BEFORE THE PERSONNEL RESOURCES BOARD

STATE OF WASHINGTON

JOYCE VEENSTRA, Appellant, vs. DEPARTMENT OF REVENUE, Respondent.	CASE NO. R-ALLO-13-012 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 NANCY HOLLAND YOUNG, Member, for a hearing on Appellant's exceptions to the director's determination dated June 20, 2013. The hearing was held on October 30, 2013.

Appearances. Appellant Joyce Veenstra was present and was assisted by Steve Sloniker, Employee Relations Specialist with the Washington Public Employees Association. Niki Pavlicek, Human Resource Programs Manager, represented Respondent Department of Revenue (REV).

Background. In February 2012, Respondent reevaluated Appellant's Washington Management Service (WMS) position and determined that the position no longer met the criteria for inclusion in WMS. As a result, REV allocated Appellant's position to the Management Analyst 4 (MA4) classification in the Washington General Service.

On March 21, 2012, Office of the State Human Resources Director received Appellant's request for a director's review of the removal of her position from WMS and the allocation of her position to the MA4 classification. On March 27, 2013, the Acting Director of the Office of the State Human Resources Director issued a final determination that Appellant's position should not be included in the WMS. In regard to the allocation of Appellant's position in the

Washington General Service, by letter dated June 20, 2013, the director's designee determined that Appellant's position was properly allocated to the MA4 classification.

On July 19, 2013, Appellant filed exceptions director's designee's determination. Appellant's exceptions to the allocation of her position within the Washington General Service are the subject of this proceeding.

Appellant's position is located in REV's Compliance Division. The division organization chart indicates that Appellant reports to the Compliance Project and Policy Manager however, the undisputed arguments establish that she receives work assignments directly from the Compliance Assistant Director. In consultation with others and with the approval of division management, Appellant is responsible for developing and implementing division-wide policies and programs in the areas of delinquent tax collections, taxpayer service and tax discovery. While Appellant's work provides direction for field staff located statewide, she does not have supervisory responsibility for staff.

Summary of Appellant's Arguments. Appellant contends that the director's review process was flawed because she was not provided an opportunity to provide an oral explanation or clarification of the work she performed. Appellant asserts that the director's designee relied on an inaccurate position description form and on statements from the assistant director and from human resources that did not account for the actual work she performed. Appellant explains that neither the assistant director nor her direct supervisor are technical experts in compliance. Rather, Appellant argues that she functions as a division subject matter expert and as stated in her position description form, her supervisor and management recognize her as such. Appellant asserts that because she functions as and is recognized as a subject matter expert, her position best fits the Management Analyst 5 (MA5) classification. Appellant argues that she is the primary source for developing and implementing division procedures, that she makes recommendations to the management team on complex, significant issues and produces complex reports for the division and that she is the liaison between the compliance division and other entities such as the Audit Division, the Joint Legislative

Task Force and the Internal Revenue Service. Appellant asserts she is the authority for and administers the agency's fraud hot line program and that she participates in the management rotation to provide coverage on Fridays and as such acts as the authority for the division. Appellant contends that when viewed in their entirety, her duties and level of authority and responsibility best fit the MA5 classification or within the Washington Management Service.

Summary of Respondent's Arguments. Respondent agrees with the director's determination and asserts that the MA4 classification is the best fit for Appellant's position. Respondent acknowledges that the review process did not include a face-to-face discussion but argues that Appellant was provided ample opportunity to provide all documentation she wanted to be considered by the director's designee. In regard to the position description for Appellant's position, Respondent contends that as the appointing authority, the assistant director has the discretion to assign the level of authority and responsibility to each position and that using the position description form approved by the assistant director was appropriate. Respondent explains that similar to her counterparts in other divisions, Appellant is an expert for her division; she is not an expert for the agency as required for allocation to the MA5 level. Respondent argues that the MA4 class is the best fit and encompasses Appellant's responsibility for gathering and preparing information and developing policies and procedures.

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

Relevant Classifications. Management Analyst 4, class code 109L, and Management Analyst 5, class code 109M.

Decision of the Board. In answer to Appellant's concerns about the director's review process, WAC 357-49-020(2) provides that "[t]he review may be conducted by review of written documents, by telephone, or by other electronic means as determined by the director or designee." Therefore, a review of written documentation was appropriate. In addition, Appellant

was provided an opportunity to provide a written statement explaining how her position was misallocated and to include any documents that she felt supported her position. (See exhibit C-5). After reviewing the complete record submitted to and considered by the director's designee, we find that the director's review process was appropriate.

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).

The definition for the Management Analyst 5 classification states:

> Positions at this level work under administrative direction and function as the expert and/or supervisor researching, analyzing, and making recommendations regarding multidimensional and/or complex, unprecedented issues having a broad scope and significant impact on outside agencies or institutions, organizations, and the public. Incumbents provide expert advice and consultation to executive management, internal departments and outside organizations with varying issues, diverse and conflicting interests. Incumbents produce or oversee the production of complex reports for use by diverse groups such as highest levels of management, boards, commissions, elected officials, and/or other governmental entities. Projects frequently have high dollar impact on budget and/or revenue collections.

(Emphasis added.)

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. Svoboda v. Department of Corrections, PRB Case No. R-ALLO-11-002 (2011).

Appellant is an expert for the compliance division and as such, her scope of expertise does not meet the breadth envisioned by the MA5 classification. Appellant produces reports or portions of reports for the compliance division but she did not establish that the reports or portions of the reports reached the level of complexity envisioned by the MA5 class or were utilized by diverse high-level groups as required for allocation to the MA5 classification. While some portion of Appellant duties, responsibilities and level of authority may reach the MA5 classification, the majority does not rise to the level envisioned by or required for allocation to the MA5 level.

The definition for the Management Analyst 4 class states:

> Positions at this level work under administrative direction and serve as consultants to executive management, lead agency process improvement teams, and/or supervise management analysts in management analysis sections. Incumbents research, analyze, evaluate and make recommendations regarding multidimensional problems which cross departmental lines, such as: agency and/or institution reorganization, implementing legislative directives, developing policies and procedures, developing and implementing systems, implementing long-range strategic plans, formulating goals and objectives, resolving customer complaints, and meeting customer requirements.

Appellant works under administrative direction and regularly consults with the management team. She researches, analyses and evaluates information and then makes recommendations to the

management team and participates in the decision-making process in regard to compliance division policies and procedures and the implementing new or revised legislation. Appellant's oversight and administration of the fraud hot line contributes to resolving complaints and also contributes to the agency's strategic goals for reducing the underground economy. Appellant's position is best described by the MA4 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 is denied and the director's determination dated June 20, 2013, is affirmed.

DATED this _____ day of _____, 2013.

WASHINGTON PERSONNEL RESOURCES BOARD

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DJ MARK, Vice Chair

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NANCY HOLLAND YOUNG, Member