BEFORE THE PERSONNEL RESOURCES BOARD

STATE OF WASHINGTON

ERIN TERHUNE, TERRINA PETERSON & KRISTINA MUELLER, Appellants, vs. DEPARTMENT OF CORRECTIONS, Respondent.	CASE NO. R-ALLO-10-006, R-ALLO-10-007 & R-ALLO-10-008 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 Appellants' exceptions to the director's determination dated March 12, 2010. The hearing was held at the office of the Personnel Resources Board in Olympia, Washington, on August 4, 2010.

Appearances. Appellants Erin Terhune and Terrina Peterson were present and were represented by their supervisor, Jennifer Williams. Respondent Department of Corrections (DOC) was represented by Joanne Harmon, Human Resources Consultant.

Background. Appellants are employed by the Department of Corrections in the End of Sentence Review (ESR) and Civil Commitment (CC) Program within the Offender Treatment and Reentry Programs Division. Appellants' positions are allocated to the Correctional Records Technician 1 classification. DOC's Human Resource (HR) Office began reviewing Appellants' positions around March 2008. The HR Office received Position Review Request (PRR) forms for Appellants' positions on July 1, 2008. Their supervisor signed the forms on March 11, 2009. Appellants asked that their Correctional Records Technician 1 positions be reallocated to a classification in the Program Specialist series or Forms and Records Analyst series. By letter dated May 1, 2009, Respondent determined that Appellants' positions were properly allocated to the Correctional Records Technician 1 classification.

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On May 28, 2009, Appellants filed requests for director's reviews of DOC's allocation determinations. By letter dated March 12, 2010, the director's designee determined that Appellants' positions were properly allocated to the Correctional Records Technician 1 classification. On April 9, 2010, Appellants filed exceptions to the director's determination. In their exceptions appeals, Appellants asked that their positions be reallocated to the Program Specialist class series or that a class be created that would more closely fit their positions.

As described in Appellants' PRR forms, DOC works in collaboration with its criminal justice partners, victims, citizens, and other stakeholders to enhance community safety by holding offenders accountable through the administration of criminal sanctions and effective correctional programs. Appellants' positions support this effort by assisting several programs with statewide impact. Appellants provide direct support to the End of Sentence Review/Civil Commitment/Joint Forensic Unit/Less Restrictive Alternative Program Manager, the Law Enforcement Notification Program Manager, and eight Law Enforcement Notification Specialists. Appellants' work helps DOC meet the goal of working with local law enforcement and other stakeholders to promote community safety regarding releasing sex/registerable kidnapping offenders. In performing their duties, Appellants process sex offender records by collecting, compiling, verifying, and reviewing documents used to create files for review by the ESR/CC programs. In addition, they disseminate information by assisting the Public Disclosure Coordinator with processing ESR/CC and LEN file material requests, redacting ESR file review packets for CCB cases, and responding to discovery and law enforcement dissemination requests.

Summary of Appellants' Arguments. In summary, Appellants argue that ESR/CC is a standalone program and that the program files and records are program specific and are maintained under separate retention and disclosure rules. Appellants argue that their positions are specialized and unique because they deal with sex offenders only. Appellants also argue that positions similar to theirs but located in the Victim Services Program are allocated to the program specialist classes. Appellants assert that they do not work with offenders' files as described in the Correctional Records Technician class but rather they work with program specific files. Appellants further assert that they

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act as the program liaison and consultant to program participants and stakeholders such as the Department of Social and Health Services including Juvenile Rehabilitation Administration, Western State Hospital, Eastern State Hospital and the Special Commitment Center. Appellants contend that of the available classifications, the Program Specialist 2 classification provides the best fit for the duties and responsibilities of their positions.

Summary of Respondent's Arguments. Respondent argues that Appellants do not coordinate the ESR/CC program but rather they research, verify, and compile information for a separate committee. Respondent further argues that Appellants do not coordinate program resources and services, do not oversee day to day operations of a program and have no budgetary or expenditure control for the program. Respondent contends that Appellants' duties do not fit within the Program Specialist classes. Respondent asserts that Appellants review databases; verify documents; respond to public disclosure requests; interpret and apply rules, procedures and policies; request files, records and documents; maintain files and archives; and access and update information in the offender database. Respondent contends that these duties best fit within the Correctional Records Technician 1 classification.

Primary Issue. Whether the director's determination that Appellant's position is properly allocated to the Correctional Records Technician 1 classification should be affirmed.

Relevant Classifications. Correctional Records Technician 1, class code 112E; Program Specialist 2, class code 107I.

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

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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).

During the hearing before the Board, Appellants argued that positions performing similar duties in the DOC Victim Services Program are allocated to the Program Specialist series. In Byrnes v. Dept's of Personnel and Corrections, PRB No. R-ALLO-06-005 (2006), the Personnel Resources Board held that "[w]hile 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." Citing to Flahaut v. Dept's of Personnel and Labor and Industries, PAB No. ALLO 96-0009 (1996). Therefore, the allocation or misallocation of other positions at DOC is not a determining factor in the appropriate allocation of Appellants' positions.

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 Program Specialist classes states:

> Positions in this series coordinate discrete, specialized programs consisting of specific components and tasks that are unique to a particular subject and are separate and distinguished from the main body of an organization. Positions coordinate program services and resources; act as a program liaison and provide consultation to program participants and outside entities regarding functions of the program; interpret, review and apply program specific policies, procedures and regulations; assess program needs; and develop courses of action to carry out program activities. Program coordination also requires performance of tasks and application of knowledge unique to the program and not transferable or applicable to other areas of the organization.

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> Examples of program areas may include, but are not limited to: business enterprises, fund raising, volunteer services, community resources, election administration and certification, juvenile delinquency prevention, recreational education and safety, energy education, aeronautic operations and safety, student housing, financial aid, and registration.

The definition of the Program Specialist 2 class states:

> Positions at this level work under general supervision and plan, organize, direct and coordinate operations for programs such as the business enterprise, volunteer services and community resources, elections examination/administration programs. Incumbents oversee day-to-day program operations, function as the program representative and resource, have extensive contact with program participants and outside entities, and resolve problems within a delegated area of authority. Unusual problems, probable outcomes and solutions are presented to higher levels for resolution. Incumbents may be delegated limited authority to approve budget expenditures and may assist higher-level staff with developing and coordinating statewide program activities.

The Department of Personnel Glossary of classification terms defines "coordinate" as: "[i]ndependently organize, monitor, evaluate, and make adjustments for a program or activity without supervisory responsibility."

Appellants do not plan, organize, direct, or coordinate the End of Sentence Review Committee and Civil Commitment program. They do not oversee day-to-day operations of the program. Appellants work with sex offender records and information. While this subject matter is specialized, it is not discrete and separate from the main body of the organization. The End of Sentence Review Committee and Civil Commitment program is a portion of the overall Offender Treatment and Reentry programs. The End of Sentence Review Committee and Civil Commitment program is not separate and distinguished from the main body of the organization.

Additionally, Appellants do not organize, monitor, evaluate and make adjustments for the End of Sentence Review Committee and Civil Commitment program. Rather they interpret and apply specific rules, regulations, processes and procedures to collect, compile, verify, and review documents and to create files for use by others. In addition, they disseminate information by assisting the Public Disclosure Coordinator with responding to discovery and law enforcement

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dissemination requests. Appellants' positions do not fit within the class series concept of the Program Specialist series or the definition for the Program Specialist 2 classification.

Appellants ask that if the Board concludes their positions do not fit within the Program Specialist series that they initiate creation of a classification that would more closely fit their positions. The allocation process is not the proper forum to address the modification or creation of a new classification. Furthermore, resolution of this issue is not within the Board's jurisdiction. See, Evans v. Dept. of Corrections, PRB Case No. R-ALLO-07-001 (2007).

The definition of the Correctional Records Technician 1 classification states:

> Performs correctional records technical tasks and sentencing structure duties within a correctional records office. Calculates length [o]f incarceration and/or community supervision time under the supervision of a Correctional Records Supervisor.

Appellants perform technical tasks to interpret, collect, compile, verify, and review documents and to create files regarding sex offender records. Though not an exact fit, Appellants' positions fit the intent of the Correctional Records Technician 1 definition. In addition, while not allocating criteria, the following Correctional Records Technician 1 typical work statements describe Appellants' work:

- Reviews . . . Superior Court documents relating to convictions and sentencing;
- Responds to external requests for offender information based on Public Disclosure and Criminal History Records laws;
- Reviews and verifies all pertinent documents relative to the offender's sentence in order to prepare release documents (i.e., Notification of Release);
- Verifies offender database information against source documents . . .;
- Interprets Supreme, Appellant, and Superior Court decisions, RCWs and Indeterminate Sentencing Review Board Re-determinations . . .;
- Updates inmate record . . .;
- . . . prepares and submits inmate files for review;
- . . . determines, on a case-by-case basis, items that are disclosable, non-disclosable, or partially disclosable;
- Archives offender records.

We recognize that the Correctional Records Technician I classification is not an exact fit for the level and scope of Appellants' duties and responsibilities. In Salsberry v. Washington State Parks and Recreation Commission, PRB Case No. R-ALLO-06-013 (2007), the Personnel Resources Board addressed the concept of best fit. The Board referenced Allegri v. Washington State University, PAB Case No. ALLO-96-0026 (1998), in which the Personnel Appeals Board 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. In this case, Appellants' positions best fit the Correctional Records Technician 1 classification.

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

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeals on exceptions by Erin Terhune, Terrina Peterson and Kristina Mueller are denied and the director's determination dated March 12, 2010, is affirmed.

DATED this _____ day of _____, 2010.

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LAURA ANDERSON, Chair

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DJ MARK, Vice Chair

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JOSEPH PINZONE, Member

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