

1 **BEFORE THE PERSONNEL RESOURCES BOARD**
2 **STATE OF WASHINGTON**

3 MELANIE WALLER)

4 Appellants,)

5 vs.)

6 DEPARTMENT OF SOCIAL AND)
7 HEALTH SERVICES)

8 Respondent)

CASE NO. R-ALLO-16-003

ORDER OF THE BOARD
FOLLOWING HEARING ON
EXCEPTIONS TO THE
DETERMINATION OF THE DIRECTOR

9
10 **Hearing on Exceptions.**

11 This appeal came before the Personnel Resources Board, NANCY HOLLAND YOUNG, Chair,
12 SUSAN MILLER, Vice Chair, and VICKY BOWDISH, Member. The hearing was held on June 1,
13 2016, at Capitol Court, Olympia, WA.

14
15 **Appearances.**

16 Appellant Melanie Waller was present by phone. Respondent Department of Social and Health
17 Services (DSHS) was present and represented by Lester Dickson, Classification and Compensation
18 Specialist, DSHS.

19
20 **Background.**

21 On April 24, 2015, Appellant submitted a Position Review Request (PRR) to DSHS's HR
22 Classification and Compensation Unit requesting reallocation from a Social and Health Program
23 Consultant 2 (SHPC 2) to a Social and Health Program Consultant 3 (SHPC 3). By letter dated July
24 2, 2015, DSHS HR notified Appellant her position would remain as a SHPC 2s.

25
26 On July 31, 2015, OFM State HR received a request for a director's review. By letter dated
27 February 1, 2016, the director's designee notified Appellant her position was properly allocated to
28 SHPC 2.

1 On February 19, 2016, Appellant filed timely exceptions to the director's determination. In her
2 exceptions, Appellant indicated the duties and responsibilities of her position best fit the SHPC 3
3 job class.

4
5 As summarized in the director's review, Appellant serves as a Regional Contract Manager (RCM)
6 within the Finance and Performance Evaluation Division of the Children's Administration (CA).
7 Appellant develops, negotiates, executes and manages a diverse array of client services; personal
8 service contracts; and tribal and inter-local agreements to meet the needs of CA clients within her
9 assigned geographical areas.

11 **Summary of Appellant's Arguments.**

12
13 Appellant argues she performs at the same level as the SHPC 3s in coordinating and facilitating the
14 work of other staff during onsite provider visits. Appellant contends she's been working under a
15 position description (PD) with an effective date of August 29, 2011, until the new PD was created on
16 February 11, 2015, and approved by DSHS HR on April 16, 2015. The 2011 PD indicated she had
17 lead-level responsibility. Appellant contends she did not sign the new PD because language
18 regarding lead work was removed, yet her actual duties remained the same.

19
20 Appellant asserts the meaning of "lead work" in the SHPC 3 class specification is broader than the
21 definition of "lead" in the *Glossary of Classification Terms*. Appellant further asserts that being a
22 leader does not have a one-size-fits-all definition.

23
24 Appellant takes exception to the determination that the SHPC 3 contract managers perform many of
25 the same tasks they do, but with the additional responsibility of being a lead worker. Appellant
26 contends the SHPC 3 presently assigned as her supervisor does not assign, instruct and check the
27 work of the SHPC 2 positions and therefore is not performing lead functions.

1 Appellant argues she performs at the same level as the SHPC 3s in coordinating and facilitating the
2 work of other staff during onsite provider visits.

3
4 **Summary of Respondent’s Arguments.**

5 Respondent asserts the SHPC 3 classification requires specific designation as a lead worker and that
6 Appellant’s PD does not indicate the positions work in a lead capacity. Respondent cites the
7 definition of “lead” from the *Glossary of Classification Terms*: “An employee who performs the
8 same or similar duties as other employees in his/her work group and has the designated
9 responsibility to regularly assign, instruct, and check the work of those employees on an ongoing
10 basis.”

11
12 Respondent contends that since Appellant’s position has not been designated as a lead worker, her
13 position should not be allocated to the SHPC 3 classification.

14
15 **Primary Issue.** Whether the director’s determination should be affirmed in that Appellant’s position
16 should remain at the SHPC 2 job class.

17
18 **Relevant Classifications.** SHPC 2; SHPC 3

19
20 **Decision of the Board.** The purpose of a position review is to determine which classification best
21 describes the overall duties and responsibilities of a position. A position review is neither a
22 measurement of the volume of work performed, nor an evaluation of the expertise with which that
23 work is performed. A position review is a comparison of the duties and responsibilities of a
24 particular position to the available classification specifications. This review results in a
25 determination of the class that best describes the overall duties and responsibilities of the position.
26 See *Liddle-Stamper v. Washington State University*, PAB Case No. 3722-A2 (1994).

1 Most positions within the civil service system occasionally perform duties that appear in more
2 than one classification. However, when determining the appropriate classification for a specific
3 position, the duties and responsibilities of that position must be considered in their entirety and
4 the position must be allocated to the classification that provides the best fit overall for the majority
5 of the position's duties and responsibilities. *Dudley v. Dept. of Labor and Industries*, PRB Case
6 No. R-ALLO-07-007 (2007).

7 Appellant contends her supervisor, a SHPC 3, does not perform as a lead worker. However, the
8 Board is limited to the scope of Appellant's position.

9
10 The Board carefully reviewed the documentation submitted during the director's review and
11 considered the arguments presented by the parties at the hearing before the Board. Allocating
12 criteria consists of the class specification's class series concept (if one exists), the definition and
13 the distinguishing characteristics. Typical work is not an allocating criterion, but may be used to
14 better understand the definition or distinguishing characteristics.

15
16 There is no class series concept for the SHPC class series.

17
18 The definition for the SHPC 2 states:

19
20 Independently develop, administer, and/or monitor social, financial, or health
21 services programs or the program policies and procedures for use by staff or
22 service vendors; or develop plans for monitoring service delivery; or develop,
23 implement, monitor and provide statewide program consultation and/or technical
24 assistance to staff, community or providers to enhance the delivery of services; or
25 serves as a licensor of day care centers.

1 The distinguishing characteristics of the SHPC 2 states:

2
3 Some positions in this class may perform one of the following functions a majority of
4 the time, provided that the duties identified in the Definition are also included in the
5 work assignment:

- 6 • develop, implement and monitor grants and/or service contracts;
- 7 • liaison and public relations;
- 8 • draft or analyze proposed legislation and determine fiscal impact;
- 9 • conduct program audits and on-site inspections;
- 10 • review findings of hearings;
- 11 • research, analyze and interpret State and Federal regulations and/or legislation; or
- 12 • develop, implement, direct and monitor a designated project or projects;
- 13 • licensure of day care centers.

14
15 The definition for the SHPC 3 states:

16
17 Within the social service system, these positions serve as a designated lead
18 worker, directing and monitoring the activities of a team comprised of
19 professional level social service staff, other professional staff, families, and the
20 community in providing guidance to families that are at risk of dependency and/or
21 serving clients with severe and intense social service needs. These positions also
22 develop, administer, and/or monitor social, financial, or health services programs
23 or the program policies and procedures used by staff or vendors.

24 There are no distinguishing characteristics for the SHPC 3.

25
26
27 The relevant difference between the SHPC 2 and SHPC 3 is the SHPC 3's lead responsibilities.

28 The review period is October 24, 2014, through April 24, 2015, and the new PD, which does not
29

1 indicate lead-level responsibility, was approved by DSHS Human Resources on April 16, 2015.
2 The PD in affect for the majority of the review period was effective August 29, 2011, and
3 indicated lead-level responsibility in several sections of the form. The Board heard testimony that
4 Appellant does not currently perform lead-level work and the new PD omitted this language.
5 However, the Board did not hear evidence that the work performed during the majority of the
6 review period under the old PD was anything other than lead-level.

7
8 WAC 357-13-045 provides, in part, that the “manager of the position is responsible for
9 completing the position description form...” The position description for Ms. Waller covering the
10 period of August 29, 2011, through April 16, 2015, was completed by management and indicates
11 the position was assigned lead-level responsibilities. This is evident in the position description
12 Part B, subsections 1 and 2.

13
14 Page three of the PD, section IV, Part B (1), indicates that Appellant evaluates, corrects,
15 disciplines and assigns work. It also indicates the position instructs and checks the work of
16 others. Subsection (2) indicates Appellant is a lead position.

17
18 Portions of the Essential Functions Section also indicate Appellant leads other employees,
19 including functions such as:

20
21 “...Train and monitor Contract Administration Staff Assistants to delegated
22 contract and program process, documentation, tracking and storage...
23 Appropriately delegate responsibilities to, review accuracy and efficacy of
24 delegated work, and maintain ultimate accountability of product. Provide
25 documentation for yearly evaluations and/or disciplinary process...”

26
27 ...

1 “...Work independently or as a team member, and as a Lead to establish priorities
2 and organize work that will enable completion of assigned tasks by exercising
3 sound judgement, problem solving abilities, and multi-tasking in a timely and
4 accurate manger...”

5
6 The majority of Appellant’s duties from October 24, 2014 through April 24, 2015, entailed
7 developing, managing and monitoring contracts, which fits the definition of SHPC 2. In addition
8 to those duties, Appellant was given lead-level authority causing the duties of her position to rise
9 to the level of SHPC 3. Respondent did not provide evidence indicating Appellant’s actual duties
10 between August 29, 2011, and April 16, 2015, was anything other than lead-level, rather referred
11 to the language in the new PD. All language regarding lead work was omitted from the new PD.

12
13 Verne Christianson v. Western Washington University, PAB Case no. *R-ALLO-02-003* (2002),
14 states, “Because a current and accurate description of a position’s duties and responsibilities is
15 documented in an approved classification questionnaire, the classification questionnaire becomes
16 the basis for allocation of a position. An allocation determination must be based on the overall
17 duties and responsibilities as documented in the classification questionnaire. The position
18 description serves the same purpose as the former classification questionnaire and thus serves as
19 the basis for making a position’s allocation determination.”

20
21 For allocation purposes, the Glossary of Classification Terms is the guiding document for defining
22 “lead,” which states:

23
24 An employee who performs the same or similar duties as other employees in
25 his/her work group and has the designated responsibility to regularly assign,
26 instruct, and check the work of those employees on an ongoing basis.

1 Since there was no evidence or testimony indicating Appellant performed work other than lead-
2 level the majority of the review period, the Board finds that from October 24, 2014, through April
3 24, 2015, SHPC 3 is the best fit for the duties of her position. For work after April 24, 2015, the
4 PD and testimony from Appellant and Respondent indicates Appellant does not perform as a lead
5 worker, as per the Glossary of Classification Terms, therefore fitting the definition of SHPC 2.

6
7 In a hearing on exceptions, the appellant has the burden of proof (WAC 357-52-110).
8 Appellant has met their burden of proof.

9
10 **ORDER**

11 NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal on exceptions by Melanie Waller
12 is granted in part, and Appellant's position is reallocated to SHPC 3 for the review period of
13 October 24, 2014 through April 24, 2015. Appellant returns to the SHPC 2 job class effective
14 April 25, 2015.

15 DATED this ____ day of _____, 2016.

16
17
18
19 WASHINGTON PERSONNEL RESOURCES BOARD

20
21 _____
22 NANCY HOLLAND YOUNG, Chair

23
24 _____
25 SUSAN MILLER, Vice Chair

26
27 _____
28 VICKY BOWDISH, Member
29