BEFORE THE PERSONNEL RESOURCES BOARD

STATE OF WASHINGTON

TAMMY SCOTT Appellant, vs. DEPARTMENT OF CORRECTIONS, Respondent	)	CASE NO. R-ALLO-17-017 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 (by phone) and SUSAN MILLER, Member, for a hearing on Appellant's exceptions to the director's determination dated September 15, 2017. The hearing was held on December 13, 2017, at Room 110 Capitol Court, 1110 Capitol Way, in Olympia, Washington.

Appearances. Appellant Tammy Scott was present (by phone) and represented by Tawney Humbert of the Teamsters Local 117 (Teamsters), who was present (by phone) at the hearing. Respondent Department of Corrections (DOC) was present and represented by Mindy Portchsky, Human Resource Consultant (HRC), DOC.

Background. On April 26, 2016, Appellant submitted a Position Review Request (PRR) to DOC's Human Resources (HR) Office requesting reallocation from an Office Assistant 3 (OA 3) to an Administrative Assistant 2. By letter dated July 27, 2016, DOC HR notified Appellant her position remained allocated to OA 3, thereby denying her request for reallocation.

On August 25, 2016, Office of Financial Management, State Human Resources (OFM-SHR) received a Request for Director's Review.

WASHINGTON PERSONNEL RESOURCES BOARD
PO BOX 40911
OLYMPIA, WA 98504-0911

The director's review specialist conducted a review of Appellant's position based on written documentation and a telephone conference. By letter dated September 15, 2017, the director's review specialist determined the most appropriate allocation for Appellant's position was the Office Assistant 3 classification.

On October 13, 2017, Appellant filed timely exceptions to the director's determination. In her exceptions, Appellant outlined the following exceptions:

- The director's determination, page 7, paragraph 2. The Hearings Scheduler Appellant reports to is not the Infraction Review Officer, therefore, there can be no delegation of duties by Appellant's supervisor, which is an allocating criterion of the AA 2 class. Appellant asserts DOC does not have a position that is solely responsible as the Infraction Review Officer. Pursuant to DOC Policy 460.000 1(a) Serious Infraction Review Officers must have the rank of Lieutenant, CUS, Chief Investigator 3, Correctional Specialist 2 or above.
- The duties performed by Appellant exceed the intent of the OA 3 class, based on the assignment of duties and delegated authority, Appellant's duties meet the AA 2 class.

As summarized by the director's designee, Appellant position is located at the East Complex of the Washington State Penitentiary (WSP) and reports to Gary Pierce, Corrections Specialist 3. Appellant verifies incidents, confirms the violation(s) charged, ensures the file is complete, including supporting documentation, evidence is collected and photographed and the chain of custody is handled correctly. Her duties during the period of review include processing infractions and reviewing for accuracy and completeness, identifying hearing process, appeal tracking and reporting, acting as lead, training staff, managing personal calendar, acting as disciplinary hearing representative and record keeping and archival.

Summary of Appellant's Arguments. Appellant disagrees with the director's review specialist and believes her position should be reallocated to either a Hearings Scheduler or an AA 2.

WASHINGTON PERSONNEL RESOURCES BOARD
PO BOX 40911
OLYMPIA, WA 98504-0911

Appellant asserts that she performs her duties in accordance with the Administrative Procedures Act (APA). Appellant further stated her duties are performed independently and she has the delegated authority to identify issues of the interested parties, preview and screen infractions to determine completeness of files. She performs her duties in accordance with Chapter 137-28 WAC as well as internal DOC policies. Ms. Lindsey believes the complexity of the duties she performs throughout the administrative hearings process are complex and administrative in nature, including the performance of limited research that is assigned by the Hearings Scheduler.

Summary of Respondent's Arguments. Respondent agrees with the director's review specialist that the duties of Appellant's position do not exceed the level and intent of the OA 3 classification. Respondent contends the duties performed by the Appellant are routine in nature and are performed in accordance with established procedures. Respondent agrees Appellant establishes her own work methods in that Appellant has developed tracking methods that include spreadsheets in order to maintain and keep track of all hearings within WSP. Respondent does not believe the complexity of duties of the Appellant meet the intent of the AA 2 classification.

Primary Issue. Whether the director's determination should be affirmed and whether Appellant should remain allocated to the Office Assistant 3 classification.

Relevant Classifications. AA 2; OA 3.

Definition of AA 2

> Provide administrative and staff support services for a section or unit with delegated authority to act in supervisor's absence in areas of substance.

Distinguishing Characteristics of AA 2

> These positions may be distinguished from lower level classes by addition of the delegation of authority to act for or in the regular place of the superior in

WASHINGTON PERSONNEL RESOURCES BOARD
PO BOX 40911
OLYMPIA, WA 98504-0911

substantive areas, and/or supervision of some professional or several clerical subordinates and a formal reporting alignment identifying the position as the principal administrative assistant to the superior who is at the first professional supervisory level or above.

Definition of OA 3

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.

Distinguishing Characteristics of OA 3

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.

Positions typically provide work direction to lower level staff and may assist in training new staff.

WASHINGTON PERSONNEL RESOURCES BOARD
PO BOX 40911
OLYMPIA, WA 98504-0911

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).

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.

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**. See *Dudley v. Dept. of Labor and Industries*, PRB Case No. R-ALLO-07-007 (2007). [emphasis added]

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.

The AA 2 definition specifies incumbents have "… delegated authority to act in supervisor's absence in areas of substance." The duties assigned to the Appellant do not include acting in her supervisor's absence. Her assignments include routine, re-occurring tasks around infraction hearings and these duties are performed whether or not the supervisor is present. Similarly, the distinguishing characteristics of the AA 2 class state (in part), "These positions may be distinguished from lower level classes by addition of the delegation of authority to act for or in the regular place of the superior in substantive areas…"

WASHINGTON PERSONNEL RESOURCES BOARD
PO BOX 40911
OLYMPIA, WA 98504-0911

Appellant's assigned tasks are clerical in nature and are completed by following set procedures within DOC policy. Appellant determines the type of hearing to be scheduled, which is completed by following DOC guidelines. Appellant assigns "control numbers" in order for proper case tracking to occur. Appellant schedules hearing locations, hearing dates and times of hearings and has established tracking methods. All of these duties are complex clerical assignments which meet the OA 3 definition. The OA 3 definition states (in part), "Under general supervision, independently perform a variety of complex clerical … assignments such as … responding to inquiries requiring substantive knowledge of office/departmental policies and procedures."

In a hearing on exceptions, the appellant has the burden of proof (WAC 357-52-110). Appellant has not met the burden of proof.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal on exceptions by Tammy Scott is denied and Appellant's position remains allocated to Office Assistant 3.

DATED this _____ day of _____, 2017.

WASHINGTON PERSONNEL RESOURCES BOARD

_____

NANCY HOLLAND YOUNG, Chair

_____

SUSAN MILLER, Member

WASHINGTON PERSONNEL RESOURCES BOARD
PO BOX 40911
OLYMPIA, WA 98504-0911