

PART I	DEPARTMENT OF PERSONNEL SERVICES	8.207
	STATE OF HAWAII	8.208
.		8.209
		8.210
	Class Specifications	8.211
	for the:	8.212

DISABILITY COMPENSATION ENFORCEMENT SPECIALIST SERIES
(DISABILITY COMP ENFC SPCLT)

Series Definition:

This series includes all positions the duties of which are to supervise or perform enforcement activities and investigations necessary to ensure compliance with Hawaii State Disability Compensation laws, rules and regulations and which require specialized knowledge of the following:

- (1) provisions of the following Hawaii State Disability Compensation laws, rules and regulations: Workers' Compensation, Temporary Disability Insurance and Pre-Paid Health Care; and
- (2) pertinent enforcement practices, principles, methods and procedures.

Disability Compensation laws require that employers provide coverage to eligible employees for the provision of: (1) medical services for non-work related injury or illness (Pre-Paid Health Care); (2) monetary payments to replace wages lost due to non-work connected illness or injury resulting in disability (Temporary Disability Insurance); and (3) to provide medical care, income and indemnity benefits for work-connected illness, injury or disability (Workers' Compensation). Employers may provide coverage through a variety of methods, which they may choose, such as: (1) purchase of health care insurance from an authorized health care contractor or by self-insurance; (2) purchase of TDI coverage from an authorized insurance carrier, self-insurance, or collective bargaining agreements; and (3) purchase of Workers' Compensation coverage from an authorized insurance carrier or self-insurance.

Enforcement specialists are responsible for contacting employers who are alleged to have failed to provide coverage for their employees, to determine whether employees are eligible for coverage and are covered or not covered; determine reasons for failure to comply; encourage or enforce compliance through discussion with employers or punitive action, which may include imposition of fines or cessation of business activity through court action. They also contact insurance carriers or self-insured employers and others to determine reasons for late payment or non-payment of authorized benefits; collect payments and penalties from employers who had permitted their policies to lapse or otherwise failed to provide benefits; and advise employers,

Distinguishing Characteristics:

This class represents the entry, trainee level in the Disability Compensation Enforcement Specialist series. An incumbent of a position at this level receives formal and on-the-job training in State Disability Compensation laws, rules and regulations, enforcement techniques and methods, and orientation relating to the objectives, policies and procedures of the program. The incumbent receives specific and detailed instructions while performing simple and routine work tasks, and work is closely reviewed and evaluated for following directions, completeness and attaining of training objectives.

Examples of Duties:

Attends orientation and training sessions; learns the objectives, rules, regulations, policies, methods and procedures relating to disability compensation enforcement; accompanies higher-level specialists on field trips as an observer; assists in investigations by performing tasks under specific instructions; conducts simple investigations for the purpose of gaining knowledge and skill in enforcement work; prepares and submits facts and reports.

Knowledge and Abilities Required:

Knowledge of: Methods and techniques of report writing; problem solving techniques such as defining and analyzing problems, identifying alternatives and their advantages and disadvantages.

Ability to: Learn, interpret and apply pertinent provisions of the Hawaii State Disability Compensation laws, rules and regulations (Workers' Compensation, Temporary Disability Insurance or Pre-Paid Health Care); learn and apply the principles, methods and techniques of enforcement; present ideas and information clearly orally and in writing; exercise tact and discretion in dealing with others.

DISABILITY COMPENSATION ENFORCEMENT SPECIALIST II 8.208
(DISABILITY COMP ENFC SPCLT II)

Duties Summary:

Performs a variety of enforcement activities ranging from simple to moderately difficult under close supervision in an advanced trainee capacity; and performs other duties as required.

This class represents positions serving in an advanced trainee capacity through which the incumbent advances as part of the progression to full performance as an independent worker. Assignments range from simple to moderately complex and supervision is relaxed on assignments of a routine and simple nature but close and immediate on assignments of a more difficult and complex nature. The trainee continues to receive guidance, orientation and instruction on aspects of the work primarily in more complex areas during this training period.

Examples of Duties:

Receives cases for investigation; reviews previous case history of the employer involved; contacts the employer to explain the purpose of the investigation and to secure cooperation in obtaining pertinent information; explains provisions of the disability compensation laws, rules and regulations relating to coverage and informs the employer as to various alternative methods available to secure coverage; examines business records; interviews employers and employees and others as necessary to clarify or verify information; ascertains whether coverage is provided or not provided to eligible employees; identifies questions of coverage of individual employees or eligible services or exempt services and secure necessary information to make a determination; analyzes information obtained; prepares and makes reports and recommendations based on findings; explains to employers the nature of violations and recommends corrective actions required; secures agreements for future compliance; in the case of serious or willful violations of laws, recommends legal application for resolution of the problem and may develop facts for litigation; follows up on employer promises to pay and collects money if special compensation funds are involved; prepares correspondence and reports; gives information to the public; may take complaints relating to other laws and refer to correct agencies.

Knowledge and Abilities Required:

Knowledge of: Working knowledge of applicable provisions of the Hawaii State Disability Compensation laws, rules and regulations (Workers' Compensation, Temporary Disability Insurance or Pre-Paid Health Care); working knowledge of principles, methods and techniques of enforcement; report writing.

Ability to: Understand and apply pertinent provisions of the Hawaii State Disability Compensation laws, rules and regulations; learn and understand the methods employers use in keeping personnel and payroll records; make recommendations on actions

which should be taken to ensure compliance; prepare clear and concise written reports; meet and deal effectively with others.

DISABILITY COMPENSATION ENFORCEMENT SPECIALIST III 8.209
(DISABILITY COMP ENFC SPCLT III)

Duties Summary:

Independently performs the full range of enforcement activities for the prevention and detection of violations to the Hawaii State Disability Compensation laws, rules and regulations; prepares reports of findings and evaluations; recommends corrective and/or punitive actions and performs other duties as required.

Distinguishing Characteristics:

This class involves responsibility for independently carrying on the full range of investigations of business enterprises required for the enforcement of compliance with Hawaii State Disability Compensation laws, rules and regulations. Positions are responsible for examining the allegation, complaint, referral or report to determine the issues involved; planning, scheduling and conducting fact-finding; determining corrective actions required, encouraging voluntary compliance or recommending punitive action in the case of willful lack of compliance; and completing written reports. They are required to independently inform employers as to violations detected, the nature of corrective measures required and/or to recommend punitive measures if required.

A position in this class functions under the general supervision of a higher level Disability Compensation Enforcement Specialist. Completed reports of cases are subject to review for technical adequacy and conformance with enforcement methods, principles, practices, goals and objectives and soundness of recommended actions, including determinations of whether violations are willful and/or compliance is unlikely on a voluntary basis and that punitive measures should be taken.

Examples of Duties:

Receives cases for investigation; reviews previous case history of the employer involved; identifies possible issues and problems; contacts the employer to explain the purpose of the investigation and to secure cooperation in obtaining pertinent information; explains coverage provisions of the disability

compensation laws, rules and regulations and informs the employer as to various alternative methods available to secure coverage; examines business records; interviews employers, employees and others as necessary; determines whether employees are eligible for coverage and whether coverage is provided; identifies questions of whether certain employees may be exempt from coverage and secures necessary information to make determinations; determines liability of employers in violation of the laws; analyzes information obtained; prepares and makes reports and recommendations based on findings; explains to employers the nature of violations and recommends corrective actions required; secures agreements for future compliance; in the case of serious or willful violations of laws, recommends legal application for resolution of the problem and develops facts for litigation; may testify as to facts uncovered in appeal or court hearings; follows up on employer promises to pay and collects money if special compensation funds are involved; may search for assets for attachment or garnishment for reimbursement; investigates cases as assigned of suspected fraudulent claims; determines if there is willful attempt to defraud or misrepresent facts and recommends appropriate penalty; prepares correspondence and reports; gives information to the public, employers, insurance carriers and others regarding provisions of the laws; may take complaints regarding other laws and refer to the correct agencies as necessary.

Knowledge and Abilities Required:

In addition to knowledge and abilities required at the next lower level, this class requires good knowledge of pertinent provisions of the Hawaii State Disability Compensation laws, rules and regulations (Workers' Compensation, Temporary Disability Insurance and Pre-Paid Health Care); sources of information on precedential cases; ability to make sound recommendations on complex cases; familiarity with principles and practices of good public relations.

DISABILITY COMPENSATION ENFORCEMENT SPECIALIST IV 8.210
(DISABILITY COMP ENFC SPCLT IV)

Independently conducts a variety of difficult to highly complex enforcement activities for the prevention and detection of violations of the Hawaii State Disability Compensation laws, rules and regulations as a primary work assignment and performs other duties as required; or supervises and participates in performing enforcement assignments for the prevention and detection of violations to the Hawaii State Disability Compensation laws, rules and regulations; and performs other duties as required.

Disability Compensation Enforcement Specialist IV positions are typically of the two following types:

- A. A fully experienced independent enforcement specialist whose assignments predominantly encompass highly complex and difficult enforcement/investigation/compliance problems. Cases are characterized by a predominance of the following factors: (a) lack of precedents, guidelines or policy for conduct of the investigation or interpretation and application of the laws to situations not directly covered; (b) need for considerable skill in persuading employers to accept liability and voluntarily agree to retribute to employees affected by discovered violations and agree to future compliance; (c) need for extensive evaluation and analysis of facts uncovered to determine creditability of facts and evidence as when there are conflicts among statements of parties involved and/or with documentary evidence or lack of conclusive evidence; (d) strong hostility expressed in contradictions in statements, flat denials, unwillingness to cooperate in providing information or records; suspected deliberate evasion of enforcement efforts (e.g., continual relocation, refusal to supply business records for examination or suspected falsification or alleged lack of records and other subterfuges); (e) continual willful violations of laws, rules and regulations; discovered or suspected violations of other laws, rules and regulations than those three for which the enforcement specialist initiated the investigation.

Work at this level requires continuing resourcefulness in establishing facts and considerable judgment in interpreting and applying laws to situations not directly covered or exploring all aspects of the enforcement problem in order to recommend precedent-setting determinations and/or guidelines for future enforcement activities; in negotiating cases to conclusions equitable to both parties; and in determining when violations should be penalized because they may be willful and deliberate rather than accidental due to lack of the employer's experience with the law or related factors.

A position typically works under the general supervision of a higher-level disability compensation enforcement specialist or program manager. Specialists at this level are expected to independently resolve difficult investigative problems or compliance situations

encountered but are expected to identify situations which may be precedent-setting relative to the interpretation and application of policy or the law. In these situations, they identify the problem and recommend to the supervisor appropriate handling of the case or need for obtaining legal opinions or litigation.

Positions in this class may also be assigned to view case reports of other disability compensation enforcement specialists, participate in the training of lower-level specialists and recommend changes and improvements in procedures, policies, laws, rules, regulations, work methods and operations of the program.

- B. A working supervisor who participates and performs disability compensation enforcement work. Positions in this category have responsibility for the continued and regular supervision of an assigned unit of specialists. The work involves planning, assigning, reviewing and coordinating their work; providing technical supervision and guidance to subordinate staff; participating in budget preparation and program planning; and reviewing and recommending revisions to operating methods and guidelines. A position of this type works under the general supervision of a higher level supervising disability compensation enforcement specialist. Work is performed independently within general procedural and administrative guidelines and decisions are not questioned for technical adequacy but reviewed for overall conformance with program policies and legal guidelines.

Examples of Duties:

- A. Receives cases for investigation; reviews previous case history of the employer involved; identifies possible issues and problems; contacts the employer to explain the purpose of the investigation and to secure cooperation in obtaining pertinent information; explains coverage provisions of the disability compensation laws, rules and regulations and informs the employer of the various alternative methods available to secure coverage; examines business records; interviews employers, employees and others as necessary; determines whether employees are eligible for coverage and whether coverage is provided; identifies questions of whether certain employees may be exempted from coverage and secures necessary information to make determinations; determines liability of employers in violation of the law; analyzes

information obtained; prepares and makes reports and recommendations based on findings; explains to employers the nature of violations and recommends corrective actions required; secures agreement for future compliance; in the case of serious or willful violation of law, recommends legal application for resolution of the problem and develops facts for litigation; may testify as to facts uncovered in appeal or court hearings; follows up on employer promises to pay and collects money if special compensation funds are involved; may search for assets for attachment or garnishment for reimbursement; investigates cases as assigned of suspected fraudulent claims; determines if there is an attempt to willfully defraud or misrepresent facts and recommends appropriate penalty; participates in or leads a team for the periodic review of temporary disability insurance carriers' records of claims processing and benefits for timeliness and appropriateness; prepares correspondence and reports; may review or guide the work of lower level enforcement specialists for training purposes as assigned; gives information to the public, employers, insurance carriers on other laws and refers to the correct agencies as necessary; may act for the supervisor in the absence of the latter; recognizes the need for and recommends changes and improvements in policies, procedures, work methods, operations, laws, rules and regulations.

- B. Supervises lower-level disability compensation enforcement specialists engaged in the enforcement of Hawaii State Disability Compensation laws, rules and regulations and participates in enforcement activities; provides guidelines and assistance to subordinates; plans work schedules, assigns cases and reviews work products and reports; trains new employees; identifies training needs; prepares training material and evaluates training attainments; advises staff in complex, technical and other difficult aspects of assignments; reviews and recommends approval or disapproval of subordinates' recommendations of imposition of penalties or legal action; prepares correspondence; answers inquiries; may speak before employer, insurance, employee and other interested groups regarding the laws, its application and the enforcement program; maintains working statistics and assists the supervisor in compiling information for budget preparation purposes.

Knowledge and Abilities Required:

In addition to knowledge and abilities required at the next lower level, this class requires thorough knowledge of pertinent provisions of the Hawaii State Disability Compensation laws, rules and regulations (Workers' Compensation, Temporary Disability Insurance and Pre-Paid Health Care); certain positions may require the ability to learn and apply supervisory principles and practices.

DISABILITY COMPENSATION ENFORCEMENT SPECIALIST V 8.211
(DISABILITY COMP ENFC SPCLT V)

Duties Summary:

Supervises the activities of a unit of enforcement specialists engaged in performing investigations to enforce compliance with Hawaii State Disability Compensation laws, rules and regulations; and performs other duties as required.

Distinguishing Characteristics:

This class involves continuing responsibility for supervising a unit of lower-level enforcement specialists to ensure compliance with Hawaii State Disability Compensation laws, rules and regulations. Positions are responsible for assigning and reviewing cases and case reports for accuracy and completeness of findings and conformance with established policies and procedures; ensuring uniform application of the laws, rules and regulations; advising and providing guidance and training to subordinates; and may perform enforcement activities as required.

A position in this class reports to a branch chief responsible for the supervision of the Disability Compensation Enforcement Program of the State. Supervision received is general and determinations made are not normally questioned in terms of technical accuracy of the work but for general conformance with program policies, procedures, precedents and guidelines.

Examples of Duties:

Supervises the activities of a group of lower-level disability compensation enforcement specialists concerned with enforcing disability compensation laws, rules and regulations; plans, assigns and coordinates investigation activities; provides guidance and assistance to subordinates in handling difficult and complex cases; evaluates the quality and quantity of work

performed by subordinates; reviews investigation reports to determine accuracy and completeness of findings and conformance with established policies, procedures and practices; compiles and maintains operational statistics; determines the need for and conducts staff training for developmental purposes and to insure uniform interpretation of laws, rules and regulations, policies, standards, precedents and guidelines; recommends staffing requirements; may perform enforcement activities; directs operations of review teams for extensive or complex reviews; maintains and submits information for budgetary preparation and execution documentation purposes; recommends to supervisor solutions of enforcement problems; prepares reports of section operations; determines need for and recommends obtaining legal opinions and interpretations of laws as they relate to enforcement problems.

Knowledge and Abilities Required:

In addition to knowledge and abilities required at the next lower level, positions in this class require the ability to learn and apply supervisory principles, practices and techniques; review, assign and direct the work of others; make sound recommendations on enforcement problems and deal effectively with subordinates.

DISABILITY COMPENSATION ENFORCEMENT SPECIALIST VI 8.212
(DISABILITY COMP ENFC SPCLT VI)

Duties Summary:

Directs and supervises the operations of a program for the inspection and investigation of business enterprises to enforce Hawaii State Disability Compensation laws, rules and regulations; and performs other duties as required.

Distinguishing Characteristics:

This class involves responsibility for directing and supervising the operations of a program for the inspection and investigation of business enterprises for the enforcement of Hawaii State Disability Compensation laws, rules and regulations. Work requirements are so intensive that accomplishment of activities is carried out by a staff of disability compensation enforcement specialists and auditors through two or more subordinate full time supervisors. Administrative supervision is exercised over the professional auditing function.

A position in this class, under the general supervision of the division administrator, serves as a branch chief responsible for accomplishment of branch activities and operations of the Disability Compensation Enforcement Program under general divisional guidelines and general technical direction from program officers responsible for the Temporary Disability, Workers' Compensation and Pre-Paid Health Care Insurance programs, which comprise the Disability Compensation Program of the State. The position is responsible for the resolution of operational problems, coordination of branch activities, development of operating procedures and policies, determination of operational priorities and assurance of the technical adequacy of enforcement and investigative work. Supervisory review of work is limited to conformance with overall program, divisional and general administrative guidelines and technical decisions are not normally questioned. However, matters relating to the interpretation and application of the laws and rules and regulations which are not covered by existing policies, procedures or precedent cases are discussed with the program officer responsible for the applicable functional area and/or the division administrator and a position in this class is expected to make recommendations as to the handling and disposition of the immediate case or matter involved and policy or procedures for future similar or related cases.

Examples of Duties:

Supervises the operations of a program for the inspection and investigation of business enterprises to enforce disability compensation laws, rules and regulations; supervises enforcement specialists concerned with the examination of reports or allegations of employers' non-compliance, the collection of facts and evidence as to their failure to comply, determination of eligible employees, and determination of imposition of a penalty in the event of lack of voluntary compliance; reviews investigative reports to determine overall conformance with enforcement principles, methods and techniques, adequacy of information and recommendation for imposition or no imposition of penalty; establishes branch operational objectives; determines branch operational priorities; reviews work accomplishments; determines and recommends changes for improvements such as procedural changes; oversees and coordinates staff development training; identifies and directs use of improved enforcement methods, techniques and procedures; recommends increased resources for staff, equipment and other operating expenditures; conducts staff meetings to discuss operational problems and to ensure uniform understanding, interpretation and application of laws, rules and regulations; recommends appropriate action on personnel matters such as, appointments, promotions, transfers, leaves of absence and disciplinary problems; determines and recommends

changes of work schedules; reviews audit reports to determine overall conformance with program and operational guidelines and requirements, and application and interpretation of the law.

Knowledge and Abilities Required:

In addition to the knowledge and abilities required for the next lower level, positions in this class require the following:

Knowledge of: Operations, programs, policies and legal requirements pertinent to the Disability Compensation Enforcement Program.

Ability to: Make sound judgments on difficult and controversial issues; prepare comprehensive written reports.