

MEMORANDUM

State of Alaska
Department of Administration
Division of Personnel

To: Dianne Corso
Director

Date: June 28, 2004

Thru: Lee Powelson
Classification Manager

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Subject: Program Manager, Occupational Safety & Health

Preamble:

On January 7, 2004 the Director of the Labor Standards & Safety Division, Department of Labor and Workforce Development, notified the Division of Personnel of proposed changes to the duties and responsibilities assigned the positions in the Assistant Chief, Division of Occupational Safety & Health, job class. The changes resulted from the elimination of the Chief, Occupational Safety & Health position in the department's Fiscal Year 2005 budget and the redistribution of the position's duties to the Assistant Chiefs. Based on these changes the division requested the creation of two job classes, Chief of Enforcement and Chief of Consultation & Training and the abolishment of the Chief, OSH, and Assistant Chief, DOSH, job classes.

On June 2, 2004, electronic copies of Position Descriptions describing the reassigned duties were submitted to the Classification Section. Signed Position Descriptions were received on June 22, 2004.

History:

Chief, Voluntary Compliance (P2421/21) was established on November 16, 1973. The class was assigned full responsibility for the Occupational Safety and Health Administration Voluntary Compliance Program for the State of Alaska and reported to the Commissioner of the department. The Voluntary Compliance Program was established to provide employers the opportunity to request consultative services of trained specialists for assistance in recognizing hazards to employees. To ensure employers access to this consultative support without fear of citation and monetary penalty the Commissioner organized staff specifically for Voluntary Compliance. Further, to protect the confidentiality of employers requesting help, the Commissioner directed there be no interchange of information between Consultants and Compliance Officers.

On December 16, 1975 Chief, Voluntary Compliance was revised. The new class was titled Chief, Occupational Safety and Health and defined responsibility for planning and supervising either the voluntary or mandatory safety and health compliance programs.

On May 1, 1979, Assistant Chief, DOSH (P2420/20) was established. The class was the result of the reorganization of the Division of Occupational Safety and Health to impose closer supervisory controls over the work of the Occupational Safety Compliance Officers. The department had found that having two Chiefs, OSH required too large a span of control. They requested the creation of the Assistant Chief class to provide the Occupational Safety and Compliance Officers with closer guidance and scrutiny in their work and to improve the quality of inspection and citation reports.

On August 16, 1999, the Chief, OSH, was revised and the range changed from 21 to 23.

Scope:

This study covers the two positions in the Assistant Chief, DOSH, job class (PCNs 072004 and 074532).

PCN 072038, currently allocated to Chief, OSH, (P2421/23), has been deleted in the department's Fiscal Year 2005 budget. The position will be inactivated and the job class abolished effective July 1, 2004.

Study Method:

Updated Position Descriptions were submitted describing the changes in duties and responsibilities. The changes in the positions were analyzed and the positions compared under the criteria for grouping positions into job classes. Revisions to the Assistant Chief, DOSH, class specification were drafted and submitted to the division for review and comment. The division's comments and recommendations were received and the class specification finalized. The duties and responsibilities of the class were analyzed for internal alignment, and the conclusions and decisions documented.

Class Analysis:

The Occupational Safety and Health Program was established to enforce state and federal occupational safety and health regulations and reduce occupational fatalities, injuries and illness, and the regulated high cost of doing business in the state. The program is divided into two separate sections.

The Consultation & Training Section provides consultative services and training to public and private sector employers and employees. The section's consultation officers, both health and safety, assist employers in identifying and correcting hazards in the work place and in the training of their workforce. The section certifies training courses for asbestos abatement workers and persons who apply hazardous paint. The section also ensures that Explosive Handler Certificates are issued only to qualified applicants. The programs administered include Voluntary Protection Program; Safety and Health Achievement Recognition Program; Asbestos Certification Program; Hazardous Paint Program, and the Blaster Certification Program.

The Enforcement Section provides identification and ensures correction of safety hazards in work places throughout Alaska. Enforcement officers, both health and safety, conduct regulatory inspections of worksites; investigate accidents, fatalities, and complaints; issue citations and assess penalties; and may order the stoppage of all work at a worksite if conditions warrant.

Both sections consist of Industrial Hygienists (P2425/19) and Occupational Safety and Compliance Officers (P9961/49) in several locations throughout the state, and a small administrative support staff. Each section is managed and supervised by a single position which reports to the Division Director. The management positions are assigned the same scope and level of program management duties and responsibilities and share the responsibility for ensuring the state's Occupational Safety and Health Program meets all federal and state goals and requirements. The difference in the positions comes from the different focus and requirements of the Compliance & Training and Enforcement functions.

The Compliance & Training function includes a variety of changing programs designed to educate employers and employees as well as the consultation without reprisal function initially created in 1973. The program manager over this section is required to do more marketing of services and development of new programs to reinforce and support the purpose of the consultation function.

The Enforcement function is focused on the regulatory actions required to ensure employers provide safe and healthy work environments. The program manager over this section has a greater interaction with the Attorney General's Office and is granted specific legal authorities to ensure inspections and investigations are able to be completed and regulations enforced.

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: the same title can be used to clearly identify each position; the same minimum qualifications for initial appointment can be established for all positions; the same rate of basic pay can be fairly applied to all positions; and 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 are met.

Analysis of the duties and responsibilities and scope and level of supervision exercised and received reveals substantial similarities between the positions under review. The difference between Compliance & Training and Enforcement is not sufficient to require separate job titles to identify the positions. The knowledge, skills, and abilities required for entry into the positions indicates the same minimum qualifications are appropriately established. The nature and scope of the work, level of difficulty, type and level of positions supervised, and level and scope of authority indicates the positions are fairly assigned the same rate of basic pay. The knowledge and skill required along with the statutes, regulations, manuals, and guidelines used in the work indicates employees in the positions are an appropriate group for layoff and recall. This review of the tests of similarity indicates the positions are appropriately grouped into a single job class.

A Class Code is assigned a job class based on the class' placement in the classification scheme. The duties and responsibilities of the positions indicate the class under review is properly placed in the Safety Inspection and Planning job family in the Business, Industry, and Land Management Group. Assignment to Class Code P2420 remains appropriate.

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. The managerial level in Occupational Safety and Health has traditionally been titled "Chief." This was consistent with national titling practices in the 60's and 70's. Since that time greater emphasis has been placed on gender neutrality and the use of "Chief" has declined. In the present instance continuing the use of "Chief" may lead to confusion as there is more than one position in the job class. Changing the class title to "Program Manager, Occupational Safety & Health" will provide an accurate description of the kind, scope, and level of work of the class.

The Definition and Distinguishing Characteristics of this class are:

Definition:

Under the general administrative direction of the Division Director, Program Managers, Occupational Safety & Health, manage and supervise one of the Alaska Occupational Safety and Health programs. The job class includes: 1) a single position responsible for managing the Consultation and Training Program; and 2) a single position responsible for managing the Enforcement Program.

This is a supervisory class with substantial responsibility for the exercise of independent judgement in employing, disciplining, or adjudicating grievances of subordinates.

Distinguishing Characteristics:

Program Managers, Occupational Safety & Health (OSH), are responsible for planning, organizing, directing and controlling resources and program delivery for the Alaska Occupational Safety and Health (AKOSH) program. Responsibilities include developing and implementing strategic plans and goals for the program; interpreting statutes, regulations, policies, and programs; and developing strategies that maximize worker safety and health. Incumbents have substantial responsibility for representing the AKOSH program in contacts and negotiations with other federal, state, and local agencies; managing program operations, including budget, personnel, and other administrative areas; and advising the Division Director on operational and administrative issues.

The Program Manager, OSH, under Option One is responsible for managing and supervising the inspection and training activities of Occupational Safety Compliance Officers conducting safety consultations and Industrial Hygienists conducting health consultations. This position is responsible for coordinating and overseeing the creation and promotion of programs and plans to encourage voluntary compliance with OSH requirements, and achievement of state and federal goals of reducing workplace illnesses, injuries, and fatalities; such as the development of industry-specific partnership agreements, marketing of voluntary compliance programs, and compliance recognition programs.

The Program Manager, OSH, under Option Two is responsible for managing and supervising the inspection and investigation activities of Occupational Safety Compliance Officers conducting safety inspections and Industrial Hygienists conducting health inspections at worksites meeting high hazard criteria or involved in serious accidents, fatalities, or complaints. This position is responsible for conducting informal conferences with employers and negotiating agreements to resolve disputes of workplace safety and health violations; initiating compliance assistance programs in connection with

enforcement actions; ensuring the proper preparation of case files and coordinating and providing assistance to the Attorney General's Office in presenting cases before the OSH Review Board.

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.

In determining the appropriate minimum qualifications for the class under review, this analyst reviewed the types of work that would provide the level and types of knowledge, skills, and abilities required; the normal patterns of career paths; and the qualification requirements of jobs from which one would expect to draw candidates. Evaluation of the requirements for entering positions from which candidates for the class under review would normally be drawn indicated requiring formal education was not appropriate. One can reasonably expect the majority of candidates to have a background in the skilled crafts and trades. Establishing a requirement for formal education could be considered an excessive bar to employment and could possibly disqualify a disproportionate number of members of protected groups.

Based on evaluation of the knowledge, skills, and abilities required of the most minimally qualified candidate who can be reasonably expected to succeed in the position, and amount of time one would reasonably expect to take to reach that level, the following minimum qualifications have been established:

Three years of experience conducting occupational safety or health inspections in a state or federal occupational safety and health program. The required experience is met by service as an Occupational Safety Compliance Officer or Industrial Hygienist with the State of Alaska, or the equivalent elsewhere.

Internal Alignment:

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 job group and family or related job families.

In analyzing the internal alignment of the Program Manager, OSH, comparisons were made with management level classes in the following job families: Safety Inspection and Planning, Business Regulation and Compliance, and General Administrative. The classes with similar levels of programmatic authority and responsibility, supervision exercised, scope of geographic responsibility, and regulatory responsibilities include: Chief, Weights, Measures & Permits (P2476/22); Department of Labor Safety Liaison (P2422/22); Deputy Director, Insurance (P2307/22); Financial Institution Examiner IV (P2313/22); Security Examiner II (P2317/22);

Chief, Occupational Licensing (P2330/21); Insurance Analyst IV (P2354/20); Consumer Protection & Information Officer II (P2366/20); Motor Vehicle Registrar (P1904/21); and Safety Officer (P1947/18).

Evaluation of the nature of regulatory activity performed and supervised, the nature and variety of work regulated, the statewide scope of responsibility, the organizational hierarchy, and the level of authority and responsibility indicates the Program Manager, OSH is appropriately assigned salary range 22.

Determining the appropriate salary placement for the Program Manager, OSH, is complicated by the fact that the majority of positions supervised, and from which one would expect to make promotional appointments, are in the Labor, Trades and Crafts pay plan. The state's requirement is for internal alignment within a pay plan. Attempting to make adjustments based on comparisons between pay plans with their separately negotiated pay amounts could inflict damage to the alignment decisions made within each plan. Comparison of the salary determined by internal alignment with the pay plan for Labor, Trades, and Crafts indicates the Program Manager, OSH would be paid a higher base rate than that of the employees supervised. No further consideration of comparisons between pay plans is warranted.

Conclusions:

The positions managing the Compliance & Training section and the Enforcement section of the state's Occupational Safety and Health Program are appropriately grouped into a single job class. The class is properly placed in the Safety Inspection and Planning job family and assigned class code P2420. The class title "Program Manager, Occupational Safety and Health" is descriptive of the scope and level of work assigned positions in the job class. Assigning salary range 22 maintains the state's internal alignment standards and provides reasonable compensation for the services rendered.

Program Manager, Occupational Safety and Health (P2420/22) is established effective July 1, 2004.

Position Analysis:

PCN 072004 is responsible for managing and supervising the Enforcement section of the Alaska Occupational Safety and Health Program. The position meets the definition and distinguishing characteristics of the Program Manager, Occupational Safety and Health under Option Two and is reallocated effective July 1, 2004. The position remains in the Supervisory Bargaining Unit. The position meets the Executive criteria for exemption under the Fair Labor Standards Act and is not eligible for overtime.

PCN 074532 is responsible for managing and supervising the Compliance & Training section of the Alaska Occupational Safety and Health Program. The position meets the definition and distinguishing characteristics of the Program Manager, Occupational Safety and Health under Option One and is reallocated effective July 1, 2004. The position remains in the Supervisory Bargaining Unit. The position meets the Executive criteria for exemption under the Fair Labor Standards Act and is not eligible for overtime.

The overtime status of these positions was reviewed for compliance with the provisions of the Fair Labor Standards Act (FLSA) currently in effect. The rules defining white-collar exemptions from the FLSA have been revised by the United States Department of Labor. The revisions become effective on August 23, 2004. The overtime designator for this position and all other State positions will be reviewed for compliance with the new regulations when implemented.

Attachment:

Final class specification

ecc: Grey Mitchell, Director
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