BEFORE THE PERSONNEL RESOURCES BOARD

STATE OF WASHINGTON

KAREN RALL Appellant, vs. DEPARTMENT OF SOCIAL AND HEALTH SERVICES Respondent	)	CASE NO. R-ALLO-16-004 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, SUSAN MILLER, Vice Chair, and VICKY BOWDISH, Member. The hearing was held on June 1, 2016, at Capitol Court, Olympia, WA.

Appearances.

Appellant Karen Rall was present. Respondent Department of Social and Health Services (DSHS) was present and represented by Lester Dickson, Classification and Compensation Specialist, DSHS.

Background.

On April 24, 2015, Appellant submitted a Position Review Request (PRR) to DSHS's HR Classification and Compensation Unit requesting reallocation from a Social and Health Program Consultant 2 (SHPC 2) to a Social and Health Program Consultant 3 (SHPC 3). By letter dated July 2, 2015, DSHS HR notified Appellant her position would remain as a SHPC 2.

On July 31, 2015, OFM State HR received a request for a director's review. By letter dated February 1, 2016, the director's designee notified Appellant her position was properly allocated to SHPC 2.

On February 19, 2016, Appellant filed timely exceptions to the director's determination. In her exceptions, Appellant indicated the duties and responsibilities of her position best fit the SHPC 3 job class.

As summarized in the director's review, Appellant serves as a Regional Contract Manager (RCM) within the Finance and Performance Evaluation Division of the Children's Administration (CA). Appellant develops, negotiates, executes and manages a diverse array of client services; personal service contracts; and tribal and inter-local agreements to meet the needs of CA clients within her assigned geographical area.

Summary of Appellant's Arguments.

Appellant argues she performs at the same level as the SHPC 3s in coordinating and facilitating the work of other staff during onsite provider visits. Appellant contends she's been working under a position description (PD) with an effective date of January 31, 2008, until the new PD was created on February 11, 2015, and approved by DSHS HR on April 16, 2015. The 2008 PD indicates she had lead-level responsibility. Appellant contends she did not sign the new PD because language regarding lead work was removed, yet her actual duties remained the same.

Appellant asserts the meaning of "lead work" in the SHPC 3 class specification is broader than the definition of "lead" in the *Glossary of Classification Terms.* Appellant further asserts that being a leader does not have a one-size-fits-all definition.

Appellant takes exception to the determination that the SHPC 3 contract managers perform many of the same tasks they do, but with the additional responsibility of being a lead worker. Appellant contends the SHPC 3 presently assigned as her supervisor does not assign, instruct and check the work of the SHPC 2 positions and therefore is not performing lead functions.

Appellant argues she performs at the same level as the SHPC 3s in coordinating and facilitating the work of other staff during onsite provider visits.

Summary of Respondent's Arguments.

Respondent asserts the SHPC 3 classification requires specific designation as a lead worker and that Appellant's PD does not indicate the positions work in a lead capacity. Respondent cites the definition of "lead" from the *Glossary of Classification Terms*: "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."

Respondent contends that since Appellant's position has not been designated as a lead worker, her position should not be allocated to the SHPC 3 classification.

Primary Issue. Whether the director's determination should be affirmed in that Appellant's position should remain at the SHPC 2 job class.

Relevant Classifications. SHPC 2; SHPC 3

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).

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).

Appellant contends her supervisor, a SHPC 3, does not perform as a lead worker. However, the Board is limited to the scope of Appellant's position.

The Board carefully reviewed the documentation submitted during the director's review and considered the arguments presented by the parties at the hearing before the Board. Allocating criteria consists of the class specification's class series concept (if one exists), the definition and the distinguishing characteristics. Typical work is not an allocating criterion, but may be used to better understand the definition or distinguishing characteristics.

There is no class series concept for the SHPC class series.

The definition for the SHPC 2 states:

> Independently develop, administer, and/or monitor social, financial, or health services programs or the program policies and procedures for use by staff or service vendors; or develop plans for monitoring service delivery; or develop, implement, monitor and provide statewide program consultation and/or technical assistance to staff, community or providers to enhance the delivery of services; or serves as a licensor of day care centers.

The distinguishing characteristics of the SHPC 2 states:

> Some positions in this class may perform one of the following functions a majority of the time, provided that the duties identified in the Definition are also included in the work assignment:
>
> - develop, implement and monitor grants and/or service contracts;
> - liaison and public relations;
> - draft or analyze proposed legislation and determine fiscal impact;
> - conduct program audits and on-site inspections;
> - review findings of hearings;
> - research, analyze and interpret State and Federal regulations and/or legislation; or
> - develop, implement, direct and monitor a designated project or projects;
> - licensure of day care centers.

The definition for the SHPC 3 states:

> Within the social service system, these positions serve as a designated lead worker, directing and monitoring the activities of a team comprised of professional level social service staff, other professional staff, families, and the community in providing guidance to families that are at risk of dependency and/or serving clients with severe and intense social service needs. These positions also develop, administer, and/or monitor social, financial, or health services programs or the program policies and procedures used by staff or vendors.

There are no distinguishing characteristics for the SHPC 3.

The relevant difference between the SHPC 2 and SHPC 3 is the SHPC 3's lead responsibilities. The review period is October 24, 2014, through April 24, 2015, and the new PD, which does not indicate lead-level responsibility, was approved by DSHS Human Resources on April 16, 2015.

The PD in affect for the majority of the review period was dated January 21, 2008, and indicated lead-level responsibility in several sections of the form. The Board heard testimony that Appellant does not currently perform lead-level work and the new PD omitted this language. However, the Board did not hear evidence that the work performed during the majority of the review period under the old PD was anything other than lead-level.

WAC 357-13-045 provides, in part, that the "manager of the position is responsible for completing the position description form…" The position description for Appellant covering the period of January 21, 2008 through April 16, 2015, was completed by management and indicates the position was assigned lead-level responsibilities. This is evident in the PD Part B, subsections 2 and 4.

Page two of the PD, Part B (2), indicates Appellant is a lead position. Part B (4) indicates the position instructs and checks the work of others.

Portions of the Essential Functions Section also indicate Appellant leads other employees, including functions such as:

> "Lead program specific teams through the risk assessment and monitoring schedule process, using the CA contract risk assessment tool."
>
> "Lead social services professional staff conducting monitoring of services to children and/or families that are of risk of dependency and clients with severe and intensive social service needs."
>
> "Lead fiscal, program consultants and/or managers in the review of contractor self-assessments, business assessments, fiscal records, financial statements and audits."

The majority of Appellant's duties from October 24, 2014 through April 24, 2015, entailed developing, managing and monitoring contracts, which fits the definition of SHPC 2. In addition to those duties, Appellant was given lead-level authority causing the duties of her position to rise to the level of SHPC 3. Respondent did not provide evidence indicating Appellant's actual duties between August 29, 2011, and April 16, 2015, was anything other than lead level, rather referred to the language in the new PD. All language regarding lead work was omitted from the new PD.

Verne Christianson v. Western Washington University, PAB Case no. *R-ALLO-02-003* (2002), states, "Because a current and accurate description of a position's duties and responsibilities is documented in an approved classification questionnaire, the classification questionnaire becomes the basis for allocation of a position. An allocation determination must be based on the overall duties and responsibilities as documented in the classification questionnaire. The position description serves the same purpose as the former classification questionnaire and thus serves as the basis for making a position's allocation determination."

For allocation purposes, the Glossary of Classification Terms is the guiding document for defining "lead," which states:

> 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.

Since there was no evidence or testimony indicating Appellant performed work other than lead-level during the majority of the review period, the Board finds that from October 24, 2014, through April 24, 2015, SHPC 3 is the best fit for the duties of her position. For work after April 24, 2015, the PD and testimony from Appellant and Respondent indicates Appellant does not perform as a lead worker, as per the Glossary of Classification Terms, therefore fitting the definition of SHPC 2.

In a hearing on exceptions, the appellant has the burden of proof (WAC 357-52-110). Appellant has met their burden of proof.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal on exceptions by Karen Rall is granted in part, and Appellant's position is reallocated to SHPC 3 for the review period of October 24, 2014 through April 24, 2015. Appellant returns to the SHPC 2 job class effective April 25, 2015.

DATED this _____ day of _____, 2016.

WASHINGTON PERSONNEL RESOURCES BOARD

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NANCY HOLLAND YOUNG, Chair

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SUSAN MILLER, Vice Chair

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VICKY BOWDISH, Member