BEFORE THE PERSONNEL RESOURCES BOARD

STATE OF WASHINGTON

DEPARTMENT OF SOCIAL AND HEALTH SERVICES, Appellant, vs. TIERRE REILLY, *et al*, Respondent.	CASE NO. R-ALLO-18-014 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, and VICKY BOWDISH, Vice Chair; and SUSAN MILLER, Member, for a hearing on Appellant's exceptions to the Director's Determination dated August 10, 2018. The hearing was held on November 14 2018, at Room 110, Capitol Court, 1110 Capitol Way, in Olympia, Washington.

Appearances. Appellants, Department of Social and Health Services and Department Children, Youth and Families, were present and represented by Yolanda Geolingo, Human Resource Consultant, Department of Social and Health Services, and Nancy Jacobski, Department of Children, Youth and Families. Tierre Reilly, *et al,* was present and represented by Teresa Parsons of the Washington Federation of State Employees.

Background. On July 17, 2017, Respondents submitted a Position Review Requests to the Department of Social and Health Services, Human Resources Office requesting reallocation from a Forms and Records Analyst 3s to Management Analyst 3s. By letter dated December 11, 2017, Ms. Geolingo, notified Respondents their request to reallocate their positons was denied and, the positions remained allocated to Forms and Records Analyst 3s. Since the time of the initial review, the positions have become a part of the Department of Children, Youth and Families, effective July 1, 2018.

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On January 5, 2018, Office of Financial Management, State Human Resources received Appellant's Request for Director's Review.

The Director's Review Specialist conducted a review of Respondents positions based on written documentation and information obtained during a telephone conference on May 24, 2018. By letter dated August 7, 2018, the Director's Review Specialist determined the most appropriate allocation for the positions was the Management Analyst 3 classification.

On August 21, 2018, Appellant filed timely exceptions to the Director's Determination.

As summarized by the Director's Designee, Respondents positions are located within the Children's Administration within DSHS. The Respondents report to Background Check Operations Analyst, Kerrianne Vincent.

Summary of Appellant's Arguments. Appellant takes exception to the Director's determination in that the Director's Review Specialist determined the proper allocation for the Respondents is the Management Analyst 3. However, Appellant argues the positions fail to meet the Class Series Concept of the Management Analyst series, and therefore cannot be allocated to this series. Appellant argues that it appears the Director's Review Specialist compared the Respondents duties to similar positions at Department of Children, Youth and Families. Appellant stated the research performed by the Respondents are simply taking information provided by another unit and performing a secondary review. The Management Analyst series requires incumbents to provide consultation to management, resolve complex problems, etc. all of which the Respondents do not do.

Appellants further argued the level and authority of the Respondents do not reach the level of the Management Analyst 3, and that because the Respondents work in multiple systems, culling

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various information in performance of their duties, that the Forms and Records Analyst 3 is an appropriate fit. The ultimate decision of whether or not access to a child is granted or denied lies with the Social Worker, not the Respondents.

Summary of Respondent's Arguments. Respondent argued that they gather and analyze information that has extreme impacts on the welfare of children. The duties performed are that of conducting an impartial review, and consists of comparing the results of varying agencies to make determinations. The Respondents further argued that they do in fact perform consultation with management because they must read and interpret the results of the background checks from the various agencies reporting the results.

Primary Issue. Whether the Director's Determination should be affirmed and whether Respondents should remain allocated to the Management Analyst 3 classification.

Relevant Classifications. Forms and Records Analyst 3; Management Analyst 2 and 3.

Class Series Concept Management Analyst Series

> Positions in this series analyze management problems, provide consultation, develop strategies, conduct research, formulate recommendations, and coordinate implementation of strategic and long-range planning activities in areas such as business and organizational planning, budgeting, operations, policy issues, and proposed legislation. Incumbents develop and implement processes for monitoring and measuring outcomes of activities.

Definition of Management Analyst 2

> Positions at this level work under the direction of a higher-level analyst to design, direct, and conduct specialized, complex interdisciplinary projects and data studies related to a variety of issues involving multiple internal or external

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organizations. Incumbents independently resolve routine issues and problems and refer unusual problems to higher levels identifying probable outcomes and solutions.

Definition of Management Analyst 3

Positions at this level work under limited supervision, exercise independent judgment, and are responsible for conducting complex, multi-dimensional research and analysis, formulating recommendations, and coordinating implementation and ongoing evaluation of programs and strategic and long-range planning activities. Incumbents provide consultation to management, resolve complex management problems, and function as a specialist and/or lead for projects impacting multiple programs, departments, and/or jurisdictions.

Definition of Forms and Records Analyst 3

Positions at this level are specialists in two or more system areas such as financial records, student records, resident records, and/or health records, or function as a management consultant for complex manual and/or electronic forms and/or records problems, or provide management consultation and determinations on responses to public record requests. Incumbents may oversee the work of subordinate staff and coordinate the day-to-day delivery, distribution, access, maintenance and retention of manual and/or electronic forms and/or records.

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

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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. (See *Norton-Nader v. Western Washington University*, PRB Case No. R-ALLO-08-020 (2008)) typical work is not an allocating criterion, but may be used to better understand the definition or distinguishing characteristics. (See *Kristin Mansfield vs. Department of Fish and Wildlife,* PRB Case No. R-ALLO-11-014 (2011))

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))

The Board's jurisdiction is limited to that jurisdiction outlined in RCW 41.06.170, and although Respondent argued that prior to the revision of class specifications, the union should have been contacted, this is outside the Board's jurisdiction. Therefore, although Respondent presented these facts, they have not been considered by this Board and did not weigh into its decision.

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.

Prior to rendering its decision, the Board must first address an issue that arose during the hearing on exceptions. The Appellants requested several times throughout the hearing for the Board to "give direction" or to "define the meaning of..." The Board has issued several precedent setting cases throughout the years, and these cases are used today by agencies. Throughout the years, the Board has relied these cases, and continued to hold their precedent in high regard. It is up to the

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parties to apply the Board's precedent to the current matter before the Board, and it is the Board's duty to determine if the application is correct, in the subsequent order.

The Class Series Concept of the Management Analyst series outlines incumbents of these positions, "Positions in this series ... **provide consultation, develop strategies, conduct research, formulate recommendations,** and coordinate implementation of strategic and long-range planning activities in areas such as business and organizational planning, budgeting, operations, **policy issues**, and proposed legislation. **Incumbents develop and implement processes for monitoring and measuring outcomes of activities**." [emphasis added] These statements are in line with the duties performed by the Respondents. By the performance of conducting background checks, and consulting with social workers, the duties meet this statement. The consultation is in line with the policies and guidelines set forth federal and state governments. The Respondents develop and implement their processes for monitoring and measuring the outcomes of the decisions they are making. Based on these activities, the Board finds the Respondents meet the Class Series Concept of the Management Analyst series.

However, in order for the Respondents to meet the Definition of the Management Analyst 3, their decisions on access to children would need to be final, and they are not. The Respondents, after conducting their research, provide analyses to social workers, who then make final determinations on access to children. They do not, in the capacity envisioned by the Management Analyst 3 classification, "exercise independent judgment."

When applying to the duties performed by the Respondents, they work under the direction of higher-level analysts to design, direct, and conduct specialized, complex interdisciplinary projects and data studies related to a variety of issues involving multiple internal or external organizations. The Respondents independently resolve routine issues and problems and refer unusual problems to higher levels identifying probable outcomes and solutions. This is accomplished by their duties revolving around the compilation of data from various external organizations. During the hearing, testimony was given that outlined that when unusual issues

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arise, these are referred to higher-levels, even though these occasions are rare, they meet the definition of the Management Analyst 2 Definition.

In a hearing on exceptions, the Appellant has the burden of proof (WAC 357-52-110). Appellant has met the burden of proof in part in that the duties performed by the Respondents do not meet the Management Analyst 3; however, the Board finds the duties do not meet the Forms and Records Analyst 3.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal on exceptions by the Department of Social and Health Services (Department of Children, Youth and Families) is granted in part and denied in part and Respondents positions should be allocated to the Management Analyst 2 classification.

DATED this 9th day of January, 2019.

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Nancy Holland Young

NANCY HOLLAND YOUNG, Chair

Vicky Bowdish

VICKY BOWDISH, Vice Chair

Susan L. Miller

SUSAN MILLER, Member

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