

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

Atlanta Oversight Division  
75 Spring Street, SW., Suite 972  
Atlanta, GA 30303-3109

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

<b>Appellant:</b>	[Appellant]
<b>Agency Classification:</b>	GS-1811-13 Supervisory Criminal Investigator
<b>Organization:</b>	[Office] [District] U.S. Marshals Service Department of Justice [Location]
<b>OPM Decision:</b>	Supervisory Criminal Investigator GS-1811-13
<b>OPM decision number:</b>	C-1811-13-04

/s/

\_\_\_\_\_  
Timothy P. Heath  
Classification Appeals Officer

7/12/01

\_\_\_\_\_  
Date

As provided in section 511.612 of title 5, Code of Federal Regulations, this decision constitutes a certificate that is mandatory and binding on all administrative, certifying, payroll, disbursing, and accounting officials of the government. The agency is responsible for reviewing its classification decisions for identical, similar, or related positions to ensure consistency with this decision. There is no right of further appeal. This decision is subject to discretionary review only under conditions and time limits specified in the Introduction to the Position Classification Standards, appendix 4, section G (address provided in appendix 4, section H).

**Decision sent to:**

[Appellant]

Assistant Director  
Human Resources Office  
U.S. Marshals Service  
600 Army Navy Drive  
Arlington, VA 22202

Director of Personnel  
U.S. Department of Justice  
JMD Personnel Staff  
1331 Pennsylvania Ave., NW., Ste. 1110  
Washington, DC 20530

## **Introduction**

On March 2, 2001, the Atlanta Oversight Division, Office of Personnel Management (OPM), accepted an appeal for the position of Supervisory Criminal Investigator, GS-1811-13, at the [Office], [District], U.S. Marshals Service, Department of Justice, [Location]. The appellant is requesting that his position be changed to Supervisory Criminal Investigator, GS-1811-14.

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.

## **General Issues**

The appellant believes that the agency did not correctly credit several factors, e.g., scope and effect, supervisory authorities exercised, personal contacts, and other conditions which add to the complexity of the job, related to his supervisory duties and responsibilities in determining the grade of his position. He believes that had these factors been properly evaluated his position would have been classified as GS-1811-14.

## **Position Information**

The appellant is assigned to position description number [Number]. The appellant, his, supervisor and the agency have certified the accuracy of the position description.

The appellant functions as a Supervisory Criminal Investigator, GS-1811-13, responsible for directing and managing, approximately 90 percent of his time, criminal investigation and law enforcement functions. This includes such as warrant investigations; developing security plans and carrying out protective assignments; providing court security for trials, hearings, and arraignments; conducting pre-seizure and financial investigations and executing court ordered seizures. The appellant also has responsibilities involving the care, custody, security and transportation of prisoners; investigation and apprehension of Federal fugitives; and participation in joint crime task forces. He coordinates criminal investigations and law enforcement activities and maintains liaison with other federal, state, and local law enforcement organizations. The position requires an extensive knowledge of laws, regulations, and procedures enforced by the U.S. Marshals Service to conduct investigations of substantial difficulty. Also required is an extensive knowledge of criminal statutes relating to searches, seizures, arrests, conspiracies, court procedures, writs and warrants.

The appellant reports to the District Assistant Chief Deputy U.S. Marshal or the Chief Deputy U.S. Marshal. The appellant is independently responsible for planning the work to be carried out by subordinates. As the senior investigator, he has sole responsibility for directing, managing, and coordinating the range of investigative and law enforcement

related activities comprising the operational functions of his office. The appellant's immediate supervisor is remotely located and contacts, depending on the situation, normally consist of monthly visits at the appellant's office and telephone calls once or twice a week. Unusual or significant problems are reported to the supervisor.

### **Standards Referenced**

Grade-Level Guides For Classifying Investigator Positions, dated February 1972.  
General Schedule Supervisory Guide, dated April 1998.

### **Series and Title Determination**

The agency determined that the appellant's position is properly placed in the Criminal Investigating Series, GS-1811, and meets the requirements to be titled Supervisory Criminal Investigator. The GS-1811 work represents 90 percent of the work supervised and requires the higher level knowledges and skills. The appellant's position is properly placed in the GS-1811 series. The appellant does not contest the occupational series or title of his position, and we concur.

### **Grade Determination**

The General Schedule Supervisory Guide (GSSG) provides evaluation criteria for determining the grade level of supervisory positions in grades GS-5 through GS-15. This guide uses a point-factor evaluation approach with six evaluation factors designed specifically for supervisory positions. These factors are: program scope and effect, organizational setting, supervisory and managerial authority exercised, personal contacts, difficulty of typical work directed, and other conditions. The duties and responsibilities of the appellant's position meet the criteria for coverage by this guide. The appellant disagrees with the agency's evaluation of Factors 1, 3, 4A, 4B, and 6. He does not contest the agency's evaluation of Factors 2 and 5, and based on our review, we agree. Accordingly, we will limit our discussion to Factors 1, 3, 4A, 4B, and 6.

The position is evaluated as follows:

#### *Factor 1, Program Scope and Effect:*

This factor assesses the general complexity, breadth, and impact of the program areas and work directed, including the organizational and geographical coverage. It also assesses the impact of the work both within and outside the immediate organization. To credit a particular factor level, the criteria for both scope and effect must be met. The agency credited Level 1-3. The appellant believes Level 1-4 is appropriate.

a. Scope

This element addresses the general complexity and breadth of: (1) the program (or program segment) directed; and (2) the work directed, the products produced, or the services delivered. The geographical and organizational coverage of the program (or program segment) within the agency structure is addressed under this element.

At Level 1-3a, the position directs a program segment that performs technical, administrative, protective, investigative, or professional work covering a major metropolitan area, a state, or a small region of several states.

Level 1-3a is met. The appellant's primary work is investigative and protective in nature. The program segment and work directed by the appellant has geographical coverage equivalent to that of a major metropolitan area in the [Number] largest district in the U.S. Marshals Service.

At Level 1-4a, the position directs a segment of a professional, highly technical, or complex administrative program which involves the development of major aspects of key agency scientific, medical, legal, administrative, regulatory, policy development or comparable, highly technical programs; or includes major, highly technical operations at the government's largest, most complex industrial installations.

Level 1-4a is not met. The work directed by the appellant does not involve the development of major aspects of key agency legal, administrative, or policy programs. The primary focus of his work is accomplishment of the agency's mission and responsibilities at the district level.

Level 1-3a is credited for Scope.

b. Effect

This element addresses the impact of the work, the products, and/or the programs described under scope on the mission and programs of the customer, the activity, other activities in or out of government, the agency, other agencies, the general public, or others.

At Level 1-2b, the services or products support and significantly affect installation level, area office level, or field office operations and objectives, or comparable program segments; or provide services to a moderate, local or limited population of clients or users comparable to a major portion of a small city or rural county.

The appellant's position meets and somewhat exceeds Level 1-2b. The appellant is the first line supervisor for 15 U.S. Marshals Service employees and is also responsible for a seven person High Intensity Drug Traffic Area (HIDTA) task force comprised of personnel from other federal, state and local law enforcement agencies. The work directed has an

immediate impact on the [District] which has a geographic area that is larger than the serviced population described at this level.

At Level 1-3b, activities, functions, or services accomplished directly and significantly impact a wide range of agency activities, the work of other agencies, or the operations of outside interests (e.g., a segment of a regulated industry), or the general public. At the field activity level (i.e., large, complex multi-mission organizations or very large serviced populations), the work directly involves or substantially impacts the provision of essential support services to numerous, varied, and complex technical, professional, or administrative functions.

Level 1-3b is not met. Although the appellant's work is often conducted in coordination and cooperation with other federal, state, and local law enforcement agencies, it primarily impacts one District program, which involves investigations and other limited law enforcement activities. The work does not provide essential support functions to numerous, varied and complex technical, professional, and administrative functions. His work does not directly and significantly affect the wide range of agency-wide programs or the work of other agencies described at Level 1-3, since the impact of his program segment is largely in the 5-county area served by the program. While the appellant works with various agencies and organizations outside the U.S. Marshals Service (federal, state, and local law enforcement agencies), there is no evidence that he is making decisions that significantly impact the programs and policies of these organizations.

Level 1-3b is not fully met; therefore, Level 1-2 must be credited for Effect.

Since the appellant's work meets Level 1-3a for Scope and Level 1-2b for Effect, this factor must be credited at Level 1-2 for 350 points.

*Factor 3, Supervisory and Managerial Authority Exercised:*

This factor covers the delegated supervisory and managerial authorities that are exercised on a recurring basis. To be credited with a level under this factor, a position must carry out the authorities and responsibilities to the extent described for the specific level. Levels under this factor apply equally to the direction of specialized program management organizations, line functions, staff functions, and operating and support activities. The agency credited Level 3-2c. The appellant believes that Level 3-3 is appropriate.

To meet Level 3-2c of this factor, positions must carry out at least three of the first four and six or more of the remaining seven authorities and responsibilities described for this level in the GSSG.

Level 3-2c is met. The appellant is responsible for planning and assigning work to be accomplished, and establishing priorities for the 14 subordinate criminal investigators and one administrative support person. He is responsible for the development of performance

standards for and evaluation of the performance of subordinates; providing advice, counsel, and guidance on administrative, technical, and work-related matters; recommending individuals for promotion; and identification of developmental and training needs of subordinate personnel. His supervisory responsibilities also include hearing and resolving complaints from subordinates; effecting minor disciplinary measures; and referring group grievance and serious complaints which he cannot resolve to his immediate supervisor. The supervisory responsibilities delegated to the appellant's position meets 8 of the 10 required authorities (1, 2, 3, 4, 5, 6, 8 and 10) under Level 3-2c. His oversight of the seven federal, state and local law enforcement personnel temporarily assigned to the HIDTA task force does not require the full scope of supervisory duties and responsibilities described at this level.

At Level 3-3, the supervisor must meet one of two conditions. To meet the first condition (Level 3-3a), the supervisor must exercise such delegated *managerial* authority to set a series of annual, multiyear, or similar types of long-range work plans and schedules for in-service or contracted work; determine the best approach for resolving budget shortages; and plan for long range staffing needs. To meet the second condition (Level 3-3b), the supervisor, in addition to exercising the authorities and responsibilities described at Level 3-2c, must meet at least 8 in a list of 15 criteria that establish a level of authority significantly higher than Level 3-2c. This level is intended to credit supervisors who direct at least two or more employees who are officially recognized as subordinate supervisors, leaders, or comparable personnel. Further, the supervisor's subordinate organization must be so large and its work so complex that it requires using those two or more subordinate supervisors or comparable personnel.

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Level 3-3a is not met. The appellant's responsibilities do not include authority for setting long-range work plans which involve subordinate organizational units; resolving budgetary shortages; or planning for long-term staffing needs. The appellant is not closely involved with high level agency officials or personnel in activities related to the development of overall goals and objectives for the agency, its staff, or programs. Therefore, Level 3-3a cannot be credited.

Level 3-3b is not fully met. The appellant exercises supervisory responsibilities over subordinates but does not direct, coordinate or oversee the work of supervisors, leaders, team chiefs, group coordinators, committee chairs, or comparable personnel and/or contractors. The appellant has contacts with other units and organizations but does not have significant responsibilities in dealing with officials of other units or organization. His contacts are limited to justifying and defending actions, interpreting and clarifying policies and procedures, and resolving problems and conflicts. The appellant does not direct a program or program segment with significant resources, make decisions on non-routine or costly or controversial training needs and training requests. The appellant does not have full personnel management authority (e.g., reviewing and approving serious disciplinary actions involving nonsupervisory subordinates or hearing and resolving group grievances or serious employee complaints). This prevents crediting the position with 11 of the 15 criteria required at this level (1,2, 3, 4, 5, 6, 8, 9, 10, 11, and 12) Therefore, Level 3-3b cannot be credited.

This factor is credited with Level 3-2c for 450 points.

#### *Factor 4, Personal Contacts:*

This is a two-part subfactor which assesses the nature and the purpose of personal contacts related to supervisory and managerial responsibilities. The nature of the contacts, credited under Subfactor 4A, and the purpose of those contacts, credited under Subfactor 4B, must be based on the same contacts. The agency credited Level 4-2 for both subfactors. The appellant believes Level 4-4 is appropriate.

#### Subfactor 4A - Nature of Contacts

This subfactor covers the organizational relationships, authority or influence level, setting, and difficulty of preparation associated with making personal contacts involved in supervisory and managerial work. To be credited, the level of contacts must contribute to the successful performance of the work, be a recurring requirement, have a demonstrable impact on the difficulty and responsibility of the position, and require direct contact.

At Level 4A-2, contacts are with members of the business community or the general public; higher ranking managers, supervisors, and staff of program, administrative, and other work unit and activities throughout the field activity, installation, command (below major command level) or major organizational level of the agency; technical or operating level employees of state and local governments; and reporters for local and other limited media outlets reaching a small, general population. Contacts may be informal, occur in conferences and meetings, or take place through telephone, television, radio, or similar contact, and sometimes require non-routine or special preparation.



Level 4A-2 is met. The appellant's regular and recurring contacts are with subordinates and personnel from his own and other federal law enforcement agencies; federal attorneys, members of the judiciary and court staff; state and local law enforcement officials; members of juries; city and county elected officials; prisoners; and the general public. Contacts generally occur face-to-face, during meetings, conferences, and telephone conversations.

At Level 4A-3, contacts are with high ranking military or civilian managers, supervisors, and technical staff at bureau and major organizational levels of the agency; agency headquarters administrative support staff; or with comparable personnel in other federal agencies. In addition, contacts may include key staff of public interest groups with significant political influence; journalists representing influential city or county newspapers; congressional committee and subcommittee staff assistants below staff director or chief counsel levels; contracting officials and high level technical staff of large industrial firms; local officers of regional or national trade associations, public action groups, or professional organizations; or state and local government managers doing business with the agency. Contacts include those which take place in meetings and conferences and unplanned contacts for which the employee is designated as a contact point by higher management. They often require extensive preparation of briefing materials or up-to-date technical familiarity with complex subject matter.

Level 4A-3 is not met. The appellant does not have frequent or routine contacts with individuals at bureau and major organizational levels of the agency or representatives of major media sources. He may have occasional contact with local elected representatives such as mayors, local police chiefs, or sheriffs; however, these occur during the normal course of his duties (e.g., arranging for the confinement of prisoners in city or county jails). Situations requiring the preparation of briefing packages or presentation materials are normally handled at higher levels of the appellant's agency.

Level 4A-2 is credited for this subfactor for 50 points.

#### Subfactor 4B - Purpose of Contacts

This subfactor covers the purpose of the personal contacts covered in Subfactor 4A, including the advisory, representational, negotiating, and commitment-making responsibilities related to supervision and management.

At Level 4B-2, the purpose of contacts is to ensure that information provided to outside parties is accurate and consistent; to plan and coordinate the work directed with that of others outside the subordinate organization; and/or to resolve differences of opinion among managers, supervisors, employees, contractors or others.

Level 4B-2 is met. The primary purpose of the appellant's contacts is to coordinate the work of his subordinates with that of other federal, state and local law enforcement

organizations. Contacts are also made to clarify his role and those of his subordinates and organization in law enforcement matters; to resolve minor conflicts and problems resulting from disagreements over the extent of responsibilities among various agencies; to justify and defend actions by himself or subordinates; and to provide technical guidance or assistance to subordinates or other parties.

At Level 4B-3, the purpose of contacts is to justify, defend, or negotiate in representing the project, program segment(s), or organizational unit(s) directed, in obtaining or committing resources, and in gaining compliance with established policies, regulations, or contacts. Contacts at this level usually involve active participation in conferences, meetings, hearings, or presentations involving problems or issues of considerable consequence or importance to the program or program segment(s) managed.

Level 4B-3 is not met. The appellant's contacts do not typically involve situations requiring him to defend the District's program activities. He is not required to justify or negotiate on behalf of the organization in order to obtain or commit resources, nor to gain compliance with established policies of the organization. In order to represent the organization in program defense or negotiations, a supervisor must necessarily have the requisite control over resources and the authority necessary to gain support and compliance on policy matters.

Level 4B-2 is credited for this subfactor for 75 points.

*Factor 6, Other Conditions:*

This factor measures the extent to which various conditions contribute to the difficulty and complexity of carrying out supervisory duties, authorities, and responsibilities. Conditions affecting work for which the supervisor is responsible may be considered if they increase the difficulty of carrying out assigned supervisory or managerial duties and authorities. The agency credited Level 6-4. The appellant believes Level 6-6 is appropriate.

The GSSG describes two situations, either of which meets Level 6-4. The first situation involves substantial coordination and integration of a number of major work assignments, projects, or program segments of professional, scientific, technical, or administrative work comparable in difficulty to the GS-11 level. Such coordination may involve work comparable to one of the following: identifying and integrating internal and external program issues affecting the immediate organization, such as those involving technical, financial, organizational, and administrative factors; integrating the work of a team or group where each member contributes a portion of the analyses, facts, information, proposed actions, or recommendations; and/or ensuring compatibility and consistency of interpretation, judgment, logic, and application of policy; recommending resources to devote to particular projects or to allocate among program segments; providing leadership in developing, implementing, evaluating, and improving processes and procedures to monitor the effectiveness, efficiency, and productivity of the program segment and/or

organization directed; or reviewing and approving the substance of reports, decisions, case documents, contracts, or other action documents to assure that they accurately reflect the policies and position of the organization and the views of the agency. The second situation involves directing subordinate supervisors or contractors who each direct substantial workloads comparable to the GS-9 or GS-10 level.

The first situation is met. The appellant is responsible for coordinating and integrating agency activities with the activities of other federal, state, and local law enforcement organizations (e.g. Joint Warrant Task Force, HIDTA task force, etc.). He is also responsible for coordinating the activities of subordinates to ensure accomplishment of his agency's responsibilities for investigative and enforcement support and assistance; protection of federal judiciary and government witnesses; seizure of property and assets of criminals; care, custody and transportation of prisoners; and response to emergency situations involving violations of federal laws or threats to federal property. The second situation is not met. The appellant does not direct subordinate supervisors or contractors.

Level 6-5 addresses complications arising from the supervision of work comparable in difficulty to the GS-12 level and requiring significant and extensive coordination and integration. Managing work through subordinate supervisors who each direct substantial GS-11 level workloads may also meet Level 6-5, as might directing GS-13 base level work in some situations.

Level 6-5 is not fully met. As determined under Factor 5, GS-12 characterizes the highest-grade level of the work supervised by the appellant, thus meeting a portion of Level 6-5 requirements. However, unlike Level 6-5, the appellant's work does not require significant and extensive coordination and integration. Supervision at Level 6-5 involves major recommendations that have a direct and substantial affect on the organization and projects managed. Recommended changes to the District's or [Office's] organizational program and projects require a level of approval above the appellant. Consequently, the integration and coordination demands on the appellant's position do not include making the type of major recommendations envisioned at Level 6-5, and this level cannot be credited.

Level 6-4 is credited for this factor, for 1120 points.

### *Summary*

<i>Factor</i>	<i>Level</i>	<i>Points</i>
1. Program Scope and Effect	1-2	350
2. Organizational Setting	2-2	
3. Supervisory and Managerial Authority Exercised	3-2	450
4. Personal Contacts		
A. Nature of Contacts	4A-2	50
B. Purpose of Contacts	4B-2	75
5. Difficulty of Typical Work Directed	5-7	930

6. Other Conditions	6-4	1,120
	Total	3,225

A total of 3225 points equates to GS-13, 3155 to 3600 points, according to the point-to-grade conversion chart in the GSSG.

**Decision**

This position is properly classified as Supervisory Criminal Investigator, GS-1811-13.