

MEMORANDUM

State of Alaska
Department of Administration
Division of Personnel

To: Mila Cosgrove
Director

Date: February 15, 2005

Thru: Lee Powelson
Classification Manager

From: Diane Larocque
Human Resource Specialist

Phone: 465-3837

Fax: 465-1029

Email: Diane_Larocque@admin.state.ak.us

Subject: Business License Inspector

History:

Substantial increases in business licensing fees became effective on September 4, 2003. As a result many businesses have become non-compliant by refusing to obtain or renew business licenses, and continue to operate unlicensed or with expired licenses. Currently there is little to no enforcement for the Business Licensing Program. The Business Licensing Administrator has requested an inspector position for the purpose of inspecting business entities and enforcing compliance with both the business licensing and tobacco endorsement requirements. This position will add authority to the business licensing statutes and be instrumental in recovering lost revenue.

Scope:

This is a new job class. Currently there are no positions allocated to this job class. Initially, only one position will be allocated to the job class; additional positions may be added as needed.

Study Method:

The Department of Commerce, Community and Economic Development contacted the Division of Personnel with a request to create the Business License Inspector job class. The Administrative Manager II (Business Licensing Administrator) provided additional information about the new duty assignments and level of authority assigned. After gathering and analyzing all information, the class specification for Business License Inspector was drafted and submitted to the Division of Occupational Licensing 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 draft specifications were finalized, the duties and responsibilities of the class analyzed for internal alignment, and the conclusions and decisions were documented.

Class Concepts:

Under general supervision, Business License Inspectors conduct inspections and regulation enforcement to ensure that businesses are in compliance with business licensing and tobacco endorsement requirements.

Business License Inspectors perform paraprofessional duties in support of the Business Licensing Program. Incumbents work independently with little review from the supervisor. The work requires programmatic knowledge and an understanding of clearly defined business licensing and tobacco endorsement regulations, statutes, and penalties. Business License Inspectors verify that business owners are in compliance with business license and tobacco endorsement requirements, and assist unlicensed business owners to become compliant by providing education and guidance for obtaining the required licenses.

Business License Inspectors are noncommissioned positions working under strict and specific constraints when performing enforcement duties. The incumbent uses judgment and discretion to initiate and carry out enforcement procedures when violations are found, and has the authority to issue notices of violations or citations to non-compliant business owners.

Class Analysis:

When creating a new job class it is necessary to determine if the criteria for grouping positions as set forth by the Division of Personnel's classification plan is being met. For the purpose of grouping positions into job classes, the Division of Personnel established the following criteria to determine if the positions 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 basic rate of pay can be fairly applied to all positions.
4. Employees in a particular class are considered an appropriate group for purposes of layoff and recall.

Following the review of the duties to be performed by the proposed new job class and analyzing this information against the four criteria for grouping, it is evident that the proposed new job class fails the criteria for grouping into an existing job class. Establishing the new Business License Inspector job class is appropriate.

During the study process, examination and comparisons of the work assigned to the Business License Inspector and other comparable job classes was made. The classification factors used by classifiers served as guidelines to provide the basis for appropriate placement and allocation. The classification factors considered include:

- 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 purpose of the Business License Inspector is to provide technical support to the Business Licensing Program. Business License Inspectors will perform inspections to ensure compliance with business licensing and tobacco endorsement requirements. The full range of assignments include performing office and field research to verify the existence of compliant or non-compliant businesses, encouraging voluntary compliance by educating business owners and providing assistance with the licensing process, and performing enforcement procedures. Enforcement procedures include the issuance of violation notices and citations, preparing and filing the appropriate legal documents, and coordinating these efforts with various agencies such as the Court System, Attorney General's Office, District Attorney's Office, and the Department of Public Safety. The incumbent may also serve as a witness in judicial proceedings.

The nature, variety, and complexity of the work is limited to three functional areas: inspection, education/assistance, and enforcement. All three areas require little analysis or evaluation to interpret and apply governing statutes and regulations. Guidelines for business licensing in the form of policies and procedures are straightforward. In addition, enforcing civil or criminal penalties requires the understanding of clearly written penalty statutes. In general, the incumbent will work independently and be required to exercise initiative and originality in order to accomplish tasks; however, the work may be reviewed by the supervisor on a weekly basis.

Class controlling work can be found in the nature and scope of decision making and commitments, and the purpose and nature of the person to person work relationships. Business License Inspectors will be required to use discretion when educating and assisting vendors with voluntary compliance, determining what a reasonable amount of time is for compliance, and when working out an acceptable solution with the vendor. Incumbents must also exercise judgment in determining how to approach and work with business owners, and how to conduct themselves in order to avoid volatile or confrontational situations. With clearly defined laws, most discretion will be restricted to situations where non-compliance requires enforcement activities through the issuance of violation notices or citations. These activities will often involve working with the Office of the Attorney General in the event of civil penalties, the District Attorney's Office for criminal penalties, and on rare occasions, coordinating with other agencies for confiscation and arrests.

Internal Alignment:

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 Business Regulation and Compliance family (23XX). Assignment to Class Code P2322 is appropriate.

When analyzing internal alignment for the Business License Inspector, comparisons were made with technical level classes performing work related to the Business Regulation and Compliance family (P23XX). Whereas the number of technical level job classes in this family is limited, technical level positions outside this family but within the same Business, Industry, and Land Management Group (P2XXX) were also considered. Following this review, it was further determined that this job group did not provide sufficient comparable job classes for the analysis

to ensure full compensatory consideration, and the review was expanded to include job classes outside of the Business, Industry, and Land Management Group (P2XXX).

For purposes of internal alignment job classes were selected on the basis of performing similar types of work related to inspection, education/assistance, and enforcement. For the job classes selected as potential comparable classes, closer evaluation and analysis was given to the following areas: programmatic authority and responsibility, supervision received, scope of responsibility, recommendations, decisions, commitments, and consequence of error, and available guidelines for performance of work. It should be noted that the Environmental Health Technician job class, a potentially comparable job class, is currently under study and is therefore not considered appropriate for comparison at this time.

Job classes reviewed at salary range 11/12 were:

Weights and Measures Inspector Trainee (P2480); Commercial Vehicle Enforcement Officer I (P2460); Insurance Licensing Examiner I (2344). These are trainee classes in which incumbents follow a formal training plan to receive intensive classroom orientation or field training, and must successfully complete the training to advance to the journey level.

Job classes reviewed at salary range 12/13 were:

Investigator I (P7766); Business Registration Examiners (P2320); Occupational Licensing Examiner (P2325); Public Safety Technician II (P7726). Positions in these job classes perform similar basic level work in some of the functional areas closely related to the Business License Inspector. Incumbents perform the full range of assignments independently, but assignments are well defined, with a limited scope of recommendations and decision making.

Job classes reviewed at salary range 14 were:

Weights and Measures Inspector I (P2481); Insurance Licensing Examiner II (P2345); Commercial Vehicle Enforcement Officer II (P2460). These are technical level job classes where the work requires considerable knowledge of complex statutes and regulations, and the work is greater in scope and complexity involving either more functional areas or a higher level of programmatic and procedural expertise. Incumbents also exercise a higher level of authority to ensure compliance.

There were no comparable job classes at salary range 15.

Job classes reviewed at salary range 16 were:

Investigator II (P7767); Loan Collection Officer I (P2113); Weights and Measures Inspector II (P2482). These are professional job classes.

Close review of each of these job classes indicates that the Business License Inspector most closely aligns with the selected comparable job classes performing technical work at salary range 13. These job classes are comparable by the nature and variety of the work, the purpose and nature of the person to person work relationships, and the nature and scope of recommendations and decisions made during the course of work. For most of the comparable job classes at this range the level of difficulty for performing duties is higher, and the regulations and statutes governing the programs are more complex. However, Business License Inspectors will be

required to work in the field with both a high degree of independence and lack of available supervisory support. In considering the potential for confrontational situations in both urban and remote areas, and the degree of independence exercised in performing work, the Business Licensing Inspector is appropriately assigned to salary range 13.

Conclusions:

The class is properly placed in the Business Regulation and Compliance job family and assigned class code P2322. Assigning salary range 13 maintains the state's internal alignment standards and provides reasonable compensation for the services rendered.

Business License Inspector (P2322/13) is established effective February 16, 2005.

ecc: Rick Urion, Director
Division of Occupational Licensing
Department of Commerce, Community & Economic Development

Jo Ellen Hanrahan, Director
Division of Administrative Services
Department of Commerce, Community & Economic Development

Jennifer Strickler, Administrative Manager II
Division of Occupational Licensing
Department of Commerce, Community & Economic Development

Penny Beiler, Senior Management Consultant
Management Services – General Group

Technical Services – General Group

Employee Services – General Recruitment