STATE OF NORTH CAROLINA

OFFICE OF STATE PERSONNEL

Approved Classification: _____

Effective Date: _____

Analyst: _____

POSITION DESCRIPTION FORM (PD-102R-92)

(This Space for Personnel Dept. Use Only)

1. Present Classification Title of Position Bureau Chief, Employment Discrimination Bureau	7. Present 15 Digit Position No. Proposed 15 Digit Pos. No. 20001471-60013209
2. Usual Working Title of Position Bureau Chief	8. Department, University, Commission, or Agency Department of Labor
3. Requested Classification of Position Bureau Chief, Employment Discrimination Bureau	9. Institution & Division Standards and Inspections
4. Name of Immediate Supervisor Andy Frazier	10. Section and Unit Employment Discrimination Bureau
5. Supervisor's Position Title & Position Number Deputy Commissioner for S&I, 20001463-60012982	11. Street Address, City and County 111 Hillsborough Street, Raleigh (Wake)
6. Name of Employee Tiffany Lathan	12. Location of Workplace, Bldg. and Room No. Old Revenue Building,

CERTIFICATION: Signatures indicate agreement with all information provided, including designation of essential functions.

Supervisor's Certification: I certify that (a) I am the Immediate Supervisor of this position, that (b) I have provided a complete and accurate description of responsibilities and duties and (c) I have verified (and reconciled as needed) its accuracy and completeness with the employee.

Signature _____ Title: Deputy Commissioner for S&I Date: 8/27/12

Employee's Certification: I certify that I have reviewed this position description and that it is a complete and accurate description of my responsibilities and duties.

Signature Tiffany Lathan Title: Bureau Chief Date: 8/27/12

Section or Division Manager's Certification: I certify that this position description, completed by the above named immediate supervisor, is complete and accurate.

Signature _____ Title: _____ Date: _____

Department Head or Authorized Representative's Certification: I certify that this is an authorized, official position description of the subject position.

Signature _____ Title: _____ Date: _____

I.

A. Primary Purpose of Organizational Unit:

The Employment Discrimination Bureau (EDB), under the direction of the North Carolina Commissioner of Labor, enforces the provisions of Chapter 95, Article 21 of the North Carolina General Statutes, known as the Retaliatory Employment Discrimination Act (REDA), and the North Carolina Administrative Code Title 13, Chapter 19. The Act incorporates whistleblower protections from the Workers' Compensation Act, Wage and Hour Act, Occupational Safety and Health Acts, Mine Safety and Health Act, hemoglobin C and sickle cell carriers, National Guard Service Discrimination, Genetic Testing Discrimination and Participation in Juvenile Justice System, Domestic Violence Victims, and Controlled paraphernalia. EDB investigates complaints and where merit is found, facilitates resolution by conciliation, settlement, and litigation.

B. Primary Purpose of Position:

The Bureau Chief has final program level authority and is responsible for the day-to-day operation of the EDB. The employee uniformly administers all applicable statutory requirements, rules and regulations. The employee is responsible for planning, supervising, and reviewing the work of the investigators promoting compliance with REDA through the investigation and resolution of complaints. The employee monitors complaint processing to assure the public is served promptly. Adjustments in procedures, caseloads, or temporary reassignment of staff may be affected to enhance efficiency or to accommodate special circumstances that may surround a particular investigation. Responsibilities also entail conducting/coordinating complex investigations and settlement negotiations; recommending litigation, as appropriate; and assisting in the preparation of lawsuits and responding to requests for disclosure of information from case files. Frequent public contact is required in developing/maintaining effective relationships with employers and employees as well as representatives of federal and state agencies. The Bureau is located within the Standards and Inspections Division of the North Carolina Department of Labor. The Bureau has eight employees including a Bureau Chief and seven REDA investigators who report directly to the Bureau Chief. Two of the REDA investigators are tele-workers.

C. Work Schedule:

The normal work schedule is eight hours a day Monday through Friday between the hours of 6am and 7pm.

D. Change in Responsibilities or Organizational Relationship:

The previous job description is dated June 19, 1998. Budget cuts in 2010 reduced the number of investigators from eight to seven. The administrative support position and its duties and responsibilities were transferred to the Wage and Hour Bureau in 2012.

II.

Method Used (Check One) Order of importance ☒ Sequential order ☐

Place an asterisk (*) next to each essential function. (See instructions for complete explanation.) Please note percentage of time for each function.

A. Description of Responsibilities and Duties

No. 30 %

1. *Organizing and Direct Work: The Bureau Chief is responsible for organizing the Bureau for optimum efficiency and effectiveness within fiscal and manpower constraints. Policies, processes and procedures are changed by the Bureau Chief when necessary to meet current Bureau goals and objectives. These changes are recorded in the Bureau's operational manual which is maintained as a resource for employees and for training new employees.

No. 15%

2. *Counseling and Disciplining Employees: The Bureau Chief provides appropriate coaching to direct reports when opportunities arise to improve employee performance. The employee is responsible for responding to all disciplinary problems in the appropriate manner, complying with all State Personnel rules and regulations. The Department's Human Resource Bureau is consulted prior to any action taken to formally discipline employees and discussed with the Deputy Commissioner for Standards and Inspections.

No. 10%

3. *Planning: The Bureau Chief is responsible for long-range planning of programs, procedures and resources needed to meet legislative mandates. Long-range planning takes the form of a 3-year strategic plan which articulates the vision, goals and objectives necessary to meet the Bureau's legislatively mandated mission. Development of strategic plans requires periodic environmental scanning for trends, challenges and opportunities using tools such as SWOT Analysis. Among other things, factors which are considered in planning include changes in legislative mandates and rules, changes in appropriations, workload requirements, customer service needs and desired organizational outcomes. Careful and methodical planning of the activities and resources necessary for achieving each objective is a requirement for success. Once strategic plans are finalized, employees are given ownership of the plan's objectives which pertain to their particular job requirements through the development of employee work plans. Monitoring and evaluating the strategic plan's performance is done regularly throughout the life of the plan for purposes of taking corrective action when necessary. Regular reporting of the plan's progress is conducted through quarterly performance review sessions and year-to-date reports on strategic objective with senior management and through an annual fiscal year-end report.

No. 5%

4. *Financial Management: The Bureau Chief is responsible for managing the Bureau's annually authorized budget. Responsibilities include long-range planning of expenditures across multiple fiscal years, authorizing expenditures, monitoring expenditures, identifying and implementing cost efficiencies, submitting expansion requests, maintaining an inventory control system, timely surplus of used or obsolete assets, and compliance with the Budget and Management Division's administrative processes and requests.

No. 5%

5. *Review: The Bureau Chief is responsible for monitoring all aspects of the Bureau's work to ensure compliance with the Bureau's legislatively-driven mission and the Bureau's goals and objectives. Operational data is reviewed for each employee and unit to ensure compliance with all work standards. In addition, technical requirements, work processes and operational procedures are reviewed for compliance by employees and for changes to insure quality and optimization of resources.

   No. 5%

6. *Orientation, Initial and On-going Training: The Bureau Chief has responsibility for developing a training program for each job classification within the Bureau. The employee identifies and maintains the specific competencies for each job classification and then develops a training plan for each job classification. Training records are maintained by the Bureau Chief for each new employee including a competencies checklist which requires a signature and date for each competency mastered by the new employee during their training period. In addition, the employee conforms to the requirements set by Human Resources on documentation for probationary employees. The employee also identifies training opportunities outside the Department, such as those provided by Office of State Personnel that would benefit subordinates to optimize their job performance. New employees are oriented according to the Human Resources Division's "Manager's Checklist for New Employee's First Day of Work." The checklist is also signed by the new employee and the new employee's supervisor.

   No. 5%

7. *Work Planning and Performance Review: The Bureau Chief has responsibility for developing an objective work plan for each job classification that provide either a numerical basis for evaluation and/or a clearly defined meaning for each rating of a sub-Key Responsibilities/Results (KRR). The work plans are also appropriately aligned for accountability in achieving Bureau goals and objectives. The employee is required to regularly observe and evaluate direct reports to assess proficiency in job required skills and personal and dimensional skills. This is accomplished by the employee maintaining a performance log for each direct report for purposes of making an informed judgment regarding the direct report's performance at the interim performance review and the final performance review. The Bureau Chief adheres to all Human Resource requirements and standards for conducting and writing performance evaluations.

   No. 5%

8. Other Responsibilities and Duties: The Bureau Chief is the Equal Employment Opportunity Officer for the North Carolina Department of Labor responsible for enforcing the NCDOL EEO policy to ensure a greater level of diversity of all persons in the workforce and making a special effort to increase participation in recruitment, selection, promotion, training and development, and any other term or condition or privilege of employment. The Bureau Chief also attends the Commission on Indian Affairs and The Commission on Latino/Hispanic Affairs commission meetings on behalf of the Commissioner of Labor when her designee cannot attend.

No. 5%

9. Liaison with OSH Division and OSHA: The Bureau Chief serves as liaison with the U.S. Occupational Safety and Health Administration (OSHA) with regard to appeals to OSHA of occupational safety and health discrimination cases dismissed by the Bureau in which OSHA has concurrent jurisdiction, answering questions, providing additional information, etc. The employee serves as liaison with OSHA with regard to forms, data and other information which must be provided by the Bureau, through the OSH Division of the N.C. Department of Labor, to OSHA, ensuring that forms and data provided are accurate and timely; The employee prepares for an annual audit of Bureau's occupational safety and health discrimination cases by OSHA, ensuring that all case files with potential for review are complete, accurate and of high quality. The employee serves as liaison to OSHA auditors during the annual audit, responding to questions, providing case files and other information as requested.

   No. 5%

10. Investigations: The Bureau Chief occasionally investigates cases of high visibility, high impact, potentially high precedential value, high degree of urgency and, lack of availability of investigators, high degree of complexity, uniqueness or newness of issues, or requiring use of several investigators.

    No. 2%

11. *Selection of Employees: The Bureau Chief is responsible for the posting of job vacancies, interviewing applicants and selection for hiring and promotion according to State Personnel rules and regulations and those specific to the Department. The employee develops interview questions and skill demonstrations appropriate to the vacant job classification.

    No. 2%

12. Trial Preparation and Testimony: If the occasion should arise, the Bureau Chief will coordinate-investigator work with attorneys from the North Carolina Department of Justice with trial preparation, including gathering of additional documentary and testimonial evidence and finding of additional witnesses. Works with attorneys from Department of Justice to prepare own testimony for trial in cases investigated, including extensive case file review, etc. Also, as required by subpoenas issued by third parties, the employee testifies in litigation related to REDA cases and works with attorneys from the Department of Justice with respect to required assistance from them during investigations, such as preparation of investigative subpoenas. In addition, the Bureau Chief will also work with and assist the NC Department of Justice Attorney General's Office in cases that are ordered by the Court to be mediated.

    No. 2%

13. Designing Positions and Preparing Descriptions: The Bureau Chief is responsible for the design of new job classifications or the timely re-design of existing job classifications. In developing job descriptions, the employee complies with all State Personnel requirements for completing job descriptions, as well as development of a competency checklist and training plan for the new or re-designed job classification.

No. 1%

14. Resolving Grievances: The Bureau Chief is responsible for advising employees on the Department's grievance policy and procedures.

    No. 1%

15. Salary Recommendations: The Bureau Chief is responsible for maintaining salary equity among different job classifications in the Bureau.

    No. 1%

16. Equal Employment Opportunity Programs: The Bureau Chief complies with all laws and regulations governing equal employment opportunity.

    No. 1%

17. Other Employee Programs: The Bureau Chief is knowledgeable of the services available through the NC Employees Assistance Program (EAP) and the issues which would permit the employee to direct an employee to EAP.

B. Other Position Characteristics:

1. Accuracy Required in Work: A high degree of accuracy is involved in this position regarding the management of the bureau and the supervision of personnel. This requires the ability to understand and communicate all aspects of the statutes and regulations enforced by the Bureau to employees and the general public. The employee is responsible for rendering decisions regarding interpretation to and compliance with Chapter 95, Article 21 of the North Carolina General Statutes and the North Carolina Administrative Code Title 13, Chapter 19. The work of the employee must have a high degree of accuracy to withstand legal challenge. Financial calculations with regard to remedies such as back pay and other economic losses must be accurate, both in order to ensure that the aggrieved employee recovers everything authorized by law, and in order to ensure that the offending respondent does not pay more than is actually legally owed to the employee.

2. Consequence of Error: Errors may result in overspending budgeted funds, work standards and processes that do not accomplish Bureau goals, improper employee performance evaluations and discipline that adversely affects an employee or results in a supervisor having to retract an employee's disciplinary actions. Errors by the employee in the supervision of investigators may have serious consequences. Errors made in training may result in misinforming employees and employers, and faulty investigations. Errors which are not detected by the Bureau Chief and are made by the investigators in the performance of Information Officer Duties may result in an employee never filing a complaint with the division and losing all protection under REDA. Errors made by investigators which are not detected by the Bureau Chief may result in dismissal of a legitimate case or finding merit in a non-meritorious case. In either case, employees and/or employers could suffer financial loss and damage to reputation. Supervisory error with respect to liaison duties with the OSH Division and OSHA could result in misrepresentations, provision of untimely or incorrect information to federal OSHA. Repeated errors made by EDB employees can result in the loss of credibility and

confidence among Departmental senior management, state executives, state legislators, and the general public.

3. Instructions Provided to Employee: The Bureau Chief is delegated complete responsibility for management of EDB. The employee reports to the Deputy Commissioner for Standards and Inspections. The primary form of accountability for this authority is set out in the employee's annual work plan. The work plan outlines detailed instructions regarding the achievement of strategic and operational objectives, operation of the bureau's performance management system, and criteria for effective financial management and administration. Other instructions predominately take written form via electronic mail. Verbal instructions are given on occasion. The Bureau Chief is also expected to work with the Commissioner's staff and comply with administrative requests from the Department's administrative bureaus, including Budget and Human Resources.

4. Guides, Regulations, Policies and References Used by Employee:

   The North Carolina Retaliatory Employment Discrimination Act
   The North Carolina Administrative Code Title 13, Chapter 19
   The North Carolina General Statutes
   The EDB Operational Manual
   The OSHA Construction Industry and General Industry Standards
   OSH procedures manuals and field operations manuals
   The North Carolina Workers' Compensation Act
   The North Carolina Wage and Hour Act
   The North Carolina Mine Safety and Health Act
   The U.S. Department of Labor Standard Industrial Classification Code (SIC) Manual
   The U.S. Equal Employment Opportunity Commission
   The Americans with Disabilities Act Technical Guidance Manual
   The International Labor Organization (ILO) of the United Nations Encyclopedia of Occupational Manufacturers

5. Supervision Received by Employee: The Bureau Chief reports to the Deputy Commissioner for Standards and Inspections. The Bureau Chief, Deputy Commissioner and Departmental Chief of Staff meet quarterly to review current data for the Employment Discrimination Bureau's strategic and operational objectives. The Bureau Chief also receives an interim performance review after the first six months of the performance evaluation year and a final at the end of the performance evaluation year. The evaluation year runs from April 1 until March 31 of the following year. The evaluation is based upon the employee's work plan. Other supervision is given as deemed necessary.

6. Variety and Purpose of Personal Contacts: The Bureau Chief will have direct personal contact with a wide variety of individuals ranging from corporate executives to "blue collar" workers; legislative or media contacts; attorneys and accountants; individuals who may not speak English; and, members of other state and federal agencies. From time to time, some of these individuals may exhibit one or more of the following characteristics: hostility, anger, noncooperation, inability to communicate in an articulate manner, fear, irrational, or suffering some physical or mental incompetent. On occasion, the Bureau Chief will have to deal with service complaints regarding the conduct of an investigation. Any complaints submitted that have validity will require the Bureau Chief to take necessary action to resolve and correct, including re-opening a case file and disciplinary action. The Bureau Chief interacts with other agencies in the Department, including Wage and Hour, OSH, senior management, Human

Resources, Budget, Communications, Governmental Affairs and Legal Affairs. The Bureau Chief also makes presentations to the public and to other governmental bodies, such as the state legislature, for issues pertaining to those statutes and laws enforced by the Bureau.

7. Physical Effort: The position involves normal office administrative work with occasional light lifting of up to 25 pounds. The position involves the physical effort normally associated with travel. The position involves the physical effort associated with public speaking and training, including lifting of audio-visual equipment. See attached ADA checklist.

8. Work Environment and Conditions: The Bureau Chief primarily works in an office environment. In-frequent work-related travel exposes the Bureau Chief to hazards associated with automobile and air travel. Work may occasionally occur at the employer's or employee's location such as construction sites, kitchens, gas stations, restaurants, public offices, and homes. Work conditions may involve a high level of stress when dealing with angry, hostile, uncooperative, threatening or otherwise emotional employees or employers.

9. Machines, Tools, Instruments, Equipment and Materials Used: The Bureau Chief must be capable of using standard office equipment, including use of a computer (desktop, laptop and tablet), associated printers, photocopiers, facsimile equipment, and document imaging equipment, telephone, cell phone, and calculators. The employee on occasion must use personal protective equipment such as hard hat, hearing protection, and safety glasses when in the field.

10. Visual Attention, Mental Concentration and Manipulative Skills: Extensive visual attention is required in the reading and analysis of documents of varying degrees of legibility. Intense mental concentration is required when reviewing the work of investigators; dealing with others concerning laws, rules, regulations and public contact; and, responding to inquiries concerning legal issues and when making public presentations. Manipulative skills required primarily involve the use of the equipment mentioned above and handwritten notes. The Bureau Chief maintains a budget of approximately $596,873 plus annually. The Bureau Chief must be able to work on numerous projects concurrently, which are mentally stressful.

11. Safety for Others: The Bureau Chief is responsible for implementing and monitoring the Department's Health and Safety policies.

12. Dynamics of Work: The programmatic mission of the Bureau is to insure compliance with the statutes and administrative rules enforced by the Bureau. The overall work is relatively stable in nature although the situations investigated by the Bureau staff may vary considerably. The laws administered by the Bureau are subject to periodic change by the North Carolina General Assembly, by the U.S. Congress and by the U.S. Departments of Labor and U.S. Occupational Safety and Health Administration. Work is impacted by court decisions that provide new precedents or interpretations and administrative positions taken by the Department. The employee must be able to conceptualize the impact of such changes and make necessary adjustments to internal work processes and procedures.

III. KNOWLEDGES, SKILLS & ABILITIES AND TRAINING & EXPERIENCE REQUIREMENTS:

A. Knowledge, Skills and Abilities:

- Considerable knowledge of Investigative strategies, tactics and techniques.
- Considerable knowledge of managerial practices and methodology.
- Considerable knowledge of the principles and techniques for effectively training adults
- Active listening skills
- Mediation and conciliation skills
- Ability to understand and interpret laws, standards, and regulations outlined above.
- Ability to organize and evaluate evidence from a variety of sources, in a variety of forms, and with varying degrees of reliability, assess weight and relevance and determine the need for further evidence gathering and analysis
- Ability to establish and maintain effective working relationships with management, State and Federal officials, and the general public.
- Ability to communicate in written and oral form.
- Ability to train and supervise other workers.
- Possess a valid driver's license.

B.

1. Required Minimum Training: Graduation from a four year college or university. A degree preferably in occupational safety or health related field or industrial relations/labor relations or law or a related curriculum.

2. Additional Training/Experience: Six years of experience in discrimination investigations or legal or regulatory investigations, including occupational safety and health investigations. Two years of supervisory experience is preferred.

3. Equivalent Training and Experience: An equivalent combination of education and experience.

C. License or Certification Required by Statute or Regulation:

- Valid Driver's License