BEFORE THE PERSONNEL APPEALS BOARD

STATE OF WASHINGTON

DENNIS HOFFER, Appellant, v. DEPARTMENT OF LABOR AND INDUSTRIES, Respondent.	))))))))))	Case No. ALLO-99-0007 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, NATHAN S. FORD JR., Member, on Appellant's exceptions to the Director's determination dated March 3, 1999. The hearing was held at the office of the Personnel Appeals Board in Olympia, Washington, on September 22, 1999. GERALD L. MORGEN, Vice Chair, reviewed the record, including the file, exhibits, and the entire taped proceedings, and participated in the decision in this matter. WALTER T. HUBBARD, Chair, did not participate in the hearing or in the decision in this matter.

Appearances. Appellant Dennis Hoffer was present and appeared *pro se*. Respondent Department of Labor and Industries (L&I) was represented by David Cahill, Personnel Analyst with the Department of Personnel, and Sandy LaPalm, Human Resource Representative.

Background. Appellant requested a reallocation of his position by submitting a classification questionnaire (CQ) to his supervisor and to the Department of Personnel (DOP). Dave Cahill of DOP, conducted a review of Appellant's position. Mr. Cahill determined that Appellant's position was properly allocated to the Industrial Insurance Underwriter 3 classification.

Appellant appealed Mr. Cahill's decision to the Director of the Department of Personnel. The Director's designee, Mary Ann Parsons, conducted an allocation review of Appellant's position. By letter dated March 3, 1999, Ms. Parsons determined that Appellant's position was properly allocated. On April 5, 1999, Appellant filed timely exceptions to the Director's determination with the Personnel Appeals Board. Appellant's exceptions are the subject of this proceeding.

In summary, Appellant disagrees with the Director's determination and asserts that the Director's designee erred by finding that:

- Less than 60 percent of his duties are consistent with the duties performed by other positions allocated to the Computer Information Consultant (CIC) 2 classification.
- The primary intent of his position is not related to the testing, repair, development and service delivery of the LINIIS mainframe computer system.
- The intent of the Industrial Insurance Underwriter 3 – Technical classification is to provide training.
- A majority of his duties are best described by the Industrial Insurance Underwriter 3 – Technical classification.

Summary of Appellant's Argument. Appellant argues that his position should be reallocated to the CIC 2 classification. Appellant contends that while he provides some training to underwriters, the focus of his position and the majority of his duties include providing support to the operation of the LINIIS mainframe computer system. Appellant contends that the majority of his duties do not involve training underwriters, therefore, his position is improperly allocated to the Industrial Insurance Underwriter 3 classification.

Summary of Respondent's Argument. Respondent argues that Appellant's position best fits the Industrial Insurance Underwriter 3 classification because the definition for the class specifically encompasses positions that serve as technical specialists for training underwriters. Respondent contends that when a classification definition specifically includes a particular position, the position should be allocated to that classification rather than to a more generic classification. Respondent

also contends that a position should be allocated based on the definition of the class, not on the typical work statements for the class. In addition, Respondent contends that CIC positions do not specifically train underwriters but that Industrial Insurance Underwriter 3 positions do. Respondent asserts that Appellant's position is best described as a technical consultant specializing in training underwriters to perform underwriter duties using the LINIIS computer system. Therefore, Respondent contends that Appellant's position is properly allocated.

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 Computer Information Consultant 2, class code 03700.

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).

When there is a class definition that specifically includes a particular assignment and there is a general classification that has a definition which could also apply to the position, the position will be allocated to the class with the definition that includes the position. Mikitik v. Dep'ts of Wildlife and Personnel, PAB No. A88-021 (1989).

The definition for the Industrial Insurance Underwriter 3 classification includes, in part, positions that "serve as a technical specialist for training staff on all industry levels, functional applications, program operations, policy and procedure development, and litigation." (Emphasis added.) The distinguishing characteristics for the class state, "[p]ositions at his level underwrite and manage the policies for Level 3 complexity industries." While Appellant does participate in training underwriters, the training component of his position does not encompass a majority of his duties. Furthermore, the training he provides is specific to the use and operation of the LINIIS computer system. Appellant's position is not best described by the Industrial Insurance Underwriter 3 classification.

The definition for the CIC 2 classification describes positions that typically specialize in "technical support of services intended for nondata processing professionals, plans for agency/division/unit data processing requirements and/or user support functions such as acquisitions, training, publications and coordinating service delivery." Appellant's position is described by this definition. The focus of Appellant's position is to provide training to underwriters in the use and operation of the LINIIS computer system. The distinguishing characteristics for the CIC 2 class describe positions that work within a data processing organization. Although Appellant does not work within a data processing organization, the scope of his technical support and training duties meet

the definition for the class and are in keeping with the intent of this classification. Therefore, the CIC 2 classification best describes Appellant's position.

Conclusion. The appeal on exceptions by Appellant should be granted and his position should be reallocated to the Computer Information Consultant 2 classification. The determination of the Director, dated March 3, 1999, should be reversed.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal on exceptions by Appellant is granted and the determination of the Director, dated March 3, 1999, is reversed.

DATED this _____ day of _____, 1999.

WASHINGTON STATE PERSONNEL APPEALS BOARD

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Gerald L. Morgen, Vice Chair

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Nathan S. Ford Jr., Member