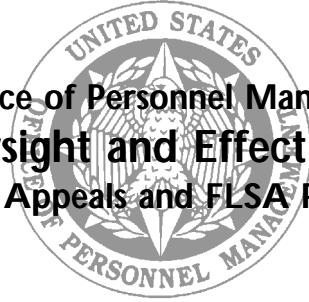


U.S. Office of Personnel Management
Office of Merit Systems Oversight and Effectiveness
Classification Appeals and FLSA Programs



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

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

Appellant: [appellant's name]

Agency classification: Law Enforcement Officer
GS-1802-11

Organization: [appellant's organization]
Law Enforcement and Investigations
Forest Service
Department of Agriculture
[city, state]

OPM decision: GS-1801-9
title at agency discretion

OPM decision number: C-1801-09-03

/s/ Bonnie J. Brandon
Bonnie J. Brandon
Classification Appeals Officer

4/16/99
Date

As provided in section 511.612 of title 5, Code of Federal Regulations (5 CFR), 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).

Since this decision lowers the grade of the appealed position, it is to be effective no later than the beginning of the sixth pay period after the date of this decision, as permitted by 5 CFR 511.702. The servicing personnel office must submit a compliance report containing the corrected position description and a Standard Form 50 showing the personnel action taken. The report must be submitted within 30 days from the effective date of the personnel action.

The personnel office must also determine if the appellant is entitled to grade or pay retention, or both, under sections 5362 and 5363 of title 5, United States Code, and 5 CFR 536. If the appellant is entitled to grade retention, the two-year retention period begins on the date this decision is implemented.

Decision sent to:

[appellant's name and address]

[appellant's servicing personnel office]

Director, Office of Human Resources Management
U.S. Department of Agriculture
J. L. Whitten Building, Room 316W
1400 Independence Avenue, SW.
Washington, DC 20250-9600

Introduction

On September 28, 1998, the Dallas Oversight Division of the U.S. Office of Personnel Management (OPM) received a classification appeal from [the appellant]. His position is currently classified as Law Enforcement Officer, GS-1802-11. However, he believes its classification should be either Law Enforcement Officer, GS-1801-11, or Criminal Investigator, GS-1811-11. He works in the [appellant's activity], Law Enforcement and Investigations, Forest Service, Department of Agriculture, [city, state]. We have accepted and decided his appeal under section 5112 of title 5, United States Code. A Dallas Oversight Division representative conducted an on-site audit of [the appellant's] position on March 25-26, 1999.

The appellant's position was audited by the Forest Service in August 1996. As a result of the audit, his position was upgraded in April 1997. The classification of the appellant's position changed from Law Enforcement Officer, GS-1802-9, to GS-1802-11. Since that time, the appellant has been assigned to a different supervisor.

Position information

The appellant serves as the sole Law Enforcement Officer and program manager for the public safety and patrol aspects of the law enforcement program for two administrative units, the [names of the two units]. He is responsible for the enforcement of Forest Service (FS) regulations and policies and criminal laws of the United States. Law enforcement work is carried out through patrol and the investigation, detection, or apprehension of individuals suspected of offenses against FS regulations or U.S. criminal laws. The appellant leads, manages, plans, and develops the law enforcement program, policies, and procedures for the [two administrative units].

The appellant's duties and responsibilities fall into three different areas: program management, investigation, and enforcement. Program management involves providing technical direction and advice in law enforcement matters to managers and personnel on both Units; developing and monitoring law enforcement plans; developing and administering cooperative agreements; planning and conducting Forest Protection Officer training; advising Forest Protection Officers on violation notices; assisting managers in formulating Special Orders; assessing the needs of the program; managing the internal automated law enforcement tracking system; and performing liaison and coordination work with local, State, and Federal Government agencies.

The appellant's investigation work involves his conducting investigations into misdemeanor and felony crimes and offenses of FS regulations and Federal criminal laws, or investigations of civil and administrative matters which may result in a claim for or against the Federal Government. The investigations involve matters relating to Forest resources such as range, recreation, timber, soil and water, archeology, paleontology, and fish and wildlife. Investigations also delve into incidences of fire, personal injury, or fatal accidents on FS land. The appellant's investigative work consists of preserving crime scenes, collecting physical evidence at the scene, interviewing witnesses and suspects, corroborating information, locating and analyzing pertinent documents,

serving subpoenas or summons, evaluating the facts, preparing reports, and testifying at hearings and trials.

Enforcement work is accomplished by monitoring and patrolling district lands, especially in areas where violations typically occur due to the type of forest resources available to the public (e.g., offenses involving firewood cutting, motorized vehicle trespass, camping area violations). The appellant's patrol work occurs mostly during the weekend, during his Administratively Uncontrollable Overtime hours of work. The work is done to detect and prevent violations of FS regulations, policies, and permits and to gain compliance from permittees and the public who use and enjoy FS lands. This enforcement work involves writing violation notices (tickets), warning notices, and incident reports and informing the public and permittees of proper procedures and regulatory requirements.

The appellant's geographic area of responsibility extends over three states, [names of the states]. All of this area was formerly part of the [name of a national forest], until the recent split into the two administrative units. The [two administrative units] are managed through two different Supervisor's Offices, complete with separate management teams. There are 7 districts on the two administrative units, covering about 2.2 million acres of land, and 20 counties. The appellant is duty-stationed in [city, state] collocated with [name of a specific district] personnel.

The appellant's position is part of the national Law Enforcement and Investigations (LE&I) component of FS and is not managed, or supervised, by District or Supervisor's Office personnel. His position fits within Region [identifying number of the region] of the LE&I organization, which encompasses numerous Forests (12). The appellant's supervisor is a Special Agent, GS-1811-12, of the Regional Investigative Unit. [The supervisor's] responsibility entails regional investigations and supervision over the appellant's law enforcement program and work. The appellant's supervisor is located in [city, state] which is 150 miles from the appellant's office. The appellant's supervisor reports to the Regional Special Agent in Charge.

The appellant's official position description, number [number], adequately describes the major duties and responsibilities of his position.

Series determination

The appellant believes his position should be classified in the GS-1801 series or the GS-1811 series, both of which are two-grade interval series. The GS-1801 General Inspection, Investigation, and Compliance Series includes positions the primary duties 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, or other mandatory guidelines when such work is not more appropriately classifiable in another series.

The GS-1811 Criminal Investigating Series includes positions that involve planning and conducting investigations relating to alleged or suspected violations of criminal laws. These positions require

primarily a knowledge of investigative techniques and a knowledge of the laws of evidence, the rules of criminal procedure, and precedent court decisions concerning admissibility of evidence, constitutional rights, search and seizure, and related issues; the ability to recognize, develop, and present evidence that reconstructs events, sequences, and time elements, and establishes relationships, responsibilities, legal liabilities, and conflicts of interest in a manner that meets requirements for presentation in various legal hearings and court proceedings; and skill in applying the techniques required in performing such duties as maintaining surveillance, performing undercover work, and advising and assisting the U.S. Attorney in and out of court.

Currently, the appellant's position is in the GS-1802 Compliance Inspection and Support Series, which is a one-grade interval series. This series includes positions which perform or supervise inspectional or technical support work in assuring compliance with or enforcement of Federal law, regulations, or other mandatory guidelines which are not classifiable in another, more specific, occupational series.

The primary work of the appellant's position is in managing the two Units' law enforcement program; investigating violations of FS regulations and policies and Federal criminal laws; and enforcing and gaining compliance with FS regulations, policies, and procedures.

The program management and *some* of the investigative work requires knowledges, analysis, and evaluative judgment that are more typical of two-grade interval work than one-grade interval. For example, the appellant advises Unit management and personnel on law enforcement program matters, evaluates and modifies aspects of the program, and assesses the needs of the program. Some of the more complex, involved cases involve the appellant investigating situations that cross jurisdictional boundaries with other Federal and State agencies. These cases require him to use judgment when developing and analyzing information from various sources. The program management work alone accounts for a significant amount of the appellant's time, 50 percent. Accordingly, a two-grade interval series is appropriate for the appellant's work rather than the one-grade interval GS-1802 series.

For several reasons, the appellant's position does not fit within the GS-1811 series. The primary work is too broad in scope to fit within the GS-1811 series. In other words, the program management and the enforcement and patrol aspects, which are fundamentally important to the purpose of the position, increase the scope of this position beyond investigative work. Since the investigative work is not grade controlling (see pages 9-12 of this decision), there is no justification for placing the appellant's position in the GS-1811 series.

Secondly, and more importantly, *all* of the appellant's investigative work does not fall within the meaning of GS-1811 type of cases. While some of his cases are complex, GS-1811 type, many are less complex and fall within the intent of the GS-083 Police Series type of investigative work. GS-083 work includes preventing, detecting, and investigating violations of laws, rules, and regulations involving accidents, crimes, and misconduct involving misdemeanors and felonies. Investigations of a GS-083 nature occur within a prescribed local jurisdiction where the violations

are clearly within the authority of local law enforcement. GS-083 investigations are limited by agreements with investigative agencies that prescribe responsibility according to the seriousness of crimes committed and monetary values involved. GS-083 investigations are commonly of relatively short durations (e.g., a few days). GS-1811 criminal investigations, by contrast, clearly involve felonies; violate Federal law; extend over other Federal and civil jurisdictions; involve large monetary values; and extend for periods of weeks, months, or even years.

In some cases, GS-083 police officers enforce a wide range of Federal, State, county, and local laws and ordinances. In addition they must be fully cognizant of other bodies of written and unwritten law, such as in the case of Indian reservations where tribal law and custom are often enforced by the Federal police force. At higher grade levels, GS-083 work involves conducting long- and short-term investigations (several days to several weeks), developing informants, developing and following leads, taking statements, analyzing facts to identify suspects and develop case information for use in pressing charges and bringing suspects to trial, coordinating with U.S. Attorneys on case development, working under cover to detect and prevent criminal activities, and coordinating with other law enforcement agencies to gather facts or evidence. Many of the appellant's investigations are more characteristic of GS-083 work than GS-1811.

Further, the way in which the investigative work is structured makes the appellant's work less likely to fully meet the intent of GS-1811 series coverage. The appellant's work involving the more complex, involved investigations (those of a two-grade interval nature) is structured so that he does not *independently* perform the *full range* of typical GS-1811 investigative work. By design, LE&I management imposes distinctions between investigative cases worked by law enforcement officers (LEO's) who are not classified in the GS-1811 series and by Criminal Investigators (classified in the GS-1811 series). LEO's are to work the cases that do not require a substantial amount of time to investigate matters and complete the case. In the appellant's case, his supervisor, a Criminal Investigator, works with him with on the more complex, involved, long-term (lasting from several months to years) cases. For example, the appellant does independently handle the preliminary stage of a complex investigation, preserving the crime scene, collecting evidence, and initially interviewing witnesses. However, he does not handle this type of investigation without periodic guidance and intervention of the supervisor throughout the case. Typically, the supervisor and appellant will interview some witnesses and suspects together, rather than the appellant handling these independently. The supervisor will confer with U.S. Attorneys and other officials on controversial or sensitive matters. In the final stage of the investigation, the appellant puts together his investigative report, which is significant in size and importance. But the supervisor is responsible for tightening up the report, filling in the gaps, and readdressing some of the issues in need of more details and analysis. The organizational structuring of the investigative work makes the appellant's position inappropriate for the GS-1811 series.

The appellant's primary work and the knowledge required to perform that work fit best within the GS-1801 series. He manages the law enforcement program, having responsibility for investigating violations and criminal offenses and enforcing compliance with FS laws and regulations.

Title determination

Titles within the GS-1801 series are not prescribed. The agency has discretion in determining the title of the appellant's position.

Standard determination

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 standards for related kinds of work, with respect to the kind of work processes, functions, or subject matter of the work performed; the qualifications required to do the work; and the level of difficulty and responsibility. Accordingly, the appellant's program management work, which comprises about 50 percent of his time, is appropriately graded by the GS-025 Park Ranger Series. The appellant's investigative work comprises about 40 percent of his time. His complex investigative work is graded by reference to the GS-1811 Criminal Investigating Series, even though the work does not fully meet the intent for coverage under this series. This evaluation shows that this work does not control the overall grade of the position. The appellant's less complex investigative work is not specifically evaluated against the GS-083 standard in this decision. Since the appellant's enforcement work occurs for a small amount of time, approximately 10 percent, the grade level of this work is not specifically addressed in our decision. It too is not grade controlling.

Grade determination

Evaluation using GS-025 standard

The classification standard for the GS-025 Park Ranger Series includes positions the duties of which are to supervise, manage, and/or perform work in the conservation and use of Federal park resources. The duties of these positions characteristically include assignments such as the protection of property from natural or visitor related depredation; dissemination to visitors of general, historical, or scientific information; control of traffic and visitor use of facilities; enforcement of laws and regulations; investigation of violations, complaints, trespass, and accidents; search and rescue missions; and management activities related to various resources. Although this series covers positions with a greater range of assignment areas, it is used here to grade the program management duties and responsibilities of the appellant's position. The GS-025 standard is written in the narrative format. The grade level of positions is determined through the application of two factors, nature of assignment and level of responsibility.

Nature of assignment

This factor measures the complexity and scope of the assignment and the knowledge and skills required to carry out the assignment.

At the GS-9 level, the ranger applies resourcefulness, judgment, and ingenuity in the accomplishment of tasks such as the formulation and execution of park resource and interpretive plans and programs; the promotion of environmental, conservation, and public use programs; the planning and execution of resource management analyses concerning the level and types of uses of resources, deterioration in resources, and changes needed in the operating programs; the planning and execution of management analyses concerning the effectiveness and visitor appeal of the interpretive programs and literature; and the development of necessary program improvements. A ranger at this level may be responsible for overseeing the development and execution of programs, including the coordination of the work of other rangers, or may serve as staff specialist providing advice and guidance agencywide.

At the GS-11 level, the ranger receives assignments which typically consist of diverse complex technical and/or administrative problems. The ranger independently, on a regular and recurring basis, identifies the nature of the problem and the kinds of information, criteria, and techniques needed to arrive at a solution. Typical assignments require consideration of and selection from several alternative approaches or solutions to problems and sometimes require substantial adaptation of standardized guides and criteria. The ranger is required to have substantial knowledge and understanding of the impact that the management of historical, cultural, or natural resources may have on communities and other interested groups. The work situation is characteristically one where development and planning are only partially completed, or if completed, require substantial modification to accommodate different characteristics than previously anticipated.

The nature of the appellant's program management work is most comparable to the GS-9 level. He is responsible for managing and leading the law enforcement program for the [two administrative units]. As such, he provides advice to Forest Unit management in matters relating to law enforcement. He assesses the needs of the program and the law enforcement trends occurring within the two Units. He identifies opportunities for making improvements to the law enforcement program, areas which often cross over into technical resource areas. For example, in the area of enforcing regulations and policies surrounding echinaceae, the appellant has brought up the need for having more distinctions on the amounts which are and are not permitted in the area of "personal collection" of this plant. Similarly, the appellant has raised the issue of the need for more specificity in the area of permitting the collection of paleontological resources, for law enforcement purposes. The appellant also provides input, recommendations, and assistance on various management plans and policies, such as District travel plans and Special Orders, ensuring that law enforcement concerns are appropriately addressed. He exercises control over the violation notices, incident reports, and warning notices written on the two Units. He advises Federal Protection Officers and other FS personnel on the appropriateness of writing violation notices for certain kinds of offenses.

The appellant's law enforcement program, for the most part, is still in the development stage. Because of various factors, he has to "sell" his program to District personnel and work closely with them to establish and promote the program. This becomes complex on account of the vast

geographical distances between the Districts and the independent nature of small, remote offices. Using the national and regional law enforcement plans as guidelines, the appellant develops and revises the law enforcement plans for the two Units. Under his guidance, the Districts develop their own law enforcement plans. The appellant assists the Districts in developing and administering cooperative law enforcement agreements with 12 counties. This work requires him to perform liaison work and to coordinate enforcement planning activities with these county law enforcement entities. The appellant also keeps his program visible by contacting various other local law enforcement agencies within the Districts.

The appellant is responsible for the law enforcement training for both Units. He provides initial and refresher training for Forest Protection Officers. He also provides employee safety and awareness sessions. The appellant oversees the expenditure of the program's budget. In regard to the cooperative agreements, he sets budget priorities among the 12 counties and approves payments. The appellant is responsible for overseeing and maintaining the automated law enforcement reporting system. This often entails providing information from the system to higher level LE&I offices.

The nature of the appellant's program management work does not meet the full intent of the GS-11 level. His work is not characterized by recurring technical or administrative problems or issues that are diverse and complex, such that the nature of the problems, the approaches, and possible solutions require serious analysis. Although the appellant has the difficult responsibility of managing a program that reaches over three states, the problems he encounters do not rise to this level of complexity. The appellant's program is more standard in nature so that he does not have to substantially adapt established and accepted plans and procedures. The appellant's program will require further development and periodic modifications as it becomes more established. However, to this point, his program development and planning do not involve major modifications or additions to manage continual, substantial, and unanticipated changes or needs within the Units, as described at the GS-11 level.

Level of responsibility

This factor takes into account the judgment exercised, the supervision and guidance received, the review of the work, and the personal contacts involved.

At the GS-11 level, the supervisor specifies the objectives and the general scope of the assignment. The ranger is generally free to develop work plans; devise techniques covering both routine and nonroutine operations and activities; and 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 ranger is expected to recognize critical trends in park use and operations, evaluate their significance, and 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. Management plans are

usually reviewed in draft prior to adoption. The ranger has considerable contacts with community officials, various interest groups, and other groups and individuals regarding matters such as the negotiation of agreements, investigation and resolution of complaints, and reconciliation of conflicting viewpoints.

At the GS-12 level, the ranger is usually given broad general objectives and relative priorities for completion of projects or assignments, and is guided additionally by basic policies of the employing jurisdiction. The ranger enjoys marked freedom from technical control and guidance and is expected to independently resolve conflict situations. The supervisor reviews completed work for adequacy in meeting program objectives and agreement with overall policies, but generally not for technical considerations. The ranger is relied upon as an authority within the organization concerning the particular program function or activity. At this level, public contacts are broad and varied.

The level of responsibility in the appellant's program management work is equivalent to the GS-11 level. The appellant's supervisor provides to the appellant general guidance in terms of the objectives and the general scope of the law enforcement program. The appellant independently plans the work, assesses program needs, develops plans, advises Unit management and personnel, and identifies trends associated with violations and crimes within the two Units. When controversial or sensitive matters arise, the appellant's supervisor provides direction and assistance. The appellant's supervisor reviews the work to ensure that a sound approach is being used to accomplish program objectives.

The appellant has considerable contacts with county law enforcement officials; Federal officials from the Bureau of Indian Affairs (BIA), National Park Service, Bureau of Land Management (BLM), and Fish and Wildlife; and State officials from similar agencies. As the Law Enforcement Officer, the appellant is called upon frequently to assist county law enforcement officials with suspected violations or criminal activity. He has considerable contacts with citizens who use the Forest. The appellant's contacts are for the purpose of coordinating efforts, developing cooperative agreements, gaining compliance from Forest users, assisting with local law enforcement activities, and resolving issues involving other jurisdictions. Some of the appellant's contacts involve dealing with difficult, uncooperative people, particularly in instances when people are suspected of having committed violations.

The appellant's level of responsibility does not meet the GS-12 level. He does not conduct his work under such broad objectives or with freedom from supervisory guidance. Although the appellant performs his work independently, he is expected to solicit his supervisor's guidance and advice in controversial or complex matters.

Summary

The nature of the program management work is evaluated at the GS-9 level while the level of responsibility is evaluated at the GS-11 level. The lower of the two grade levels controls the

overall grade of this work, since the full intent of the higher level is not met. Thus, the program management work is evaluated at the GS-9 grade level.

Evaluation using GS-1811 standard

The GS-1811 Criminal Investigating Series standard is written in narrative format. The grade level of work is determined through the application of two factors, complexity of assignments and level of responsibility.

Complexity of assignments

This factor measures the scope, complexity, and sensitivity of investigative assignments.

At the GS-9 level, the investigator performs the full range of investigative functions on assigned cases or portions of cases, from planning through fact-finding, to reporting the results. Assignments at this level typically involve subjects on which information is readily available, cases with straightforward issues or persons that are not controversial, and routine exchanges of factual information with other agencies. The standard illustrates this level with the following examples.

- Subjects of investigations are people whose careers and normal activities are not likely to be adversely affected by the investigation.
- Few or no controversial issues or separate investigative matters grow from the original assignment.
- Facts are relatively easy to find, e.g., through readily accessible records and documents. The interrelationship of facts is readily apparent.
- The investigation rarely involves delicate issues.
- The coordination required with other agencies and individuals involves primarily the willing exchange of factual information and testimony.

Undercover and surveillance work involves a few hours of such activity in situations where the risk of discovery and danger is limited. Surveillance work involves manning a fixed post at a set time and watching and reporting on one or two suspects.

At the GS-11 level, investigations must substantially meet the characteristics illustrated in most or all of the following.

- Cases involve substantial difficulty in resolving conflicts in facts, testimony, or evidence.

- The subject of this level of investigation has characteristics that make the case complex. For example, a subject is suspected of counterfeiting or pushing drugs. This illegal activity is carried out independently by the subject. Or, a subject has a partnership or closed corporation with a record-keeping system which conceals illegal activity.
- Several separate investigative matters normally grow from the assignment. In these instances, the investigator develops the case with the objective of reaching a larger seller, distributor, or other indirectly related participants.
- Cases require considerable skill in establishing the interrelationship of facts or evidence. Records are difficult to find, requiring the investigator to reconstruct information from other sources, such as interviews with uncooperative individuals and organizations.
- Assignments involve sensitive matters. For example, the subject of an investigation is sufficiently prominent to create the potential for local publicity that could cause embarrassment to the agency by casting suspicion on an otherwise respected individual. Another example is that the success of the investigation of illegal activities depends on ensuring the secrecy of the investigation.
- Cases involve a degree of jurisdictional problems. For example, the illegal activity being investigated violates laws and regulations under the jurisdiction of other Federal and State agencies. This requires close coordination with other agencies concerned.

Undercover and surveillance work is more dangerous and extensive than work at the GS-9 level. For example, at the GS-11 level, an investigator would pose as a buyer of illegal goods. Being discovered in this situation would lead to expulsion from the group or result in violent reactions from suspects. Surveillance work at the GS-11 level requires an investigator to observe the characteristics, habits, and movements of a suspect and his/her associates over a period of time and at a number of locations to link all the persons involved in illegal activity.

Some of the appellant's more recent complex investigations involved issues of fire, vandalism, and theft. In one case, he investigated the theft of scoria, a type of rock used for surfacing roads. A private landowner adjacent to Federal lands opened a quarry and removed rock from National Forest lands without authorization. The investigation involved research into the complex land ownership pattern, since a portion of the lands was private surface ownership, but the underlying mineral estate was under the jurisdiction of BLM. Other portions involved FS land. The investigation involved identifying and analyzing numerous documents, conducting many interviews, working with BLM minerals staff, and preparing a case report.

The appellant played a significant role in a felony criminal investigation involving the [geographic name] fire, a 130-acre person-caused fire. In conducting the initial investigation, he determined the cause and origin of the fire and collected and preserved the physical evidence. The appellant shared responsibility with his supervisor for conducting some of the interviews. The investigation

led to juvenile suspects, an aspect which added complexity to the case. The investigation focused on the criminal prosecution of the responsible parties and the recovery of costs for the Government.

In a felony criminal case involving vandalism and theft, the appellant used evidence from the crime scene and informants to identify and develop suspects. He conducted several interviews, some along with this supervisor. The suspects were juvenile-enrolled tribal members, which made the case more complex and sensitive. There were violations of State and Federal laws. The appellant worked with county and BIA officials and investigators.

In another theft case, the appellant investigated a case involving human skeletal remains which were left by a former FS employee in a Government residence. The case required the appellant to find out where the skeletal remains came from, who the rightful owner was, and when the remains were first obtained by the former FS employee. The case was sensitive due to relationships with Native American tribes.

These cases are consistent with the GS-9 level of complexity. The cases center on suspects who were involved in illegal activities that are relatively apparent and clearly defined (theft of property, vandalism of Federal property, fire to Federal property, etc.), rather than illegal activities that are obscured or concealed by legal business activities, or illegal activities that are of a more covert nature, as is typical of the GS-11 level of complexity. The appellant has to develop facts and information pertaining to the case to identify suspects, recover costs for the Government, or correct serious violations. The facts and information developed are typically available through sources such as eye witnesses, informants, resource specialists from State and Federal agencies, county and Federal law enforcement officials, and business documents. The information obtained is usually of a corroborative nature and people are usually cooperative. This meets the GS-9 level, but not the GS-11 level where information is conflicting, sources and documents are very difficult locate, and witnesses are uncooperative. The appellant's cases involve a focus on a few issues up to the completion of the case, similar to the GS-9 level. By contrast, the cases typically do not have several separate investigative matters emerging from each case, nor do they have a focus on expanding a case to investigate several serious issues or indict other people suspected of other crimes, as at the GS-11 level. The appellant's cases involve incidences and crimes that are considered important by the [two administrative units], but are not highly sensitive or controversial in nature. Suspects are not high profile criminals or highly prominent citizens. In this sense, the cases meet the GS-9 level. The appellant's cases involve some jurisdictional issues, since FS land is intermingled with State and private lands and BLM lands and resources. Also, the [name of one of the administrative units] is next to an Indian reservation. The appellant routinely works with county law enforcement officials, BLM and BIA officials, and other State agency officials in investigating cases. This aspect of the appellant's cases is more characteristic of the GS-11 level. The appellant does limited surveillance work. Any such instances are characterized by his watching or setting up cameras to capture activity at a certain location for a defined period of time, similar to the GS-9 level.

Overall, the complexity of the appellant's cases is equivalent to the GS-9 level.

Level of responsibility

This factor measures the kind and extent of supervision given to investigators and the degree of resourcefulness required in finding and verifying information pertinent to cases assigned.

At the GS-9 level, investigators work independently in planning and conducting the work, although they have assistance available throughout the initial, interim, and concluding stages of their assignments. The supervisor reviews the work for technical accuracy and adequacy and for compliance with operating instructions, guides, rules, and regulations. Investigators seek advice when encountering situations that require significant deviation from operating procedures. Investigators must have sufficient resourcefulness and judgment to recognize when they have interviewed enough witnesses and collected enough evidence to complete the case.

At the GS-11 level, investigators receive assignments from the supervisor or initiate their own. They are expected to develop and follow leads without periodic supervisory guidance. Completed work is reviewed for overall adequacy, accuracy, completeness, and accomplishment of objectives. Investigators use more initiative and resourcefulness than at the GS-9 level. Because of conflicts in statements from witnesses, GS-11 investigators develop more information to resolve the conflicts. They must use ingenuity to find witnesses who will admit to knowing the suspect or be willing to talk at all.

The supervisory controls over the appellant are equivalent to the GS-9 level. The appellant's investigative work is initiated by incidences occurring within the Districts. He independently plans and conducts the work, but receives periodic guidance from his supervisor throughout the interviewing, fact-finding, and concluding stages. He independently responds to the crime scene, collects and preserves evidence, photographs the scene, questions local officials, conducts initial interviews with witnesses, identifies and locates relevant documents, analyzes the facts and evidence, and writes case reports. Often, on the more difficult cases, the supervisor and appellant will jointly interview witnesses and suspects. The supervisor shares ideas with the appellant and keeps apprised of the situation throughout the process. The appellant's work, in the form of his case reports, is reviewed by the supervisor for technical accuracy and adequacy. The supervisor reviews the reports to ensure that details, information, and analysis are appropriate and that issues in need of more development are investigated further.

The supervisory controls do not meet the GS-11 level. The appellant receives more frequent supervisory guidance and a more close technical review of his work than do investigators at the GS-11 level.

Summary

The appellant's position is evaluated at the GS-9 level with respect to both classification factors in the GS-1811 standard.

Decision

The appellant's position is properly covered by the GS-1801 General Inspection, Investigation, and Compliance Series, graded at GS-9, and titled at the agency's discretion.