

MEMORANDUM

State of Alaska
Department of Administration
Division of Personnel

To: Dianne Corso
Director

Date: January 8, 2004

From: Lee Powelson
Classification Manager

Phone: 465-4424
Fax: 465-2576

Subject: Chief of Workers' Compensation Adjudication

History:

The Department of Labor and Workforce Development submitted a new position description for PCN 073005 and requested revision of the class specification for the Chief of Adjudication, Workers' Compensation (P4683). The class specification was last revised in 1981.

The job class was originally established in 1969 as the Assistant Director, Workers' Compensation (SR 19). The title was changed to Deputy Director, Workers' Compensation in 1972. The class was assigned to salary range 21 in 1976. The definition was revised in 1978 to reflect the supervisory authority to employ, discipline, and discharge subordinates. The class specifications were further revised in 1981, the class assigned to salary range 22, and the title changed to Chief of Adjudication, Workers' Compensation. In response to an appeal from the Department of Labor, the Director of Personnel approved assignment to salary range 23 in 1982.

Scope:

This study covers a single position in the Division of Workers' Compensation.

Study Method:

An updated position description for PCN 073005 was received in December 2003. The updated duties were evaluated against the previous position description and the existing class specification. The duties and responsibilities of the class were discussed with the current and prior Director of the Division of Workers' Compensation. Revisions to the class specification were drafted to address current standards, provide a clearer definition and distinguishing characteristics, and provide valid minimum qualifications. To determine salary range assignment, the redefined class specification was compared with other job classes having similar responsibilities.

Class Analysis:

The Chief of Workers' Compensation Adjudication is the single position responsible for supervising staff who investigate claims and conduct quasi-judicial administrative hearings arising under the Alaska Workers' Compensation Act (AS 23.30.005 to 23.30.400). This position and the Workers' Compensation Hearing Officers serve as the chair of Alaska Workers' Compensation Board during formal hearings.

This position has substantial responsibility for the development and implementation of policy related to the workers' compensation program. This position shares responsibility with the Director for development of proposed statutory and regulatory changes to the Alaska Workers' Compensation program. This position serves as chair of the Workers' Compensation Board for cases of first impression and cases involving the highest degree of legal complexity. This position evaluates evidence, considers legal, medical, and vocational criteria, and renders written decisions on claims. The required specialized knowledge of the Workers' Compensation statutes and regulations indicates the position is not appropriately grouped in other Hearing Officer classes. The authority and responsibility for supervising those who conduct hearings and author decisions indicates the position is not appropriately included with the Workers' Compensation Hearing Officers.

A single position job class is appropriate to address the position's unique duties and responsibilities. The existing class title of Chief of Adjudications, Workers' Compensation is descriptive of the nature of work performed, although awkward. The class title is changed to Chief of Workers' Compensation Adjudication. The definition and distinguishing characteristics of the class are:

Definition:

Under general administrative direction, the Chief of Workers' Compensation Adjudication administers the statewide workers' compensation adjudication program and is responsible for the legal processes and adjudicative functions of the Division of Workers' Compensation and the Alaska Workers' Compensation Board. The position plans, establishes and implements division and board policy and procedures governing administrative and adjudicative functions.

Distinguishing Characteristics:

The Chief of Workers' Compensation Adjudication is responsible for the development and implementation of policy, the conduct of hearings, and the preparation and review of draft decisions on formal proceedings relating to the substantive rights and obligations of parties subject to the Alaska Workers' Compensation Act. This position serves in a staff capacity and exercises line authority over the division functions in the absence of the division director, or when this authority has been specifically delegated.

The Chief of Workers' Compensation Adjudication is a single-position job class with substantial supervisory responsibility for the exercise of independent judgement in employing, disciplining, or adjudicating grievances of subordinates.

The position does not have full supervisory or managerial responsibility for the entire division (administrative and financial management is the responsibility of the Administrative Manager, while the Fishermen's Fund and Second Injury Fund are administered by others); therefore, Deputy Director is not an appropriate class title.

The Chief of Workers' Compensation Adjudication has historically been placed in the Labor and Employment Services job family (46XX) in the Social Services job group. This family includes classes that advise on, administer, supervise, or perform work related to employment counseling,

unemployment insurance, workers compensation, and other labor and employment services. The class defining work of the Chief of Workers' Compensation Adjudication indicates this family is not the most appropriate placement of the class. The nature of the work indicates placement in the Administrative Law Judges, Adjudicators, and Hearing Officers family (72XX) of the Legal, Judicial and Law Enforcement job group is the most appropriate. This family includes classes of positions that conduct hearings to decide or recommend decisions on claims concerning government program or other government-related matters and prepare decisions; positions determine penalties or the existence and the amount of liability, or recommend the acceptance or rejection of claims, or compromise settlements.

Minimum Qualifications:

The environment in which this position functions has changed considerably since the class specifications were last revised in 1981. Hearings conducted before the Workers' Compensation Board are more formal, and both parties are often represented by attorneys. Decisions of the Board are subject to appeal to the Superior Court; the frequency of such appeals has increased in the last decade. The position's responsibility to review all draft decisions for consistency with statute and regulation, legal precedent and prior board decisions, requires the incumbent to be familiar with the legal environment and well versed in Alaska Workers' Compensation law. The minimum qualifications for the position are:

A member in good standing of the Alaska Bar Association AND substantial experience in the practice of Workers' Compensation law in Alaska.

Internal Alignment:

To determine the appropriate salary range assignment for the Chief of Workers' Compensation Adjudication, the scope of duties, level of authority, complicating characteristics of hearings, and consequences of error were compared to other classes responsible for conducting hearings including Appeals Referee I (P4662-17), Motor Vehicle Hearing Officer (P7210-18), Appeals Referee II (P4663-19), Disability Hearing Officer (P7200-19), Appeals Referee III (P4663-21), Workers' Compensation Hearing Officer (P4697-21), Hearing Officer (P1925-21), Attorney III (P7145-22), Hearing Examiner (P2380-24), and Attorney IV (P7145-24). The position requires the incumbent to be a member of the Alaska Bar Association and have substantial experience with Workers' Compensation law in Alaska. Analysis of the class characteristics for internal alignment indicates the Chief of Workers' Compensation Adjudication is most closely aligned with the Hearing Examiner and is appropriately assigned salary range 24.

Conclusions:

The Chief of Workers' Compensation Adjudication is appropriately a single-position job class. The revisions to the Class Specification are effective January 8, 2004. The job class is assigned to class code P7230 in the Administrative Law Judge, Adjudicator, and Hearing Officer job family. The assignment of salary range 24 is appropriate.

The final class specification is attached.

Attachment

cc: Paul Lisankie, Director
Division of Workers' Compensation
Department of Labor & Workforce Development

Guy Bell, Director
Division of Administrative Services
Department of Labor & Workforce Development