

STATE OF WISCONSIN  
CLASSIFICATION SPECIFICATION

EQUAL RIGHTS OFFICER  
CLASSIFICATION SERIES

I. INTRODUCTION

A. Purpose of This Classification Specification

This classification specification is the basic authority under Wis. Admin. Code ER 2.04 for making classification decisions relative to present and future professional positions which perform professional investigation and resolution work in the areas of civil rights, labor standards, prevailing wage, and complaints relating to selected actions by state agencies in their capacity as an employer. This classification specification is not intended to identify every duty which may be assigned to position, but is intended to serve as a framework for classification decision making in this occupational area.

Classification decisions must be based on the “best fit” of the duties within the existing classification structure. The “best fit” is determined by the majority (i.e., more than 50%) of the work assigned to and performed by the position when compared to the classification concepts and definition of this specification, or through other methods of position analysis. Position analysis defines the nature and character of the work through the use of any or all of the following: definition statements; listing of areas of specialization; representative examples of work performed; allocation patterns of representative positions; job evaluation guide charts, standards, or factors; statements of inclusion and exclusion; license or certification requirements; and other such information necessary to facilitate the assignment of positions to the appropriate classification.

B. Inclusions

Positions allocated to this classification series are professional positions located within the Department of Workforce Development (DWD), Division of Equal Rights, the State Personnel Commission (PC), or the Department of Transportation. Positions in the **DWD Civil Rights Program** investigate and resolve charges of discrimination covered by Wisconsin's Fair Employment, Open Housing, and Public Accommodation and Amusement Laws; Family and Medical Leave Law; Elder Abuse Reporting Law; Discrimination in Post Secondary Education Law; Employee's Right to Know Law; Retaliation Under Wisconsin's Labor Standards Laws; and Public Employee Health and Safety Law. Positions in the **DWD Labor Standards Program** investigate and resolve complaints covered by Wisconsin's Minimum Wage, Overtime, Wage Payment and Collection, Illegal Deductions, Child Labor, Street Trades, Business Closing or Mass Layoff, Personnel Records Open to Employees, Seats for Workers, One Day of Rest in Seven, Employment Agencies, Garnishments, and related Labor Standards Forfeitures and Retaliation Laws. Positions in the **DWD Prevailing Wage Program** investigate and resolve charges of improper wage payments covered by Wisconsin's Prevailing Wage Laws. Positions in this series

are responsible for complaint investigation; determinations of fact and resultant findings; conciliation or settlement of cases; computation of wages and penalties; determination of prevailing wage rates; and provision of consultation and technical assistance or advice. Positions located at the **State Personnel Commission** investigate and resolve complaints alleging that a state agency, in its capacity as an employer, has violated laws relating to fair employment practices, family or medical leave, safety and health, or "whistleblower" and elder abuse reporting. Positions located at the **Department of Transportation** perform labor compliance duties, which includes investigating and enforcing labor standards and prevailing wage complaints, auditing employer payroll and other records, and communicating with employers and their legal staff to resolve the violations; and perform affirmative action/equal employment opportunity compliance duties.

C. Exclusions

Excluded from this classification series are the following types of positions:

1. Positions which meet the statutory definition of supervisor, as defined in s.111.81(9), Wis. Stats., and as administered and interpreted by the Wisconsin Employment Relations Commission.
2. Positions which do not perform investigation and compliance functions, as defined in the I.B. "Inclusions," for a majority of the time (i.e., more than 50%).
3. All other positions which are more appropriately identified by other classification specifications.

D. Entrance Into and Progression Through This Classification Series

Employees typically enter positions allocated to this classification series by competitive examination. Progression to the journey or senior Level occurs through reclassification.

## II. DEFINITIONS

A. Classification Level Descriptions

### **EQUAL RIGHTS OFFICER-ENTRY**

Positions allocated to the entry level perform in a learning capacity and work closely with more experienced officers to acquire knowledge, understanding, and experience in fundamental methods and procedures of investigation and compliance. The work performed involves significantly lesser scope, complexity, discretion, and decision making than is found at the Equal Rights Officer Journey level. Work is performed under close supervision.

### **EQUAL RIGHTS OFFICER-JOURNEY**

Positions allocated to the journey level function as (1) a **full performance objective level** officer where the nature of the work assigned and performed under general supervision does not involve

a full range of investigation and complaint resolution; or (2) a **developmental level officer** where the employee has acquired sufficient skill and relevant program knowledge to research non-routine cases; perform non-routine case investigations and resolution, including the utilization of appropriate methods and procedures; and analyze and evaluate information in order to make effective case-related decisions but under limited supervision.

### **EQUAL RIGHTS OFFICER-SENIOR**

**At the Department of Workforce Development and the Department of Transportation,** positions allocated to the objective level require extensive knowledge and expertise in civil rights, labor standards, or prevailing wage investigation and resolution work. Positions at this level deal with the most complex cases and employ a high degree of knowledge and skill in complaint intake, investigation, and settlement/resolution procedures, and interpretation of statutes, codes, and precedents. These positions are frequently called upon to provide expert opinion, consultation, and training to new officers. Positions may advise other staff and assist the program director with special assignments, and may act in a lead capacity. Positions located at the Department of Transportation may also coordinate activities and functions for the Disadvantaged Business Enterprise Program less than 50% of the time. Work is performed under general supervision.

**At the State Personnel Commission,** positions allocated to the objective level require extensive knowledge and expertise in laws relating to the statutory responsibilities of the Personnel Commission. Positions at this level deal with the most complex cases and employ a high degree of knowledge and skill in complaint intake, investigation, and settlement/resolution procedures, and interpretation of statutes, codes, and precedents. These positions are frequently called upon to provide expert opinion and consultation to state agencies, state employees, and the public.

#### **B. Program Descriptions**

### **CIVIL RIGHTS**

Positions in the Civil Rights Program perform the following functions:

- ? Compilation and assessment of information obtained during the initial intake process, including the rejection of unfounded complaints, and provision of consultation and education to all involved parties regarding provisions of the relevant laws and the regulatory and enforcement procedures and processes employed by the agency.
- ? Analysis and investigation of civil rights complaints to determine whether violations of law have occurred and whether probable cause for discrimination exists, and formulation and presentation of written decisions regarding findings of investigation.
- ? Continuing attempts at settlement of complaints, mediation between complainants and employers, consultations with parties and their attorneys with the intent of settlement of disputed issues and the resolution of the complaint, execution of settlement agreements prior to or subsequent to full investigations, and referral of unsettled complaints for hearing.

- ? Development of procedures, research of legal precedent, preparation of reports, review and commentary on proposed legislation, and similar general program administrative functions.
- ? Presentations to various groups regarding laws enforced by the agency.

**LABOR STANDARDS**

Positions in the Labor Standards Program perform the following functions:

- ? Compilation and assessment of information obtained during the initial intake process, and provision of consultation and education to all involved parties regarding provisions of the relevant laws and the regulatory and enforcement procedures and processes employed by the agency.
- ? Investigation of labor standards complaints to determine whether violations of law have occurred, audit of employer payroll records, computation of wages and penalties owed, formulation and presentation of decisions regarding findings of investigation, and enforcement of the State's plant closing/mass lay-off regulations.
- ? Continuing attempts at settlement of complaints, mediation between complainants and employers, consultations with parties and their attorneys with the intent of settlement of disputed issues and the resolution of the complaint, collection and disbursement of unpaid wages, referral of unsettled complaints for prosecution, and provision of assistance with litigation.

**PREVAILING WAGE**

Positions in the Prevailing Wage Program perform the following functions:

- ? Compilation and assessment of information obtained during the initial intake process, and provision of consultation and education to all involved parties regarding provisions of the relevant laws and the regulatory and enforcement procedures and processes employed by the agency.
- ? Investigation of prevailing wage complaints to determine whether violations of law have occurred, audit of employer payroll records, computation of wages and penalties owed, and formulation and presentation of decisions regarding findings of investigation.
- ? Continuing attempts at settlement of complaints, mediation between complainants and employers, consultations with parties and their attorneys with the intent of settlement of disputed issues and the resolution of the complaints, referral of unsettled complaints for prosecution, representation in contractor debarment proceedings, and provision of assistance with litigation.
- ? Determination of prevailing wage rates for employees working on state and municipal public works construction projects.

## **PERSONNEL COMMISSION**

- ? Compilation and assessment of information obtained during the initial intake process, including the rejection of unfounded complaints, and provision of consultation and education to all involved parties regarding provisions of the relevant laws and the regulatory and enforcement procedures and processes employed by the agency.
- ? Analysis and investigation of complaints to determine whether violations of law have occurred; conduct of legal research on issues raised; in discrimination cases, determination as to whether probable cause exists; and formulation and presentation of written decisions regarding findings of investigation.
- ? Continuing attempts at settlement of complaints, conciliation between complainants and employers, consultations with parties and their attorneys with the intent of settlement of disputed issues and the resolution of the complaint, presentation of settlement agreements before the agency for final action; monitoring of compliance with settlement agreements; and, where required, referral of unsettled complaints for hearing.
- ? Development of procedures, research of legal precedent, preparation of reports, review and commentary on proposed legislation, and similar general program administrative functions.
- ? Provision of education and training to state agencies, state employees, various groups, and the public regarding laws enforced by the agency.

## **III. QUALIFICATIONS**

The qualifications required for positions allocated to this classification series will be determined at the time of recruitment. Such determinations will be made based on an analysis of the goals and work activities performed, and by an identification of the education, training, work, or other life experience(s) which would provide reasonable assurance that the knowledge and skills required upon appointment have been acquired.

## **IV. ADMINISTRATIVE INFORMATION**

This classification series was created effective December 11, 1994, and announced in bulletin CC/SC-33, as a result as the Equal Rights Officer Personnel Management Survey. The classification specification was modified effective December 3, 2000, and announced in bulletin CLR/SC-123, in order to include an allocation at the Department of Transportation.

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