

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 1018
Atlanta, GA 30303-3109

Classification Appeal Decision
Under section 5112 of title 5, United States Code

Appellant: [Appellant]

Agency classification: Customs Inspector (Port Director)
GS-1890-11

Organization: Department of the Treasury

OPM decision: Supervisory Customs Inspector
GS-1890-11

OPM decision number: C-1890-11-02

/s/

Virginia L. Magnuson
Classification Appeals Officer

9/20/01

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).

Since this decision changes the title of the appealed position, it is to be effective no later than the beginning of the fourth 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 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.

Decision sent to:

[Appellant]

Mr. Robert M. Smith
Assistant Commissioner of Human Resources
Office of Human Resources Management
U.S. Customs Service
1300 Pennsylvania Avenue, NW.
Washington, DC 20229

Mr. Ronald A. Glaser
Director, Office of Personnel Policy
U.S. Department of the Treasury
1500 Pennsylvania Avenue, NW.
ATTN: Metropolitan Square
Room 6075
Washington, DC 20220

Introduction

On April 12, 2001, the Atlanta Oversight Division of the Office of Personnel Management (OPM) accepted an appeal for the position of Customs Inspector (Port Director), GS-1890-11, [organization], U.S. Customs Service, Department of the Treasury, [geographical location]. The appellant is requesting that his position be classified as Customs Inspector (Port Director), GS-1890-12.

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 5 CFR.

General issues

On March 21, 2000, a member of the staff of the Customs Service's Position Management and Classification Branch, Office of Human Resources Management, conducted an onsite desk audit of the appellant's position. This action was taken following a request for a classification review of this position by the Director of Field Operations, [location], Customs Management Center (CMC). In a memorandum dated July 12, 2000, the CMC was notified that the review had determined that the work assigned to and performed by the appellant warranted classification of the position at the GS-12 level. The memorandum included several recommendations for resolving the classification issue, such as promoting or reassigning the appellant or eliminating the higher level work. No action was taken by the agency on any of the recommendations. The appellant subsequently appealed to OPM.

An Atlanta Oversight Division representative conducted telephone interviews with the appellant and the appellant's immediate supervisor. This appeal was decided by considering the audit findings and all information of record furnished by the appellant and his agency, including his official position description.

Position information

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

The appellant functions as a senior level Customs Inspector and first line supervisor over a small work force consisting of three Customs Inspectors, GS-1890-9 (two full-time and one limited duty), one Customs Inspector, GS-1890-7 (limited duty), and three Customs Inspectors, GS-1890-5 (limited duty), at the [organizational location]. The appellant performs a range of complex advisory and coordination duties and/or other specialized assignments involving highly sensitive passenger, baggage, cargo, and other issues related to import and export to and from the United States through the [geographical location]. The subordinate Customs Inspectors perform the full range of inspection, enforcement and examination work related to the entry and clearance of foreign merchandise, cargo, passengers and baggage, and carriers entering and departing the United States. The purpose of the work is to exclude terrorists, drugs and other contraband;

enforce quotas and marketing agreements; collect and protect revenues due the United States; and facilitate legitimate international trade and traffic.

The appellant works under the administrative supervision of the Port Director, Area Port of [location], who assigns work in terms of management goals and policies and/or as problems or areas warranting analysis or investigation. The appellant independently organizes approaches, determining the extent of fact-finding and analysis, and adapts techniques and methods. The appellant's work is normally accepted without major revisions, and recommendations on changes in procedures and practices are reviewed in terms of effect on other operations and administrative and policy considerations such as time, staff, and costs. The supervisor is kept informed of the status of the appellant's activities and of situations that may have policy or political overtones.

Standards Referenced

Customs Inspection Series, GS-1890, dated April 1973.
General Schedule Supervisory Guide, dated April 1998.

Series and Title Determination

The appellant does not contest the title or series determination of his position. The agency appeal decision determined that the appellant's position is properly placed in the Customs Inspection Series, GS-1890, and meets the requirements to be titled Supervisory Customs Inspector. However, the appellant's SF-50 does not indicate that the position is supervisory. The

GS-1890 work represents 25 percent of the work supervised and the position meets the requirements for coverage by the General Schedule Supervisory Guide (GSSG). We concur that the position is properly placed in the GS-1890 series and titled *Supervisory Customs Inspector*. OPM has not prescribed any parenthetical titles for positions in this series, however, according to the *Introduction to the Position Classification Standards*, section III.H.2, the agency may add a parenthetical designation to the official title when it determines the designation adds materially to the understanding and identification of the position.

Grade determination

The appellant performs both non-supervisory and supervisory duties. Each type of work must be evaluated separately using the appropriate classification criteria for each. The overall grade of the position is the higher level of either the supervisory or non-supervisory work. The appellant does not contest the agency's GS-11 grade determination for his non-supervisory inspector duties. We concur that these duties are properly evaluated at the GS-11 level.

The GSSG is used to grade supervisory work and related managerial responsibilities that require accomplishment of work through combined technical and administrative direction of others; constitute a major duty occupying at least 25 percent of the position's time; and meet at least the lowest level of Factor 3 in this guide, based on supervising Federal civilian employees, Federal military or uniformed service employees, volunteers, or other noncontractor personnel. The

appellant provides technical and administrative direction to a work force comprised of seven subordinate Customs Inspectors. The appellant's immediate supervisor estimated that approximately 35 percent of his work hours are spent providing technical and administrative direction to these subordinates. The appellant also exercises delegated supervisory and managerial authorities identified in Factor 3 of the GSSG to meet the minimum requirements for consideration as a supervisor. Therefore, the GSSG will be used to determine the grade of this position.

The GSSG provides evaluation criteria for determining the grade level of supervisory positions in grades GS-5 through GS-15. The 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 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 its 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 1-2.

a. Scope

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

At Level 1-2a, The program segment or work directed is administrative, technical, complex clerical, or comparable in nature. The functions, activities, or services provided have limited geographic coverage and support most of the activities comprising a typical agency field office, an area office, a small to medium military installation, or comparable activities within agency program segments.

Level 1-2a is met. The appellant's primary work is administrative and technical in nature. The work that he directs principally impacts two counties and the inspection and control activities associated with the clearance of cargo, passengers, and carriers arriving at and departing from the Port of [location]. This is equivalent to the limited geographic coverage typical of an agency field office as described for this level.

At Level 1-3a, the position directs a program segment that performs technical, administrative, protective, investigative, or professional work. The program segment and work directed typically have coverage which encompasses a major metropolitan area, a state, or a small region of several states.

Level 1-3a is not met. The program segment and work for which the appellant is responsible does not involve providing the agency's services for a major metropolitan area, a state, or a small region of several states.

Level 1-2a is credited for this subfactor.

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(s), 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.

This position somewhat exceeds Level 1-2b. Information provided by the appellant reflects that the two county area for which he provides service includes an international airport, two airports handling private aircraft, five bonded warehouses, and six trade zone sites. The appeal record contained a profile of activity at the facility prepared by the agency and provided by the appellant. The profile reflected 426 commercial aircraft arrivals; 82 vessel passengers and crewmen; and 64,824 passengers and pedestrians. This indicates that the facility provides agency services for a population exceeding that comparable to a major portion of a small city or rural county.

At Level 1-3b, the 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.

Level 1-3b is not met. The appellant's work primarily impacts a limited segment of the agency's activities in a two county area. The work does not provide essential support functions to numerous, varied and complex technical, professional, and administrative functions, or directly and significantly affect the wide range of agency-wide programs or the work of other agencies such as described at Level 1-3.

Level 1-2b is credited for this subfactor.

This factor is credited at Level 1-2 for both Scope and Effect for 350 points.

Factor 2 - Organizational Setting

This factor considers the organizational situation of the supervisory position in relation to higher levels of management. The agency credited Level 2-1.

At Level 2-1, the position is accountable to a position that is two or more levels below the first (i.e., lowest in the chain of command) SES, flag or general officer, equivalent or higher level position in the direct supervisory chain.

Level 2-1 is met. The appellant's immediate supervisor is the Port Director, a GS-15 position which reports directly to the Director, [location], Customs Management Center, another GS-15 position.

At Level 2-2, the position is accountable to a position that is one reporting level below the first SES, flag or general officer, or equivalent or higher level position in the direct supervisory chain.

Level 2-2 is not met. The appellant's immediate supervisor is two or more levels below the first SES, flag or general officer, equivalent or higher level position in the direct supervisory chain

This factor is credited at Level 2-1 for 100 points.

Factor 3 - Supervisory and Managerial Authority Exercised

This factor covers the delegated supervisory and managerial authorities which are exercised on a recurring basis. To be credited with a level under this factor, a position must meet the authorities and responsibilities to the extent described for the specific level. The agency credited Level 3-2c

To meet Level 3-2c, the position must carry out at least 3 of the first 4 and a total of 6 or more of the 10 authorities and responsibilities described for this level in the GSSG.

Level 3-2c is met. The appellant is responsible for planning work to be accomplished by subordinates, and setting and adjusting short-term priorities for seven subordinate Customs Inspectors. He assigns work to subordinates based on priorities, selective consideration of the difficulty and requirements of assignments, and the capabilities of employees; evaluates work performance; provides advice, counsel, or instruction to employees on both work and administrative matters; interviews candidates for positions in his unit; recommends appointment, promotion, or reassignment to such positions; hears and resolves complaints from employees, referring group grievances and more serious unresolved complaints to a higher level supervisor or manager; identifies developmental and training needs of employees, providing or arranging for needed development and training; and finds ways to improve production or increase the quality of the work directed. The appellant's delegated supervisory responsibilities include 8 of the 10 required authorities under Level 3-2c (1, 2, 3, 4, 5, 6, 8 and 9).

At Level 3-3, the supervisor must meet one of two conditions. To meet the first condition (Level 3-3a), the supervisor must exercise 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 additional authorities and responsibilities 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.

Level 3-3 is not met. The appellant's duties do not include delegated managerial authority for setting a series of annual, multiyear, or similar types of long-range work plans and schedules for in-service or contracted work; determining the best approach for resolving budget shortages; and planning for long-range staffing needs. In addition, he does not accomplish work through the use of subordinates who function as supervisors, leaders, or in comparable positions.

Level 3-2 is credited for this factor for 450 points.

Factor 4 -- Personal Contacts

This is a two part factor 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.

Subfactor Level 4A- Nature of Contacts

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 units and activities throughout the field activity, installation, command (below major command level) or major organization level of the agency; representatives of local public interest groups; case workers in congressional district offices; technical or operating level employees of state and local governments;

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, televised, radio, or similar contact, and sometimes require nonroutine or special preparation.

Level 4A-2 is met. The appellant's regular and recurring contacts are with representatives of state and local government (e.g., county commissioners, mayors, state elected officials, etc.), representatives of city and county media organizations providing coverage for the general population of the area, and business representatives and other parties having a financial interest in the operations at the Port of [location]. He also has contacts with private groups, schools, colleges, and other organizations desiring knowledge about the nature of his agency's operations and activities.

At Level 4A-3, contacts are comparable to any of the following: 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; key staff of public interest groups (usually in formal briefings) with significant political influence or media coverage; journalists representing influential city or county newspapers or comparable radio or television coverage; 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; and/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's contacts are more limited than those identified at this level. The appellant does not have frequent contacts with high ranking civilian managers, supervisors, and technical staff at bureau and major organization levels of his agency; the agency's headquarters administrative support staff; or with comparable personnel in other Federal agencies. His contacts do not typically involve individuals or parties who are politically influential, represent large regional or national trade organizations, or are associated with influential media outlets. His contacts also do not require the extensive preparation of briefing materials or knowledge of subject matter of the complexity described at this level.

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 credited 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. Contacts by the appellant are primarily for the purpose of planning and coordinating the work performed by his subordinates with that of other organizations, providing accurate information to outside parties and to resolve differences of opinions regarding how activities are or should be carried out or coordinated.

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 contracts. 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 typically do not require him to justify, defend, or negotiate in representing his organization for the purposes of obtaining or committing resources, or to gain compliance with the established policies and regulations carried out or enforced by his organization.

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

Factor 5 - Difficulty of Typical Work Directed

This factor measures the difficulty and complexity of the basic work most typical of the organization(s) directed, as well as other line, staff, or contracted work for which the supervisor has technical or oversight responsibility, either directly or through subordinate supervisors, team leaders, or others. The agency credited Level 5-5.

The GSSG directs that the difficulty and complexity of work directed by first level supervisors be based on a determination of the highest grade which best characterizes the nature of the basic (mission oriented) nonsupervisory work performed or overseen by the organization directed; and constitutes 25 percent or more of the workload (not positions or employees) of the organization. Once this has been established, the proper factor level and points are assigned based on a chart in the GSSG. Level 5-5 is met. This level is assigned when the highest level of base work is GS-9 or 10, or equivalent. The highest level of work which the appellant directs and provides supervision is GS-9. Level 5-5 is credited.

Level 5-6 is not met. This level is assigned when the highest level of base work is GS-11 or equivalent.

Level 5-5 is credited for this factor for 650 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 (whether performed by Federal employees, assigned military, contractors, volunteers, or others) may be considered if they increase the difficulty of carrying out assigned supervisory or managerial duties and authorities. The agency credited Level 6-3 for this factor.

The GSSG describes two types of supervisory situations which meet Level 6-3. The first situation identifies supervision and oversight which requires coordination, integration, or consolidation of administrative, technical, or complex technician or other support work comparable to GS-9 or 10, or work at the GS-7 or 8 level where the supervisor has full and final technical authority over the work. Directing the work at this level (cases, reports, studies, regulations, advice to clients, etc.) requires consolidation or coordination similar to that described at Factor Level 6-2a, but over a higher level of work. The second situation identifies positions which direct subordinate supervisors over positions in grades GS-7 or 8 or the equivalent which requires consolidation or coordination within or among subordinate units or with outside units.

The first situation in Level 6-3 is met. The appellant coordinates, integrates or consolidates administrative, technical, or complex technician or other support work comparable to GS-9 or 10. He has full and final technical authority over the work performed by his subordinates.

At Level 6-4, supervision requires 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.

Level 6-4 is not met. As determined under Factor 5, the highest grade-level supervised by the appellant is GS-9. Additionally, the work does not require the coordination and integration of a number of major work assignments, projects or program segments as identified at Level 6-4.

Level 6-3A is credited for this factor for 975 points.

Summary

<i>Factor</i>	<i>Level</i>	<i>Points</i>
1. Program Scope and Effect	1-2	350
2. Organizational Setting	2-1	100
3. Supervisory and Managerial Authority Exercised	3-3	450
4. Personal Contacts		
A. Nature of Contacts	4A-2	50
B. Purpose of Contacts	4B-2	75
5. Difficulty of Typical Work Directed	5-4	650
6. Other Conditions	6-3a	975
<i>Total</i>		2650

A total of 2650 points equates to GS-11, 2355 to 2750 points, according to the point-to-grade conversion chart in the GSSG.

Decision

This position is properly classified as Supervisory Customs Inspector, GS-1890-11.