

Evaluation Statement

Proposed Classification: Criminal Investigator, GS-1811-11
PN: S000313
Location: U.S. Fish and Wildlife Service
Office of Law Enforcement

Reference: Job Family Position Classification Standard for Administrative Work in the Inspection, Investigation, Enforcement and Compliance Group, 1800, dated March 2009.

Background: The Office of Law Enforcement's (OLE's) mission is to protect wildlife resources by investigating wildlife crimes, regulating wildlife trade, and helping others understand and comply with protection laws. OLE works in partnership with Federal, international, State, tribal, and local counterparts. Currently, a variety of new challenges and trends complicate this work. Population pressures, more accessible international travel and trade, frequent work with individuals with languages other than English, the proliferation of organized crime activity, and the threat of invasive species all impact the nature of the work and the skills required.

Work requires skill in using advanced technology, analytical skill to evaluate and interpret data, including human intelligence, and the ability to make risk assessments in order to focus inspections and investigations. OLE must expand partnerships, as well as increase the use of multi-agency and multi-function teams to accomplish high-risk, high-impact investigations.

The incumbent serves as an investigator responsible for independently conducting investigations regarding laws, rules, regulations, and treaties administered by the U.S. Fish and Wildlife Service. The incumbent serves as an expert when testifying in court or administrative proceedings. Frequent travel is required. Pursuit of investigations requires unscheduled overtime.

Series determination: The incumbent of this position plans and conducts investigation of alleged or suspected violations of FWS laws, rules, and/or regulations. This work is comparable to that described in the Criminal Investigation Series, GS-1811. Positions in that Series involve planning, conducting, or managing investigations related to alleged or suspected criminal violations of Federal laws. Positions in the Criminal Investigation Series require, as does the subject position, knowledge of criminal investigative techniques, rules of criminal procedures, laws, and precedent court decisions concerning the admissibility of evidence, constitutional rights, search and seizure, and related issues in the conduct of investigations.

Title determination: The basic title for position in this Series is Criminal Investigator. In summary, the correct title and series of this position are Criminal Investigator, GS-1811.

Grade determination: The Job Family Position Classification Standard for Administrative Work in the Inspection, Investigation, Enforcement and Compliance Group, 1800 contains grade-level criteria for evaluating positions in the GS-1811 Series. The Standard is written in the Factor Evaluation System (FES) format. Under the FES, positions are placed in grades on the basis of their duties, responsibilities, and the qualifications required as evaluated in

terms of nine factors common to nonsupervisory positions in General Schedule (GS) occupations.

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

This factor measures the nature and extent of information or facts that an employee 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 necessary to apply that knowledge.

At Level 1-7, investigators must have knowledge of, and skill in applying, a wide range of complex investigative, inspection, compliance, and/or protection principles, concepts, and practices; criminal and case law precedents; administrative and legal procedures; legal jurisdictions; a broad range of advanced investigative techniques, research methodologies, and statistical and financial analyses; and business practices common to regulated entities and parties.

This knowledge and ability must be sufficient to enable the incumbent to:

- coordinate investigative activities with Federal, State, and local law enforcement officials;
- conduct sophisticated surveillance;
- ensure criminal cases are supported by evidence;
- develop supportable cases for presentation and/or prosecution;
- conduct inspections and investigations where significant difficulties are encountered;
- select, adapt, and apply investigation and negotiation techniques;
- interpret complex laws and regulations;
- develop new approaches, methods, or procedures in data gathering and analysis techniques;
- recognize and resolve discrepancies and/or inconsistencies among findings;
- obtain and/or reconstruct missing or withheld documents and information;
- analyze, interpret, and evaluate complex records, documents, and other information including using information technology systems;
- overcome obstacles to gathering and interpreting evidence;
- collect and confirm information from a variety of sources and methods, such as court records, databases, the Internet, newspapers, periodicals, and financial reports; and
- prescribe corrective action or remediation in difficult and complex work assignments.

This is identical to the knowledge required in the subject position.

The knowledge required in this position is greater than that required at Level 1-6 where investigations are typically less complex, e.g., there is no need to coordinate investigative activities with other jurisdictions, and there is no need to develop new approaches, methods, or procedures since investigations are typically well-precedented.

The knowledge requirements of the position do not meet the criteria for Level 1-8 where the investigator typically develops agency-wide policies, procedure, and strategies or provides expert technical advice, guidance, and recommendations to agency management and other senior agents, officers, or inspectors on critical operations.

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

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

At Level 2-4 the supervisor outlines overall objectives and available resources, discusses the projects and timeframes with the investigator, and determines the parameters of the employee's responsibilities. At this level, the investigator determines the avenues to pursue, decides the methods to apply and the approach to take, interprets policy and regulations and resolves conflict, coordinates cases across jurisdictional lines, and keeps the supervisor informed of progress and potentially controversial matters. At Level 2-4, the supervisor does not normally review the methods used but reviews completed work for soundness of overall approach, effectiveness in producing results, feasibility of recommendations, and adherence to requirements.

This is an exact match for the supervision exercised over the subject position by the Resident Agent in Charge or other supervisory officials. The incumbent works with a greater degree of independence than at Level 2-3 where the supervisor provides more assistance when work is assigned, the employee can rely more on accepted policies and practices, and work is reviewed more closely, e.g., the appropriateness of the employee's approach. The employee does not work with the independence characteristic of Level 2-5 where the supervisor typically provides only general administrative direction for assignments in terms of broad program objectives and resources of the agency.

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

This factor covers the nature of guidelines and the judgment employees need to apply them. At Level 3-3, the employee uses a variety of guidelines, manuals, and standard reference materials; however, they are not completely applicable to the work or have gaps in specificity. The investigator uses judgment in interpreting, adapting, applying, and deviating from guidelines based on unusual circumstances. The incumbent analyzes the results of such adaptations and recommends changes in established methods and procedures.

This is a direct match to the use of guidelines in this position. The Special Agent uses a variety of guidelines, manuals, and standard reference materials; however, they are not completely applicable to the cases worked or have gaps in specificity. The incumbent uses judgment in interpreting, adapting, applying, and deviating from guidelines, based on unusual circumstances in specific cases. The investigator analyzes the results of such adaptations and recommends changes in established methods and procedures to the Special Agent in Charge.

The use of guidelines exceeds Level 3-2 where the guidelines are directly applicable to the assignment. The use of guidelines does not meet the criteria for Level 3-4 where guidelines for conducting new or innovative investigations are scarce or of limited use.

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

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 4-4 the work consists of developing, planning, and conducting investigations using a range of techniques such as physical surveillance; electronic surveillance; electronic or oral

intercepts; undercover operations and purchases; and evaluating and disseminating intelligence gained during searches, seizures, interrogations, and arrests.

At Level 4-4, the investigator selects the appropriate method to ensure proper custody and handling of evidence, and coordinates and handles jurisdictional issues pertaining to the timing and feasibility of major joint investigations. This includes such methods as prolonged multi-jurisdictional surveillance, purchasing evidence, conducting coordinated searches, planning seizures and arrests while protecting the ongoing investigation, and identifying when the investigation requires expansion or culmination. The investigator at this level exercises judgment in determining conflicting facts when subjects do not cooperate, have covert or subtle resistance, have explanations that are difficult to refute, and use obstructive tactics to obscure relevant facts.

This is a direct match to the complexity of investigations in the subject position, which are characterized by all of the above factors. The complexity of this position exceeds Level 4-3 where the cases are less complex and the investigator need only apply a variety standard techniques and procedures. This position does not meet the criteria for Level 4-5 where cases are characterized by such things as the existence of few or no precedents to follow; significant unresolved legal or regulatory issues; intense and widespread public, media, or congressional interest; and emerging and innovative methods and patterns of criminal activity.

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

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 product or services within and outside the organization. Effect measures such things as whether the work output facilitates the work of others or provides timely services of a personal nature.

At Level 5-3, the work involves independently conducting and completing typical investigations, inspections, enforcement activities, or evaluations. This includes responsibility for resolving a variety of conventional problems and situations by applying known solutions. At this level, the work contributes to the effective administration and/or enforcement of pertinent laws and regulations and to the prevention and detection of illegal or unsafe activities.

This is comparable to the scope and effect of the subject position. The incumbent independently conducts and completes typical investigations, inspections, enforcement activities, or evaluations relating to alleged or suspected violations of FWS laws, rules, and/or regulations. The incumbent's work contributes to the effective administration and/or enforcement of FWS laws and regulations and to the prevention and detection of illegal activities relating to the importation/exportation or interstate commerce of endangered fish and wildlife species.

The work exceeds the scope and effect of Level 5-2 where the work involves applying specific, well-established laws, rules, regulations, and procedures to perform clearly defined assignments of limited complexity. The position does not meet the criteria for Level 5-4 where the work efforts characteristically result in the disruption of large-scale organized illegal activity and/or results in changes to business practices. Work at that level may also result in improved planning and operational aspects of agency programs.

Factors 6 and 7, Personal Contacts and Purpose of Contacts, Level-6/7-3c, 180 points

These factors include face-to-face and remote dialogue with persons not in the supervisory chain. The levels of these factors consider what is necessary to make the initial contact, the difficulty of communicating with those contacted, the setting in which the contact take place, and the nature of the discourse.

At Level 6-3, contacts are with individuals or groups from outside the agency in moderately unstructured settings, on a non-routine basis. The extent of each contact is different. Typical contact at this level is with investigators from other agencies, district attorneys, witnesses, informants, and complainants.

This is comparable to the nature of contacts in this position. Personal contacts are with investigators from Federal, State and local investigative agencies; officials of Native American tribes, foreign governments, and private industry; witnesses; informants; complainants; and the general public. Through appropriate channels, the incumbent has frequent contact within the Department of Interior with the Office of the Solicitor and with the U.S. Attorney in the Department of Justice. Contacts are typically in an unstructured setting and on a non-routine basis. The extent of each contact is different.

The nature of contacts exceeds Level 6-2 where contacts are usually made at the employee's work place. The nature of contacts does not meet the criteria for Level 3-4 where typical contacts are with Members of Congress, leading representatives of foreign governments, presidents of large national or international firms and organizations, State governors, or mayors of large cities.

At Level c the purpose of contacts is to influence, persuade, interrogate, or control people or groups. The people contacted may be fearful, skeptical, uncooperative, or dangerous. Therefore, the employee must be skillful in approaching the individual or group to obtain the desired effect, such as gaining compliance with established policies or gaining information by establishing rapport with a suspicious informant.

This is identical to the nature of contacts in this position. Contacts are for the purpose of persuading or interrogating persons or groups. The persons contacted may be fearful, skeptical, uncooperative, or dangerous. The Special Agent must be skillful in approaching the individual or group to gain compliance with FWS policies and regulations by persuasion or negotiation, or gaining information by establishing rapport with a suspicious informant.

The purpose of contacts exceeds Level b where contacts are with individuals or groups who are working toward mutual goals and have basically cooperative attitudes. The nature of contacts in this position does not meet the criteria for Level d where contacts usually involve active participation in conferences, meeting, hearing, or presentations about problems or issues of considerable consequence or importance.

Factor 8, Physical Demands, Level 8-2, 20 points

This factor covers the requirements and physical demands placed on the employee by the work assignment. At Level 8-2, the work involves long periods of standing and recurring stooping and bending. The work can require frequent and recurring surveillance in which there is considerable amount of walking, stooping, bending, and climbing. The employee may be required to remain in one location for many hours without relief. The work may also

include frequent lifting of moderately heavy objects such as luggage or boxes in cargo containers.

This is identical to the physical demands of the subject position. The work involves frequent and recurring surveillance in which there is considerable amount of walking, stooping, bending, and climbing. The Special Agent may be required to remain in one location for many hours without relief. The work may also include frequent lifting of moderately heavy objects such as boxes in cargo containers.

The physical demands of the position exceed Level 8-1 where the work is mainly sedentary. The criteria for Level 8-3 are not met. At that level, employees must be prepared to protect themselves or others from physical attacks at any time without warning.

Factor 9, Work Environment, Level 9-2, 20 points

This factor considers the discomfort and risk of danger in the employee's physical surroundings and the safety precautions required. At Level 9-2, the work involves moderate risks and requires special safety precautions or protective clothing or gear. The work at this level involves exposure to moderate discomfort, high noise levels, dust, auto and aircraft exhaust adverse weather or areas with high crime rates.

Work is accomplished in both office and outdoor settings. There is regular and recurring exposure to moderate risks and discomforts such as adverse weather conditions and dusty or noisy environments. Surveillance work may include use of aircraft, boats and motorized vehicles. Incumbent is expected to reduce risk to self and other workers on assignment.

The physical demands of the position exceed Level 9-1 where the work is usually in an office setting. The work environment of the position does not meet the criteria for Level 9-3 where the work may involve such things as involvement in physical altercations or the use of lethal weapons while attempting to arrest suspects.

Summary:

Factor	Level	Points
1. Knowledge Required by the Position	1-7	1250
2. Supervisory Controls	2-4	450
3. Guidelines	3-3	275
4. Complexity	4-4	225
5. Scope and Effect	5-3	150
6/7. Personal Contacts and Purpose of Contacts	6/7-3c	180
8. Physical Demands	8-2	20
9. Work Environment	9-2	20
Total		2570

The total points awarded are 2570, which falls within the range for GS-11 (2355-2750).

Conclusion: The appropriate classification for this position is Criminal Investigator, GS-1811-11.