

STATE OF WISCONSIN  
CLASSIFICATION SPECIFICATION

CONSUMER PROTECTION INVESTIGATOR  
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 Consumer Protection Investigator positions. Positions allocated to this classification series mediate and/or investigate complaints relating to compliance to or alleged violations of statutes, rules, regulations, administrative codes and/or standards. This classification specification is not intended to identify every duty, which may be assigned to positions, 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 class 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; licensure or certification requirements; and other such information necessary to facilitate the assignment of positions to the appropriate classification.

B. Inclusions

This series encompasses positions that provide for the intake, mediation analysis, investigation, resolution and coordination of complaints as part of a consumer protection program. These positions will plan, develop and conduct comprehensive mediations and/or investigations involving compliance to, or violations of a wide range of statutes, rules, regulations, administrative codes and/or standards. These mediations and/or investigations usually result in one or more of the following actions: affidavit; citations; conciliation; warning, suspension or revocation of authority or license; orders; fines or forfeitures; business closing; restitution; civil prosecution or criminal prosecution.

C. Exclusions

Excluded from this series are the following types of positions:

1. Positions which meet the statutory definition of supervisor or management as defined in Wis. Stats. 111.81(19) and (13) as administered and interpreted by the

Wisconsin Employment Relations Commission.

2. Positions which, for a majority of the time (i.e., more than 50%), perform compliance and/or enforcement in regulation of service providers, products or activities and are more appropriately classified as Regulatory Specialist.
3. Positions which require certification as a law enforcement officer as a condition of employment and are more appropriately classified as Police Officers, State Patrol Troopers, State Patrol Inspectors, Conservation Wardens, Excise Tax Agents or Special Agents.
4. Positions which require certification under federal regulations to conduct investigations and compliance reviews of motor carriers and are more appropriately classified as Motor Carrier Investigators.
5. Positions located in the Office of the State Public Defender which are classified as Public Defender Investigator.
6. All other positions which are more appropriately identified by other classification specifications.

D. Entrance Into and Progression Through This Series

Employees enter positions within this classification series by competition. Positions filled at the Consumer Protection Investigator level may progress to the Senior and/or Advanced level through reclassification once it can be demonstrated that the position spends a majority of their time on duties identified at the higher level.

## II. DEFINITIONS

### CONSUMER PROTECTION INVESTIGATOR

Positions at this classification level work under close progressing to general supervision. This is entry level mediation and/or investigative work intended to assist employees in acquiring investigative and/or mediation skills and techniques including the ability to interview consumers, witnesses and/or suppliers to establish facts, and mediate resolutions via meetings, telephone and correspondence. Emphasis is placed on learning and applying the statutes, rules, regulations, administrative codes and standards to determine if there have been any violations and/or unfair business practices.

Positions at this level may conduct routine investigations. They may assist higher level consumer protection investigators, in conducting more complex investigations; however this would not comprise a majority of time spent. Positions usually handle individual complaints. Assignments may include the analysis and correlation of case documentation; entry and maintenance of case information in the database; creation of investigative reports, summaries and case recommendations for corrective actions; decisions of whether to close a case if it is determined invalid, unjustified, or if a settlement has been reached; and the provision of education and outreach to the public. Work at this level is reviewed to determine the accuracy and correctness in applying rules and performing the investigation. Positions function in one of the following areas:

1) **Investigation & Compliance** –A majority of time is spent on case planning, case development, and compliance with regard to routine investigations such as reviewing complaints, interviewing witnesses, reviewing information provided by companies (e.g. utilities, etc.), drafting subpoenas, memoranda, citations or other legal documents for review, etc. Work is typically reviewed by a supervisor/leadworker; or 2) **Mediation** –A majority of time is spent on routine mediation (e.g. interviewing complainants and businesses to mediate complaints and obtain compliance with rules, laws, etc.), complaint processing and analysis, assistance with case initiation and development, etc. Work is typically reviewed by a supervisor/leadworker.

### **CONSUMER PROTECTION INVESTIGATOR - SENIOR**

Positions at this classification level work under general supervision. This is the objective level for positions performing routine to complex investigations, analysis and resolution of consumer complaints, and/or higher level consumer mediations. Responsibilities may include responding to investigations, conducting complaint intake, researching statutes, rules, regulations, administrative codes, and conducting complex and/or covert field investigations. Assignments often include multiple complainants or have statewide or industry wide impact. These positions use the full range of investigative tools in the office or on-site (e.g. computer, database, telephone and/or internet searches, interviewing, evidence gathering, surveillance, etc.).

Positions independently determine which statutes, rules, regulations, administrative codes and/or standards are being violated and may make recommendations for corrective actions. Positions may also draft compliance documents, prepare and/or present evidence and/or serve as witnesses providing testimony at pre-trials, criminal and/or civil trials, pre-hearing conferences and/or administrative adjudication hearings. These positions may also provide education and outreach to the public or function as a liaison to various groups.

Positions function in one of the following areas: 1) **Investigation & Compliance** –A majority of time is spent on case planning, case development, and compliance with regard to routine to complex investigations such as reviewing complaints; interviewing witnesses; reviewing information provided by companies (e.g. utilities, etc.); making preliminary judgments/recommendations, settling disputes on deferred payment agreements; consulting with staff attorneys; writing subpoenas, citations or other legal documents; preparing and/or presenting evidence and/or serving as a witness at pre-trials, criminal and/or civil trials, pre-hearing conferences and/or administrative hearings, etc.; or 2) **Mediation** –A majority of time is spent on routine to complex mediation (e.g. interviewing complainants and businesses to mediate complaints and obtain compliance with rules, laws, etc.); complaint analysis; and investigation initiation and development which may include writing subpoenas and initiating low level enforcement action (e.g. warning letters, etc.).

### **Representative Positions:**

**DHS-(Division of Quality Assurance – DQA)**-Positions perform the centralized intake and screening of all reported allegations of caregiver misconduct (e.g. abuse of client, neglect of a client, misappropriation of a client's property, etc.) for all DQA regulated entities. Investigators independently plan, initiate and evaluate complex information received relative to the allegation and conduct the investigations. Positions gather, examine and evaluate documents, physical and testimonial evidence; analyze and summarize findings to corroborate or refute allegation(s); prepare an accurate and comprehensive summary of the case and present to the review panel; initiate close-out letters to appropriate individuals specifying action taken; and conduct background checks to verify whether DQA license holders, principle officers and non-client

residents have a criminal conviction or a substantiated finding of misconduct that bars the individual from licensure or residency.

DATCP-(Investigative Unit) - These objective level position responsibilities include statewide investigation. Position functions under general supervision of the Investigation Unit Manager performing both routine and complex investigations in an independent manner. The work at this level includes evaluating and summarizing completed cases, recommending appropriate enforcement action (e.g. preparing summary investigation reports and making referrals for prosecution etc.); conducting surveys to determine need for compliance efforts and may include coordinating efforts of others in the activity. These investigations will be more technical in nature and may include reviewing financial documentation and tracking back IP internet addresses.

PSC (Consumer Affairs Unit) —These positions are responsible for the independent intake, investigation, and resolution of complaints from customers of all types of utilities, e.g. electric, gas, water and sewer utilities, etc. These positions independently investigate, resolve and respond to complex consumer complaints from utility customers. The issues to be resolved include disputes regarding, but not limited to, disconnections, deferred payment arrangements, deposits, disputed use of utility services, billing adjustments, fraud, identity verification, cutbacks to customer services such as meter reading and payment locations, etc.

### **CONSUMER PROTECTION INVESTIGATOR- ADVANCED**

Positions at this classification level work under general supervision. In addition to work at the Senior level, position responsibilities at the advanced level include planning, executing and coordinating the most complex in-office and/or field investigations/consumer mediation with state-wide impact and/or multi-state investigations that cross jurisdictional lines with the appropriate federal, state, or local law enforcement agencies. The most complex investigations/mediations are those that may involve an entire industry (e.g. insurance, motor vehicle, etc.); several (more than two) professions which require licensure/certification; or consumer products or services.

Positions routinely perform a variety of the following duties:

- Assist the investigation supervisor by providing consultation and assistance to other CPI investigators regarding complex investigation cases, issues and investigation skills;
- Organize and/or participate in informal and /or formal hearings and/or conferences to mediate-negotiate equitable resolutions of consumer-business disputes or bring businesses into voluntary compliance under consumer protection laws;
- Draft higher level compliance documentation (e.g. administrative warnings, closures, civil forfeitures, etc.);
- Provides feedback to staff on effective investigation and/or mediation techniques;
- Provides training to and serve as a lead consultant to other CPI staff, supervisors, and law enforcement agencies, etc.;
- Serves as a primary resource on complex cases requiring innovative approaches;
- Serves as the expert in their respective program areas.

Positions function in one of the following areas: 1) **Investigation & Compliance** –A majority of time is spent on case planning, case development, and compliance with regard to complex investigations and/or joint investigations with other law enforcement entities (e.g. DOJ, DA, etc.). Investigators may testify in court or in hearings as an expert witness; or 2) **Mediation** –At this

level positions serve as a leadworker over other staff who perform mediation work a majority of time and typically are responsible for an additional program area (e.g. financial security, privacy protection, etc.) and/or the development of training materials/guides.

### **Representative Positions:**

DOJ-(Division of Legal Services, Consumer Protection & Antitrust)-These positions independently plan and conduct investigations of complex, fraudulent, deceptive and unfair business practices; participate in multi-state enforcement projects by working closely with the Federal Trade Commission on large scale cases by directing and managing the activities of other investigators or paralegals; and gather, examine and evaluate documents, and physical and testimonial evidence. Investigators prepare facts, evidence and witnesses for the prosecuting attorney at pre-trial conferences, trials (criminal and civil) and pre-hearing conferences; participate and make recommendations in settlement negotiation conferences with defendants; and plan and administer large-scale court-ordered or negotiated settlement programs.

DOT-(Bureau of Vehicle Services, Dealer Section) - Positions independently initiate, plan and conduct complex investigations within an assigned region to ensure compliance of motor vehicle dealers, motor vehicle salvage dealers, wholesale auction dealers, motor vehicle manufacturers, motor vehicle wholesale dealers, recreational vehicle dealers and their respective representatives. In major, large scale cases, positions coordinate and lead other investigators and support staff; prepare and present facts, evidence and witnesses; assist prosecuting attorney during all facets at pretrial conferences, trials (criminal and civil), pre-hearing conferences, administrative adjudication hearings and formal settlement negotiation conferences; and participate and make recommendations in settlement negotiation conferences with defendants.

DWD-(Worker's Compensation Division)-These positions lead the most complex inspections, investigations and prosecutorial services in statewide, interstate and multinational projects for the Workers Compensation Division. Investigators conduct employer investigations of the Uninsured Employer Fund (UEF) claims and work in conjunction with the UEF Third Party Claims administrator in investigating and processing UEF claims; prepare reports of completed investigations; make recommendations and develop materials for corrective measures and prepare records and/or evidence in trial-ready form for fines and forfeitures imposed under the Worker's Compensation Law.

DATCP-(Complaint Administration)-These positions perform advanced level functions and act as the lead worker for the unit. Duties include leading the processing, analysis and resolution of complaints handled by Consumer Protection Investigators in this unit; and utilizes considerable initiative, judgment and knowledge of consumer protection statutes, codes, and department policies. In addition, this position administers the consumer protection security program, ensuring businesses maintain proof of financial security. The position also takes a lead role in coordinating special studies and public information programs.

### **III. QUALIFICATIONS**

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

**IV. ADMINISTRATIVE INFORMATION**

This classification was created effective June 16, 2013 and announced in Bulletin OSER-0325-MRS/SC to describe positions which are responsible for conducting investigations involving violations of statutes, rules, regulations, administrative codes and/or standards. This action is the result of the Consumer Protection Investigator and Consumer Specialist Personnel Management surveys which resulted in the creation of the new Consumer Protection Investigator series. The new series encompasses positions that were formerly classified as Consumer Protection Investigator 1, 2, 3 and Consumer Specialist 1, 2, 3, 4 which were abolished on the same date.

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