

## Standards and Inspections - Wage and Hour Bureau

### SWOT ANALYSIS FY 2013-15

| INTERNAL OPPORTUNITIES  |   |   |  |  |
|---|---|---|--|--|
|   |   |   |  |  |
| ADVANCEMENT - RETENTION   | THREATS   | STRENGTHS   | WEAKNESS   |  |
| Limited Positions within Bureau hinders personnel's incentives to grow in their careers.  | <ol style="list-style-type: none"> <li>Progression ladder limited</li> <li>Investigators moving out to other Bureaus or Agencies, looking for promotion opportunities.</li> </ol> | <ol style="list-style-type: none"> <li>Provide opportunities for Investigators to get additional training and or certification.</li> <li>Free training classes outside the Agency for Investigators are available to obtain more knowledge and certification</li> </ol>   | <ol style="list-style-type: none"> <li>Motivation to move up</li> <li>Field Investigator and Senior Investigator other than length of employment with the Bureau have little difference</li> </ol>   |  |
| Retention   | <ol style="list-style-type: none"> <li>Management Change</li> <li>Coming Changes</li> </ol>   | <ol style="list-style-type: none"> <li>New Vision</li> <li>New Ideas</li> </ol>   | <ol style="list-style-type: none"> <li>Accepting Change</li> </ol>   |  |
|   |   |   |  |  |
| CUSTOMER SERVICE  | THREATS   | STRENGTHS   | WEAKNESS   |  |
| High Volume Call Center<br>Accuracy Issues  | <ol style="list-style-type: none"> <li>High Burn Out Rate</li> <li>ER/EE overpaid or underpaid</li> </ol>   | <ol style="list-style-type: none"> <li>Experienced Staff</li> </ol>   | <ol style="list-style-type: none"> <li>Poor Customer Service</li> <li>Inexperienced young staff</li> </ol>   |  |
|   |   |   |  |  |
| INSTITUTIONAL KNOWLEDGE   | THREATS   | STRENGTHS   | WEAKNESS   |  |
| <ol style="list-style-type: none"> <li>Management Average - 12 yrs</li> <li>Field Supervisor - 13.75yrs</li> <li>12 Investigator II's - 4.53 yrs</li> <li>6 Investigator I's - 1.75 yrs</li> <li>Office Manger - 12.08 yrs</li> <li>Admin. Asst. - 14 yrs</li> <li>Information/Inv Asst. - 5.03 yrs</li> </ol>  | <ol style="list-style-type: none"> <li>Decline of Intuitional Knowledge</li> </ol>  | <ol style="list-style-type: none"> <li>Dedicated Staff</li> </ol>   | <ol style="list-style-type: none"> <li>Overall Experience</li> <li>Lack of Supervisory Experience</li> <li>Lack of Field Experience</li> <li>Lack of Working knowledge</li> <li>None</li> <li>Has working knowledge</li> <li>Lack of knowledge</li> </ol>  |  |
| QUALITY OF WORK   | THREATS   | STRENGTHS   | WEAKNESS   |  |
| <u>Added Value:</u><br>Accuracy issues!   | <ol style="list-style-type: none"> <li>Large case load</li> <li>Morale</li> </ol>   | <ol style="list-style-type: none"> <li>Dedicated Workers</li> </ol>   | <ol style="list-style-type: none"> <li>Accuracy in calculations</li> <li>Morale</li> </ol>   |  |
| QUANITY OF WORK   | THREATS   | STRENGTHS   | WEAKNESS   |  |
| <u>Added Value:</u><br>Inventory - Production issues  | <ol style="list-style-type: none"> <li>Large case load</li> <li>Old procedures that don't work</li> </ol>   | <ol style="list-style-type: none"> <li>Dedicated Workers</li> </ol>   | <ol style="list-style-type: none"> <li>Timeliness</li> <li>Work flow process</li> <li>Staff stuck in old rut; no vision</li> </ol>   |  |
|   |   |   |  |  |
| OPERATION PROCEDURES  | THREATS   | STRENGTHS   | WEAKNESS   |  |
| <u>Added Value - New Initiatives:</u> <ol style="list-style-type: none"> <li>Develop New Web Page</li> <li>Develop New Admin. Procedures</li> <li>Develop New Training Program</li> <li>New Presentations for educating</li> <li>Revamp OPS Manual (User Friendly)</li> <li>Develop New Operating Procedures</li> <li>Develop New Closure Procedures</li> <li>Develop "joint-use" fact sheets that provide "single-source" information for both state and federal enforcement positions.</li> <li>Develop and implement new teaching program for Child Labor in High Schools</li> </ol> | <ol style="list-style-type: none"> <li>Staff Commitment</li> <li>Time</li> <li>Budget - Travel</li> </ol>   | <ol style="list-style-type: none"> <li>Provides guidance for all</li> <li>Everyone on same page</li> <li>Located in one area</li> <li>Educate Future Workers of Tomorrow</li> <li>Knowledgeable work force</li> <li>Consistency with training</li> <li>Ability to determine investigator's job knowledge at set intervals of training</li> <li>Each investigator will be trained using standardized training materials</li> </ol> | <ol style="list-style-type: none"> <li>Lack of staff dedication solely to these initiatives</li> <li>Lack of participation by schools</li> <li>Time consuming to develop</li> <li>May be limited resources to allow for a thorough product</li> <li>Would require frequent updating and changes</li> <li>Not every trainer may be able to commit to training based on a set guideline</li> </ol> |  |

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| <p><b>Added Value - New Operational Procedures: MW/OT-WP etc.</b></p> <p>An employer's failure to produce any of the records the NC Wage and Hour Act required to be maintained will result in a presumption that the records, if produced by the employer, would support an employee's claim whether moneys are owed. In the absence of records, anecdotal evidence by employees estimating the time they spent working is admissible to establish how many hours the employee worked. When an employer fails to keep adequate employment records, an employee makes a <i>prima facie</i> case under the Act that if the employee produces "sufficient evidence to show the amount and extent of work as a matter of just and reasonable inference." The employee's proof of work hours <b>need not be precise</b> as to the dates and hours worked and <b>can consist of estimates</b> as to the amount of work performed. An employee's testimony, standing alone, will suffice to establish the amount of unpaid overtime worked even if there is other evidence contradicting the employee's testimony. <b>The burden "then shifts to the employer to come forward with evidence of the precise amount of work performed or with evidence to negate the reasonableness of the inference to be drawn from the employee's evidence."</b> If the <b>employer fails to produce</b> such evidence, the investigator will "substantiate" the claim and inform the employee to seek their own legal action. It is then up to the Courts to hear the case, which <b>may then award damages</b> to the employee, even though the result be only approximate." <b>An employer that has failed to keep adequate records will find it extremely difficult, if not impossible to overcome the testimony of employees as to the hours they worked.</b> See OPS Manual. NOTE: RK is the most essential part of enforcing MW/OT/WP.</p> | <ol style="list-style-type: none"> <li>1. Outside Acceptance of Changes by other Agencies</li> </ol>   | <ol style="list-style-type: none"> <li>1. Cost Saving</li> <li>2. Less Subpoenas Cost</li> <li>3. Reduced amount of time case is opened or delayed because of employer</li> <li>4. Current backlog is behind by six months</li> <li>5. Speed up process and bring backlog down</li> <li>6. Still ensures quality investigation</li> <li>7. This would not be a two and through "</li> <li>8. Records not produced; immediate finding so EE can take case to court on own</li> </ol> | <ol style="list-style-type: none"> <li>1. Getting LAD to approve administrative actions</li> <li>2. Increase in wages owed but not paid</li> <li>3. Employee will have to take case to court and pay court cost</li> <li>4. Low income employees could not afford initial cost</li> </ol> |  |
| <p><b>Value Added: Case Closure Old Procedures:</b><br/>Keeping the backlog from coming down.</p> <p>Bureau refusal to adapt to growing inventory and backlog by trying new things; set in their ways.</p> <p>Even closing 21 cases a month for 8 months has us 6 months behind going into 2013.</p>   | <ol style="list-style-type: none"> <li>1. Lack of Ingenuity in closing cases</li> <li>2. Indecision on staff part to close case in timely manner</li> <li>3. Inconsistency with closing procedures</li> <li>4. Lack of experience and knowledge</li> </ol> | <ol style="list-style-type: none"> <li>1. Would be able to measure and compare the number of cases being closed to previous FY</li> <li>2. Morale; Investigation sees cases being closed. Not spinning wheels.</li> <li>3. A determination can be made in approximately 4 weeks</li> <li>4. Eliminate 60 to 90 days closure marks or timeliness.</li> </ol>   | <ol style="list-style-type: none"> <li>1. Present new ideas to Commissioner</li> <li>2. Willingness of Bureau, Legal and AG to accept changes</li> <li>3. Always playing catch; never catching up or even getting close</li> </ol>  |  |
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| <b>Conflicts with federal laws that are referenced in NC laws enforced.</b>   | 1. Some Knowledgeable staff                                  | 1. Good working relationship with federal counterparts  | 1. Competing "special interests"<br>2. Confusion for employers<br>3. Staff training  |  |
| <b><u>Added Value - Alternative to Legal Action: Mediation/Dispute Resolution:</u></b><br>Offer customers alternates to legal action Such alternative could include mediation conducted through the Bureau or outside dispute resolution centers.   | 1. Time and or cost prohibitive                              | 1. Avoid costly and timely legal action through the court system.<br>2. Offer our investigators training on another skill set that could assist in successfully resolving wage claims.  | 1. Cost of using outside Dispute Resolution Center.<br>2. Resistance from both employer and/or employees.  |  |
| <b><u>Work Processes:</u></b><br>Give Senior Investigators more latitude in making decisions about investigation actions without having to consult Supervisor   | 1. Inconsistent enforcement decisions                        | 1. Provide faster service to customers<br>2. Would give more sense of ownership   | 1. Corrections may be needed delaying service<br>2. Accuracy not being monitored   |  |
| <b><u>Work Processes:</u></b><br>Emails and letters; needs to be an automated way that we can attach approved documentation such as: Small claims court info and/or letters/forms   | 1. Requirement of new processing system                      | 1. Provides employer with instant feedback<br>2. Where we are coming from when quoting the law.<br>3. Add PDF attachment like Feds do   | 1. Forget to add Fact Sheets as an attachment<br>2. Federal Fact Sheets (If we need to send any to an employer we have to download and store them ourselves which is time consuming) |  |
| <b><u>Added Value - Work Processes:</u></b><br>Send out reference guide and have investigator contact each new business registered with the Sec of State  | 1. Too many businesses for one investigator                  | 1. get businesses off to good start<br>2. Minimum violations if trained properly<br>3. Sec of State could send mail list to Bureau<br>4. Bureau mail out business package to include posters; handy reference guide; Act and point of contact                                       | 1. Not enough manpower to contact every business registered with the Sec of State<br>2. May take away from closing 23 cases a month<br>3. Sec of State may not want to participate.  |  |
| <b><u>Work Processes:</u></b><br>Reduction in required paperwork  |  | 1. Existing technologies  | 1. Compatibility with existing IT program support  |  |
| <b><u>Work Processes:</u></b><br>Expansion of YE Auto Program (removes DSS) from issuing permits to automation process only.  | 1. Customers with no computer access                         | 1. Ability to respond to customer needs More timely notification to customers<br>2. Existing technology proven<br>3. Consistency among issuing personnel<br>4. Near-immediate review<br>5. Safer work environment for kids<br>6. Eliminate travel requirements for parents and kids | 1. Computer accessibility for some<br>2. Accessibility of computers and internet<br>3. DSS workload concerns<br>4. Employer "buy-in" to program                                      |  |
| <b><u>Work Processes: Work Plan Changes</u></b><br>Reduce case numbers for meets expectations from 21- to 25 per month to 18-21 and exceed expectations to 22-25.<br><ul style="list-style-type: none"> <li>Allow investigators to give more time to each complainant and be more thorough.</li> </ul> Reduce number of major errors from 0 to 1. | 1. Inventory History – Average 22 cases a month need closing | 1. Improve morale.<br>2. Give a more realistic number designed to address the different territories and types of complaints handled.  | 1. Quality may not improve   |  |
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| OUTREACH  | THREATS   | STRENGTHS  | WEAKNESS  |  |
|---|---|--|---|--|
| <p><b>Added Value –</b><br/>There is a shortfall in outreach efforts. Employers state that there are no classes or ways of making them aware of new or current laws.<br/>Increase outreach by providing employer seminars held by the bureau chief whom is the most experienced and knowledgeable representative of the Wage and Hour Bureau.</p> <ul style="list-style-type: none"> <li>These programs could be held in Raleigh /Durham area provided to groups of employers.</li> <li>Outreach programs provided to small businesses which count a case 2 closures per presentation (time to prepare and travel to designated business entity).</li> </ul> <p>OSH always had seminars for them to attend but there is never anything listed under wage &amp; hour.<br/>There is also little knowledge out there that they can contact us before they have a problem.<br/>Educating Youths in High Schools</p> | <ol style="list-style-type: none"> <li>Bureau Chief – Other commitments</li> <li>Manpower</li> <li>Economy - Budget – Cost – Travel</li> <li>Not all schools involved</li> <li>Not all employers concerned</li> </ol>   | <ol style="list-style-type: none"> <li>Gets word out to the public</li> <li>Shows Employers we are business friendly</li> <li>Lessens complaints for business that does it right</li> <li>Joint briefings with supervisors/investigators</li> </ol>  | <ol style="list-style-type: none"> <li>Investigators don't get experience learning from teaching subjects</li> <li>Not enough staff or time to work seminars and close 23 cases</li> <li>Too many sweeps and other directed assignments</li> <li>Students don't take serious</li> </ol> |  |
| TECHNOLOGY  | THREATS   | STRENGTHS  | WEAKNESS  |  |
| Interactive server based work flow system   | <ol style="list-style-type: none"> <li>Current level of automation/familiarization</li> <li>Near real-time review and referral</li> <li>Allows for more investigative time for investigators</li> <li>Built-in backup to current system</li> <li>Dedication of staff</li> <li>Teamwork</li> <li>Frees up ISs for investigation support</li> </ol> | <ol style="list-style-type: none"> <li>Lack of dedicated IT support</li> <li>Staff training</li> <li>Inconsistency of computer skills among staff</li> <li>Uncertainty of "volume" of complaints and staff needs</li> <li>Requires redundancy in IT systems support</li> </ol>                             | <ol style="list-style-type: none"> <li>Low Productivity based on training on new system</li> </ol>  |  |
| <p><b>Added Value</b> - Implementation of "on-line" complaint intake process</p>  | <ol style="list-style-type: none"> <li>Outdated equipment Reduces non compliance</li> <li>Saves scarce dollars</li> <li>Better quality of investigations</li> <li>Ready response from multiple locations</li> </ol>   | <ol style="list-style-type: none"> <li>New tools</li> <li>Recalcitrant employers will still dodge</li> <li>Be self motivated</li> <li>IT support of server programs</li> </ol>   | <ol style="list-style-type: none"> <li>Frivolous complaints</li> <li>Increase in complaints</li> </ol>  |  |
| TRAINING  | THREATS   | STRENGTHS  | WEAKNESS  |  |
| Develop "on-line" training and education materials  | <ol style="list-style-type: none"> <li>Man-hours</li> </ol>   | <ol style="list-style-type: none"> <li>Revamp Existing "Fact Sheet" inventory</li> <li>Standardized presentations</li> <li>Extensive use of "web accessible" products</li> <li>Corporate knowledge of tenured staff</li> <li>Proliferation of new ideas and approached from newer staff members</li> </ol> | <ol style="list-style-type: none"> <li>Spanish-language capabilities limited</li> <li>Time consuming</li> <li>Timeliness of products</li> <li>Budgeting constraints</li> </ol>  |  |
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|---|---|--|---|--|
| Increase institutional knowledge -<br>Use of USDOL site and fact sheets referred to regularly. Perhaps we could attend their training with their investigators. | <ol style="list-style-type: none"> <li>1. Stable workforce</li> <li>2. Use of modern equipment and technology</li> <li>3. Eliminate repetitive work steps</li> <li>4. Reduce "burnout"</li> </ol> | <ol style="list-style-type: none"> <li>1. Funding</li> <li>2. Staff turnover rate</li> <li>1. New perspective knowledge is acquired how to effectively work cases</li> </ol> | <ol style="list-style-type: none"> <li>1. Budget - Time</li> <li>2. Staff productivity falls</li> <li>3. USDO cooperation</li> </ol>  |  |
| E-Verify Enforcement. Start date for new enforcement is Oct 2012.   | <ol style="list-style-type: none"> <li>1. Frivolous complaints</li> <li>2. Time researching complaint</li> <li>3. Ironing out bugs in procedures</li> </ol>                                       | <ol style="list-style-type: none"> <li>1. New civil money penalties the state might be collected.</li> <li>2. Enforcing new procedures</li> </ol>                            | <ol style="list-style-type: none"> <li>1. Minor adjustment to new duties</li> <li>2. Not sure how new law works</li> <li>4. Writing new procedures and training.</li> </ol> |  |
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| EXTERNAL OPPORTUNITIES  |   |   |  |  |
|---|---|---|--|--|
| CUSTOMER COMPLAINTS   | THREATS   | STRENGTHS   | WEAKNESS   |  |
|   | <ol style="list-style-type: none"> <li>1. Economy</li> <li>2. Emotional (Verbally – Physically)</li> </ol>                  | <ol style="list-style-type: none"> <li>1. Dedicated Staff</li> </ol>  | <ol style="list-style-type: none"> <li>1. Burned out</li> <li>2. Can't collect wages for everyone</li> </ol>   |  |
| LEGISLATION   | THREATS   | STRENGTHS   | WEAKNESS   |  |
| New legislation often inconsistent with existing capabilities.<br>Lack of funding may cause poor productivity which leads to poor quality | <ol style="list-style-type: none"> <li>1. Personnel RIFFs</li> <li>2. Equal Pay</li> <li>3. Travel</li> </ol>               | <ol style="list-style-type: none"> <li>1. Weeds out weak links</li> <li>2. Adaptability of staff</li> <li>3. Performance results</li> <li>4. Dedication of staff</li> </ol> | <ol style="list-style-type: none"> <li>1. Economy</li> <li>2. Eliminates potential good staff and leaves experience staff with bad habits who are unwilling to change More with less</li> <li>3. Increased workload lowers morale</li> <li>4. Staff who produce stop productivity Staffing requirements not considered</li> <li>5. Funding not provided for extra enforcement activities</li> <li>6. Impact on existing programs and processes not considered</li> </ol> |  |
| OUTREACH - EDUCATION  | THREATS   | STRENGTHS   | WEAKNESS   |  |
| <u>Added Value</u><br>Educating - Training Employer   | <ol style="list-style-type: none"> <li>1. Employers not attending</li> <li>2. Attending for wrong reasons</li> </ol>        | <ol style="list-style-type: none"> <li>1. Less complaints</li> <li>2. Taxes paid</li> <li>3. Money into economy</li> </ol>  | <ol style="list-style-type: none"> <li>1. Man-hours</li> <li>2. Reduction in production</li> </ol>   |  |
| <u>Added Value/New Initiative</u> –<br>Educating Youths – Paying Attention Pays   | <ol style="list-style-type: none"> <li>1. Not all schools participate</li> <li>2. Youths don't take serious</li> </ol>      | <ol style="list-style-type: none"> <li>1. Educating Future Workers of Tomorrow.</li> </ol>  | <ol style="list-style-type: none"> <li>1. New Program Taken Serious</li> </ol>   |  |
| TRAINING  | THREATS   | STRENGTHS   | WEAKNESS   |  |
| Provide USDOL training to staff   | <ol style="list-style-type: none"> <li>1. USDO doesn't share well</li> <li>2. Staff may leave for other agencies</li> </ol> | <ol style="list-style-type: none"> <li>1. Knowledgeable staff</li> <li>2. Consistency of services provided</li> <li>3. "Single voice" in enforcement actions</li> </ol>     | <ol style="list-style-type: none"> <li>1. Budget</li> <li>2. Staff turnover rate</li> <li>3. Time →v- workload concerns</li> </ol>   |  |
| Certifications in Bookkeeping (BK) - CPA - HR   | <ol style="list-style-type: none"> <li>1. Budget – Cost for 18 staff</li> </ol>   | <ol style="list-style-type: none"> <li>1. Knowledgeable staff</li> <li>2. Distinction from Certification</li> <li>3. Morale increase</li> </ol>                             | <ol style="list-style-type: none"> <li>1. Completing course</li> <li>2. Reduction in Production</li> </ol>   |  |

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|---|---|--|--|--|
|   |   | 4. Raises  |  |  |
| <b>LAD/AG</b>   |   |  |  |  |
| Rebuild Intra Department Relationship and Liaison Between Wage & Hour. LAD, AG, and HR. | 1. Staff set in their way<br>2. Inability to change | 1. Improve communication and relationship between Wage and Hour, LAD, AG, and HR.<br>2. "Single voice" in preparing and taking litigation actions.<br>3. Better service to customers | 1. Wellness of parties to take part in meetings.<br>2. Past History hinders close working condition<br>3. Hinders possible legal action. |  |
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