BEFORE THE PERSONNEL RESOURCES BOARD

STATE OF WASHINGTON

JED VARNEY, Appellant, vs. DEPARTMENT OF FISH AND WILDLIFE, Respondent.	CASE NO. R-ALLO-13-006 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, JOSEPH PINZONE, Chair; DJ MARK, Vice Chair; and NANCY HOLLAND YOUNG, Member, for a hearing on Appellant's exceptions to the director's determination dated January 30, 2013. The hearing was held on July 10, 2013.

Appearances. Rhonda Fenrich, Attorney at Law, represented Appellant. Walter Bracy, Human Resource Consultant, represented Respondent Department of Fish and Wildlife (F&W).

Background. Appellant's position was allocated to the Fish and Wildlife Health Specialist classification. On January 3, 2012, F&W's Human Resources (HR) Office received a request to reallocate Appellant's position to the Epidemiologist 3 classification. By letter dated March 21, 2012, F&W HR staff determined that Appellant's position was properly allocated.

On April 16, 2012, the Office of the State Human Resources Director received Appellant's request for a director's review of F&W's allocation determination. Appellant asked that his position be reallocated to either the Epidemiologist 2, the Natural Resource Scientist 4 or the Veterinary Specialist 4 classification. By letter dated January 30, 2013, the director's designee determined that Appellant's position was properly allocated to the Fish and Wildlife Health Specialist classification.

On February 21, 2013, Appellant filed exceptions to the Board. In his exceptions, Appellant also request reallocation to the Epidemiologist 3. Appellant's exceptions are the subject of this proceeding.

As summarized in the director's determination:

> Dr. Varney's position is located in the Conservation Biology Unit of the Fish Science Division of the WDFW. Dr. Varney states in the PRR that the purpose of his position is to monitor and evaluate the health of fin fish at WDFW hatcheries, other cooperative facilities, and in natural fish populations. Dr. Varney performs a variety of tasks related to fish health prevention, monitoring, disease diagnosis and treatment. He visits WDFW hatcheries within his assigned region and consults with hatchery staff and independently recommends treatment to control disease. He also uses his expertise to recommend modifications to hatchery staff regarding rearing parameters and fish culture practices as necessary to prevent disease. He ensures compliance with FDA and DOE requirements for the use of therapeutants, drugs and chemicals. He develops and provides reports to hatcheries and other staff, conducts applied research and epidemiological investigations to improve the health of fin fish. His position also has statewide responsibility to issue veterinary prescriptions and feed directives for hatcheries across the state.

F&W has eighty-two fish hatcheries and five Fish and Wildlife Health Specialists who are assigned by region to the hatcheries. Appellant's assigned region consists of twenty-six hatcheries. However, as a veterinarian, he supports all the hatcheries statewide by assuring diseases are properly identified, assuring the right drugs are used at the right time and for the right duration, issuing prescriptions and maintaining associated records. Appellant writes approximately 300 prescriptions per year for F&W and in addition, writes prescriptions for the Northwest Indian Fish Commission. During the hearing before the Board, Appellant explained the direct link between medicines given to food fish and human health and safety. Appellant also stated that he does not supervise staff at the hatcheries but explained that when the Fish and Wildlife Heath Specialists identify a disease that requires a drug treatment, they contact him and he prescribes the treatment. Appellant clarified that he visits approximately 2 hatcheries per month, but that when he writes prescriptions, he reviews the request and then talks to the requestor before issuing the prescription.

Summary of Appellant's Arguments. Appellant argues that the director's designee understated the linkage between fish diseases and human safety and health. Appellant contends that the majority of his work involves doing studies of diseases, writing prescriptions, keeping track of legal responsibilities and visiting hatcheries. Appellant explains that fish are a minor species and that considerable research time and effort is required to assure that treatments are effective, safe and judiciously applied. Appellant argues that except for his responsibility for fish rather than wildlife, his position is identical to the appellant's position in Mansfield v. Dept. of Fish and Wildlife, PRB Case No. R-ALLO-11-014 (2012) in which the Board reallocated Ms. Mansfield's position to the Epidemiologist 3 class. Appellant contends that the Fish and Wildlife Health Specialist classification does not encompass the critical duties that he performs on a daily basis and asks that his position be reallocated to the Epidemiologist 3 classification.

Summary of Respondent's Arguments. Respondent asserts that the Fish and Wildlife Health Specialist classification encompasses the majority of Appellant's duties and responsibilities. Respondent acknowledges that it is a benefit to the agency that Appellant is a veterinarian and has the authority to write prescriptions but argues that it is not a requirement for his position. Respondent argues that the research Appellant conducts, his analysis of data, writing reports and recommending treatments and facility alterations are closely aligned with the duties encompassed by the fish health specialist class. Respondent acknowledges that Appellant's prescription writing duties have statewide impact but argues that the ultimate responsibility for the work and outcomes of the Conservation Biology Unit lies with Appellant's supervisor. Finally, Respondent argues that the appellant's position in Mansfield was very different than the work that Appellant in this case performs. Respondent contends that the Fish and Wildlife Health Specialist classification is the correct allocation for the majority of Appellant's duties and responsibilities.

Primary Issue. Whether the director's determination that Appellant's position is properly allocated to the Fish and Wildlife Health Specialist classification should be affirmed.

Relevant Classifications. Fish and Wildlife Health Specialist, class code 516E, and Epidemiologist 3, class code 303L.

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).

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).

When there is a class 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 should be allocated to the class that specifically includes the position. Mikitik v. Dept's. of Wildlife and Personnel, PAB No. A88-021 (1989)

The Epidemiologist 3 classification does not specifically include the duties and responsibilities of Appellant's position. While we recognize that Appellant's research activities may reach some aspects of the Epidemiologist 3 class, the majority of his duties as a whole do not meet the intent of the class.

In addition, we have considered Appellant's argument regarding our decision in Mansfield. We find that Mansfield is not controlling in this case and is distinguishable from the facts presented here. For example, the appellant's position in Mansfield was allocated to the Natural Resource Scientist 4 classification when she requested reallocation. In addition, she was recognized as the agency's highest level expert regarding wildlife diseases, she served as the agency's principle investigator on federal and state wildlife health cooperative agreements, and she worked in cooperation with other agencies such as the Department of Agriculture and the Department of Health to mitigate the spread of disease in wildlife and its impact on the human population. In the present case, Appellant has not established that he is recognized as the agency's highest level expert in fish health. Further, his position does not have the scope of responsibility or breadth of impact with outside agencies that we found in Mansfield. In addition, in Mansfield, the appellant provided a persuasive argument that the connection between wildlife, the spread of disease and the impact on humans was beyond the scope of the classification to which she was allocated.

The Fish and Wildlife Health Specialist definition states:

> Within the Department of Fish and Wildlife, designs, implements and manages fish health research and associated activities affecting hatchery-reared and wild fish; or in the area of wildlife management, conducts surgery and veterinary tasks associated with wildlife health research and population monitoring activities.

The Fish and Wildlife Health Specialist definition includes positions that conduct research and associated activities related to hatchery fish. The majority of Appellant's duties are closely aligned with this definition.

In addition, the typical work statements for the Fish and Wildlife Health Specialist class provide further guidance on the work activities encompassed by this class. The typical work specifically includes conducting research and experiments pertaining to fish, analyzing and evaluating research data, writing reports and drawing conclusions, and instituting specific treatments. Further, this class includes the statement: "[c]arries division responsibility to diagnose and prescribe treatment for all fish disease outbreaks in department-operated hatcheries. . . ." which is

consistent with Appellant's duties for writing prescriptions for the Conservation Biology Unit of the Fish Science Division.

In this case, the Fish and Wildlife Health Specialist classification specifically encompasses the majority of Appellant's duties and responsibilities. The Fish and Wildlife Health Specialist class is the best fit for Appellant's position.

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

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal on exceptions is denied and the director's determination dated January 30, 2013, is affirmed.

DATED this _____ day of _____, 2013.

WASHINGTON PERSONNEL RESOURCES BOARD

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JOSEPH PINZONE, Chair

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DJ MARK, Vice Chair

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NANCY HOLLAND YOUNG, Member