

# MEMORANDUM

**State of Alaska**  
**Department of Administration**  
**Division of Personnel & Labor Relations**

**To:** Dianne Kiesel  
Director

**Date:** September 13, 2006

**Thru:** Sarah Brinkley  
Classification Studies Manager

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**Subject:** Revised Class Specification – Environmental Impact Analysis Manager I

**Preamble:**

On August 10, 2005, President George W. Bush signed the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). SAFETEA-LU authorized the federal surface transportation programs for highways, highway safety, and transit for the 5-year period 2005-2009. Changes incorporated in SAFETEA-LU are intended to improve and streamline the environmental process for transportation projects. Among the changes in the environmental review process are three provisions providing for State assumption of USDOT responsibilities.

SAFETEA-LU Section 6003 established a pilot program under which up to five States may assume environmental responsibilities for Recreational Trails and Transportation Enhancement projects.

SAFETEA-LU Section 6004 allows each State to assume responsibility for Categorical Exclusions through a Memorandum of Understanding with USDOT, with the Federal Highway Administration (FHWA) in a programmatic monitoring role.

SAFETEA-LU Section 6005 established a project delivery pilot program allowing five States to apply to USDOT to assume all USDOT environmental responsibilities under the National Environmental Policy Act of 1969, as amended (NEPA), and other environmental laws (excluding the Clean Air Act and transportation planning requirements). The pilot States specified in Section 6005 are Alaska, Ohio, Oklahoma, Texas, and California. The delegation authority under this section is limited to highway projects, and could be limited to specific projects or programs within a State.

Section 6005 requires the Secretary, USDOT, to promulgate rules establishing application requirements for States to participate in the pilot program. On April 5, 2006, the Notice of proposed rulemaking for 23 CFR Part 773 was published in the Federal Register (Vol. 71, No.

65). Under §773.105(b)(5) the FWHA proposed the application require each applicant State to demonstrate that it has the necessary personnel to assume the responsibilities it requests.

The State of Alaska, Department of Transportation and Public Facilities, is in the process of entering into a Memorandum of Understanding to assume responsibility for Categorical Exclusions under Section 6004, and will apply for delegation of environmental responsibilities under NEPA and other environmental laws under Section 6005 when the final rules are published. To ensure the agency has the necessary personnel to perform the assumed and delegated responsibilities, a request to create four new positions was submitted on July 18, 2006. As the level of responsibility and authority exercised by the positions was not covered in existing job classes, a study was requested to establish a new class or revise an existing class, as appropriate.

**History:**

The work assigned the positions under review has previously been performed by employees of the FHWA. The State job classes with the most similar duties and responsibilities are the Environmental Impact Analyst series and Environmental Impact Analysis Manager series. These classes were revised as part of the Environmental Sciences Study, implemented on July 16, 2005.

**Scope:**

This study covers five positions: four new positions that will exercise the responsibilities assumed from FHWA and one additional position that will assist with developing and coordinating procedures.

**Study Method:**

After agreeing to expedited handling for this study a study planning meeting was held to identify issues and goals, establish a communication plan, and layout the next steps to be taken. Since there are no incumbents to interview, we met with the agency's Occupational Consultant to clarify the duties and responsibilities, level of authority, and placement in the organization's hierarchy. Following analysis of the work a revised class specification was drafted and provided to the agency for review. The agency's comments were examined, the specification revised and finalized, positions allocated, and the study implemented.

**Class Analysis:**

The changes in SAFETEA-LU have enabled the State to enter into agreements that authorize the State to take on the authority of the FHWA for environmental review, consultation, and approval. The new positions created will independently exercise this authority for all highway project identified as Categorical Exclusions. The positions will evaluate, consult on, and effectively recommend approvals of Environmental Assessments and Environmental Impact Statements for all of the department's highway projects. The authority delegated to the positions includes providing the technical guidance, conflict resolution, and coordination with other State and federal agencies previously provided by the FHWA.

The exercise of the authority assumed by and delegated to the State requires the employees in the position have a high level of technical knowledge and expertise in the environmental review

process, environmental statutes and regulations, and the roles and responsibilities of various State, federal, local, and non-governmental agencies and organizations.

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 are constructed as broadly as is practicable so long as the tests of similarity are met.

Environmental Impact Analysts III serve as team leaders on large scale, high visibility, and controversial environmental studies and serve as subject matter experts in departmental environmental processes. The work requires considerable knowledge and skills in state and federal statutes and regulations that protect the environment, sources of pollution, preventing the release of pollution, and testing for their presence. The new positions' level of independence, authority assigned, and the higher level of responsibility for coordination, negotiation, and conflict resolution with other agencies differs significantly from the characteristics of the Environmental Impact Analyst III class. The extent of the differences indicates the positions are not sufficiently similar to apply the same title, minimum qualifications, or base rate of pay. Therefore, placing the positions into the Environmental Impact Analyst III series is not appropriate.

Environmental Program Specialists IV independently plan and perform major environmental projects and are a recognized authority in a program or functional area. The work requires thorough knowledge and skills in state and federal statutes and regulations that protect the environment, sources of pollution, preventing the release of pollution, and testing for their presence. The regulatory nature of the work performed by positions in this class is similar to the work assigned the new positions under review; however, the specialized focus on environmental impact analysis of transportation projects present in the new positions indicates the positions are not appropriately place in the general class.

Environmental Impact Analysis Managers I are either managers of a regional transportation environmental impact analysis function or the principle assistant to the head of the department's central headquarters for environmental impact analysis of transportation projects. The work requires thorough knowledge and skills in the environmental considerations in construction and transportation projects and the analysis and writing of Environmental Assessments and Environmental Impact Statements. The nature and level of knowledge and skills is substantially similar to that required of the new positions submitted. The level of independence and authority in decision-making, nature and role in person-to-person contacts, and nature and scope of decisions and commitments are sufficiently similar to support grouping the positions into the Environmental Impact Analysis Manager I job class. Examination of the class title, required qualifications, base pay, and grouping for layoff/rehire also supports this grouping into a single job class.

Based on the grouping of the new positions into the existing job class, we revised the class specifications by adding a third option that covers the work of these positions and inserting a new functional area and characteristic duties.

#### Class Title

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 addition of a third option to the class specification does not change the nature or intent of the class sufficiently to require changing the class title.

#### Minimum Qualifications

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.

The minimum qualifications established for the Environmental Impact Analysis Manager I address the Knowledge, Skills, and Abilities required by positions in the class. The KSAs have not been revised and support the addition of the positions covered by the third option. Revising the minimum qualifications due to the addition of the third option is not appropriate.

#### Class Code

A Class Code is assigned based on the placement of the job class in the classification schematic of Occupational Groups and Job Families. Occupational Groups are made up of related Job Families and encompass relatively broad occupations, professions, or activities. Job Families are groups of job classes and class series that are related as to the nature of the work performed and typically have similar initial preparation for employment and career progression.

The nature of work and typical career path for the Environmental Impact Analysis Manager I continues to support placement in the Environmental Science Specialists Job Family. The class remains assigned Class Code PK0251 and AKPAY Code P8551.

#### Fair Labor Standards Act

The positions in this study are covered by the minimum wage and maximum hour provisions of the Fair Labor Standards Act of 1938, as Amended (FLSA). While exemption from the provisions of the Act are determined on the specific circumstances of an individual employee on a work-week basis, there are general aspects of the classes and their influence on the exemptions for employees in bona fide executive, professional, or administrative positions that can be addressed in general.

Positions covered by the third option of the Environmental Impact Analysis Manager I perform a regulatory function on the operations of the department by which they are employed. The primary duty of analyzing and authorizing determinations of Categorical Exclusions or Findings of No Significant Impact, and determining the adequacy of Environmental Assessments and Environmental Impact Statements indicates the employees in these positions would meet the primary duty requirement under 29 CFR Part 541 for exclusion from overtime as Administrative Employees.

**Pay Analysis**

The addition of the third option to the Environmental Impact Analysis Manager I job class is based, in part, on the salary range assigned the class being appropriate for the work covered by the option. The resulting revision to the class specification does not support re-examination of the previously assigned salary range.

**Conclusions:**

The duties and responsibilities assumed by, and delegated to, the State under SAFETEA-LU Sections 6004 and 6005 are properly grouped into the Environmental Impact Analysis Manager I job class as a third option. The addition of another option does not support changing the class code, minimum qualifications, or assigned salary range.

The revision to the Environmental Impact Analysis Manager I is effective September 13, 2006.

**Position Analyses:**

PCNs 253720, 253721, 253722, and 253723 are new positions in Design and Construction Standards, Statewide Design and Engineering Services. The positions are assigned authority and responsibility for NEPA and related environmental reviews, approvals, consultation, and other actions assumed from, or delegated by, the FHWA under SAFETEA-LU Sections 6004 and 6005. These duties and responsibilities meet the third option of the Environmental Impact Analysis Manager I job class. The positions are allocated to Environmental Impact Analysis Manager I.

The positions are not assigned responsibility for appointing, adjudicating grievances, or discipline of other employees. The positions are placed in the General Government Bargaining Unit.

Employees in these positions meet the salary and primary duty criteria for exemption from Section 7 of the Fair Labor Standards Act as Administrative Employees and are not eligible for overtime.

PCNs 253720, 253721, 253722, and 253723 are established effective September 13, 2006.

PCN 252560 was submitted in June, 2006, with a request for reclassification from Environmental Engineering Associate to Environmental Impact Analyst III. The submission indicated the position's changes in duties and responsibilities resulted from changes to the environmental review process made by SAFETEA-LU Sections 6004 and 6005. To ensure the

work of this position is considered in relation to the new positions submitted, the position is being reviewed as part of this study.

PCN 252560 is in Design and Construction Standards, Statewide Design and Engineering Services. The duties and responsibilities are to provide technical expertise and assistance in adapting policies and procedures to the revised environmental review process; performing quality assurance reviews and performance audits; and serving on statewide working groups on area and region transportation plans and environmental laws and regulations. The responsibility for performing advanced level duties as a coordinator and subject matter expert is characteristic of the advanced level of the Environmental Impact Analyst series. The position is allocated to Environmental Impact Analyst III.

The position is not assigned responsibility for appointing, adjudicating grievances, or discipline of other employees and remains in the General Government Bargaining Unit.

An employee in this position has the primary duty of carrying out major assignments which affect the agency's business operations to a major degree. This meets the criteria for exemption from Section 7 of the Fair Labor Standards Act as an Administrative Employee. A salaried employee in this position is not eligible for overtime.

PCN 252560 is reallocated effective September 13, 2006.

Attachments:

Final class specification

Allocation worksheet

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Employee Records