

# CONSTRUCTION CONTRACTORS BOARD INVESTIGATOR/MEDIATOR 5218

## GENERAL DESCRIPTION OF CLASS

The CONSTRUCTION CONTRACTORS BOARD INVESTIGATOR/MEDIATOR schedules and conducts on-site meetings for the purpose of investigation and mediation of disputes between construction contractors and property owners. Such disputes involve breach of contract, deviation from plans and/or specifications, improper workmanship, violation of building codes, and other related industry standards. The investigator/mediator develops recommendations and through negotiation and mediation works to secure voluntary settlements and resolutions.

## DISTINGUISHING FEATURES

This is a single classification and not currently part of a series of classes.

## DUTIES AND RESPONSIBILITIES

The duties and responsibilities of this classification involve the overall complexity of dispute resolution. This requires in-depth analysis and interpretation of issues, development of alternative solutions (both technical and monetary), extensive use of information and evidence obtained from the disputing parties and maintenance of mediator-to-party trust and confidence. It is required that the investigator/mediator have an extensive knowledge of all phases of the construction and landscaping industry, including codes, manufacturer specifications, industry standards, and construction costs in order to develop fair and equitable resolutions. The fact that these disputes are often highly emotional, conducted at variable on-site locations, makes it mandatory that the investigator/mediator maintain a sense of order, direction, and control without offending the homeowner's feelings of proprietorship.

It is important to note that the scope of this position includes inspection of construction work to determine if it meets industry standards and the terms of the contract and mediation of disputes involving construction. Therefore, the employee in this position must be knowledgeable in construction standards and must also be a skilled mediator.

**1.Pre-Conference Review and Research.** Typical tasks: conducts extensive review of claim items, including information and documentation in the file; researches appropriate technical data, Construction Contractors Law, Administrative Rules, and building codes to develop a thorough knowledge of the facts and issues; confers with representative attorneys and architects, building officials, manufacturer representatives, and industry experts in order to clarify the issues; confers with claimant and contractor; and schedules an on-site meeting with the claimant and respondent.

**2.Investigation and Mediation.** Typical tasks: conducts the investigation/mediation conference between the disputing parties regarding construction and contractual related matters; identifies and defines issues of the dispute; examines the job site to determine if the contractor performed negligent or improper work; collects, analyzes, and interprets information relating to the dispute; and develops recommendations and alternative solutions, both technical and monetary, to assist the disputing parties in reaching a settlement agreement; promotes an understanding of the positions and concerns of both parties, reviews and evaluates solutions with the disputing parties and suggests a reasonable basis by which they may voluntarily arrive at the terms of a settlement agreement; presents findings of case, including recommended action, in a properly documented report sufficient to be used at an

administrative hearing or in court; requires independent judgment in using broadly defined general principles of mediation; applies and interprets appropriate statutes, rules, building codes, standards, and specifications to variable situations in order to establish valid recommendations and/or negotiated resolutions.

**3. Miscellaneous.** Typical tasks: completes special assignments to evaluate workmanship and arbitrate construction disputes; maintain communications with building officials within assigned geographical area; and continue education to stay abreast of new technology, codes, and applicable laws and statutes.

### **RELATIONSHIPS WITH OTHERS**

Employees in this class are in regular contact either in person or by telephone with representative attorneys, engineers, architects, technical experts, manufacturer representatives, building officials, various construction associations, and the public in general.

### **SUPERVISION RECEIVED**

Employees in this class receive direction and performance standards from the Program Manager, Claims. Employees in this class use Construction Contractors Law, Administrative Rules, Uniform Building Codes, Uniform Plumbing Codes, Uniform Mechanical Codes, National Electric Codes, agency rules and policies, technical data, and dispute resolution skills in conducting mediation and conciliation conferences.

### **GENERAL INFORMATION**

Positions in this class require the willingness to travel within the State to conduct on-site construction investigation and mediation meetings. They require the willingness to work long and odd hours; to visit construction sites that may contain hazardous conditions, and require the willingness to effectively practice safety precautions.

**KNOWLEDGE, SKILLS, AND ABILITIES (KSA)**

Extensive knowledge of residential and non-residential construction, including remodeling and new construction.

General knowledge of building codes and the building code jurisdictions.

General knowledge of mediation techniques and the theory of dispute resolution.

Basic knowledge of the principles and methods of investigation such as interviewing, surveillance, and interrogation.

Basic knowledge of the rules of evidence as they apply to civil cases, including legal sources of obtaining information.

Basic knowledge of common business practices and records, including financial records.

Skill in obtaining information from people of various socioeconomic backgrounds, including those who may be hostile.

Skill in oral and written communication.

Ability to learn and apply agency administrative rules, policies, procedures, and governing statutes.

Ability to evaluate complaints, identify legal issues, and determine jurisdiction.

Ability to crawl in confined areas; climb ladders, stairs and scaffolding; lift moderate to heavy objects; stoop, kneel, and crouch while making inspections.

**NOTE:** The KNOWLEDGE and SKILLS are required for initial consideration. ABILITIES may be required for initial consideration, at any time during the selection process, or during a trial service period as a final stage of the selection process. Some duties performed by positions in this class may require different KSA's. No attempt is made to describe every KSA required for **all** positions in this class. Additional KSA requirements will be explained on the recruiting announcement.

Adopted 1/90

Revised

Examples of work are typical of duties assigned to this class. No attempt is made to describe every duty performed by all positions in this class.