BEFORE THE PERSONNEL RESOURCES BOARD

STATE OF WASHINGTON

DEPARTMENT OF CORRECTIONS, Appellant, vs. LEE YOUNG, Respondent.	CASE NO. R-ALLO-18-023 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, Lee Young was present by phone with colleague, Heidi Griffith.

Background. On November 15, 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 14, 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 his duties under the Correctional Program Manager (CPM), Steven Sundberg.

Summary of Appellant's Arguments. Appellant takes exception to the Director's Determination which stated that Respondent should be allocated to a Corrections Specialist 3 because he 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 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. Appellant disagrees with the Director's Review Specialist that, "Mr. Lee [sic] provides determination to the Corrections [sic] Program Manager and Superintendent for approval…" Respondent provides recommendations to the CPM. Respondent is not making determinations or formulating decisions and does not make final decisions.

In addition, Appellant also noted that Respondent does not have overall administration of the administrative segregation program because he shares these duties with another CS2. Based on all of the information in the classification specifications and the hearing before the Board, the Director's determination is incorrect.

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Summary of Respondent's Arguments. Respondent argued the volume of offenders at the Washington State Penitentiary is higher than any other Administrative Segregation Office in the Department of Corrections. Respondent stated 1/3 of offenders out of the entire state in Administrative Segregation and MAX custody is at WSP. In addition, Respondent stated that he manages the referrals of all offenders in DOC who request housing in the protective custody units at WSP. Respondent also chairs a Facility Risk Management Team bi-weekly to assist in determining which offenders will be housed in the WSP BAR Units and which offenders still have safe housing options in other areas of DOC. Respondent argued that Disciplinary Hearings Officers who are CS3's at WSP don't conduct Administrative Segregation hearings.

In addition, Respondent stated that he is responsible for gathering information for audits. He and a colleague compile the data and make recommendations to Headquarters for the audits.

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 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

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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.

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).

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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.

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

Respondent mentioned the level of his expertise should be taken into consideration. However, the Board would like to clarify that pursuant to *Liddle-Stamper v. Washington State University,* PAB Case No. 3722-A2 (1994), the Board set precedent that the volume of work and evaluation of expertise cannot be used as allocating criteria. When allocating a position it must be based upon the overall duties of the position.

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

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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 is responsible for Administrative Segregation and MAX Custody classification processes in accordance with DOC's Policy and WAC. Respondent's duties include preparing comprehensive reports, making recommendations to management and coordinating and evaluating various correctional programs. Respondent performs professional level duties related to correctional programs 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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