BEFORE THE PERSONNEL APPEALS BOARD

STATE OF WASHINGTON

DAVE BUTLER and CYNTHIA EDWARDS, et. al., Appellants, v. EMPLOYMENT SECURITY DEPARTMENT, Respondent.	Case No. ALLO-00-0033 & ALLO-00-0035 ORDER OF THE BOARD FOLLOWING HEARING ON EXCEPTIONS TO THE DETERMINATION OF THE DIRECTOR

Hearing on Exceptions. These appeals came on for hearing before the Personnel Appeals Board, WALTER T. HUBBARD, Chair, and LEANA LAMB, Member, on Appellants' exceptions to the Director's determinations dated July 14, 2000. The hearing was held at the office of the Personnel Appeals Board in Olympia, Washington, on November 29, 2001. GERALD L. MORGEN, Vice Chair, did not participate in the hearing or in the decision in this matter.

Appearances. Larry Goodman, of Larry Goodman and Associates L.L.C, represented Appellants Dave Butler, Jeffrey Hiroo, Marilyn Meeds, Cynthia Edwards, David Karnofski, Sherry Stintzi, Jamie Watts, Charlotte White and Ruby Wilson-Cox. Ellen Freeman, Human Resource Consultant, represented Respondent Employment Security Department.

Background. Appellants Dave Butler and Marilyn Meeds are allocated to the class of Employment Security Program Coordinator 2; Appellants are requesting that their positions be allocated to the class of Information Technology Applications Specialist (ITAS) 3. Appellants Cynthia Edwards, David Karnofski, Sherry Stinzi, Jamie Watts, Charlotte White, Ruby Wilson-Cox and Jeffrey Hiroo

are allocated to the class of Employment Security Program Coordinator (ESPC) 3; Appellants are requesting that their positions be allocated to the class of Information Technology Applications Specialist 4.

Appellants work in the Unemployment Insurance Systems Liaison Unit. Appellants work with the GUIDE application, a mission critical, highly visible and a major complex computer application in the Employment Security Department. The application is a large scale, on-line unemployment insurance benefits system that issues benefits to approximately 70,000 unemployed workers per week. Approximately 600 Employment Security employees use the system.

On June 30, 1999, Appellants submitted classification questionnaires (CQs) requesting reclassification from the ESPC series to the Computer Information Consultant series.

Subsequent to Appellants' reallocation requests, the Washington State Personnel Resources Board adopted revisions to the information technology (IT) classes. The new classifications became effective July 1, 1999. As a result, numerous positions allocated to the Computer Information Consultant (CIC) 2 level were transitioned to the class of Information Technology Applications Specialist 3 and numerous positions allocated to the CIC 3 level were transitioned to the Information Technology Applications Specialist 4 classification.

Based on Appellants' June 30, 1999 request, Carol Rembaugh, ESD Human Resources Manager, conducted classification reviews of Appellants' positions. Because the new information technology classes did not exist on June 30, Ms. Rembaugh looked at the CIC series. By separate letters dated January 31, 2000, Ms. Rembaugh notified each of the Appellants that their positions were properly allocated to their current ESPC classifications.

Appellants subsequently appealed Ms. Rembaugh's determination to the Department of Personnel. Paul Peterson, Personnel Hearings Officer/Director's Designee, conducted informal reviews on the appeals. On July 14, 2000, Mr. Peterson issued a combined letter to Appellants Butler, Hiroo and Meeds stating that their positions were properly allocated to the ESPC 2 classifications. On August 11, 2000, Appellants filed their exceptions to the determination of the director's designee (PAB Case No. ALLO-00-0033). Mr. Peterson also issued a combined letter dated July 14, 2000 to Appellants Edwards, Karnofski, Stintzi, Watts, White and Wilson-Cox stating that their positions were properly allocated to the ESPC 3 classifications. On August 11, 2000, Appellants filed exceptions to the determination of the director's designee (PAB Case No. ALLO-00-0035).

Summary of Appellants' Argument. Appellants argue that they should have been classified to the CIC series prior to the adoption of the new technology series. Appellants argue that the designee erred when he made a determination of their classifications without reviewing their CQs or comparing the duties they were performing to the job specifications. Therefore, Appellants argue that the designee failed to answer the fundamental question of whether they were appropriately classified to begin with. Appellants argue that if they had been properly classified prior to July 1, 2000, their positions would have been transitioned to the new ITAS series. Appellants assert that the designee failed to look at whether or not the information technology series fit and further erred when he concluded that the majority of their work involved "business functions" as opposed to "technical functions." Appellants assert that with the exception of two typical work tasks, the majority of the work they perform is not described by the ESPC specifications.

Appellants assert that the designee incorrectly relied on the opinion of Thomas Bynum, the IT Director and a participant in the IT study, as the primary source of management reference for the work they perform. Appellants assert that Mr. Bynum believed that they did not possess the skill-

set necessary to function as generic IT specialists outside of their program spheres, contrary to their immediate supervisor's opinion, who concurred they are performing duties outside of their current classifications. Appellants assert that Mr. Bynum, who works in a different division, is neither their manager nor supervisor, does not assign their work, and does not have a specific knowledge about the work they perform. Appellants assert that the preponderance of duties they perform are best described by the ITAS series.

Summary of Respondent's Argument. Respondent argues that when it reviewed Appellants' positions, the allocating criteria in the Computer Information Consultant series excluded business positions, such as those held by Appellants. Therefore, Respondent argues that it correctly determined that Appellants did not meet the criteria for allocation to the CIC series. Respondent asserts that Appellants perform business functions with a focus on consulting with others, rather than performing technology functions. Respondent argues that the intent of the new IT series is technical in nature which means that the incumbent in the position must be engaged in mechanical or scientific pursuit such as designing systems, building soft/hardware and wide area network, performing repairs and enhancement. Respondent contends that while Appellants' CQs are written to fit the specifications for the ITAS series, in actuality, the work they perform is different than the work performed by information technology professionals.

Respondent argues that while Appellants have been trained to work with information technology employees and understand "techie" language, the focus of their work is to function as a liaison between the information technology professionals and the end users of their system. Respondent argues Appellants are responsible for interpreting new laws or revision, consulting with the end users about what their needs are, and then working with information technology staff to have the system programmed to perform those functions within the new guidelines. Respondent argues that once information technology staff develops the software, Appellants are responsible for testing the

systems to ensure that the software/hardware are operating correctly and are in compliance with federal and state laws. Respondent argues that these responsibilities are found within ESPC series and that Appellants' positions are correctly allocated.

Primary Issue. Whether the director's determinations that Appellants are properly allocated to the Employment Security Program Coordinator 2 and 3 classifications should be affirmed.

Relevant Classifications. Employment Security Program Coordinator 2, class code 30210; Employment Security Program Coordinator 3, class code 30220; Information Technology Applications Specialist 3, class code 03291; Information Technology Applications Specialist 4, class code 03294.

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 that best describes the overall duties and responsibilities of the position. Liddle-Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

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). Appellants' supervisor, Sherry Woods, Manager of the UI Systems Liaisons, concurred

with the description of the duties described in Appellants' CQs. However, the department head disagreed with the statements contained in the CQs, stating that the focus of Appellants' positions was on the "business" aspects, rather than the "technical" aspects, of the GUIDE system. The department head wrote, "The majority of your time is not devoted to performing the system analysis and programming skills for which the ITAS classes were created." The department head, however, failed to provide any specific examples of factual errors in the CQs. Therefore, in determining the proper allocation of Appellants' positions, we have given considerable weight to the concurrence of Appellants' supervisor that the duties and responsibilities described in the CQs are current and accurate. Furthermore, we have compared these duties and responsibilities to the existing classification specifications.

Appellants Butler & Meeds, ESPC 2s:

The definition in the specification for the ES Program Coordinator 2, reads, in relevant part, that the incumbent "within the Unemployment Insurance Program, provides policy analysis, and program planning, develops and provides technical program training and assistance and/or monitors program compliance with federal and state standards" Typical work includes planning, designing and implementing a variety of employment and training, unemployment insurance programs and discretionary projects statewide; program monitoring; preparing reports to evaluate program compliance and performance; developing and evaluating budgets, grants and requests for proposals in compliance with federal and state legislations, regulations, provisions and agency policy; and preparing and presenting information on agency programs to employers, unions, clients, etc.

The incumbent allocated to the ITAS 3 classification "independently performs analysis, consulting, designing, programming, maintenance and/or support work for moderate risk applications, support products, projects, databases ... that impact one division, large work group or single business function." In relevant part, at the ITAS 3 level, incumbents are journey-level professionals who

resolve complex problems and have an operational knowledge of customers' day-to-day business activities. The typical work performed at this level is not intended to be all inclusive but rather representative of the level of duties/responsibilities carried by the job class, including consulting with customers; defining problems; determining needs and solving problems independently; supporting, maintaining and enhancing existing applications; and coordinating design/maintenance and testing.

Appellants' positions go beyond the ESPC 2 classification and are best described by the ITAS 3 classification. Appellants are journey-level professionals providing technical program assistance for the GUIDE system that impacts approximately 600 employees of the Employment Security Department. Appellants consult with staff, unemployment insurance business representatives, information technology staff, system users and external entities to define and resolve problems, design, construct, test and implement data software. Appellants analyze business procedures, policies and concepts surrounding new system enhancements, including interpretation of complex legislative rules, state and federal regulations that relate directly to supporting the administration of state and federal unemployment insurance programs. Appellants have an operational knowledge of their customers' day-to-day business and they monitor programs to ensure compliance with federal and state standards. In performing their overall duties and responsibilities, Appellants perform some ESPC 2 duties. However, the technical support that Appellants provide to their customers goes beyond that intended to be encompassed by this classification. Therefore, Appellants' positions are best described by the ITAS 3 classification.

Appellants Edwards, Karnofski, Stintzi, Watts, White, Wilson-Cox and Hiroo, ESPC 3s:

The definition of an ESPC 3 reads, in relevant part, that the incumbent "serves as a management designated senior-level specialist within the ... Unemployment Insurance Programs and provides advanced level consultation or liaison to a variety of internal and/or external customers." At the

ESPC 3 level, typical duties include revaluating proposals for consistency with program objective and goals; analyzing, evaluating and recommending alternative courses of action for program operations; coordinating budget planning and preparation and determining allocation of funds; coordinating the design and development of program specific training; drafting legislation; coordinating the planning, designing, analyzing and implementation of statewide employment training and unemployment insurance programs; developing or coordinating input for a program planning process or preparation of grants and contracts; conducting and coordinating analysis of program procedures and policies; interpreting complex legislation, rules and regulations in the development of procedures and policies in the administration of state or federal programs; and acting as system liaison, designing and developing revisions to the Unemployment Insurance tax and payment systems required by changes in laws and policies; coordinating changes with information services staff and other agency staff.

At the ITAS 4 level, incumbents perform senior, professional level duties with a focus on multiple applications of moderate size/complexity or a large, major application that is vital to a program delivery. Staff at this level have advanced technical skills, such as a high degree of business consulting and they understand the business from the perspective of a senior business person and are conversant in the customer's business language. In addition, incumbents are required to have an awareness of impact across business units and the focus and responsibility of this level is usually system specific, not agency-wide. Typical work includes developing and testing specifications; supporting, maintaining and enhancing existing large, major applications; analyzing and resolving large complex problems; planning, analyzing and developing applications requirements, developing alternative solutions and making recommendations; and analyzing business needs.

Although Appellants' positions meet the definition of the ESPC 3 classification, we conclude that their positions are best described by the ITAS 4 classification. The majority of Appellants' duties

and responsibilities, as described in their CQs, meet the scope and breadth of impact described by the ITAS 4 classification. Appellants' duties and responsibilities are in support of the Central Administrative Office and require an awareness of impact across business units and they are conversant in the customer's business language. Appellants analyze their clients' needs and they develop specifications tests. Furthermore, Appellants are responsible for the GUIDE application, a mission critical, highly visible and major complex application, as intended to be encompassed at the ITAS 4 level. The professional level of consulting, technical support and maintenance and ongoing development of the GUIDE system goes beyond what is intended to be encompassed by the ESPC 3 classification.

Conclusion. The appeal on exceptions by Appellants Butler and Meed should be granted, the Director's determination dated July 14, 2000 should be reversed, and their positions should be reallocated to the Information Technology Applications Specialist 3 classification. The appeal on exceptions by Appellants Edwards, Karnofksi, Stinzi, Watts, White, Wilson-Cox and Hiroo should also be granted, the Director's determination dated July 14, 2000 should be reversed, and their positions should be reallocated to the Information Technology Applications Specialist 4 classification.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal on exceptions by Appellants Butler and Meed is granted, the Director's determination is reversed, and Appellants' positions are reallocated to the class of Information Technology Applications Specialist 3.

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IT IS FURTHER ORDERED that the appeal on exceptions by Appellants Edwards, Karnofksi, Stinzi, Watts, White, Wilson-Cox and Hiroo is granted, the Director's determination is reversed, and Appellants' positions are reallocated to the class of Information Technology Applications Specialist 4.

DATED this _____ day of _____, 2002.

WASHINGTON STATE PERSONNEL APPEALS BOARD

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Walter T. Hubbard, Chair

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Leana D. Lamb, Member