BEFORE THE PERSONNEL RESOURCES BOARD

STATE OF WASHINGTON

SHARI DEHART, Appellant, vs. DEPARTMENT OF LABOR AND INDUSTRIES, Respondent.	CASE NO. R-ALLO-14-008 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, NANCY HOLLAND YOUNG, Chair; DJ MARK, Vice Chair; and SUSAN MILLER, Member, for a hearing on Appellant's exceptions to the director's determination dated July 24, 2014. The hearing was held on October 15, 2014.

Appearances. Appellant Shari DeHart was present and was represented by Sherri-Ann Burke, Washington Federation of State Employees Council Representative. Vicki Kamin, Classification and Compensation Coordinator, represented Respondent Department of Labor and Industries (LNI).

Background. On January 24, 2013, LNI's Human Resource office received Appellant's request for a position review. Appellant asked that her Office Assistant 2 (OA2) position be reallocated to the Workers Compensation Adjudicator 1 (WCA1) classification. By letter dated September 6, 2013, Respondent determined that Appellant's position should be reallocated to the Office Assistant 3 (OA3) classification and denied her request to reallocate her position to WCA1.

On November 18, 2013, the Office of the State Human Resources received Appellant's request for a director's review of LNI's allocation determination. By letter dated July 24, 2014, the director's designee determined that Appellant's position was properly allocated to the OA3 classification.

On August 15, 2014, Appellant filed exceptions to the director's designee's determination. Appellant's exceptions are the subject of this proceeding.

Appellant works in the Claims Initiation and Word Processing unit of the Self Insurance Section within the Insurance Services Division of LNI. Her position exists to initiate self-insurance claims in the LINIIS system and to provide word processing support to the claims adjudicator staff. When initiating claims, Appellant reviews documents, enters claim numbers into the LINIIS system, confirms the existing data and enters in the new data. She also develops letters and orders for claims adjudicators by entering appropriate data into form documents and answers phones calls from claimants, providers and third party administrators (TPAs). In addition, she processes certain claim allowances in accordance with the instruction manual when certain routine criteria are met. She forwards more complex claims to claims adjudicators.

Summary of Appellant's Arguments. Appellant argues that she was part of a pilot project that took work from WCA3s and assigned it to her position. Appellant explains that in order to streamline the process, she performed the initial phases of claims processing which included reviewing forms and issuing allowance orders to relieve some of the burden from the WCA3s. Appellant asserts that she continued to perform this higher level work after the end of the pilot project. Appellant further asserts that a WCA1 was hired to perform the same work she is performing. Appellant contends that she initializes claims, makes decisions on whether claims should be allowed or not, sends letters to all parties under her signature and responds to calls generated as a result of her letters. Appellant explains that initializing claims is not the same as adjudicating claims. To initiate a claim, Appellant reviews all the documentation online, reviews the content of the documents for accuracy and completeness, determines if the claim meets specific criteria and takes the appropriate action to allow the claim, pend the claim or move it on to an adjudicator. Appellant further explains that if she disallows a claim and a protest is filed, a WCA3 adjudicates the protest though they tend to call her frequently. Appellant clarified that she does not have the authority to review a protest and make a decision to allow a claim after she has initially disallowed it. Appellant argues that she is managing claims when she answers questions about the

claim. Appellant asserts this is higher level work which is more appropriately encompassed by the WCA1 classification.

Summary of Respondent's Arguments. Respondent explains that the pilot project focused on identifying and categorizing generic claims in order to reduce the volume of these incidental claims thereby reducing the workload of the adjudicative staff so they could focus on the more complex claims. Respondent argues that the reason Appellant's position exists is to initiate claims. Respondent contends that when processing self-insurance claims, Appellant reviews forms, keys the data into the system and, if certain fields are filled in and certain information provided, she generates the allowance. If information is not complete, she sends the claim to an adjudicator. Respondent asserts that Appellant does not analyze the text in the claim documents but rather determines whether the text is there and the boxes on the form are complete. Respondent explains that WCA1s carry a caseload and process claim allowances and denials that have a higher likelihood of dispute than the claims that Appellant processes. Respondent further explains that the caseload assigned to WCA1s requires knowledge of complex industrial insurance laws, rules and policies and requires more attention and research before a decision can be made. Respondent argues that Appellant verifies forms for accuracy and enters data into the system, reviews the requested action and follows the instructions of the third party administrator or employer, allows the claim, pends it or passes it on to an adjudicator. Respondent asserts that the most significant function of Appellant's positon is to initiate or key in the claims into the self-insurance system and then to make clerical determinations for two specific claim allowances based on the presence of correct documentation, matching qualifying criteria and whether the claim is allowable. Respondent contends that these claims allow little opportunity for independent judgment because they are based on specific criteria and follow prescribed procedures. Respondent acknowledges that Appellant resolves complex clerical errors on generic claims but argues that this does not rise to the level of a WCA1. Respondent asserts that Appellant's position is properly allocated to the OA3 classification.

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

Relevant Classifications. Office Assistant 3, class codes 350C and Workers Compensation Adjudicator 1, class code 168O.

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).

The definition for the Workers Compensation Adjudicator 1 class states:

> In the Department of Labor and Industries, adjudicates and manages a caseload of non-compensable and compensable workers' compensation claims or crime victims claims.

The distinguishing characteristics for the Workers Compensation Adjudicator 1 class state:

> Positions assigned to this class which are responsible for the management of non-compensable and compensable claims, involve less than 14 days of time loss with level 1 complexity factors.
>
> Note: Level 1 complexity factors are determined by the Labor and Industries claims assignment system matrix.

Appellant's position does not meet the definition or distinguishing characteristics of the WCA1 classification. She does not adjudicate claims or manage a caseload of claims. Further, she does not apply independent judgment when initiating or processing claims rather she follows prescribed guidelines.

Appellant argues that she performs the same duties as those performed by a WCA1 within the Self Insurance Section. However, in Byrnes v. Dept's of Personnel and Corrections, PRB No. R-ALLO-

06-005 (2006), this 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 WCA1 positions at LNI is not a determining factor in the appropriate allocation of Appellant's position.

We recognize that Appellant has taken on additional duties as a result of the pilot project. 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).

The definition of the Office Assistant 3 provides that incumbents serve:

> Under general supervision, independently perform a variety of complex clerical projects and assignments such as preparing reports, preparing, reviewing, verifying and processing fiscal documents and/or financial records, composing correspondence such as transmittals and responses to frequent requests for information, establishing manual or electronic recordkeeping/filing systems and/or data base files, and responding to inquiries requiring substantive knowledge of office/departmental policies and procedures. Positions may perform specialized complex word processing tasks in a word processing unit or complex rapid data inquiry and/or entry functions.

The distinguishing characteristics for Office Assistant 3 include the following:

> Assignments and projects are of a complex nature. Independent performance of complex clerical assignments requires substantive knowledge of a variety of regulations, rules, policies, procedures, processes, materials, or equipment. Problems are resolved by choosing from established procedures and/or devising work methods. Guidance is available for new or unusual situations. Deviation from

> established parameters requires approval. Work is periodically reviewed to verify compliance with established policies and procedures. . . .

Appellant's duties and responsibilities align with the work described in the OA3 classification. She initiates claims, processes generic claims and resolves complex clerical problems that do not require analysis of claim content. She works independently but follows specific established guidelines and forwards more complex issues to the adjudicators.

The overall duties and level of responsibility assigned to Appellant's position best fit within the definition and distinguishing characteristics of the Office Assistant 3 classification. We concur with the director's designee's determination that Appellant's position should remain allocated to the OA3 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 by Shari DeHart is denied and the director's determination dated July 24, 2014, is affirmed.

DATED this _____ day of _____, 2014.

WASHINGTON PERSONNEL RESOURCES BOARD

_____
NANCY HOLLAND YOUNG, Chair

_____
DJ MARK, Vice Chair

_____
SUSAN MILLER, Member