



Memorandum

To: Kate Sheehan
Director

Thru: Keith Murry 
Class Studies Supervisor

From: Carolina Russell 
Class Studies Analyst

Date: December 31, 2015

Subject: Appeals Referee Study

Preamble:

In June 2014, the Division of Personnel and Labor Relations contacted the Department of Labor and Workforce Development (DOL) to discuss the need for a classification maintenance review of the Appeals Referee I, II, and III job classes. It was mutually agreed that an in-depth class study was necessary as no re-examination had taken place since the series was established in the late 60s.

Study Scope:

This study included five positions in the Appeals Referees I, II, and III job classes, all exclusive to the Employment Security Division. This division of DOL was consolidated with the Division of Business Partnerships and retitled Division of Employment and Training Services in June 11, 2015. At the beginning of the study one position was allocated as an Appeals Referee III and four positions were flexibly staffed Appeals Referees I/II. These four positions were flexed up at the Appeals Referee II level throughout the study.

To re-examine the work, position descriptions were submitted and reviewed in the summer of 2014. Telephonic desk audits were completed shortly thereafter, and comparative analysis was performed. After a hiatus unrelated to the agency (due to a prolonged absence of this lead analyst and workload) the study was picked back up in the spring of 2015 and modifications were made to update the specifications to reflect current responsibilities.

Study Contacts:

The primary study contact facilitating agency participation for this project was Janice Carran (Appeals Referee III) from DOL. An additional contact was Gerald Pierce (Human Resource Consultant IV). Interviews were conducted with the incumbents of all positions under review.

History of Job Classes:

The Appeals Referee classes were established on October 30, 1969. With the exception of only minor changes to the minimum qualifications, no general revisions have been conducted since the series was created.

Class Analysis:

The Appeals Unit is made up of a total seven positions. Two positions tasked with clerical support duties were excluded from the study. This study examined the five permanent positions performing professional level work, responsible for providing due process hearings and issuing decisions in contested UI benefit and tax cases, as mandated in AS 23.20.410 – 470. Three of these positions are located in Juneau and two work from the Anchorage office along with the clerical staff.

The Alaska Unemployment Insurance (UI) Program provides partial wage replacement for insured workers who are unemployed through no fault of their own and are actively seeking reemployment. This program consists of operations such as benefit eligibility determinations, payments or denials, employer wage reporting and tax collection, trust fund management, and an appeals system. The appeals work in this study originates and is driven by these operations. Any determination issued that affects a claimant's right to benefits or an employer's tax case may be appealed to the Appeals Unit. However, incumbents in the study classes are bound by a code of ethics not to engage in ex parte communications. As a result, the Appeals Unit operates with strict separation and independence from other UI Programs and units to ensure impartial and fair proceedings.

The work examined is organized in accordance with two levels of appeal provided by the unit. Per AS 23.20.410

“The department shall appoint one or more referees, each of whom constitutes an appeal tribunal to hear and decide appeals from determinations and redeterminations”.

The first instance to which lower level appeals are filed is thereby known as “appeal tribunal”. The next level to which tribunal level decisions are appealed within DOL is either referred to as “second level of appeals”, “Department appeal” or “Commissioner-level appeal.

The appeal tribunal is tasked with providing claimants and employers with a forum for independent and fair review of an existing determination and a subsequent written decision. One individual from the Appeals Unit, an officer, is assigned to hear each case through a show-and-tell public proceeding or hearing (in contrast to an adversarial hearing with required legal representation in which a prosecutor and defense advocate their positions before an impartial judge). During this process

interested parties explain their case and support their testimonies with documents or other evidence. Proceedings are recorded and carried out in-person or telephonically and the presiding individual has authority to administer oaths and affirmations and to issue subpoenas for crucial witnesses to testify. UI appeals are quasi-judicial hearings and are considered the lowest level proceeding generating a decision and a record that may be appealable up to the Supreme Court.

The Appeals Unit currently has volume of work of about four thousand tribunal appeals annually. Approximately ten percent of these cases are appealed further within the department and directed to the higher authority of the Commissioner. These Commissioner appeals are in actuality examined by a different officer in the Appeals unit and involves a review of the tribunal audio recording, evidence already submitted, and legal research as needed to ultimately establish if precedents were followed and whether due process was initially provided. This higher authority is also the forum for hearing higher complexity cases that require a decision by the Commissioner, such as fraud and appeals of tax assessments and tax rates. Procedures similar to those used for appeals to the appeal tribunal are used for tax hearings at the Department level. After a tax hearing the Commissioner reviews a proposed decision drafted by one of the unit officers and decides the appeal. Once the Commissioner level decision has been issued a benefit or tax decision may only be appealed outside of the Department, to the Superior Court for the State of Alaska, in accordance with applicable statutes and court rules. Unless a timely Superior Court appeal is filed, the Commissioner decision becomes final.

The unit organization

The work of the unit at the appeals tribunal level is distributed on a random basis amongst four of the five positions. These four positions, two at each location, performed duties that represent the full scope of UI appeals work on a regular basis, managing approximately 20 cases/hearings per week in average, and with only occasional higher level assignments such as Commissioner level appeals.

No positions were currently performing in a limited training capacity with the objective of building UI skills associated with appeals. However, when vacancies have existed a developmental program has been used successfully to train and closely monitor new incumbents learning the full spectrum of the work. The training focuses on learning how to manage hearings, learning the UI appeals body of knowledge, and learning to draft legal and sound decisions, and centers on preparing incumbents to perform these duties independently and with autonomy. This has been accomplished through flexibly staffed Appeals Referees I/II positions in the past.

The third Juneau position was found to provide unit oversight and exercises full supervisory authority over all positions in the unit. This supervisory position rarely hears Tribunal level cases, but serves as the single fully dedicated position for Commissioner level appeals, regularly hearing cases of higher complexity.

The State's classification plan provides for the grouping of positions into job classes when they are sufficiently similar with respect to duties and responsibilities, degree of supervision exercised and received, and entrance requirements so that:

- 1) the same title can be used to clearly identify each position;
- 2) the same minimum qualifications for initial appointment can be established for all positions;
- 3) the same rate of basic pay can be fairly applied to all positions; and
- 4) employees in a particular class are considered an appropriate group for purposes of layoff and recall.

Job classes should be constructed as broadly as is feasible as long as the tests of similarity, indicated above, are met.

When the standards for grouping are applied, comparative analysis confirms that three distinct levels of UI appeals work continues to exist, a training level, a journey level, and a supervisory/advanced level.

The body of work examined in this study contains elements not present in other existing job classes, failing the tests of similarity for grouping with other existing adjudicator job classes, such as those in the PI03 Judges and Adjudicators job family. The State of Alaska has several job classes dedicated to appeals work, however the work in this study demands exclusive professional level specialization in Unemployment Insurance regulations and application that other seemingly similar job classes (with a primary purpose of adjudicating appeals) do not possess. As the work was not found to have changed significantly over the years, retaining the existing structure with three levels: a training, journey, and supervisory level is appropriate.

Class Title:

A class title should be the best descriptive title for the work. It is intended to concisely and accurately convey the kind and level of work performed and should be brief, easily recognized, gender neutral, and understood by potential applicants.

Since its inception the title for this series has been Appeals Referee. The source of the term "Referee" is unclear, but might originate from 8 AAC 85.15., which states "*An interested party may appeal to an appeal referee from a determination or redetermination on a claim for benefits*".

Dissatisfaction was expressed amongst some incumbents with the title "Referee". It was not found to accurately describe the nature of the work performed and as a result, the official class title was generally disregarded. Instead, incumbents consistently self-identified publicly (i.e. in the DOL website, during appeals proceedings, and in formal documents) as "Hearing Officers". The working title for the supervisory position (Appeals Referee III) has been the "Chief of Appeals".

As outlined in the *Working Titles – General Guidelines* issued July 25, 2014 by the Division of Personnel and Labor Relations, working titles may be used in both internal and external communications with some limitations. An official class title established in the Classification Plan covering the Classified and Partially Exempt services may not be used as a working title for a position in another job class. This is the reason why the ‘Hearing Officer’ class title must be discontinued as a working title.

The occupational standard title for positions performing this work varies greatly, depending on each states’ statutes. As an example, some prescribe the use of Referees, Hearing Officers, or Administrative Judges; it should however be noted that these statutes also mandate significant variation in required entry requirements for the job classes attending to these appeals.

The selected class title for this work is Appeals Officer I, II, and III. This new title is concise and clearly differentiates the work from other existing job classes without conflicting with other statutes establishing appeals work of a different scope. The Chief of Appeals title does not conflict with other job classes and can continue serving as a working title.

Minimum Qualifications:

The minimum qualifications established for a job class must relate to the knowledge, skills, and abilities needed to perform the work and must not create an artificial barrier to employment of individuals in protected classes. Required training should be limited to the basic formal training that customarily prepares individuals for work in the field. Experience requirements are intended to ensure new employees can successfully perform the work after a period of orientation or familiarization. Required experience should be directly related to the actual duties of positions in the class and should not be equivalent to the work to be performed. “Minimum qualifications” should not be confused with “desired qualifications”.

Successful performance of the duties and responsibilities assigned to the Appeals Officers series requires two main elements: on one hand, specialized knowledge of the Alaska Unemployment Insurance Code, related provisions, and practical application; and on the other hand familiarity with administrative proceedings to be equipped to handle the intricacies associated with management of appeals proceedings and issuance of written decisions.

It should also be noted that analysis of the work established that it was not necessary for new hires to have studies or practice in law. In addition, the Administrative Procedure Act in AS 44.62.350 (c) confirms this finding and makes a clear distinction in required minimum qualifications between a Hearing Officer and individuals conducting hearings under the Alaska Employment Security Act. It reads

“Except for a hearing officer hired to conduct hearings under AS 23.20 (Alaska Employment Security Act), a hearing officer shall have been admitted to practice law for at least two years immediately before the appointment.”

In light of the finding described above, the minimum qualifications for the Appeals Officer classes were broadly written and continue to provide several options for entry to each level.

Class Codes:

A Class Code is assigned based on the placement of the job class in the classification schematic of Occupational Groups and Job Families. Occupational Groups are made up of related Job Families and encompass relatively broad occupations, professions, or activities. Job Families are groups of job classes and class series that are related as to the nature of the work performed and typically have similar initial preparation for employment and career progression.

The classes have traditionally been part of the Labor and Employment Services job family (PF05) in the PF Social, Benefit, and Employment Services occupational group. This family includes classes defined by work related to employment counseling, unemployment insurance, and other labor and employment services.

In this study the choice of class codes involved a de novo assessment of the appropriate job family and included detailed consideration of the PI03 Judges and Adjudicators job family. A juris doctorate was consistently regarded as an excessive entry requirement for Appeals Officers, not guaranteeing success at the journey level of the series. Meanwhile, incumbents drew parallels of their work to that of Administrative Law Judges and primarily self-identified as Hearing Officers. Administrative Law Judges and Hearing Officers as job classes in the State of Alaska Classification Outline are part of the PI03 job family which includes classes of positions that administer, supervise or serve as third-party triers of fact in adversarial hearings on government programs or other government-related matters. It was found that vast majority of job classes in the PI03 job family have requirements that *at entry* demand a law degree and/or previous experience with such things as adversarial hearings or professional-level administrative adjudication. It is fair to say that the most characteristic profession for those in PI03 job family is that of an attorney that has advanced to an adjudicator role over administrative hearings of varying scope.

In contrast, the most common successful preparation for employment in the Appeals Officer series in the past has been in UI work with progressively responsible technical-level experience (not necessarily at the professional level). Administrative law has typically been an added element only *after* entry into the Appeals Officer series. As no significant similarities existed with the job classes in the PI03 job family in terms of initial preparation for employment in the series and career progression, the PF05 job family continues to be the most appropriate choice. The Appeals Officer codes are retained as follows:

	Appeals Officer I	Appeals Officer II	Appeals Officer III
AKPAY Code	P4662	P4663	P4664
Class Code	PF0561	PF0562	PF0563

Fair Labor Standards Act

The positions in this study are covered by the minimum wage and maximum hour provisions of the Fair Labor Standards Act of 1938, as Amended (FLSA). While exemption from the provisions of the Act are determined based on the specific circumstances of an individual employee on a work-week basis, there are general aspects of the classes and their influence on the exemptions for employees in bona fide executive, professional, or administrative positions that can be addressed in general.

The professional employee exemption criteria under the FLSA cannot be applied to the Appeals Officer series because a specialized academic degree is not a standard prerequisite for employment as duties do not require knowledge of an advanced type in a field of science or learning.

The duties assigned to employees in the Appeals Officer I job class are intended to be developmental in nature. As a result, the authority assigned is not compatible with the executive employee exemption criteria and incumbents do not yet exercise the level of independent judgment and discretion necessary to be considered a bona fide administrative employee to which exemptions may be applied.

The administrative exemption will apply to employees in the Appeals Officer II and III job classes. These employees are compensated at a rate that exceeds the weekly monetary threshold, perform office, non-manual work, and carry out a primary duty that is directly related to the general business operations of the Division and requires exercising discretion and independent judgment in matters of significance.

In addition, the Appeals Officer III class definition includes management of the Appeals Unit and supervisory authority that meets the executive employee exemption criteria, provided the incumbent in the job class directs the work of at least two employees.

Salary Analysis:

The salary range of a job class is determined based on internal consistency within the state's pay plans, in accordance with merit principles, with the goal of providing fair and reasonable compensation for services rendered and maintaining the principle of like pay for like work.

In evaluating internal consistency, the difficulty, responsibility, knowledge, skills, and other characteristics of a job are compared with job classes of a similar nature, kind, and level in the same occupational group and job family or related job families.

The determination of salary ranges for the classes in this study followed the standard process in which comparisons focus on various job classes within the selected PF05 Labor and Employment Services job family only. The comparable classes in this job family are primarily those performing Professional/Managerial level work (Category B in the class outline).

Range	Job Class	Description	Range Characteristics
13	Employment Security Specialist IA (PF0520) <i>Category A</i>	The entry/trainee level paraprofessional responsible for learning various intake/placement, employability and unemployment insurance payment operations, departmental policies and regulations, etc., through a specified program of on-the-job training, self-study assignments, and formal training.	This range is applied to the introductory technical training level to employment services, UI etc.
14	Employment Security Specialist IB (PF0521) <i>Category A</i>	The full working level paraprofessional responsible for performing work of average difficulty in intake/placement and related activities employability average-difficulty technical UI non-adjudication work, or less difficult and technical UI adjudication.	Work is of limited complexity: either including journey paraprofessional employment services work requiring specialized training, or entry professional work as a trainee, developing skills in vocational assessment and counseling theory which requires a BA degree and an element of specialized studies.
	Employment Counselor I (PF0501)	Trainee level professional counselor responsible for learning basic employment service activity including intake/referral/placements, appropriate policies and procedures, and vocational assessment and counseling through special classroom sessions, on-the-job training, and the Employment Counselor Competency Based self-study training modules.	
15	Employment Security Specialist II (PF0522) <i>Category A</i>	The advanced/lead level paraprofessional responsible for a major specialized function such as Employer Services, Minority Services, Veterans Employment Representatives, NAB/JOBS or similar service area; a wide variety of functions encompassing the full scope of employment services including responsibility for all specialized functions in a Class II office; serving as a working leader of employees performing work in a Class III or IV office; or determining the more difficult separation adjudication issues of UI work in a Class III or IV office.	Work is designed with more variety and complexity, including advanced and more difficult paraprofessional work or lead assignments that require specialized knowledge beyond routine ES/UI. Alternatively, professional, analytical and evaluative work on Employment Service/Unemployment Insurance (ES/UI) programs. I.e., if involved with UI, incumbents tackle more difficult separations adjudication issues of UI work; or perform evaluative work reviewing previously processed UI claims for appropriateness. The technical work requires particular familiarity with the
	Unemployment Insurance Quality Control Auditor (PF0555) <i>Category A</i>	Responsible for researching and investigating unemployment insurance claims to determine accuracy of payments and recommend appropriate changes in procedures to provide for quality control.	

	Employment Security Analyst I (PF0511)	Responsible for either performing technical editing and manualization of less complex programs in Employment Services or Unemployment Insurance; or monitoring and evaluating production reports and services provided in a Class III or IV office.	applicability of the provisions of the Alaska UI Code, rules, regulations, P&Ps of the Division.
16	Employment Security Specialist III (PF0523) <i>Category A</i>	The first full supervisory level paraprofessional responsible for directing two or more functions in a Class II office; directing a unit of six or more staff performing a full-time major specialized in a Class III or IV office; directing a UI adjudication unit of four or more in a Class III or IV office.	Journey professional work in a specialty that requires higher education. For example, vocational assessment and counseling requiring a Master's degree, or an employer records auditor requiring accounting and financial auditing knowledge and experience. An equivalent level of responsibility is also held by job classes with supervisory authority over a technical unit or several technical functions, or a working manager over a small employment services office with managerial/administrative responsibility and accountability.
	Employment Counselor II (PF0502)	The journey level professional counselor responsible for performing vocational assessment and counseling services at an employment service office for all difficulty levels of employment-related problems.	
	Employment Service Manager I (PF0531)	A supervisory class responsible for planning, organizing, and directing the activities of a Class I office under the direction of an Employment Service Manager IV.	
	Field Auditor I (PF0541)	Responsible for making determinations of employer liability under the Employment Security Legislative Act by means of investigating and auditing payrolls and other records of private employers.	
17	Employment Security Specialist IV (PF0524) <i>Category A</i>	The second supervisory level paraprofessional responsible for directing either a major operating unit or a combined Employer Services and related employer oriented unit in a Class III or IV Office.	Varied and complex work that is evaluative and characteristically beyond the professional full-scope level of a class series. These job classes are defined with a larger scope of responsibility and control, commonly incorporating some level of programmatic responsibility and/or supervisory authority which can involve directing the work of technical staff and/or journey level professionals. The highest and second supervisory paraprofessional job class with control over a major operating unit is also aligned at this level.
	Employment Security Analyst II (PF0512)	Performs varied and complex professional employment security work in developing standards, methods and procedures for a major phase of the Employment Services or Unemployment Insurance programs and monitors programs that typically require constant evaluation and review as well as immediate correction of any inconsistencies.	
	Employment Service Manager II (PF0532)	A supervisory class responsible for planning, organizing, and directing the activities of either a Class II office under the direction of a Service Delivery Area Manager (Employment Service Manager IV); or the major unified service units in	

		a Class III office under the immediate direction of an Employment Service Manager IV.	
	Field Auditor II (PF0542)	Responsible for planning and directing a region-wide audit program of employer wage reporting to determine liability under the Alaska Employment Security Act.	
18	Employment Security Analyst III (PF0513)	Performs the most complex professional employment security assignments requiring a high degree of independence, judgment, and a specific expertise or ability to organize and perform with no specific guidelines or procedures available. May supervise lower level professionals.	This range is currently assigned to an advanced professional with specific expertise, performing analytical work that demands considerable originality and can include supervisory authority over professionals.
19	Unemployment Insurance Quality Control Supervisor (PF0556) <i>Category A</i>	A single position supervisory class responsible for administering the statewide unemployment insurance quality control program through the supervision of the Benefits Accuracy Measurement and Tax Performance System functions.	Job classes with responsibility over a specific program or unit. The scope of work is typically large enough that supervision takes place through subordinate lead/supervisory workers or through advanced professionals in addition to overseeing other staff.
	Supervisor, Audit Operations (PF0543)	A supervisory class responsible for directing a statewide tax audit/collections program designed to insure accuracy of employer wage reporting as required by the Alaska Employment Security Act.	
	Employment Service Manager III (PF0533)	A supervisory class responsible for planning, organizing, and directing the activities of either a Class III office or the major unified services unit in a Class IV office that is under the immediate direction of a Service Delivery Area Manager (Employment Service Manager IV).	
20	Emp./UI Technical Manager (PF0516)	A supervisory class responsible for managing units that provide a variety of statewide programs in support of the department's employment services, unemployment insurance, and/or job training field operations, or the provision of similar services through other organizations.	Managerial work, typically operating under the direction of the Assistant Director of Employment Security. The scope of authority involves directing activities across specific units, larger offices, or a group of offices, commonly to supervise a large and diversified staff Supervision takes place through subordinate supervisors at the advanced professional level or subordinate office managers, therefore typically demanding
	Employment Service Manager IV (PF0534)	A supervisory class responsible for planning, organizing, and directing the activities of a Class III office, or larger, and a service delivery area which includes at least two additional local offices.	

			incumbents with supervisory and/or other significant experience
21	Unemployment Insurance Support Services Manager (PF0559)	A single position supervisory class responsible for assisting in statewide unemployment insurance (UI) program administration through the supervision of several program support and integrity functions in the central office of the Employment Security Division.	Work assistive to the Assistant Director, directing the UI program's integrity and support units. The work involves significant, yet partial, managerial responsibility and administration of one of the main Division programs (IU vs ES programs).
22	Reemployment Benefits Administrator (PF0548)	A single position class responsible for administering the statewide workers' compensation rehabilitation program and is responsible for the coordination, monitoring and rehabilitation functions necessary for administration of the Alaska Workers' Compensation Act.	This level corresponds to the full oversight responsibility of a manager over a program with a broad scope (such as ES or UI) or manager of a program of higher complexity such as that involving the administration of the Workers' Compensation Rehabilitation program. This latter demands specialized knowledge and a special certification as a Rehabilitation Counselor in addition to the managerial responsibilities.
	Assistant Director, Employment Security (PF0571)	Serves as either a program manager responsible for overseeing one of the divisions' two major programs, employment services (ES) or unemployment insurance (UI); or as the Field Operations Manager with direct line authority over the field operations of the division.	

Appeals Officer I

The work at range 16 includes journey professional work in a specialized area of the Division's work, such as counseling, or auditing of employer records and payroll, or serving as a working manager over a small employment services office. While Appeals Officer I work is not immediately comparable to the complexity of supervisory or managerial responsibilities, the overall function served by the appeals work and the recommendations that incumbents are learning to make at the developmental level have a more far-reaching aggregated impact on the Division than the narrower scope of work generated by those at range 16. This fact points to the appropriateness of a higher alignment.

The work performed at ranges 17 and 18 have inherent professional-level variety and complexity. The job classes aligned at pay range 17 perform professional work that is defined with a larger scope of authority and control than lower classes. Often times, the work involves some degree of programmatic responsibility or other complexity factor such as supervisory authority. Range 18 houses a job class that demands incumbents have developed a high level of expertise through

previous levels of professional, analytical work and may in addition supervise other professionals. The Employment Security Analyst III at range 18 is characterized by a considerable amount of required originality to generate recommendations and decisions that can have a broader impact on division operations and such things as policies and procedures. The performance of this work is done with a high degree of independence and judgment.

The degree of difficulty that Appeals Officers I encounter during the developmental year is similar to the variety and complexity of other work performed at range 17 or 18. Appeals Officers I must go beyond familiarity with the application of UI knowledge and enter the specialized field of appeals work, which is intrinsically complex. Incumbents must gain familiarity with the conduct of proceedings in trial and appellate courts and before administrative bodies in order to conduct formal due process hearings and issue legally binding written decisions in accordance with required standards. Learning to preside over UI appeals and to write decisions demands incumbents be resourceful and display significant initiative to an extent that is comparable to the degree of initiative and originality required of Employment Security Analysts III. Having said that, employees not yet flexed up to the journey level are still in the process of developing the full degree of independence and autonomy that is crucial at the full performance level. This developmental work is associated with a less than full workload and limited authority. Incumbents are primarily expanding their skills and performing work in a training capacity (even when the close supervision has begun to decrease and the workload to increase). Therefore, the work of Appeals Officers I can only have limited impact on the operations of the Division and cannot be equated with the advanced, independent professional work currently performed at range 18. Consequently, Appeals Officers I are appropriately aligned at range 17.

Appeals Officer II

Appeals Officers II are the full performance level, distinguished by their application of judgment, independence, and carefully protected autonomy in issuing decisions. The absence of technical supervision over potentially precedent-setting decisions that affect the Division's UI program operations and employer taxes points to considerable authority. Incumbents can commit the agency and interested parties to a final and legally binding course of action. From the perspective of the Division the finality of decisions issued by Appeals Officers II and the consequence of error is significant, regardless of the existence of a two-level departmental or further external appeals option. A tribunal decision is reversed only if a second or higher appeals proceeding is initiated and successful in a contrary ruling. In addition, a majority of tribunal decisions are not appealed to the Commissioner level.

The nature of the work is challenging and the authority is significant, going beyond the scope of responsibilities, consequence of error, and finality of decisions of the classes currently aligned at range 18. The work aligned at ranges 19 and 20 is consistently supervisory and/or managerial. In this job family, incumbents at range 20 commonly supervise a large and diversified staff through subordinate supervisory professionals. The managerial responsibilities and control extend over a

large scope of work activities (i.e. across units, larger offices) adding a substantial degree of complexity that is not present in the work of the journey level Appeals Officers. Appeals Officers II have at most temporary lead duties. The lack of similarities with other work at range 20 is an important difference, indicating the appropriate alignment of Appeals Officers II is at range 19.

Appeals Officer III

The Appeals Officer III, or the Chief of Appeals, is a single position job class tasked with the direction of the Appeals Unit, which includes full supervisory authority over Appeals Officers and clerical staff. A crucial difference from the journey level work is that this job class, in addition, is dedicated to the reviews of decisions appealed a second time within the department and directed to the Commissioner. The incumbent provides the Commissioner with thoroughly researched recommendations and draft decisions, leaving the signatory authority to the Commissioner whom often accepts, but obviously reserves the right not to follow the recommendation. This process ultimately generates the final departmental decision for the appeals function. These amplified responsibilities affect and increase most of the classification factors to some degree.

As previously stated, range 20 work is supervisory/managerial with a large scope of control that extends over work activities across units or larger offices. Range 21 offers only one other single-position job class for range comparison, the Unemployment Insurance Support Services Manager. This job class is supervisory and directs the statewide UI program administration through the specialized oversight of the integrity and support functions. It performs work that is assistive to the Assistant Director, thereby tasked with significant, yet partial managerial responsibility over one of the two main Division programs (IU versus ES). In contrast, range 22 is associated with a major program manager who has full scope oversight over one of the Division's two major programs (IU or ES), such as the Division's Assistant Director, Employment Security, or a higher complexity program.

The Appeals Officer III job class incorporates the complexity of supervisory authority over specialized journey level professionals. Their focus is limited to the appeals function on the UI side of the Division. The Appeals Officer III lacks program manager authority, but compensates with a higher consequence of error resulting from the sole burden to provide recommendations to the highest-level executive of the department. This position is administratively supervised by the Director of the Division and does not serve in an assistive role to the Assistant Director (due to the separation of the appeals function from the rest of the UI operations) but in a way complements instead the work of the UI Assistant Directors and responds directly to the Commissioner on a case by case status. It does not have full oversight over one of the two main Division programs, but is instead narrowly focused over the appeals function on the UI side of the Division. The specialized and narrower scope is not sufficient for alignment at range 22; aligning the Appeals Officer III job class is appropriate at range 21.

The salary ranges established above at ranges 17, 19, and 21 provide a two-range differential between levels displaying marked increases in complexity and assigned responsibility, such as

between the journey and supervisory level. This is consistent with standard internal alignment practices. This internal alignment also reflects that the work of the Appeals Officers has fundamentally remained unchanged over the years and retains the existing class structure and salary alignment.

Special Pay Range Considerations

Due to the currently ongoing status of the Employment Security Study this internal salary alignment might require re-assessment when the Employment Security Study is completed. That study involves the class specifications of several job classes in the PF05 job family and could generate substantial changes in the range characteristics, altering the internal alignment of the job family as a whole.

Conclusions:

This class study reviewed the Appeals Referees I, II, and III job classes. This study was started on the initiative of the Division of Personnel and Labor Relations with the objective to maintain updated class specifications. The study included a re-assessment of the internal salary alignment within the PF05 job family.

The job titles are being changed from Appeals Referee I, II, and III to Appeals Officer I, II, and III respectively.

It was found that the work and responsibilities of the Appeals series remains fundamentally unchanged. The three level structure including a flexibly staffed training level remains unchanged.

The overtime eligibility of employees in the Appeals Officer I job class has not changed. The exemption from overtime for Appeals Officers II and III has also not changed.

The class codes, and AKPAY codes have not changed.

The salary ranges have not changed and remain at ranges 17, 19, and 21 respectively.

The following table provides a visual summary of the results:

Old Class Title	New Class Title	Unchanged Salary Ranges	Unchanged Class Codes	Unchanged AKPAY Codes	Expected FLSA Category
Appeals Referee I	Appeals Officer I	17	PF0561	P4662	N
Appeals Referee II	Appeals Officer II	19	PF0562	P4663	Y
Appeals Referee III	Appeals Officer III	21	PF0563	P4664	Y

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The effective date for the title changes is January 1, 2016.

Correspondence on the allocation of study positions is being distributed through the OPD system.

Attachments:

Final class specification(s)
Allocation Spreadsheet

cc: Mike Andrews
Director
Division of Employment and Training Services

Paloma Harbour
Director
Division of Administrative Services

Gerald Pierce
Human Resource Manager
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