

# MEMORANDUM

**State of Alaska**  
**Department of Administration**  
**Division of Personnel & Labor Relations**

**To:** Nicki Neal  
Director

**Thru:**   
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**Subject:** Executive Directors, DNR Study

Preamble:

The Department of Natural Resources requested establishment of new positions to serve as Executive Directors for two of the agency's boards. Since existing Executive Director job classes are restricted to boards in other agencies the department requested a new job class be created that could be used for their boards or commissions.

Study Scope:

This study covers two new positions in the Department of Natural Resources, which provide support to the Natural Resource Conservation and Development Board (NRCDB) and the Citizens Advisory Commission on Federal Areas (CACFA).

Class Analysis:

The State's classification plan calls for grouping 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 are constructed as broadly as is feasible, so long as the tests of similarity are met.

The positions under review provide support and assistance to the NRCDB or the CACFA. The NRCDB position is responsible for coordinating the activities of the Board and the State's twelve Soil and Water Conservation District boards. The position provides orientation and training to new Board members; monitors Board actions for compliance with statutes and regulations; tracks compliance by district boards; represents the Board to other agencies and the public; and serves as the Board's media spokesman. As the Board Secretary, the position arranges and coordinates board meetings; posts public notices; distributes meeting materials; and provides other secretarial support.

The CACFA position is responsible for coordinating the activities of the Commission and advisory committees. The position develops, administers, and promotes efforts to address land management issues before the Commission; provides assistance and advice to individuals dealing with applications and other administrative requests before federal land management agencies; researches and prepares briefing documents on federal land management regulations; and consults on legal matters or potential litigation in support of the Commission's litigation authority. The position schedules and coordinates Commission meetings; monitors and reports on fiscal and budgetary matters; and provides and supervises the general administrative support for the Commission.

Comparing the duties and responsibilities of the positions revealed sufficient difference in levels of difficulty and responsibility to preclude meeting the tests of similarity for combining into one job class. Comparing the positions' distinguishing characteristics with other job classes revealed similarities with other Executive Director and Executive Administrator job classes. Those classes are typically restricted to single positions that support the board or commission identified in their class title. The definitions and distinguishing characteristics of other Executive Director and Executive Administrator classes preclude allocating the NRCDB and CACFA positions to them.

Individuals with knowledge of land management would have the greatest potential for success in the positions reviewed; however, the duties do not include supervising or performing professional work in the development, administration, analysis or implementation of programs to manage the land, water, mineral, forest, oil, gas, agricultural, natural and cultural history, parks and related surface and subsurface resources of the State. Grouping the positions into the Natural Resource Specialist or Natural Resource Manager class series is not supported.

Based on the distinguishing characteristics of the positions, past practice in classifying Executive Directors of boards and commissions, and the criteria for grouping positions into job classes, these positions are appropriately placed in two new classes specific to the NRCDB and CACFA. The authority and responsibility of each position is such that assigning it to more than one position would substantively alter the defining characteristics of its job class; therefore, the new classes are properly limited to a single position.

Executive Directors and Executive Administrators of boards or commissions are typically placed in the Partially Exempt Service by statute or by action of the Personnel Board. The Commissioner of Administration, on February 28, 2008, requested the Personnel Board extend the Partially Exempt Service to include the positions in this study, under their authority set forth in AS 39.25.130. The Personnel Board, meeting on March 14, 2008, postponed consideration of the CACFA position and denied the extension for the NRCDB position.

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.

To convey the nature and level of duties and responsibilities of the positions I have selected the following class titles:

Executive Director, Natural Resource Conservation and Development Board  
Executive Director, Citizens Advisory Commission on Federal Areas

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.

The knowledge, skills, and abilities required for candidates to be reasonably expected to succeed in the positions after a period of orientation are primarily those evidenced by experience in business administration and working with agencies, laws, and regulations dealing with land use or preservation. The minimum qualifications have been written to qualify candidates with experience that demonstrates this type of knowledge and skills. To ensure the broadest practicable pool of candidates I included, as a substitute for all or part of the required experience, advanced education that provides similar knowledge and skills.

Class Code:

Class Codes are assigned based on the Class Outline's 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.

Executive Director job classes have traditionally been placed in the Class Outline's schematic based on the professional work most closely related to the board or commission served. The NRCDB and CACFA deal with natural resource management issues. The professional work most related to these issues is found in the Natural Resources and Forestry job family (PH03) in the Biological Sciences occupational group (PH). This job family includes classes that advise on, administer, supervise or perform work related to land, forest and natural resource management, leasing, development, production, conservation, and protection. The Executive Director, NRCDB, and Executive Director, CACFA, are placed in this job family and assigned class codes PH0371 and PH0373, respectively.

AKPAY Code:

AKPAY Codes are assigned to job classes for use in legacy computer systems which cannot use the six-digit Class Codes of the current Class Outline. The AKPAY codes for these job classes are K0055 and K0056.

Fair Labor Standards Act

Employees in the positions in this study are covered by the Fair Labor Standards Act of 1938, as Amended (FLSA). The U. S. Department of Labor defined and delimited exemptions from the Act's minimum wage and maximum hours requirements for Executive, Administrative, and Professional employees in 29 CFR Part 541. Exemption is determined based on the specific circumstances of an employee on a work-week basis; however, there are exemption criteria and position characteristics that can be addressed here.

To be exempt from the FLSA as an Executive, an employee must be compensated on a salary basis at a rate not less than \$455 per week; have as the primary duty management of the customarily recognized department or subdivision in which the employee is employed; customarily and regularly direct the work of at least two or more other full-time employees; and have authority to hire or fire other employees, or have suggestions and recommendations on hiring, firing, promotion, or other change of status of other employees be given particular weight.

The employees in positions covered by this study do not have the primary duty of managing the subdivisions they support and do not meet the primary duty test for exemption as Executive employees.

To be exempt from the FLSA as a Professional, an employee must be compensated on a salary basis at a rate not less than \$455 per week; have as the primary duty performance of predominantly intellectual work requiring advanced knowledge and the consistent exercise of judgment and discretion; and have the advanced knowledge be in a field of science or learning and be customarily acquired by a prolonged course of specialized intellectual instruction.

The employees in positions covered by this study are not primarily performing work that is predominantly intellectual or that requires advanced knowledge in a field of science or learning. The employees do not meet the primary duty test for exemption as Professional employees.

To be exempt from the FLSA as Administrative, an employee must be compensated on a salary basis at a rate not less than \$455 per week; have as the primary duty performance of office or non-manual work directly related to the management or general business operations of the employer or the employer's customers; and the primary duty must include the exercise of discretion and judgment with respect to matters of significance.

The primary duty of these positions is work in the administrative functional areas of government relations, public relations, legal and regulatory compliance, finance, budgeting, and purchasing. The incumbents have authority to independently interpret and implement management policies and operating practices, and responsibility for carrying out major assignments in conducting the business of the Board or Commission. The work has substantial impact on the operations of the Board and Commission, as well as other organizations.

The employees in the positions covered by this study meet the salary and primary duty criteria for exemption from the FLSA as Administrative employees and are not eligible for overtime.

Salary Range:

A job class is assigned a salary range 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 class are compared with job classes of a similar nature, kind, and level in the same job family or related job families.

To determine the salary ranges that best support internal consistency I first evaluated comparisons with job classes in the Natural Resources and Forestry job family (PH03). To ensure full consideration of the defining characteristics of the work I then evaluated comparisons with other Executive Director and Executive Administrator job classes and the relationship of those classes with their related professional classes. I then assessed comparisons with the general administrative classes performing similar support work.

The classes used for comparison within the Natural Resources and Forestry job family are:

Class Title	Range	Level
Natural Resource Technician III	14	Advanced Technical
Natural Resource Specialist I	14	Entry Professional
Natural Resource Specialist II	16	Journey Professional
Natural Resource Specialist III	18	Advanced Professional
Natural Resource Manager I	18	Working Supervisor
Natural Resource Manager II	20	Unit Manager w/ Subordinate Adv Professionals
Natural Resource Specialist IV	21	Advanced Professional w/ Specialization
Natural Resource Manager III	22	Program Administrator
Natural Resource Specialist V	23	Chief Oil & Gas Policy Analyst
Natural Resource Manager IV	23	Program(s) Executive w/ Subordinate NRMs III

These classes follow the State's normal pattern of two-range differences between levels with professional work at ranges 14, 16, and 18 and managers at 18, 20, and 22.

The Executive Administrator and Executive Director classes used for comparison are:

Class Title	Range
Executive Administrator, Board of Reg Arch, Eng & LS	18
Executive Administrator, State Medical Board	18
Executive Administrator, Real Estate Commission	19
Executive Director I, Boards of Fish & Game	21
Executive Director, AK State Council on the Arts	22
Executive Director, DHSS Boards	22
Executive Director, Gov's Cncl on Disabilities & Spec Ed	22
Executive Director II, Boards of Fish & Game	23
Executive Director, AK Board of Parole	23
Executive Director, AK Commission on Aging	23
Executive Director, AK Public Offices Commission	24

The Executive Administrator, Board of Nursing, was not considered in this examination because its salary range has been adjusted under the Market Based Pay policy.

The Executive Administrator classes are aligned with the journey and advanced professional levels in the Business Regulation and Compliance job family (PC02). The Executive Director classes are typically aligned with the mid-management levels in their respective job families.

The general administrative classes used for comparison are:

Class Title	Range	Level
Administrative Assistant II	14	Journey Technical
Administrative Assistant III	15	Advanced Technical
Administrative Officer I	17	First Professional
Administrative Officer II	19	Second Professional
Administrative Operations Manager I	22	Manage a major Subdivision's Administration
Administrative Operations Manager II	23	Manage a major Division's Administration

These classes do not follow the normal two-range pattern for salary alignment. The assigned ranges are based on the nature of the administrative work performed, independence of action, level of difficulty resulting from the type and scope of organization supported, and nature of subordinate hierarchy.

Comparing the type of duties, levels of difficulty and independence, required knowledge and skills, and other characteristics of the Executive Director, NRCDB, within the Natural Resource and Forestry job family revealed similarities with the characteristics of both the journey professional level (range 16) and the advanced professional level (range 18). Comparing with the Executive Administrators and Executive Directors revealed greater similarities with the type and level of work of the Executive Administrators (range 18 and 19). Comparing with the type and level of work of the general administrative classes revealed the greatest similarities with the first professional level (range 17). After assessing the comparisons within the job family and other similar classes, and weighing the characteristics unique to the class, I recommend the Executive Director, NRCDB, be assigned salary range 18.

Comparing the type of duties, levels of difficulty and independence, required knowledge and skills, and other characteristics of the Executive Director, CACFA, within the Natural Resource and Forestry job family revealed similarities with the characteristics of both the advanced professional (range 18) and unit manager (range 20). Comparing with the Executive Administrators and Executive Directors revealed greater similarity with the type and level of work of the Executive Directors at the middle ranges (ranges 21 and 22). Comparing with the type and level of work of the general administrative classes revealed the greatest similarity with the second professional level (range 19). After assessing the comparisons within the job family and other similar classes, and weighing the characteristics unique to the class, I recommend the Executive Director, CACFA, be assigned salary range 21.

#### Conclusions:

The Department of Natural Resources requested creation of a single job class that could be used for Executive Director positions assigned to any of the agency's boards or commissions. The examination of the two positions submitted revealed they did not meet the criteria for grouping

into a single job class. In keeping with current practice and classification standards two new job classes have been created.

Executive Director, Natural Resource Conservation and Development Board (PH0371/18), and Executive Director, Citizens Advisory Commission on Federal Areas (PH0373/21), are established effective April 25, 2008.

Allocation information for PCNs 100430 and 100431 is being distributed through the OPD system.

Attachments:  
Class Specifications

cc: Leta Simons, Director  
Division of Support Services  
Department of Natural Resources

Stacie Bentley, Human Resource Manager  
Resources Service Center