BEFORE THE PERSONNEL APPEALS BOARD

STATE OF WASHINGTON

TERRI ZENKER, Appellant, v. DEPARTMENT OF LABOR AND INDUSTRIES, Respondent.	)	Case No. ALLO-01-0004 ORDER OF THE BOARD FOLLOWING HEARING ON EXCEPTIONS TO THE DETERMINATION OF THE DIRECTOR

Hearing on Exceptions. Pursuant to RCW 41.64.060 and WAC 358-01-040, this matter came on for hearing before the Personnel Appeals Board, WATER T. HUBBARD, Chair, on Appellant's exceptions to the Director's determination dated January 24, 2001. The hearing was held on September 18, 2001, in the Personnel Appeals Board hearing room in Olympia, Washington. LEANA D. LAMB, Member, reviewed the record, including the file, exhibits, and the recorded proceedings, and participated in the decision in this matter. GERALD L. MORGEN, Vice Chair, did not participate in the hearing or in the decision in this matter.

Appearances. Appellant Terri Zenker was present and represented herself *pro se*. Sandi LaPalm, Classification Manager, represented Respondent Department of Labor and Industries (L&I).

Background. By classification questionnaire (CQ) signed on April 28, 2000, Appellant requested a review of her Industrial Insurance Underwriter (IIU) 3 position. Respondent reviewed her position and by letter dated October 5, 2000, notified Appellant that her position was properly allocated. On November 1, 2000, Appellant appealed to the Director of the Department of Personnel.

On January 22, 2001, the Director's designee, Paul Peterson, conducted an allocation review of Appellant's position. By letter dated January 24, 2001, Mr. Peterson determined that Appellant's position was properly allocated. On February 23, 2001, Appellant filed exceptions to the Director's determination with the Personnel Appeals Board. Appellant's exceptions are the subject of this proceeding.

Appellant works within the Employer Services Unit of L&I. She is responsible for managing employer accounts for the drywall industry, assigning the appropriate risk classification to activities within the industry, and determining whether or not an employer is eligible for a discounted rate.

Summary of Appellant's Argument. Appellant argues that while she performs policy management functions similar to those performed by other positions allocated to the IIU3 classification, the drywall industry requires more complex applications which results in more interactions with employers, more appeals and hearings, more extensive reviews, and more consultation with the auditors about the auditing process. Appellant contends that her position is specialized because of the complex reporting requirements of the drywall industries and that her expertise is in this technical specialty area. Appellant further contends that she performs a significant level of activities that go beyond the normal activities performed by other policy managers allocated to the IIU3 classification. Appellant asserts that her position fits within the second option found in the definition of the IIU4 classification.

Summary of Respondent's Argument. Respondent argues that the second option included in the definition of the IIU4 classification encompasses the dual career assignments used in the L&I classification services unit, not for positions such as Appellant's in the Employer Services Unit. Respondent argues that Appellant is the senior-level policy manager responsible for the complex, specialized drywall industry. Respondent concedes that the laws and regulations for the drywall

industry are different and more complex than other industries, but argues that the duties and responsibilities Appellant performs fall within the IIU3 classification. Respondent contends that Appellant performs policy management functions, interprets rules for the drywall industry, and reviews employer reports with scrutiny because of the complexity of the industry reporting requirements. Respondent asserts that other program managers are assigned more than one industry but because of the complexity of the drywall industry, Appellant has become the expert assigned to a single industry. Respondent argues that the duties and responsibilities of Appellant's position fit within the definition, distinguishing characteristics and typical work statements of the IIU3 classification.

Primary Issue. Whether the Director's determination that Appellant's position is properly allocated to the Industrial Insurance Underwriter 3 classification should be affirmed.

Relevant Classifications. Industrial Insurance Underwriter 3, class code 13847; and Industrial Insurance Underwriter 4, class code 13848.

Decision of the Board. The purpose of a position review is to determine which classification best describes the overall duties and responsibilities of a position. A position review is neither a measurement of the volume of work performed nor an evaluation of the expertise with which that work is performed. Also, a position review is not a comparison of work performed by employees in similar positions. A position review is a comparison of the duties and responsibilities of a particular position to the available classification specifications. This review results in a determination of the class which best describes the overall duties and responsibilities of the position. Liddle-Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

While a comparison of one position to another similar position may be useful in gaining a better understanding of the duties performed by and the level of responsibility assigned to an incumbent, allocation of a position must be based on the overall duties and responsibilities assigned to an individual position compared to the existing classifications. The allocation or misallocation of a similar position is not a determining factor in the appropriate allocation of a position. Flahaut v. Dept's of Personnel and Labor and Industries, PAB No. ALLO 96-0009 (1996).

The Industrial Insurance Underwriter 4 classification definition includes two allocating options. Appellant argues that the duties of her position fit within the second option. The second option includes dual career assignments. Appellant's position is not a dual career position. Rather, Appellant is primarily assigned to the complex specialty of the drywall industry. Furthermore, positions allocated to the IIU4 classification are responsible for researching and analyzing risk classifications and claims data to ensure the integrity of the rating system within workers compensation insurance and establishing quality assurance controls for the workers compensation underwriter program. The typical work statements for the class provide further guidance on the level of work intended to be encompassed by this class. Positions allocated to the IIU4 level are responsible for the work of others, assist subordinates in making decisions on difficult policies, provide training, and testify on behalf of L&I at hearings before the Board of Industrial Insurance Appeals and before the superior court. Because Appellant's position is primarily assigned responsibility for the drywall industry, her duties do not meet the breadth or scope of work encompassed by the IIU4 classification.

Rather, Appellant manages employer accounts for the complex specialty area of drywall, which is classified by L&I as a Level 3 complexity industry. Modifications to the drywall industry and corresponding regulations have added to the complexity of Appellant's responsibilities. Appellant

is the primary contact for drywall and is required to use her expertise in this complex industry to manage accounts, assess premiums, and provide input to auditors regarding the auditing process.

Positions allocated to the Industrial Insurance Underwriter 3 classification serve as the primary contact for a group of employers and underwrite and manage new and established policies under the Washington State Industrial Insurance Laws for Level 3 complexity industries. Incumbents perform accounting tasks for these policies including analyzing deficiencies and errors, calculating and adjusting rates, making final determinations regarding refunds, and managing policy accounts including updates and employer's claims management. Appellant's policy management duties and the breadth of her responsibilities best fit within the IIU3 classification.

Conclusion. Appellant's position is properly allocated to Industrial Insurance Underwriter 3 classification and her appeal should be denied. The determination of the Director, dated January 24, 2001, should be affirmed and adopted.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal of Terri Zenker is denied and the determination of the Director, dated January 24, 2001, is affirmed and adopted. A copy is attached.

DATED this _____ day of _____, 2001.

WASHINGTON STATE PERSONNEL APPEALS BOARD

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Walter T. Hubbard, Chair

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Leana D. Lamb, Member