



STATE OF OREGON
POSITION DESCRIPTION

Position Revised Date:
4/11/2024

Agency: Landscape Contractors Board

Facility: Salem - Marion

New Revised

This position is:

- Classified
- Unclassified
 - Executive Service
- Mgmt Svc – Supervisory
- Mgmt Svc – Managerial
- Mgmt Svc - Confidential

SECTION 1. POSITION INFORMATION

a. Classification Title:	<u>Investigator 3</u>	b. Classification No:	<u>C5233</u>
c. Effective Date:	<u>4/11/2024</u>	d. Position No:	<u>N/A</u>
e. Working Title:	<u>Investigator/ Mediator</u>	f. Agency No:	<u>97300</u>
g. Section Title:	<u>Administration</u>	h. Budget Auth No:	<u>N/A</u>
i. Employee Name:	<u>Vacant</u>	j. Repr. Code:	<u>UA</u>
k. Work Location (City – County):	<u>Salem-Marion</u>		
l. Supervisor Name (Optional):	<u>Annie von Domitz, Administrator</u>		
m. Position:	<input checked="" type="checkbox"/> Permanent	<input type="checkbox"/> Seasonal	<input type="checkbox"/> Limited Duration
	<input type="checkbox"/> Full-Time	<input type="checkbox"/> Part-Time	<input type="checkbox"/> Intermittent
			<input type="checkbox"/> Academic Year
			<input type="checkbox"/> Job Share
n. FLSA:	<input type="checkbox"/> Exempt	If Exempt:	<input type="checkbox"/> Executive
	<input checked="" type="checkbox"/> Non-Exempt		<input type="checkbox"/> Professional
			<input type="checkbox"/> Administrative
		o. Eligible for Overtime:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

SECTION 2. PROGRAM AND POSITION INFORMATION

a. Describe the program in which this position exists. Include program purpose, who's affected, size, and scope. Include relationship to agency mission.

The Oregon Landscape Contractors Board (LCB) is a semi-independent state agency that is responsible for the licensing and regulation of landscape construction professionals and landscape contracting businesses. The Board was established and operates under authority of ORS 671.510 to 671.760, ORS 182, ORS 183, and OAR chapter 808. The agency’s primary mission is to protect consumers, assist in the prevention and resolution of landscaping problems, and ensure that landscape construction professionals and landscape contracting businesses comply with state laws. The Board protects the public by issuing licenses to those individuals who have demonstrated professional competence and continue to maintain their professional competence through continued education and licenses to landscape contracting businesses that meet the bonding, insurance, and other business-related conditions for licensure. The Board is committed to regulating landscape construction in the State of Oregon without unnecessary regulatory oversight of licensees and by providing fair and accessible entry into the profession for those who desire to be a part of this growing industry.

Landscape contracting businesses must post a surety bond, show evidence of liability insurance and license with the agency. Landscape construction professionals must meet specific experience requirements, pass a written test, and work either as an owner or an employee of a licensed landscape contracting business. Landscape contracting businesses must certify how they are independent contractors and must comply with workers' compensation, employment, and revenue laws. The agency licenses about 1,600 landscape construction professionals and about 1,400 landscape contracting businesses. The agency biennially processes approximately 60 claims filed against licensed landscape contracting businesses and processes over 300 enforcement actions against those who work or advertise without a valid license and licensees who fail to comply with LCB, workers' compensation, employment, revenue or independent contractor laws. The agency provides education and information to licensees and consumers and biennially processes more than 20,000 consumer inquiries for information and assistance with a full-time equivalency staff of 6.5 employees. The agency also works in cooperation with other state agencies to promote compliance with construction, employment, workers compensation, tax and independent contractor laws as a member of the Interagency Compliance Network.

b. Describe the primary purpose of this position, and how it functions within this program. Complete this statement. The primary purpose of this position is to:

The primary responsibilities of the Investigator are to investigate reports of alleged illegal activities and prepare written reports of findings. Through the enforcement process and other agency activities, this position educates violators and the general public about licensing requirements in the state of Oregon. This position mediates disputes between multiple parties with the goal of the parties coming to a settlement as resolution. The Investigator interacts with and dispatches agency contract investigators, ensuring fiscal responsibility and that work products meet the agency's needs and requirements. This position is involved in most aspects of the agency, works with a high degree of independence and receives general supervision from the Administrator.

SECTION 3. DESCRIPTION OF DUTIES

List the major duties of the position. State the percentage of time for each duty. Mark "N" for new duties, "R" for revised duties or "NC" for no change in duties. Indicate whether the duty is an "Essential" (E) or "Non-Essential" (NE) function.

% of Time	N/R/NC	E/NE	DUTIES
55%	N	E	<p>Investigations</p> <ul style="list-style-type: none"> • Investigates allegations of illegal landscape construction work received from internal or external stakeholders by identifying potential legal issues based on knowledge of agency jurisdiction and plans the scope, timing, and direction of the inquiry. • Conducts research and investigates allegations using investigation tools such as online tracing to verify a potential law violation. • Dispatches contract investigators to verify and document alleged illegal landscaping work. Follows up with contract investigator to confirm timely completion of investigation reports. • Gathers and preserves evidence and conducts fact finding. Questions individuals, observes activities, and collects physical evidence.

			<ul style="list-style-type: none"> • Writes investigation reports sufficient for the Board to make a determination and for use in court, before a grand jury, or an administrative hearing. Testifies as necessary. • Prepares and provides information in the area of unlawful activities to licensees, personnel of local jurisdictions, and other State law enforcement and regulatory agencies. • Participates in and may lead multi-agency, multi-jurisdictional investigations. May prepare documents and present evidence to district attorneys, other law enforcement agencies, and courts regarding unusual or difficult enforcement investigations. • Ensures that agency staff and contract investigators stay current with program changes and related laws.
15%	N	E	<p>Claims & Mediation</p> <ul style="list-style-type: none"> • Works with the Program Manager to ensure that claim processing procedures comply with the requirements of ORS Chapters 183 and 671 and the rules in OAR Chapter 808. • Works with the Program Manager to keep claim parties up to date and informed of claim procedures and requirements. • Acts as a neutral third-party to provide mediation between claimants and respondents in a claim process to come to an agreeable resolution when possible. • Prepares written settlement agreements after successful mediations. Ensures that the agreement has a payment agreement outlining future payments, if appropriate to the situation. • Works with the Program Manager to determine if the information in a claim indicates a potential violation of the laws or agency administrative rules and refers to enforcement. • Communicates with claimants to understand the nature of their complaint and ensures that claimant complete any required documentation or other information to follow up on their claim. Prepares and presents investigation reports for the board for unsettled claims. • Testifies upon request at hearings when needed.
15%	N	E	<p>Enforcement/Compliance</p> <ul style="list-style-type: none"> • Reviews, analyzes, and prioritizes complaints/reports received from the public, agency staff, contract investigators and other sources to determine if a violation of various statutes and administrative rules has occurred. • Testifies to support the agency's case at administrative hearings by: <ul style="list-style-type: none"> ○ preparing documents; ○ gathering materials and evidence, ○ attending and testifying at contested case hearings and other legal proceedings. • Refers violations to other agencies such as CCB, BCD, WCD, Rev, OED, and possibly to the DOJ or a District Attorney for further sanctions (injunctions, criminal action) when appropriate. • Attends interagency compliance meetings/trainings.

			<ul style="list-style-type: none"> Prepares investigation reports for the board for enforcement cases; presenting when needed.
10%	N	E	Administration & Education <ul style="list-style-type: none"> Attends board meetings to update the board on happenings across the state. Follows up on board requests for program information related claims or enforcement. Assists the Administrator in developing long- and short-range program goals. Assists with agency newsletters by sharing ideas and contributing content. Explains and interprets laws and rules, regulations, policies and procedures; applying interpretations to specific situations. Communicates goals and objectives and recommends corrective actions for the programs of the agency while maintaining comprehensive knowledge about each program. Develops and maintains relationships with representatives from other state agencies, local jurisdictions, and various program stakeholders.
5%	N	NE	Other duties as assigned.

SECTION 4. WORKING CONDITIONS

Describe any on-going working conditions. Include any physical, sensory, and environmental demands. State the frequency of exposure to these conditions.

This position requires a high degree of independence with general supervision from the Administrator. Employee must perform a high volume of high-quality work within preset timelines which carry legal ramifications if not met. There is a high degree of exposure to angry, impatient and sometimes irrational individuals.

The Investigator works part of the time in an office environment under conditions of moderate noise levels and the nature of the work requires long periods of sitting, occasionally standing and exposure to conditions that may cause eyestrain. The position also works in various outdoor and other settings in various locations across the state of Oregon where alleged illegal landscaping work may be happening. There may be tripping hazards due to the nature of work and variety of locations visited.

The Investigator is required to work with interruptions on sometimes highly technical matters and represent the agency in court proceedings, contested case, and arbitration hearings when needed. There is significant travel required. Weekend work and/or overtime may be required during periods of a heavy workload.

Some work may be able to be completed remotely at times. Based on the ability to meet business needs and maintain service levels to the public, permission to work remotely will be granted at the discretion of the Administrator.

SECTION 5. GUIDELINES

- a. List any established guidelines used in this position, such as state or federal laws or regulations, policies, manuals, or desk procedures.

ORS Chapters 183, 671 & 670
 OAR Chapter 808
 Administrative Procedures Act
 Public Records and Meetings Manual
 Agency's Employee Manual
 DAS policies and LCB adopted policies

- b. How are these guidelines used?

All actions taken on a license, claim, or enforcement process must meet the procedural requirements set forth in these documents. The ORS and OAR chapters listed above are interpreted in correspondence and by telephone to claimants, licensees, bonding companies, attorneys and others seeking information.

SECTION 6. WORK CONTACTS

With whom, outside of co-workers in this work unit, must the employee in this position regularly come in contact?

Who Contacted	How	Purpose	How Often?
Public	Email/Telephone/Mail /In-Person	Education	Daily
Board Members	Email/Telephone/Mail /In-Person	Provide Information	As Needed
Complainants/ Claimants	Email/Telephone/Mail /In-Person	Complaint Process	Daily
Respondents (Claims & Enforcement)	Email/Telephone/Mail /In-Person	Enforcement Process	Daily
Licensees	Email/Telephone/Mail /In-Person	Claim/Enforcement/License Process	Daily
Other Agencies	Email/Telephone/Mail /In-Person	Claim/Enforcement/License Process	As Needed
Program Manager & Administrator	Email/Telephone/Mail /In-Person	Financial Matters, Potential Claim/Enforcement Related Matters	Weekly
Other Agency Staff	Email/Telephone/Mail /In-Person	Potential Claim/Enforcement Related Matters/License Process Related Matters	Weekly
Contract Investigators	Email/Telephone/Mail /In-Person	Enforcement Process	As Needed

SECTION 7. POSITION RELATED DECISION MAKING

Describe the typical decisions of this position. Explain the direct effect of these decisions.

The Investigator works with a high degree of independence both initiating and recommending courses of action based on knowledge of program requirements and timelines; consults with Administrator and Program Manager on sensitive legal matters and provides recommendations for consideration in these matters; implements actions directed by the Board, Administrator and/or board attorney and makes decisions based on information received in compliance with board rules, laws, policies and guideline The Investigator's decisions may affect a licensee's ability to work and may deprive a licensee of his or her livelihood. Incorrect decisions may delay the processing of a license, claim or claim appeal and result in additional expense to the parties and create possible tort liability to the agency. How the agency's orders or settlement agreements are written and negotiated affect the overall effectiveness and fairness of the enforcement system, and the amount of potential restitution returned to victims.

The Investigator works with confidential material that requires the use of discretion and professional judgment in interpreting inquiries in high-pressure situations of a sensitive nature.

The Investigator decides the priority of his or her work assignments and is held accountable for delivering what is expected of this position.

SECTION 8. REVIEW OF WORK

Who reviews the work of the position?

Classification Title	Position Number	How	How Often	Purpose of Review
Agency Head 8	000000109672	In-person, email, phone, or virtual	As needed and yearly	Work assignments and problem resolution, as well as performance reviews

SECTION 9. OVERSIGHT FUNCTIONS

THIS SECTION IS FOR SUPERVISORY POSITIONS ONLY

- a. How many employees are directly supervised by this position? 0
- How many employees are supervised through a subordinate supervisor? 0

b. Which of the following activities does this position do?

- | | |
|--|---|
| <input type="checkbox"/> Plan work | <input type="checkbox"/> Coordinates schedules |
| <input type="checkbox"/> Assigns work | <input type="checkbox"/> Hires and discharges |
| <input type="checkbox"/> Approves work | <input type="checkbox"/> Recommends hiring |
| <input type="checkbox"/> Responds to grievances | <input type="checkbox"/> Gives input for performance evaluations |
| <input type="checkbox"/> Disciplines and rewards | <input type="checkbox"/> Prepares & signs performance evaluations |

SECTION 10. ADDITIONAL POSITION-RELATED INFORMATION

ADDITIONAL REQUIREMENTS: List any knowledge and skills needed at time of hire that are not already required in the classification specification:

Expert customer service experience with strong experience in verbal and written communication skills, including English/Spanish bilingual.

Must possess a driver's license in good standing or be able to provide an effective alternative method of transportation.

The Investigator is required to communicate effectively with the public, members of the industry, and other stakeholders through email, letters, and telephone and must be able to explain and interpret complex rules and regulations. Excellent computer skills for data entry, record keeping and the ability to type accurately are required.

This position involves highly technical duties – including mediation, setting priorities, creative thinking and evaluating workload. This position is responsible for thinking broadly and creatively to help identify opportunities.

The Investigator works collaboratively in a team setting which requires team player skills, a willingness to collaborate, and sharing information in a manner and with the intention to contribute to the team's overall success. Excellent customer service skills for both internal and external customers and the ability to demonstrate initiative and independent judgment on an on-going basis are required.

The Investigator has no budgetary authority.

SECTION 11. ORGANIZATIONAL CHART

Attach a current organizational chart. Be sure the following information is shown on the chart for each position: classification title, classification number, salary range, employee name and position number.

SECTION 12. SIGNATURES

Employee Signature

Date

Supervisor Signature

Date

Appointing Authority
Signature

Date