

U.S. Office of Personnel Management  
Division for Human Capital Leadership & Merit System Accountability  
Classification Appeals Program

Atlanta Field Services Group  
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:** Seizure and Forfeiture Specialist  
GS-301-9

**Organization:** [organization]  
U.S. Marshals Service  
U.S. Department of Justice  
[location]

**OPM decision:** (Title at agency discretion)  
GS-1101-9

**OPM decision number:** C-1101-09-01\*

/s/ Michael J. Wilkin  
Michael J. Wilkin  
Deputy Associate Director  
Center for Merit System Compliance

July 27, 2005  
Date

\*This decision was initially released as C-1001-09-04.

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 classification 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 (5 CFR 511.702). The servicing human resources 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.

**Decision sent to:**

[appellant]  
[address]  
[location]

[name]  
Assistant Director  
U.S. Marshals Service  
Human Resources Division  
Washington, DC 20530

Director of Personnel  
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## **Introduction**

On February 18, 2005, the Atlanta Field Services Group of the U.S. Office of Personnel Management (OPM) accepted a classification appeal from [appellant]. She is employed as a Seizure and Forfeiture Specialist, GS-301-9, in the [organization], U.S. Marshals Service (USMS), U.S. Department of Justice, [location]. The appellant requests that her position be reclassified as a Property Management Specialist, GS-1101-11. We received the complete appeal administrative report from the agency on March 18, 2005. The appeal has been accepted and processed under section 5112(b) of title 5, United States Code (U.S.C.).

## **General issues**

The appellant makes various statements about her agency's review and evaluation of her position. In adjudicating this appeal, our only concern is to make our own independent decision on the proper classification of her position. Because our decision sets aside any previously issued agency decision, the actions previously taken by the agency in their review of the appellant's position are not germane to the classification appeal process.

The appellant refers to GS-11 positions in other districts which she believes are similar to her position. By law, we must classify positions solely by comparing their current duties and responsibilities to OPM standards and guidelines (5 U.S.C. 5106, 5107, and 5112). Since the comparison to standards is the exclusive method for classifying positions, we cannot compare the appellant's position to others, which may or may not be classified correctly, as a basis for deciding the appeal. In adjudicating this appeal, our only concern is to make our own independent decision on the proper classification of her position. Therefore, we have considered the appellant's statements only insofar as they are relevant to making that comparison.

Like OPM, the appellant's agency must classify positions based on comparison to OPM standards and guidelines. The agency also has primary responsibility for ensuring that its positions are classified consistently with OPM appeal decisions. If the appellant considers her position so similar to others that they all warrant the same classification, she may pursue the matter by writing to her headquarters' human resources office. In doing so, she should specify the precise organizational location, classification, duties, and responsibilities of the positions in question. If the positions are found to be basically the same as hers, the agency must correct their classification to be consistent with this appeal decision. Otherwise, the agency should explain to her the differences between her position and the others.

The appellant discusses duties that she performed several years ago, such as the 1995 [location] seizure. However, 5 U.S.C. 5112 indicates that we can consider only current duties and responsibilities in classifying positions. OPM guidelines and previous decisions show that in evaluating positions such as the appellant's, current duties are those that have occurred in about the past year. Therefore, we could not consider duties performed ten years ago in deciding this appeal.

In reaching our classification decision, we have carefully reviewed all information furnished by the appellant and the agency, including information obtained from telephone interviews with the appellant and her supervisor and all information of record.

### **Position information**

The appellant is assigned to position description (PD) number [#]. She indicates that the PD does not accurately reflect the responsibilities that she actually performs. The appellant believes that she manages assets seized and forfeited in addition to providing technical support for information and financial services. The supervisor certified to the accuracy of the description of duties.

A PD is the official record of the major duties and responsibilities assigned to a position by a responsible management official; i.e., a person with authority to assign work to a position. A position is the duties and responsibilities that make up the work performed by an employee. Classification appeal regulations permit OPM to investigate or audit a position and decide an appeal on the basis of the duties assigned by management and performed by the employee. We classify a real operating position, and not simply the PD. We find that the PD of record contains the major duties assigned to and performed by the appellant and we incorporate it by reference into this decision.

The appellant serves as the focal point for coordinating the legal and administrative aspects of judicial and agency initiated property and asset seizures for the district under the USMS Asset Forfeiture Program. Seized and forfeited assets include such items as vehicles, vessels, aircraft, jewelry, gemstones, precious metals, art, artifacts, cash, financial instruments, and real estate, both residential and commercial. The appellant spends 80 percent of her time coordinating and executing actions for the seizure and forfeiture program, including soliciting, interviewing and working with contractors and realtors, discussing the program's administrative and legal requirements and actions, answering correspondence, and entering and retrieving data from the Consolidated Assets Tracking System (CATS). She spends approximately 20 percent of her time performing administrative tasks, e.g., reviewing invoices and receipts, and tracking the asset program budget.

The appellant reviews seizure and forfeiture related writs, court orders, warrants, etc., for completeness and accuracy of data, such as names, vehicle identification numbers, etc. She obtains assessments and advises the district U.S. Attorney's Office staff on seized assets and property requirements, e.g., title searches and information on property liens, assessments of property value, and known liability issues. She responds to inquiries from other agency personnel, private attorneys, and the general public on seizure and forfeiture administrative guidelines, procedures, or issues. The appellant routinely contacts vendors and contractors to obtain and monitor contracts and small purchase agreements for appraisals, title searches, and maintenance and disposal services on seized and forfeited property.

The appellant represents the Government at auctions of seized property to ensure that all Federal regulations pertaining to the program are followed. This includes proper handling of Government property and presentation of appropriate disclaimers required by the regulations.

The appellant travels to storage areas on a monthly basis to determine that the Government's interests are being properly handled. She may attend seizures of property, if no dangerous situations are present, to take pictures and gain a firsthand view of the property. She interviews General Services Administration approved contractors to determine which ones to use for special projects, e.g. plumbers, electricians, painters, and real estate agents. The appellant solicits realtors to market real property for disposal and maintains contact with the realtors during the entire process. She serves as the Government's representative and point of contact with escrow companies during disposal of real property.

The CATS system supports the management and tracking of seized assets. The appellant retrieves data to obtain current status and processing details of any asset from CATS. This allows her to view the entire life-cycle of an asset and prepare reports. The appellant receives and reviews seizure and forfeiture related writs, court orders and other related documents for completeness and accuracy of forfeiture and seizure information. When errors are identified, such as incorrect vehicle identification numbers on vehicles, she returns the documents to the submitting agency for correction.

The appellant works independently and uses initiative and judgment to accomplish recurring work and resolve routine problems. The appellant keeps the supervisor informed on the status of work and may, in rare cases, request assistance on unusually complicated cases. The supervisor reviews work through meetings, discussions of actions or memos from the appellant, and through review of documents before signing them.

### **Series, title, and standard determination**

The agency classified the appellant's position in the Miscellaneous Administration and Program Series, GS-301, and titled it as a Seizure and Forfeiture Specialist. The appellant believes her position should be classified in the General Business and Industry Series, GS-1101, and titled as Property Management Specialist.

The GS-1100 Business and Industry Group of occupations includes all classes of positions which advise on, administer or perform work pertaining to and requiring knowledge of business and trade practices, characteristics and use of equipment, products or property. It includes establishment and maintenance of contracts with industry and commerce, the provision of advisory services, the examination and appraisal of merchandise or property and the administration of regulatory provisions and controls. The GS-1101 series includes all classes of positions, the duties of which are to administer supervise, or perform (1) any combination of work characteristics of two or more series in this group where no one type of work is series controlling and where the combination is not specifically included in another series, or (2) other work properly classified in this group for which no other series has been provided.

We find that the appellant's position involves administering, coordinating, and performing work pertaining to and requiring a general knowledge of business and trade practices. This position requires analytical ability and judgment and knowledge of the Asset Forfeiture Program and guidelines. The work involves collecting and disseminating information pertaining to forfeited and seized property; establishing and maintaining contacts with industry and commerce

personnel; examining merchandise or property; and administering pertinent program provisions and controls which are characteristic of the GS-1100 group and meets criteria for classification in the GS-1101 series. In contrast, the GS-301 series includes two-grade interval miscellaneous administrative and program work for which no other series is appropriate.

Since the GS-1101 series does not prescribe specific titles, the agency may assign an appropriate title. The GS-1101 series does not have evaluation criteria. We concur with the agency's use of the Administrative Analysis Grade-Evaluation Guide (AAGEG) to determine the grade of the position's analytical work.

As a cross reference, we evaluated the appellant's technical business-related duties and responsibilities using the Loan Specialist Series, GS-1165. Although this series includes positions concerned with loan programs, the duties, responsibilities, and qualification requirements are similar to the appellant's position since both involve analytical and evaluative work requiring knowledge of risk factors to the Government, the practices of business organizations, and pertinent statutory, regulatory, and administrative program provisions.

## **Grade determination**

### ***Evaluation using the AAGEG***

The AAGEG is written in the Factor Evaluation System (FES) format, under which factor levels and accompanying point values are assigned for each of nine factors. The total is converted to a grade level by use of the grade conversion table provided in the standard. Under the FES, each factor level description in a standard describes the minimum characteristics needed to receive credit for the described level. Therefore, if a position fails to meet the criteria in a factor level description in any significant aspect, it must be credited at a lower level.

The appellant disagrees with her agency's determination for four factors and believes that her position should be credited at Levels 1-7, 2-4, 8-2 and 9-2. She agrees with her agency's crediting of Levels 3-3, 4-4, 5-3, and 6 and 7 at 2b. After careful review of the appeal record, we concur with the crediting of Levels 3-3, 5-3, and 6 and 7 at 2b. Our analysis of the factors contested by the appellant and the one with which we disagree follows.

#### ***Factor 1, Knowledge required by the position***

This factor measures the nature and extent of information or facts the individual must understand to do acceptable work and the nature and extent of the skills needed to apply that knowledge.

At Level 1-6, employees apply analytical and evaluative techniques to the identification, consideration, and resolution of issues or problems of a procedural or factual nature. The issues or problems deal with readily observable conditions, written guidelines covering work methods and procedures, and information of a factual nature. Included at this level is knowledge of the theory and principles of management and organization, including administrative practices and procedures common to organizations, e.g., channels of communication, delegation of authority, routing of correspondence, filing systems, and storage of files and records.

Level 1-6 is met. As at this level, the appellant's position requires knowledge of the Asset Forfeiture Program and the guidelines and procedures associated with it, and a general understanding of contracting regulations, including the Federal Acquisition Regulations (FAR). This knowledge is used to discuss the established processes that will be followed for seized property with real estate agents and prepare information to present to the contract officer for review and signature. The position requires knowledge of CATS for the management and tracking of seized assets and an understanding of State real estate regulations in order to ensure real property is properly handled. The issues and problems of this position are comparable to Level 1-6 in that they involve readily observable conditions and facts, e.g., consideration of the type of asset or property involved, net equity for the value of the property, liens that may exist against the property, probable cost of repairs, and probable cost of disposing of it to determine if it is in the Government's best interest to propose the seizure of property. Based on the analysis of information, the appellant makes recommendations concerning whether it would be better for the Government to use a real estate agent or auction company to dispose of property. The appellant reviews proposed seizure assets and explains guidelines so that proper actions are taken by her organization and by outside organizations, such as the Drug Enforcement Agency and the U.S. Attorney's Office. The appellant uses knowledge of the program's guidelines and operating procedures and skill in applying fact-finding techniques to gather and track factual information for compliance with Federal regulations and to review seizure and forfeiture related writs, court orders and other documents for completeness and accuracy.

At level 1-7, work requires knowledge and skill in applying analytical and evaluative methods and techniques to issues or studies concerning the efficiency and effectiveness of program operations. This is in addition to the knowledge of agency program governing statutes and regulations. Employees use this to plan, schedule, and conduct studies to evaluate and recommend ways to improve the effectiveness and efficiency of work operations. Knowledge is applied in developing new or modified work methods, organizational structures, records and files, management processes, guidelines and procedures, and automating work processes for the conduct of program operations.

Level 1-7 is not met. The operational nature of the appellant's work does not require or permit her to plan, schedule and conduct studies to evaluate and recommend ways to improve efficiency and effectiveness of work operations or perform equivalent analytical projects as intended at Level 1-7. The appellant plans and schedules her work and provides advice to others based on established program and procedural requirements and previous case actions. Unlike Level 1-7, her work does not require her to devote a substantial, i.e. 25 percent or more, amount of her time to developing new or modified techniques or procedures for the conduct of program operations or work of similar demands. In contrast, her work consists of following established guidelines or precedent for using the standardized CATS system, maintaining records, preparing for the sale or disposal of property, reviewing assets' documents, etc. As at Level 1-6, most of the projects she works on involve analysis of the facts and observed conditions of particular seized and forfeited assets, or proposed seizures, and are of a repetitive nature with precedents usually available.

Level 1-6 is credited is credited for 950 points.

### *Factor 2, Supervisory controls*

This factor covers the nature and extent of direct and indirect controls exercised by the supervisor, the employee's responsibility, and the review of completed work.

At Level 2-3, the supervisor assigns specific projects in terms of issues, organizations, functions, or work processes to be studied and sets deadlines for completing the work. The employee independently plans, coordinates and carries out the successive steps in fact-finding and administrative issues necessary to complete each phase of assigned projects. Work problems are normally resolved by the employee without reference to the supervisor, in accordance with the body of accepted office policies, applicable precedents, and occupational training. Findings and recommendations developed by the employee are reviewed prior to release and discussion with management officials.

Level 2-3 is met. As at this level, the appellant is responsible for a continuing function and receives assignments from her supervisor. Assignments may be initiated by other enforcement agencies. Even when the appellant directly receives assignments from other agencies, the approval to complete the work is received from the supervisor. Like Level 2-3, the supervisor identifies issues and processes to be completed and deadlines for completion and provides assistance on controversial issues. The appellant plans and coordinates the work and resolves work problems using judgment in choosing, interpreting, or adapting available guidelines to individual cases and problems. Completed work products, e.g., recommendations for property disposal, letters, purchase orders, plans of action, are reviewed, and signed as necessary, by the supervisor prior to release.

At Level 2-4, the supervisor outlines overall objectives, e.g., cost reduction, improved effectiveness and efficiency, better workload distribution, or implementation of new work methods, and available resources. The employee and the supervisor, in consultation, discuss time frames, scope of the assignment, and possible approaches. The employee is fully experienced in applying concepts and methodologies and is a technical authority with responsibility for planning and carrying out the work, resolving most of the conflicts that arise, coordinating with others as necessary, interpreting policy and regulations, developing changes to plans and methodology, and/or providing recommendations for improvements to meet program objectives. The employee keeps the supervisor informed of progress and potential controversies. Completed work is reviewed for overall soundness and effectiveness, feasibility of recommendations, and adherence to requirements.

Level 2-4 is not met. While the appellant works independently, the functions that she performs are based on applying well-defined program requirements, standard operating procedures, and previous seizure actions. While the appellant provides guidance or procedural requirements, she does not provide definitive interpretations of regulations or study procedures, or apply new methods to carry out analyses and studies or equivalent work that requires the exercise of Level 2-4 judgment. As at Level 2-3, her analytical assignments are specific and limited in scope, e.g., individual seizures and associated actions, and do not require or permit the exercise of judgment.

Level 2-3 is credited for 275 points.



#### *Factor 4, Complexity*

This factor covers the nature, number, variety, and intricacy of the tasks, processes, or methods in the work performed; the difficulty in identifying what needs to be done; and the difficulty and originality involved in performing the work.

At Level 4-3, the work principally involves dealing with problems and relationships of a procedural nature rather than the substance of work operations, issues, or other subjects studied. At this level, the employee analyzes the issues in the assignment, then selects and applies accepted analytical techniques such as task analysis, workload measurement, and trend analysis to resolve procedural problems affecting the efficiency, effectiveness, or productivity of the organization and/or workers studied. Projects usually take place within organizations with related functions and objectives, although organization and work procedures differ from one assignment to the next. Organizational efficiency assignments typically involve observing work in progress to identify and resolve problems in work-flow, work methods and procedures, task distribution, overall workload, forms and record keeping, span of control, and organizational structure. When performed, evaluative studies involve measurement of current work output, group productivity and accomplishments, or identification of current resource needs (staff, supplies, equipment, and space). Findings and recommendations are based upon analysis of work observations, review of production records or similar documentation, research of precedent studies, and application of standard administrative guidelines.

Like Level 4-3, the appellant works with observable information and data, such as conditions of property and assets, assessments of value, conditions, and liabilities, actions and documents necessary to follow a course of action, e.g., seizure, maintenance of property, auction or other disposal method, etc. Serving as a focal point for coordinating the legal and administrative aspects of asset and property seizures, she follows program procedural requirements in obtaining and ensuring assessment of property values and liabilities, advising others of requirements and best course of actions based on assessments, and coordinating maintenance and/or disposal of properties. She resolves problems and issues that occur in obtaining and assessing the data, record keeping, budget tracking, etc. As at this level, the procedures vary from one assignment to the next and the analysis involves standard methods and is based on work observations, review of documentation, and use of administrative guidelines, checklists, and precedent cases.

At Level 4-4, the work involves gathering information, identifying and analyzing issues, and developing recommendations to resolve substantive problems of effectiveness and efficiency of work operations in a program setting. Subjects and projects assigned at this level usually consist of issues, problems, or concepts that are not always susceptible to direct observation and analysis. Difficulty is encountered in measuring effectiveness and productivity due to variations in the nature of administrative processes studied and information that is conflicting or incomplete or cannot readily be obtained by direct means. At this level, assignments may involve compiling, reconciling, and correlating voluminous workload data from a variety of sources with different reporting requirements and formats, or the data must be carefully cross-checked, analyzed, and interpreted to obtain accurate and relevant information. Characteristic of work at this level is originality in refining existing work methods and techniques for application to the

analysis of specific issues or resolution of problems. For example, the employee may revise methods for collecting data on workload, adopt new measures of productivity, or develop new approaches to relate productivity measurements to a performance appraisal system.

Level 4-4 is not met. The appellant's assignments involve gathering data and analyzing issues for each individual case but, unlike Level 4-4, they do not routinely involve issues or problems that are difficult to identify through direct observation and analysis, or situations where information is conflicting, incomplete, or difficult to obtain. Typical of Level 4-3, the work consists of identifying problems and recommending solutions involves observable conditions or situations, e.g., identifying and reconciling inconsistent or incorrect information, ensuring that assessments are complete, coordinating timely actions and ensuring property is properly handled and documented, and performing a standard net equity and other analysis to determine the best course of action involving seized property or proposals to seize assets. Typical of Level 4-3, her assignments involve the study of individual cases using administrative guidelines and processes, such as contained in the Asset Forfeiture Program Pre-seizure Planning Guide or established for the handling of jewelry, antiques, and collectibles, and review of legal documents for required property information and signatures. As at that level, she adapts and interprets available guidelines for individual situations encountered, but the work performed does not typically require the refinement of work methods and techniques, the revision of methods of collecting workload data, or the adoption of new measures of productivity envisioned at Level 4-4.

Level 4-3 is credited for 150 points.

#### *Factor 8, Physical demands*

This factor covers the requirements and physical demands placed on the employee by the work assignments. This includes physical characteristics and abilities and the physical exertion involved in the work.

At Level 8-1, the work is primarily sedentary, although some slight physical effort may be required. At Level 8-2, the work regularly involves long periods of standing, bending and stooping to observe and study work operations in an industrial, storage, or comparable work area.

Level 8-1 is met. Comparable to this level, the appellant primarily works at a desk in an office setting and the work is sedentary. There are some periods of walking; standing; bending; carrying light items. Level 8-2 is not met since the appellant's duties do not routinely involve extended periods of standing, bending, and stooping, in a comparable setting. She physically goes to each property at least one time per month in order to observe the condition of the properties and maintenance that may be required there, but this work does not present significant physical demands.

Level 8-1 is credited for 5 points.

### *Factor 9, Work environment*

This factor considers the risks and discomforts in the employee's physical surroundings and the safety regulations required.

At Level 9-1, the work is typically performed in an adequately lighted and climate controlled office, but it may require occasional travel. At Level 9-2, assignments regularly require visits to manufacturing, storage, or other industrial areas, and involve moderate risks or discomforts. Protective clothing and gear and observance of safety precautions are required.

Level 9-1 is met. Like this level, the appellant usually works in an office, but her work may require occasional travel, such as to seizure sites or the areas where seized articles are stored. Level 9-2 is not met. The appellant visits automobile storage locations and locations of seized and forfeited real estate. However, this does not involve the risks or discomforts intended at Level 9-2. She is not required to wear protective clothing and is not required to attend seizures where there is an expectation of any danger.

Level 9-1 is credited for 5 points.

#### *Summary*

<i>Factor</i>	<i>Level</i>	<i>Points</i>
1. Knowledge required by the position	1-6	950
2. Supervisory controls	2-3	275
3. Guidelines	3-3	275
4. Complexity	4-3	150
5. Scope and effect	5-3	150
6. & 7. Personal contacts/Purpose of contacts	2-b	75
8. Physical demands	8-1	5
9. Work environment	9-1	<u>5</u>
<i>Total</i>		1885

The total of 1885 points falls within the GS-9 range (1855-2100) on the grade conversion table provided in the standard.

#### *Evaluation using the GS-1165 standard*

The GS-1165 standard is written in narrative format. Each of the grade level criteria includes a discussion of the most significant classification factors: the *Nature of loans* and the *Nature of supervision received*. *Nature of the loan* measures the difficulty involved in: (1) assessing the ability of prospective borrowers to repay loans and to comply with necessary terms, conditions, and covenants governing the loan, e.g., to make tax payments and maintain adequate insurance coverage on property or to operate under efficient financial management policies; (2) determining appropriate action necessary to resolve borrower's difficulties in meeting loan terms; and, (3) developing sound courses of action in liquidating loans to insure the least amount of loss to the Government or damage to the borrower.

*Nature of supervision received* measures the level of responsibility, including the responsibility assigned to the employee by the supervisor and the kind and degree of supervision exercised over the work; i.e., whether cases of one or several types and levels usually are assigned; and, whether work is segregated with respect to problems and complexities likely to be encountered.

#### *Nature of the loan*

At the GS-9 level, loan specialists perform analyses of the complexity involved in examining loan applications and mortgages pertaining to small residential dwellings, purchase of equipment and machinery, repair of a store, etc. The financial and credit analysis performed at this level is based on well developed facts which are readily evaluated under the criteria established by the agency for approval or disapproval. There is little difficulty in determining the analysis because it is based on salary, wages, or the operation of a relatively stable business and there is little difficulty in determining the financial ability of the applicant or borrower to repay the loan.

Illustrative work at the GS-9 level includes a loan specialist who interviews applicants, develops factual information, and provides financial counseling. In performing the work, the specialist follows the steps and procedures outlined by agency guides as supplemented by the supervisor's instructions. If necessary, the specialist may inspect the applicant's property, plant and equipment, and records, and make inquiries to obtain more information about the applicant. The loan specialist obtains formal appraisals on substantial collateral offered and considers these in conjunction with the information in the loan application and supporting financial statements. The analysis of these statements and comparison of the various ratios revealed in them, as well as the condition of working capital, net profit, and other items, provide the loan specialist with the information to make a report and recommendation to approve or decline the loan application. The completed report with recommendations is submitted to the supervisor for review and referral to higher authorities for final decision. Other GS-9 specialists determine status of realty loans through discussion with lenders and borrowers and recommend foreclosure, or acceptance of a deed in lieu of foreclosure. On agency-owned loan accounts, specialists periodically inspect security property to determine physical condition and to insure that action is taken to make necessary repairs and for the prompt elimination of fire and other hazards, if any. They arrange for payment from tax and insurance account funds of taxes, special assessments, etc., for the renewal of hazard insurance.

The GS-9 level is met. Comparable to this level, the appellant's work involves seized assets including real estate, both residential and commercial. Procedures are available for handling types of assets, e.g., firearms and weapons are sent to the USMS Special Operations Group for destruction; electronics equipment is sent away for recycling or destruction; land, computers, and other specific items are generally sold through auctions; property is evaluated through appraisals; etc. As at the GS-9 level, the appellant interviews and works with realtors, vendors, city managers, and others to obtain pertinent factual information, e.g., liens on property, clear titles, equity, tax debt, needed repairs and maintenance, hazard assessments, the value of the property, etc. She inspects property to determine physical conditions and asset storage areas to determine adherence to requirements. Like GS-9 loan specialists, the appellant analyzes all the facts

pertaining to property, determines the net equity using value minus expenses, and makes recommendations for sale, auction, or other disposal method for property.

At the GS-11 level, loan specialists perform work processes similar to those used by a GS-9 specialist. However, the work pertains to large-scale housing transactions (large multi-family rental projects, operative-builders projects, nursing homes, and the like) and the financial capacity determinations are complicated by the fact that the income is based on the operations of business firms, sometimes with varied activities, or the rental of multi-family housing. The analyses include consideration of anticipated trends of the business operation, the local economy, and the management ability of the principal owners of the business along with factual information obtained through appraisals, inventories, etc. Income estimates are based on analysis of financial statements for several years, commercial credit reports, discussions with local bankers, and commercial industry reports. As illustrated in the standard, GS-11 specialists interview and counsel applicants taking into consideration many more factors than are considered by GS-9 specialists. Their determinations of the financial capacity of those applying for loans may involve analysis of financial statements, collateral appraisals, inventories, credit policies, financial and operating management, trends of the business, etc., in arriving at a conclusion.

The GS-11 level is not met. The record shows that the appellant's work is primarily based on factual information obtained through interviews, records, appraisals and other observable data and does not involve the more extensive analysis and large-scale property transactions characteristic of GS-11 level work. The appellant's position does not require analysis of financial and operating management, anticipated business trends, or other complicated and more judgmental factors associated with large-scale property or larger loans managed at the GS-11 level.

This factor is evaluated at the GS-9 level.

#### *Nature of supervision received*

At the GS-9 level, employees are assigned full responsibility for performing the analysis and making the recommendations. Typically, there is no prescreening in the assignment by the supervisor, but more difficult commercial loans are reviewed and referred to higher graded specialists for action. Completed work is reviewed for compliance with agency policy, regulations, and procedures. More difficult actions are reviewed to determine whether the recommendations made are the best solution to the problem.

The GS-9 level is met. As at this level, the appellant functions independently in planning and accomplishing work that involves well-established facts and established agency criteria. She performs analyses, makes recommendations for actions, and keeps her supervisor informed of work status. The supervisor reviews realtor quotations and, with the appellant, determines the best company to use. She also reviews recommendations and work products.

At the GS-11 level, loan specialists are expected to accomplish the normal day-to-day loan examining and servicing actions without supervisory direction. Actions not covered by

regulations or procedures are discussed with the supervisor. The loan specialist takes the actions necessary to liquidate the loan, such as taking inventory of collateral, determining methods of sale, and arranging for or conducting the auction sale. Completed work is reviewed for compliance with agency policies, regulations, and procedures and to determine whether the recommendation is the best solution to the problem.

The GS-11 level is not met. Unlike this level, most of the appellant's actions are covered by guidelines or procedures, though some may require adaptation to specific cases. The appellant's actions involving inventories of assets, arranging for auction sale, and recommendations for actions typically pertain to less complicated real estate transactions and assets than are identified at this level and do not constitute a similar GS-11 level of responsibility as actions and recommendations involving large scale and complex loan and associated transactions.

This factor is evaluated at the GS-9 level.

Since both factors are evaluated at the GS-9 level, the evaluation of the position using the GS-1165 standard is GS-9.

### *Summary*

Both the program administration and the technical duties of the position are evaluated at the GS-9 level.

### **Decision**

This position is properly classified as GS-1101-9. Selection of an appropriate title is at the agency's discretion.