

Project Overview: Classifying GS-1811 Criminal Investigators at the Department of Justice



Background: The Department of Justice (DOJ) employs a large law enforcement (LE) workforce and is the primary employer of criminal investigators (the GS-1811 job series) within the federal government. Criminal investigators are entitled to receive premium pay and enhanced retirement benefits. Congress established enhanced retirement benefits to allow law enforcement officers (LEOs) to retire at an early age due to the vigorous physical demands of law enforcement duties. In addition, LEOs may receive the Law Enforcement Availability Pay (LEAP) designed to compensate them for their significant amount of unscheduled duty. Law enforcement agencies use the enhanced pay and benefits as incentives to attract and retain a high-quality law enforcement workforce. The 1811 series classification represents status and authority within the LE community. LEOs take great pride in their work and embrace the core values of law enforcement.

The 1811 classification and associated benefits have been at the center of discussion in recent years. In 2020, the Office of Personnel Management (OPM) evaluated the position classification practices of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), a law enforcement component agency in the DOJ. In its report, OPM identified positions within ATF's headquarters offices that were misclassified in the GS-1800 series. The OPM report found that incumbents in those positions received LEAP and enhanced retirement benefits but primarily performed what OPM called "administrative duties." As a result of the audit findings, OPM temporarily suspended ATF's GS-1800 classification authority. To address OPM's findings, ATF and DOJ have implemented several initiatives, including reassigning employees and reclassifying positions, revising career plans, and updating position descriptions to reflect job duties correctly. Progress has been made to resolve these issues, and as of the date of this report, most of the misclassified positions identified by OPM have been resolved.

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Project Description

DOJ's Justice Management Division (JMD) engaged the National Academy of Public Administration (the Academy) to conduct an independent study of the use of classification authority for the GS-1811 series positions within the DOJ component agencies. The Academy formed an expert Panel and Study Team to work with The Department, which has identified the need to more clearly align the application of law enforcement designation with the statutory definition of primary and secondary law enforcement; benchmark DOJ's current practices, protocols, and procedures for designating positions as law enforcement for both enhanced retirement coverage and compensation against the best practices in the other federal law enforcement agencies; identify which Components and positions should be the focus of reclassification efforts; ensure compliance with relevant statute and regulations; and increase uniform implementation of evidence-based position classification across DOJ Components and facilities.

Panel of Academy Fellows:

Kimberly Walton (Chair), Scott Cameron, Frank Chellino, John Palguta, David Williams

Academy Study Team:

Brenna Isman *Director of Academy Studies*, Mark Thorum *Project Director*,
Chloe Yang *Senior Research Analyst*, Adam Darr *Senior Research Analyst*,
Allen Harris *Senior Research Associate*, Jillian McGuffey *Senior Research Associate*

Findings and Recommendations in Brief

The use of criminal investigators in key headquarters offices among DOJ component agencies is seen as an important tool in helping achieve mission objectives. Both the agency and employees benefit from embedding 1811s in administrative offices because it helps break down organizational silos, increase workforce agility, and enhance the career development of 1811s. However, without LEAP or enhanced retirement benefits, 1811 employees may be reluctant to accept the transfer to administrative positions or participate in the rotational programs that may affect their LEAP pay and law enforcement retirement eligibility they have been working toward. The ability of law enforcement officers to retain their 1811 classification is important to employee morale and job performance in law enforcement agencies and the federal government's ability to recruit, develop, and retain a high-quality workforce.

OPM classification standards are widely recognized as outdated, complex, and challenging to implement. Despite numerous studies on federal classification and multiple legislative proposals, the federal government has not made much progress in modernizing the classification system. Changes to the classification standard and relevant rules and regulations require a lengthy process that involves broad outreach to stakeholders. In the meantime, unresolved OPM audit findings and the related suspension of classification authority have an overarching negative impact on DOJ's ability to hire and retain high-quality employees and present a potential risk of mission failure to the agency.

The Panel concluded that to enhance the recruitment, development, and retention of the federal law enforcement workforce, DOJ must address the challenges associated with implementing the current classification standards, including internal management and organizational challenges that deprioritize important administrative issues such as human resource functions. DOJ has identified opportunities for strengthened department-wide human capital leadership, additional oversight of agencies' classification practices, clearer DOJ-level policy guidance and support, and additional training opportunities for classifiers and line managers.

The Panel made recommendations in three categories, with details to guide DOJ's implementation of reforms.

1. Use root cause analysis to address the management and organizational challenges.
2. Mitigate the effects of immediate challenges associated with the OPM audit.
3. Address the systemic challenges posed by existing classification standards and relevant rules and regulations, including engagement with other stakeholders such as OPM and Congress. This could include OPM clarifying or amending relevant regulations and standards to provide greater flexibility in administering LEO position classification and determining LEO retirement benefits eligibility. In addition, DOJ may consider requesting special authority from Congress to redesign the classification and compensation system for law enforcement officers.

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