

STATE OF ALASKA

Department of Administration
Division of Personnel & Labor Relations

Sean Parnell, GOVERNOR

P.O. Box 110200
Juneau, AK 99811-0200
Phone: (907) 465-2200
Fax: (907) 465-2135

Memorandum

To: Nicki Neal
Director

Thru: 
Keith Murry
Class Studies Supervisor

From: Erin Kelly 
Human Resource Specialist II

Date: November 16, 2011

Subject: Mechanical Inspection Investigator Study

Preamble:

In February of 2007, after changes within the organization, the Department of Labor and Workforce Development requested a study to review PCN 074016 and potentially establish a new job class. It was determined at that time that, while there were Investigator characteristics exhibited in the assigned work, allocation to the Investigator IV job class was a best fit determination and a stop gap measure until a more in-depth study could be completed.

Study Scope:

This study includes one position (PCN 074016) in the Department of Labor and Workforce Development, Division of Labor Standards and Safety.

Study Contacts:

The study contact for the Mechanical Inspection Investigator Study was the Director of the Division of Labor Standards and Safety, Grey Mitchell.

History of Job Class:

The Division of Labor Standards and Safety has historically utilized several job classes to define a body of work related to the management of various programs including wage-and-hour,

occupational health and safety, boiler and pressure vessels, elevators, plumbing and electrical inspection. Such job classes have included Chief Mechanical Inspection, Assistant Chief Mechanical Inspection, Chief Labor Standards and Assistant Chief Labor Standards.

In 1981, the Chief Mechanical Inspection and the Assistant Chief Mechanical Inspection job classes were created and established to define a managerial body of work that at the time was being performed by positions allocated to the Boiler and Pressure Vessel Inspection job class series. After a decade of changes in the organization, the body of work, and the statutes and regulations, these classes were abolished just prior to 1993 with a revised Chief Mechanical Inspection job class being reestablished later that year. After four years the Chief Mechanical Inspection job class was abolished again after it was determined other job classes, Chief Labor Standards and Assistant Chief Labor Standards, could be created to more accurately reflect the work being performed within the agency.

The Chief Labor Standards job class was created to provide administrative and operational authority over professional and technical level staff engaged in enforcing the State's wage-hour laws and to carry out the Mechanical Inspection programs. The Assistant Chief Labor Standards job class was created to capture the duties that focused more specifically on portions of Occupational Safety and Health (OSH), Wage-Hour Enforcement, and Mechanical Inspection (MI). In 2004 the duties performed by positions in these two single position job classes were assigned elsewhere and the two job classes were abolished in 2005.

Class Analysis:

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: 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 rate of basic pay can be fairly applied to all positions; and 4) employees in a particular class are considered an appropriate group for purposes of lay off and recall. Job classes should be constructed as broadly as feasible as long as the tests of similarity are met.

The Mechanical Inspection Section is responsible for overseeing installations of a variety of mechanical work to ensure public safety. The programs administered include electrical and plumbing installations; boiler and pressure vessels, in both new construction and existing installations; elevators; and amusement rides, ski lifts and tramways. In addition, the Mechanical Inspection Section issues licenses to qualified workers certifying their fitness to perform work in the electrical, plumbing, and boiler operation fields.

PCN 074016 is responsible for managing the day-to-day activities of the State's electrical, plumbing, boiler and pressure vessel, and elevator inspection programs by planning, organizing, directing, and controlling resources and program delivery. The incumbent is responsible for various administrative functions including budget, personnel, and other administrative areas; developing and implementing

strategic plans and goals for the programs; interpreting and enforcing statutes, regulations, and policies; and administering relevant occupational licenses.

Using a comparative approach of the body of work assigned to PCN 074016 it was confirmed that allocation to the Investigator IV job class was not appropriate. The position's primary existence is managing the day-to-day activities of the State's electrical, plumbing, boiler and pressure vessel, and elevator inspection programs rather than to establish, maintain and direct a statewide non-Public Safety program of effective civil and/or criminal investigation. While the incumbent still partakes in standardizing policies and procedures affecting investigations, retains enforcement authority in the preparing of cases, and supervises subordinate Investigators, it is not the primary reason the position exists. Therefore the position can no longer be allocated to this job class.

The assigned duties and responsibilities of PCN 074016 were also examined in comparison to those of the Program Manager, Occupational Safety and Health (PC0325); the Chief of Weights, Measures and Permits (PC0360), Department of Labor Safety Liaison (PC0370), and the Program Coordinator II job classes. This examination indicated that, while there are similar characteristics that correspond to these job classes such as developing and implementing strategic plans and goals for programs, and for interpreting and implementing statutes, regulations, policies, and program services, allocation to these job classes was not appropriate. PCN 074016 is not responsible for 1) overseeing a Occupation Standards and Health Program, the Permits and Weigh Stations Section or the Weights and Measures Section; 2) does not perform duties that pertain to common carrier pipelines in AK; and 3) does not serve in a generalist capacity based on assigned duties which require specialized knowledge and experience related to building codes, inspection techniques, and civil and criminal law investigation enforcement procedures. For these reasons assigned duties were inconsistent with the established definitions and distinguishing characteristics of these job classes. Subsequently, establishment of a new job class is necessary to appropriately classify the work that was observed.

For development of the new job class concepts and specifications, data was compiled from the study contact, the incumbent, historical study files and class specification files of pertinent job classes, and the submitted Position Description (PD). Draft class concepts were presented to the Division of Labor Standards and Safety and initial feedback was sought from Director Mitchell. Based on that feedback, a formal class specification was finalized.

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.

Mechanical Inspection Manager is one of the titles that has been used as a working title by the agency. This title is easily recognized, general neutral and will be understood by potential applicants; therefore it is adopted as the official 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 performed.

At a minimum the work performed by the Mechanical Inspection Manager necessitates some knowledge of occupational codes, standards, and regulations; recognized industrial and occupational hazards; inspection and citation procedures; and some supervisory and managerial skills. At this level the position primarily manages specialists that require the necessary certification. Since there is a range of options in which applicants can gain the necessary knowledge, skills, and abilities, three minimum qualification options were created.

Applicants can gain experience from similar programs within the Division that provide other safety and health inspections. They can have supervisory experience performing investigative actions related to litigation and administrative actions, which has proven to be successful within the Division. Otherwise applicants can have installation, operation, maintenance and repairs/alterations experience related to the programs within the Mechanical Inspection Section such as electrical and plumbing installations, boilers and pressure vessels, elevators, ski lifts, and related mechanical conveyances.

Class Outline:

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 work performed by the Mechanical Inspection Manager most appropriately fits within the Business and Development and Regulation group (PC) that includes families of classes that advise on, administer, supervise or perform work related to business development and regulation; public utilities trade practices, finances, regulations, and inspections; and taxation and auditing. More specifically it performs work associated with the job family PC03 Safety Inspection that includes classes of positions that administer, supervise or perform work related to transportation and business safety inspection or weights and measures inspection.

The new job class is assigned Class Code PC0345 and AKPAY code K0109.

Fair Labor Standards Act

The position in this study is 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 based 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. Since this study deals with a single position FLSA can be determined on an individual basis.

To meet the criteria for exemption as executive employees as set forth in the FLSA, the primary duty must be the management of a customarily recognized subdivision of the enterprise in which the employee is employed, duties must include the customary and regular direction of the work of two or more other employees, and must include the authority to hire or fire other employees or make suggestions and recommendations that are given particular weight in the hiring, firing, advancement, promotion or any other change of status of other employees. PCN 074016 supervises twenty-two employees with the authority to hire and fire in the recognized subdivision of the Division of Labor Standards and Safety, Mechanical Inspection section. Subsequently, PCN 074016 meets the executive criteria for exemption.

The position does not satisfy the terms of the Administrative Exemption as set forth in the FLSA. The incumbent is compensated at a rate higher than the minimum required and exercises discretion or independent judgment with respect to matters of significance when they advise on the development of a division policies, workflow, etc. However, the incumbent is not responsible for work directly related to the management or general business operations of the employer. Instead the incumbent is responsible for regulatory services that the employer provides and is mandated to do.

For exemption as a professional employee, the primary duty must be the performance of work that requires knowledge of an advanced type in a field of science or learning that is customarily acquired by a prolonged course of specialized intellectual instruction, or that requires invention, imagination, originality or talent in a recognized field of artistic or creative endeavor. While the duties and responsibilities performed by PCN 074016 require a specific skill set, ultimately duties do not specifically require knowledge of an advanced type in a field of science or learning that is customarily acquired by a prolonged course of specialized intellectual instruction, or that requires invention, imagination, originality or talent in a recognized field of artistic or creative endeavor. Therefore, PCN 074016 is precluded from being exempted from overtime as a professional employee.

Salary Analysis:

The salary range of a job class is determined based on internal consistency within the State's pay plans, in accordance with merit principles, with the goal of providing fair and reasonable compensation for services rendered and maintaining the principle of like pay for like work. In evaluating internal consistency the difficulty, responsibility, knowledge, skills, and other

characteristics of a job are compared with job classes of a similar nature, kind, and level in the same occupational group and job family or related job families.

For purposes of internal alignment all job classes that were in the Labor, Trades, and Crafts Bargaining Unit within the PC03 job family were excluded as to not compare classes to other union negotiated pay plans that would skew the results of internal alignment based pay procedures and salary range assignments unique to the bargaining unit. Base wages however, were considered for those positions that the Mechanical Inspection Manager supervises.

When evaluating the job classes in the same pay plan to the Mechanical Inspection Manager within the Safety Inspection job family (PC 03), there are several job classes that perform duties with similar attributes in regards to difficulty, responsibility, knowledge, and skills necessary to perform the work. These job classes include Measurement Standards Supervisor; State Metrologist; Boiler and Pressure Vessel Inspector; Occupational Health & Safety Analyst; Program Manager, Occupation Safety & Health; Chief, Weights, Measures, and Permits; and Department of Labor Safety Liaison.

Measurement Standards Supervisors either provide supervision of staff performing truck size, weight and permit enforcement at fixed weigh stations throughout the state, or provide supervision of staff performing inspections of weighing and measuring devices used in commerce in the State and the packaging, labeling and sale of commodities sold in the State by units of mass, volume and other measure. While both the Mechanical Inspection Manager and the Measurement Standards Supervisor supervise staff performing regulatory functions, the Measurements Standards Supervisor is not assigned responsibility for program representation of the division and does not exercise the same scope of recommendations, decisions, commitments, and consequences of errors as the Mechanical Inspection Manager. Therefore alignment of the Mechanical Inspection Manager exceeds the Range 18 Measurement Standards Supervisor.

State Metrologists II, at Range 18, ensure that the State's primary, secondary and field standards conform to standards established by the U.S. Department of Commerce National Institute of Standards and Technology (NIST). More specifically positions assigned to this job class maintain the State Standards and control data in order to continue recognition as a qualified State standards laboratory. This job class retains similar characteristics to Mechanical Inspection Manager in relation to quality assurance functions, maintaining the standards in conformance with technical requirements, and for assigning and reviewing the work others. However, this job class's primary assignment does not include managerial responsibility for one or more major programs or functions which include planning, organizing, directing and controlling resources and program delivery. Consequently, this is not a good job class to align the salary range for the Mechanical Inspection Manager.

Boiler & Pressure Vessel Inspectors II (Range 20) conduct field and factory inspections of boilers and unfired pressure vessels for compliance with statutes and regulations; and review the work of Boiler and Pressure Vessel Inspectors I to ensure their inspections conform to statutory

requirements. Positions assigned to this job class series require specific endorsements to perform assigned responsibilities. The position assigned to the Mechanical Inspection Manager does not serve as a specialist but rather a manager for various programs and that does not require specific endorsements, licenses or certificates. Compared to the Boiler & Pressure Vessel Inspector II the Mechanical Inspection Manager exercises greater discretion and initiative in regards to quality control functions over multiple programs and person-to-person contacts, requires more initiative and originality for ensuring inspections conform to statutory requirements, and retains a higher responsibility for consequence of error. The aforementioned responsibilities indicate that the Mechanical Inspection Manager job class is better aligned with a job class that better compares with the difficulty, responsibility, knowledge, and skills required of the Mechanical Inspection Manager job class.

Occupational Health & Safety Analysts provide specialized workplace safety and health consultation, or supervise the enforcement officers who direct and perform the most complex and sensitive of workplace safety consultations and investigations regarding state laws and regulations and applicable federal Occupational Safety and Health Administration (OSHA) standards. While some aspects of the nature, variety, and complexity of the work is comparable to the Mechanical Inspection Manager in regards to overseeing others or enforcing applicable state laws and regulations, the primary function of the Mechanical Inspection Manager requires a higher level of responsibility, liability, and accountability for the various programs it oversees. Therefore alignment with this job class at Range 20 is not appropriate.

Department of Labor Safety Liaison (Range 22) has principal responsibility for the implementation of Department of Labor (DOL) Occupational Safety and Health, and Mechanical Inspection policies pertaining to common carrier pipelines in Alaska. Although there are similarities with the Department of Labor Safety Liaison including programmatic responsibilities, this job class is being removed from alignment with the Mechanical Inspection Manager given that that the primary focus of this job class is performing in a liaison capacity rather than managing programs for a large section within a Division.

Two job classes in the family at Range 22 are substantively similar to the characteristics of the Mechanical Inspection Manager. The Program Manager, Occupational Safety and Health (OSH) is responsible for planning, organizing, directing and controlling resources and program delivery for the Alaska Occupational Safety and Health (AKOSH) program. Responsibilities include developing and implementing strategic plans and goals for the program; interpreting statutes, regulations, policies, and programs; and developing strategies that maximize worker safety and health. The Chief, Weights, Measures & Permits administers and supervises a major section of the division; either the Permits and Weigh Stations Section or the Weights and Measures Section. While specific programmatic knowledge varies for these two job classes their primary responsibility of program management within a division and their difficulty, responsibility, knowledge, and skills required matches the characteristics of the Mechanical Inspection Manager and it is best aligned at the same salary range.

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For final consistency with salary alignment the base pay of those job classes within the Labor, Trades, and Crafts Bargaining Unit that are supervised by the Mechanical Inspectional Manager were compared to the base pay of the Mechanical Inspection Manager. Given that the base pay of the Safety Inspection & Compliance Inspectors (Electrical, Elevator, and Plumbing Inspector) are lower than that of the salary range of 22 in the Supervisory Bargaining Unit no further analysis was required.

Conclusions:

The Mechanical Inspection Manager job class is established in the PC03 job family.

Salary range assignment for the Mechanical Inspection Manager is set at salary range 22.

The new job class and allocation to this job class are effective November 16, 2011.

PCN 074016 remains ineligible for overtime under the Executive exemption in the Fair Labor Standards Act. Correspondence on the allocation of the study position is being distributed through the OPD system.

Attachment:
Final class specification

cc: Grey Mitchell, Director
Division of Labor Standards and Safety
Department of Labor and Workforce Development

Brynn Keith, Director
Division of Administrative Services
Department of Labor and Workforce Development

Management Services-General