BEFORE THE PERSONNEL RESOURCES BOARD

STATE OF WASHINGTON

KENNETH JENNINGS, Appellant, vs. DEPARTMENT OF CORRECTION, Respondent.	CASE NO. R-ALLO-11-001 ORDER OF THE BOARD FOLLOWING HEARING ON EXCEPTIONS TO THE DETERMINATION OF THE DIRECTOR

Hearing on Exceptions. Pursuant to WAC 357-52-100, this appeal was heard by the Personnel Resources Board, DJ MARK, Chair, 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 June 16, 2011. LAURA ANDERSON, Member, reviewed the record, including the file, exhibits, and the entire recorded proceedings, and participated in the decision in this matter.

Appearances. Appellant Kenneth Jennings 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 15, 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 10, 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 Coyote Ridge Corrections Center, Ahtanum View Work Release, and the Tri-Cities Work Release. 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 at the time of his reallocation request he met the classification level of the Correctional Specialist 4 as an expert in the series. Appellant asserts that he uses specialized skills to carry out the OJT functions, including the COACH program, within his region. Appellant contends as a Coach specialist he has specific knowledge and skills, and functions as an expert at the facilities. 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. He explains that he suggests changes to the program and when the program manager approves changes, he implements the changes. He further explains individual skills and individual experiences make it challenging to work with staff and help them to be successful in their jobs. 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 further explains that Appellant's work requires the ability and

expertise to explain and interpret the training directives, rules, policies and procedures and the consistent application of specialized knowledge and skills in a specialist program area, such as the OJT and COACH programs. 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 considered and recognized as the agency's statewide experts and spokespersons managing all aspects of the OJT training program. 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 has specialized knowledge and skills regarding COACH and other OJT training and is the go to person at his facilities. However, 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, the OJT manager at headquarters must approve any changes. 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. For purposes of allocation within the Washington State classification plan, an expert "has the highest level of responsibility and extensive knowledge based on research and experience in a specific area. Resolves the most complex, critical, or precedent-setting issues that arise. Positions 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." (Department of Personnel's Classification Glossary of Terms)

In contrast to a level 4 expert, employees allocated to the Corrections Specialist 3 classification are specialists in their areas 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 the 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.

In addition, while not allocating criteria, the typical work statements of a class lend support and provide clarification of the level and scope of work encompassed in a class. The typical work

statements for the Corrections Specialist 4 level describe headquarters and agency-wide responsibilities in addition to program level responsibilities. His position is not assigned the level or scope of responsibility and the description of his duties do not rise to the level of an "expert" as is required and encompassed by the Corrections Specialist 4 classification.

The majority of Appellant's duties and responsibilities involve developing, coordinating, implementing and evaluating structured OJT programs including the COACH programs at his assigned facilities. In addition, he conducts peer reviews for other Correctional Specialists, observing, and reporting on the progress of training participants. Appellant performs the level of work specifically described in the typical work statements for the class. The majority of Appellant's duties and responsibilities fit within the definition of the Corrections Specialist 3 classification.

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. Dudley v. Dept. of Labor and Industries, PRB Case No. R-ALLO-07-007 (2007).

By all indications, Appellant's work is an asset to the success of the facilities' OJT and COACH programs that he manages. Allocation does not diminish the quality of his work or contributions. However, the work listed in his Position Description and his Position Review Request is described by the CS3 definition, as well as outlined in the typical work of the class.

In a hearing on exceptions, the Appellant has the burden of proof. WAC 357-52-110. On a best-fit basis, the Corrections Specialist 3 classification best describes the level, scope and diversity of the overall duties and responsibilities of his position. In this case, Appellant's position best fits the CS3 class. 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

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DJ MARK, Chair

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LAURA ANDERSON, Member