

**Classification Appeal Decision**

issued by

U.S. Department of Interior

Washington, D.C. 20240

**Appellants:**

[REDACTED]

**Position:**

Wildlife Inspector, GS-1801-9

**Organization:**

Department of the Interior  
Fish & Wildlife Service  
Region [REDACTED]

**Decision:**

**Wildlife Inspector, GS-1801-9**  
(Appeal denied)

*Dolores Chacon*

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Dolores Chacon  
Associate Director of Personnel Policy

*11/21/28*

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Date

\_\_\_\_\_  
Copy of Decision Transmitted to:

Personnel Officer  
Fish and Wildlife Service, Headquarters

Personnel Officer  
Fish and Wildlife Service, Region [REDACTED]

## INTRODUCTION

On April 16, 1998, appellants [REDACTED] of the Fish and Wildlife Service (FWS), Region [REDACTED], filed a group position classification appeal, through their representative [REDACTED] to the Director of Personnel Policy, Department of the Interior. The appellants are employed as Wildlife Inspector, GS-1801-09. The appellants have appealed for an upgrade of their position to the GS-11 level.

This is the final administrative decision within the Department of the Interior. The appellants may appeal the classification of their position to the Office of Personnel Management (OPM). Information about submitting an appeal to OPM is included in the decision letter to the appellants.

## BACKGROUND INFORMATION

The appellants disagree with a December 10, 1997, classification decision made by their servicing personnel office which resulted from their request to reclassify their position, Wildlife Inspector, GS-1801-9, to the GS-11 grade level. The servicing personnel office determined that the appellants' position was properly classified as Wildlife Inspector, GS-1801-9. The appellants take issue with their servicing personnel office's classification determination arguing that the review of their positions was incomplete and inaccurate; that the work performed by the Region Wildlife Inspectors satisfies the standards for classification to the grade GS-11 level; and that the Region Wildlife Inspectors are being treated inequitably since all other FWS Regions have upgraded Wildlife Inspector positions to the GS-11 level.

## SOURCES OF INFORMATION

In deciding this appeal, we considered information obtained from the following sources:

- The appellants' affidavits of appeal and attachments.
- The material submitted by the servicing personnel office, including the appellants' current position description, position evaluation statement, organizational chart, functional statement, SF-50 (Notification of Personnel Action), current performance plans, and the position description and evaluation statement for the position held by the appellants' supervisor.
- Telephone interviews with the appellants on August 26 and 28, 1998, and with the supervisor [REDACTED] Supervisory Wildlife Inspector, GS-1801-11 on August 28, 1998.

## REFERENCES

- Customs Inspection Series, GS-1890, dated March 1973
- Introduction to the Position Classification Standards, dated August 1991
- The Classifier's Handbook, dated August 1991

## GENERAL ISSUES

The appellants are on a standardized GS-1801-9, Wildlife Inspector, position description in Region [REDACTED]. They believe that the work of their position is comparable to the Wildlife Inspector position located in Region [REDACTED] and that GS-11 is the proper grade level for their position. The appellants submitted a copy of the Region [REDACTED] GS-11 position description and an evaluation statement to support their assertion.

The classification appeals process dictates that comparison of current duties and responsibilities to appropriate classification standards is the exclusive method for classifying positions. Thus, the above referenced GS-11 Wildlife Inspector position description has no bearing on this decision.

## POSITION INFORMATION

The appellants are assigned to the Division of Law Enforcement, [REDACTED] Offices. The Division of Law Enforcement is responsible for protecting domestic and international fish and wildlife resources. The Division administers a law enforcement program to secure and maintain widespread voluntary compliance with Federal and State conservation laws and regulations and international treaties. The appellants work as Wildlife Inspectors performing a full range of inspection and compliance duties involving the enforcement and administration of laws and regulations governing the importation, exportation, and humane transport of wildlife and wildlife parts and products. On a daily basis they independently determine and take action for most problems encountered in baggage, cargo, passenger, and package inspections involving the import and export of live wildlife and wildlife parts or products for commercial, scientific, museum, and personal use and purpose.

They examine import/export documents, domestic transportation documents, including airway bills, ocean and truck bills of lading, dock receipts, delivery instructions, letters of credit, special Customs and commercial invoices, certificates of origin, foreign export permits or re-export certificates, Service permits, packing lists, affidavits, licenses, and other Federal forms to assure compliance with applicable regulations and the presence of required documents.

They examine live specimen, parts, or wildlife products to determine if they are being shipped in accordance with Federal and State wildlife laws. The appellants identify the genus, species, and subspecies of wildlife specimens, parts, or products to assure compliance with laws and treaties that include lists and appendices of protected species.

The appellants perform case work conducting preliminary investigations, including the collection of original documents pertaining to a shipment of wildlife or wildlife parts and products in violation or suspect of being in violation of applicable laws and regulations. They interview freight handlers, wildlife dealers, carrier representatives, etc., in this regard. They write and otherwise prepare reports which record violations and potential violations of laws and regulations involving wildlife shipped in interstate commerce for further evaluation by supervisor or special agent. They collect, store, preserve, and dispose of evidence in accordance with law and Service policies and chain of custody procedures.

On a rotating basis the appellants serve as dispatcher in charge of making work assignments, arranging work schedules, and distributing records, documents, and other information. They examine and approve Convention on International Trade in Endangered Species (CITES) export permits for certain wildlife and in some cases may issue permits for the re-export of CITES species. The appellants answer inquiries covering wildlife concerns such as regulatory exceptions and wildlife bans.

They participate with other regulatory agencies such as the Agricultural Plant and Health Inspection Service (APHIS), the Customs Service, State wildlife agencies, and museum or zoo representatives to help coordinate operations, obtain assistance, or to provide suggestions on handling inspections and other activities. They provide training and information for other organizations including new APHIS or Customs Service employees, and military personnel involved in passenger and cargo processing. They testify in criminal and civil proceedings pertaining to incidents related to daily operations/assignments.

In addition, they operate information and document processing systems such as the Law Enforcement Management Information System or U.S. Customs Service Automated Commercial System; present talks and demonstrations concerning wildlife inspection work; and perform other coordinative duties. In the [REDACTED] Office each inspector has responsibility for a special area as follows: [REDACTED] for CITES permits, [REDACTED] for vehicle care and maintenance, [REDACTED] for library resources and videos, and [REDACTED] for training and public outreach.

The appellants have knowledge of Federal, State, and foreign countries laws such as the Endangered Species Act, the Lacey Act, the Migratory Bird Treaty Act, the African Elephant Conservation Act, the Marine Mammal Act, the Wild Bird Conservation Act, the Eagle Protection Act, the CITES, and Departmental and Service policies and practices. They must also have practical knowledge of taxonomy, zoology, biology, and forensic techniques.

## SERIES AND TITLE DETERMINATION

Since the primary purpose of this position is the examination, inspection, and enforcement of laws governing the import and export of domestic and international fish and wildlife resources, the position is appropriately placed in the General Inspection, Investigation, and Compliance Series, GS-1801. This series includes positions which administer, coordinate, supervise, or perform inspection, investigative, analytical, or advisory work to assure understanding of and compliance with Federal laws, regulations, or other mandatory guidelines when such work is not more appropriately classifiable in another series. This series does not specify titles. Following guidance in the **Introduction to the Position Classification Standards**, the title **Wildlife Inspector** was constructed and is appropriate.

## GRADE LEVEL DETERMINATION

The General Inspection, Investigation, and Compliance Series, GS-1801 position classification standard does not provide specific grade level criteria for evaluation. The standard instructs that individual positions classified to this series be evaluated by reference to an appropriate standard that involves a related kind of work and that requires analogous knowledge and skills. The position is evaluated by reference to the standard for the Customs Inspections Series, GS-1890. This series includes positions performing inspection work in the enforcement and administration of laws governing the importation or exportation of merchandise. The work requires knowledge of laws, regulations, policies, and procedures concerning the entry, examination and release of merchandise. This series is written in narrative format in terms of two evaluation factors: **Nature of Assignment** and **Level of Responsibility**.

### **Nature of Assignment**

This factor covers the nature and purpose of the functions performed; the complexity and difficulty of the assignments and problems encountered; the degree of judgment; and the skills and knowledge required. Inspectors normally perform several functions in inspections, it is the difficulty and responsibility of the duties rather than the variety of inspections which determines grade level.

The appellants disagree with their servicing personnel office's evaluation of this factor at the GS-9 level.

According to the GS-1890 standard, GS-9 level inspectors independently examine and release a wide variety of merchandise from many sources or countries. They carry out complete inspections involving a wide variety of conditions and complexities with responsibility for exploring issues and taking final action. At this level inspectors use seasoned judgment in interpreting and applying numerous laws, regulations, procedures and requirements for examining, classifying and releasing merchandise; recognizing and evaluating conditions and circumstances that may provide evidence of smuggling, fraud, and other violations; establishing facts and

securing evidence that is needed for assessing penalties, prosecution or further investigation; and examining merchandise to determine and provide specific factors and conditions for items that are important for tariff classification and value determinations.

The appellants use a knowledge of CITES; wild fauna and flora; migratory birds, eagles, other endangered plants and animals; import/export activities; permit matters; and unprotected or state regulated wildlife to perform a full range of inspection duties to ensure compliance with laws and regulations governing the importation, exportation, and humane transport of wildlife and wildlife parts and products. They examine import/export documents to assure compliance with applicable regulations. The appellants examine live specimens, parts, or wildlife products to identify the genus, species, and subspecies to determine if they are being shipped in accordance with Federal and State wildlife laws based on broad knowledge of applicable laws, regulations, and international agreements and treaties that include lists and appendices of protected species. The appellants refer difficult to identify and unidentifiable species to others including zoo personnel for identification.

They seize and detain items/specimens, with or without a warrant as provided by law, and inform as appropriate the owner, dealer, carrier representative, etc. They answer inquiries covering a wide variety of wildlife concerns. They examine and approve CITES export permits for certain wildlife and in some cases may issue permits for the re-export of CITES species. They conduct preliminary investigations, including shipment documents of wildlife in violation or suspect of being in violation of law and interview freight handlers, wildlife dealers, carrier representatives, etc. They collect, store, preserve, and dispose of evidence in accordance with law, policies, and custody procedures. They write and prepare reports which record violations and potential violations of laws and regulations and refer to their supervisor and/or special agent for further evaluation.

The appellants' position matches the GS-9 level and is analogous to work in Illustration #3 at the GS-9 level. Illustration #3 describes GS-9 inspectors performing the full range of inspection duties for the importation of cargo that involves substantial volume and variety of commercial importations from numerous sources or countries. The volume and variety present problems that require judgment and knowledge concerning clearance processes, regulations, procedures and practices for different kinds of imports as well as techniques used to smuggle or defraud. GS-9 inspectors use judgment based on experience to determine the degree of examination of merchandise. They make final decision that merchandise is properly described and marked, in releasing shipments, and in reporting on the disposition, quantity and condition of shipments discharged. GS-9 inspectors have authority to select representative samples of merchandise to be examined. They verify that the description on the invoice matches the item physically examined; determine on the basis of experienced judgment if the description is adequate for classification purposes; and if not, describe the merchandise and report findings or send samples to import specialists when in doubt. They ensure that the shipment is fully accounted for and that data for collection of duty and taxes are provided. At this level, inspectors determine if information and documentation is in order, such as proper release from carrier and identification of consignee and

delivery agent. They retain custody when such documentation is missing. They examine, classify, and collect duties and taxes as appropriate for imported merchandise. They seize prohibited merchandise and contraband such as marijuana or narcotics, in cargo or in crew and unaccompanied baggage and take violator into custody if present. They perform personal searches, detain violators for interrogation and arrest by agents; report findings of seizures in cargo; and evaluate the nature of the violation when seized in baggage and take action as described for baggage inspection.

The appellants are not performing work as described in the GS-1890 standard at the GS-11 level. At the GS-11 level inspectors perform a wide variety of advisory, coordinating, and special investigative duties involving complex and highly sensitive inspections and control issues that require experience in a broad range of inspection, enforcement, special interrogation and inquiry, and merchandise examining functions. GS-11 inspectors are responsible for overseeing the inspection and control operations for various stations processing extensive volumes and varieties of international cargo or passenger traffic involving a combination of such circumstances as diverse and complex transactions, special and unique conditions, and high risk of smuggling, fraud, and hostile incidents. At this level inspectors plan and participate in cooperative agreements with other countries as part of a broad program to advise and consult with foreign countries and overseas enforcement authorities and/or advise terminal operators of action necessary to correct or improve security. The appellants do not plan and carry out assignments, projects, or studies to explore and resolve major problems such as initiating remedial action to correct deficiencies in procedures, methods, and policies to widely diversified inspection and control activities as described in the standard for the GS-11 level.

The work performed by the appellants involves the full range of difficult, daily inspection operations contemplated at the GS-9 level, rather than the more difficult and complex advisory and coordinating duties which are characteristic of the GS-11 level, as described above.

### **Level of Responsibility**

This factor reflects the degree of supervision received, the nature and complexity of decisions made by inspectors, and the nature of personal contacts.

The appellants disagree with their servicing personnel office's assignment of the GS-9 level for this factor.

According to the GS-1890 classification standard, GS-9 inspectors work under the general supervision of a supervisor and have complete independence for carrying out all types of inspection processes in the admission and release of baggage, cargo, and informal entries. They are responsible for recognizing conditions that may indicate a pattern of smuggling, fraud or other criminal operations for investigation by agents or specialists. They are free to make on-the-spot decisions in planning work, following leads, and developing evidence of fraud, smuggling, and violation of other laws. Inspectors at this level determine the kind and extent of useful

information to be obtained thorough interrogation of travelers, importers, or carrier staff and conduct intensive inspection, examination or search of documents, merchandise, containers, carriers, etc. They consult with the supervisor or specialist to report unusual conditions or to obtain guidance on what to check and consider in examining merchandise for such situations as new kinds of items or very similar items that could be given different tariff classifications. In reporting seizures of contraband, undervaluation of merchandise, and for other violations, other than for serious violations, GS-9 inspectors are responsible for indicating if a penalty should be assessed or mitigated based on evaluation of the facts, intent, and possible extenuating circumstances. At the GS-9 level actions and decisions of inspectors in the admission and release of goods are largely unreviewed except as actions are protested or documents are further processed.

Like inspection work described at the GS-9 level, the appellants independently perform a full range of wildlife inspection assignments and report to either a Supervisory Wildlife Inspector or a Senior Resident Agent. They assume responsibility primarily for inspection matters that arise with the flow of daily cargo and passengers. They make final judgments and decisions on-the-spot and take whatever action is necessary in the admission and denial of wildlife, parts and products intended for import or export. These actions are taken within delegated scope of authority and in accordance with the framework of applicable laws, regulations and guidelines. They develop information for investigations of a criminal nature and refer to the supervisor or special agent. They have contacts with importers/exporters, custom house brokers, permittees, passengers or other travelers, postal and/or other package shippers, and other individuals or representatives to provide information. Their work is unreviewed except as items detained or seized. They keep the supervisor informed about problems that may delay or impede the work and matters that may result in further controversy, prosecution, and attention at higher levels.

The appellants' level of responsibility does not correspond to the GS-11 level per the criteria in the GS-1890 standard. Specifically, inspectors at the GS-11 level operate with a high degree of independence in identifying problems to be resolved that impede operations in the assigned areas of responsibility. They apply an extensive knowledge of inspection and control programs, policies, and processes including the application of intelligence information, entry requirements, and overall tariff considerations in identifying the issues and developing solutions to problems or fully substantiating evidence for penalty actions or prosecution. GS-11 inspectors carry out assignments that require negotiation on important questions of compliance, enforcement, and operating practices with highly knowledgeable staff members of terminal operators, importing firms, transportation companies and others in the importing and exporting business. They must also use a high degree of skill in a wide range of contacts to elicit information, unearth irregular practices, and identify operational problems. Judgment and decisions of inspectors at this level typically are accepted as completed staff action. At the GS-11 level inspectors' recommendations on changes in procedures and practices are reviewed for effect on other operations and administrative and policy considerations such as time, staff, and costs.

The appellants' level of responsibility is not indicative of the GS-11 level for this factor. Rather

the appellants' responsibilities are characteristic of those associated with the full range of inspection duties and responsibilities as envisioned at the GS-9 level.

### **SUMMARY**

In summary, the appealed position has been evaluated at the GS-9 grade level for both factors, **Nature of Assignment** and **Level of Responsibility**. Therefore, the appealed position is properly classified at the GS-9 grade level.

### **DECISION**

For the reasons given above, the authorized classification of the appealed position is Wildlife Inspector, GS-1801-9.