

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

Philadelphia Field Services Group
600 Arch Street, Room 3400
Philadelphia, PA 19106-1596

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

Appellant: [appellant's name]

Agency classification: Administrative Assistant
GS-303-6

Organization: Chief Ranger's Office
Resource and Visitor Protection
[location] National [organization]
National Park Service
U.S. Department of the Interior
[location]

OPM decision: Legal Assistant (Court)
GS-986-6

OPM decision number: C-0986-06-01

/s/

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

August 26, 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 (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]

[name]
Human Resources Specialist
National Park Service
[location] National [organization]
[address]

Director of Personnel
U.S. Department of Interior
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Introduction

On March 30, 2005, the Philadelphia Field Services Group of the U.S. Office of Personnel Management (OPM) accepted a classification appeal from [name] who occupies a position currently classified as Administrative Assistant, GS-303-6. We received the agency appeal administrative report on April 18, 2005. The position is in the Chief Ranger's Office, Resource and Visitor Protection, [location] National [organization], National Park Service (NPS), U.S. Department of the Interior, in [location]. We have accepted and decided this appeal under section 5112 of title 5, United States Code (U.S.C.).

General issues

In her appeal letter, the appellant states that in March 1998 she assumed duties formerly performed by her supervisor, including those of court clerk, whose position was classified as Administrative Specialist, GS-301-9. The appellant states that she rewrote her position description (PD) to include these duties in May 2004, based on assumed duties that she felt should be classified at the GS-7 or GS-8 grade level in the Legal Assistance Series, GS-986, and disagreed with the classification analysis performed by her agency. During a telephone audit conducted with the appellant as part of the appeal fact-finding process, the appellant contrasted the variety and difficulty of her work with that performed by another employee whose position is also classified as Administrative Assistant, GS-303-6.

Important to the appellant's rationale is that the tasking of new functions; i.e., court clerk duties, should support the upgrading of her position. The assigning of more or different work, however, does not necessarily mean that the additional work is more difficult and complex. In addition, each grade level represents a band of difficulty and responsibility. Performing more difficult work than previously performed may still continue to fit within and support the same grade level previously credited to the position.

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 is the duties and responsibilities that make up the work performed by an employee. Position classification appeal regulations permit OPM to investigate or audit a position and decide an appeal on the basis of the actual duties and responsibilities assigned by management and performed by the employee. An OPM appeal decision grades a real operating position and not simply the PD. Therefore, this decision is based on the actual work assigned to and performed by the appellant. Because our decision sets aside any previously issued agency decision, the actions previously taken by the agency in their review of the appellant's position, and other personnel related actions described by the appellant, are not germane to the classification appeal process.

By law, a classification appeal decision must be based on comparing the appellant's current duties and responsibilities to OPM standards and guidelines (5 U.S.C. 5106, 5107, and 5112). Therefore, other methods or factors of evaluation are not authorized for use in determining the classification of a position, such as comparing the classification of the appellant's position to another position, which may or may not be properly classified, as suggested by the appellant.

Like OPM, the appellant's agency must classify positions based on comparison to OPM's Position Classification Standards (PCSs) and guidelines. Section 511.612 of title 5, Code of Federal Regulations requires that agencies review their own classification decisions for identical, similar, or related positions to ensure consistency with OPM certificates. Thus, the agency has the primary responsibility for ensuring that its positions are classified consistently with OPM appeal decisions. If the appellant believes that her position is classified inconsistently with others, she may pursue this matter by writing to her agency headquarters human resources office. In so doing, she should specify the precise organizational location, series, title, grade, duties, and responsibilities of the positions in question. The agency should explain to her the differences between her position and the others or grade those positions in accordance with this appeal decision.

Position information

The appellant spends approximately 25 percent of her time on court clerk duties. One of four rotating U.S. Magistrate Judges (Judges) conducts U.S. District Court proceedings in [location] one day each month. The cases are misdemeanors for which citations have been issued by [appellant's organization] and [organization, location] personnel. Infractions range from operating a vehicle under the influence (OUI) to parking tickets. The court calendar is centrally controlled by Central Violations Bureau (CVB) of the Administrative Office of the U.S. Courts. The appellant prepares for the proceedings by tracking actions that have occurred prior to the court date, e.g., people who have paid after the docket was set by CVB, and advises the Judge so that adjustments can be made before the docket is finalized. She ensures that documents necessary for the proceedings are available, e.g., violation notices and motor vehicle records, reserves the room, sets up and tapes the court session, and maintains the recordings. When the court session is postponed, she notifies appropriate Federal officials, defendants, and attorneys. Once rescheduled, she notifies the same parties, and does the same for cases that are continued.

Based on the session results, the appellant prepares warrants of arrest for defendants who have not appeared in court and have not paid collateral (paying the notice amount in full by a stipulated date in lieu of appearing in court) and show cause orders when fines are in default or are delinquent, etc. She collects fines and forwards them to CVB, tracks CVB-levied default and deficiency fees, and recommends action in certain cases, e.g., waiving further fees for the period of time between when the defendant paid and CVB posts the payment. She composes amendments to violation notices to be signed by the Judge and forwards them to CVB for official change of the records. The appellant provides information to the Judge, e.g., a defendant has paid all monies due other than a \$15 late fee, for the Judge to determine whether to collect the fee or close the case. She contacts defendants to attempt to collect fines prior to issue of show cause orders summons to court.

The appellant spends approximately 35 percent of her time on [organization]-wide protection program support services. These include: maintaining all law enforcement records, including warning notices, citations, motor vehicle accident reports, criminal case incident reports, and all backup information; entering data into, retrieving data from, maintaining the system, and generating reports from the case incident report system; assisting the Special Agent (a Criminal Investigator who also serves as Federal Prosecutor before the Judges) in completing the park-

wide annual law enforcement, search and rescue, and emergency medical services reports. She compiles the annual motor vehicle accident statistical reports and maintains accountable property records.

Gathering information from several sources including concessions, campgrounds, traffic counter logs, visitor center programs, and shuttle bus logs, she completes the monthly public use report. Monthly data input into the Web-based public use statistics system is then included in NPS-wide park statistical abstracts. She formats and creates computer spreadsheets, as necessary, used to analyze trends in visitation, and responds to requests for statistical data. She also administers the lost and found program, maintains the actual accountable property, returns items based on guidelines, and prepares program reports.

The appellant operates a multi-channel radio system to dispatch personnel and resources to emergency incidents including law enforcement; emergency medical services; fires, search, and rescue; and animal rescue. Based on procedures, she makes the necessary calls for additional resources from local towns and coordinates the use; monitors the status of and arranges for backup personnel to assist law enforcement officers; serves as communications coordinator with [location] County Radio for law enforcement matters; and coordinates communications between park personnel and the police and fire departments of four nearby towns for routine and emergency operations. Using [location] County services, she obtains background and investigative information such as drivers' licenses, criminal records, vehicle registration, and warrants. She also maintains program records including maps, card files, emergency contacts, and telephone numbers.

The appellant spends approximately 10 percent of her time on the safety program. She serves as a member of and as recorder for the safety committee and is responsible for generating meeting minutes, inspection documents, and deficiency reports. The appellant processes all safety forms, files, and maintains them. She is the contact point for accident reports and provides them to the committee. The appellant calculates the visitor safety/accident rate for inclusion in the reports, and serves as coordinator for the park safety management information system (SMIS). She assists managers with SMIS reporting, ensures that employee injuries and accidents are entered into the system, and prepares Occupational Safety and Health Administration reports and logs to calculate incident rates and to confirm report input accuracy.

She spends 25 percent of her time providing administrative support to the [location] and the remaining 5 percent providing administrative support to the Chief Ranger. This includes preparing and maintaining time and attendance reports, payroll input and corrections, and data input for both functions. She completes travel authorizations and vouchers, prepares documents and forms to obtain vehicle registration listings from [location] county radio for violation notices, and transmits district violation notices to CVB for processing.

We find that the PD of record covers the major functions assigned to and performed by the appellant and incorporate it by reference into this decision. However, as discussed in our grade determination, the PD implies a greater level of work complexity and judgment than the appellant's duties and responsibilities actually entail. Since PDs must meet the standard of

adequacy in the *Introduction to the PCSs*, the appellant's agency must revise her PD to meet that standard based on the findings in this decision.

Series, title and standard determination

The agency classified the position in the Miscellaneous Clerk and Assistance Series, GS-303, with the title Administrative Assistant and used the Grade Level Guide for Clerical and Assistance Work (Guide) and the Job Family Position Classification Standard (JFS) for Assistance Work in the Legal and Kindred Group, GS-900, for grade-level evaluation. The appellant believes that the series of her position is controlled by her court clerk duties that are covered by the GS-986, Legal Assistance Series, and that the grade level of her position should be credited at the GS-7 grade level based on the GS-900 JFS and the Guide.

In selecting a series, the *Introduction to the PCSs* states that some positions are a mix of duties and responsibilities covered by two or more occupational series and classified by more than one PCS or guide. For positions whose duties fall in more than one occupational group, the most appropriate series for the position depends on considering a number of factors. For many, the grade controlling duties will determine the series. Sometimes, however, the highest level of work performed does not represent the most appropriate series, and the series can only be determined after considering the paramount qualifications required, sources of recruitment and line of progression, the reason for establishing the position, and the background knowledge required.

The GS-303 includes positions that perform single-grade interval work for which no other series is appropriate. By way of clarification, the GS-303 PCS indicates that it covers positions that require specialized knowledge for which no appropriate series has been established. Typically, they are too few in kind to have been recognized as separate lines of work, involve new or emerging work, or mixtures of work that cannot be identified with an established series.

The appellant's position consists of a variety of functions classifiable in more than one occupational group. We agree with the appellant and her agency that her court clerk duties are covered by the GS-986 series.

The GS-019 Safety Technician Series covers support work in accident prevention, including inspecting safety conditions, investigating and compiling data on accidents, and providing information on safety standards and techniques. The work requires a practical knowledge of work processes and equipment, environmental conditions, established safety standards, protective devices, and accident prevention measures. The appellant's safety program work falls under the coverage of the GS-019 series.

The GS-1802 Compliance Inspection and Support Series covers inspectional or technical support work in assuring compliance or enforcement of Federal laws, regulations or other mandatory guidelines and which are not classifiable in another, more specific, occupational series. The appellant's protection program work, including her law enforcement program support duties, falls under the coverage of the GS-1802 series.

The appellant's court clerk work is closely related to her GS-1802 work. The citations issued under the law enforcement program lead to the court cases handled by the appellant in her court clerk function and the orders to show cause and warrants issued as a result of the defendants' failure to respond appropriately to the citations, e.g., pay the fine, contest the notice, or appear in court for violations as required by the law enforcement official. We find that the knowledge for both programs which occupy a majority of the appellant's time overlaps. Much of the knowledge applied in law enforcement support work is background for and subsumed within the knowledge applied in the appellant's court clerk work. Because the work can be associated with the series covering the culmination of both functions; i.e., GS-986, there is no need to place the position in the GS-303 series. Therefore, the appellant's position is properly assigned to the GS-986 series with the title Legal Assistant (Court). We will apply the directly applicable GS-900 JFS to evaluate the grade-level worth of her GS-986 work and the Guide to evaluate the grade-level worth of the position as a whole.

Grade determination

Evaluation using the GS-900 JFS

The GS-900 JFS uses the Factor Evaluation System (FES) method of position classification. Grades are determined by comparing a position's duties, responsibilities, and qualification requirements with the nine FES factors common to nonsupervisory positions. A point value is assigned to each factor based on a comparison of the position's duties and responsibilities with the factor-level descriptions (FLDs) in the standard. The points assigned to an individual factor level mark the lower end of the range for that factor level. To warrant a given level the position must fully equate to the overall intent of the FLD. If the position fails in any significant aspect to fully satisfy a particular FLD, the point value for the next lower level must be assigned, unless the deficiency is balanced by an equally important aspect that meets a higher level. The total points assigned are converted to a grade level by use of a grade conversion table in the PCS.

The agency FES evaluation statement credits the position with Levels 1-3, 2-3, 3-3, 4-3, 5-2, 6/7-2A, 8-1, and 9-1. The appellant believes that her position should be credited with Levels 1-5, 2-3, 3-3, 4-3, 5-3, 6/7-2B, 8-1 and 9-1. Based on careful review of the record, we agree with and have credited the position with Levels 6-2, 8-1 and 9-1. We will address the remaining factors.

Factor 1, Knowledge required by the position

This factor measures the nature and extent of information or facts that a worker must understand to do acceptable work, e.g., steps, procedures, practices, rules, policies, theories, principles, and concepts, and the nature and extent of the skills needed to apply this knowledge. To be used as a basis for selecting a level under this factor knowledge must be required and applied.

The appellant states that Level 1-5 should be credited quoting sections of the JFS's Level 1-5 FLD and giving examples from her work. For example, she equates researching payment histories to recommend to the Judge whether an Order to Show Cause should be issued when fines are in default and/or delinquent; preparing an arrest warrant when a defendant fails to pay

the fine (collateral) or appear in court; resolving payment problems with CVB when payments are incorrectly applied to a wrong account; and recommending that the Judge waive interest, default, and delinquent charges if there is appropriate cause/evidence to Level 1-5. Level 1-5 involves extensive search of records, identifying conflicts, assisting higher-graded employees in planning strategies and recommending the next steps to take, and planning, coordinating, and/or resolving problems in support activities. The appellant does not reference the occupation and specialty specific illustrations in the JFS. The instructions on how to use the JFS state that the illustrations are to be used to gain insights into the meaning of the grading criteria in the FLDs. Each illustration is to be used in its entirety in conjunction with FLD.

Work at Level 1-3 requires knowledge of, and skill in applying, standardized rules, processes, and procedures sufficient to: perform the full range of legal support assignments; make simple determinations; assist others to acquire information; identify documentation and time requirements; and use personal computers and office software programs to retrieve and sort information from files or records and to prepare documents with complicated formatting, e.g., headers and footers. Illustrative of court clerk work at this level is knowledge of, and skill in applying, standardized court rules, processes, and procedures sufficient to: provide answers to written, telephonic, electronic, and personal inquiries regarding court proceedings and records; prepare documents such as warrants, subpoenas, and hearing notices; notify appropriate parties concerning the scheduling of court hearings, postponements, cancellations, and rescheduling of court activities; and collect fees due to the court and maintain record of fees paid or due.

At Level 1-4, work requires 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. The work involves examining 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. The legal assistant plans, coordinates, and/or resolves problems in support activities; uses a wide range of office software applications to prepare complex documents containing tables or graphs; and uses online legal resources to obtain information accessible over the Internet, as needed. Illustrative of such work is knowledge of, and skill in applying, an extensive body of judicial rules and procedures sufficient to examine case files to determine sufficiency of documentation, identify material that may be pertinent to issues or cases, identify and resolve issues or problems of court procedures and court documentation, and use personal computers to prepare legal documents that require legal research.

The appellant's court clerk work matches the court clerk illustration at Level 1-3. Unlike Level 1-4, the body of rules and procedures used by the appellant is limited and straightforward. The appellant does not examine documents within the meaning of the GS-900 JFS, e.g., reviewing files to ensure that medical and other reports and documents are present for a pending disability hearing. Instead, the appellant ensures that the limited number and types of documents for the misdemeanors handled before the Judge, e.g., citation, incident reports, statements, State driving records, and CVB records, are present. Her work does not involve legal research, e.g., searching for court decisions related to the case issues at hand. The appellant's development of case materials is limited to obtaining status information from CVB, requesting name and vehicle checks, etc. The documents that she prepares are straightforward and do not require legal

research as discussed previously. The work assignment illustrations provided by the appellant as among her most complex, e.g., seeking information for the Judge on how to seal a juvenile record, consist of locating and/or implementing established court procedures. They do not constitute legal research within the meaning of the JFS. In the FES, each level in this factor encompasses the knowledge and skills identified in the previous level. Because this factor fails to meet the threshold for Level 1-4, there is no need to address Level 1-5. Therefore, Level 1-3 (350 points) is assigned.

Factor 2, Supervisory controls

This factor covers the nature and extent of direct or indirect controls exercised by the supervisor, the employee's responsibility, and how the work is reviewed or controlled. Controls are exercised by the supervisor in the way assignments are made, instructions are given to the employee, priorities and deadlines are set, and objectives and boundaries are defined. Responsibility of the employee depends upon the extent to which the employee 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.

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 or designated employee 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 and/or deviations that arise in accordance with instructions, policies, and guidelines; and refers controversial issues to the supervisor for direction. The supervisor or designated employee 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 appellant's court clerk work is performed within the limited oversight that minimally meets Level 2-3. Although her duties are circumscribed in nature as discussed previously, the appellant's court work is overseen by judicial branch employees whose primary office is approximately two hours distant from the appellant's work site. The presiding Judges with whom the appellant deals rotate, and she must be aware of and plan for each court session based on their individual variations in court room process. Within the constraints of the CVB court scheduling process, the appellant tracks case status and recommends action based on established guidelines and policies, such as not issuing a warrant because the defendant had not received the court summons, or suggesting that default fees be waived for the period of time between which the fined individual pays the appellant and the time that the payment is recorded by CVB. Similarly, the appellant tracks case activity for the three weeks between the initial court docket issued by CVB and the final docket signed by the Judge to adjust case actions, e.g., not issue a warrant if the defendant has paid in full after CVB has issued the initial court docket. Therefore, Level 2-3 (275 points) is assigned.

Factor 3, Guidelines

This factor covers the nature of guidelines and the judgment employees need to apply them. Individual assignments may vary in the specificity, applicability, and availability of guidelines; thus, the judgment that employees use similarly varies. The appellant states that Level 3-3 should be credited because she exercises independent judgment developed through prior experience and training to evaluate and complete duties.

At Level 3-2, the employee uses readily available guidelines in the form of agency policies and procedures that are clearly applicable to most transactions. These guidelines consist of: legal regulations; dictionaries and references; computer manuals; office manuals; office policies and procedures; directives; general decisions; and agency guides. The employee uses judgment to: determine the most appropriate guidelines or procedures to follow based on the nature of specific assignments; adapt guidelines in specific cases and make minor deviations; and refer issues that do not readily fit instructions or are outside of existing guidelines to the supervisor or a designated employee for resolution.

In contrast, the employee working at Level 3-3 uses guidelines that have gaps in specificity and are not applicable to all work situations. When completing a transaction, the employee may have to rely on experienced judgment, rather than guides to: fill in gaps, identify sources of information, and make working assumptions about what transpired. The employee uses judgment to select the most appropriate guideline and decide how to complete the various transactions, e.g., reconstructing incomplete files, devising more efficient methods for procedural processing, gathering and organizing information for inquiries, and resolving problems referred by others. 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 appellant's work meets Level 3-2. Magistrate court processes cover the transactions with which the appellant must deal. Within those directly applicable policies and procedures, the appellant determines the appropriate procedure to follow, e.g., recommending that a case be continued if she confirms that the defendant did not receive the summons. As at Level 3-2, the guidelines that she uses permit her to make minor deviations, such as not preparing the warrant for a defendant who pays the collateral prior to finalizing the docket. Unlike Level 3-3, the appellant preponderantly deals with straightforward misdemeanor cases that require her to acquire limited pieces of information, such as CVB payment records and the documents previously addressed in this decision. The methods for obtaining this information are similarly straightforward and the appellant is instructed on those requirements, such as the prosecutor requesting motor vehicle records for specific cases or the Judge asking the appellant to find out how to seal a juvenile record rather than expunge it. The files are not incomplete and do not require the more extensive reconstruction discussed at Level 3-3 such as would be the situation for cases with legal briefs and voluminous evidence. As the only employee supporting this function for the activity, she is not in a situation in which other employees would refer court clerk problem issues for resolution. Instead, the appellant can raise such issues with the Judges' permanent court support staff. Therefore, Level 3-2 (125 points) is assigned.

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. The appellant cites her rationale for Level 1-5 and FLD 4-3 in the JFS as her rationale for the crediting of Level 4-3.

At Level 4-2, work consists of related steps, processes, and standard explanations of methods or programs in the function. Assignments may also be designed to prepare the employee for more difficult work. The data in legal documents are factual in nature, usually designed to record specific items of routinely required information in a uniform manner, and used for only one primary purpose or action. Supporting documents contain direct, firsthand evidence and are usually considered as conclusively establishing the point in question. The employee checks and performs initial processing of legal documents received in the office; answers inquiries about applications, legal instruments, forms, and/or benefits; obtains missing or incomplete information as needed, compares information submitted with information previously recorded; and considers and evaluates sources of information, appropriateness of citations, and legal requirements of documents, legal instruments, or claims. The employee recognizes different procedures required to process documentation and assist customers. Choices are limited. Difficulties encountered include meeting strict deadlines and keeping track of large quantities of facts, figures, information, and paperwork.

Illustrative of Legal Assistant (Court) work at Level 4-2 is providing administrative support for the Court. The employee assists individuals with questions concerning various legal information required on documents and in finding the appropriate courtroom. They also assist employees of the Court, local law enforcement officers, and prosecutors in drafting: complaints; subpoenas; warrants; commitments; and other documents incidental to the functions of the court. Receives court fees and maintains fees records. The employee must recognize different procedures to evaluate inquiries and determine the appropriate response, and consider different legal requirements when assisting individuals in preparing court forms and official documents. They accurately record information on fees and keep fee records up-to-date.

In contrast, Level 4-3 work consists of different and unrelated processes, methods, and sequences of tasks. The employee: analyzes facts and identifies issues; defines the problems; determines courses of action from many alternatives; searches, isolates, and determines the interrelationships among available information; assesses a variety of situations that depend on the particulars of the case and/or the submitting party; selects appropriate resources and applies those resources to the problem at hand; evaluates records in relation to legal requirements; develops recommendations for problem resolution; and adjusts and authorizes settlements. 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 on documents can vary substantially. The same document is used for different purposes or actions. Successive submissions of the same type of document may involve different kinds of information.

The appellant's work compares closely with the court clerk illustration for Level 4-2. She assists defendants so that they understand the various legal case documents and processes, e.g., failure to timely pay full collateral will result in delinquent and default and fees. Typical of Level 4-2, she assists the division staff and prosecutors in drafting complaints, subpoenas; warrants; and other documents incidental to the functions of the court. She receives fines and court fees, forwards them to CVB, and must be able to access fee record to respond to case questions, e.g., payment status on cases with payment schedules. As at Level 4-2, the appellant must recognize different procedures to evaluate inquiries and determine the appropriate response, and consider different legal requirements when assisting individuals in responding to and/or preparing official documents, e.g., payment schedules.

Unlike Level 4-3, the appellant's work does not consist of different and unrelated processes, methods, and sequences of tasks. The court support functions required to deal with misdemeanor cases are straightforward and follow well-established sequences. For example, CVB produces a docket three weeks before the court session. The appellant checks that docket before sending it to the Judge to be finalized so that defendants who have paid their fines can be removed. By following this sequence of processes, the appellant avoids producing unnecessary warrants for cases that should be closed. Unlike Level 4-3, the nature of the issues with which the appellant deals does not require or permit her to choose a course of action from among many alternatives. As discussed previously, the limited nature of the cases and directly applicable established procedures do not present the appellant with the more complex issues and problems or the decision making demands found at Level 4-3. Her recommendations to continue a case because the facts show that the defendant never received the summons, e.g., the citation had the wrong or incomplete address, or recommend that CVB waive fees between the time that the appellant receives monies and the time CVB credits them to a case, is not equivalent to developing recommendations for problem resolution and adjusts and *authorizing* settlements. Such decisions are reserved to higher-level officials including the Judge. Therefore, Level 4-2 (75 points) is assigned.

Factor 5, Scope and effect

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. The appellant cites the FLD 5-3 in the JFS and the court clerk illustration at Level 5-3 as her rationale.

At Level 5-2, work involves specific rules, regulations, or procedures. Work is constrained by well-defined and precise conditions. Work includes: reviewing documents for missing information; searching records and files; verifying and maintaining records of transactions; and answering routine procedural questions. The work affects the quality of services performed by the office. It provides the basis for subsequent actions taken by the organization to provide services to the public. Illustrative of court support work at Level 5-2 is answering routine procedural inquiries. The employee receives visitors and directs them to the appropriate court room or office. The work includes maintaining records and files and verifying information on documents before filling. Work affects the quality of services provided by the court and court employees.

Work at Level 5-3, the highest level defined in the JFS, 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. The work may involve subjective considerations, such as looking for misrepresentations, fraud, or other illegal activity. It 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.

Illustrative of court support work at Level 5-3 is providing assistance in administering judicial services of the court. The employee maintains the court calendar; examines case files to determine sufficiency of documentation; and prepares court transcripts, court orders, judgments, and other documents incidental to the functions of the court. The employee resolves problems pertaining to court procedures. The work affects the accurate and timely provision of court services and documentation.

The appellant's position meets the threshold for Level 5-3. As at that level, she finalizes and maintains the court calendar. Typical of Level 5-3, she reviews case files for completeness prior to the court session, records the session, and prepares documents incidental to the functions for the court including warrants, amendments to violation orders, and judgment orders. The appellant assists defendants and attorneys in understanding court procedures and alternatives open to them, e.g., paying collateral in full to avoid additional fees and penalties. As at Level 5-3, her responsibility for each court session affects the timely provision of court services and documentation. Therefore, Level 5-3 (150 points) is assigned.

Factor 7, Purpose of contacts

The purpose of personal contacts ranges from factual exchanges of information to situations involving significant or controversial issues and differing viewpoints, goals, or objectives. The personal contacts that serve as the basis for the level selected for Factor 7 must be the same as the contacts that are the basis for the level selected for Factor 6.

At Level A, the purpose of the contacts is to clarify or exchange information or facts needed to complete an assignment. In contrast, the purpose of contacts at Level B is to plan or arrange work efforts; to coordinate and schedule activities; to resolve problems relating to documents or procedures; and/or to provide explanations of why approval was not given, discuss measures that might be taken to obtain approval in the future, and explain alternatives options that may be available.

Many of the appellant's contacts involve clarifying and exchanging information typical of Level A. However, the appellant's court support work meets the threshold demands of Level B since it routinely requires her to plan, arrange, and coordinate the monthly court session. Typical of Level B, she obtains the information necessary to refine CVB's initial court docket so as to avoid preparing unnecessary warrants for defendants who have paid their fines and coordinates rescheduling of cases with the Judge.

Level 2B is assigned, and a total of 75 points is credited for the combined value of Factors 6 and 7.

Summary

<i>Factors</i>	<i>Level</i>	<i>Points</i>
1. <i>Knowledge required by the position</i>	1-3	350
2. <i>Supervisory controls</i>	2-3	275
3. <i>Guidelines</i>	3-2	125
4. <i>Complexity</i>	4-2	75
5. <i>Scope and effect</i>	5-3	150
6. <i>Personal contacts and 7. Purpose of contacts</i>	2B	75
8. <i>Physical demands</i>	8-1	5
9. <i>Work environment</i>	9-1	<u>5</u>
	Total Points	1,060

A total of 1,060 points falls within the GS-5 grade level point range of 855-1,110 points on the Grade Conversion Table. Therefore, the appellant's court support work is properly classified at the GS-5 grade level.

Evaluation using the Guide

The Guide provides general criteria for use in determining the grade level of nonsupervisory clerical and assistance work from GS-1 through GS-7. Two criteria are used for grading purposes: *Nature of assignment*, which includes the knowledge required and complexity of the work, and *Level of responsibility*, which includes supervisory controls, guidelines, and contacts.

Nature of assignment

At the GS-6 grade level, clerical work entails processing a wide variety of transactions for more than one type of assigned activity or functional specialization. Assignments are subject to different sets of rules, regulations, and procedures. Technical assistance work involves considerable evaluative judgment within well-defined, commonly occurring aspects of an administrative program or function. The work may involve providing direct assistance to specialists or analysts by performing a segment of their work, or it may involve responsibility for a stream of products or continuing processes requiring application of established policies, practices, and criteria. Typical assignments involve identifying issues, problems, or conditions and seeking alternative solutions in accordance with rules and guidelines. Assignments requiring evaluative judgment are narrowly focused, address a single product or action, and are relatively clear-cut. The employee usually deals with problems or situations that remain stable and resemble past situations that require judgment in selecting a best or appropriate solution. The work requires a practical knowledge of guidelines and precedent cases relating to a particular area and obtained through considerable work experience. It also requires skill in recognizing the dimensions of a problem and expressing ideas in writing.

As at the GS-6 grade level, the appellant's position has continuing responsibility for administrative and program support for aspects of the overall resource and visitor protection program (central law enforcement record keeping, monthly public use reporting, lost and found program, dispatcher for the radio communications system, and court support). She participates in the [appellant's organization] safety support program. The appellant also provides the full range of administrative and program support services to the [appellant's organization] District and support, as needed, to the Division head. These programs require her to apply established policies, instructions, and practices. The appellant's administrative support functions consist of sets of related actions, such as time and attendance and travel. Her program support duties also consist of interrelated functions. For example, her radio dispatch duties support the [appellant's organization] law enforcement process, e.g., dispatching assistance to an incident site as do her responsibilities in securing state vehicle registration listings from [location] County Radio for violation notices. The notice process, including entry into CVB system, precedes the CVB generation of the court docket (mandatory appearances or appearances for those who have not paid notice collateral) and the cases for which the appellant provides court support. While individual case problems differ, the procedures for handling notices and other resource and visitor protection issues are established and remain relatively standard. Like the GS-6 grade level, actions are complicated due to the alternative actions available and situations involved, e.g., explaining the alternatives to resolving notices from the initiation (citation) process through the court process so that the recipient can weigh the alternatives and determine a course of action.

As at the GS-6 grade level, the appellant's position requires that she apply established policies, practices, and criteria. The work requires evaluative judgment which is narrowly focused and is relatively clear-cut, e.g., determining the best available approach to resolving related law enforcement program and court issues based on available alternatives, such as those that may result in amendments to violation notices. As at the GS-6 grade level, problems or situations are those where there is not one absolutely correct one, only a best or most appropriate one based on evaluation of the case circumstances. Typical of that level, the appellant's work requires a practical knowledge of the guidelines that address the law enforcement and court processes as discussed previously. This requires considerable work experience and some specialized training.

GS-7 grade level work consists of specialized duties with continuing responsibility for projects, questions, or problems that arise within an area of a program or functional specialty. Assignments involve a wide variety of problems or situations common to the segment of the program or function and consist of a series of related actions or decisions prior to final completion. Decisions are based on the development and evaluation of information that comes from various sources. The work involves identifying and studying factors or conditions, determining their interrelationships, and taking or recommending actions that are consistent with the objectives and requirements of the program or functions.

The Guide's illustration for work at the GS-7 grade level is a position in a single function field office providing staff support work in budgeting, purchasing, supply management, personnel administration, data processing and files management. The employee collects data for the office operating budget which includes a wide range of program functions in several appropriations and accounts subject to different regulations and procedures, reviews submissions of office staff

assistants for proper format and compliance with agency budget requirements, and consolidates material into an annual office budget; sets up controls to monitor expenses during the year; and recommends budget adjustments including restructuring budget allocations or work plans to deal with changing situations, such as varying costs for equipment parts, or services, and changes in the availability of funds. The employee purchases supplies, equipment, and services and processes and tracks purchase documents. He or she also completes requests for personnel actions and writes position descriptions; conducts local recruitment and holds new employee orientation sessions; and maintains and revises an office filing system. The employee collects and retrieves program information from technical specialists and enters and retrieves information from a variety of systems. The work requires a broad understanding and detailed procedural knowledge of budget, purchasing, personnel, and information processing functions of the field office to recognize the dimensions of the problems involved and ability to take or recommend action based upon application or interpretation of established guidelines and practical knowledge of the operations, regulations, principles, and peculiarities of the assigned program, function, or activity.

The nature of the appellant's assignments does not require comparable specialized knowledge of a program or functional specialty or involve the wide variety of problems encountered. The appellant provides support for a relatively narrow program area involving standard actions; i.e., citations the content of which is determined by law enforcement officials and the disposition of which is determined by the presiding Judge. Unlike the weighing of alternative courses of action typical of the GS-7 grade level, e.g., recommending budget adjustments including restructuring budget allocations or work plans to deal with changing situations, the appellant's choices are limited to making management aware of well-established alternatives in handling case issues that are also subject to external control by CVB and the magistrate court process. The narrow range of the appellant's work assignments limits the breadth and depth of knowledge required and the complexity of problems encountered. Unlike GS-7 employees who are more concerned with the broader aspects of program objectives, peculiarities, and interrelationships, the appellant deals with a defined range of assignments subject to established and recurring guidelines and regulations as demonstrated by the appellant's position. The appellant is concerned with the details, procedures, and guidelines for administrative transactions, while the appellant's supervisor, [organization] prosecutor, and the presiding Judge for each court session are concerned with the broader aspects of their respective programs. Therefore, this factor is credited at the GS-6 grade level.

Level of responsibility

At the GS-6 grade level, the employee performing clerical work is recognized as an authority on processing transactions or completing assignments within a complicated framework of established procedures and guidelines, often when there are no clear precedents, and is regarded as an expert source of information on regulatory requirements for the various transactions. The employee adapts and applies numerous and varied guidelines. An employee performing technical or assistance work receives assistance with interpretation of policy from the supervisor. Completed work is evaluated for appropriateness and effectiveness in meeting goals. Guidelines such as regulations, instructions, evaluation criteria, and prior case or action files are available, but they are often not completely applicable to the assignment or have gaps in specificity. The

employee uses judgment in interpreting and adapting guidelines for application to specific cases or problems. At this level, the employee bases decisions and recommendations on facts and conventional interpretations of guidelines rather than on theory or opinion. The employee contacts employees or managers, either within or outside the agency, to provide, receive, or develop information in order to identify problems, needs, or issues, and/or to coordinate work efforts or resolve problems.

Comparable to the GS-6 grade level, the appellant's work is reviewed for overall technical soundness and conformance to agency policies, legal, or system requirements. The methods used by the appellant are seldom reviewed in detail. The appellant makes decisions based on factual information, e.g., the circumstances involved in a particular notice of violation including the law enforcement and court records involved, requests for help in interpreting and understanding the notice of violation and subsequent hearing process, etc. As at the GS-6 grade level, the appellant contacts others, e.g., recipients of citations, people paying fines under terms of supervision, [organization] law enforcement and protection staff in order to coordinate work efforts or resolve problems.

At the GS-7 grade level, the employee independently completes assignments in accordance with accepted practices, resolving most conflicts that arise. The primary difference between the GS-6 and GS-7 grade levels is in the difficulty and boundaries of the assignments. Similar duties may be performed at both the GS-6 and GS-7 grade levels. However, the evaluative judgment and analytical ability required for assignments are a determining factor. At the GS-7 grade level, the guidelines are more complex because the employee deals with a variety of problems and situations, and the guides tend to be general and apply less to specific actions. GS-7 grade level work requires significant judgment to interpret guidance and improvise procedures to accommodate unusual or one-of-a-kind situations. The employee is a resource for an organization, typically a large one which would generate a wide variety of problems and situations, for explaining regulatory guidance and resolving operational problems and disagreements affecting assigned areas. The contacts and purpose of contacts are usually the same as at the next lower level. The GS-7 employee, however, serves as a central point of contact to provide authoritative explanations of requirements, regulations, and procedures and to resolve operational problems or disagreements affecting assigned areas.

Unlike the GS-7 grade level, the appellant's work is subject to technical review. For example, amendments to notices and proposals to CVB to waive penalties from the time the appellant receives payment and the time CVB processes the payment must be reviewed and approved by others in the program and management chain of command. The appellant's work involves recurring processes, e.g., citation processing, arranging for and supporting monthly court sessions, and preparing a series of regular and recurring program reports, and does not vary to the extent anticipated at the GS-7 grade level. The appellant also does not normally receive assignments in terms of objectives, priorities, and deadlines as would be the case for the broader programmatic assignments typical of the GS-7 grade level, e.g., managing the field office budget from formulation through execution and closeout as discussed previously. Guidelines cover most aspects of the appellant's assignments. While some interpretation is required for applying them to situations, they do not normally require adaptation or improvising of procedures to accommodate unusual or one-of-a-kind situations. Rather, the appellant searches for procedures

applicable to situations not previously encountered, e.g., contacting CVB at a Judge's request to determine the options available in coding juvenile records. Although the appellant is the main point-of-contact for the programs, she is not responsible for providing authoritative explanations of requirements or resolve operational problems involving a complex administrative assignment typical of the GS-7 grade level. Authoritative explanations are reserved to higher-level Division staff and the prosecutor for law enforcement and related matters and judicial branch employees for court matters. Therefore, this factor is credited at the GS-6 grade level.

Since both *Nature of assignment* and *Level of responsibility* are evaluated at the GS-6 grade level, the appellant's administrative and program support duties, as a whole, are properly evaluated at the GS-6 grade level.

Decision

The appellant's position is correctly classified as Legal Assistant (Court), GS-986-6.