplished in accordance with established criteria and may involve subjective considerations, such as looking for misrepresentations, fraud, or other illegal activity. The work directly affects the ability of individuals, partnerships, corporations, and others to obtain licenses, permits, rights, or privileges; to conduct various financial or contractual matters; to ascertain that persons have ownership or interest in property or securities; or to carry out other transactions that affect personal livelihoods.

The appellant's duties meet level 5-3. The purpose of the work is to process post-trial records from beginning to end according to the established governing provisions of the law. The work affects the careers and lives of military personnel and their dependents.

At Level 5-4, according to the Primary Standard, the work involves establishing criteria; formulating projects; assessing program effectiveness; or investigating or analyzing a variety of unusual conditions, problems, or questions. The work product or service affects a wide range of agency activities, major activities or industrial concerns, or the operation of other agencies.

Level 5-4 is not met. The purpose and outcome of the appellant's work do not compare to this level. She is not responsible for establishing criteria, assessing program effectiveness or analyzing a variety of problems; nor do her work products have the wide impact on other agency activities or other agencies as described at this level.

Level 5-3, for 150 points, is credited for this level.

Factor 6 - Personal Contacts and Factor-7 Purpose of Contacts:

This factor measures face-to-face contacts and telephone dialogue with persons not in the supervisory chain. The purpose of personal contacts ranges from factual exchanges of information to situations involving significant or controversial issues and differing viewpoints, goals, and objectives. The agency credited level 2b for the combined factors. The appellant does not disagree with this determination.

Persons Contacted:

The appellant meets Level 2 where contacts are with various members of the general public, such as individuals and representatives of businesses or corporations, including attorneys; representatives of public, private, or nonprofit organizations; other personnel at different levels in the employee's agency; and employees in other Federal, State, or local entities. The contacts generally occur on a routine basis in the course of normal office activities. For Factor 6, level 2 is credited.

Purpose of Contacts:

The appellant meets Level b where the purpose of contacts is to explain certain provisions of laws, regulations, programs, and policies, and to answer questions that go beyond the procedural aspects of obtaining examination approval. Contacts take into account the particular circumstances of the inquiring party. They may include providing explanations of why approval was not given, discussing measures that might be taken to obtain approval in the future, and/or explaining alternative options that may be available. The employee may have to deal with disgruntled or angered applicants or parties who seek restricted information. For Factor 7, Level b is credited.

Level 2b is the highest level of contacts and purpose of contacts according to the chart on page 17 of the standard.

Level 2b is credited for 75 points for the combined factors .

Factor 8 - Physical Demands:

This factor measures the requirements and physical demands placed on the employee in performing the work assignment, including the agility and dexterity required, and the extent of physical exertion. The agency credited level 8-1 for this factor. The appellant does not disagree with this determination.

At Level 8-1, no special physical demands are required. The work is primarily performed while sitting. There may be some walking, standing, bending, and carrying of light items such as files, records, and books. Some movement may be needed to obtain records from files in the office, to visit other offices in the building, or to visit other locations.

Level 8-1 is met. There are no special physical demands required when performing the work. The work is performed under normal circumstances.

Level 8-1, for 5 points, is credited for this factor.

**Factor 9 - Work Environment:**

This factor considers the risks and discomforts in the employee's physical surroundings, and the safety precautions required. The agency credited level 9-1 for this factor.

At Level 9-1, the work environment involves everyday risks or discomforts that require normal safety precautions typical of such places as offices, meeting and training rooms, libraries, residences, or commercial vehicles. The work area is adequately lighted, heated, and ventilated.

Level 9-1 is met. The appellant encounters the normal everyday risks and discomforts typically found in an office or courtroom.

Level 9-1, for 5 points, is credited for this factor.

SUMMARY		
FACTOR	LEVEL	POINTS
1. Knowledge Required by the Position	1-4	550
2. Supervisory Controls	2-3	275
3. Guidelines	3-2	125
4. Complexity	4-3	150
5. Scope and Effect	5-3	150
6. Personal Contacts and 7. Purpose of Contacts	2b	75
8. Physical Demands	8-1	5
9. Work Environment	9-1	5
	TOTAL	1335

A total of 1335 points falls within the range for a GS-6, 1105 to 1350 points, according to the Legal Instruments Examining Series, GS-693, standard.

***Victim Witness Liaison Officer (VWLO):***

The Grade Level Guide for Clerical and Assistance Work was used to evaluate the VWLO duties. This guide is intended as a source of grade level guidance for the evaluation of clerical or assistance work which is not covered by more specific grade level criteria in other guides or standards. The Guide covers the work of processing transactions and performing various office support and miscellaneous clerical and assistance duties within a framework of procedures, precedents, or

instructions and provides general criteria for use in determining the grade level of nonsupervisory clerical and assistance work from GS-1 through GS-7.

The Guide describes the general characteristics of each grade level from GS-1 through GS-7 in a three-part format:

- The definition of the grade level as spelled out in 5 U.S.C. 5104;
- A description of the grade level concept pertaining to clerical and assistance work written in narrative format in terms of two evaluation factors: **Nature of Assignment** (which includes the elements of knowledge required and complexity of the work), and **Level of Responsibility** (which includes the elements of supervisory controls, guidelines, and contacts); and
- General work examples to illustrate each grade level.

To determine the appropriate grade, the Guide requires the application of the total criteria (i.e., the law, the evaluation factors, and the work examples) and assignment of the highest level which the work being evaluated most closely matches. The Guide requires the considerations of weaknesses, as well as strengths, in matching work to the grade level criteria. The appellant's position is evaluated as follows:

***Nature of assignment:***

This factor measures the knowledge required and the complexity of the work. The agency credited Level 6 for this factor.

At the GS-6 level, the work involves processing a wide variety of transactions subject to different sets of rules and regulations or the work requires considerable evaluative judgment within well-defined, commonly occurring aspects of an administrative program or function. It may involve providing direct assistance to specialists or analysts by performing a segment of their work, or it may involve responsibility for a stream of products or continuing processes based on direct application of established policies, practices, and criteria. This work typically involves identifying issues, problems, or conditions and seeking alternative solutions based on evaluation of the intent of applicable rules, regulations, and procedures. Assignments requiring evaluative judgment are relatively clear cut. Problems or situations are stable and resemble past situations. There is not one absolute correct solution to problems or situations but a best or most appropriate one. A practical knowledge of guidelines and precedent case actions relating to a particular program is required and skill to recognize the dimensions of a problem and express ideas in writing.

The appellant has a comprehensive knowledge of the established guidelines and rules and applicable procedures to assist the victims and witnesses. She is responsible for a number of assignments with direct application according to the established criteria. She identifies the issues and proceeds with the appropriate steps. The decisions are usually clear cut and problems resemble past experiences. The

regulations are very specific about how to assist the victims and witnesses. The appellant provides standard information such as, furnishing brochures, packets, and claims; she advises victims and witnesses of the military criminal justice process, the status of their case, and what they can expect; and she works with other offices in the criminal law division concerning VWLO matters. The VWLO work involves a basic knowledge to perform recurring assignments that are within well-defined functions and procedures of the program.

At the GS-7 level, the work consists of specialized duties with continuing responsibility for projects, questions, or problems that arise within an area of a program or functional specialty as defined by management. Work assignments involve a wide variety of problems or situations common to the segment of the program or function for which the employee is responsible. Each assignment typically consists of a series of related actions or decisions prior to final completion. Decisions or recommendations are based on the development and evaluation of information that comes from various sources. The work involves identifying and studying factors or conditions and determining their interrelationships as appropriate to the defined area of work. The employee must be concerned about taking or recommending actions that are consistent with the objectives and requirements of the program or functions. The work requires knowledge and skill to recognize the dimensions of the problems involved, collect the necessary information, establish the facts, and take or recommend action based upon application or interpretation of established guidelines. The work also requires practical knowledge, developed through increasingly difficult, on-the-job training or experience dealing with the operations, regulations, principles, and peculiarities of the assigned program, function, or activity.

Level 7 is not met. She follows established procedures for much of her work and is not tasked with identifying and studying issues or conditions, or determining their interrelationships. The appellant's duties involve basically recurring actions within well-defined functions and procedures of the VWLO program. There is no evidence in the appeal record of the appellant encountering work assignments that involve the analysis and decision-making described at the GS-7 level.

Level 6 is credited for this factor.

***Level of responsibility:***

This factor measures the supervisory controls, guidelines, and contacts. The agency credited Level 6.

At Level 6, the supervisor reviews completed work for conformance with policy and requirements. The employee is recognized as an authority on processing transactions or completing assignments within a complicated framework of established procedures and guidelines, often when there are no clear precedents. This recognition typically extends beyond the immediate office or work unit to the overall organization or, in some cases, outside the organization. The employee is regarded as an expert source of information on regulatory requirements for the various transactions, and is frequently called upon to provide accurate information rapidly on short notice. Guidelines for the work are numerous and varied, making it difficult for the employee to choose the most appropriate instruction

and decide how the various transactions are to be completed. Guidelines often do not apply directly, requiring the employee to make adaptations to cover new and unusual work situations. This may involve deviating from established procedures to process transactions which cannot be completed through regular channels or involve actions where guidelines are conflicting or unusable. Contacts are with employees in the agency, in other agencies, or with management or users or providers of agency services. The employee provides information, explains the application of regulations, or resolves problems relating to the assignment.

The appellant meets Level 6. The appellant's work is reviewed for conformance with policy and requirements. She works independently and is recognized as the authority when it comes to processing and completing the assignments. She is the authorized contact person for the VWLO program. Victims or witnesses contact her if they have questions on their cases, and therefore, she is regarded as an expert source. The nature of the appellant's work is such that many individual assignments are similar to the action previously completed using established procedures and precedents. If guidelines do not apply, the appellant makes adaptations to resolve the situation. Contacts include victims, witnesses, employees, other agencies, and other law enforcement personnel, for the purpose of resolving problems, explaining rights, and obtaining information. The appellant's responsibility most closely matches Level 6.

At Level 7, the supervisor makes assignments in terms of objectives, priorities, and deadlines. The employee independently completes assignments in accordance with accepted practices, resolving most conflicts that arise. Completed work is evaluated for appropriateness and conformance to policy. Guidelines for the work are more complex than at the next lower grade because the employee encounters a wider variety of problems and situations which require choosing alternative responses. Guides, such as regulations, policy statements, and precedent cases, tend to be general and descriptive of intent, but do not specifically cover all aspects of the assignments. Guidelines apply less to specific actions and more to the operational characteristics and procedural requirements of the program or function. Employees must use significant judgment and interpretation to apply the guides to specific cases and adapt or improvise procedures to accommodate unusual or one-of-a-kind situations. The contacts and purpose of contacts are usually the same as at the next lower level. However, to a greater degree, the employee serves as a central point of contact to provide authoritative explanations of requirements, regulations, and procedures, and to resolve operational problems or disagreements affecting assigned areas.

Level 7 is not met. The appellant serves as the central point of contact to provide information to victims and witness and works with considerable independence on recurring assignments. Her guidelines, i.e., laws, rules, and regulations, however, are more restrictive than those described at this level and do not allow her to adapt or improvise procedures and processes to any significant degree. Unlike this level, much of the appellant's work is performed following established procedures and precedent cases which can be applied to the assignments with minimal interpretation or adaptation. The full intent of Level 7 is not met.

Level 6 is credited for this factor.

Both grading criteria according to the Guide are credited at Level 6, therefore, the appropriate grade is GS-6.

### **Office Automation:**

The appellant's office automation work facilitates the primary work of the position and is not grade-impacting. An evaluation of that work, summarized as follows, shows that the work does not exceed the GS-4 level:

SUMMARY		
FACTOR	LEVEL	POINTS
1. Knowledge Required by the Position	1-3	350
2. Supervisory Controls	2-2	125
3. Guidelines	3-2	125
4. Complexity	4-2	75
5. Scope and Effect	5-1	25
6. Personal Contacts and 7. Purpose of Contacts	2A	45
8. Physical Demands	8-1	5
9. Work Environment	9-1	5
	TOTAL	755

A total of 755 points falls within the range for a GS-4, 655 to 850 points, according to the Grade Conversion Table in the Office Automation Grade Evaluation Guide.

### **Summary**

The legal instruments examining work evaluates at the GS-6 level; the VWLO work evaluates at the GS-6 level; and the office automation work at the GS-4 level. Therefore, the position is properly graded at GS-6.

### **Decision**

This position is properly classified as Legal Instruments Examiner (OA), GS-963-06. This decision constitutes a classification certificate issued under the authority of section 5112(b) of title 5, United States Code. This certificate is mandatory and binding on all administrative, certifying, payroll, disbursing, and accounting officials of the Government.