BEFORE THE PERSONNEL APPEALS BOARD

STATE OF WASHINGTON

SANDRA EASTWOOD, Appellant, v. DEPARTMENT OF LABOR AND INDUSTRIES, Respondent.	Case No. ALLO-99-0034 ORDER OF THE BOARD FOLLOWING HEARING ON EXCEPTIONS TO THE DETERMINATION OF THE DIRECTOR

Hearing on Exceptions. This appeal came on for hearing before the Personnel Appeals Board, WALTER T. HUBBARD, Chair, and LEANA D. LAMB, Member, on Appellant's exceptions to the Director's determination dated October 27, 1999. The hearing was held on July 27, 2000, in the Personnel Appeals Board hearing room in Olympia, Washington. GERALD L. MORGEN, Vice Chair, did not participate in the hearing or in the decision in this matter.

Appearances. Appellant Sandra Eastwood was present and was represented by Pat Scott, Area Representative for the Washington Federation of State Employees. Respondent Department of Labor and Industries (L&I) was represented by Sandi LaPalm, Classification Manager.

Background. On January 13, 1999, Appellant requested reallocation of her Labor and Industries Auditor 3 position by submitting a classification questionnaire (CQ) to Respondent's Personnel Office. Appellant requested that her position be reallocated to the Labor and Industries Auditor 4 classification. By letter dated February 16, 1999, Respondent denied Appellant's request for reallocation. Appellant appealed to the Director of the Department of Personnel (DOP).

The Department of Personnel received Appellant's appeal on February 26, 1999. On October 27, 1999, the Director's determination was issued by Mary Ann Parsons who concluded that Appellant's position was properly allocated.

On November 19, 1999, Appellant filed exceptions to the Director's determination with the Personnel Appeals Board. Appellant's exceptions are the subject of this proceeding.

Appellant's position is within the Provider Review and Education unit. Her working title is Provider Auditor. In summary, Appellant's primary responsibilities encompass many provider types who have potentially fraudulent/abusive billing practices. She provides services to internal staff and to Attorney General staff for the purpose of resolving potential fraud by providers and she is a member of the cross-divisional fraud task force. Appellant does not have supervisory responsibilities, her position has not been designated as a specialist position, and provider fraud is not considered a specialty industry or specialty provider.

Summary of Appellant's Argument. Appellant admits that her position has not been given formal designation as a specialist. However, she argues that she is performing the duties of a specialist and asserts that she should not be penalized for the department's failure to formally designate her position as such. Appellant contends that the supervisor and her program manager agree that she performs specialist level duties, yet despite her requests to the assistant director for Insurance Services, her position has not been designated as a specialist. Appellant further contends that some of the typical work statements in the Auditor 3 and the Auditor 4 classifications are identical, that she is the sole person who investigates the more complex provider fraud cases, that the cases she investigates are forwarded to her by other Auditor 3 positions, and that other Auditors and L&I staff rely on her to be the provider fraud specialist. Therefore, Appellant requests that her position be reallocated to the Auditor 4 classification.

Summary of Respondent's Argument. Respondent contends that Appellant performs journey-level auditor duties, that she does not perform the scope of duties intended to be performed at the Auditor 4 level, and that her position has not been designated as a specialist position. Respondent further contends that provider fraud is not specified as a specialty group in the Auditor 4 classification. Rather, Respondent asserts that Appellant's position is "in Health Services Analysis" and that she "performs desk reviews and/or on-site audits of medical providers records for non-compliance" as stated in the Auditor 3 classification.

Primary Issue. Whether the Director's determination that Appellant's position is properly allocated to the Labor and Industries Auditor 3 classification should be affirmed.

Relevant Classifications. Labor and Industries Auditor 3, class code 13780, and Labor and Industries Auditor 4, class code 13785.

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).

Before Appellant's provider fraud position can be allocated to the Auditor 4 classification, it must meet the definition of the classification. In this case, Appellant's position must be designated as an

industry or provider specialist or a criminal fraud specialist. An industry or provider specialist is focused on one type of industry or provider. Appellant's position investigates fraud for many types of providers. She is not a specialist for any one type of provider. In addition, while some of Appellant's investigations may result in criminal fraud investigations, the focus of her position is provider fraud, not criminal fraud. Appellant is not a criminal fraud specialist. Because Appellant does not meet the definition of the classification, her position should not be allocated to the Labor and Industries Auditor 4 classification.

The Auditor 3 classification encompasses journey-level duties and describes positions such as Appellant's. Auditor 3's independently conduct audits of practitioners' records to determine compliance with medical aid rules and fee schedules and educate providers of their industrial insurance billing responsibilities. Appellant functions independently and is responsible for researching, prioritizing, selecting and targeting providers for potential fraud and auditing their records for compliance. Appellant also evaluates the appropriate course of action for resolution, refers cases to the appropriate disciplinary authority and recommends full investigations. The scope of Appellant's duties and her level of responsibility are encompassed by the Labor and Industries Auditor 3 classification.

Conclusion. The appeal on exceptions by Appellant should be denied and the Director's determination dated October 27, 1999, should be affirmed and adopted.

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ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal on exceptions by Appellant is denied and the Director's determination dated October 27, 1999, is affirmed and adopted. A copy is attached.

DATED this _____ day of _____, 2000.

WASHINGTON STATE PERSONNEL APPEALS BOARD

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Walter T. Hubbard, Chair

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Leana D. Lamb, Member