BEFORE THE PERSONNEL RESOURCES BOARD

STATE OF WASHINGTON

RISA KLEMME, Appellant, vs. DEPARTMENT OF CORRECTIONS, Respondent.	)	CASE NO. R-ALLO-10-004 ORDER OF THE BOARD FOLLOWING HEARING ON EXCEPTIONS TO THE DETERMINATION OF THE DIRECTOR

Hearing on Exceptions. This appeal came before the Personnel Resources Board, LAURA ANDERSON, Chair; DJ MARK, Vice Chair; and JOSEPH PINZONE, Member, for a hearing on Appellant's exceptions to the director's determination dated February 2, 2010. The hearing was held at the office of the Personnel Resources Board in Olympia, Washington, on June 2, 2010.

Appearances. Appellant Risa Klemme was present and represented herself *pro se.* Respondent Department of Corrections (DOC) was represented by Nichole Baker, Human Resources Consultant.

Background. Appellant is employed by the Department of Corrections at the Airway Heights Correction Center (AHCC) as an Administrative Assistant 4 (AA4). On September 8, 2008, Appellant and a number of employees in other AA4 positions submitted a reallocation request to the DOC Secretary. On October 16, 2008, Appellant completed a Position Description Form (PDF) and submitted a formal request to reallocate her position. Appellant asked that her AA4 position be reallocated to the Correctional Specialist 3 classification. By letter dated April 14, 2009, Respondent determined that Appellant's position was properly allocated to the AA4 classification.

On May 11, 2009, Appellant filed a request for a director's review of DOC's allocation determination. In her request for review, Appellant asked that her position be reallocated to the Program Manager B, the Corrections Specialist 3 or the Administrative Assistant 5 classification. By letter dated February 2, 2010, the director's designee determined that Appellant's position was

properly allocated to the AA4 classification. On March 3, 2010, Appellant filed exceptions to the director's determination. Appellant's exceptions are the subject of this proceeding.

Appellant works in a high-level administrative support position to the Superintendent of AHCC and serves as a member of the Executive Management Team. Appellant's assignments require her to interpret and explain applicable laws, rules, regulations, policies and procedures, to coordinate and monitor program activities, and to review/develop operational memorandums relevant to her assigned program areas. Appellant oversees institution-wide programs activities for public/media relations, non-property tort claims, ACA Accreditation and local audits, attorney visits, public disclosure, and records retention. In addition, she is the Superintendent's designee for Level II mail restriction appeals, reviews of Level II Grievances and Staff Conduct Grievances. She also schedules facility visits and tours for AHCC.

Summary of Appellant's Arguments. In summary, Appellant contends that she has program responsibilities for multiple programs. Appellant asserts that her program responsibilities include assuring that policies are followed, that program goals, objectives, timetables, and work plans are developed and that program functions are accomplished. She also assures that program priorities are set and adjusted as necessary and that program areas are evaluated for effectiveness. Appellant argues that she manages programs and functions as the facility's:

- audit coordinator which includes managing the audit program at AHCC and serving as a member of the statewide audit team.
- legal liaison including handling non-property tort claims which require her to produce independent work products with a high level of technical specificity. Appellant argues that her role as legal liaison carries a high level of liability for the facility.
- public information officer which requires her to have significant interactions with all types of media, to speak on behalf of the Superintendent, and to provide interviews under trying and stressful conditions such as escapes or other significant events.

Appellant asserts that like all managers at the facility and as outlined in various the operational memorandums, she has been delegated authority to act on behalf of the Superintendent within the scope of her job responsibilities. In addition, Appellant asserts that she functions as a second-level

supervisor and is responsible for providing strategic leadership and growth and development opportunities for her staff. Appellant contends that she performs work found in the Correctional Specialist 3 classification as well as the Program Manager B class. She also contends that her position description and the Administrative Assistant 5 (AA5) class have many similarities and that a comparison of her position to the typical work statements of the AA5 class illustrates these similarities. Appellant asks that her position be reallocated to a classification that best fits the level of her program management responsibilities, the technical specificity required to perform her assigned work, the level of independence she exercises, and the scope of authority delegated to her position.

Summary of Respondent's Arguments. Respondent argues that Appellant's primary responsibility is to act on behalf of the Superintendent to assure that policies and procedures are followed and that program activities are carried out at AHCC. Respondent asserts that Appellant serves as an assistant to the Superintendent and performs delegated duties such as coordinating, reviewing, disseminating and compiling documents, tracking assignments, serving as a conduit between facility staff and the Assistant Attorney General's office, coordinating public records requests and media contacts, coordinating the ACA audit process, and scheduling facility tours. Respondent acknowledges that Appellant works with a variety of DOC programs but contends that she works on the program components at AHCC only and not on programs in their entirety. For example, Respondent explains that Appellant's role as legal liaison for AHCC is a component of the work performed as part of the statewide DOC Risk Management Department and that the Risk Management Department acts as the expert for legal issues at the agency. Respondent further explains that Appellant's role as facility audit coordinator is to track and gather information from staff at the facility for the ACA audit process. Respondent explains that the goals and objectives of the audit and the standards and operating criteria that must be met by AHCC are set by the ACA. Respondent argues that in her roles as legal liaison and facility audit coordinator, the focus of Appellant's position is to gather and funnel information between facility staff and outside entities, not to manage an entire program. Respondent recognizes that Appellant coordinates functions that affect components of DOC

programs but argues that her position does not fit within the Program Manager B classification because management of the programs is done by staff at DOC headquarters. Respondent contends that Appellant's position does not fit within the Correctional Specialist 3 classification because she is not responsible for a DOC correctional program at the institution level within a correctional facility. Respondent contends that Appellant's position does not fit within the AA5 classification because she does not report to the level of management specified in the definition of the class; rather, she reports to a head of AHCC which is a major operating location of the agency as described in the AA4 classification. Respondent argues that on a best fit basis, Appellant's position should remain allocated to the AA4 classification.

Primary Issue. Whether the director's determination that Appellant's position is properly allocated to the Administrative Assistant 4 classification should be affirmed.

Relevant Classifications. Administrative Assistant 4, class code 105H; Administrative Assistant 5, class code 105I; Program Manager B, class code 107S, Corrections Specialist 3, class code 350C.

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. 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. See Liddle-Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

The following standards, in descending order, are the primary considerations in allocating positions:

- Class series concept (if one exists).
- Definition or basic function of the class.

- Distinguishing characteristics of a class.
- Class series concept, definition/basic function, and distinguishing characteristics of other classes in the series in question.

The class series concept for the Corrections Specialist classes states,

> Within the Department of Corrections, is responsible for various correctional programs as assigned, such as community service activities, institutional training, classification and treatment programs, offender grievances, institutional hearings, roster management for major institutions, contracted chemical dependency treatment services, deaf inmate program services, auditing of correctional programs, HQ intelligence and investigations, canine or; administers an investigative/intelligence operation at a major institution. Some positions may supervise lower level staff.

The definition of the Corrections Specialist 3 class states:

> This is the senior, specialist, or lead worker level of the series. Within the Department of Corrections, develops, coordinates, implements and/or evaluates various correctional program(s) as assigned. Prepares comprehensive reports and makes recommendations for management, identifies and projects trends, and monitors program expenditures for adherence to budgeted allocations. Positions in this class perform professional level duties covering one or more of the following correctional program areas: institutional training, CORE, COACH, offender grievances, institutional hearings (e.g., disciplinary, intensive management, administrative segregation), roster management for major institutions; administers an investigative/intelligence operation at a major institution, which may include other regional and community involvement.

Appellant is not responsible for a correctional program as anticipated by the class series concept for the Corrections Specialist classes. Rather, she coordinates components of various programs as the primary contact for AHCC. While the Appellant works at correctional facility, the programs she supports are not institutional correctional programs. Appellant provides coordination for components of statewide DOC programs. Appellant's position does not fit with the class series concept of the Corrections Specialist class series. The Corrections Specialist 3 classification does not provide the best fit for Appellant's position.

The Department of Personnel Glossary of classification terms provides that a program is:

> A specialized area with specific complex components and tasks that distinguish it from other programs (or the main body of an organization). A program is specific to a particular subject and has a specific mission, goals, and objectives. A program typically has an identifiable funding source and separate budget code.
>
> The specific components and specialized tasks involve interpretation of policies, procedures and regulations, budget coordination/administration, independent functioning. Typically requires public contact relating specifically to program subject matter, clients, and participants.
>
> Duties are not of a general support nature transferable from one program to another. Performance of clerical duties is in support of an incumbent's performance of specialized tasks. Independent performance of these duties usually requires at least a six-month training period.

Appellant coordinates components of DOC programs. Appellant's program duties are supportive of statewide DOC programs and are not distinguished from the main body of the organization.

The Department of Personnel Glossary of classification terms provides that the duties of a program manager involve exercising authority over:

- Developing program goals and objectives.
- Developing timetables and work plans to achieve program goals and objectives.
- Developing program policies and procedures.
- Preparing program budgets, adjusting allotments and authorizing expenditures.
- Controlling allocation of program resources.
- Setting and adjusting program priorities.
- Evaluating program effectiveness.

The definition of the Program Manager B classification states:

> Supervise a division of a major administrative department, operating unit or program undertaking relieving the senior official of operating and administrative detail. Plan, coordinate and implement all functions required by the activity.

The distinguishing characteristics of the Program Manager B class state:

> Program Managers administer, supervise, direct and advise on activities involved in providing an essential management service within the institution. They are responsible for advising and assisting, with minimal direction, the senior official

> and other administrators in the organization on matters pertaining to the program. The primary purpose of these positions is to achieve the goals and objectives of the program by providing, obtaining, and/or coordinating activities as they affect the institution.
>
> Positions in this class involve a wide scope of complex duties and responsibilities in the management of a program which may involve a combination of two or more of the following services: Project management, funds management, contract administration, management analysis, property management, space management, program management, budget planning, public information, faculty, administrative, classified staff and student services administration, personnel administration, and staff supervision. Program Managers exercise independent judgement, and have been delegated decision-making authority. . . .
>
> Program Managers at the "B" level are typically second- or third-line supervisors and are distinguished by their responsibility for total control of a program for a particular academic or administrative unit.

Appellant exercises authority for some of the functions typically performed by a program manager. However, she does not perform these functions for programs at the organizational level. Rather, she performs these functions for the AHCC component of statewide DOC programs. As explained by DOC, ACA develops the program goals and objectives for the audit program and the DOC Risk Management Department maintains overall responsibility for the legal activities of the agency. Further, Appellant concedes that she is not assigned budgetary responsibilities. Appellant oversees program activities and thereby relieves the Superintendent of operating and administrative details for the programs. But, she does not plan, coordinate and implement all functions of the program or exercise total control for the program as required for allocation to the Program Manager B level. Rather, Appellant plans, coordinates and oversees the AHCC components of various statewide DOC programs.

The definition of the Administrative Assistant 5 classification states:

> Principal assistant for administrative matters to a departmental head, agency director, or the head of a major subdivision of a major State agency. Accomplishes varied and complex projects; makes decisions and acts for supervisor in administrative matters.

Appellant does not report to a departmental head, agency director or the head of a major subdivision of DOC. However, she does perform varied and complex work, makes decisions, and acts on behalf of the Superintendent as delegated. Appellant argues that she performs the typical work of the AA5 classification. But, typical work statements are not allocating criteria and many of the typical duties found in the AA5 class are also found, to some degree, in the AA4 classification, including the supervision of staff. The primary distinction between the AA4 and AA5 is the reporting relationship. Appellant's position does not fit within the reporting relationship required by the definition of the AA5 classification.

The definition of the Administrative Assistant 4 classification states:

> Positions serve as the assistant on administrative matters to the head of a state agency, the head of a major sub-division or major operating location of an agency, or to the chief administrator or head of a major organizational unit such as a school, college, or major academic/administrative department.

Appellant serves as the assistant to the head of a major operation location, in this case, AHCC. Her position fits within the definition of the AA4 classification.

The distinguishing characteristics of the Administrative Assistant 4 classification state:

> Positions perform higher-level administrative duties of a substantive nature that are appropriate to be performed by the supervisor, manager, administrator, or professional level employee but have been delegated to the administrative assistant to perform. Positions in higher education may provide direct confidential secretarial support to a unit head or administrator. For general government positions, secretarial or clerical duties are incidental to the administrative functions performed.
>
> For those positions in a major organizational unit such as a school, college, or major academic/administrative department, the "unit" will typically have more than 75 full-time equivalent professional and/or classified staff; OR service responsibility for more than 4,000 full-time students or staff, OR in the regional universities, college and community colleges, positions serve as the sole administrative support in an organization that has institution-wide responsibilities; OR positions serve as both sole administrative support and the executive secretary reporting to the organizational head. These positions are assigned to major units,

> with institution-wide responsibility, that have no assistant directors, deans or managers who would share the administrative duties of the position.

Appellant performs higher-level administrative program duties of a substantive nature. These duties and responsibilities have been delegated to Appellant by the Superintendent of AHCC. Appellant's position fits within the distinguishing characteristics of the AA4 classification.

Most positions within the civil service system occasionally perform duties that appear in more than one classification. However, when determining the appropriate classification for a specific position, the duties and responsibilities of that position must be considered in their entirety and the position must be allocated to the classification that provides the best fit overall for the majority of the position's duties and responsibilities. See Dudley v. Dept. of Labor and Industries, PRB Case No. R-ALLO-07-007 (2007).

In this case, Appellant's level and breadth of duties and responsibilities and her reporting relationship best fit within the AA4 classification.

In a hearing on exceptions, the appellant has the burden of proof. WAC 357-52-110. Appellant has failed to meet her burden of proof.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal on exceptions by Risa Klemme is denied and the director's determination dated February 2, 2010, is affirmed.

DATED this _____ day of _____, 2010.

WASHINGTON P ERSONNEL RESOURCES BOARD

_____
DJ MARK, Vice Chair

_____
JOSEPH PINZONE, Member

I DISSENT.

Using a best fit analysis, I would find that Appellant's position best fits within the AA5 classification.

In Allegri v. Washington State University, PAB Case No. ALLO-96-0026 (1998), the Personnel Appeals Board (predecessor to this Board) addressed the concept of best fit. The PAB noted that while the appellant's duties and responsibilities did not encompass the full breadth of the duties and responsibilities described by the classification to which his position was allocated, on a best fit basis, the classification best described the level, scope and diversity of the overall duties and responsibilities of his position.

The Personnel Resources Board has continued to apply the best fit concept when appropriate. In this case, I believe the scope of Appellant's duties, the level of her delegated authority, the breadth of her work and the diversity of her overall responsibilities are best described by the typical work found at the AA5 level.

_____

LAURA ANDERSON, Chair