

**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:** Training Instructor (Law Enforcement),  
GS-1712-12

**Organization:** [appellant's activity in Department of the Treasury]

**Decision:** GS-1801-12 (Title at the discretion of the agency)

**OPM decision number:** C-1801-12-04

3/26/97

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Conrad U. Johnson                      Date  
Director, Atlanta Oversight Division

PERSONAL

[appellant's name and address]

Dear [appellant]:

This responds to your request for reconsideration of our decision of November 14, 1996, on your classification appeal.

You requested that OPM reconsider the decision to downgrade your position from GS-12 to GS-11 and provided additional information in support of your request that was not considered in the original decision. Our reconsideration will address the grade-level determination since that is the portion of the classification decision with which you disagree.

The information you provided indicates that you have responsibility for designing and developing new courses and completing major revisions in existing courses in the field of law enforcement, with particular emphasis on basic training for persons entering the field of criminal investigation, in addition to instructing. You have been responsible for researching, writing lesson plans, and writing course materials and handouts for such courses as *High Risk Search Warrants*, *Contemporary Violent Groups*, and *Dangerous Motorcycle Gangs*. You update those courses, as well as courses such as *Technical Investigations* and *Vehicle Search*. You identify the knowledge and skills necessary to meet the training objectives and develop lesson plans and updates to reflect changes in technology, methods, and laws. You provide advice and assistance to agents in the field concerning undercover operations and testify as an expert witness in Federal court as requested. You receive direction from the branch chief who assigns work in terms of areas of emphasis, training objectives, and special projects. You are expected to accomplish your assignments with little or no supervisory direction and guidance and to make decisions on the development and delivery of assigned training programs.

### **Grade Determination**

The Grade Level Guide for Instructional Work describes work involved in developing programs of instruction and providing instruction to students and is directly relevant to the work you perform. The Guide is written in a narrative format in two parts. Part I is used to evaluate instructor positions while Part II is used to evaluate instructional specialist work. Your position is evaluated by application of Part I which uses two factors for evaluation purposes: *Nature of assignment* and *Level of responsibility*.

*Nature of assignment:*

This factor encompasses such aspects as the knowledge, skill, and ability required to perform the work, and the complexity and difficulty of the duties and responsibilities assigned.

At the GS-12 level, instructor work falls into two general categories: (1) courses in advanced technical systems, or courses at the upper division undergraduate level, that require the instructor to take the primary role in development of course content or perform professorial functions; or

(2) courses comparable to the graduate level for which supervision and guidelines are closer than for GS-12 courses described in category (1).

(1) Courses at this level that are upper-division undergraduate courses, or courses in advanced technical systems, require the instructor to take a primary role in developing specific course content for the complete course. In addition, GS-12 instructors may arrange and moderate seminars and conferences, provide guidance for students and student projects, give lectures and participate in panel discussions, and/or participate in planning and developing or evaluating and revising the curriculum for their academic department.

Courses taught at the GS-12 level require extensive fact finding and development of source information, and involve more problems in selecting, interpreting, and adapting materials than at GS-11. For example, the subject matter area may be in a new or changing field where little research has been done and source information and training materials are lacking, or the materials are unsuitable for the particular student body; or the course may be in a well established subject-matter area which has major gaps in the available literature or unsatisfactory materials.

OR

(2) Courses taught at the GS-12 level that are graduate level or comparable courses are similar to those taught at the GS-13 level, but the GS-12 instructor's role in course design and development is limited. These courses usually cover subject areas for which there is an abundance of source information; however, the information may be scattered, unorganized, and require supplemental research, coordination, and adaptation.

The GS-12 level is met. You have been responsible for the development and instruction of courses such as *High Risk Search Warrants*, *Contemporary Violent Groups*, and *Dangerous Motorcycle Gangs* and are responsible for keeping those courses current, as well as instructing and updating courses in such subject areas as vehicle search, night vision photography, video taping, wiretapping, and undercover work for investigators. The courses offered include both basic and advanced technical courses in the area of law enforcement and investigation and are presented to law enforcement personnel currently assigned to duties requiring knowledge of the subject matter presented in the courses. These assignments are consistent with the advanced technical courses described in paragraph (1) of the GS-12 level in that the subject matter is continually changing and existing training materials must be regularly revised to incorporate new information and technological developments. For example, the latest developments in technology affect the equipment used in undercover work, night photography, etc., and these changes must be incorporated in the instruction. Your courses dealing with violent groups and motorcycle gangs are also consistent with paragraph 2 since there is less readily available information on all aspects of these subjects, and finding sources and keeping materials current complicates your assignment. The intent of the GS-12 level is met.

At the GS-13 level, instructors design, develop, revise, and conduct courses covering subject-matter areas comparable to graduate school levels. Courses are in subject areas that are unusually broad and highly complex, e.g., a course in national and international security for students at or

preparing for policy-making or command levels. Frequently, courses are in newly emerging or rapidly changing areas, are highly innovative, require extensive authoritative knowledge of the specialty field, and often require interdisciplinary knowledge. Reference sources and materials for these courses may be nonexistent or obsolete, and GS-13 instructors typically carry out course-related original research, i.e., research adding significantly to the existing knowledge of the field, or presenting a new viewpoint or a synthesis of previously unrelated data or ideas. Their research findings are frequently published. This is the highest level illustrated in Part I of the Guide.

The GS-13 level is not met. The courses which you develop, update, and instruct are not comparable to the graduate-level courses cited at this level, but are more appropriately labeled as basic and advanced technical courses similar to those described at the GS-12 level. For example, courses in vehicle search, high risk search warrants, night vision photography, wiretapping, and related areas present technical information rather than the theoretical framework provided in many graduate level courses. The course outlines for your assigned courses include such objectives as identify when an officer may legally search a vehicle; identify the categories, or types, of vehicle searches; recognize the characteristics of a motorcycle gang; identify the membership characteristics and duties of members; identify club colors, patches, nicknames, and graffiti; identify the criminal activities and investments of a motorcycle gang; and identify the basic procedures to follow in the pre-execution of a search warrant briefing. The FLETC [Catalog of Training Programs](#) for Fiscal Year 1996 characterizes virtually all the courses in the catalog as “basic and advanced” training in specialized areas. In no cases are the course offerings described using “graduate level” or similar terminology. Although the agency correctly determined that the courses cover subject matter which is rapidly changing, the basic course structure is relatively constant. For example, courses such as *Contemporary Violent Groups* and *Execution of a Search Warrant* have learning objectives and a course structure which remain relatively unchanged while portions of the content are updated as technology, group/gang information changes, or the nature of current laws change. Adequate reference materials are generally available for the static portion of the courses, and information necessary to update the evolving portion of the course content is generally available but may require research and fact finding. Although your resources may be more limited in some subject areas relating to group/gang activity, you have developed resources in this area and you are, in fact, a point of contact for information gathering. People call you to discuss what is happening. In addition, these areas represent only a small portion of the research and work you perform in relation to your total course assignments. Your courses are not aimed at students in or preparing for management or policy levels as are the courses described at GS-13, but are aimed at persons in operating positions in law enforcement agencies. Also unlike the GS-13 level, the courses you develop do not have the theoretical focus that courses in such areas as national security would have, but are based on practical application of current knowledge to known and potential situations. Although you are an acknowledged expert on the subject of gangs, original research associated with gathering information for course development is limited. There is also no evidence in the appeal record that you regularly perform original research which expands knowledge or presents new viewpoints to a significant extent in your other subject areas, or that the research performed is frequently published outside the course materials. Consequently, the intent of the GS-13 level is not met, and that level cannot be credited.

This factor is evaluated at GS-12.

*Level of responsibility:*

This factor includes such things as independence (e.g., the degree to which work and decisions are supervised or reviewed); the extent to which guidelines for the work are available or must be developed; and the kinds of contacts required to perform the work.

At the GS-12 level:

(1) Instructors teaching upper division undergraduate courses or courses in advanced technical systems receive defined course objectives, but independently develop the total course content. Superiors and peers rely upon the accuracy and adequacy of their course content and technical knowledge of specialty areas. They either determine or are consulted in determinations regarding course content development; this includes choice of topics, subject-matter content, organization of the course, and the emphasis to be given.

The work of GS-12 instructors is reviewed for consistency with course objectives and program policies, and for effectiveness in accomplishing course objectives. They may make extensive outside contacts for source information, gathering facts from various sources such as industry, research laboratories, educational institutions, professional associations, libraries, and other agencies.

Some GS-12 assignments involving undergraduate courses include professorial functions, which typically include contributing to research in the field of competence; curriculum coordination responsibilities; and representing the organization at professional and public gatherings, lectures, and panel discussions.

OR

(2) GS-12 instructors teaching graduate level courses are responsible for the development and adequacy of specific course content. Usually, a curriculum committee, academic department head, or a higher level instructor determines the specific topics to be covered in the course, often with the GS-12 instructor participating in the determinations. Work is reviewed for accomplishment of objectives. Course development in critical subject areas may be reviewed for content, emphasis, clarity, proposed method and approach, and consistency with program policies.

The GS-12 level is met. You develop, update, and instruct basic and advanced technical courses comparable to those cited in the first paragraph of the GS-12 level. You receive course development assignments in terms of general objectives and are expected to perform the research and development tasks necessary to complete assignments without further supervisory direction. This includes any necessary contacts with other law enforcement agencies, educational institutions, professional organizations, and others having information useful in course development. The supervisor reviews the work for overall soundness, coverage, effectiveness in meeting course objectives, and compliance with policy. This is consistent with paragraph (1) of the GS-12 level.

At the GS-13 level, course objectives may be proposed by the instructor or a committee and are usually subject to the approval of the training department head. Based on approved course objectives, instructors at this level devise the original plan and design for the basic concepts of their courses. They also determine the extent of their research and contacts with others. Instructors at this level are relied on as authoritative technical experts in their areas of competence and must assure that their courses mesh with related courses in the organization. They perform professorial functions such as coordinating curriculum development, carrying out research, coordinating student research, or participating in or chairing faculty committees. In performing these functions, they provide educational leadership regarding broad academic policy requirements such as academic standards, admission standards, and advanced degree requirements. Plans proposed by GS-13 instructors are reviewed for consistency with budget resources and policy objectives. Completed work is reviewed for accomplishment of course objectives. This is the highest level illustrated in Part I of the Guide.

The GS-13 level is not met. Although you work with considerable independence and carry out course development assignments in a manner similar to that described at GS-13, the nature of your assignments generally precludes crediting this level. The GS-13 level under this factor is predicated on performance of GS-13 level work under the previous factor (i.e., courses in graduate level programs), where professorial work would be performed under the level of academic autonomy described and would require the level of continuing original research commonly found in such programs. In contrast, you are concerned with the development and instruction of advanced technical courses consistent with the GS-12 level under the previous factor. The record does not support your performance of professorial assignments such as conducting original research or providing educational leadership in developing academic policy.

This factor is evaluated at GS-12.

### **Summary**

Since both factors are evaluated at GS-12, that is the proper grade level of your position.

### **Decision**

Your position is properly classified as GS-1801-12 (Title at the discretion of the agency). 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.

A copy of our reconsideration will be forwarded to your personnel office so they may take appropriate action. If you have any questions, please feel free to contact Ms. Kathy Day, Classification Appeals Officer, at 404-331-3451, Extension 27.

Sincerely,  
Conrad U. Johnson  
Director, Atlanta Oversight Division

Letter to [appellant's servicing personnel officer]

cc:

[appellant's servicing personnel officer]

Mr. Ronald A. Glaser  
Acting Director, Office of  
Personnel Policy  
U.S. Department of the Treasury  
Pennsylvania Avenue at  
Madison Place, NW.  
Room 4150 Treasury Annex  
Washington, DC 20220