BEFORE THE PERSONNEL RESOURCES BOARD

STATE OF WASHINGTON

MAGGIE EDLER, Appellant, vs. DEPARTMENT OF CORRECTIONS, Respondent.	CASE NO. R-ALLO-14-003 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 April 24, 2014. The hearing was held on July 16, 2014.

Appearances. Appellant Maggie Edler appeared by telephone and represented herself. Tina Cooley, Human Resource Consultant, represented Respondent Department of Corrections (DOC).

Background. On December 14, 2011, Appellant submitted a request for a position review to DOC's human resources office. Appellant asked that her Corrections Specialist 1 (CS1) position be reallocated to the Corrections Specialist 3 (CS3) classification. On June 19, 2013, Respondent denied Appellant's request. Appellant was served a copy of June 19, 2013 denial letter on June 25, 2013.

On July 22, 2013, the Office of the State Human Resources received Appellant's request for a director's review of DOC's allocation determination. By letter dated April 24, 2014, the director's designee determined that Appellant's position was properly allocated to the CS1 classification.

On May 23, 2014, Appellant filed exceptions to the director's designee's determination. Appellant's exceptions are the subject of this proceeding.

Appellant is the Community Partnership Program Coordinator at Coyote Ridge Corrections Center (CRCC). As summarized from the director's review decision, Appellant is fully competent and qualified in all aspects of her work coordinating the community involvement program at CRCC. She works under the general guidance of her supervisor and completes her work assignments independently under minimal supervision. Appellant has independent decision making authority for budget development decisions related to the institution's family friendly activities and has authority to allocate resources within assigned budget allotments ($20,000) for accomplishing family friendly activities. She independently directs and participates in the offender diversity committee and other related activities. Appellant schedules the same family friendly activities for three internal units located within two separate facilities to accommodate the demand within the CRCC. During the director's telephone conference, Appellant clarified that during the time period covered by the review, the number of registered volunteers working at CRCC was approximately 417 but the actual number of volunteers participating in volunteer-facilitated offender programs was closer to 300.

Summary of Appellant's Arguments. Appellant explains that CRCC is the largest correctional facility in the state and that because of the remoteness of the facility, volunteers must come from long distances. Appellant argues that when determining the allocation of her position, consideration should be given to the lack of an available volunteer base within the locality. Appellant also argues that the position comparable to hers located at the Monroe correctional complex, which due to its location is able to recruit more volunteers, is allocated to a CS3 and therefore, her position should be reallocated to the CS3 level as well. Appellant asserts that she performs journey-level work without adequate clerical support which handicaps her ability to recruit more volunteers. Appellant believes she is being unfairly penalized due to the remoteness of the facility and the lack of sufficient support provided to the program. Appellant argues that in recognition of level and volume of work she performs, her position should be reallocated.

Summary of Respondent's Arguments. Respondent acknowledges that Appellant is an amazing employee who works very hard and does an amazing job. Nonetheless, Respondent argues first that other positions may be misallocated and therefore the allocation of other positions is not taken into account when reviewing similar positions. Respondent recognizes that the CS class series needs to be revised but argues that positions must be allocated to the available classifications using the criteria contained in the class definitions and distinguishing characteristics. Respondent also recognizes that CRCC is in a remote location but argues that location is not an allocating criterion for the CS classes. Respondent asserts that Appellant's program does not have 500 volunteers and that on a best fit basis the CS1 classification is the proper allocation for her position.

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

Relevant Classifications. Corrections Specialist 1-3, class codes 350A, B and C.

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).

Appellant questions the allocation of Community Partnership Program Coordinators located at other DOC institutions. However, in Byrnes v. Dept's of Personnel and Corrections, PRB No. R-ALLO-06-005 (2006), the 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 Case No. ALLO 96-0009 (1996). Therefore, the allocation or misallocation of positions at other DOC institutions is not a determining factor in the appropriate allocation of Appellant's position.

Appellant suggests that her position fits within the generic Program Specialist class series. DOC asserted that the agency considered that series when reviewing Appellant's position. However, when there is a class that specifically includes a particular assignment and there is a general classification that has a definition which could also apply to the position, the position should be allocated to the class that specifically includes the position. Mikitik v. Dept's of Wildlife and Personnel, PAB No. A88-021 (1989); see also, Waldher v. Dept. of Transportation, PRB Case No. R-ALLO-08-026 (2009). In the case, the CS class series includes the Community Partnership Programs.

Appellant alleges that the Corrections Specialist class specifications should be revised. RCW 41.06.150 provides that:

> The director [of the Washington State Department of Personnel] shall adopt rules, consistent with the purposes and provisions of this chapter and with the best standards of personnel administration, regarding the basis and procedures to be followed for . . .
>
> (4) Adoption and revision of a comprehensive classification plan, in accordance with rules adopted by the board under RCW 41.06.136, for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position and allocation and reallocation of positions within the classification plan.

In addition, WAC 357-13-010 provides, in relevant part, that: "[t]he director adopts a comprehensive classification plan and any subsequent revisions to the plan."

Therefore, consistent with the statute and the rules, the allocation process is not the proper forum to address classification revisions. Further, resolution of this issue is not within the Board's jurisdiction. Williams v. Dept. of Corrections, PRB Case No. R-ALLO-10-009 (2010).

While classification revisions are outside of the Board's jurisdiction, we strongly encourage DOC to work with State Human Resources staff in the Office of Financial Management to update the CS class series to more accurately reflect the work performed and to remove what appears to be the arbitrary number of volunteers used as allocating criteria to currently distinguish the levels within the series.

The following standards are primary considerations in allocating positions:

a) Category concept (if one exists).
b) Definition or basic function of the class.
c) Distinguishing characteristics of a class.
d) Class series concept, definition/basic function, and distinguishing characteristics of other classes in the series in question.

The class series concept for the Corrections Specialist class series states:

> Within the Department of Corrections, is responsible for various correctional programs as assigned, such as community service activities, institutional training, classification and treatment programs, offender grievances, institutional hearings, roster management for major institutions, contracted chemical dependency treatment services, deaf inmate program services, auditing of correctional programs, HQ intelligence and investigations, canine or; administers an investigative/intelligence operation at a major institution. Some positions may supervise lower level staff.

Appellant is responsible for planning, organizing and directing community-based programs and program volunteers at Coyote Ridge Corrections Center. She supervises one lower level staff person and performs a variety of administrative and program tasks including recruiting, screening, training and assigning volunteers. Appellant's position fits within the Corrections Specialist class series.

The definition for the Corrections Specialist 3 class states:

> This is the senior, specialist, or lead worker level of the series. Within the Department of Corrections, develops, coordinates, implements and/or evaluates various correctional program(s) as assigned. Prepares comprehensive reports and makes recommendations for management, identifies and projects trends, and monitors program expenditures for adherence to budgeted allocations. Positions in this class perform professional level duties covering one or more of the following correctional program areas: institutional training, CORE, COACH, offender grievances, institutional hearings (e.g., disciplinary, intensive management, administrative segregation), roster management for major institutions; administers an investigative/intelligence operation at a major institution, which may include other regional and community involvement.

Appellant is responsible for the Community Partnership Program and various program offerings. The Community Partnership Program is one of the programs that reports to the Associate Superintendent for programs at CRCC. The Community Partnership Program is not a specified program area included in the CS3 level. Appellant's position does not meet the definition of the CS3 classification.

The definition of the Corrections Specialist 1 and 2 provides that incumbents serve:

> ". . . as a manager of the department's community and citizen involvement program . . . Primary responsibility for acting as a liaison between the community and institution on community involvement issues, volunteer administration, which includes volunteer recruitment, providing technical assistance to staff and management on the use of volunteers, providing mandatory training to volunteers, maintaining records for accountability, coordinating projects utilizing community or offender volunteers, and preparing reports."

At the CS1 level, incumbents perform entry level work for a community involvement program with 500 or less registered volunteers. Appellant admits that there are less than 500 volunteers at CRCC. At the CS2 level incumbents perform journey level work for programs with 500 or more registered volunteers. The number of registered volunteers for Appellant's program fits within the CS1 classification.

The State HR Glossary of Classification Terms defines "entry" and "journey" levels of work as follows:

> **Entry** - Performs beginning level work under close or direct supervision. Incumbents typically work within narrowly established guidelines and parameters. Duties are often repetitive and routine and decision-making is limited. Clear work directions and parameters are provided and outcomes are reviewed by higher levels.
>
> **Journey** - Fully competent and qualified in all aspects of a body of work and given broad/general guidance. Individuals can complete work assignments to standard under general supervision. Also referred to as the working or fully-qualified level.

Appellant's supervisor indicates that Appellant works with little supervision and devises her own work methods. In addition, Appellant is responsible for developing, coordinating and implementing the program, interpreting policy, identifying and projecting trends, monitoring program expenditures and training and managing program volunteers. These duties can be described as journey-level duties. However, during the hearing before the Board, Appellant explained that she does not have sufficient assistance from support staff to allow her time to recruit volunteers and that because she lacks support staff, she must perform a substantial amount of clerical duties herself which hinders her ability to perform other tasks. When considering Appellant's duties as a whole, including the number of program volunteers at CRCC, Appellant's position does not fully meet the definition of the CS2 class.

The overall duties and level of responsibility assigned to Appellant's position best fit within the definition of the Corrections Specialist 1 classification. We concur with the director's designee's determination that Appellant's position should remain allocated to the CS1 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.

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ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal on exceptions by Maggie Edler is denied and the director's determination dated April 24, 2014, is affirmed.

DATED this _____ day of _____, 2014.

WASHINGTON PERSONNEL RESOURCES BOARD

_____
NANCY HOLLAND YOUNG, Chair

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DJ MARK, Vice Chair

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SUSAN MILLER, Member