

MEMORANDUM

State of Alaska
Department of Administration
Division of Personnel

To: Dianne Kiesel
Director

Date: May 22, 2006

Allocation Effective: 06/01/2006

Through: Sarah Brinkley
Class Studies Supervisor

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Subject: Cultural Resources Manager and Native Liaison

Preamble:

September 13, 2005, the Department of Military and Veterans Affairs requested the creation of a job class that would specifically serve dual roles as the departmental cultural resources manager and liaison to federally recognized tribes in Alaska. The position that is currently performing these functions for the DMVA is allocated as a Local Government Specialist III. Continued changes to federal regulations and new initiatives defined in executive memoranda have introduced duties that are beyond the intended purpose of existing job classes within Alaska state government. Assignment changes for staff within the Division of Personnel Classification Study Team have necessitated reassignment of this study to another team member.

Study Scope:

This study is limited to a single position (PCN 090325) in the Department of Military and Veterans Affairs.

Study Method:

A telephone conference with the position's supervisor, the Classification Study Supervisor, and the lead analyst was held to define the scope of the study, and gain understanding of DMVA expectations. Given the limited impact of the study and the pressing need for the job class, a presentation by the occupational consultant was not scheduled.

In accordance with the approved Classification Study Plan, the defined objectives of the study were to:

- 1) analyze and define the body of work associated with the Cultural Resources Manager and Native Liaison;
- 2) create a class specification that clearly describes and distinguishes the class and provides appropriate minimum qualifications; and
- 3) analyze the class for internal alignment with other State job classes to determine the appropriate salary range.

A current Position Description (PD) for the subject position is on file. The position description was analyzed to develop interview questions for more complete information about the subject position and the incumbent's perception of the assigned work. The interview was conducted by telephone.

The Definition and Distinguishing Characteristics for the class were drafted following the interview and copies were distributed via e-mail. As a result of recommendations and comments received, the Definitions and Distinguishing Characteristics were refined, revised, and incorporated in the complete draft specification.

Job Class History:

The Cultural Resources Manager and Native Liaison functions required of the Alaska Army National Guard have been provided for a number of years by a Local Government Specialist III. Increasing emphasis on managing cultural resources has rendered Local Government Specialist III job class inadequate for the incumbent's changing role. The Department of Military and Veterans Affairs has requested that a dual role job class be developed that directly addresses each of the major work areas.

CLASS ANALYSIS:

The Cultural Resources Manager and Native Liaison identifies historical properties and sites associated with the Alaska Army National Guard (AKARNG) to determine their qualification for protections afforded by statutes, regulations, and executive orders. This position plans and coordinates Government-to-Government consultations with federally recognized sovereign tribes in Alaska on issues of joint interest; and consults with interested parties regarding potential impacts of the National Guard's activities and undertakings such as armory closings, training exercises, new construction, changes to personnel stationed in villages, or expropriating real property. The incumbent must also take steps to mitigate any negative impacts on subsistence activities.

Under general direction, this single position job class locates, documents, catalogs, and monitors cultural properties and sites. The incumbent assesses locations containing historic or architecturally unique structures; anthropologically or archaeologically important artifacts; and traditional, cultural, or religious sites to determine their significance and eligibility for preservation or protection under statutes and regulations.

In the role of Native Liaison, this position is distinguished from other state job classes by providing and performing consultation with federally recognized sovereign tribes in Alaska on a Government-to-Government basis to ensure meaningful tribal participation in planning, policy, and decision-making related to AKARNG activities and undertakings such as armory closings, training exercises, new construction, changes to personnel stationed in villages, or expropriating real property. Additionally, this position requires knowledge of socioeconomic concerns, native culture, and anthropological concerns to carry out a mandated cultural resource management program.

Class Title:

The title, Cultural Resources Manager and Native Liaison, was selected to reflect two equally important roles that must be carried out by the incumbent of this job class. Shorter names were considered, but they failed to convey the importance of the two roles this position serves.

Minimum Qualifications:

A bachelor's degree from an accredited college in one of the following courses of study; anthropology, architecture, archeology, ethnology, linguistics of Alaska Native Languages, sociology, history, economics, business, public administration, or related social sciences or natural history disciplines.

AND

One year of experience working with indigenous people and/or small communities within Alaska, or the equivalent elsewhere, in which the primary work involved responsibility for two or more of the following functions: grant administration, community development, local government management, tribal government management, or management of an Alaska Native entity.

Class Code:

Given the binary nature of this single position job class, it is assigned to General Administrative (P19XX) job family. The Cultural Resources Manager and Native Liaison position is initially assigned to **P1920**.

Fair Labor Standards Act

The incumbent of the subject job class has no supervisory duties, and does not meet the criteria for executive exemption under the Fair Labor Standards Act. This position does require an understanding of several scientific fields, but does not require the knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction that is intended to meet the criteria for professional exemption under the Act.

The incumbent of this position meets the criteria for administrative exemption under the FLSA. That is, this position receives a salary exceeding \$455 per week exclusive of board, lodging, or other facilities; the work is non-manual office work directly related to general business operations; and the primary duties include the exercise of discretion and independent judgment with respect to matters of significance (preserving cultural resources at the expense of National Guard activities and conducting Government-to-Government liaison).

Position Allocation:

Current Classification:

<u>PCN</u>	<u>Class Title</u>	<u>Code</u>	<u>Rg</u>	<u>Loc</u>	<u>BU</u>	<u>Type</u>	<u>FLSA</u>
090325	Local Government Specialist III	P1873	17	EBJ	GG	FACL	Y

Approved Classification:

<u>PCN</u>	<u>Class Title</u>	<u>Code</u>	<u>Rg</u>	<u>Loc</u>	<u>BU</u>	<u>Type</u>	<u>FLSA</u>
090325	Cultural Resources Manager and Native Liaison	P1920	19	EBJ	GG	FACL	Y

Internal Alignment:

The Cultural Resources Manager and Native Liaison job class is assigned to the General Administrative (P1900) job family. Work assigned to this single position job class requires considerable analysis to ascertain the applicability of statutes and regulations regarding the

protection of artifacts and historical sites. This position also analyzes the impacts to communities and properties that result from National Guard activities and undertakings such as armory closings, training activities, new construction projects, changes to personnel stationed in villages, or expropriating real property. In this regard, the level of analysis required is comparable to senior level analysts in several job class series. The senior level analyst is usually established at salary range eighteen (SR18).

Analysis only addresses one aspect of this job class. The Cultural Resources Manager and Native Liaison position also functions with a high degree of autonomy; and in many cases, speaks for the Commissioner of Military and Veterans Affairs (Adjutant General), the Alaska Army National Guard, and the National Guard Bureau. The incumbent drafts letters or position papers on controversial or sensitive issues; influences policy formulation; and advises agency managers on program requirements needed to ensure compliance with regulations, statutes, and executive orders.

In matters involving the protection and preservation of artifacts and historical sites, this position consults with and seeks concurrence from the Chief, Office of History and Archaeology (P6766 – SR21) regarding qualification for protection and methods to be used. When significant disagreement exists on specific issues, the Cultural Resources Manager and Native Liaison has the latitude to reject input from the Chief. This exceeds the authority exercised by an Archaeologist III (P6748 – SR19).

Cultural resources management represents one of two major functions of this single-position job class. The other major function involves coordinating and conducting Government-to-Government consultations with federally recognized tribes in Alaska. The incumbent often speaks for the Commissioner of Military and Veterans Affairs (Adjutant General), the Alaska Army National Guard, and the National Guard Bureau. These communications are not negotiations; rather, they are meetings between representatives of two sovereign governments to discuss issues of common interest. The Incumbent's role in these communications is complicated by the fact that while the US Government recognizes sovereign entities within Alaska, the State of Alaska does not recognize those entities as sovereign. The nature and complexity of the work to the Cultural Resources Manager and Native Liaison position is reminiscent of the Special Assistant to the Commissioner I (P1917 – SR21) job class.

The incumbent of position under study is currently allocated as a Local Government Specialist III (P1873 – SR17). The Local Government Specialist III represents the full proficiency level within its job class series. Incumbents of that class typically perform a variety of services in the field of public administration for Alaska local government jurisdictions including, but not limited to, providing advice and technical assistance to municipalities and communities on administrative, fiscal, and legal matters involving powers that may be exercised by a local government unit. This class series is well suited to serving the needs of communities and municipalities within Alaska. The Local Government Specialist III specification is not intended to describe work included in Government-to-Government consultations involving a sovereign nation. The series describes the knowledge of statutes and regulations needed to perform the work associated with Alaska communities and municipalities, but it fails to convey the level of knowledge regarding federal regulations and executive orders needed to properly conduct the

work assigned to the subject job class. PCN 090325, the position that is charged with performing the work that is the subject of this study, serves as the DMVA expert on issues addressing federally recognized sovereign tribes in Alaska. The required knowledge level for PCN 090325 exceeds that of Local Government Specialists IV (P1874 – SR19), and sometimes surpasses the complexity of work typically associated with that class.

The Cultural Resources Manager and Native Liaison job class does not function at the level of a Special Assistant to the Commissioner I enough of the time to warrant salary alignment at that level. Secondly, direct comparison of General Government job classes with Partially Exempt job classes is improper for purposes of salary alignment, and would not have been considered, had the classes not existed in the same job family.

The Cultural Resources Manager and Native Liaison job class frequently functions on par with an Archaeologist III when dealing with the protection and preservation of artifacts and historical sites. This class functions at or beyond the level of a Local Government Specialist IV when conducting Government-to-Government consultations. Though this position is called upon, at times, to function at a very high level of independence, as a departmental expert, there is insufficient evidence of this work level to justify setting the salary range above the assigned range nineteen (SR19). Aspects of responsibility, authority, initiative, and technical knowledge expected of the subject class are consistent with this salary range assignment.

Conclusions:

The Cultural Resources Manager and Native Liaison is a single position job class. PCN 09-0325 has been performing the work of this class as a Local Government Specialist III, and has been reallocated to the new job class. The broader range of duties and level of authority found in the subject class, coupled with the analysis that must be conducted to successfully complete operations, makes the appropriate salary range more closely aligned to senior level analyst job classes, rather than the Government Specialist III. The salary range assigned to the Cultural Resources Manager and Native Liaison is range nineteen (SR19).

Attachments:

Ecc: John Cramer, Director,
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