

BEFORE THE PERSONNEL RESOURCES BOARD
STATE OF WASHINGTON

JUDY HIDEELL-SMITH,

Appellant,

vs.

HEALTH CARE AUTHORITY,

Respondent.

CASE NO. R-ALLO-16-008

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; appeared by phone, SUSAN MILLER, Vice Chair; and VICKY BOWDISH, Member, for a hearing on Appellant's exceptions to the director's determination dated May 5, 2016. The hearing was held at the office of the Personnel Resources Board in Olympia, Washington, on November 2, 2016.

Appearances. Appellant Judy Hidell-Smith appeared by telephone. Paul Boudreaux, Attorney at Law, was present and represented Appellant. Respondent Health Care Authority (HCA) was represented by Janetta Sheehan, Assistant Attorney General and Nathan Hathaway, HCA Human Resources Consultant (HR).

Background. On March 19, 2015, Appellant submitted a Position Review Request (PRR) to HCA's Human Resources Office requesting that Appellant's position be reallocated to the Information Technology Specialist 4 (ITS 4) classification.

By letter dated September 22, 2015, Respondent notified Appellant that her position was properly allocated to Medical Assistance Program Specialist 2 (MAPS 2) classification.

On October 20, 2015, OFM State HR received Appellant's request for a written Director's review of HCA's allocation determination.

1 The director's investigator conducted a review of Appellant's position based on written
2 documentation. By letter dated May 5, 2016, the director's review specialist determined that
3 Appellant's position was properly allocated to the MAPS 2 classification.

4
5 On June 6, 2016, Appellant filed exceptions to the Board. Appellant's exceptions are the subject
6 of this proceeding.

7
8 Appellant works in the Division of Program and Payment Integrity (PPI) and reports to Bernice
9 Lawson, Payment Review Program Manager. Appellant's working title is Surveillance Utilization
10 Review Specialist (SURS) Analyst. Using the Managed Care and Provider One system databases,
11 she identifies provider outliers, opens investigations on individual providers and applies data
12 mining methods to develop cases and uncover evidence for referral to state and federal agencies.
13 Appellant is the subject matter expert (SME) responsible for providing analysis of prescription
14 drug program data that identifies overpayments. Additionally, she identifies and initiates
15 improvements to policy and payment system vulnerabilities and represents the agency in disputes
16 related to identification and overpayments.

17
18 **Summary of Appellant's Arguments.**

19 In summary, Appellant argues that she is performing comparable work on a day-to-day basis as
20 other work positions that have been established as Information Technology Specialist within her
21 work unit. Appellant asks for equity and for reallocation of her position to similarly allocated
22 positions within the ITS 4 or ITS 5 classification in her unit. Appellant further argues her job duties
23 provide technical assistance, data analytics, data mining, methodologies and program policy
24 oversight in both Fee for Service and Managed Care as a SME. Appellant asserts that her position is
25 responsible for complex computing systems that deploy algorithms; tasks include development and
26 application of logic to identify, access and retrieve data from data management systems. Appellant
27 further asserts that she helped institute query logic to develop algorithms with individuals in IT
28 positions, which they now rely upon in their job duties. Appellant asserts she performs analysis,

1 quality assurance testing, trouble shooting and performance monitoring. Appellant contends her
2 position recommends department policy and payment system changes to identify risk, prevent loss
3 and facilitate opportunities for system improvements. Appellant further contends that the majority
4 of tasks she performs have a state-wide impact on Medicaid policy and payments. Appellant argues
5 that the majority of her duties and responsibilities go beyond the scope of the MAPS 2 classification
6 and that her position aligns more with the ITS 4 or ITS 5 classification and believes that it is a best
7 fit on the worked performed.

8
9 **Summary of Respondent's Arguments.** In summary, Respondent argues that the major duties of
10 Appellant's position are to create and modify database logic (algorithms) which is provided to the
11 database system vendor to pull Medicaid provider billing data and perform peer profiling analysis
12 of pulled data to identify provider outliers and recover overpayments paid through the Medicaid
13 system. Appellant works within several databases to extract provider data. Respondent contends
14 that in performing data analysis, Appellant reviews billing data from Medicaid providers within
15 communities in Washington State to determine if there are discrepancies, signs of fraud, or
16 vulnerabilities in the system billing practices. Appellant follows up to help revise applicable WAC,
17 rule or system deficiencies that may have caused the vulnerability that allowed the fraud or billing
18 error. Respondent acknowledges Appellant is a SME to the Medicaid data, performs analysis of that
19 data and works with databases. However, Respondent argues Appellant's work is non-technical in
20 nature and does not support client applications, databases, computer hardware and software
21 products, network infrastructure equipment, or telecommunications software or hardware in an IT
22 or application support function as envisioned in the ITS class series concept. Respondent argues
23 Appellant's position best fits the Medical Assistance Program Specialist 2 class.

24
25 **Primary Issue.** Whether the director's determination that Appellant's position is properly allocated
26 to the Medical Assistance Program Specialist 2 classification should be affirmed.

1 **Relevant Classifications.** Information Technology Specialist 4, class code 479L; Information
2 Technology Specialist 5, class code 479M; Medical Assistance Program Specialist 2, class code
3 170L.

4
5 **Decision of the Board.** The purpose of a position review is to determine which classification best
6 describes the overall duties and responsibilities of a position. A position review is neither a
7 measurement of the volume of work performed, nor an evaluation of the expertise with which that
8 work is performed. A position review is a comparison of the duties and responsibilities of a
9 particular position to the available classification specifications. This review results in a
10 determination of the class that best describes the overall duties and responsibilities of the position.
11 See *Liddle-Stamper v. Washington State University*, PAB Case No. 3722-A2 (1994).

12
13 Appellant is seeking to have her position allocated to a ITS 4 or ITS 5 classification and the
14 associated prospective pay. Appellant asks the Board to consider the allocation of other positions
15 in her unit that have been established as ITS positions that perform the same work that she
16 performs. However, in *Byrnes v. Dept's of Personnel and Corrections*, PRB No. R-ALLO-06-
17 005 (2006), the Personnel Resources Board held that “[w]hile a comparison of one position to
18 another similar position may be useful in gaining a better understanding of the duties performed
19 by and the level of responsibility assigned to an incumbent, allocation of a position must be
20 based on the overall duties and responsibilities assigned to an individual position compared to
21 the existing classifications. The allocation or misallocation of a similar position is not a
22 determining factor in the appropriate allocation of a position.” Citing to *Flahaut v. Dept's of*
23 *Personnel and Labor and Industries*, PAB No. ALLO 96-0009 (1996). Therefore, the allocation
24 or misallocation of other positions in HCA is not a determining factor in the appropriate
25 allocation of Appellant’s position.

26
27 In addition, Appellant is seeking back pay for utilizing MAPS 2 classification system as a
28 pretense to deny her equal pay for equal work. However, salary inequity is not an allocation

1 criterion and should not be considered when determining the appropriate allocation of a position. See
2 *Sorensen v Depts. Of Social and Health Services and Personnel*, PAB Case No. A94-020 (1995).

3
4 **Class Series Concept for the ITS series:**

5 Positions in this category perform professional information technology systems and/or
6 applications support for client applications, databases, computer hardware and software
7 products, network infrastructure equipment, or telecommunications software or hardware.

8 This category broadly describes positions in one or more information technology
9 disciplines such as: Application Development And Maintenance, Application Testing,
10 Capacity Planning, Business Analysis and/or Process Re-Engineering, Data Base Design
11 And Maintenance, Data Communications, Disaster Recovery/Data Security, Distributed
12 Systems/LAN/WAN/PC, Hardware Management And Support, Network Operations,
13 Production Control, Quality Assurance, IT Project Management, Systems Software, Web
14 Development, or Voice Communications. Positions which perform information
15 technology-related work to accomplish tasks but are non-technical in nature would not be
16 included in this occupational category.

17 When determining the appropriate classification for a specific position, the duties and
18 responsibilities of that position must be considered in their entirety and the position must be
19 allocated to the classification that provides the best fit overall for the majority of the position's
20 duties and responsibilities. *Dudley v. Dept. of Labor and Industries*, PRB Case No. R-ALLO-07-
21 007 (2007).

22 The majority of Appellant's work is to monitor Medicaid pharmacy providers through review
23 analysis of billing patterns using data analysis techniques for Medicaid and other assigned
24 programs. Appellant conducts independent, lead-level professional reviews and monitoring of
25 medical service providers within assigned Medicaid program areas. However, Appellant's work
26 is non-technical in nature and does not support client applications, databases, computer hardware
27 and software products, network infrastructure equipment, telecommunications software or
28 hardware in an IT or application support function.

Definition of Medical Assistance Program Specialist 2

In the Medical Assistance Administration:

1. Serves as a lead worker for two or more professional staff or supervises a unit(s) of five or more technical staff and is responsible for development of medical assistance programs, planning, evaluation, policy promulgation, and consultative services to clients, medical providers and other professionals in the community and/or department regarding program administration;
2. **Is designated by a Medical Assistance Office Chief or higher to review and approve work from other professionals in the community and/or department in order to provide oversight for implementation of new and revised Washington Administrative codes, programs, policies and/or communications. Assigns work to maintain consistency, accuracy and quality of medical assistance programs**
or
3. Is designated by the Medical Assistance Program Administrator as the regional representative and is responsible for development of medical assistance programs, planning, evaluation, policy promulgation, and consultative services to clients, medical providers and other professionals in the community and/or department regarding program administration.

WAC 357-13-055 provides that: “[a]llocations or reallocations must be based upon a review and analysis of the duties and responsibilities of the position.” WAC 357-13-050 provides that: “[t]he employer must allocate or reallocate each classified position to an established class in the classification plan.”

Appellant’s position performs journey-level work to ensure compliance to federal regulations around Medicaid fraud. the majority of Appellant’s work involves reviewing the work of Medicaid providers to determine if proper WAC, programs and policies were followed. The Board agrees that on a best fit bases the ITS Class Series is not a proper fit for her position.

The majority of Appellant’s assigned duties and responsibilities best fit within the Medical Assistance Program Specialist 2 classification.

1 We recognize that each classification within the state personnel system encompasses a range of
2 duties. The multiple positions allocated to each class typically do not perform the full scope or
3 range of duties described in the classification. **In this case, we recognize similarities in her**
4 **work to other ITS positions within her unit. Based on the arguments presented during the**
5 **hearing on Appellant’s exceptions, we strongly encourage HCA to conduct an in-depth**
6 **review of Appellant’s current duties and responsibilities.** In addition, Appellant may request a
7 review of her current duties and responsibilities in accordance with HCA’s procedures and the
8 civil service rules. **[Emphasis Added]**

9
10 In a hearing on exceptions, the appellant has the burden of proof. WAC 357-52-110. Appellant
11 has failed to meet her burden of proof.

12
13
14 **ORDER**

15 NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal on exceptions by Judy Hidell-
16 Smith is denied and the director’s determination dated May 5, 2016, is affirmed.

17 DATED this ____ day of _____, 2016.

18
19 WASHINGTON PERSONNEL RESOURCES BOARD

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21 _____
NANCY HOLLAND YOUNG, Chair

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23 _____
SUSAN MILLER, Vice Chair

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25 _____
VICKY BOWDISH, Member