BEFORE THE PERSONNEL APPEALS BOARD

STATE OF WASHINGTON

VELMA REDWINE, Appellant, v. DEPARTMENT OF EMPLOYMENT SECURITY, Respondent.	Case No. ALLO-99-0011 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; GERALD L. MORGEN, Vice Chair; and LEANA D. LAMB, Member, on Appellant's exceptions to the Director's determination dated April 2, 1999. The hearing was held on February 2, 2000, in the Personnel Appeals Board hearing room in Olympia, Washington.

Appearances. Appellant Velma Redwine was present and was represented by Evelyn Gerschen, Area Representative for the Washington Federation of State Employees (WFSE). Respondent Employment Security Department (ESD) was represented by Jill Schwenke, Personnel Officer.

Background. Effective November 12, 1997, Appellant's position was reallocated from the Job Service Specialist (JSS) 3 classification to the JSS 4 classification as a result of changes in duties and responsibilities due to the new WorkFirst program. Respondent utilized WAC 356-10-050(1) to determine Appellant's appointment status and required Appellant to compete for the position because she had not been performing the higher level duties for one year. Appellant appealed that decision to the Department of Personnel. The Director's determination was issued on April 2, 1999.

The Director concluded that prior to November 12, 1997, Appellant's position was properly allocated to the JSS 3 classification. On May 3, 1999, Appellant filed exceptions to the Director's determination with the Personnel Appeals Board.

Specifically, Appellant takes exception to the director's findings that:

- training type activities were a very minor part of the overall services she provided to clients;
- making referrals to training was not the intent or focus of her work with two-parent households;
- she did not manage a caseload of clients that participated in at least two different training activities a majority of the time; and
- her position was properly allocated to the JSS 3 classification prior to November 12, 1997.

Summary of Appellant's Argument. Appellant argues that prior to November 12, 1997 she was responsible for a caseload consisting of two-parent households. Appellant asserts that she provided assessment and orientation for clients and that she referred clients to training whenever training was needed. The goal of Appellant's work was to find employment for the clients and to assist the client in becoming self-sufficient. This goal was accomplished through providing various services including referring clients to training and job readiness programs. Appellant contends that she was not limited to the type of training referrals she could make for clients and asserts that the clients she referred to training participated in at least two different training activities as required for allocation to the FSS 4 level. Therefore, Appellant contends that her position should be reallocated to JSS 4 under the provisions of WAC 356-10-050(2).

Summary of Respondent's Argument. Respondent contends that prior to November 12, 1997 Appellant's position was responsible for the JOBS Program. The JOBS Program was replaced by

the WorkFirst program which resulted in a change in the duties and responsibilities of Appellant's position. Respondent contends that prior to the change in duties and responsibilities, Appellant's position was best described by the JSS 3 classification. Respondent asserts that under the JOBS Program, the focus of Appellant's position was job referral and placement and that training referrals were limited to WEX work site assignments. Respondent argues that Appellant did not manage a caseload of clients that participated in at least two different training activities a majority of the time. Therefore, because Appellant was not performing higher level duties a majority of the time prior to November 12, 1997, Respondent asserts that the reallocation of Appellant's position fell under the provisions of WAC 356-10-050(1).

Primary Issue. Whether the Director's determination that Appellant's position was properly allocated to the JSS 3 classification prior to November 12, 1997 should be affirmed.

Relevant Classifications. Job Service Specialist 3, class code 30130, and Job Service Specialist 4, class code 30160.

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).

WAC 356-10-050 provides how employees are affected by the upward reallocation of their positions. Under section 1, the employee must compete for the position if the reallocation is the result of recent or impending changes in the duties and responsibilities of the position. Under section 2, the employee retains permanent status in the position if the reallocation is the result of the employee performing duties of a higher level classification for over one year. The question here is whether Appellant was performing the duties and responsibilities of a JSS 3 for one year prior to November 12, 1997.

This case presents an unusual set of circumstances. Appellant's former duties no longer exist and complete documentation of the work she formerly performed is no longer available. However, the record includes letters from the Central Area Motivation Program and from the YWCA that support Appellant's argument that she referred clients to multiple programs. Furthermore, documents in the record indicate that Appellant referred clients for job skills training in addition to work experience.

The director determined that "[t]o be allocated to the JSS 4, an incumbent must manage a caseload of clients that participate in at least two different training activities and are provided a form of supportive services." Prior to November 12, 1997, Appellant provided supportive services to a caseload of clients from two-parent households. As a result of Appellant's referral, some of these clients participated in various training and development activities. Appellant provided counseling, assessment and basic testing, job search workshops, individual job development, and job referrals for clients. She assisted clients with support services such as bus pass disbursements, travel reimbursements, and other social service needs. We find that these duties and responsibilities are encompassed by the distinguishing characteristics of the JSS 4 classification. While a majority of Appellant's duties may not have involved referring clients to two different training activities, training is only one component of JSS 4 classification. The overall duties and responsibilities of Appellant's position were comparable to the overall level of duties and responsibilities

encompassed by the JSS 4 classification. Therefore, on a best fit basis, Appellant's position should have been allocated to the JSS 4 classification under the provisions of WAC 356-10-050(2).

Conclusion. The appeal on exceptions by Appellant should be granted and her position should be reallocated to the Job Service Specialist 4 classification under the provisions of WAC 356-10-050(2). The determination of the Director, dated April 2, 1999, should be reversed.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal on exceptions by Appellant is granted, the determination of the Director, dated April 2, 1999, is reversed, and her position is reallocated to the Job Service Specialist 4 classification, effective November 12, 1997, under the provisions of WAC 356-10-050(2).

DATED this _____ day of _____, 2000.

WASHINGTON STATE PERSONNEL APPEALS BOARD

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Walter T. Hubbard, Chair

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Gerald L. Morgen, Vice Chair

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Leana D. Lamb, Member