BEFORE THE PERSONNEL RESOURCES BOARD

STATE OF WASHINGTON

SCOTT SVOBODA, Appellant, vs. DEPARTMENT OF CORRECTION, Respondent.	CASE NO. R-ALLO-11-002 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, DJ MARK, Vice Chair, and JOSEPH PINZONE, Member, for a hearing on Appellant's exceptions to the director's determination dated January 14, 2011. The hearing was held at the office of the Personnel Resources Board in Olympia, Washington, on April 27, 2011.

Appearances. Appellant Scott Svoboda appeared by telephone and represented himself. Department of Corrections (DOC) was represented by Tina Cooley, Human Resource Consultant.

Background. Appellant's position was allocated to the Corrections Specialist 3 classification. On August 27, 2007, he signed a Position Review Request asking that his position be reallocated to the Corrections Specialist 4 classification. By letter dated March 15, 2010, DOC notified Appellant that his request was denied. On April 14, 2010, Appellant requested a director's review of DOC's decision. By letter dated January 14, 2011, the director's designee denied Appellant's request for reallocation.

On February 11, 2011, Appellant filed exceptions to the director's determination. Appellant's exceptions are the subject of this proceeding.

Appellant works in the Structured On-the-Job Training (OJT) Program, which is part of the Organizational Development Department. He works as an On-the Job Training (OJT) Specialist

or COACH Specialist for Larch Corrections Center, Cedar Creek Corrections Center, and the Washington Corrections Center. His position reports to the Structured OJT Program Manager who reports to the Organizational Development Director located at DOC headquarters.

Summary of Appellant's Arguments. Appellant argues that he functions as an expert in his region and that he uses specialized skills to carry out the OJT functions, including the COACH program, within his region. He further argues that others seek his opinion on employee work performance and that his input affects the retention of employees. He explains that he observes and evaluates the performance of sergeants providing on-the-job training and provides input on their performance to their supervisors and to the performance consultant responsible for the training program. Appellant asserts that without the evaluations he performs, staff would not be able to complete the instructor certification process. Appellant argues that he audits OJT programs. He explains that he goes to the sites at which other OJT specialists work and audits their program to make sure the programs are current and in compliance with institution policies and the rules governing training. Appellant argues that he is used as a resource by others. He explains that he suggests changes to the program and when changes are approved by the program manager, he implements the changes. He also explains that he and the other OJT specialists each reviewed and updated a portion of the training manual, that he was on the curriculum design team, and that his work affects the statewide program operations and training programs used at all facilities. Appellant contends that because he is the expert in his region, his position should be reallocated to the Correctional Specialist 4 level.

Summary of Respondent's Arguments. DOC argues that Appellant is a professional practitioner whose primary duties and responsibilities involve developing, coordinating, implementing, and evaluating the structured OJT programs, including the COACH program, at his assigned facilities. DOC explains that the purpose of Appellant's position is to ensure successful delivery of program services. DOC asserts that his position does not have statewide responsibility and does not function as the expert for OJT programs. DOC explains that the agency typically views the person who has statewide responsibility over a program as the program expert. Therefore, DOC argues that the program manager and the Organizational Development Director are the

program experts for the OJT programs. DOC agrees that Appellant's duties and responsibilities require knowledge of applicable rules, laws, and policies to establish goals, provide consultation, and ensure evaluations are conducted properly and in compliance, but asserts that these are duties and responsibilities encompassed in the Correctional Specialist 3 level. DOC also agrees that Appellant reviews the programs coordinated by his peers and provides input on program curriculum. However, DOC argues that this is best described as a peer review function that Appellant performs approximately 5-10% of the time. DOC asserts that peer review is appropriate to be performed at the Correctional Specialist 3 level. DOC further argues that while Appellant may provide input regarding changes to curriculum, any changes must be approved by OJT manager at headquarters. DOC asserts that the majority of Appellant's duties and the scope of his responsibilities best fit within the Correctional Specialist 3 classification.

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

Relevant Classifications. Corrections Specialist 3, class code 350C, and Corrections Specialist 4, class code 350D.

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).

There is no dispute that at the time of Appellant's position review request, his position fit within the Corrections Specialist class series. The question is which level best describes the majority of his assigned work and level of responsibilities.

The Corrections Specialist 4 classification is the expert level of the series. At the expert level, an incumbent is expected to have responsibility for all functions of a program. For purposes of allocation within the Washington State classification plan, an expert typically has the highest level of responsibility and extensive knowledge based on research and experience in a specific area. Incumbents who are considered "experts" resolve the most complex, critical, or precedent-setting issues that arise and act as a resource and provide guidance on specialized technical issues. Although an employee may be considered by their peers as an expert or "go-to" person at any level, for purposes of allocation, the term is typically applied to an employee in a higher class level who has gained expertise through progression in the series.

In addition, while not allocating criteria, the typical work statements of a class lend support and provide clarification of the level and a scope of work encompassed in a class. The typical work statements for the Corrections Specialist 4 level describe headquarters positions and positions that have agency-wide responsibility.

Appellant has regional responsibility and does not function as the expert for the program. His position is not assigned the level or scope of responsibility encompassed by the Corrections Specialist 4 classification.

In relevant part, incumbents allocated to the Corrections Specialist 3 classification are specialists in their area of responsibility. They perform professional level duties in their assigned programs and develop, coordinate, implement, and/or evaluate programs as assigned. For purposes of allocation within Washington State classification plan, a specialist typically performs duties that require intensive application of knowledge and skills in a specific segment of an occupational area. The Corrections Specialist 3 level specifically encompasses the regional COACH and OJT programs, including observing and assessing the performance of participants and monitoring their progress, and making recommendations to management. In addition, incumbents monitor program activities for compliance with laws, rules, regulations, policies and procedures.

The majority of Appellant's duties and responsibilities, including conducting peer reviews for other Correctional Specialists and observing and reporting on the progress of training participants, fit within the definition of Corrections Specialist 3 class. In addition, he performs the level of work specifically described in the typical work statements for the class.

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 determinations dated January 14, 2011, is affirmed.

DATED this _____ day of _____, 2011.

WASHINGTON PERSONNEL RESOURCES BOARD

_____
DJ MARK, Vice Chair

_____
JOSEPH PINZONE, Member