

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

Dallas Field Services Group
Plaza of the Americas, North Tower
700 North Pearl Street, Suite 525
Dallas, TX 75201

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

Appellant: [appellant]

Agency classification: Legal Instruments Examiner (OA)
GS-963-7

Organization: Regional Examination Center – [city]
Marine Safety Office – [city]
Marine Safety Division
[number] Coast Guard District
U.S. Coast Guard
Department of Homeland Security
[location]

OPM decision: Legal Instruments Examiner
GS-963-7

OPM decision number: C-0963-07-02

Marta Brito Pérez
Associate Director
Human Capital Leadership
and Merit System Accountability

March 3, 2005
Date

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

Since this decision changes the classification of the appealed position, it is to be effective no later than the beginning of the fourth pay period after the date of this decision, as permitted by 5 CFR 511.702. The servicing human resources office must submit a compliance report containing the corrected position description and a Standard Form 50 showing the personnel action taken. The report must be submitted within 30 days from the effective date of the personnel action.

Decision sent to:

[appellant's name and address]

Office of Civilian Personnel (G-WPC)
U.S. Coast Guard
Department of Homeland Security
2100 2nd Street, SW.
Washington, DC 20593-0001

Introduction

The Dallas Field Services Group of the U.S. Office of Personnel Management (OPM) accepted a classification appeal from [appellant] on August 10, 2004. We received his agency's administrative report on October 19, 2004. The appellant's position is currently classified as Legal Instruments Examiner (OA), GS-963-7. Initially, the appellant stated his position should be classified as Marine Transportation Specialist, GS-2101-9. In later correspondence, he stated the position should be classified in the GS-1801 series at grade 9 or higher. The position is assigned to the Regional Examination Center (REC) -[city], Marine Safety Office (MSO) –[city], Marine Safety Division, Eighth Coast Guard District, U.S. Coast Guard, Department of Homeland Security, in [location]. We accepted and decided this appeal under the provisions of section 5112 of title 5, United States Code (U.S.C.).

Background information

In initial correspondence to OPM, the appellant stated that the GS-963-7 Legal Instruments Examiner position description (PD) to which he was officially assigned was obsolete in that it did not fully encompass his duties and responsibilities. He indicated that his work was better described in a proposed GS-2101-9 Marine Transportation Specialist PD developed several years ago by a previous MSO – [city] commanding officer. Since the accuracy of a PD is an issue that cannot be appealed to OPM, we informed the appellant that we could not adjudicate an appeal from him until he provided documentation of a written attempt to resolve the PD accuracy issue within his agency as provided for in title 5, Code of Federal Regulations, section 511.607(a) and the *Introduction to the Position Classification Standards*, appendix 4, section G.4.a.

The appellant subsequently met with his immediate supervisor and the agency's local Human Resources Specialist to discuss his duties and responsibilities. As a result, the agency developed a new PD, number [number]; classified the work as Legal Instruments Examiner (OA), GS-963-7; and assigned the appellant to the new PD on July 25, 2004. The appellant's immediate supervisor certified that PD number [number] accurately describes the work assigned to the appellant's position. The appellant, however, believes the new PD is inaccurate in that it does not provide sufficient detail regarding his work and that it includes references to work he does not perform. The appellant says he does not fingerprint individuals and does not perform any of the three duties listed in the PD under the "may be assigned" heading that states one or more of those duties may be assigned a "minority of the time."

A PD is the official record of the major duties and responsibilities assigned to a position by an official with the authority to assign work. A position consists of duties and responsibilities that make up the work performed by the employee. Classification appeal regulations permit OPM to investigate or audit a position and decide an appeal on the basis of the actual duties and responsibilities currently assigned by management and performed by the employee. An OPM appeal decision classifies a real operating position, not simply the duties and responsibilities presented in the PD. This appeal decision is based on the work currently assigned to and performed by the appellant and sets aside any previous agency decision.

During our fact-finding, we found that the appellant does not currently fingerprint individuals and does not currently perform the three duties listed under the “may be assigned” heading in the PD. The three duties involve (1) collecting monies for issuance of duplicate credentials, (2) conducting inspections of maritime training facilities to determine whether the facility, etc., meets the requirements for Coast Guard approval, and (3) administering Coast Guard license and documentation examinations. Even though the appellant does not currently perform these duties, we found the description of the **major** duties and responsibilities and supervisory relationships in the PD of record to be adequate for adjudication of this appeal.

To help decide this appeal, we conducted a telephone audit with the appellant on December 13, 2004, and a follow-up interview on February 10, 2005, telephone interviews with his immediate supervisor on December 14, 2004, and February 2, 2005, and a telephone interview with the "lead evaluator" in the appellant's section on December 21, 2004. On February 3, 2005, we interviewed the Commander for the MSO – [city]. In reaching our decision, we reviewed information gained from these interviews and all material of record provided by the appellant and his agency, including the appellant's official PD, number [number].

General issues

In his appeal package, the appellant made various statements about his agency's evaluation of his position, e.g., the agency does not sufficiently understand the position's duties and responsibilities. In adjudicating this appeal, our only concern is to make our own independent decision on the proper classification of his position. By law, we must make that decision solely by comparing the appellant's current duties and responsibilities to OPM standards and guidelines (5 U.S.C. 5106, 5107, and 5112). Therefore, we have considered the appellant's statements only insofar as they are relevant to making that comparison.

The appellant also raised issues that cannot be resolved through the classification appeals process. In separate correspondence, we provided the appellant with information regarding avenues he may use to resolve those issues.

Position information

The REC in [city] is one of 17 RECs nationwide whose mission is to ensure applicants for merchant mariner credentials meet the experience, physical ability, knowledge, and character requirements specified by law and regulations. According to information provided by the agency, the REC in [city] handles approximately 200 different types of merchant mariner credentials that include licenses, Merchant Mariner Documents, and Standards of Training, Certification, and Watchkeeping certificates. On an annual basis, the REC receives more than 30,000 applications and issues approximately 15,000 merchant mariner credentials. The REC in [city] also has oversight responsibility for 33 training facilities approved by the U.S. Coast Guard. The workforce at the REC in [city] comprises approximately 40 civilian and military employees and a small number of contract employees.

A Commander in the U.S. Coast Guard heads the REC in [city]. An organization chart provided by the agency displays three “sections” under the Commander's office: an

“administrative/support section”; a “renewal section” that handles renewals of licenses, etc.; and an “original/upgrade license section” that handles applications for new licenses, etc., and upgrades of licensed mariners’ credentials. The appellant’s position is located in the original/upgrade license section. This section includes a supervisory position, classified by the agency as Supervisory Merchant Marine Evaluation Specialist, GS-1801-11; a military position serving as an assistant licensing supervisory position which the agency has determined is equivalent to Investigating Officer, GS-1801-9; two GS-963-8 Lead Legal Instruments Examiner positions; seven GS-963-7 Legal Instruments Examiner positions; and one military position that the agency has determined is equivalent to Legal Instruments Examiner, GS-963-6.

According to the PD, the purpose of the appellant’s position is to examine applications and supporting documentation submitted by individuals for licenses, certificates, and other mariner documents issued by the U.S. Coast Guard. The appellant ensures applications and supporting documentation meet the regulatory criteria for issuance of the specific credential. If the criteria are not met or information is missing, the appellant notifies the applicant of the deficiencies. The appellant uses various form letters and standard text to inform the applicant of specific information needed to complete the process for issuance of the requested credential. For example, the appellant will request sea service documentation that is missing from the application, ask for clarifying information regarding results of physical examinations or laboratory reports, and provide information regarding the test the applicant needs to take for the specific mariner license or document. Since applications are active for a year, the applicant has a period of time to provide the required documentation for approval of the credential.

Based on information provided by the mariner, the appellant calculates the mariner’s sea service experience to determine if established sea service requirements are met for the requested license. When examining applications and their supporting documents, the appellant determines whether the medical and suitability (character) information meets the established criteria for issuance of the specific credential. In instances where the appellant identifies departures from the established criteria, he may issue local waivers if the parameters of acceptability for waivers are met. For example, the appellant may issue medical clearances based on information provided by the applicant. If the conditions are outside the established parameters for issuance of local waivers, the appellant sends the applications to a higher level for determination on whether a waiver can be issued.

The appellant responds to inquiries, both oral and written, from the public and other government agencies regarding requirements for various credentials, the status of applications, or resolution of problems that extend beyond procedural aspects for submission and approval of applications. On a daily basis, the appellant enters data into two databases.

The duties for the appealed position require knowledge of Federal regulations, policies, and procedures governing the issuance of U.S. Merchant Mariner’s credentials. The work also requires knowledge of narcotics violations and medical terminology sufficient to understand medical reports and laboratory reports; knowledge of maritime industry procedures and practices, including duties of licensed and unlicensed personnel; knowledge of grammar, spelling, punctuation, and sentence structure; and skill in using word processing software, copying machines, facsimile machines, and electronic calculators. The PD contains more

information about the duties and responsibilities performed and we incorporate it by reference into this decision.

Series, title, and standard determination

As stated previously, the appellant believes his position should be assigned to the GS-1801 series. The GS-1801 is a general series covering compliance and investigative work when such work is not more appropriately classifiable in another series either in the Investigation Group, GS-1800, or in another occupational group. Positions in this series are established primarily to effect compliance of individuals or organizations with laws, rules, regulations, executive orders, or other mandatory guidelines. Compliance positions include both line and staff work involving tasks such as on-site inspections or surveys to assess compliance which may be obtained by methods such as persuasion, negotiation, and technical assistance; investigations to substantiate alleged or suspected instances or patterns of noncompliance; negotiations with persons or organizations whose activities have been found to be at odds with mandatory guidelines; and analysis of reports required of individuals or organizations engaged in regulated activities to assess their compliance with mandatory guidelines. Compliance may require actions such as citation of violations, drafting of complaints, and referral of cases for administrative or legal proceedings. Many compliance positions also involve work in explaining and promoting the regulatory or compliance program to those whose activities are subject to it and to the general public as well. Compliance positions require knowledge of program related legislation and regulations, knowledge of the type of activities where compliance is sought, and knowledge of inspections or investigative techniques including writing of reports that substantiate findings and serve as a basis for administrative or legal action.

The appellant's position does not meet the criteria for assignment to the GS-1801 series in that the work does not require the appellant to determine and achieve compliance with Federal laws and regulations by individuals who apply for licenses and other mariner documents. The appellant's work involves reviewing documents to determine whether individuals meet the requirements for the specific license, certificate, or other mariner credential for which they applied. Applicants either meet or do not meet the criteria. If an applicant fails to provide the necessary documentation with the initial application, the appellant notifies the applicant of the additional information or documentation needed to complete the application package. Since individuals freely choose to submit applications for merchant mariner credentials and have the responsibility to provide the required documentation, there are no compliance actions as described in the GS-1801 series. The appellant's work does not require negotiation or persuasive skills inherent in compliance positions. Further, the appellant's current assignments do not include conducting investigations or inspections or analyzing reports to assess compliance as characterized in the GS-1801 series.

Duties and responsibilities may control the classification of a position only if they occupy 25 percent or more of the incumbent's work time. Should the appellant become involved in inspections of Coast Guard approved training facilities, the agency would need to evaluate the nature and extent of the assignment to determine the impact, if any, on the classification of the position, if this requirement is met.

The GS-900 Job Family Position Classification Standard for Assistance Work in the Legal and Kindred Group (JFS) includes nonsupervisory one-grade interval administrative support (i.e., assistance) positions. The Legal Instruments Examining Series, GS-963, in the JFS covers one-grade interval administrative support positions that supervise, lead, or perform support and related work in connection with the examination of legal instruments and supporting documents, other than claims, to determine whether a requested action complies with certain provisions of various laws. The work requires the application of particular regulatory and procedural knowledge that is based on those laws. This series includes legal instruments examiners who examine applications submitted by individuals, partnerships, corporations, or others requesting licenses, permits, rights, or privileges. The appellant's work fits within the GS-963 criteria in that the primary purpose of the position is to examine applications submitted by mariners for licenses and other mariner documents. The GS-900 JFS prescribes *Legal Instruments Examiner* as the basic title for positions in the GS-963 series.

In his appeal package, the appellant refers to himself as a "Licensing Evaluator." The agency also uses the terms "evaluator" and "merchant mariner license and document evaluator" in various documents in the appeal file. While agencies have discretion to use unofficial titles, they are required to use only the OPM prescribed title on official documents relating to the position, for example, PDs and personnel actions (see section H of the *Introduction to the Position Classification Standards*). Therefore, the official title for the appealed position is *Legal Instruments Examiner*.

The agency added the parenthetical title *Office Automation* to the appellant's position. This parenthetical title is used when positions require significant knowledge of office automation systems and a fully qualified typist to perform word processing duties. Although the appellant uses word processing software to produce letters and other documents relating to applications for merchant mariner credentials, the PD does not specify that the skill of a qualified typist is required to perform the word processing duties. The record, including oral statements from the appellant and his supervisor, show that the work does not require a qualified typist. Since the appellant's position does not require a qualified typist, the position is properly classified as Legal Instruments Examiner, GS-963.

Grade determination

The GS-900 JFS is written in the Factor Evaluation System (FES) format, which uses nine factors. Each factor is evaluated separately and is assigned a point value consistent with factor level definitions described in the JFS. The total number of points for all nine factors is converted to a grade by use of the JFS's grade conversion table. The factor point values mark the lower end of the ranges for the indicated factor levels. For a position to warrant a given point value, it must be fully equivalent to the overall intent of the selected factor level description. If the position fails in any significant aspect to meet a particular factor level description, the point value for the next lower factor level must be assigned, unless the deficiency is balanced by an equally important aspect that meets a higher level. Conversely, the position may exceed those criteria in some aspects and still not be credited at the higher level. Our evaluation with respect to the nine FES factors follows.

Factor 1, Knowledge required by the position

This factor measures the nature and extent of information or facts that an employee must understand to do acceptable work (for example, steps, procedures, practices, rules, policies, theories, principles, concepts) and the nature and extent of the skills necessary to apply that knowledge.

At Level 1-4, positions require knowledge of, and skill in applying, an extensive body of rules and procedures gained through extended training or experience sufficient to perform interrelated and nonstandard legal support work and plan, coordinate, and/or resolve problems in support activities. This knowledge is used to examine documents where the information and facts are straightforward and readily verifiable; need little development; require limited searches of reference, file, or historical material; and entail comparisons with explicit criteria. Positions at this level also require sufficient knowledge and skill to use a wide range of office software applications in preparation of complex documents containing tables or graphs and to use online legal resources to obtain information accessible over the Internet, as needed.

Level 1-5, the highest level described in the JFS, encompasses the knowledge and skills identified at lower levels and also requires knowledge of, and skill in applying, comprehensive legal regulations, techniques, and procedures that are not readily understood. At this level, knowledge and skills must be sufficient to perform assistance work requiring extensive searches of records, reference, or historical material and comparisons with complex, voluminous, or broadly written criteria; use specialized, complicated techniques to complete assignments, such as comparing options or identifying conflicts; develop, examine, adjust, reconsider, or authorize settlements; and assist higher grade employees to plan strategies.

Comparable to Level 1-4, the appellant's position requires knowledge of various rules, regulations, and procedures regarding issuance of merchant marine credentials. For the appellant's position, standard procedures are in place, and specific criteria are outlined for the different types of credentials. The knowledge required to conduct searches of files, records, and other documents is equivalent to the depth and extent of research described at Level 1-4. Although the appellant's position does not require a wide range of office software applications, the use of word processing software and the capability to enter data into two databases facilitate the appellant's work. This aspect of the appellant's position also meets the intent of Level 1-4.

The JFS also provides an illustration at Level 1-4 that closely matches the appellant's position. The illustrative position requires knowledge of, and skill in applying, an extensive body of rules and procedures concerning international standards (treaties and conventions) and national maritime policies sufficient to examine documents for application of procedures and to renew all forms of merchant marine documents, licenses, and certificates of competency; help customers renew licenses; resolve documentation inconsistencies; and establish eligibility for licenses by reviewing information on drug tests, medical qualifications, professional experience factors, training, and character requirements. Similarly, the appellant's position requires knowledge of a large body of rules, regulations, policies, and procedures to determine if the information in applications and associated supporting documents meets requirements for issuance of merchant marine credentials. Even though the appellant's position involves initial issuance of licenses and

other credentials rather than renewals, it requires the same level of knowledge and skill presented in the Level 1-4 illustration.

The appellant's work does not involve comparisons with complex or broadly written criteria; use of specialized, complicated techniques to complete assignments; or extensive searches of records, etc., indicative of Level 1-5. For the appellant's position, the criteria are specific for the various mariner credentials and standard procedures exist for reviewing the applications and associated documents. Illustrations in the JFS for positions at Level 1-5 also provide contrasts to Level 1-4. One example is a Legal Instruments Examiner at Level 1-5 who must have knowledge of, and skill in applying, comprehensive rules, regulations, techniques, and procedures required to examine applications, instruments, and documents to determine possible conflict of interest situations, fraudulent business practices, illegal fee structures, or rights of beneficiaries; approve liquidation of bonds, authorize release of funds from restricted accounts, or adjust fund allowances for beneficiaries; or determine whether irregularities affect the validity of a government bond and identify irregularities with bonds and supporting documents. The knowledge required for the appellant's position is not analogous to the factor level description or illustrations in the JFS for positions at Level 1-5.

Level 1-4 is assigned (550 points).

Factor 2, Supervisory controls

This factor covers the nature and extent of direct or indirect controls exercised by the supervisor or another individual over the work performed, the employee's responsibility, and the review of completed work. The supervisor determines what information the employee needs to perform the assignments (for example, instructions, priorities, deadlines, objectives, boundaries). The employee's responsibility depends on the extent to which the supervisor expects the employee to develop the sequence and timing of the 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, for example, close and detailed review of each phase of the assignment, detailed review of the completed assignment, spot check of finished work for accuracy, review only for adherence to policy.

At Level 2-3, the highest level described in the JFS, the supervisor makes assignments by outlining or discussing issues and defining objectives, priorities, and deadlines. The supervisor provides advice or additional specific instructions on new or unusual situations that do not have clear precedents. The employee independently plans the work; resolves problems; carries out successive steps of assignments; follows instructions, policies, previous training, or accepted practices; makes adjustments using accepted legal practices and procedures; handles problems that arise in accordance with instructions, policies, and guidelines; and refers controversial issues to the supervisor for direction. The supervisor reviews completed work for technical soundness, appropriateness, and conformity to policies and requirements. The technical methods and procedures used in completing assignments seldom require detailed review.

The supervisory controls exercised over the appellant's position meet, but do not exceed, the intent of Level 2-3. As at Level 2-3, the appellant's supervisor makes assignments by defining overall objectives and office priorities. Following work flow procedures established for his section, the appellant independently plans his own work and resolves problems or issues that arise in the course of his work in accordance with agency and local instructions, policies, and procedures. Unusual or controversial issues are referred to the supervisor. The GS-8 lead evaluator in the appellant's section reviews completed application packages before the appellant signs and issues the mariner credentials. The lead evaluator ensures the application is complete, appropriate supporting documents are included, and the proper wording is on the license or other credential. If no changes need to be made as a result of the lead evaluator's review, the appellant signs the credential. The supervisor usually reviews the appellant's work on an exception basis, for example, when an applicant appeals the appellant's decision. The assignment of work, employee responsibility, and review of work for the appellant's position are consistent with Level 2-3.

Level 2-3 is assigned (275 points).

Factor 3, Guidelines

This factor covers the guidelines and the judgment employees need to apply them. Individual assignments may vary in the specificity, applicability, and availability of guidelines; thus, the judgment the employee uses similarly varies. The existence of detailed plans and instructions may make innovation in planning and conducting work unnecessary or undesirable. In the absence of guidance, the employee may use considerable judgment in developing an approach or planning work. Guides may include Federal regulations covering program operations; administrative policies and locally developed guidance; agency policies and operational procedures; legal system documentation; and local policies, handbooks, precedent cases, and operating procedures.

At Level 3-3, the highest level described in the JFS, the employee uses guidelines that have gaps in specificity and are not applicable to all work situations. The employee may have to rely on experienced judgment, rather than guides, to fill in gaps, identify information sources, and make working assumptions. The employee uses judgment to select the most appropriate guidelines and decide how to complete the various transactions. In some situations, guidelines do not apply directly to assignments and require the employee to make adaptations to cover new and unusual work situations.

The guidelines and judgment needed for the appellant's position meet, but do not exceed, Level 3-3. Guidelines available for the appellant's position are voluminous and include titles 33 and 46, United States Code; Code of Federal Regulations, Marine Safety Manual; Navigation and Vessel Inspection circulars; agency manuals of policies and procedures; locally developed procedures; and other marine-related publications. Agency-developed checklists and templates are used to help ensure documentation is complete and sea service requirements are met for the requested credential. When examining application packages, the appellant uses experienced judgment to select the guidelines, checklists, and templates that relate to the requested mariner credential. While the criteria regarding ship mission, tonnage, propulsion, etc., are usually

available in established standards, there are instances when the appellant fills gaps in the criteria. For example, the appellant may need to use several different guidelines, manuals, or issuances to identify the tonnage for a particular vessel on which the mariner has served to determine whether requirements are met for the requested credential. Similar to Level 3-3, the appellant may encounter situations that require careful thought in gathering and organizing information to respond to applicants and inquiries.

Level 3-3 is assigned (275 points).

Factor 4, Complexity

This factor covers the nature, number, 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.

At Level 4-3, the highest level described in the JFS, work consists of different and unrelated processes, methods, and sequences of tasks. The employee analyzes facts and identifies issues; defines the problem; determines courses of actions from many alternatives; searches, isolates, and determines interrelationship among available information; assesses a variety of situations that depend on the particulars of the case and/or submitting party; selects appropriate resources and applies them to the problem at hand; evaluates records in relation to legal requirements; and develops recommendations for problem resolution. The employee determines what needs to be done including choosing the order of research necessary, the sequence of steps, and the manner in which findings are presented. Actions may be complicated by situations where the facts are not clearly established. Verification or development of information from external sources is frequently required. The organization and presentation of information of documents can vary substantially. The same document is used for different purposes or actions. Successive submission of the same type of document may involve different kinds of information.

The complexity of the appellant's work meets, but does not exceed, Level 4-3. Similar to this level, the appellant may encounter conflicting or incomplete data in the applications and supporting documentation and must determine the course of action to take. Although each case may have unique features, the appellant has common procedures to follow. For example, he may need to use two or more checklists to ensure that all requirements have been met for approval and issuance of the specific credential requested by the applicant or use an established formula to compute tonnage of a particular vessel. The appellant provided several examples of applications with their supporting documentation and copies of checklists he used to determine whether the applicant met the criteria for the requested credential. He also provided copies of letters he used to notify applicants when additional information was needed (for example, sea service letters do not have the owner's name and address, signed and dated statements regarding convictions were not included with the application, drug screen documentation was not submitted) or to identify the specific test the applicant would need to take at the REC to complete the licensing process. When preparing the notifications, the appellant imports standard text into form letters. Although the appellant may occasionally adapt the standard text to fit a particular situation, he is restricted on the extent of changes he may make. If significant changes are needed, the supervisor will develop the text to be used. When changes in established standards or procedures are made, the

agency notifies employees through electronic mail (e-mail) messages as appropriate, provides training, and follows up on the training through subsequent e-mail messages.

The JFS provides an illustration for Level 4-3 that parallels the appellant's position. In the illustration, the nature of assignment involves reviewing and evaluating a variety of maritime documents to determine eligibility for credentials and resolves inconsistencies between applications and official sea service abstracts, medical reports, or criminal records. The examiner determines whether documents conform to standards set in Federal regulations, international maritime training standards, and national maritime policies. Similarly, the appellant reviews various mariner documents to determine eligibility for credentials, resolves inconsistencies identified during the review process, and determines whether the documents are in accordance with Federal regulations and maritime standards, policies, and procedures.

Level 4-3 is assigned (150 points).

Factor 5, Scope and effect

This factor covers the relationships between the nature of 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, provides timely services of a personal nature, or impacts the adequacy of research conclusions.

At Level 5-3, the highest level described in the JFS, the work involves treating a variety of routine problems, questions, or situations within the work environment. The employee advises and assists applicants or other individuals requesting benefits or services with a variety of problems, questions, or situations in conformance with established criteria. Work may involve subjective considerations, such as looking for misrepresentation, fraud, or other illegal activity. The work affects the accurate and timely attainment of licenses, permits, or other legal documents, rights, or privileges; the accurate and timely resolution of claims; and the economic well being of individuals requesting benefits, claims, and/or services.

Similar to positions at Level 5-3, the appellant's work involves a variety of situations, circumstances, or questions that may have a broad or narrow impact on the lives of applicants for merchant mariner credentials. Timely completion of work, including assistance and information provided to applicants, can affect applicants' job opportunities and facilitate the proper and safe manning of vessels. Decisions to approve or deny a credential affects the safety of others and the economic situation of the applicant. The appellant's work meets, but does not exceed, the scope and effect indicative of positions at Level 5-3.

Level 5-3 is assigned (150 points).

Factor 6, Personal contacts, and Factor 7, Purpose of contacts

These factors include face-to-face and remote dialogue (for example, telephone, e-mail, video conferences) with persons not in the supervisory chain. Factors 6 and 7 are interdependent and

take into account what is necessary to make the initial contact, the difficulty of communicating with those contacted, the setting in which the contact takes place, and the nature of the discourse.

Personal contacts

At Level 2, the highest level described in the JFS, the employee has contact with employees in the same agency and/or with members of the general public in a moderately structured setting. Contacts may include applicants, retirees, beneficiaries, taxpayers, court personnel, or other individuals related to court processes. Comparable to this level, the appellant has contacts with applicants for mariner credentials and members of the general public who call or visit the REC. These contacts are established on a routine basis and take place in a moderately structured setting. The appellant's personal contacts do not exceed Level 2.

Purpose of contacts

At Level B, the highest level described in the JFS, the purpose of the employee's contacts is to plan or arrange work efforts; coordinate and schedule activities; resolve problems relating to documents or procedures; and provide explanations, discuss alternatives, and explain those alternatives. The purpose of the appellant's contacts matches Level B. The appellant has contacts inside and outside the agency to obtain and provide information regarding the various merchant mariner credentials. He provides explanations why approval was not given for the requested credential and identifies the documentation or information needed to complete the application.

Level 2B (75 points) is assigned.

Factor 8, Physical demands

The appellant's position does not exceed Level 8-1 where the work is mainly sedentary, although there may be periods of walking, standing, bending, driving an automobile, etc. While the appellant may carry case files and other similar materials, the work does not require any special physical effort or ability.

Level 8-1 (5 points) is credited.

Factor 9, Work environment

The appellant's position meets Level 9-1 where the work area is usually an office setting that is adequately lighted, heated, and ventilated. The work environment involves everyday risks or discomforts that require normal safety precautions.

Level 9-1 (5 points) is credited.

Summary

<i>Factor</i>	<i>Level</i>	<i>Points</i>
1. Knowledge required by the position	1-4	550
2. Supervisory controls	2-3	275
3. Guidelines	3-3	275
4. Complexity	4-3	150
5. Scope and effect	5-3	150
6. & 7. Personal contacts and Purpose of contacts	2B	75
8. Physical demands	8-1	5
9. Work environment	9-1	5
<i>Total</i>		1,485

When compared to the grade conversion table in the JFS for Assistance Work in the Legal and Kindred Group, GS-900, the point total converts to the GS-7 grade level (point range of 1,355-1,600).

Decision

The appellant's position is properly classified as Legal Instruments Examiner, GS-963-7.