BEFORE THE PERSONNEL RESOURCES BOARD

STATE OF WASHINGTON

DEPARTMENT OF CORRECTIONS, Appellant, vs. HEIDI GRIFFITH, Respondent.	CASE NO. R-ALLO-18-022 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, VICKY BOWDISH, Vice Chair, and SUSAN MILLER, Member, for a hearing on Appellant's exceptions to the Director's Determination dated October 24, 2018. The hearing was held on December 11, 2018, at Room 110, Capitol Court, 1110 Capitol Way, in Olympia, Washington.

Appearances. Appellant, Department of Corrections, was present and represented by Darryl Taylor, Human Resource Consultant, and Kelly Blevins, Human Resource Consultant. Respondent, Heidi Griffith, was present by phone with colleague, Lee Young.

Background. On November 16, 2017, Respondent submitted a Position Review Request to the Department of Corrections Human Resources Office requesting reallocation from a Corrections Specialist 2 to a Corrections Specialist 3. By letter dated February 5, 2018, Ms. Taylor, Department of Corrections Human Resources, notified Respondent the request to reallocate the positon was denied, and the position remained allocated to Corrections Specialist 2.

On February 27, 2018, Office of Financial Management State Human Resources received a Request for Director's Review from Respondent.

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The Director's Review Specialist conducted a review of Respondent's position based on written documentation. By letter dated October 24, 2018, the Director's Review Specialist determined the most appropriate allocation for Respondent's position was the Corrections Specialist 3 classification.

On November 6, 2018, Appellant filed timely exceptions to the Director's Determination.

As summarized by the Director's Review Specialist, Respondent's position is located within the Department of Corrections at the Washington State Penitentiary, South Complex. Respondent performs her duties under the Correctional Program Manager (CPM), Steven Sundberg.

Summary of Appellant's Arguments. Appellant takes exception to the Director's Determination in that the Director's Review Specialist stated that Respondent should be allocated to a Corrections Specialist 3 because she works under "Administrative Direction" and works in a major facility with multiple levels of confinement. Appellant argued that this is not allocating criteria and does not speak to the actual duties the Respondent is assigned. Respondent's position coordinates, implements and evaluates a correctional program in the area of administrative segregation as stated specifically in the CS2 definition. Respondent's job duties are on a facility wide level, not a statewide level, as described in the CS3 definition. The Director's Review Specialist also stated that Respondent audits the Prison Rape Elimination Act (PREA) program. Appellant argued that the program has a PREA Coordinator, located at Headquarters, and Respondent assists this person with preparing data for the audits, not conducting the audits. Respondent maintains "quality control" rather than conducting formal audits.

Appellant further argued Respondent provides only recommendations to the CPM, she does not make determinations or formulate decisions and does not make final decisions. In addition, Appellant also noted that Respondent does not have overall administration of the PREA program and it is not a primary function of her job. Based on all of the information in the classification

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specification and the hearing before the Board, the Director's Review Specialist determination is incorrect.

Summary of Respondent's Arguments. Respondent argued that the level of supervision of "close detail" indicated by the CPM on the Position Description is inaccurate and it should be recognized that her position is under "Administrative Direction." Respondent stated she handles Administrative Segregation hearings and she believes she has the same responsibilities as the CS3s in the Major Hearings Department. Her duties include due process, notice of meetings and ensuring the offenders' rights are not violated when she conducts Administrative Segregation hearings and Maximum (MAX) custody hearings. Respondent stated 1/3 of offenders out of the entire state in Administrative Segregation and MAX custody is at WSP. Respondent conducts hearings for four different custody levels along with mental health and protective custody offenders. The position is responsible for conducting hearings for the overall administration of institutional hearings within a major facility with multiple levels of confinement.

Additionally, Respondent stated she is the sole Compliance Manager for the PREA Team within her facility. Respondent stated she establishes methods and gives input on policies but is not the policy maker.

Primary Issue. Whether the Director's Determination should be affirmed and Respondent should remain allocated to the Corrections Specialist 3 classification.

Relevant Classifications. Corrections Specialist 2; Corrections Specialist 3.

Class Series Concept Corrections Specialist Series

> 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 minimum or

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major facilities, contracted chemical dependency treatment services, deaf inmate program services, or auditing of correctional programs.

Definition of Corrections Specialist 2

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 related to correctional programs in areas such as: intensive management, administrative segregation, grievance coordinator, security specialist, facility classification; and evidence-based program delivery specialists.

Definition of Corrections Specialist 3

Positions at this level work under administrative direction. Audits correctional programs for compliance with policy and/or has responsibility for statewide programs such as offender classification, Prison Rape Elimination Act (PREA), chemical dependency, staff safety and facility security, and deaf inmates;

OR

Within a major facility that includes multiple levels of confinement has overall administration of institutional hearings or a multi-million dollar roster management program.

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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 following standards, in descending order, are the hierarchy of 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.[1]

While not allocating criteria, typical work statements of a class lend support and provide clarification of type and scope of work encompassed in a class.

Respondent emphasized her duties regarding auditing. In the definition for the CS3 it states that this position "audits correctional programs for compliance with policy." While Respondent is responsible for coordinating audit preparations and ensuring Risk Assessments are completed and comply with DOC's policy, procedure and WAC, the majority of work performed is not conducting full internal audits of correctional programs.

The CS3 definition also mentions having responsibility for overall administration of institutional hearings within a major facility with multiple levels of confinement. While this facility has

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[1] *Norton-Nader v. Western Washington University,* PRB Case No. R-ALLO-08-020 (2008).

multiple levels of confinement, having overall administration is not a shared responsibility with other staff. Respondent shares responsibilities for Administrative Segregation and MAX Custody hearings and system tracking with a colleague.

Respondent considers her involvement with PREA at the CS3 level. While Respondent's position requires extensive knowledge of the program, she does not conduct audits or have statewide responsibility of the PREA program as the sole program representative.

Within the distinguishing characteristics for the CS2 it states, "Positions at this level work under general direction and have facility wide correctional program responsibility." Respondent manages a facility wide correctional program, PREA. Respondent's duties include preparing comprehensive reports, making recommendations to management and coordinating and evaluating. Respondent performs professional level duties related to the correctional program PREA in areas such as: intensive management, administrative segregation and facility classification. The duties performed by Respondent are consistent with the Corrections Specialist 2 level work.

Based on the hierarchy outlined in *Norton-Nader v. Western Washington University*, PRB Case No. R-ALLO-08-020 (2008), Respondent does not meet the definition for the Corrections Specialist 3 classification.

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

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ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal on exceptions by Appellant is granted and the Director's Determination dated October 24, 2018, is overturned and Respondent should be allocated to Corrections Specialist 2.

DATED this 27 day of February, 2019.

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Nancy Holland Young

NANCY HOLLAND YOUNG, Chair

Susan L. Miller

SUSAN MILLER, Member

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