BEFORE THE PERSONNEL RESOURCES BOARD

STATE OF WASHINGTON

ADRIANA TOSSINI, Appellant, vs. DEPARTMENT OF SOCIAL AND HEALTH SERVICES, Respondent.	CASE NO. R-ALLO-11-013 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, Chair, and JOSEPH PINZONE, Vice Chair, for a hearing on Appellant's exceptions to the director's determination dated August 17, 2011. The hearing was held on January 26, 2012.

Appearances. Appellant Adriana Tossini was present and was represented by Banks Evans with the Washington Federation of State Employees. Robert Swanson, Classification and Compensation Specialist, represented Respondent Department of Social and Health Services (DSHS).

Background. Appellant's position was allocated to the Vocational Rehabilitation Counselor (VRC) 2 classification. On February 10, 2010, Appellant requested a review of her position and asked that her position be reallocated to the VRC 3 classification. By letter dated June 18, 2010, DSHS notified Appellant that her position was properly allocated.

On July 21, 2010, Appellant requested a director's review of DSHS's allocation determination. By letter dated August 17, 2011, the director's designee determined that Appellant's position was properly allocated.

On September 14, 2011, Appellant filed exceptions to the director's determination. Appellant's exceptions are the subject of this proceeding.

During the time period relevant to Appellant's position review, she was the primary liaison for the Venture program which serves persons transitioning from high school to community college. Appellant was the contact for transitions students in thirteen high schools and three community colleges. She attended transition meetings, provided information and tools to a variety of external and internal customers, assisted students and their families with enrolling students in learning opportunities and seeking financial assistance for education, and provided technical assistance to other Division of Vocational Rehabilitation counselors. She worked independently, developed individual transition plans, authorized expenditures, and arranged for services. In addition, she was assigned responsibility to provide leadership for the safety committee, develop a safety plan and purchase safety equipment.

Summary of Appellant's Arguments. Appellant argues that as documented in her Performance and Development Plans (PDP) for 2007 through 2009, she was expected to perform leadership duties for other staff and that she was the go-to person for issues around transitions cases, she explained rules and regulations to other staff, reviewed their work, approved their decisions, and provided consultation. Appellant argues that she introduced other staff to community contacts, shared information and templates she created with other staff to assist with their work. In addition, Appellant asserts that she regularly acted as the lead for staff, performed supervisory duties when her supervisor was absent, and provided statewide training. Appellant contends that she was assigned VRC 3 level duties and responsibilities and asks that her position be reallocated to the VRC 3 class to recognize the level of work she has been and continues to perform.

Summary of Respondent's Arguments. Respondent agrees that Appellant serves a majority of specialized high school transition cases but asserts her position does not have designated lead responsibility over other staff and does not perform lead counselor duties as required by the definition and distinguishing characteristics of the VRC 3 class. Respondent acknowledges that Appellant is very good at her job and that her manager would like to help her get the VRC 3 level. However, Respondent explains that it is the work documented in the position description form that determines the allocation of the position. Respondent further explains that being the

expert or go-to person and providing guidance to others does not equate to lead responsibilities as defined in the classification glossary of terms and required by the VRC 3 class specification. Respondent recognizes that Appellant's supervisor was not available or in the office at all times and notes that was not uncommon. However, Respondent explains that other supervisors were on hand to deal with day-to-day issues and decisions. Respondent argues that Appellant's level of work did not meet the definition, distinguishing characteristics or intent of the VRC 3 classification.

Primary Issue. Whether the director's determination that Appellant's position is properly allocated to the Vocational Rehabilitation Counselor 2 classification should be affirmed.

Relevant Classifications. Vocational Rehabilitation Counselor 2, class code 353L, and Vocational Rehabilitation Counselor 3, class code 353M.

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).

In order to remain in a position when the position is reallocated to a higher level classification, an incumbent must have been performing the duties of the higher level classification for at least six months. (See WAC 357-10-090). In keeping with the intent of the rules, in this case, the relevant time period under consideration is the six months prior to February 10, 2010.

In part, the VRC 3 classification requires designation as a lead vocational rehabilitation counselor within DSHS. Appellant argues that her PDPs provide the required designation as a lead and mentor for other staff. However, these PDPs are outside of the timeframe relevant to this appeal.

The issue of written designation has been addressed in many decisions by the Personnel Appeals Board (predecessor to this Board.) The Personnel Appeals Board consistently held that when a classification specification requires written designation, there must be a document that confers such a designation upon the position in question. This written documentation can be a formal agency designation form, an approved CQ [or Position Description form] or other written documentation. Rapozo v. Parks and Recreation Commission, PRB Case No. R-ALLO-087-021 (2009).

Further, consistent with past Board decisions, designation must be documented. Appellant argues that her PDPs provided such designation. However, the PDP does not establish the specific duties and responsibilities assigned to a position. Rather it is a planning document that provides guidance to the employee on his/her past performance and on areas to be developed in the future. Therefore, a PDP does not serve as a formal designation or description of the duties and responsibilities assigned to a position.

The **Glossary of Classification Terms** defines "lead" as: "An employee who performs the same or similar duties as other employees in his/her work group and has the designated responsibility to regularly assign, instruct, and check the work of those employees on an ongoing basis." (Emphasis added.)

The definition of the Vocational Rehabilitation Counselor 3 class states, in part:

> Serves as a lead Rehabilitation Counselor and meets one of the following criteria:
>
> . . . .
>
> (Emphasis added.)

The distinguishing characteristics of the Vocational Rehabilitation Counselor 3 class state:

> This is the classification providing direct case management services with agency clients as well as serving as a designated lead vocational rehabilitation counselor within DSHS . . . . (Emphasis added).

Appellant's position is not been designated as a lead vocational rehabilitation counselor. We recognize that Appellant provides guidance to other VRCs and answers their questions and that she is considered the go-to person for issues pertaining to transition issues. However, these responsibilities do not fit within the definition of a "lead." Appellant is not designated on-going responsibility to regularly assign work, instruct other VRCs or check their work.

This decision is based on the duties and responsibilities of Appellant's position during the six months prior to February 10, 2010. If Appellant's duties have changed since that time, she may request a review of her current duties and responsibilities in accordance with DSHS's procedures and the Collective Bargaining Agreement between DSHS and the Washington Federation of State Employees.

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 August 17, 2011, is affirmed.

DATED this _____ day of _____, 2012.

WASHINGTON PERSONNEL RESOURCES BOARD

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DJ MARK, Chair

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JOSEPH PINZONE, Member