BEFORE THE PERSONNEL APPEALS BOARD

STATE OF WASHINGTON

BARBARA DULMAN, WILLIAM LOVELACE, and PETER TASSONI, Appellants, v. DEPARTMENT OF SOCIAL AND HEALTH SERVICES, Respondent.	Case Nos. ALLO-00-0029, ALLO-00-0030 & ALLO-00-0031 ORDER OF THE BOARD FOLLOWING HEARING ON EXCEPTIONS TO THE DETERMINATIONS OF THE DIRECTOR

Hearing on Exceptions. Pursuant to RCW 41.64.060 and WAC 358-01-040, these appeals came on for consolidated hearing before the Personnel Appeals Board, LEANA D. LAMB, Member. The hearing was held on March 27, 2001, in the Personnel Appeals Board hearing room in Olympia, Washington. GERALD L. MORGEN, Vice Chair, reviewed the record and participated in the decision in these matters. WALTER T. HUBBARD, Chair, did not participate in the hearing or in the decision.

Appearances. Appellants Barbara Dulman, William Lovelace, and Peter Tassoni were present and were represented by Michael Hanbey, Attorney at Law of Ditlevson, Rodgers, Hanbey and Dixon, P.S. Respondent Department of Social and Health Services (DSHS) was represented by Pam Pelton, Classification and Compensation Manager.

Background. As a result of a class study, the Washington State Personnel Resources Board (PRB) adopted revisions to the information technology classes. The classifications and salaries were adopted effective July 1, 1999. Appellants' positions were reallocated to the new Information Technology Systems Applications (ITAS) 3 classification, effective July 1, 1999. Reggie Taschereau, Personnel Manager, informed Appellant Dulman and Appellant Tassoni of their

reallocations by letters dated June 30, 1999. Mr. Taschereau informed Appellant Lovelace of his reallocation by letter dated July 15, 1999.

By letter dated August 9, 1999, Appellant Dulman appealed to the Director of the Department of Personnel (DOP). By letter dated July 21, 1999, Appellant Lovelace appealed to the Director of DOP. By letter dated August 6, 1999, Appellant Tassoni appealed to the Director of DOP. Appellants requested that their positions be reallocated to the Information Technology Applications Specialist (ITAS) 4 classification.

On June 19, 2000, the DOP Director's designee, Robert Murff, conducted allocation reviews of Appellants' positions. By letters dated July 21, 2000, Mr. Murff determined that Appellants' positions were properly allocated to the ITAS 3 classification. On August 1, 2000, Appellants appealed the Director's determinations to the Personnel Appeals Board. On August 16, 2000, Appellants provided their specific exceptions. Appellants' exceptions are the subject of these proceedings.

Appellants work in Respondent's Finance Division Information Technology Office. Appellants are responsible for the division's LAN Applications Unit and perform functions that impact the division. Appellant Dulman is assigned responsibility for OAS warrants, the NATURAL program, UNISIS, and change interface activities that impact the division. Appellant Lovelace is assigned responsibility for COBAL programming on the IBM mainframe, 1099/W2 client server tools, UNISIS, and tax system activities that impact the division. Appellant Tassoni is assigned responsibility for UNIVAC and DOS system support, Consumable Inventory System activities, and the maintenance of dumb terminals that impact the division.

Summary of Appellants' Argument. Appellants contend that Respondent utilized a CQ process that was in violation of the DOP and merit system procedures; that Respondent failed to implement salary increases approved by SSB 6767 before allocating Appellants' positions; that Respondent

failed to apply the allocation "cross-walk" intended to be used in conjunction with the new information technology classes; and that the agency applied arbitrary, agency-dependent allocation criteria contrary to the intent of civil service management principles and the intent of the PRB. Appellants also contend that the director's designee failed to fully consider the evidence they presented at the review hearing and disagree with his finding that the intent of the class study was to enhance the discretion permitted to agencies through delegated allocation decision-making authority. Appellants argue that they are technical specialists, that they work with major applications, projects and database management systems that impact multiple functions, and that their positions should be allocated to the ITAS 4 classification.

Summary of Respondent's Argument. Respondent argues that the process used to update Appellants' CQs ensured that the duties of their positions were accurately described and that Appellants did not dispute the CQs. Respondent asserts that the class specifications and salary increases were adopted by the PRB to be effective on July 1, 1999 which is the effective date that the agency used for implementing Appellants' reallocations. Respondent asserts that the "cross-walk" document was a guideline provided by DOP and was not an allocating criteria adopted by the PRB. Respondent contends that the agency has delegated allocating authority and that they interpret and apply the specifications in a manner consistent with the intent of the PRB. Respondent further contends that the purpose of the class study was to update the specifications to reflect current duties and responsibilities, to relieve recruitment and retention problems, and to give each agency flexibility in the use of the classes. Respondent argues that Appellants work solely in support of the Financial Division which is not a major, mission-critical division and that their duties and responsibilities are not critical to the fulfillment of the agency's overall mission. Rather, Respondent asserts that Appellants support a moderate function that provides support to the agency's critical mission. Therefore, Respondent argues that Appellants' positions are properly allocated to the ITAS 3 classification.

Primary Issue. Whether the Director's determination that Appellants' positions were properly allocated to the Information Technology Applications Specialist 3 classification should be affirmed.

Relevant Classifications. Information Technology Applications Specialist 3, class code 03293, and Information Technology Applications Specialist 4, class code 03294.

Decision of the Board. Appellants' exceptions raise a number of issues that are outside of the allocation process. For example, Appellants' challenge the intent and process used for implementation of the class study and resulting salary increases, and challenge the criteria used by the agency in making their allocation decisions. These issues fall outside of the purpose of an allocation review which is to determine which classification best describes the overall duties and responsibilities of Appellants' 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).

Position allocations are "based upon an investigation of duties and responsibilities assigned and/or performed and other information and recommendations." (WAC 356-20-200). To assist agencies with implementing the class study, DOP created a "cross-walk" guideline. This document is not, nor was it intended to be, an allocating criteria for the Information Technology Class Study.

Because a current and accurate description of a position's duties and responsibilities is documented in an approved classification questionnaire, the classification questionnaire becomes the basis for allocation of a position. An allocation determination must be based on the overall duties and responsibilities, as documented in the CQ. Jacobson v. Dept of Ecology, PAB No. ALLO 99-0004 (2000).

In this case, the CQs were changed after Appellants completed them. Subsequent to the changes, Appellant's signed the CQs. While we do not support using a CQ that has not been completed by an incumbent to allocate a filled position, in this case, Appellants have failed to show that the CQs used to allocate their positions did not describe their duties and responsibilities.

In determining the proper allocation of Appellants' positions, we have considered the duties and responsibilities assigned and/or performed by Appellants in comparison to the existing classification specifications. Although we are not basing our decision here on the allocating criteria developed by the agency, their criteria appears to be consistent with the intent of the language adopted by the PRB.

At the ITAS 4 level, incumbents perform senior, professional level duties with a focus on system specific applications, rather than agency-wide applications, and are responsible for "multiple applications of moderate size/complexity or a large, major application that is vital to program delivery." In addition, incumbents are required to have an awareness of impact across business units.

The majority of Appellants' duties and responsibilities, as described in their approved CQs, do not meet the scope or breadth of impact described by the ITAS 4 classification. Appellants' duties and responsibilities are confined to a single division of the agency and do not require an awareness of impact across business units. Furthermore, Appellants are not responsible for multiple or large, moderately complex applications as intended to be encompassed at the ITAS 4 level.

In relevant part, at the ITAS 3 level, incumbents are journey level professionals who are responsible for moderate risk applications that impact one division. Incumbents resolve complex problems and have an operational knowledge of customers' day-to-day business activities.

Appellants' positions are best described by the ITAS 3 classification. They are responsible for moderate risk applications that impact approximately 250 staff of the financial division. Appellants consult with staff, define and resolve problems, maintain data, test data software, and assist in responding to the training needs of staff. These duties and responsibilities are encompassed by the ITAS 3 classification.

Conclusion. Appellants' appeals on exceptions should be denied and the determinations of the Director, dated July 21, 2000, should be affirmed.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeals on exceptions by Appellants are denied and the Director's determinations, dated July 21, 2000, are affirmed and adopted. Copies are attached.

DATED this _____ day of _____, 2001.

WASHINGTON STATE PERSONNEL APPEALS BOARD

_____
Gerald L. Morgen, Vice, Chair

_____
Leana D. Lamb, Member