

MEMORANDUM

State of Alaska
Department of Administration
Division of Personnel

To: Mila Cosgrove
Director

Date: January 28, 2005

Thru: Lee Powelson
Classification Manager

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Subject: Wage-Hour Investigator III

History:

The Wage-Hour Investigator III was originally created in March 1963. Numerous revisions to the class specifications occurred between 1963 and 1993. Due to budget reductions the Wage-Hour Investigator III job class was abolished and the supervisory and managerial responsibilities of the various sections within the division were reorganized. As a result, several Section Chief and Assistant Chief positions were created and filled to manage the programs.

Additional FY05 budget reductions resulted in further reorganization of the Division of Labor Standards & Safety programs and the elimination of three middle management positions: Chief of Labor Standards, Chief of Occupation Safety and Health, and Assistant Chief of Mechanical Inspection. This significantly reduced the number of management positions within the division and the managerial and supervisory functions were redistributed to employees in the field to ensure uninterrupted program services. In June 2004 the Department of Labor and Workforce Development submitted a study request to reinstate the Wage-Hour Investigator III to serve as a working manager.

Scope:

This study involves a single position in the Wage-Hour Investigator series (PCN 071503). The position (PCN 071503) is currently allocated to Wage-Hour Investigator II.

Study Method:

The Department of Labor and Workforce Development requested the Division of Personnel re-establish the Wage-Hour Investigator III job class and submitted an updated position description describing the changes in duties and responsibilities. The division director and the incumbent provided additional information about the work assignments and level of authority assigned. The duties were analyzed and new class specifications submitted to the department for review and comment. The division's comments and recommendations were received and the final draft specifications were sent to the division director for final review. The duties and responsibilities

of the final class specification were analyzed for internal alignment, and the conclusions and decisions were documented.

Class Concepts:

Under general direction of the Division Director, the Wage-Hour Investigator III is a single position job class responsible for managing Wage and Hour programs. This is a supervisory class with substantial responsibility for the exercise of independent judgement in employing, disciplining, or adjudicating grievances of subordinates.

Wage-Hour Investigators enforce state laws and adopted federal regulations dealing with the payment of wages to workers. The Wage-Hour programs include: Wage Claims; Prevailing Wage; Minimum Wage and Overtime Enforcement; Employment Preference Enforcement; Licensing Employment Agencies; Construction Contractor Licensing; and Alaska Family Leave Act. Wage-Hour Investigators act on behalf of workers to collect unpaid or underpaid money, oversee the enforcement of labor laws, perform investigations of alleged labor law violations, present cases (evidence and legal argument) in administrative hearings and Small Claims Court hearings, conduct hearings, make determinations, and issue corrective orders.

The Wage-Hour Investigator III is responsible for planning, organizing, and managing the Wage-Hour Administrative programs statewide. The incumbent has full managerial responsibility for ensuring the compliance and enforcement of all Wage-Hour programs either directly or through subordinate staff. This position manages programmatic operations including assisting with budget development and tracking expenditures; develops and implements strategic and short range performance planning (setting program goals, objectives and performance measures); interprets statutes, regulations, and court precedents; drafts statutory and regulatory change proposals relating to the enforcement of Wage and Hour programs; and develops and implements policies and procedures for the day to day operations of the Wage-Hour Section.

In addition, the Wage-Hour Investigator III is also assigned the most complex field investigations and enforcement actions. Complex investigations are characterized by cases involving numerous legal interpretations, large dollar values, large numbers of employers or claimants, politically sensitive enforcement actions with deep social or economic impact ramifications and subjects which are likely to be challenged in court or relating to newly evolved legal issues. As a manager, this position determines whether cases will be referred to the Attorney General or District Attorney for prosecution and randomly evaluates cases to ensure staff has accurately interpreted and applied policies, codes, and statutes.

Class Analysis:

During the study process, examination and comparisons of the work performed by the Wage-Hour Investigator I and II, the (proposed) Wage-Hour Investigator III, and comparable positions were made. The classification factors used by classifiers served as guidelines to provide the basis for appropriate placement and allocation. The classification factors considered included:

- nature, variety, and complexity of the work
- nature of supervision received by the incumbent
- nature of the available guidelines for performance of work

- initiative and originality required
- purpose and nature of person to person work relationships
- nature and scope of recommendations, decisions, commitments and consequence of error
- nature and extent of supervision exercised over the work of other employees
- qualifications required

The Wage-Hour Investigator I is the journey level in the series whereby incumbents investigate allegations of state wage and hour labor violations. Incumbents perform the full range of assignments independently with supervisory review and assistance available as needed. The work includes performing a variety of duties such as researching background complaints, conducting administrative hearings, preparing reports, and issuing corrective orders. This is the full working level requiring both knowledge and experience in the related job area.

The Wage-Hour Investigator II is the supervisory level. Incumbents in this job class are working supervisors. The incumbent has the responsibility for supervising a large regional office and has substantial responsibility for exercising independent judgment and authority to take action or effectively recommend action for making assignments, employing, disciplining, or adjudicating grievances of subordinates.

The Wage-Hour Investigator III is responsible for the statewide management of Wage and Hour Administrative programs. This is a single position job class in which the incumbent reports directly to the Division Director and exercises full managerial responsibility for the eight programs directly and through subordinate supervisors. Although this position is assigned the most complex field investigations, the primary responsibilities are managerial and the focus is on planning, organizing, directing, and controlling the resources and program delivery.

Using the eight factors as the foundation for making comparisons, it was evident that there was sufficient higher level work to warrant re-establishing the Wage-Hour Investigator III to serve as a working manager in the Wage-Hour Investigator series. Closer examination of the nature of the work performed at each level confirmed the differences in the variety and complexity of work performed at the journey, supervisory, and manager levels. The classification factors distinguishing the levels of work between the three classes of Wage-Hour Investigators are the complexity in work, the purpose and nature of person to person relationships, and the nature and scope of recommendations, decisions, commitments and consequence of error. For each level in the series, the class controlling work is defined by the degree to which these factors influence assignment and performance. In addition to these factors, the organizational and reporting structure was analyzed against comparable positions for the purpose of internal alignment.

Internal Alignment:

A class code is assigned a job class based on the placement of the class' within the classification plan. The duties and responsibilities of the positions indicate the class under review is properly placed in the Labor and Employment Services family (46XX). Assignment to Class Code P4674 is appropriate.

When analyzing internal alignment for the Wage-Hour Investigator III, comparisons were made with management level classes performing work related to the labor and employment services family (P4674). Whereas the number of management level job classes in this family is limited, management level positions outside this family but within the same group (P4XXX) were also included in the analysis to ensure full compensatory consideration. The newly established job class in the Occupational Safety and Health Section, Program Manager, OSH (P2420/SR22) was also examined for comparison.

Program Manager, OSH (P2420/SR22):

The nature of the work performed by the incumbents in this job class is to administer work related to business safety inspections. The nature of the work performed by the Wage-Hour Inspector III is to administer work related to programs that enforce wage and hour laws. Although some of the managerial duties are similar between the two job classes, the nature of the work between job classes is very different. In addition, there is an inherent potential for high consequence of error in the recommendations and decisions made by the Program Managers, OSH. The Wage-Hour Investigator may occasionally be faced with circumstances requiring decisions which, if made in error, could result in serious consequences. Program Managers, OSH however, consistently make decisions having the potential for a high consequence of error, and errors in judgments made by the Program Managers OSH may seriously affect the health and welfare of workers and the public. The assignment to different job groups and families confirms the differences between the job classes, and as such, the Program Manager OSH is not considered an appropriate comparable job class for the purpose of internal alignment.

The job classes reviewed as comparable classes with similar levels of programmatic authority and responsibility, supervision exercised, scope of geographic responsibility, reporting structure/organization and regulatory responsibilities were: Program Coordinator (P4678/SR20); Employment Services Manager IV (P4658/SR20); Unemployment Insurance Support Services Manager (P4627/SR21); Chief, Public Assistance Field Operations (P4124/SR22); Child Support Manager (P4153/SR21); Social Services Program Officer (P4136/SR21); and Public Assistance Programs Officer (P4125/SR21).

Close review of each of these job classes indicates that the Wage-Hour Investigator III most closely aligns with: Unemployment Insurance Support Services Manager, Social Services Program Officer, Child Support Manager, and the Public Assistance Programs Officer job classes. These job classes are comparable by the regulatory nature of the programs, enforcement activity, the statewide scope of responsibility; the organizational and reporting hierarchy; the level of authority and responsibility for program administration; and the consequence of error. The Wage-Hour Investigator III is appropriately assigned salary range 21.

Conclusions:

PCN 071503 is responsible for managing the Wage-Hour Administrative programs. The class is properly placed in the Labor and Employment Services job family and assigned class code P4674. Assignment to salary range 21 maintains the state's internal alignment standards and provides reasonable compensation for the services rendered.

Wage-Hour Investigator III (P4674/SR21) is established effective February 1, 2005.

Position Analysis:

PCN 071503 meets the definition and distinguishing characteristics of the Wage-Hour Investigator III by providing statewide management for the Wage and Hour Administrative programs. The incumbent performs full managerial responsibilities as well as being assigned the most complex investigations. PCN 071503 is reallocated to Wage-Hour Investigator III effective February 1, 2005. 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.

ecc: Grey Mitchell, Director
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Employee Services – General Recruitment

Employee Records