

# Position Classification Standard for Import Specialist Series, GS-1889

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## SERIES DEFINITION

This series includes positions supervising or performing work that involves primarily the acceptance; tariff classification; appraisal; allowance of specified types of drawback claims; and, in some circumstances, liquidation of formal entries of imported merchandise. The major objectives of the work are to assess customs duties and associated taxes to be paid on imported merchandise, and to assure compliance with related laws regulations. The work requires (1) knowledge of tariff and other import-related laws, regulations, policies, and procedures and of related administrative and judicial rulings; (2) knowledge of the technical or physical characteristics, commercial uses, and trade practices associated with imported merchandise; and (3) judgment in applying these knowledge in order to make decisions on import admissibility, classification, and valuation of merchandise, final settlement of duties and taxes due, and related matters.

This standard supersedes the standard for the Customs Appraising and Examining Series, GS-1892, issued in February 1959.

This classification standard has been developed for positions in the United States Custom Service, Department of the Treasury. Positions in other agencies may not be placed in this series without the approval of the Office of Personnel Management. The standard may be used, however, for making cross-series comparisons guided by sound position classification judgment.

## EXCLUSIONS

1. Positions involved primarily in accepting and assessing customs duties on merchandise imported via international mail and entered informally. Such positions are classified in the [Customs Aid Series, GS-1897](#).
2. Positions involved in inspection work requiring, among other duties and responsibilities, examination and duty assessment of articles typically intended for personal use or merchandise of relatively low value entered informally. Such positions are classified in the [Customs Inspection Series, GS-1890](#).
3. Positions involved primarily in either (1) the final settlement of duties and taxes due on the importation of merchandise requiring lengthy or extensive arithmetic computations, acquisition of warehousing and merchandise manipulation documents, or reference to superseded tariff provisions and rates; or (2) the calculation of allowable drawback to be paid or tax-paid imported merchandise or substituted domestic merchandise requiring documentary tracking of imported products and their quantities from importation, through the manufacturing process, to ultimate exportation as part of finished articles or products. Such positions are classified in the [Customs Entry and Liquidating Series, GS-1894](#).

## OCCUPATIONAL INFORMATION

Import Specialists classify commercially imported articles or products into the most appropriate of about 6,600 separate, but often very similar, items enumerated under the Tariff Schedules of the United States Annotated (TSUSA). They also appraise the statutory unit value of the imported merchandise and determine the applicable rate of customs duty and internal revenue tax. Depending on the time required, Import Specialists may also calculate the total amount of duty and taxes owed on an importation.

Stationed at seaports, international airports, border crossings, and other strategic inland locations, Import Specialists examine document packages submitted by importers or by representatives called customhouse brokers. The document packages, known as "formal entries," are required to legally enter foreign merchandise into the commerce of the United States.

Where there are no obvious restrictions, Customs Inspectors at the piers and loading docks may release the actual merchandise well before the documentation of a formal entry ever reaches the Import Specialist's desk. If, upon reviewing the formal entry documentation, the Import Specialist determines that the imported merchandise is a prohibited substance or article, or is in some other way in violation of law or regulation and should have been denied entry into the nation's commerce, he or she withholds appraisement and initiates an order for redelivery of the merchandise. Monetary bonds required of importers at the time they file their entries help to induce compliance with the law and regulations and, when necessary and practicable, compliance with Customs Service orders for redelivery.

The importer or broker is required to declare on a formal entry's cover document the kind, quantity, and value of merchandise being imported, describe the merchandise in the manner it is described in the tariff schedules, and cite the most applicable tariff item number and trade statistical suffix. The importer or broker must also estimate the amount of duty and taxes payable and attach a check in that amount.

Often, entries contain claims for conditionally free or reduced rates of duty that must be substantiated by additional documentation.

Ideally, the importer's or broker's "entered classification" and entered value" are correct based on proper application of the tariff schedules and the value law. However, the Import Specialist often must change the entered classification, value, or both. Importers or their brokers may, and are encouraged to, consult the Import Specialist in advance of an importation in order to avoid unanticipated changes in the duty and tax they must pay. When the Import Specialist has completed his or her review, the entry package is forwarded either to Liquidators for final computation of duty and tax liability or, if the Import Specialist has already computed the duty and tax, to a unit that bills importers for additional duty and taxes owed and issues refunds for over-payments.

Import Specialists make their classification decisions by identifying the imported article or product including, its features or uses that are significant for tariff classification purposes and applying the tariff classification principles. They appraise merchandise by identifying the dutiable costs involved in its transfer from foreign seller to importer and applying the value law. Import Specialists physically examine samples of imported merchandise or use the results of Customs laboratory analyses when they decide such measures are necessary to make classification and value decisions.

In addition to their role in the traditional Customs Service mission of revenue collection, Import Specialists perform significant trade-related functions. These trade-related functions include:

- verifying importer-reported trade statistical information for forwarding to the Bureau of the Census, where it is compiled and organized for use by domestic industry in monitoring foreign competition and by U.S. trade officials in negotiating foreign trade agreements and administering trade programs;
- identifying the applicability of, and taking actions related to, trade programs designed to protect domestic industry from fierce or unfair foreign competition (e.g., enforcing absolute or tariff-rate quotas and assessing countervailing or anti-dumping duties);
- making eligibility determinations and taking actions established in connection with trade programs intended to facilitate trade either with specific countries or in particular commodities (e.g., Generalized System of Preferences (GSP) and the Civil Aircraft Agreement), and
- enforcing numerous legal and regulatory requirements of other agencies that pertain to particular kinds of products and are for purposes ranging from trademark and patent right protection to protection of endangered species of wildlife.

The work of Import Specialists is varied and covered by many distinct legal and regulatory guidelines; execution hinges on proper classification and appraisal requiring knowledge of the:

- characteristics of particular commodities such as their composition, methods of manufacture or production, and uses;
- trade practices associated with particular commodities, such as in what countries such commodities are produced, the usual commercial quantities in which they are traded, and typical terms and arrangements through which they are sold or consigned;
- tariff classification system and the principles for its use; and
- bases of value under the applicable value law or laws in effect, the methods of appraisal under each basis, and the dutiable elements of cost in an importation.

Import Specialists need to be alert for misrepresentation and fraud. They request financial audits and criminal investigations by other Customs organizations when they judge that fraud is a possibility. They recommend potentially fruitful areas of inquiry and explain the significance of information developed by auditors and investigators. Their knowledge of particular commodities and the manner in which they are bought, sold, packaged, and shipped makes Import Specialists valuable members of "special enforcement teams" established by the Customs Service to combat fraud and smuggling of contraband. Based on their experience with prior importations of local importers, Import Specialists recommend whether or not, and to what extent, Customs should consider the excuses cited by penalized importers.

Import Specialists must deal with the importing public. This public includes the importers themselves and various persons representing them, such as independent customhouse brokers and attorneys, as well as import managers, comptrollers, and other employees of business entities that import commodities into the United States. Examples of dealings include: explaining which forms are necessary in order to formally enter a particular type of importation; acquiring and verifying information on a commodity or on the transactions involved in a shipment or series of shipments; advising a prospective importer on the probable tariff classification of an anticipated import and, if asked, the most advantageous method, in terms of duty rate, of importing a particular commodity; explaining the reason for an advance in the rate of duty and resultant increase in duty owed; or demanding redelivery of products.

### *Legal and Regulatory Framework*

Import Specialists perform their duty assessment and trade-related functions within a framework of law and regulations which includes the Tariff Act of 1930, as amended, the Tariff Schedules, and the legal definitions of value for customs purposes collectively known as the value law. Over the years, the Tariff Act has been amended by Congress through ratification of a series of bilateral and multilateral trade agreements negotiated between the United States and other nations and through enactment of legislation based on foreign policy and economic considerations. In order to carry out the basic law, a large body of customs regulations has been developed and, in the course of interpreting law and regulation, an even larger body of administrative and legal rulings has grown up. The administrative rulings are issued by the Customs Service. Legal rulings result from judicial decisions on duty assessment and other customs-related issues contested in the Court of International Trade and on appeals heard in the United States Court of Customs and Patent Appeals.

The law, regulations, and rulings are the guidelines that both constrain and assist Import Specialists. Decisions and actions that Import Specialists take, particularly on new importations, may be challenged by importers through administrative channels and the courts. If sustained, the contested decisions and actions add to the body of local or national precedent. Therefore, Import Specialists spend a significant portion of their time writing reasoned explanations for their decisions, drawing upon law, regulation, and precedent rulings. Import Specialists may, at times, be expected to serve as a technical resource to Government attorneys or to testify in court in order to explain a challenged determination.

## *The Tariff Schedules and Tariff Classification*

The Tariff Schedules of the United States Annotated (TSUSA) is one of the primary guidelines used by Import Specialists. Assembled and published by the U.S. International Trade Commission, it consists of seven commodity-specific schedules. Thousands of commodities are listed and grouped initially by broad categories such as "Animal and Vegetable Products" and "Textile Fibers and Textile Products." These broad categories are then subdivided into increasingly narrower categories such as "Live Animals," "Meats," "Bird Meat," etc. There is an eighth schedule listing special classification provisions such as those for American goods returned from foreign countries under a variety of circumstances. There are also several appendices, the first of which lists tariff item numbers pertaining to temporary changes to the preceding tariff provisions due to Congressional or Presidential action. The tariff schedules are annotated with general and commodity-specific headnotes that provide instructions to users and rules for interpreting the tariff language and distinguishing the most appropriate tariff classification from overlapping and apparently competing provisions. There are also statistical annotations which include coded categories that are often more specific than the statutory items that determine a rate of duty.

Under any of the first seven schedules, there are five bases (with a few exceptions) on which to classify a given imported article or product:

- (1) "eo nomine," or "by name," such as in classifying "mica, ground or pulverized" or "electrical capacitors;"
- (2) component material in chief value such as in classifying yarns consisting of silk and synthetic fiber blends or upholstered furniture consisting of several kinds of wood, fabric, and metal;
- (3) component material in chief weight such as in classifying footwear which is over 50 percent rubber or plastics by weight;
- (4) chief use such as in classifying articles as "toys" based on the concept that they are chiefly used for the amusement of children or adults; and
- (5) actual use such as in classifying machinery or assemblies as machinery intended for agricultural use where the intent for such use prior to importation can be documented.

In some cases, articles or products are "specifically provided for" by the schedules on one of the above-mentioned bases. There are also general categories for imports that cannot be classified to a specific provision. Import Specialists refer to these catch-all provisions as "basket" provisions.

Typically, it is less difficult to classify imports that are "specifically provided for" than to classify articles for which there is no specific provision. Classification of articles covered by a tariff provision that specifically names them is ordinarily less difficult than classifying articles the classification of which is controlled by composition, value, or use. Classification decisions based on composition, value, or use are often complicated by changes in technology, in the price

of component materials, and in fashion. Classification according to use is often made more difficult yet because of vague definitions such as what constitutes "amusement" in distinguishing toys from other, closely related, articles such as replica models or costume jewelry. An Import Specialist's classification decision can affect whether or not merchandise is allowed into the nation's commerce under an absolute quota or whether or not a free or reduced rate of duty is allowed under a particular trade encouragement program. Decisions regularly result in changes to importers' "entered" or estimated rates of duty than can mean hundreds, thousands, or tens of thousands of dollars in additional duty owed or in duty saved.

### *The "Value Law" and Appraisement*

Another basic guideline, the value law or Section 402 of the Tariff Act of 1930, as amended, controls the appraisement work of Import Specialists. The law establishes and defines several bases of value for customs purposes. It also establishes the circumstances under which each basis of value is to be applied in appraising an imported article and, generally, the costs involved in an importation that are to be considered in the appraisement. The value of merchandise appraised by Import Specialists is significant for customs and related Government purposes, but will not necessarily equal the value of the same merchandise appraised for commercial purposes. Although the value law specifies what kinds of costs are to be considered, the task of identifying the presence of such costs and their true amounts requires thorough knowledge of particular commodities and how they are traded as well as skill in the use of a variety of fact finding techniques.

Import Specialists examine and analyze importation beyond the information presented on the face of documents submitted by importers or their brokers at the time formal entry is filed. Such examination and analysis is more critical when formal entry is made by an importer new to the port or locale, when a new type of article is imported, or when significant aspects of the business transaction between importer and foreign seller have changed. It is this in-depth review of importations that distinguishes the work of Import Specialists from that of related Customs Service occupations.

There are several bases of value used by Import Specialists to appraise the unit value of imported merchandise. The primary basis of value under the current value law is known as "transaction value." It is essentially the price paid or payable by the importer to the foreign seller as reflected in the invoice. Transaction value is based on the assumption that the transaction between foreign seller and importer is "at arm's length," reflecting a truly competitive market price. There are many aspects of the relationship and transaction between importer and foreign seller which Import Specialists must discern and consider before an invoice price is accepted or adjusted in order to arrive at the transaction value. The Import Specialist must recognize and fill any gaps in significant information on the nature of the merchandise, the terms of the sale, and import costs in order to make a valid appraisement. The secondary, or alternate, bases of value, used when no valid transaction value can be determined, include:

- using previously accepted transaction values for identical or similar merchandise;
- finding the deductive value by working back from the selling price of the import in the U.S., deducting importer profit, general expenses, and specified shipping costs; and
- determining the computed value by adding the costs, with certain specified exceptions, associated with the production, purchase, and packing of the imported merchandise. In situations where these bases of value cannot be determined or used as strictly defined by the law, Import Specialists appraise imported merchandise by following generally the methods outlined for each of these bases, but reasonably adjusted within the limits of the law. At times, there may be additional, special bases of value such as those enacted in the past in order to protect particular domestic industries; for example, appraisement on the basis of the selling price of American-made articles closely resembling the imported merchandise. At times, there may also be several value laws in effect simultaneously due to trade considerations or concern for the orderly transition from an established value law to a new one.

## **DEFINITIONS**

Listed below are definitions of terms related to the work of Import Specialists and used in the grade level criteria of this standard.

Appraisement -- Determination of the value of imported merchandise for customs purposes.

Binding cling -- An administrative decision issued by the Customs Service on the appropriate tariff classification and resultant rate of duty for a prospective import. The decision remains in force for 90 days after its issuance, during which time Customs officials everywhere are bound to accept it should entry be filed at their location.

Bonds -- Insurance-like coverage required of importers to insure collection of money due the Government to insure compliance with particular regulations.

Classification -- Assignment of an imported article or product to the most appropriate numbered item in the tariff schedules.

Countervailing duty -- Additional duty imposed to counter artificially low prices of imports due to subsidies given foreign exporters by their governments.

Country-of-origin -- The country in which imported merchandise was produced.

Currency conversion -- changing the value of goods priced in foreign currency to their value in U.S. dollars using the factor (buying rate) certified and published by the Federal Reserve System.

Customhouse brokers -- Referred to as brokers, these individuals are licensed by the Government and are hired by importers to deal with the customs process. They are often also concerned with inland freight forwarding and exportations.

Drawback -- A procedure for refunding 99 percent of duties on exportation of imported goods which meet specified criteria. There are different categories of drawback (e.g., "manufacturer's," "failure-to-meet-specifications," and "same condition").

Dumping (anti-dumping) duties - Punitive duties assessed in excess of normal rates on imports being "dumped" on the U.S. market at artificially low prices and injuring domestic industry. The International Trade Commission is responsible for investigating allegations of "dumping" and issuing findings of injury.

Dutiable value -- The final appraised value of imported merchandise.

Duty -- A tax on the importation of foreign products and merchandise. There are various rates of duty, depending on the kind of product or merchandise being imported.

Entered value - The importer's proposed value of the merchandise stated on the entry.

Entry -- The document package submitted by importers to legally enter foreign products and merchandise into the commerce of the United States. Import Specialists are concerned with formal entries, submitted for commercial importations valued over a specified dollar amount. Informal entries, which require less documentation, are generally reserved for foreign items carried by travelers among their personal baggage.

Estimated duty - Duty deposited by an importer at the time an entry is submitted.

Examination -- The process conducted by a Customs Inspector or an Import Specialist at the docks, trucking terminal, importer's premises, or other designated place, in which imported merchandise is viewed, weighed, measured, and otherwise physically tested or observed to determine if it is (1) correctly invoiced and (2) entitled to admission into the commerce of the United States.

Generalized System of Preferences (GSP) -- A trade program under which designated commodities from specified developing countries may be entered free of duty as an exception to the normal rates.

Invoice -- A document that should accurately reflect the details of a transaction that brings merchandise to the U.S. Kinds of invoices used include commercial and pro forma, depending on regulatory requirements.

Line of merchandise -- Also referred to as a "commodity line" or "line." A group of commodities assigned to an Import Specialist as an area of responsibility. The term is used at all ports, but has no uniform meaning as to the range, kind, or combination of commodities

assigned. Generally, the "lines of merchandise" assigned at any given port are equivalent in terms of workload.

Liquidation -- The final computation of the importer's duty and tax liability for a specific entry. Changes in entered value, classification, quantity, etc. are considered in the computation. Overpayments are returned and under payments are billed.

Marking -- Legible and indelible country-of-origin identification on an imported article or its container as required by law. A considerable body of administrative and judicial precedent has evolved on whether or not, and in what manner, various imported articles must be marked.

Protest - A formal request by an importer for administrative review of a liquidated entry.

Protest for further review - A formal request by an importer for administrative review of a liquidated entry possibly extending to the highest administrative level within the Customs Service if the protest is denied at lower levels. If the protest is ultimately denied by Customs authorities, the importer has recourse to the Court of International Trade.

Quota - A limit on the quantity of particular commodities imported for a certain period of time. There are two types: Absolute, under which merchandise imported after the quota limit has been reached is denied entry; and Tariff Rate, under which merchandise imported after the limit has been reached is subject to substantial increases in the rate of duty.

Rate of duty - There are four types:

- (1) Free
- (2) Specific - based on quantity (for example: 10 cent- each, 5 cent per pound, 7.5 cent per square foot);
- (3) Ad valorem - a percentage of the appraised value; and
- (4) Compound - a combination of specific and ad valorem rates. For example, 3.5 cent per pound + ad val.

Reports of Classification and Value - basic documents completed by Import Specialists and used by them for exchanging significant information on imported merchandise.

Request for Internal Advice - A request either by an importer or by an Import Specialist for national headquarters review of novel issues arising from local review of an entry. Such a request may only be made by an importer prior to liquidation of an entry.

## TITLES

*IMPORT SPECIALIST* is the established title for nonsupervisory positions.

*SUPERVISORY IMPORT SPECIALIST* is established for positions that meet the criteria of the [General Schedule Supervisory Guide](#) for titling as supervisors.

## EVALUATION OF POSITIONS

Supervisory positions are evaluated according to the classification criteria contained in the [General Schedule Supervisory Guide](#). Nonsupervisory positions should be evaluated on a factor-by-factor basis using the factor level descriptions contained in this standard. Office of Personnel Management benchmark positions are included to illustrate how the factor levels may be interpreted. The primary standard may be used to evaluate factors of positions that significantly exceed the factor level descriptions contained in this standard. (See the [Introduction to the Position Classification Standards](#).)

Nonsupervisory positions with staff assignments involving program planning, development, evaluation, or other analytical and coordinative responsibilities primarily related to customs tariff classification and value operations and which require upon entry into the position the same knowledge as that required of positions assigned the day-to-day classification and appraisalment of commercial importations, are covered by the series. Such staff positions should be evaluated by use of grading criteria in this standard and, if necessary, criteria in published standards for other occupations that describe nonsupervisory staff-type work (e.g., [Job Family Position Classification Standard for Administrative Work in the Human Resources Management Group, GS-0200](#)). Differences as well as similarities between the work described in the selected standard and the work of the position to be evaluated should be taken into account in the grade evaluation, following the guidance found in the [Introduction to the Position Classification Standards](#).

## GRADE CONVERSION TABLE

Total points on all evaluation factors are converted to GS grade as follows:

GS Grade	Point Range
5	855-1100
6	1105-1350
7	1355-1600
8	1605-1850
9	1855-2100
10	2105-2350
11	2355-2750
12	2755-3150
13	3155-3600
14	3605-4050

## FACTOR LEVEL DESCRIPTIONS

### FACTOR 1, KNOWLEDGE REQUIRED BY THE POSITION

Factor 1 measures the nature and extent of information or facts which the Import Specialist must understand to do acceptable work (e. g., steps, procedures, practices, rules, policies, principles, and concepts) and the nature and extent of the skills needed to apply those knowledges. To be used as a basis for selecting a level under this factor, a knowledge must be required and applied.

Level 1-5 -- 750 points - This is the basic trainee level. Employees with this level of knowledge are exposed to Import Specialist work through classroom and on-the-job training in the basic principles, practices, and methods of duty assessment.

Assignments at this level, designed for the employee to learn and apply the fundamentals of duty assessment, typically require general knowledge of Customs Service and related Government organizations and functions, skill in analytical reasoning, and skill in communicating factual information orally and in writing.

Knowledge and skill characteristic of this level are applied in the performance of such tasks and procedures as:

- limited screening of import entry document packages for presence of required material such as a properly signed Form A with an entry claiming a free rate of duty under the Generalized System of Preferences;

- reviewing prescribed trade statistics appearing on the statistical reporting copy of the official Customs entry document for agreement with information contained in attached commercial invoices;
- obtaining or compiling price lists, catalogs, and other literature pertaining to particular kinds of merchandise for use by others within the office; and
- finding, applying, and explaining the significance of, key administrative and legal rulings pertaining to particular commodities or import situations as recommended by the supervisor or higher graded employees.

Level 1-6 -- 950 points In addition to those knowledge and skills described at Level 1-5, this level typically requires a good knowledge of commonly applied customs regulations, import requirements of other agencies, tariff classification principles, bases of value under the applicable value law, and sources of factual and interpretive information.

This level of knowledge is used in order to preliminarily screen the full range of entries pertaining to a line of merchandise or to classify, appraise, and make related decisions on importations covered by well-established, directly applicable, and readily available information.

The knowledge and skills required at this level are used to perform such assignments and tasks as:

- independent screening of entry document packages for pertinence to the assigned line of merchandise, presence of prohibited or quota merchandise, required licenses, bonds, or other documentation, and follow-up on missing documents;
- classifying and appraising merchandise or commodities routinely imported through the port based primarily on information in office files such as price lists, catalogs, product literature, prior reports of classification and values, existing Customs laboratory analysis reports, and merchandise samples;
- providing to brokers, prospective importers, and other interested parties tentative tariff classifications and rates of duty for merchandise routinely received through the assigned port;
- formulating questions to importers or foreign sellers to elicit information on commodity characteristics, business transactions, or business relationships needed to make classification, value, and related determinations; and
- composing written rationales in order to support tariff classification and value decisions where administrative and legal precedents in the form of Customs rulings, Treasury decisions, and appeals court decisions are available and directly applicable.

Level 1-7 -- 1250 points - In addition to those knowledge and skills described at the lower levels of this factor, this level typically requires detailed knowledge of the physical characteristics,

terminology, countries of origin, and uses of a particular group of commodities; the manner in which each of the assigned commodities is produced and marketed; special bases of appraisal, if any, such as "cost of production" or "American Selling Price" that apply to particular assigned commodities; and classification principles and concepts specific to particular commodities assigned, such as what constitutes "parts of" versus "partially completed" footwear or machinery, a "toy" versus a "model," or conditions under which a chemical compound containing a benzenoid is not classified as a benzenoid.

Importations reviewed at this level typically are characterized by relatively frequent changes or wide variations in style, composition, construction, use, or country-of-origin; fluctuations in price; changes in marketing practices such as shifting to importing goods on consignment rather than as an outright sale, shifting the countries where, and the production stages at which, components of an imported item are assembled or processed, and increasing or decreasing the amount of technical assistance to a foreign seller or manufacturer.

These knowledge and skills are used to perform such assignments as:

- classifying, appraising, and making related decisions on essentially the full range of merchandise in an assigned line of merchandise formally entered through the local port or border point;
- developing, through interview with importers and by examination of their business records such as correspondence files, pertinent information on commodity characteristics, one or a series of transactions, and business relationships in order to verify or to supplement information on first-time or significantly changed importations or information provided by importers or brokers new to the locality; and
- composing written rationales to support classification, value, and related decisions by drawing analogies from administrative and judicial rulings that are not directly applicable to the case in question.

Level 1-8 -- 1550 points - This level of knowledge requires mastery of the concepts, principles, laws, and regulations which apply to tariff classification and appraisal of imported merchandise; an in-depth, up-to-date knowledge of national import trends and issues; and an intensive, comprehensive knowledge of the characteristics and trade of items within a segment of imported commodities; for example, benzenoid chemicals, oriental foods, woven wearing apparel, or toys from particular countries or regions of the world.

Typically, the employee is recognized throughout the Customs Service as an expert in the commodity specialization and applies the knowledge required to assignments such as:

- researching and developing nationally binding tariff classification decisions for proposed importations which are novel to the United States (either because of advances in technology, significant changes in styling, or prior absence of a U.S. market for the imported product), or which have been designed expressly to circumvent existing classification precedent (as in the case of items proposed as parts of footwear, last classified as substantially completed

footwear, that have been fabricated to within one or two manufacturing steps less than the subject of the last ruling);

- providing authoritative advice on the interpretation of tariff provisions and their application to specific imported commodities to Import Specialists nationwide, to Customs Service headquarters staff, to businesses importing identical goods through ports in more than one Customs region, to national associations representing segments of domestic industry that import commodities, to principal trade officials of foreign governments, and to leading representatives of foreign shippers, sellers, and manufacturers involved in export to the United States;

- planning, developing the content of, and conducting national seminars of experienced Import Specialists designed to broaden and update knowledge of product characteristics, trade patterns and practices, and classification and value issues related to specific commodities and to foster consistency among ports in the classification and value decisions made on importation of these commodities;

- advising, after an authoritative critique, on the probable effects of new or revised tariff language or provisions proposed by persons responsible for developing U.S. or international tariff schedules.

## **FACTOR 2, SUPERVISORY CONTROLS**

"*Supervisory Controls*" covers the nature and extent of direct or indirect controls exercised by the supervisor or another individual over the work performed, the Import Specialist's responsibility, and the review of completed work. Controls are exercised by the supervisor in the way assignments are made, instructions are given to the Import Specialist, priorities and deadlines are set, and objectives and boundaries are defined. The Import Specialist's responsibility depends on the extent to which he or she is expected to develop the sequence and timing of various aspects of the work, to modify or recommend modification of instructions, and to participate in establishing priorities and defining objectives. The degree of review of completed work depends upon the nature and extent of the review; e. g., close and detailed review of each phase of the assignment; detailed review of the finished assignment; spot-check of finished work for accuracy; or review only for adherence to policy.

Level 2-1 -- 25 points The supervisor or an authorized employee of higher grade assigns specific tasks providing clear, detailed instructions. A significant portion of the employee's time at this level is spent working with, observing, questioning, and receiving guidance from the supervisor or higher level employee. This is designed to familiarize the employee with basic duty assessment regulations and procedures, and with the philosophy underlying the various steps in the duty assessment process.

The employee works as instructed and consults the supervisor or higher level employee as needed on all matters not specifically covered by the instructions or guidelines provided. The employee's work is checked in progress, and completed work is reviewed for conformance with the initial specific instructions as well as for accuracy and adequacy.

Level 2-2 -- 125 points - The supervisor or a higher level employee makes continuing assignments and selected individual assignments by providing instructions on methods to use and time frames for completing the work. More detailed instructions are given on new, difficult, or unusual assignments.

The employee completes recurring assignments, such as independent pre-entry screening, without specific instructions. On the more difficult assignments, or when problems or unfamiliar situations arise, the employee obtains guidance from the supervisor or a higher level employee.

The supervisor or higher level employee reviews completed work for technical accuracy and for completeness in terms of compliance with instructions and with applicable regulations and procedures.

Level 2-3 -- 275 points -- The supervisor or an employee of higher grade assigns work, such as all entries for selected commodities within a commodity "line," and indicates any special considerations such as priorities, deadlines, or significant new administrative or judicial rulings. For entries where there is no directly applicable precedent or where there is conflicting precedent, the supervisor or higher level employee assists by discussing the issues involved and the principles that apply.

The employee independently reviews assigned entries to identify the presence, nature, and scope of issues or conditions involved and selects the appropriate established steps, methods, and precedents necessary to complete the duty assessment process and fulfill the import-related requirements of other Government programs.

The employee recognizes and resolves problems and deviations such as inaccurate or insufficient tariff classification and value information; changes in customary business practices of known importers; and trademark, patent, or marking violations.

Liquidated entries or entries completed up to the point of liquidation for regularly assigned commodities, particularly "change" entries, are reviewed on a spot check, sample basis for soundness of tariff classification and value decisions and for proper application of Customs and other agency requirements. The methods used in arriving at the end results are not usually reviewed in detail.

Level 2-4 -- 450 points -- The supervisor sets the overall objectives and resources available. The employee and supervisor, in consultation, establish workload requirements, backlog limits, and allocations of staff and funds needed to complete the continuing work of an established commodity line and work required for special projects.

The employee, considered fully proficient in applying principles and practices of tariff classification and appraisal, is responsible for planning and carrying out the duty assessment and related work associated with formal entries of merchandise classifiable within the assigned "line;" resolving most of the disagreements that arise both within the Customs Service organization and with the importing public; coordinating the work with other Import Specialists, Customs Inspectors, chemists, auditors, and investigators as necessary; and interpreting

headquarters instructions and new rulings on own initiative in terms of the assigned line of merchandise. The employee keeps the supervisor or higher graded employee informed of progress; potentially controversial decisions such as those denying merchandise admission, ordering the redelivery of goods, or significantly advancing rates of duty; or far reaching implications such as a change in "established practice" as defined in the Tariff Act and Customs regulations.

Completed work is reviewed only from an overall standpoint in terms of compatibility with decisions and approaches taken in the same or other lines of merchandise and effectiveness in meeting accuracy requirements, working within time constraints, controlling backlogs, and dealing with the importing public.

### **FACTOR 3, GUIDELINES**

This factor covers the nature and extent of guidelines and the judgment needed to apply them. Guides used include, for example: established procedures and policies; the Tariff Schedules of the United States Annotated (TSUSA) with their accompanying interpretive headnotes; the customs value law or laws in effect; administrative and judicial rulings on duty assessment issues such as tariff classification, appraisement, and marking; and references such as procedural and regulatory manuals and handbooks, foreign language dictionaries, foreign currency conversion tables, and commodity-related technical and marketing literature.

Individual jobs in different occupations vary in the specificity, applicability, and availability of the guidelines for performance of assignments. Consequently, the constraints and judgmental demands placed upon employees also vary. For example, the existence of specific instructions, procedures, and policies may limit the opportunity of the employee to make or recommend decisions or actions. However, in the absence of procedures or under broadly stated objectives, employees in some occupations may use considerable judgment in researching literature and developing new methods.

Guidelines should not be confused with the knowledge described under Factor 1, Knowledge Required by the Position. Guidelines either provide data or impose certain constraints on the use of knowledge.

Level 3-1 -- 25 points - Specific, detailed guidelines covering all important aspects of the assigned tasks are provided. Such guidelines typically include detailed written instructions developed by a supervisor or more experienced co-worker. Guidelines cover tasks, such as underlining specified trade statistics appearing on entry documents or coding information in entries pertaining to a particular trade-related program. Guidelines at this level also include directly applicable price lists, catalogs, business, technical and trade publications, prepared lists of specific items such as various automotive parts and their corresponding tariff item numbers, foreign language dictionaries, foreign currency conversion tables, and "watch lists" of prohibited merchandise.

The employee works in strict adherence to the guidelines. Deviations must be authorized by the supervisor or by a higher graded employee.

Level 3-2 -- 125 points - Established procedures and specific guidelines are available to the employee in performing the assignment. In addition to those guidelines described at the next lower level, guidelines regularly applied at this level include the Tariff Schedules of the United States Annotated (TSUSA), the value law, Customs regulations and headquarters instructions, procedural manuals such as handbooks on import statistics verification and reporting and the requirements of other agencies, existing reports of classification and value, and existing reports of laboratory analyses for identical or similar merchandise.

The employee uses judgment in locating and selecting the appropriate guidelines that apply to a particular entry; for example:

- selecting the appropriate tariff item for merchandise that is specifically provided for by name in the TSUSA;
- assessing the amount of duty owed on the importation of an item covered by a "specific rate" of duty;
- citing the applicable regulation and using the appropriate procedures in enforcing the requirements of other agencies such as licenses, bonds, and prohibitions on particular items;
- judging the sufficiency of documentation in support of a claim for allowable damage on imported merchandise.

At this level, the employee may also determine which of several established alternatives to use, such as in applying the more favorable "Column 1" rate of duty or the less favorable "Column 2" rate based on an importation's country-of-origin and that country's trading status with the United States. Where guidelines are lacking or cannot be applied, the problem is referred to the supervisor or to a higher graded employee.

Level 3-3 -- 275 points - Guidelines include a large body of administrative and judicial rulings, on the same kinds of merchandise or products assigned, that supplement the TSUSA, value law in effect, and other guidelines mentioned at lower levels of this factor. Due to variations in items imported or in the business arrangements surrounding their importation, guidelines have gaps in specificity.

The employee uses judgment in interpreting and adapting the guidelines in relation to specific importations. For example:

- in classifying imported articles the classification of which is dependent on concepts such as "chief use" or "ornamentation;"
- in identifying what costs involved in an importation may be considered dutiable in determining the customs value of each unit of merchandise involved;

- in determining whether a seller-importer relationship influenced the "transaction value," as defined in the value law;
- in determining an importation's eligibility under a special, duty-saving, provision where the decision rests on deciding what manufacturing activities constitute "assembly" and what activities constitute "processing"; or
- in developing local guides such as those to supplement headquarters instructions or to assist Customs Inspectors in describing, handling, and sampling particular commodities.

The employee analyzes the results of interpreting the law, regulations, and precedent rulings and compares them with determinations of Import Specialists at other ports. If in doubt or disagreement, the employee pursues clarification and resolution of issues by forwarding his or her decision and rationale through appropriate Customs Service channels.

Level 3-4 -- 450 points -- The employee at this level is responsible for regularly making classification, value, and related determinations on importations involving novel commodities or trade practices where there is no directly applicable precedent, or where it is inconsistent. Novelty is due to such factors as rapid technological change, intense business competition spurring design and fashion changes, prior lack of a U.S. market for a product, or changes in commodities and trade practices deliberately made to exceed the scope of existing customs precedent.

The employee uses experienced judgment and initiative in drawing sound analogies between indirectly applicable precedents and the facts of the importation under review, in applying tariff classification principles underlying guidelines, and in studying trends and patterns in a novel commodity or trade practice to make classification, value, and related decisions such as in:

- deciding whether organic matter never before imported into the United States is most appropriately classifiable as "vegetable," as an "edible preparation," or as a crude or natural medicine when it is used in various countries or at various times of the year in each of these different ways;
- considering conflicting administrative rulings that have in some cases classified television monitors as "television receivers" and in other cases as "parts of office machines" in making a classification decision on imported television monitors intended for new technological applications rather than for traditional home entertainment use; or
- developing national guidance on the propriety of using transaction value as a basis for appraisal, based on in-depth interviews and review of business records, in a series of identical automobile importations being entered around the country that involve novel business relationships.

## FACTOR 4, COMPLEXITY

This factor covers the nature, variety, and intricacy of tasks, steps, 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.

Level 4-2--75 points -- Assignments usually involve specific duties and are intended to orient new employees and to relieve experienced Import Specialists of detailed and routine work. For example, pre- entry document screening; verification of prescribed trade statistical items; telephoning or composing correspondence to brokers, importers, or others to request needed documents or additional information; answering general questions on the classification and value process or the import related requirements of other Government agencies; classifying routinely received items provided for by name in the tariff schedules; and assessing duty on items having specific rates.

Decisions at this level involve making choices from among a few clearly recognizable alternatives such as accepting, rejecting, or holding entry summary packages after reviewing them for the presence of required documents and the completeness and consistency of information provided in those documents.

Actions taken differ based on factual differences such as the kind of article or product being imported; the country-of-origin; the type of formal entry made, such as consumption, warehouse, or Temporary Importation under Bond; or special provisions claimed by the importer.

Level 4-3 -- 150 points -- The work at this level includes independent classification, value, and other import-related determinations on formal entries of importations that are relatively stable in terms of features significant for tariff classification and appraisal. For example, importations where the product is in common use, its physical characteristics and countries-of-origin are well- established and relatively unchanging, prices are relatively stable or current published price lists are available, and where business relationships and dutiable costs are clear-cut.

Deciding what has to be done requires an analysis of each importation to identify the facts, conditions, and issues that are significant for duty assessment and a wide variety of other required actions.

In critically examining an entry and determining what actions to take, the employee must identify and analyze conditions and elements of the importation to discern interrelationships between the facts and the law or regulations such as those between entered classification, entered value, country-origin, and possible quota or GSP duty-free eligibility or between the type of commodity and typical costs associated with its importation and the propriety of "transaction value" as a basis of value.

Level 4-4 -- 225 points -- The work at this level involves consideration and analysis of a variety of commercial importations falling within the assigned line of merchandise. Entries typically

involve importations that are new to the port or locality involving significant changes in commodity design, construction, composition, or trade practices. To develop and verify the information needed to make and legally support classification, value, and other determinations, the Import Specialist must use many different methods and processes. Factual information pertaining to a commodity and an import transaction is derived by such means as searching technical literature and office files; touring manufacturing plants to observe processes and operations; visiting trade shows; interviewing importers or their representatives and reviewing their correspondence files, purchase documents, and other business records; initiating and studying the results of laboratory analyses, audits, and investigations; examining samples of imported commodities; and identifying and consulting recognized private sector experts on the commodity. Information related to statutory and regulatory application is derived by identifying and studying pertinent tariff provisions and interpretive headnotes, administrative rulings, court decisions, and interpretive and explanatory materials such as Federal Register items.

Decisions regarding what needs to be done on such matters as classification, appraisement, GSP free-rate eligibility under the various special provisions of Schedule 8, and admissibility questions require developing sufficient information on new items imported, changed business relationships, unusual business methods, or complicating conditions such as wide variation in prices of similar items due to varying levels of sophistication in production and marketing. The employee often must vary the approach and source where necessary to acquire needed information. Deciding on a course of action is complicated by vague, incomplete, or unreliable information contained in the entry documentation, by lack of information contained in the entry documentation, by lack of information due to importer reluctance to divulge details in highly competitive businesses such as toy manufacturing and women's wearing apparel, and by conflicts between information developed by the Import Specialist and information provided by the importer or customs broker.

The work involves making decisions concerning such things as distinguishing significant from extraneous information in voluminous documents not originally or primarily intended for use by Import Specialists and identifying the most pertinent precedent in order to reach and support classification, value, and other determinations. The work involves decisions concerning the accuracy and credibility of factual information provided by importers and their representatives when considered against trade information developed from other sources. The work involves decisions concerning the merit of rationales developed by importers or their representatives in protests based on interpretive matters.

Level 4-5 -- 325 points -- The work includes varied duties requiring many different processes and methods applied to a broad range of activities (such as are entailed in managing an entire line of merchandise) or a substantial depth of analysis (such as in developing authoritative and comprehensive recommendations on classification and value of novel imports or trade practices reported by Import Specialists throughout the country, on the accuracy and administrative effects of proposed changes in the Tariff Schedules, or on systems or methods for administering special trade Programs for particular commodities).

Decisions regarding what needs to be done in managing the activities of an entire line of merchandise are complicated by major areas of uncertainty in approach resulting from conflicts

between the requirements for expeditious action on formal entries, meticulous administration of trade programs, rigorous enforcement of regulations, and maintaining good working relations with the importing public. Decisions on classification and value issues that are national in scope and significance involve a great deal of uncertainty in interpreting available guidelines in situations where technological and economic developments have altered the kinds of products imported or the manner in which imported articles are produced, used, or traded beyond that contemplated by the guidelines. The wide gap that exists between the facts of such importations and existing guidelines is reflected by the diversity of interpretations among experienced Import Specialists and other knowledgeable persons around the country.

Work at this level requires establishing criteria covering operational matters such as the intensity of review to be given various kinds of importations and the approach to be taken in the interpretation of administrative and legal guidelines with respect to particular imported products. Work at this level also may involve developing new information often involving coordination of fact finding by other, geographically dispersed, Import Specialists and developing new lines of reasoning to support tariff classification of novel imports.

### **FACTOR 5, SCOPE AND EFFECT**

Scope and Effect cover the relationship between the nature of the work (i.e., the purpose, breadth, and depth of the assignment) and the effect of work products or services both within and outside the organization.

Effect measures such things as whether the work output facilitates the work of others or impacts on the adequacy of research conclusions. The concept of effect alone does not provide sufficient information to properly understand and evaluate the impact of the position. The scope of the work completes the picture, allowing consistent evaluations. Only the effect of properly performed work is to be considered.

Level 5-1 -- 25 points -- The purpose of the work is to train the employee in the fundamentals of duty assessment and to familiarize the employee with customs and related programs, organizations, and functions. Work involves the performance of specific, well-defined tasks or procedures.

The work facilitates the work of more experienced employees in the immediate organizational unit. For example, an inexperienced trainee may perform assignments such as updating the contents of a reference file by obtaining or compiling the latest available trade literature, catalogs, invoice prices, and other written materials pertaining to a particular commodity, importer, manufacturer, or producer.

Level 5-2 -- 75 points -- The work primarily involves the application of specific and well-established rules, regulations, and procedures in performing support assignments, such as

preliminary screening, information gathering, and statistical verification and reporting associated with the analysis of and decisions on formal entries made by other employees.

The product affects the accuracy and timeliness of subsequent phases of the duty assessment process such as the classification, appraisal, and liquidation of formally entered imports, and of related processes such as analysis and issuance of trade statistics by the Bureau of the Census.

Examples of the work at this level include:

- examining entry summary packages to assure the presence, completeness, and consistency of required documents and information needed by higher level employees to make classification, value, and related determinations;
- telephoning or composing correspondence to request needed information pertinent to an importation from appropriate sources such as brokers or importers;
- reviewing the statistical copy of the official entry form for the presence of required information items and for their agreement with information in commercial documents in the duty summary package;
- independently classifying and making related decisions on merchandise or products that are specifically provided for by name in the tariff schedules and have specific rates of duty.

Level 5-3 -- 150 points -- The work involves resolving a variety of conventional problems, questions, or situations such as typically arise in classifying, appraising, and making other import-related decisions on entries for commodities routinely imported through the assigned port that are characterized by their relative stability and uniformity in terms of price, country-of-origin, composition, construction, use, or other characteristics significant to duty assessment.

The work contributes to the effective local administration of the duty assessment system and of any special import-related programs in effect such as absolute or tariff-rate quotas, Orderly Marketing Agreements, the Generalized System of Preferences, or licensing and monitoring of certain imported products that pertain to the commodities assigned.

Examples of work at this level include:

- classifying, appraising, and making related decisions on importations similar to those characterized above for a group of commodities that comprise a segment of an established commodity line; such as, office machines and industrial handling machinery within a commodity line that also includes motor vehicles and boats, or tires within a commodity line that includes plastics products and artificial flowers; or
- reviewing an importer's "request for internal advice" in order to determine whether there are novel issues that merit a higher level opinion.

Level 5-4 -- 225 points -- The work involves investigating and analyzing a variety of unusual conditions or questions such as those associated with classifying, appraising, and making related decisions on importations that typically are wholly new to the port or that vary significantly from-prior importations of similar items in terms of origin, physical characteristics, uses, or trade practices.

The classification, value, and related decisions may affect the profits or anticipated profits on new ventures and, therefore, major decisions and activities of businesses ranging from individual entrepreneurs to multinational corporations importing, or planning to import, locally.

Examples of work at this level include:

- Advising a prospective importer concerning the admissibility, probable classification, value, and other legal and regulatory implications of proposed importations involving new designs (such as wearing apparel for a future fashion season or new toys to be marketed during a future Christmas season) or involving new business arrangements (such as result from changes in country-of-origin, processing methods, degree of technical assistance provided by the importer to foreign seller, or procurement methods).
- Determining the duty-free eligibility under the Generalized System of Preferences (GSP) of a first-time importation (example: laminated automobile windshield-the raw glass sheets of which may be produced in industrial countries and shipped to a developing country for processing into finished windshields and export to the U.S.). Beyond the fundamental classification and appraisalment of the imported article, two additional determinations must be made requiring an even more detailed examination of processing methods, materials, and costs. One must be made on whether the processing performed in the GSP beneficiary country-of-export "substantially transformed" the material, produced elsewhere, into a new and different article of commerce as defined in the law and by precedent rulings. The second determination involves deciding whether a large enough portion of the appraisalment value as defined by GSP guidelines stemmed from processing performed in the GSP beneficiary country.

Level 5-5 - 325 points - The work involves resolving critical problems of conflicting or inconsistent tariff classification or appraisalment by developing authoritative advice and guidance for other Import Specialists nationwide. The advice and guidance typically apply to importations new to the United States where either commodity information or interpretive precedent does not exist, is vague, or is conflicting. Typically, the classification or value of merchandise or products involved in such importations is in dispute. The employee at this level serves as a national consultant in a specialty area such as oriental foods, antiques, toys, benzenoid chemicals, or woven wearing apparel from particular countries or regions of the world.

The work affects the work of experienced Import Specialists across the country and that of Customs headquarters officials through the development of a body of administrative precedent and interpretive guidance which forms the basis of administering the classification and value aspects of the Customs Service's revenue collection mission.

Examples of work at this level include:

- coordinating a study and developing guidance on how to apply current value law to importations involving novel business practices, such as the interposition of a foreign controlled "trading company" between the foreign manufacturer-seller and its American subsidiary;
- developing and issuing interpretive guidance to resolve differences between Import Specialists at different ports in their interpretation of tariff language; or
- reviewing, and supplementing where necessary, local Customs responses to formal protests by importers who have requested further administrative review at the national headquarters level.

## **FACTOR 6, PERSONAL CONTACTS**

This factor includes face-to-face contacts and telephone dialogue with persons not in the supervisory chain. (Note: Personal contacts with supervisors are covered under Factor 2, Supervisory Controls.) Levels described under this factor are based on what is required to make the initial contact, the difficulty of communicating with those contacted, and the setting in which the contact takes place (for example, the degree to which the employee and those contacted recognize their relative roles and authorities). Above the lowest levels, points should be credited under this factor only for contacts which are essential for successful performance of the work and which have a demonstrable impact on the difficulty and responsibility of the work performed.

The relationship of Factors 6 and 7 presumes that the same contacts will be evaluated for both factors. Therefore, use the personal contacts which serve as a basis for the level selected for Factor 7 as the basis for selecting a level for Factor 6.

Level 6-1 - 10 points - Personal contacts are primarily with higher graded Import Specialists within the immediate office, with local Customs employees in related units, and with brokers entry clerks or "runners" in very highly structured situations, such as when entry clerks deliver required documents or import samples.

Level 6-2 - 25 points - Personal contacts are routinely made with a number of employees in the Customs Service, but outside the immediate organization such as with Import Specialists assigned to other ports and with regional or national headquarters staff. There are also routine contacts, usually at the employee's office, with persons outside the Customs Service such as employees of other Federal agencies, brokers clerks, or members of the general public seeking standard procedures and related information.

Level 6-3 - 60 points - Personal contacts are with individuals or groups from outside the employing agency in a moderately unstructured setting. Examples of moderately unstructured settings are those that do not occur routinely and where the purpose and extent of each contact varies. Typical of contacts at this level are contacts with importers ranging from individual

entrepreneurs to top corporate managers or their representatives such as import brokers, customs attorneys, corporate import-export managers, comptrollers, and traffic managers; with academic or business persons having expert knowledge of a particular commodity or trade; and with representatives of trade associations or interest groups.

## **FACTOR 7, PURPOSE OF CONTACTS**

Purpose of personal contacts ranges from factual exchange of information to situations involving significant or controversial and different viewpoints, goals, or objectives. The same personal contacts in selecting a level for Factor 6 must be used in selecting a level for this factor.

Level 7-1 - 20 points - Contacts are for the purpose of giving, obtaining, or clarifying information which may range from easily understood to highly technical. Information obtained may include facts on a particular importation such as product characteristics or uses, the generic name of a substance identified on entry documents by trade name only, business relationships between importer and foreign seller, and conditions of sale such as whether or not the invoice price represents the full price for the imported product. Information provided or clarified may include current regulatory requirements such as time limits for filing particular documents or the amount of bond required for particular imports, import statistics, specific tariff item numbers, and the bases and elements of dutiable value.

Level 7-2 - 50 points - Contacts are made within the Customs Service for the purpose of coordinating or advising on work efforts such as determining the appropriate tariff classification of imported articles or products that combine items or have components falling within commodity groupings other than those personally assigned, and providing sampling, handling, or other examining instructions to inspectors on particular commodities.

Contacts outside the Customs Service are with importers or their representatives such as import brokers, import-export managers, and attorneys to provide advice on the classification and appraisal of prospective imports; to determine the method of appraisal and manner of reporting imports eligible under special duty-reducing provisions, or those being shipped by a foreign parent firm to its U.S. based subsidiary; and to resolve operating problems when the persons have generally cooperative attitudes. Examples of such contacts include: designing a mutually agreeable streamlined method of classifying and appraising a large number of separate, but related, entries such as those for imported machinery destined for assembly and installation at a new manufacturing plant; developing a procedure for diversion reporting required under the Automotive Products Trade Agreement (APTA); or developing a standardized method, consistent with the value law, for computing "assists" in a series of repetitive import transactions.

Level 7-3 - 120 points - The purpose of the contacts is to influence or persuade importers or their representatives to accept admissibility decisions or proposed changes in the entered classification or value that will adversely affect an importer's business interests. Importers or their representatives are reluctant to accept the Import Specialist's rationale for decisions that would jeopardize expected profits through increases in duties, impose added costs for the correction of marking or other regulatory violations, or result in exclusion of merchandise. The employee

must be skillful in persuasively explaining the rationale on which a decision is based and in refuting opposing interpretations of the law or regulations in order to avert a formal protest based on interpretation of law.

### **FACTOR 8, PHYSICAL DEMANDS**

The "Physical Demands" factor covers the requirements and physical demands placed on the employee by the work assignment. This includes physical characteristics and abilities (e.g., specific agility and dexterity requirements) and the physical exertion involved in the work (e.g., climbing, lifting, pushing, balancing, stooping, kneeling, crouching, crawling, or reaching). To some extent, the frequency or intensity of physical exertion must also be considered; for example, a job requiring prolonged standing involves more physical exertion than a job requiring intermittent standing. NOTE: Regulations governing pay for irregular or intermittent duty involving unusual physical hardship or hazard are in Federal Personnel Manual chapter 550.

Level 8-1 - 5 points - The work is sedentary. Typically, the employee may sit comfortably to do the work. However, there is occasional walking, standing, bending, carrying light items such as files and imported merchandise samples, or driving an automobile. No special physical demands are required to perform the work.

### **FACTOR 9, WORK ENVIRONMENT**

The "Work Environment" factor considers the risks and discomforts in employee's physical soundings or the nature of the work assigned and the safety regulations required. Although the use of safety precautions can practically eliminate a certain danger or discomfort, such situations typically place additional demands upon the employee in carrying out safety regulations and techniques. NOTE: Regulations governing pay for irregular or intermittent duty involving unusual physical hardship or hazard are in Federal Personnel Manual chapter 550.

Level 9-1 - 5 points - The work environment involves everyday risks or discomforts which require normal safety precautions typical of such places as offices, conference rooms, and motor vehicles; for example, use of safe work practices with office equipment, avoidance of trips or falls, observance of fire regulations, and safe driving practices.

## **OPM BENCHMARK DESCRIPTIONS**

### **IMPORT SPECIALIST, GS-1889-09, BMK #1**

#### *Duties*

Serves as an Import Specialist responsible for independently making tariff classification, value, and other import-related decisions on formally entered commercial importations of selected commodities constituting a portion of an established line of merchandise at a seaport, inland port, airport or border crossing. The line of merchandise, established by local Customs management, consists either of a considerable range of commodities typically comprising all items enumerated under several schedules of the Tariff Schedules of the United States Annotated (TSUSA) or a narrower range of commodities characterized by a greater variety of individual articles, grades, qualities, or other distinguishing features. Selected commodities assigned involve importations routine to the locality covered by well-established, directly applicable, and readily available factual and interpretive information.

- Screens incoming entry document packages for the full range of entries pertaining to an established line of merchandise prior to more intensive review by the incumbent and other employees for final classification, appraisalment, and related action. Checks documentation for pertinence of entries to the assigned line of merchandise; applicability of quota or other import restrictions; and presence, completeness, and consistency of required import statistical information and required forms such as Generalized System of Preferences (GSP) forms, foreign export visas, licenses, and bond certificates. Contacts importers or their representatives to obtain adequate documentation and follows up by matching incoming documents with entry packages being held pending receipt of required documentation.
- Classifies, on a continuing basis, imported articles or products falling within the assigned commodity areas to the most appropriate tariff item designations. Articles or products classified generally are in common use and have well known countries-of-origin, standard designs, and standard compositions. Most commodity information needed for decisions is found in office files. When necessary, physically examines merchandise samples or requests their examination or chemical analysis by other Customs employs in order to make classification and related determinations. Changes the "entered classification" where necessary and develops a written rationale for the classification decision. Informs importers or their representatives of changes or proposed changes to the "entered classification" that will result in rate advances or exclusion of merchandise and explains reasons for these changes.
- Appraises, on a continuing basis, the dutiable value of imported articles or products falling within the designated commodity areas. Articles or products appraised generally have prices that are either stable or have predictable changes as in well-known seasonal trades and are documented in up-to-date price lists. Practices associated with the trade of assigned articles or products (e.g., discounts, commissions, or technical assists by importers to foreign sellers) are well knob and documented in office "commodity" or "importer" files. As with

classification decisions, changes "entered value" as necessary, informs importer of such changes, and explains reasons for change.

- Administers, on the basis of accurate classification and value determinations, other agency requirements pertaining to the importations assigned. These requirements may include, but are not necessarily limited to, marking requirements quota restrictions, Generalized System of Preferences (GSP) free-rate determinations, Antidumping and Countervailing Duty actions, trademark and patent right enforcement actions, environmental protection actions, import statistics reporting, and specified drawback eligibility determinations.

- Liquidates, once a rate of duty has been established and other requirements have been met, those entries not requiring additional documentation, consideration of superseded tariff provisions, or lengthy arithmetic computations. Computes the final amount of customs duty and, if applicable, Internal Revenue tax owed by or to be refunded to the importer.

- Provides information to importers or their representatives on prospective importations. Information is generally limited to tentative tariff classifications, rates of duty, value, and restrictions applicable to specific articles or products.

### **Factor 1, Knowledge Required by the Position - Level 1-6 - 950 points**

Knowledge is required of commonly applied Custom regulations, import requirements of other agencies, tariff classification principles, bases of value under the applicable value law, and sources of factual and interpretive information in order to preliminarily screen the full range of entries pertaining to an established line of merchandise and to classify, appraise, and make other import-related decisions on importations covered by well-established, directly applicable, and readily available commodity and precedent information.

### **Factor 2, Supervisory Controls - Level 2-3 - 275 points**

The supervisor or an employee of higher grade makes a standing assignment of all entries involving selected commodities within an established line of merchandise.

The employee independently reviews assigned entries for the presence, nature, and scope of issues or conditions involved and selects the appropriate established steps, methods, and precedents needed to make duty assessment and other import-related decisions. The employee discusses unusual situations which do not have clear precedents or that indicate possible fraud with the supervisor or a higher graded employee.

Liquidated entries or entries completed up to the point of liquidation are reviewed for technical soundness by the supervisor or higher graded employee on a spot check, sample basis. Methods used in arriving at the final decisions and actions are not reviewed in detail except where a formal protest has been filed by an importer.

### **Factor 3, Guidelines - Level 3-3 - 275 points**

Guidelines include a large body of administrative and judicial rulings on classification and value pertinent to the importations assigned, the TSUSA, the value law in effect, Customs regulations and instructions, procedural manuals, and technical and trade literature.

The Import Specialist interprets and adapts the rulings and other guidelines to specific importations reviewed.

### **Factor 4, Complexity - Level 4-3 - 150 points**

Entries assigned involve making independent classification, value, and other import-related determinations on importations routine to the locality that are relatively stable in terms of the features significant for tariff classification and appraisal, covered largely by information contained in established files.

Deciding what classification, value, and other actions to take requires an analysis of each importation to identify significant facts, conditions, and issues that are present.

The work requires interpreting law, regulations, and applicable precedent rulings interims of the significant facts of each importation.

### **Factor 5, Scope and Effect - Level 5-3 - 150 points**

The purpose of the work is to classify, appraise, and make other import-related decisions on routine importations characterized by their relative stability and uniformity in terms of price, country-of-origin, composition, construction, use, or other characteristics significant to duty assessment and by the applicability of established information. The work affects the operation of the local duty assessment system and the operation of any special import-related programs that pertain to the commodities assigned.

### **Factor 6, Personal Contacts - Level 6-2 - 25 points**

Personal contacts at this level are with importers or their representatives such as import brokers, usually over the telephone or in the Customs Service office. These contacts usually occur routinely.

### **Factor 7, Purpose of Contacts - Level 7-2 - 50 points**

The purpose of the contacts is to explain reasons for rate or value advances or other adverse actions where the basis for action is clear out and not reasonably arguable.

**Factor 8, Physical Demands - Level 8-1 - 5 points**

Most work is done sitting at a desk. There is some walking, standing, bending, and carrying of light items such as entry documents, reference books, and merchandise samples. There is also occasional driving of an automobile to importers' premises and elsewhere, primarily to acquire and verify information.

**Factor 9, Work Environment - Level 9-1 - 5 points**

Work is performed in an office setting. The employee's presence at piers, agricultural sites, or industrial facilities is incidental as a visiting observer, rather than continual as a worker there.

**TOTAL POINTS - 1855**

**IMPORT SPECIALIST, GS-1889-11, BMK #1***Duties*

Serves as an Import Specialist responsible for making and justifying tariff classification, value, and other import related decisions on any of the formally entered commercial importations pertaining to an established line of merchandise. The line of merchandise, established by local Customs management, consists either of a considerable range of commodities typically comprising all items enumerated under several schedules of the Tariff Schedules of the United States Annotated (TSUSA) or a narrower range of commodities characterized by a greater variety of individual articles, grades, qualities, or other distinguishing features. Entries assigned include importations involving merchandise or trade practices that are either new to the locality or that are characterized by frequent changes in features significant to classification and value; however, decisions based on less than directly applicable precedent are discussed with the supervisor or Import Specialists of higher grade.

- Screens incoming entry document packages for the full range of entries pertaining to the established line of merchandise. Screening is performed prior to more intensive review of entries. Checks documentation for pertinence of entries to the line of merchandise; applicability of quota or other import restrictions, and presence, completeness, and consistency of required import statistical information and required forms and signatures such as those intended to support conditional exemptions, free-rate claims, eligibility under special, duty-reducing tariff provisions, and permission to export goods from a particular foreign country. Holds up further review and processing where documentation is inadequate. Contacts importers or their representatives to obtain adequate documentation and follows up by matching incoming documents with entry packages being held pending receipt of additional documentation.
- Classifies and makes related decisions such as those on Generalized System of Preferences (GSP) free-rate; quota; and special, duty saving, provision eligibility for a wide variety of

imported articles or products within the line of merchandise. Importations regularly reviewed include those involving articles or products new to the locality or conditions that are less than clear cut such as articles on (( )) which the importer claims a special, duty-reducing provision based on foreign repair or alteration of U.S. made articles where the foreign work is not clearly identifiable strictly as repair or alteration of the American-made articles, but may constitute further processing of the articles into significantly different items. Gathers facts significant to classification and related decisions on the imported article or product. Uses such factfinding methods as physical examination of product samples; chemical analysis; interviews with importer-of-record, foreign shippers or manufacturers, scholars, or persons in business knowledgeable about the article or product in question; and reference to technical or trade literature. Searches for and interprets precedent in the form of administrative and judicial rulings and prior reports of classification and value. Discusses interpretations and decisions with supervisor or the Import Specialist responsible for the entire line of merchandise where there is no directly applicable precedent or where guidelines are conflicting. Reviews the formal protests of importers who have been charged additional duties or whose goods have been denied entry as a result of tariff classification. When a protest is found to be without merit, composes a written rationale explaining the basis for the change in entered classification to accompany a recommendation for denial.

- Appraises the dutiable value of imported articles or products falling within an established line of merchandise. Develops and verifies factual information needed to apply the value law and to make value-related classification and GSP eligibility decisions. Notifies importers of changes to their "entered value" or denial of GSP duty-free eligibility claims based on elements of value. Responds to objections and protests over appraisements in the same manner as described for classification issues.

- Administers, based largely on classification and value determinations, Customs and other agency requirements pertaining to the importations assigned. These requirements may include, but are not limited to, Generalized System of Preferences (GSP) free-rate determinations; import statistics verification and reporting; quota and marking enforcement; trademark and patent right protection actions; special licensing, monitoring, and exclusionary actions for such purposes as environmental protection or consumer safety; and specified drawback eligibility determinations.

- Liquidates, once a rate of duty has been determined and other requirements have been met, those entries not requiring additional documentation, consideration of superseded tariff provisions, or many lengthy arithmetic computations. Computes the final amount of Customs duty and, if applicable, Internal Revenue tax owed by or due back to the importer.

- Provides advice to importers or to their representatives on prospective, importations. Informs the importing public of applicable restrictions and explains the Customs implications of proposed design, composition, and business arrangements, including tentative tariff classifications, corresponding rates of duty, and appraisements on articles or products proposed for importation.

### **Factor 1, Knowledge Required by the Position - Level 1-7 - 1250 points**

Knowledge of a wide range of tariff classification, appraisalment, and other duty assessment-related principles, concepts, and methods in order to gather significant factual information and make and substantiate decisions on the tariff classification, dutiable value, and eligibility for free-rate or reduced duty under a variety of special provisions and trade programs of new or significantly changed importations.

### **Factor 2, Supervisory Controls - Level 2-4 - 450 points**

The supervisor or an employee of higher grade makes a standing assignment of all entries involving any of the full range of commodities associated with an established line of merchandise. The employee, considered fully proficient in applying the principles and practices of tariff classification and appraisalment, independently reviews assigned entries for the presence, nature, and scope of issues or conditions involved and selects the appropriate established steps, methods, and precedents in order to make duty assessment and other import-related decisions. The employee resolves most of the conflicts that arise, but appraises the supervisor or higher graded employee of potential formal protests or situations that indicate the possibility of fraud.

Completed work on first-time importations or determinations that are challenged in formal protests are reviewed for consistency with decisions and approaches taken on analogous importations. Work is judged on effectiveness in meeting workload requirements and dealing with the importing public, and from the standpoint of program integrity.

### **Factor 3, Guidelines - Level 3-3 - 275 points**

Guidelines include a large body of administrative and judicial rulings on classification and value pertinent to the importations assigned, the Tariff Schedules of the United States Annotated (TSUSA), the value law in effect, Customs regulations and instructions, procedural manuals, and technical and trade literature.

The employee interprets and adapts the rulings and other guidelines to specific importations.

### **Factor 4, Complexity Level 4-4 - 225 points**

Assignments typically involve making classification, value, and other import-related decisions on a variety of importations regularly involving new articles or products or significantly changed trade practices.

Deciding what classification, value, and other actions to take requires extensive fact finding, varying the approach and sources where necessary. Decisions also requiring judging the completeness, reliability, and veracity of the information obtained.

Decisions and actions on first-time importations require developing new sources and items of product and trade information and interpreting tariff provisions and the value law to accommodate new products or circumstances.

**Factor 5, Scope and Effect - Level 5-3 - 150 points**

The purpose of the work is to classify, appraise, and make other import-related decisions on any of the importations assigned to an established line of merchandise. Decisions on importations involving products, or business arrangements new to the port are subject to concurrence by the supervisor or the Import Specialist responsible for the entire commodity line.

The work contributes to the effective local administration of the duty assessment, system and of any special import-related programs in effect.

**Factor 6, Personal Contacts - Level 6-3 - 60 points**

Contacts are with importers or their representatives such as customhouse brokers and attorneys, typically in connection with exceptional matters such as discrepancies between information provided by the importer in entry documents and information obtained from other sources or disagreements over the appropriate tariff classification or appraisement of an import.

**Factor 7 Purpose of Contacts - Level 7-3 - 120 points**

The purpose of contacts is to establish rapport and win the confidence of reluctant sources of information on particular commodities or transactions; to influence uncooperative members of the importing public to comply with Customs or other Government requirements; and to persuade skeptical importers to accept the technical soundness of rate advances and other actions adverse to their business interests.

**Factor 8, Physical Demands - Level 8-1 - 5 points**

The work is done primarily while sitting at a desk. Some walking, standing, and climbing may be necessary for relative short periods during visits to trade shows; tours of commodity manufacturing, processing, or assembly facilities; and visits to importers' premises.

**Factor 9, Work Environment - Level 9-1 - 5 points**

The work is performed in an office setting with incidental visits to industrial, agricultural, commercial, or other commodity-related sites.

**TOTAL POINTS - 2540**

**IMPORT SPECIALIST, GS-1889-12, BMK #1***Duties*

Serves as an Import Specialist responsible for making and formally justifying classification, value, and other import-related decisions on any and all formal entries assigned to a line of merchandise established by local Customs management. These responsibilities are typically

accomplished with the assistance of one or more associates of lower grade. The import specialist is considered the local expert in the physical characteristics, use, and trade of imported articles and products falling within the assigned line of merchandise. Importations personally reviewed typically involve merchandise or trade practices that are either new to the locality or that are characterized by frequent changes in features significant to classification and value. Decisions require extensive fact finding and verification as well as interpretation of guidelines that are not directly applicable to the importation under review.

- Plans and controls the review and processing of formal entries pertaining to the assigned line of merchandise. Establishes procedures for deciding which entries of a mixed commodity nature are appropriately reviewed and processed personally and by others working with the assigned line of merchandise and which are appropriately routed to employees working with other established lines of merchandise. Establishes criteria for sorting entries requiring in-depth review from entries requiring only cursory review or those requiring only clerical processing with no substantive review. Assures that entries being held for a variety of administrative reasons are followed-up and processed within established time limits or that appropriate action is taken to extend the allowable holding period if necessary. Establishes work priorities for different types of entries, such as those involving quota merchandise or those involving merchandise for which there is an Antidumping, Countervailing Duty, or another type of investigation in progress or recently concluded. Re-verifies reported import statistics questioned by the Bureau of the Census. If the reported statistics, unusually high or low relative to a particular statistical category, are found to be correct, explains to Census reasons for the atypical situation.

- Classifies and makes related decisions such as those on the applicability of quotas, GSP free-rates, and special, duty reducing provisions for a wide variety of imported articles or products representing substantially the full range of tariff items within the line of merchandise. Importations reviewed typically involve articles or products new to the locality or involve conditions that are less than clear cut, such as articles, the classification of which is controlled by use, that have several possible uses or products on which a free-rate is claimed based on country-of-origin or which involve raw materials from, and manufacturing processes in, more than one country. Acquires factual information on the imported article or product by such methods as personally examining samples obtained, visiting trade shows, or observing manufacturing processes. When necessary, requests such examination or observation by Customs Inspectors, Import Specialists at other locations, Customs Agents, or Customs attaches in foreign countries. Also requests financial audits by Customs regulatory auditors and chemical analyses by Customs chemists as required. Develops instructions or questions for use by Inspectors, other Import Specialists, investigators, and other Customs employees in conducting the requested examination or inquiry. Searches for and interprets administrative or legal precedent in order to arrive at a classification or related decision. Changes the "entered classification" where necessary and develops a written rationale for the classification decision. Informs importers or their representatives of changes or proposed changes to the "entered classification" that will result in rate advances or exclusion of merchandise and explains reasons for these changes. Evaluates the informal objections or formal protests of importers over interpretive issues, judging the merits of their interpretations of the tariff provisions. When the importer's argument is found to be without

merit, develops counter arguments to the issues raised by the importer and either discounts the objections, denies the protest, or recommends denial by higher level review authority.

- Appraises the dutiable value of imported articles or products falling within the assigned line of merchandise. Examines the foreign seller-importer relationship and identifies the elements of cost in the importation that are dutiable under the applicable value law. Frequently acquires and verifies the facts needed to examine business relationships and dutiable costs by visiting and interviewing importers and examining their records. Determines the most appropriate basis of value under the applicable value law including any special basis peculiar to a particular commodity and computes the unit value of the imported article or product. Advises lower graded associates who review entries within the assigned line of merchandise of the basis of value determined and dutiable cost elements identified for use in reviewing subsequent importations. Notifies importers of changes to "entered value" and responds to objections and protests over appraisements in the same manner as described for classification issues.

- Administers, based largely on classification and value determinations, Customs and other agency requirements pertaining to the line of merchandise assigned. These requirements may include, but are not limited to, Generalized System of Preferences (GSP) free-rate determinations; import statistics verification, reporting, and reverification; quota restrictions; marking requirements; Anti-dumping and Countervailing Duty actions; trademark and patent right enforcement; environmental protection actions; and specified drawback eligibility determinations. Marking and GSP determinations frequently have complications such as multiple processing or manufacturing steps in several different countries prior to entry of an article or product into the United States.

- Liquidates, once a rate of duty has been established and other requirements have been met, those entries not requiring additional documentation, consideration of superseded tariff provisions, or many time-consuming arithmetic computations. Computes the final amount of Customs duty and, if applicable, Internal Revenue tax owed by or due back to the importer.

- Provides advice to importers or to their representatives on prospective importations. Advice requires the same extensive fact finding and interpretation that are required for classification and appraisal of actual importations. Advice extends beyond giving the current tariff classification, rate of duty, and applicable restrictions, to informing the prospective importer of special, duty saving, provisions or conditional exemptions that might apply and suggesting the most advantageous legal method of importing and invoicing.

### **Factor 1, Knowledge Required by the Position - Level 1-7 - 1250 points**

Knowledge is required of the physical characteristics as well as the trade practices and patterns associated with the products and merchandise falling within the assigned line of merchandise. Knowledge is also required of tariff classification concepts and principles and bases of value peculiar to the full range of commodities within the assigned line of merchandise, in addition to the knowledge of general principles, concepts, bases of value associated with tariff classification, appraisal, and other duty assessment functions.

These knowledge are used in order to independently identify and substantiate the proper classification, the most precise statistical category, and the most appropriate basis of value and all dutiable costs, and to judge the probability of fraud in new or significantly changed importations or proposed importations. These knowledge are also used in order to quickly judge the reasonableness of entered classification and value, and therefore the reliability of particular importers or brokers and the intensity of review required.

### **Factor 6, Supervisory Controls - Level 2-4 - 450 points**

The supervisor assigns work in terms of overall duty assessment and other import-related objectives such as accuracy and timeliness of actions and good rapport with the importing public, and in terms of the resources available such as the number of associates to be assigned to the line of merchandise, their level of development, and the amount of money available for travel and acquiring commodity-related reference literature. The employee and supervisor, in consultation, establish workload requirements, backlog limits, and allocations of staff and funds needed to complete the work of the assigned line of merchandise.

The employee, considered locally as an expert in the assigned line of merchandise, independently plans and carries out the duty assessment and related work associated with the assigned line of merchandise. The employee resolves most disagreements that arise both within the local Customs Service organization and with members of the importing public. The employee coordinates the work of the line with others such as associates within the assigned line of merchandise; Import Specialists responsible for other lines of merchandise; and Customs Inspectors, auditors, chemists, and investigators. The employee interprets headquarters instructions and new rulings on own initiative in terms of the assigned line of merchandise. The employee also keeps the supervisor informed of workload, progress in resolving disagreements, and potentially controversial decisions and those with far-reaching implications.

Completed work is reviewed for compatibility with decisions and actions taken in other locally established lines of merchandise and for effectiveness in meeting overall accuracy requirements, backlog and time constraints, and dealing with the importing public.

### **Factor 3, Guidelines - Level 3-4 - 450 points**

Guidelines included the tariff schedules, administrative and judicial precedent, and files of reports on prior importations that are inconsistent or only generally applicable because of the novelty of the importations reviewed.

The employee uses experienced judgment, initiative, and resourcefulness to draw sound analogies between the available but only generally applicable precedent and the facts of the importations under review, apply fundamental tariff classification principles underlying the guidelines where precedent is conflicting, and identify and obtain the significant facts of novel importations.

### **Factor 4, Complexity - Level 4-5 - 325 points**

The assigned responsibility for technical review and action on any and all formal entries assigned to a line of merchandise involves a broad range of activities including but not necessarily limited to: managing the workload; studying pertinent new legal and administrative rulings; developing sources of, and acquiring commodity-related information; making tariff classification and value decisions on new imports; enforcing regulations, coordinating work efforts with those of other established lines of merchandise, other Customs Service functional areas, and other trade-related Government agencies; issuing advisory tariff classification and value determinations; determining the need, and justifying requests, for financial audits or investigations of importers; and responding to the questions, complaints, and formal protests of importers.

Decisions regarding what needs to be done managing the workload, classifying and appraising importations new to the port or locality, and responding to administrative challenges on interpretive matters are complicated by uncertainty in approach resulting from conflicts between the requirements for expeditious action, meticulous administration of trade-related programs, rigorous enforcement of many and varied regulations, and good rapport with the importing public.

Technical responsibility for an entire line of commodities requires establishing criteria governing the intensity of review to be given to various kinds of entries in order to achieve a balance between speed and accuracy. The work also requires establishing standard interpretations of tariff provisions, regulations, and instructions and devising approaches to the valuation of particular imports for use by other employees in order to assure accuracy and consistency.

### **Factor 5, Scope and Effect - Level 5-4 - 225 points**

The purpose of the work is to investigate and analyze a variety of unusual conditions or questions associated with the classification, appraisal, and making of other import-related decisions on importations which are wholly new to the port or vary significantly from prior importations in terms of origin, physical characteristics, uses, or trade practices. The classification, value, and other import-related decisions may affect major decisions and activities of importers, such as whether or not to import foreign products; whether to purchase them finished and fully assembled, partially completed, or only their component parts; what price to charge within competitive limits; and how much to bid on a contract for products or services that require importation of particular articles or products.

### **Factor 6, Personal Contacts - Level 6-3 - 60 points**

Personal contacts are with importers or their representatives such as customs brokers and attorneys. Contacts at this level, some of which are initiated by the Import Specialist and others by members of the importing public, occur as issues arise.

**Factor 7, Purpose of Contacts - Level 7-3 - 120 points**

The purpose of contacts is to gather trade information on particular commodities or transactions, establishing rapport and winning the confidence of reluctant sources; to influence uncooperative members of the importing public to comply with Customs or other Government requirements; and to persuade skeptical importers to accept legal and regulatory interpretations that result in rate advances and other actions adverse to their business interests.

**Factor 8, Physical Demands - Level 8-1 - 5 points**

The work is primarily sedentary. Some walking, standing, and climbing may be necessary for relatively short periods during visits to trade shows; tours of commodity manufacturing, processing, or assembly facilities; and pre-importation "line reviews" at importers' premises.

**Factor 9, Work Environment - Level 9-1 - 5 points**

The work is performed in an office setting with incidental visits to industrial, agricultural, commercial, or other commodity-related sites.

**TOTAL POINTS - 2590**

**IMPORT SPECIALIST, GS-1889-13, BMK #1***Duties*

Serves as a national consultant within Customs Service on tariff classification, value, and other import-related issues pertaining to a highly specialized commodity area comprising a relatively narrow segment of the Tariff Schedules of the United States Annotated (TSUSA), such as those tariff items pertaining only to benzenoid chemicals, oriental foods and vegetables, or woven wearing apparel from particular countries.

- Develops and issues nationally binding rulings on the tariff classification and corresponding rate of duty for prospective importations as requested by importers. Develops authoritative technical opinions for use by Customs national headquarters in issuing binding rulings or internal advice on the classification and value of importations for which precedent does not exist or is conflicting. On own initiative, or as requested, advises headquarters on the administrative impact of general versus limited application of recent court decisions on duty assessment issues.

- Provides authoritative advice to import specialists nationwide on classification, value, and related issues. Advice is in response to reports of significant (e.g., first-time) importations, queries concerning importations where precedent is conflicting or does not exist, importer complaints of inconsistency between ports, analyses of recent administrative or judicial

decisions which indicate impact on particular kinds of importations, or analyses of automated reports that indicate inconsistency among or error at particular ports across the country.

- Reviews, and supplements where necessary, written rationales developed by import specialists across the country that support classification, value, or other import-related decisions and actions contested by importers seeking administrative review at the national headquarters level. Review is for proper identification of the significant duty assessment issues, interpretation of tariff classification principles, application of the value law, and selection of pertinent precedent. Provides relevant commodity and trade information to Justice Department attorneys in order to assist them in deciding whether or not to appeal adverse court decisions.

- Plans and conducts national seminars for experienced Import Specialists assigned responsibility for lines of merchandise that include commodities in the incumbent's specialty area. Seminars consist primarily of lectures and discussions on the technical or physical qualities of particular commodities, aspects of their trade, and the interpretation and application of tariff provisions, customs value law, and regulations with respect to these commodities. Leads discussions that focus on current issues posed by the classification and appraisal of these commodities. Develops and distributes source books and other guides that illustrate acceptable classification and value treatment of particular commodities. Advises persons responsible for drafting tariff provisions on the technical accuracy and administrative impact of proposed changes to the tariff schedules.

- Speaks before national trade groups, the members of which import articles or products included in the incumbent's assigned commodity area. Explains Customs and other Government requirements and methods as they apply to group members' importations. Answers questions related to the duty assessment process, such as the impact of changes in regulations or tariff provisions on the commodities imported.

### **Factor 1, Knowledge Required by the Position - Level 1-8 - 1550 points**

Knowledge of the concepts, principles, laws, and regulations which apply to tariff classification and appraisal, combined with in-depth knowledge of the physical characteristics and trade of particular imported commodities, in order to develop and disseminate consistent and comprehensive expert guidance for use by Import Specialists and others on unprecedented import situations and to advise Customs Service and Justice Department attorneys in dealing with contested duty assessment decisions.

### **Factor 2, Supervisory Controls Level 2-4 - 450 points**

The employee is assigned continuing responsibility for development of binding rulings, official recommendations on classification and value of reported importations, guidance materials, and oral advice for a commodity specialty area. Day-to-day work is self-generated or received through normal work-flow channels.

The employee is responsible for planning and carrying out the work, interpreting guidelines, resolving most conflicts that arise, and coordinating the work with others.

Completed work is reviewed for compatibility with rulings and recommendations made in other commodity specialty areas and for effectiveness in achieving national consistency among classification and value decisions for a given commodity.

### **Factor 3, Guidelines - Level 3-4 - 450 points**

Guidelines include the tariff schedules, the general and commodity specific interpretive headnotes and rules of construction, administrative and judicial rulings, classification and value reports, merchandise samples, reports of visits to importers' premises, and technical and trade literature contained in commodity files. These guides are only generally applicable in developing duty assessment and related recommendations for novel or ambiguous import situations. The employee is resourceful in finding, interpreting, and applying by means of analogy the appropriate guidelines to novel situations and in developing new and usable guides based on fundamental duty assessment principles and comprehensive trade information.

### **Factor 4, Complexity Level 4-5 - 325 points**

The work requires application of a wide range of fact finding, analytical, and advisory processes and methods in order to identify, solve, and prevent problems of national inconsistency in tariff classification, appraisement, or other import-related actions.

The assignments require a substantial depth of analysis to advise experienced Import Specialists in very difficult situations. These may include, for example, situations where there is a lack of clear precedent and there are conflicting but well reasoned interpretations of existing precedent, tariff provisions, or the value law; controversial issues where there are opposing points of view; and Requests for Internal Advice or formal protests for further review have been filed.

The work often requires developing new factual information on importations or importers and searching for additional applicable precedent or evidence of legislative intent in order to resolve conflicting interpretations.

### **Factor 5, Scope and Effect -- Level 5-5 -- 325 points**

The purpose of the position is to provide a national expert to give technical advice to experienced Import Specialists and other persons concerned with resolving complex tariff classification and appraisement problems.

The advice given and other work performed affects the work of other Import Specialists, Customs attorneys, and agency headquarters officials concerned with classification and value.

**Factor 6, Personal Contacts -- Level 6-3 -- 60 points**

Contacts are with Import Specialists at ports around the country and with other persons within the Customs Service; with Federal officials outside of the agency such as those responsible for drafting tariff language or administering special trade programs; and with persons outside the Government such as importers, their attorneys, and officers of national trade associations representing importers.

**Factor 7, Purpose of Contacts -- Level 7-3 -- 120 points**

Contacts with individual importers, their attorneys, and importer interest groups are to persuade importers to comply with Government requirements where such compliance may require additional time and expense and to persuade importers to accept tariff classification and appraisement decisions in bindings rulings that are adverse to business plans and arrangements already made and where interpretive issues are not clear cut.

**Factor 8, Physical Demands -- Level 8-1 -- 5 points**

The work is primarily sedentary.

**Factor 9, Work Environment -- Level 9-1 -- 5 points**

The work is performed in an office.

**TOTAL POINTS – 3290**

**IMPORT SPECIALIST SERIES****EXPLANATORY MEMORANDUM**

This memorandum provides background information which may be helpful to uses in understanding and applying the standard to which it pertains. It does not contain evaluation criteria.

*Introduction*

This memorandum summarizes the primary comments received on the draft position classification standard for the Import Specialist Series, GS-1889, and discusses the changes made in the standard before it was published in final form. The Import Specialist Series is a single-agency occupation, covering positions in the United States Customs Service, Department of the Treasury.

### *Comments Received*

Most reviewers said the draft was accurate in its description of the work and clear in its grade level criteria. The most significant issues raised involved the occupational information (especially as it concerned appraisement) and the manner in which the benchmark position descriptions interpreted the standard's factor level descriptions.

### *Occupational Information*

*Issue:* Several reviewers recommended revisions in the discussion of the value law and how it is applied in appraising the customs value of imported merchandise.

*Discussion:* Application of the value law is a technical process and the explanation in the draft was, in some places, incomplete or accurate. As a result, the Customs Service provided new material to correct the discussion on appraisement.

*Action:* The Customs Service explanation of the appraisement process was incorporated into the final standard.

*Issue:* Reviewers noted some omissions in the definitions of terms related to Import Specialist work.

*Discussion:* Several Customs Service terms ("binding ruling," "duty," "entry," and "marking") were used in the grade level criteria but did not appear in the list of definitions.

*Action:* The terms and their definitions were added to the list.

*Issue:* One agency organization suggested that more emphasis be given to the Import Specialist's role in deciding questions of admissibility and enforcing the exclusion of imports.

*Discussion:* While the draft spoke to the Import Specialist's admissibility function, it was suggested that the standard should also mention the enforcement of adverse decisions on admissibility. The draft referred to enforcement of various import requirements throughout its text, but did not mention the specific means enforcement; i.e., the withholding of appraisement and the issuing of orders for redelivery. These are particularly significant in terms of the work's effect on importers.

*Action:* Specific references to Import Specialist enforcement actions were included in the standard.

*Issue:* Another reviewing organization noted that there was not mention Import Specialist participation in Customs Service enforcement programs as members of "special enforcement teams."

*Discussion:* The draft's occupational information included a paragraph on the Import Specialist's role in identifying possible fraud or misrepresentation, but did not mention their assignment from

time to time to enforcement teams comprised of employees from various Customs Service functional areas. Such teams draw on the Import Specialist's knowledge of particular commodities and how they are traded.

*Action:* Specific mention of Import Specialist participation on "special enforcement teams" was added to the standard.

## EVALUATION OF POSITIONS

*Issue:* One reviewer recommended specific inclusion of staff-type positions in the occupational series, while another recommended against specific inclusion of staff-type positions unless material on staff assignments was included in the grading criteria.

*Discussion:* Positions performing primarily staff-type assignments (e.g., developing policy guidance and procedures) related to a particular function belong in the same occupation as operating positions for that function if their knowledge requirements are essentially the same. The GS-1889 standard, in conjunction with other standards that describe staff-type work, should provide an adequate basis for evaluating staff-type positions, where they exist, which require the same kinds of knowledge as Import Specialists responsible for the daily examination of formal entries.

*Action:* Specific guidance was added regarding the coverage of staff positions in the GS-1889 series. The standard also describes staff-type work in the "national consultant" benchmark position description (GS-1889-13). This benchmark describes an advisory and evaluative role,

national in scope, with respect to the tariff classification and appraisal of imported merchandise, rather than the examination of importations formally entered at a given port.

## BENCHMARK DESCRIPTIONS

*Issue:* Several agency reviewers felt that the distinction between the GS-11 and GS-12 grade levels, as illustrated by the draft benchmark position descriptions, was too narrow. Reviewers were particularly concerned that the point total for the GS-12 benchmark barely exceeded the minimum for that grade level.

*Discussion:* Insofar as the tariff classification and appraisal of individual importations is concerned, there does not appear to be a substantial difference between the work of many experienced Import Specialists at the GS-11 and GS-12 levels. The grade level criteria in the draft standard concentrated on classification and appraisal duties and gave no emphasis to the program work associated with responsibility for an established line of merchandise; e.g., work planning and organization, developing approaches to interpreting guidelines for particular commodities, and serving as principal contact with the importing public and local Customs Service management for justifying and explaining decisions and actions on importations of assigned commodities.

*Action:* Based on reviewers' comments, a discussion of this program work was added to the factor level descriptions for Factor 4, Complexity. In addition, the Complexity factor in the GS-12 benchmark was revised and credited at Level 4-5. Although the increased point total has no effect on the grade level of the position, the recognition of additional complexity more accurately distinguishes the nature of GS-12 work. To further illustrate the differences between most positions at the GS-11 and GS-12 levels, Factor 5, Scope and Effect, has been credited at Level 5-3 in the GS-11 benchmark and Level 5-4 in the GS-12 benchmark.

*Issue:* Reviewers suggested that Factor 2, Supervisory Controls, in the GS-11 benchmark should be raised from Level 2-3 to Level 2-4.

*Discussion:* We acknowledge that many experienced Import Specialists at the GS-11 level work with the independence characterized by the description of supervisory controls at Level 2-4.

*Action:* The Supervisory Controls factor in the GS-11 benchmark is credited at Level 2-4 in the final standard. The net gain in the point total does not affect the grade level of the position. It should be emphasized that the benchmarks are intended only to illustrate typical factor level patterns at the various non-trainee grade levels in the occupation. They do not represent the only patterns possible or permissible, nor are they intended to serve as standard position descriptions for the organization.

*Issue:* Several reviewers questioned the assignment of Level 7-3 to the Purpose of Contact factor in all of the benchmarks (GS-9 through GS-13). Some reviewers considered Level 7-3 too high for a typical GS-9 level position; others recommended Level 7-4 for the higher level benchmark descriptions.

*Discussion:* The assumption in drafting the benchmarks was that each Import Specialist position at grade GS-9 and above independently dealt with individual importers on entries assigned. Further information indicated, however, that Import Specialists at the GS-9 level are not regularly involved in contacts with uncooperative or skeptical persons or groups. This is consistent with study findings that GS-9 positions are normally assigned to review well-established importations. We concluded that, since the issues involved in contacts are typically clear-cut, covered by established law and regulation, and generate little serious opposition, Level 7-2 is appropriate at the GS-9 level. Since fact finding did not show that contacts at the 7-4 level are typical or common, that factor level was not added to the standard. If a position appears to include regular contacts exceeding Level 7-3, such work may be evaluated by application of the primary standard for the Factor Evaluation System. This is a normal procedure which is permitted by FES instructions.

*Action:* Factor 7, Purpose of Contacts, was credited at Level 7-2 in the GS-9 benchmark. At the same time, we concluded that Factor 6, Personal Contacts, should be credited at Level 6-2.

*Issue:* Several reviewers suggested inclusion of benchmark position descriptions at the GS-5 and GS-7 grade levels.

*Discussion:* The factor level patterns for trainee positions in two-grade interval administrative occupations are generally uniform and those for Import Specialist positions below the full-performance level are easily derived from the standard's factor level descriptions. Adding benchmarks for such positions would only lengthen the standard.

*Action:* Benchmark descriptions for positions below GS-9 were not added to the standard.