BEFORE THE PERSONNEL RESOURCES BOARD

STATE OF WASHINGTON

KRISTINA BUTLER, *et al.*, Appellants, vs. DEPARTMENT OF SOCIAL AND HEALTH SERVICES, Respondent.	CASE NOs.: R-ALLO-17-023, R-ALLO-17-024, R-ALLO-17-025, R-ALLO-17-026, R-ALLO-17-027, R-ALLO-17-028, R-ALLO-17-029 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 October 13, 2017. The hearing was held on February 13, 2018.

Appearances. Appellant**s** selected Ronald Glowen to present their arguments to the Board on the Director's Designee decision. Appellants Kristina Butler, Alex Donnelly, Jason Kollmer, Heather LaCombe, Megan Matthews, and Cynthia Williams were present by phone. Dorothy Hibbard, Classification and Compensation Specialist for Department of Social and Health Services (DSHS), Human Resources (DSHS-HR) and Jeanetta Lyles, DSHS HR represented Respondent. Also present were Cyrus (Bill) Green, Child Support Program Manager, and Jake Hughes, Child Support Program Manager.

Background. Appellants submitted Position Review Requests (PRRs) requesting reallocation of their Support Enforcement Officer (SEO) 4 positions to Child Support Program Administrators (CSPA) on

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August 9, 2016. By determination letters dated February 16, 2017, Respondent determined Appellants' duties and positions were properly allocated to the SEO 4 classification.

On March 15, 2017, Appellants filed requests for director's reviews of DSHS's allocation determination. In their request for review, Appellants asked that their positions be reallocated to the CSPA classification. By letter dated October 13, 2017, the Director's Designee concluded Appellants' positions were properly allocated to SEO 4s. On November 6, 2017, Appellants filed timely exceptions to the director's determinations.

Appellants' exceptions are the subject of this proceeding.

Appellants work within the Central Services Unit (CSU) of the Division of Child Support (DCS) Headquarters. Their positions perform duties within the State Disbursement Unit (SDU), the Washington State Support Registry (WSSR) and the Centralized Mail Imaging Hub located in the DCS Central Services within the Economic Services Administration (EAS) of DSHS. Mr. Donnelly, Ms. Williams, Ms. Matthews and Mr. Glowen reported to Jason Hughes, Child Support Program Manager. Ms. LaCombe, Mr. Kollmer and Ms. Butler, reported to Bill Green, Child Support Program Manager.

Summary Position Objective. Within CSU, these positions serve as the principle program administrators in one or more statewide program areas: Total vs. Total, Electronic Funds Transfer, Payment Processing, (including Misapplied, NSFs), IRS Payments, Headquarters Telephones (EFT and Reception lines), Electronic Referrals, Nonassistance Applications, Court Orders, Intergovernmental Referrals, Foster Care Referrals, specialized caseloads (Receivable, Retained, In Rem, TX Redirect), Administrative Funds, Returned Checks, and Cash Locate. In addition, these positions also supervise anywhere from 12 to 15 staff members in a cross functional team environment. In a supervisory capacity, Appellants are responsible for selection, training and

WASHINGTON PERSONNEL RESOURCES BOARD
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development of staff, planning and assigning of work, evaluation of staff and performance management.

Their positions assist management with time sensitive, critical presentations and assignments by conducting research and analyzing and evaluating programing data. This involves maintaining compliance with state and federal regulations related to child support and enforcing the requirements derived from those regulations. Management relies on Appellants for their expertise in their areas within SDU and WSSR. They also establish training plans; give feedback, direct workflow to Office Assistants, Support Enforcement Technicians, and Support Enforcement Officers. Field staff contact Appellants for guidance and support and in some cases, Appellants direct field staff on issues related to areas of their responsibility. Appellants are crossed-trained in all areas in order to support each other to ensure workflow and process are constant. Areas of responsibility are rotated through these positions to ensure that each Appellant gains expertise in all subject areas.

Summary of Appellants' Arguments. Appellants contend that the Director's Designee failed to understand the level of responsibilities, diversity and scope of their job duties. Appellants further allege they are principle program administrators in SDU and WSSR, within the Division of Child Support. Appellants disagree the SEO 4 definition describes the majority of their duties. Appellants further disagree with the Director's determination that the interpretation of the CSPA definition that states, "[S]erves as a principal program assistant to a Child Support Chief or the Child Support Division Director…" represents there can be only *one* CSPA per program area. Appellants argue the SEO 4 definition indicates that positions may also serves in one of the following capacities:

1. Supervises a unit of professional and/or technical Support Enforcement staff. In addition, incumbents may supervise other support enforcement personnel or;
2. Primary assistant to a District Administrator Support Enforcement Program Administrator 3 or 4 or;

WASHINGTON PERSONNEL RESOURCES BOARD
PO BOX 40911
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3. In a nonsupervisory capacity, within Headquarters, designated as a program expert, special projects manager or consultant for a statewide program.

Nevertheless, that the definition does not state "in one or more capacities" and therefore by Appellants serving in one or more capacities as stated in the SEO 4, their positons function beyond the scope of the intent of the class. Appellants contend their supervisors are Child Support Program Managers and are not principal program assistants for the SDU, Case Registry (CR) and the Centralized Document Imaging Programs. Appellants argue the Director's decision incorrectly limits the allocation of their work and time related percentages as CSPAs. Appellants allege the majority of their time is spent carrying out program management and administrative functions under Central Services Chief's area of responsibility. Appellants further argued the Chief in Central Services stated during the review conference that each of the Appellants do act as principal program assistants in their areas of responsibility. Appellants argue they are more than mere experts, special project managers and consultants and that the majority of their duties meet the definition and distinguishing characteristics of the CSPA job class.

Summary of Respondent's Arguments. Respondent argues Appellants' positions are properly allocated to the SEO 4 classification. Respondent asserts Appellants duties are incorporated within the parameters of the SEO 4 classification. Respondent argues the CSPA classification specification has two qualifiers; the first, "serves as a principle assistant to a Child Support Chief or Child Support Division Director," and the second; "as a senior project manager in the development of new statewide programs." Respondent further argues CSPAs assume the work that is assigned to the Chief or Director through delegated authority to the CSPA who carry out program management and administrative functions within delegated areas of responsibility. Respondent further argues the Central Services Chief has an assistant that functions, has delegated authority and is allocated as a CSPA. This incumbent serves as a program assistant to the Central Services Chief. This position is carrying out functions that include participating in Economic Services Administration statewide workgroups as the Division of Child Support representative focusing on cross administration initiatives, various personnel subject matters and service delivery. The duties assigned to the Chief's

CSPA also has delegated responsibly for gathering, coordinating and analyzing feedback and preparing responses/proposals for consideration by the Assistant Secretary and the Senior Human Resources Director. Respondent contends these duties would normally be carried out by Central Services Chief, but have been delegated to a CSPA.

Furthermore, Appellants direct supervisors are Child Support Program Managers, who report to the Central Services Chief. The Director of the Division of Child Support Central Services functions as the Central Services Chief direct supervisor. Respondent discussed the CSPA definition in terms of serving as a senior project manager. Respondent asserts this statement can be defined as an incumbent handling/managing various projects in the development of statewide programs. Three CSPAs report directly to Child Support Program Managers and their functions include "long-range strategic plans; quality assurance practices across Division of Child Support; analyzing complex statues, regulations and policies; identifying and tracking workforce and organizational development and training needs, project management, workflow coordination, and researching and compiling statistical data for organizational performance and processes."

Respondent contends the duties performed by the incumbents fit the typical work statements of the SEO 4, but also iterated the statements are not allocating criteria.

Respondent contends that scope and level of responsibilities of Appellants duties fits within the SEO 4 classification series and that based on the definition, best described the duties performed by Appellants' and their positions should remain allocated to the SEO 4 classification.

Primary Issue. Whether the Director's determination that Appellants' positions are properly allocated to the Support Enforcement Officer 4 classification should be affirmed.

Relevant Classifications. Child Support Program Administrator and Support Enforcement Officer 4.

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 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.

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.

Appellants assert that relying on, and comparing terms from their PRR and the SEO 4 definition selectively and without context fails to accurately assess the nature of their positions.

The definition for the Child Support Program Administrator states:

- Within the Division of Child Support, serves as **a principal program assistant** to a **Child Support Chief or the Child Support Division Director** **and/or** serves as the **designated senior project manager** in the development of **new statewide** programs. [emphasis added]

The CSPA definition has two allocating criteria. In order to meet the first allocating criteria, Appellants must work within the Division of Child Support and an incumbent must be serving as "as a principal program assistant to a Child Support Chief or the Child Support Division Director." While the Board certainly agrees with the Appellants that, because the definition lacks the term

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PO BOX 40911
OLYMPIA, WA 98504-0911

"serve as **the** program assistant…," there can be more than one CSPA assigned to a unit. It is true the CSPA definition utilizes an "a" which lends support to an argument that within a unit there can be more than one CSPA assigned to the Child Support Chief or Child Support Division Director. However, the definition nevertheless requires an incumbent to be a program assistant to a Child Support Chief or Child Support Division Director, which the organizational chart provided does not illustrate the required reporting structure of the unit. Therefore, the Appellants do not meet the first allocating criteria.

The allocating criteria requires the Appellants to serve as "a principal program assistant to a Child Support Chief or the Child Support Division Director." Appellants argue they meet this definition and that the Child Support Chief believes Appellants met the definition. However, Appellants serve in varying capacities with varying responsibilities within each unit. Appellants allege they were each assigned a piece of a project and various assignments working within a statewide project by the Child Support Chief. However, in order to be defined as a designated senior project manager for new statewide programs an incumbent must be solely responsible for the project and be designated in writing.[1] Appellants argue that they meet the criteria because their supervisors and Chief had signed their PRRs and agreed they each were designated senior project leaders. However, in the PRRs and PDFs, the terms used throughout are, "project manager/co-leader," "Division projects," etc. none of which reach a statewide level or are considered "development of new statewide programs" nor do these statements reflect any sort of designation. Therefore, the Appellants do not meet this criteria within the CSPA definition whish states, "serves as the designated senior project manager in the development of new statewide programs Child Support Chief is the senior project manager."

Furthermore, working within a divisional project as a co-leader or project manager is different than developing new statewide programs as a designated project manager. When allocating positions the terms used within the definitions are the basis for allocations and assist in distinguishing positions from one class to the next. In this matter terms such as "designated," "principal," "senior,"

[1] *Rapozo v. Parks and Recreation Commission*, PRB Case No. R-ALLO-087-021 (2009)

"statewide," etc. are all relevant and play a significant role in this matter. In addition, of these terms distinguish the CSPA from the SEO 4.

The definition for Support Enforcement 4 class states:

Within the Office of Support Enforcement, serves in one of the following capacities:

- Supervises a unit of professional and/or technical Support Enforcement staff. In addition, incumbents may supervise other support enforcement personnel or;
- Primary assistant to a District Administrator Support Enforcement Program Administrator 3 or 4 or;
- In a nonsupervisory capacity, within Headquarters, designated as a program expert, special projects manager or consultant for a statewide program.

Although the Board has found the Appellants do not meet the allocating criteria for the CSPA, the arguments presented during the case require the Board to look beyond the definition of the SEO 4 to make its final determination. As such, the Board looked to the Distinguishing Characteristics of the SEO 4 class. The Distinguishing Characteristics for the SEO 4 classification describe positions that supervises a unit of professional and/or technical Support Enforcement staff. In addition, incumbents may supervise other support enforcement personnel, responsible for selection, training and development, planning and assigning of work, evaluation of performance, and corrective action of subordinates. In a nonsupervisory capacity, incumbents serve as a primary assistant to a District Administrator; or within Headquarters reports to a Support Enforcement Program Administrator 2 or above, and is responsible for coordinating and participating in the planning, development, implementation, evaluation, analysis and enhancement of special statewide program and enhancements, new statewide programs and/or existing statewide programs such as: Program Audits, Quality Assurance, Support Enforcement Management System, Public/Client Relations, Training, Operation/Program Development, Legal Services - Manuals and Cash Distribution.

The SEO 4 definition describes the level of duties and responsibilities encompassed at this level. Appellants' duties and responsibilities are supervising a unit of professional and/or technical Support Enforcement staff and other support enforcement personnel. Which Includes training and

WASHINGTON PERSONNEL RESOURCES BOARD
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development, planning and assigning of work, evaluation of performance, and corrective action of subordinates. Within Headquarters Appellants report to Child Support Program Managers who report to the Child Support Chief. The duties and responsibilities inherent in performing these duties are consistent with the duties and responsibilities of Appellants' positions.

Appellants' positions are located in the Central Services Unit of the Division of Child Support Headquarters. The overall duties and level of responsibility assigned to Appellants position fit within the definition and distinguishing characteristics of the Support Enforcement Officer 4 classification. We concur with the director's designee determination that Appellants position should remain allocated to the Support Enforcement Officer 4 classification.

In a hearing on exceptions, the appellant has the burden of proof. WAC 357-52-110. Appellants have failed to meet their burden of proof.

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ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal on exceptions by Appellants is denied and the Director's determinations dated October 13, 2017, is affirmed.

DATED this _____ day of _____, 2018.

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NANCY HOLLAND YOUNG, Chair

VICKY BOWDISH, Vice Chair

SUSAN MILLER, Member

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