

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

3 GREGORY MILLER)

4 Appellant,)

5 vs.)

6 DEPARTMENT OF CORRECTIONS)

7 Respondent)

CASE NO. R-ALLO-16-007

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

9
10 **Hearing on Exceptions.** This appeal came before the Personnel Resources Board,
11 NANCY HOLLAND YOUNG, Chair, SUSAN MILLER, Vice Chair, and VICKY
12 BOWDISH, Member. The hearing was held on July 13, 2016, at Capitol Court, Olympia,
13 WA.

14
15 **Appearances.** Appellant Gregory Miller was present and was represented by Eric Smith,
16 Representative for Teamsters, Local 117. Respondent Department of Corrections (DOC)
17 was present and represented by Rozanne Stewart, Human Resource Consultant, DOC.

18
19 **Background.** On July 24, 2015, Appellant submitted a Position Review Request (PRR) to
20 DOC's HR Office requesting reallocation from a Psychiatric Social Worker 3 (PSW 3) to a
21 Psychology Associate (PA). By letter dated September 22, 2015, DOC HR notified
22 Appellant his position would remain as a PSW 3.

23
24 On October 20, 2015, OFM State HR received a request for a director's review. By letter dated
25 March 24, 2016, the director's designee notified Appellant his position was properly allocated to
26 PSW 3.

1 On April 15, 2016, Appellant filed timely exceptions to the director's determination. In his
2 exceptions, Appellant indicated the duties and responsibilities of his position best fit the PA job
3 class.

4
5 As summarized in the director's review, Appellant delivers outpatient mental health services to
6 general population offenders at the Monroe Corrections Center Maximum Security Unit. Appellant
7 interviews, evaluates, diagnoses and makes referrals to appropriate mental health programs; and
8 composes treatment intervention strategies. During the review period, Appellant reported to a PSW
9 4.

10
11 **Summary of Appellant's Arguments.** Appellant contends that PAs within DOC perform
12 the same work as his position and further contends he's not comparing one position to
13 another, rather the aggregate of all PAs to his position. Appellant maintains that if his
14 position doesn't fit the class specifications of PA, then all other PAs also do not fit.

15
16 Appellant asserts his position meets the definition of "program," per the *Glossary of Classification*
17 *Terms*. Appellant states he has responsibility for a program, Outpatient Mental Health Services, in
18 accordance with the definition of PA. Appellant further states Ms. Stewart does not have the
19 expertise in the mental health field to determine an appropriate job class.

20
21 **Summary of Respondent's Arguments.** Respondent argues Appellant's position cannot
22 be compared to other PAs within DOC, citing *Byrnes v. Department of Personnel and*
23 *Corrections*, PRB No. R-ALLO-06-005 (2006). Respondent contends the *Byrnes* case
24 established that allocation of a position must be based on the overall duties and
25 responsibilities assigned to an individual position compared to the existing class
26 specifications. As such, Respondent asserts the duties of Appellant's position must be
27 compared to the class specifications.

1 Concerning whether or not the class specifications fit job classes within DOC, Respondent asserts it
2 is State HR's responsibility, not DOC's, to maintain the classification plan. Respondent further
3 asserts that a Personnel Resources Board hearing is not the place to address class specification
4 issues.

5
6 **Primary Issue.** Whether the director's determination should be affirmed in that Appellant's
7 position should remain at the PSW 3 job class.

8
9 **Relevant Classifications.** Psychiatric Social Worker 3; Psychology Associate.

10
11 **Decision of the Board.** The purpose of a position review is to determine which classification best
12 describes the overall duties and responsibilities of a position. A position review is neither a
13 measurement of the volume of work performed, nor an evaluation of the expertise with which
14 work is performed. A position review is a comparison of the duties and responsibilities of a
15 particular position to the available classification specifications. This review results in a
16 determination of the class that best describes the overall duties and responsibilities of the position.
17 See *Liddle-Stamper v. Washington State University*, PAB Case No. 3722-A2 (1994).

18
19 The Board carefully reviewed the documentation submitted during the director's review and
20 considered the arguments presented by the parties at the hearing before the Board. Allocating
21 criteria consists of the class specification's class series concept (if one exists), the definition and
22 the distinguishing characteristics. Typical work is not an allocating criterion, but may be used to
23 better understand the definition or distinguishing characteristics.

24 **Definition of Psychiatric Social Worker 3:**

25
26 Supervises lower level Psychiatric Social Workers and performs
27 professional psychiatric social work in an institution or clinic; or provides
28
29

1 professional psychiatric social work to one or more assigned units or
2 wards consisting of 70 to 150 residents or inmates; or serves as the
3 designated psychiatric social worker member of an inter or multi-
4 disciplinary treatment team. May serve as leadworker to other Psychiatric
5 Social Workers within a program of a mental health hospital.

6 There is no class series concept for the PSW class series, nor distinguishing
7 characteristics for the PSW 3.

8
9 **Class Series Concept for Psychology Associate is found in the Psychology**
10 **Affiliate Class Specification:**

11
12 Provides professional psychology services within institutions,
13 correctional facilities, and other facilities operated by the state of
14 Washington. Positions at the 4th level require a license to practice
15 psychology.

16
17 **Definition of Psychology Associate:**

18
19 This is the journey, working or occupational level of the series. Subject to
20 supervision or general review and consultation of a licensed psychologist
21 has responsibility for a program, project or system within an institution;
22 or subject to the supervision of a licensed psychologist, serves as the
23 psychology specialist for an institutional training, reception/admissions,
24 pre-vocational/vocational, violent geriatric behavior modification
25 program, or to a multidisciplinary team within a Division of
26 Developmental Disabilities (DDD) facility Program Area Team (PAT).
27
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1 Positions in this class are distinguished from lower level psychologists by
2 unit wide or cross unit responsibility. Incumbents may provide direct
3 psychological services to clients in addition to coordinating, monitoring
4 and managing the assigned program, project or system.

5 Specialist positions may report to other than psychology staff, but clinical
6 supervision by a licensed psychologist must be available.

7
8 Positions in this class may lead or supervise the work of lower level
9 professional and other staff.

10
11 There are no distinguishing characteristics for Psychology Associate.

12
13 Appellant contends the other PAs in DOC perform the same work as he does. However, the
14 Board cannot compare one position to another, rather must compare the overall duties to the class
15 specifications [See *Byrnes v. Department of Personnel and Corrections*, PRB No. R-ALLO-06-
16 005 (2006)]. Therefore, the work of the other PAs in DOC are not relevant to Appellant's
17 position allocation.

18
19 Most positions within the civil service system occasionally perform duties that appear in more
20 than one classification. However, when determining the appropriate classification for a specific
21 position, the duties and responsibilities of that position must be considered in their entirety and
22 the position must be allocated to the classification that provides the best fit overall for the
23 majority of the position's duties and responsibilities. *Dudley v. Dept. of Labor and Industries*,
24 PRB Case No. R-ALLO-07-007 (2007).

25
26 The Board compared the duties of Appellant's position to both the PA and PSW 3 class
27 specifications. The relevant differences between the two job classes lie in the scope of work.
28 For example, one of the requirements in the definition of PA says positions may have
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1 “responsibility for a program...” While “program” is interpreted in a variety of ways, for
2 purposes of allocation a program must correspond to the definition in the *Glossary of*
3 *Classification Terms*, which states:

4 **Program:** A specialized area with specific complex components and tasks that
5 distinguish it from other programs (or the main body of an organization). A
6 program is specific to a particular subject and has a specific mission, goals, and
7 objectives. A program typically has an identifiable funding source and separate
8 budget code.

9
10 The specific components and specialized tasks involve interpretation of
11 policies, procedures and regulations, budget coordination/administration,
12 and independent functioning. Typically requires public contact relating
13 specifically to program subject matter, clients, and participants.

14
15 Duties are not of a general support nature transferable from one program
16 to another. Performance of clerical duties is in support of an incumbent’s
17 performance of specialized tasks. Independent performance of these
18 duties usually requires at least a six-month training period.

19
20 Appellant’s preponderance of work is not program direction. Outpatient Mental Health, where
21 Appellant’s Position Review Request states he spends 64% of his time, is not an independent
22 program with its own funding source. Unlike a program, Outpatient Mental Health is part of the
23 main body of the organization and Appellant’s work is transferrable to other units. Additionally,
24 even if Outpatient Mental Health Services were a program, Appellant does not have primary
25 responsibility for the unit.

26
27 Contrary to the definition of PA, Appellant was not supervised by a licensed psychologist during
28 the review period, nor served as the specialist in the unit. Because Appellant does not oversee a
29

1 program, project or system and does not report to a licensed psychologist or serve as the
2 specialist, the Board agrees with the director's designee that Appellant's duties do not fit the
3 definition of PA. The majority of his work during the review period, as indicated on the Position
4 Review Request, involved the delivery of outpatient mental health care services under the
5 direction of a higher-level PSW. Therefore, the overall duties of Appellant's position best fit the
6 Psychiatric Social Worker 3 classification.

7 The Board encourages DOC to work with State HR Classification and Compensation (C&C) on
8 needed changes to class specifications so they better fit the work of the PA and PSW series.
9 Class specification proposals are submitted to C&C on a biennial basis (or the interim for urgent
10 changes). Certain criteria must be met in order to make changes to class specifications, per WAC
11 357-13-025:

12
13 (1) The following criteria must be met for the director to adopt revisions or salary
14 adjustments to the classification plan:

15 (a) The office of financial management has reviewed the fiscal impact
16 statement of the affected employer and concurs that the biennial cost of the
17 revision or salary adjustment is absorbable within the employer's current
18 authorized level of funding for the current fiscal biennium and subsequent fiscal
19 biennia; and

20 (b) The revision or salary adjustment is due to one of the following causes,
21 as defined by the director in the classification and pay guidelines:

- 22 (i) Documented recruitment or retention difficulties;
23 (ii) Salary compression or inversion;
24 (iii) Classification plan maintenance;
25 (iv) Higher level duties and responsibilities; or
26 (v) Inequities.

27 (2) The provisions of subsection (1) of this section do not apply to the higher education
28 hospital special pay plan or to any adjustments to the classification plan that are due to
29

1 emergency conditions requiring the establishment of positions necessary for the
2 preservation of the public health, safety, or general welfare.

3
4 In a hearing on exceptions, the appellant has the burden of proof (WAC 357-52-110). Appellant
5 has not met his burden of proof.

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9 **ORDER**

10 NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal on exceptions by Gregory Miller
11 is denied and Appellant's position remains allocated to Psychiatric Social Worker 3.

12 DATED this ____ day of _____, 2016.

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16 **WASHINGTON PERSONNEL RESOURCES BOARD**

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18 _____
19 NANCY HOLLAND YOUNG, Chair

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21 _____
22 SUSAN MILLER, Vice Chair

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24 _____
25 VICKY BOWDISH, Member
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