BEFORE THE PERSONNEL APPEALS BOARD

STATE OF WASHINGTON

MICHELLE ELLING, Appellant, v. DEPARTMENT OF ECOLOGY, Respondent.	Case No. ALLO-98-0017 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, HOWARD N. JORGENSON, Chair; WALTER T. HUBBARD, Vice Chair; and NATHAN S. FORD JR., Member, on Appellant's exceptions to the Director's determination dated September 23, 1998. The hearing was held at the office of the Personnel Appeals Board in Olympia, Washington, on February 16, 1999.

Appearances. Appellant Michelle Elling was present and appeared pro se. Respondent Department of Ecology (ECY) was represented by Allen Jacobs, Personnel Officer.

Background. Appellant requested a reallocation of her position by submitting a classification questionnaire (CQ) to the ECY Employee Services Office on April 30, 1997. Allen Jacobs conducted a review of Appellant's position. Mr. Jacobs determined that Appellant's position was properly allocated to the Environmental Specialist 3 classification.

On November 17, 1997, Appellant appealed Mr. Jacobs' 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 September 23, 1998, Ms. Parsons determined that Appellant's position was properly allocated. On October 19, 1998, Appellant filed timely exceptions to the

Director's determination with the Personnel Appeals Board. By letter dated November 6, 1998, Appellant provided the Board with specific information related to her exceptions, including a copy of a CQ she and her supervisor signed on February 17, 1998. Appellant's exceptions are the subject of this proceeding.

In summary, Appellant takes exception to the finding that written designation as a senior specialist or agency expert is required for allocation to the Environmental Specialist 4 and the Chemist 3 and 4 classifications and that regardless of the duties that she performs, without such written designation, her position cannot be reallocated to one of those classifications.

Summary of Appellant's Argument. Appellant contends that the Director's decision was in error based in part on the vagueness and lack of understanding of what permit writers do. Appellant argues that her classification questionnaire and her performance evaluations refer to her as a specialist and program expert on chemical analyses and processes. Appellant asserts that the complexity of her duties and level of her responsibilities are comparable to other positions in her unit that perform permit work and that have been given written designation as experts in their areas. Appellant further asserts that even though her CQ does not specifically state that she is responsible for complex permit applications, a review of her work assignments, such as the Sol-Pro, Inc. facility permit review, shows that she is assigned and performs work on complex permit applications. Appellant argues that she is required to use her expertise in chemistry to review permit applications and that she is assigned certain permit application reviews specifically because of her expertise. Appellant contends that her position should be reallocated to the Chemist 4 classification and that the agency should be required to designate her as an expert in the area of chemistry.

Summary of Respondent's Argument. Respondent argues that based on the majority of the work described in Appellant's CQ and because she has not been designated as an expert, her position best

fits the Environmental Specialist 3 classification. Respondent asserts that the focus of Appellant's position is to review application permits and that she spends a majority of her work time performing activities related to the permit function, including assisting other staff in reviewing waste analyses plans. While Respondent acknowledges that some of Appellant's duties require her to use her experience and knowledge of chemistry, the majority of her permit review assignments are not complex in nature and do not require her to utilize her expertise in the area of chemistry. Therefore, Respondent contends that the majority of Appellant's duties and responsibilities are best described by the Environmental Specialist 3 classification.

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

Relevant Classifications. Environmental Specialist 3, class code 62970; Environmental Specialist 4, class code 62980; Chemist 3, class code 53830; and Chemist 4, class code 53840.

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).

Appellant works in the Hazardous Waste Permits Unit of the Hazardous Waste and Toxics Reduction Program within the Department of Ecology. She was hired into her position because she

had experience in laboratories and expertise in chemistry. Appellant reports directly to the Unit Supervisor. The Unit Supervisor reports to the Program Manager.

Appellant raised concerns about how the classification questionnaire for her position was completed. The Board does not support using a CQ that has not been completed by an incumbent to allocate the incumbent's position. However, we have carefully reviewed the CQ signed by Appellant on September 23, 1996 and the CQ signed by her supervisor on July 7, 1997. The duties described in these CQ are similar in the nature and scope of responsibility assigned to Appellant's position. Allocation decisions should be based on the CQ in place at the time of an employee's request for reallocation. Because there appears to be a dispute over whether the CQ completed by Appellant or the CQ completed by her supervisor is more accurate, we have considered both of the CQs.

With her exceptions, Appellant included a CQ that she and her supervisor signed on February 17, 1998. The February 17, 1998, CQ appears to be the current CQ for Appellant's position and should be used for the current allocation of her position. However, because it is the current CQ, it should not be used for determining what the appropriate allocation of her position was in April 1997. We encourage Respondent and Appellant to mutually review the February 17, 1998, CQ and ensure that it accurately describes Appellant's position.

The definition of the Environmental Specialist 4 classification describes positions functioning as senior staff environmental specialists and requires an incumbent to be given written designation as a section expert by a program manager, assistant secretary, equivalent or higher. In addition, the definition requires incumbents to be "assigned projects that are a high priority for the program" and requires incumbents to train and mentor junior staff or to manage all of the environmental regulatory and analysis functions of an agency. Appellant is a senior staff environmental specialist

who acts as a technical expert on chemical analyses and processes in reviewing generated wastes and treatment plans and in providing guidance on chemical test methods. However, based on the information in Appellant's CQ, she does not perform duties requiring her to utilize her technical expertise in chemical analyses and processes a majority of the time and she has not been given the appropriate written designation. Therefore, allocation to the Environmental Specialist 4 classification is not appropriate.

The definitions for the Chemist 3 and 4 classifications describe specialist positions and require written designation by a deputy director level or designee as the agency's authority in a specialty area of chemistry. Appellant's chemistry related duties and responsibilities are limited in scope and she has not been given the appropriate written designation. In addition, these classifications do not encompass the majority of her work which deals with permit applications. Therefore, allocation to the Chemist 3 or 4 classification is not appropriate.

The definition of the Environmental Specialist 3 classification best describes the overall scope of duties and level of responsibility of Appellant's position. Appellant independently functions as a staff environmental specialist. She assesses compliance status under newly-issued permits and prepares and reviews enforcement actions involving her assigned TSD facilities. She reviews plans and assists others in evaluation of waste analysis plans and evaluation of TSD laboratories. She conducts field and office work, assembles, evaluates and analyzes information in the development and review of hazardous waste facility permit applications. These duties encompass a majority of Appellant's assignments and are specifically addressed in the definition of the Environmental Specialist 3 classification which includes performing the functions of: compliance and enforcement; development, performance, coordination, implementation and evaluation of scientific analyses, plans or services involving office or field projects; gathering and analyzing information to develop recommendations and make decisions; and developing, reviewing and overseeing permit

functions. Some of the duties Appellant performs are also described by other classifications. However, positions are allocated to the classification that best describes the overall scope of duties and the breadth and level of responsibilities assigned to a position as a whole. On a best fit basis, Appellant's position should be allocated to the Environmental Specialist 3 classification.

Appellant argues that her position is comparable to and should be allocated similar to other positions in her unit. 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).

Appellant has failed to show that a preponderance of her duties and responsibilities fall within the Environmental Specialist 4, Chemist 3 or Chemist 4 classifications. Therefore, her position should remain allocated to the Environmental Specialist 3 classification.

Conclusion. The appeal on exceptions by Appellant should be denied and the Director's determination, dated September 23, 1998, 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 September 23, 1998, is affirmed and adopted. A copy is attached.

DATED this _____ day of _____, 1999.

WASHINGTON STATE PERSONNEL APPEALS BOARD

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Howard N. Jorgenson, Chair

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Walter T. Hubbard, Vice Chair

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Nathan S. Ford Jr., Member