BEFORE THE PERSONNEL RESOURCES BOARD

STATE OF WASHINGTON

DEPARTMENT OF CORRECTIONS, Appellant, vs. MICHAEL EADES, Respondent.	CASE NO.: R-ALLO-18-002 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 Appellants' exceptions to the Director's Determinations dated January 10, 2018. The hearing was held on June 12, 2018.

Appearances. Respondent Michael Eades was present and represented by Theresa Davis, Union Representative, Teamsters Local 117. Rozanne Stewart, Department of Corrections (DOC), Human Resources (HR), Kelly Blevins, DOC HR (observer), Amy Bean, HR Manager for Correction Industries (observer) and Jonathan Smith, HR Consultant, Correction Industries (observer) .

Background. Appellant submitted a Position Review Request (PRR) requesting reallocation of his position from Warehouse Operator 4 (WO 4) to Correctional Industries Supervisor 2 (CIS 2). By determination letter dated April 17, 2018, Appellant determined Respondent's scope of duties and position was properly allocated to the WO 4 classification.

On May 10, 2017, Respondent filed a Request for Director's Review of DOC HR's allocation determination. In the request for review, Appellant asked his position be reallocated to the CIS 2

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classification. By letter dated January 10, 2018, the Director's Designee concluded Appellant's position was improperly allocated to WO 4, and reallocated Respondent's position to CIS 2. On February 2, 2018, Appellant filed timely exceptions to the Director's Determinations.

Appellant's exceptions are the subject of this proceeding. DOC HR contends that although the Director's Determination states specifically that the Designee only took into account duties for the relevant timeframe, during the review conference and after the review conference, the Designee continued to ask clarifying questions for duties performed outside the relevant timeframe. DOC HR contends that although the CIS series is designed to train offenders in a variety of trades and other skills used in the manufacturing process.

Appellant's position is located at Stafford Creek Corrections Center within Correctional Industries. The position supervises three to four offenders in the correct and safe warehouse operations. The duties also include scheduling staff to ensure proper flow of material to the furniture factory. Mr. Eades checks bills of lading delivery, supervises activities related to shipping and receiving of supplies, raw materials and finished goods for Correctional Industries operation.

Summary Position Objective. The incumbent of this position serves as a warehouse supervisor and is responsible for keeping an accurate inventory on all new material and non-inventory items moving through the warehouse. The Appellant trains three to four incarcerated individuals in correct and safe warehouse operations. Appellant schedules staff and warehouse workers to keep an even flow of material to the furniture factory.

Summary of Appellant's (DOC) Arguments. Appellant contends that the Director's Designee failed to understand the manufacturing process. DOC HR contends that manufacturing process is the act of physically assembling the products for shipment. DOC HR argued that while it is true the Respondent ensures offenders are trained and, the Respondent ensures the manufacturing plants is

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supplied with all the raw materials, ensures the product is properly shipped and trains offenders, that these duties are not consistent with the manufacturing process.

Summary of Respondent's Arguments. Respondent argues the Director's Review Specialist correctly analyzed his duties and came to the correct conclusion. Respondent alleged that the work he performs is directly related to the manufacturing process because he ensure the manufacturing plant has all the needed material based on the current orders.

Primary Issue. Whether the Director's determination that Appellant's position is properly allocated to the Correctional Industries Supervisor 2 classification should be affirmed.

Relevant Classifications. Correctional Industries Supervisor 2 and Warehouse Operator 4.

Correctional Industries Supervisor 2

Class Series Concept

This series works with offender inmates to teach them a variety of trades and other skills used in the manufacturing process. Positions learn to balance work schedules and due dates, materials, costs, different production lines and product quality, supervise, teach, and train offenders in the work unit.

Definition

This is the journey, working or occupational level of the series. Incumbents perform their work independently and are competent to resolve issues within their area of responsibility. Position often lead or supervise offenders or staff in different occupational categories.

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Warehouse Operator 4

Class Series Concept

Positions in this class series either supervise or perform warehouse functions in a central warehouse or a major area within a large warehouse. These positions are located in separate buildings devoted to receiving, storing and shipping supplies, equipment, furnishings or provisions.

Definition

This is the supervisory or expert level of the series. Positions at this level supervise and direct the entire receiving, storage and shipping operation in a major distribution center or on a multi-shift operation serving multiple delivery points, the complete operation of a commissary, warehouse, or a major subdivision of a large volume fast turnover warehouse.

Decision of the Majority 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

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other classes in the series in question.[1]

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

Appellant asserts providing warehouse support to the manufacturing plant is not performing duties that are in support of the manufacturing process, which is a qualifier for the CIS 2.

The Class Series Concept for the Correction Industries Supervisor states:

- This series works with offender inmates to teach them a variety of trades and other skills used in the manufacturing process. Positions learn to balance work schedules and due dates, materials, costs, different production lines and product quality, supervise, teach, and train offenders in the work unit.

The Correctional Industries Supervisor Class Series Concept states that incumbents of these positions must teach a variety of trades and other skills used in the manufacturing process. The next qualifier for such positions is that incumbents must learn to balance work schedules and due dates, materials, costs, different production lines and product quality, supervise, teach and train offenders in the work unit. The Respondent meets the second qualifier within the Class Series Concept. However, when determining proper allocations, absent an "or" within the Class Series Concept, incumbents of Correctional Industries Supervisor positions must meet all Class Series Concept qualifiers. In this matter, the Respondent only meets the second qualifier because the duties being performed do not meet the intent of the statement "[T]each them a variety of trades and other skills used in the manufacturing process."

As stated in *Norton-Nader v. Western Washington University*, PRB Case No. R-ALLO-08-020 (2008), the primary consideration and hierarchy when allocating position begins with the Class Series Concept. If an incumbent of a position does not meet the Class Series Concept, then allocation to the class is not appropriate as is with this matter.

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

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The Warehouse Operator series states that incumbents of these positions either supervise or perform warehouse functions in a central warehouse. The Respondent's duties include supervision of warehouse staff and offenders within Stafford Creek Corrections Center. The Respondent's duties include directing the work of a Warehouse Operator 2 and offenders, checking bills of lading for delivery and pick-up and training workers in a modern warehouse environment. All of these duties meet the intent of the Class Series Concept for a Warehouse Operator.

Furthermore, incumbents of the Warehouse Operator 4 classification must be either a supervisor or performing duties at the expert level. Incumbent must also "[D]irect the entire receiving, storage and shipping operation in a major distribution center or on a multi-shift operation serving multiple delivery points... the complete operation of a.... warehouse." The duties outlined in the Warehouse Operator 4 classification meet the duties performed by the Respondent in that he meets the first and second qualifiers because he is functioning at the supervisor level and is performing the warehouse duties outlined in the Definition.

Based on the allocating hierarchy outlined in *Norton-Nader v. Western Washington University*, PRB Case No. R-ALLO-08-020 (2008), the Respondent meets both the Class Series Concept and Definition of the Warehouse Operator 4 classification.

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

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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 January 10, 2017, is overturned.

DATED this 28 day of August, 2018.

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VICKY BOWDISH, Vice Chair

SUSAN MILLER, Member

DISSENTING OPINION

As previously stated in the opinion of the majority of the Board, 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.

When looking to the Class Series Concept it states, "This series works with offender inmates to teach them a **variety of trades** and **other skills** *used* in the manufacturing *process*. Positions learn to balance work schedules and due dates, materials, costs, different production lines and product quality, supervise, teach, and train offenders in the work unit." [emphasis added] As Stafford Creek Correction Center, the warehouse in which the Respondent performs his duties in support of

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shipping and receiving of finished goods, **raw material**, components, commissary and supplies. Inmate workers load and unload on average 12 trucks per week and can earn **Certificates of Proficiency** in general **labor skills such** as moving freight. Inmates and staff are trained in **health and safety programs**. This information istaken directly from the Stafford Creek Corrections Center's website. The Respondent's Position Review Request outlines these same duties, and therefore, based on the Class Series Concept statements that read, "[Incumbents] work[s] with offender inmates to teach them a **variety of trades** and **other skills**...," the Respondent's duties clearly meet this statement. The question lies within the term "manufacturing process." In order to determine the intent of the term, I must look to the typical work statements for guidance and as outlined in the Correctional Industries Supervisor Assistant classification, which state, in part:

- Assists in the **training and supervision** of **offender workers** in the production, **processing,** or service unit
- **Operates/maintains** all machinery and **equipment** required to meet production needs; trains offender workers in the **operation/maintenance of equipment**
- Assists in **inventory control, issues & receipts**, in accordance with agency policy
- Recommends purchases of **raw materials**
- Monitors and ensures that **preventative maintenance** schedules are followed and assists in training operators in safety and machine operation
- Monitors and ensures **compliance** with all **health, safety, and environmental laws**; ensures proper observation of security requirements; maintains proper tool and material control.

Furthermore, when looking to define the manufacturing process, all steps used to during the process from order to shipment to receipt of materials must be looked upon as the manufacturing process. For example:

Manufacturing Process

1. Order – Orders are received by Correctional Industries Customer Service. According to DOC, the customer service consists of processing 50 to 200 customer orders a day, which equates to approximately 35,000 orders a year. Inmate workers assist in the research and response to general customer inquiries, **process orders** and **handle delivery** and **invoicing**

for products and services statewide. They can earn Certificates of Proficiency as customer service representatives and as clerks performing data entry and auditing.

2. Materials – Administrative Support Services. Within this particular "step" of the manufacturing process inmate workers provide clerical support for the **factory, warehouse and business office**. They process **material acquisitions** and **manufacturing orders, provide inventory management, process accounts receivables/payables**, and perform data entry. They can earn Certificates of Proficiency in expediting the flow of work and materials, accounting, the scheduling, recording and compiling reports and other clerical skills.

3. Receipt and Delivery Materials for Furniture Manufacturing – Warehouse Operations. The warehouse **supports shipping** and **receiving of finished goods, raw material, components**, commissary and supplies. Inmate workers load and unload on average 12 trucks per week and can earn **Certificates of Proficiency in general labor skills such as moving freight**. Inmates and staff are trained in health and safety programs.

4. Assembly of Furniture – Furniture Manufacturing. The furniture factory is a LEED Silver Certified manufacturing operation, which produces residence hall furniture (both wood and metal) chairs, desks, tables, panels, bookcases, file cabinets and more. Inmate workers gain valuable **carpentry, upholstery, metal fabrication** and various other **manufacturing trade skills** utilizing the latest technology. Our state of the art equipment includes CNC machinery, UV finish line for wood products and a large powder coat line. This site also is integral to our product development and design program. Many products are the result of custom requests made by our customers. Inmate workers are trained to **participate in the design, engineering and creation of technical drawings, utilizing the latest versions of AutoCAD software**. Inmates can earn Certificates of Proficiency as assemblers, fabricators, machine operators, painters, upholsterers and other production work.

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5. Delivery – Order Shipment. The warehouse supports **shipping** and receiving of **finished goods, raw material, components, commissary and supplies**. Inmate workers load and unload on average 12 trucks per week and can earn Certificates of Proficiency in general labor skills such as moving freight. Inmates and staff are trained in health and safety programs.

6. Payment/Invoicing – Final Step of the Process. The customer service processes 50 to 200 customer orders a day, which equates to approximately 35,000 orders a year. Inmate workers assist in the research and response to general customer inquiries, **process orders and handle delivery and invoicing for products** and services statewide. They can earn Certificates of Proficiency as customer service representatives and as clerks performing data entry and auditing.

The entire manufacturing process does not simply include the assembly of furniture or goods. The manufacturing process is a multi-step process that begins with customer service and ends with the payment of shipment of goods. Without each component, the process would fail.

Correctional Industries Supervisor 2

Definition

This is the journey, **working or occupational level** of the series. Incumbents perform their work **independently** and are competent to resolve issues within their area of responsibility. Position soften lead or supervise offenders or staff in **different occupational categories**. [emphasis added]

The Definition of the Correctional Industries Supervisor 2 clearly states that incumbents of these positions supervise offenders or staff in "different occupational categories." Warehouse operations is an occupational category and the duties performed by the Respondent are in direct correlation to the manufacturing process. The Respondent's duties include:

- Supervise activities related to shipping and receiving of supplies and finished goods in accordance with DOC policies and procedures
- Assigns, schedules and directs the work of warehouse worker and inmates in moving raw material and equipment. Transportation of product to production line, operate machinery required to meet production deadlines
- Make arrangements for maintenance and repairs of equipment. Monitor fleet vehicles, vehicle and equipment inspection, etc.
- Utilize G-8 software to for inventory control.
- Conduct inmate evaluations, conduct interviews, etc.

All of which align with the Typical Work Statements outlined within the Correction Industries Supervisor 2, which the Board has determined can be used for guidance to gain a better understanding of the duties performed by specific classifications.

Based on the foregoing, the Appellant has not met the burden of proof, and it is the belief of this Board member that the Respondent should remain allocated to the Correctional Industries Supervisor 2 classification.

DATED this _____ day of _____, 2018.

WASHINGTON PERSONNEL RESOURCES BOARD

Nancy Holland Young

NANCY HOLLAND YOUNG, Chair

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