



STATE OF ALASKA

Position Description

Position Control Number (PCN): 019038

Class Title:
Human Rights Field Representative III

Recruitment Type: Normal

1. Position Control Information

Class Title: Human Rights Field Representative III	Code: P4207 Range: 18
Bargaining Unit: Partially Exempt and Exempt Executive Branch Employees	Bargaining Unit Code: XE
Department: Office of the Governor	Department Number: 01
Division: Human Rights Commission	
Region/Section/Unit: Investigative Unit	
Location: Anchorage	Location Code: EBA
Position Type: Partial Exempt Full Time	Position Type Code: PXFT
FLSA Exempt: No	Strike Class: N
Position requires possession of a Commercial Drivers License (CDL):	No
Position requires possession of, or access to, firearms or ammunition:	No
AKPAY Organizational Routing Code: 01013702	
Physical Work Address: 800 A Street, Suite 204, Anchorage	
Work Phone: 907-274-4692	
Supervisor Information	
PCN: 019002 Title: Human Rights Field Representative IV	
Physical Work Address: 800 A St Ste 204 Anchorage	
Work Phone: 907-276-7474	

Type of Action:	New Position
Effective Date:	09/12/2006
Division of Personnel Section:	Classification
Reviewed By:	Lois Ashley, Human Resource Specialist I, on 09/12/2006
Approved By:	Aimee Olejasz, Human Resource Specialist II, on 09/12/2006
Closed out by:	Sheila Bugbee, Human Resource Technician II, on 09/15/2006

2. Duties

2.1. In one or two sentences, state the main purpose of the position.

Independently and impartially investigate and resolve complaints to prevent and eliminate discrimination under Alaska Human Rights Law.

2.2. Starting from the most to the least important, list the functional areas assigned to the position. Within each functional area, describe the duty statement associated; estimate the percentage of time spent performing the duties; and define each area as essential (E) or marginal (M).

Functional Area Title: Investigations		
E/M	% of Time	Duty Statement
E	60 %	<p>Develop investigative plans, identifying appropriate relief, applicable legal theories, lines of inquiry, defenses proffered, relevant witnesses, and documents necessary to the investigation. The plan includes investigative strategy such as on-site visits or formal requests for discovery.</p> <p>Obtain and record material evidence through witness interviews, coordinating with legal counsel, if necessary. Analyze evidence including documents and witness interviews.</p> <p>Provide oral and written investigation status updates to complaining and responding parties. Updates include explaining the evidence obtained to allow the parties the opportunity to rebut or provide additional information for continued investigation.</p> <p>Convey offers and counter-offers of settlement. Prepare predetermination settlement agreements and monitor to assure compliance with the terms of the agreement.</p> <p>Prepare a case analysis memorandum that details the evidence secured during the investigation. Write a determination recommending a finding of either substantial evidence or not substantial evidence based on this analysis.</p> <p>Draft determinations that contain detailed and concise explanations of the evidence found during an investigation and the basis for the conclusions. A determination is a staff decision document which summarizes the investigative findings and concludes with a course of action.</p> <p>Write conciliation agreements in cases where a finding of substantial evidence of discrimination is found, including all remedies which will provide full relief for complainant and eliminate the discriminatory practices. Determining the appropriate relief may involve detailed and complex calculation of monetary benefits. Monitor the conciliation agreements to assure compliance with the law and the terms of the agreement.</p> <p>After a finding of substantial evidence of discrimination, conduct conciliation conference to encourage the respondent to provide full relief for complainant and eliminate the discriminatory practice.</p> <p>Throughout the processing of the case, clarify to the parties and their legal representatives their roles and responsibilities and those of the commission, providing information to the parties of the legal elements of proof that the agency uses in analyzing the evidence and the agency's procedures.</p> <p>Prioritize cases according to age, complexity, and degree of completion, in accordance with agency-identified prioritization plan or order to expedite case processing.</p> <p>Maintain organized and complete investigative files in all cases.</p>

Functional Area Title: Intakes

E/M	% of Time	Duty Statement
E	20 %	Conduct intake interviews with prospective complainants. Frame legally sufficient complaints including complex factual and legal allegations in a concise format. Obtain information from complainants necessary for the investigation. Advise complainants of their rights and responsibilities and explain the investigative process. Record the intake interview and complete forms for input into the agency's case tracking system.

Functional Area Title: Inquiries		
E/M	% of Time	Duty Statement
E	15 %	Answer all telephone, mail, or in-person inquiries on a rotating basis, documenting an average of 80 - 100 inquiries per inquiry week. Determine jurisdiction under state, local, and federal anti-discrimination laws. Refer inquirers with jurisdictional and non-jurisdictional inquiries to appropriate individuals or agencies.

Functional Area Title: Occasional Duties		
E/M	% of Time	Duty Statement
E	3 %	Attend supervisory meetings and investigator meetings. Present and discuss problem cases with the staff attorneys, supervisors, and executive director. Notarize documents.
M	2 %	Educate the public about local, state, and federal anti-discrimination laws through formal presentations. Attend training sessions, seminars, and workshops on civil rights and other issues for professional growth. Read commission, state, and federal case decisions and other materials related to the job.

Percentage Total: 100%

3. Other Work Details

3.1. List the computer software and hardware used to perform the duties described. Estimate how often each is used (e.g. daily, 2-3 times a week, 1-2 times a month, etc.).

Desktop computer and printer (daily); laptop computer (as needed); Microsoft Word software (daily), Case Tracking system (as needed).

3.2. List the equipment and materials used to perform the duties described, including machinery, tools, instruments, vehicles, etc. Estimate how often each is used (e.g. daily, 2-3 times a week, 1-2 times a month, etc.).

Meridian telephone system (daily); TTY telephone (as needed); IBM typewriter, copier, fax, TV/VCR, calculator (as needed).

3.3. List the guides and references regularly used to perform the duties described. Examples include federal and state laws and regulations, professional standards, building codes, trade practices, contracts, and policy and procedure manuals. Explain how and why these guides and references are used. Estimate how often each is used (e.g. daily, 2-3 times a week, 1-2 times a month, etc.).

The following are used daily: AS18.80; 6AAC30; Title VII of the Civil Rights Act of 1964, as amended; and ASCHR Procedure Manual.

The following are used weekly: agency policy memoranda; Age Discrimination in Employment Act of 1967, as amended; Title I of the Americans with Disabilities Act of 1990; and Lindemann and Grossman's Employment Discrimination Law.

The following are used monthly: Title III of the Civil Rights Act of 1964; Equal Pay Act of 1963; agency, state, and federal court decisions; Pregnancy Discrimination Act of 1967; AMC 5.20 et.seq.; EEOC CDS/IMS guidelines for federal bases, issues, and Standard Industrial codes; Commerce Clearing House EEOC guidelines; EEOC's compliance and substantial weight review manual; Anchorage City Directory; ADA Technical Assistance Manual; and federal and state executive orders regarding civil rights.

3.4. Describe the level of authority and independence the incumbent of the position exercises. List the actions the incumbent takes or the decisions the incumbent makes on a regular basis without obtaining prior approval from a higher level employee. For example, explain how the position has the authority to commit the organization, or any parts thereof, to a course of action.

Screen and document inquiries; determine jurisdiction, harm/basis and timeliness to file complaints; conduct intake interviews; develop investigative plan and methods, scope, witnesses, documents and legal theories; plan and conduct witness interviews, informal and formal requests for documents; prioritize caseload; recommend determination after analysis of the evidence.

3.5. Describe the nature of the contacts the incumbent has with other people in order to perform the duties described. Include who is contacted, the reason for the contact, and how often the contact is made.

Multiple times per day, receive and make telephone calls, and meet in person at the Commission office or at another location, complainants, respondents, and witnesses to conduct interviews or gather other information necessary to investigate complaints, determine agency jurisdiction, and resolve cases.

3.6. Describe the consequence of an error made by a prudent employee in the performance of the essential functions assigned to the position. What is the consequence of that error to individuals, operations, and programs?

Little to no consequence. Decision documents are reviewed by supervisors or other senior staff. Errors would require re-evaluation and redrafting of documents by the employee.

3.7. List critical requirements of the position not previously described (e.g., skills in keyboarding, writing, negotiating, communications, etc.).

It is imperative that an investigator have the ability and training to apply complex legal theories, to logically and methodically evaluate evidence, to identify and question pretextual arguments; and to be diplomatic in dealing with people from various social, cultural, economic, and educational backgrounds.

3.8. List licenses, certifications, registrations, physical or other standards required by state or federal law or regulation to perform the duties described. Cite the specific authority (e.g. law or regulation, such as the OSHA Bloodborne Pathogens Act).

Current Alaska Driver's License.

4. Work Demands

The following identifies some of the physical and mental demands and potential hazards typically encountered by this position. These are job demands which can be ***reasonably anticipated and are an expectation of the job***.

Keeping in mind the essential functional areas and duty statements described in section 2, select the rating that best matches the requirement of this position according to the following descriptions:

Rating **Description**

Not Required (N): Not required of this position.

Present (P): Requirement **is** present, but **is not** essential to the position. (For example, a receptionist may encounter aggressive or angry people, but this is not an essential assignment.)

Occasional (O): Required 33 percent of the time or less **and** essential to the position. (For example, a lifeguard swims only occasionally, but it is essential that a lifeguard be able to swim; a correctional officer must control aggressive/angry people who are life threatening.)

Frequent (F): Required over 33 percent of the time **and** essential to the position.

Items checked below must be consistent with the duty statements listed in section 2.

4.1 Physical Requirements

Title	Rating			
	N	P	O	F
Sitting				F
Walking				F
Standing			O	
Running	N			
Jumping	N			
Bending or twisting			O	
Squatting or kneeling			O	
Crawling	N			
Reaching above shoulder level			O	
Reaching below shoulder level			O	
Ascending or descending using a ladder or other conveyance		P		
Climbing stairs		P		
Driving cars, light duty trucks			O	
Driving heavy duty vehicles	N			
Using floor mounted foot controls to operate equipment (e.g., not driving a car)	N			
Repetitive motion of hands/fingers (e.g., keyboarding, turning pages)				F
Fine manipulation with fingers				F
Pinching with fingers	N			
Grasping with hand, gripping				F
Load, unload, aim, and fire handguns, shotguns or other firearms	N			

Lifting/carrying up to 25 pounds			O	
Lifting/carrying 26-50 pounds		P		
Lifting/carrying more than 50 pounds		P		
Pushing/pulling up to 25 pounds			O	
Pushing/pulling 26-50 pounds	N			
Pushing/pulling more than 50 pounds	N			
Balancing on moving surfaces	N			
Balancing on narrow surfaces	N			
Balancing on slippery surfaces		P		
Balancing on uneven surfaces	N			
Restraining/grappling with people in a public protection environment	N			
Seeing objects at a distance			O	
Seeing objects peripherally				F
Using depth perception		P		
Seeing close work (e.g. typed print)				F
Distinguishing colors		P		
Hearing conversations or sounds				F
Hearing via radio or telephone				F
Communicating through speech				F
Communicating by writing/reading				F
Distinguishing odors by smell	N			
Distinguishing tastes	N			

4.2 Work Environment

Title	Rating			
	N	P	O	F
Work in/exposure to inclement weather			O	
Work/in/exposure to cold water	N			
Work/live in remote field sites			O	
Work in confined areas (under desks, in heating vents, etc.)	N			
Exposure to dust, chemicals, or fumes	N			
Exposure to hazardous equipment (e.g., guns, chainsaws, explosives)	N			
Exposure to electrical current (not outlets)	N			
Swimming/scuba diving	N			
Work at heights up to 25 feet (e.g., towers, poles)	N			
Work at heights over 25 feet (e.g. towers, poles)	N			
Work in urban or highway traffic (other than driving)	N			
Work around moving machinery or mobile equipment	N			
Work around moving mechanical parts	N			
Work on and off moving equipment	N			
Work on slippery or uneven surfaces		P		
Work/travel in boat/small aircraft/helicopters			O	

Exposure to high noise levels	N			
Exposure to infection, germs, or contagious diseases (e.g. hospital, lab, clinic, etc.)	N			
Exposure to blood, body fluid, or materials potentially contaminated by blood or body fluids (e.g., hospital, lab, clinic, public protection environment)	N			
Exposure to needles or sharp implements (e.g. hospital, kitchens)	N			
Use of hot equipment (e.g., kitchen ovens, lab equipment)	N			
Exposure to wild/dangerous animals	N			
Exposure to insect bites or stings	N			
Exposure to aggressive/angry people in a public protection environment	N			

4.3 Other Work Demands

Title	Rating			
	N	P	O	F
There are no other work demands.				

4.4. Explain any special physical, mental, or behavioral requirements of the position that have not already been addressed.

None

5. Supervisory Authority

This page must be completed if PCN **019038** is assigned supervisory or lead level authority (this includes Labor, Trades and Crafts foreman positions). In the chart below, list each position PCN **019038** supervises or leads. Record **019038**'s level of authority for each area of responsibility according to the definitions below. Subordinate positions listed must be consistent with those reflected on the staffing chart, and levels of authority must be substantiated in all other applicable portions of the PD (i.e. duties, guides, actions, decisions).

Note: These ratings are not dependent upon whether the position has actually exercised the authority, but rather what level is assigned.

Level Definition of Level of Authority Assigned

- 1 = Has authority to take action; notification to supervisor may or may not be necessary afterward.
- 2 = Effectively recommends and discusses decision with supervisor; then takes action.
- 3 = Presents recommendations to supervisor; supervisor makes decision and directs position to take action.
- 4 = No authority to take or recommend action.

Is PCN **019038** assigned supervisory or lead level authority for one or more of the responsibilities listed in the chart below? **No** If no, skip this section.

PCN 019038's Responsibilities and Assigned Level of Authority									
Positions Directly Supervised or Led by PCN 019038	Employ (includes authority to hire, transfer, layoff, OR recall)	Discipline (includes authority to suspend, demote, OR issue written warnings)	Discharge	Adjudicate Grievances (includes authority to respond to a first level grievance under a collective bargaining agreement)	Assign Work	Set Task Priorities	Check Quality of Work	Evaluate Performance	Instruct & Train Staff
None									

6. Department Request & Certification

Requested Information

Class Title: Human Rights Field Representative III	Code: P4207	Range: 18
Bargaining Unit: Partially Exempt and Exempt Executive Branch Employees	Bargaining Unit Code:	XE
Department: Office of the Governor	Department Number:	01
Division: Human Rights Commission		
Region/Section/Unit: Investigative Unit		
Location: Anchorage	Location Code:	EBA
Position Type: Partial Exempt Full Time	Position Type Code:	PXFT
Position requires possession of a Commercial Drivers License (CDL):		No
Position requires possession of, or access to, firearms or ammunition:		No
AKPAY Organizational Routing Code: 01013702		
Physical Work Address: 800 A Street, Suite 204, Anchorage		
Work Phone: 907-274-4692		
Supervisor Information		
PCN: 019002 Title: Human Rights Field Representative IV		
Physical Work Address: 800 A St Ste 204 Anchorage		
Work Phone: 907-276-7474		

Requested Actions

New Position

Reason for the Request

New position created with FY07 budget.
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Certification

Supervisor Designee I certify that the information provided in this submission is accurate and complete to the best of my knowledge. Linda Perez, , on 08/29/2006
Division I certify that the information provided in this submission is accurate and complete to the best of my knowledge. Paula Haley, Division Director - Px, on 09/01/2006

Department

I certify that the information provided in this submission is accurate and complete to the best of my knowledge and the required budgetary authorization exists to implement the requested action.

Gail Fenumiai, , on 09/05/2006

7. Staffing Chart & Attachments

8. Classification Analysis

The Office of the Governor, Human Rights Commission, submitted this Position Description for PCN 010001, requesting the establishment of a Human Rights Field Representative III. The position is located in Anchorage, is supervised by PCN 019002 (Human Rights Field Representative IV), and supervisory and/or lead level authority is not assigned.

Contacts:

No contacts were made as all necessary information was submitted.

Class Concepts:

The **Human Rights Field Representative** series of classes includes positions engaged in implementation and administration of State laws against discrimination and program policies adopted by the State Commission for Human Rights. The Human Rights Field Representatives perform a wide variety of assignments including processing administrative complaints from filing through impartial investigation, negotiated settlements, and conciliations, and for unconciliated cases to public hearings. The series covers field operation staff providing investigative services in regional offices, the systemic unit or the hearing unit.

This series may be distinguished from Equal Employment Opportunity classes by responsibility for investigation of alleged discrimination in employment, housing, public accommodations, financing, and public service. By contrast the Equal Employment Officer series is a staff function to the State's management involved in the administration of the State's Equal Employment Opportunity program as an employer.

Human Rights Field Representative II is the advanced trainee/developmental level in this series. Positions work under general supervision and perform a variety of routine investigations and reconciliations designed to further acquaint them with civil rights statutes, theory of discrimination, and principles and techniques of investigations. Assignments are oriented toward employee development. As the incumbent's knowledge, skills and abilities increase, supervision is relaxed.

Human Rights Field Representative III is the full working level class in this series. Positions work under direction and independently investigate or conciliate a full range of human rights discrimination cases. Human Rights Field Representatives II and III are distinguished by the case load assigned, both in terms of complexity and potential impact of these cases and by the actual number of cases assigned.

Human Rights Field Representative IV is a first level supervisory class. Positions function under general direction as regional administrators or as the manager of the systemic unit (which identifies and investigates complex discrimination issues such as those coming from class action cases). This is a supervisory class with substantial responsibility for exercising independent judgment in the appointment, promotion, transfer, suspension, discharge and the adjudication of grievances of subordinates.

Summary of Job Duties:

Assigned to the Human Rights Commission's Investigative Unit in Anchorage, PCN 010001 independently investigates and resolves complaints in order to prevent and eliminate discrimination under the Alaska Human Rights Law.

The position develops investigative plans and strategies; performs witness interviews; analyzes evidence; provides oral and written updates to complaining and responding parties; prepares predetermination settlement agreements and conveys offers and counter-offers for settlement; and monitors settlement agreements to ensure parties are complying with terms.

PCN 010001 prepares case analysis memorandums detailing evidence secured during an investigation and presents recommendations on whether the evidence is substantial or not substantial and drafts determinations which is a staff decision document summarizing the investigative findings and recommending a course of action. Once substantial evidence of discrimination is found, the incumbent writes conciliation agreements; determines the appropriate relief; conducts conciliation conferences to encourage respondents to provide full relief for complainant and eliminate the discriminatory practice; and monitors agreements to ensure that parties are in compliance with the law and the terms of the agreement.

The position conducts intake interviews with perspective complainants, records the interview and completes

forms necessary for entering information into the agency's case tracking system, determines jurisdiction under state, local, and federal anti-discrimination laws, advises complainants of their rights and responsibilities, and explains the investigative process.

Analysis:

The assigned caseload of PCN 010001, both in terms of complexity, number of cases, and potential impact is the distinguishing factor between this position and the Human Rights Field Representative II who performs routine investigations under supervision.

The Human Rights Field Representative IV focuses on supervisory responsibilities; therefore, allocation at this level is not appropriate since the position is not assigned any supervisory duties.

The position independently investigates/conciliates a full range of human rights complaints of discrimination cases received under the Alaska Human Rights Law. Performing at the full working level of the series, PCN 010001 is allocated to Human Rights Field Representative III.

Conclusion:

PCN 010001 is allocated to Human Rights Field Representative III, and is appropriately placed in Partially Exempt status. The position does not meet the criteria for exemption under the Fair Labor Standards Act and is eligible for overtime.