

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

3 PHYLLIS COLE )

4 Appellant )

5 vs. )

6 DEPARTMENT OF COMMERCE, )

7 Respondent. )  
8

CASE NO. R-ALLO-16-012

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

9 **Hearing on Exceptions.** This appeal came before the Personnel Resources Board, NANCY  
10 HOLLAND YOUNG, Chair; SUSAN MILLER, Vice Chair; and VICKY BOWDISH,  
11 Member, for a hearing on Appellant's exceptions to the director's determination dated  
12 October 17, 2016. The hearing was held on May 3, 2017, at Room 110 Capitol Court, 1110  
13 Capitol Way, in Olympia, Washington.

14  
15 **Appearances.** Appellant Phyllis Cole was present and represented by Jennifer Dixon,  
16 Representative for Washington Federation of State Employees (WFSE). Respondent  
17 Department of Commerce (COMM) was present and represented by Gina Comeau,  
18 Assistant Attorney General (AAG).

19  
20 **Background.** On February 11, 2016, Appellant submitted a Position Description (PD) to  
21 COMM's Human Resources (HR) Office requesting reallocation from Communications  
22 Specialist 2 (CS 2) to the CS 3 classification.

23  
24 By letter dated April 21, 2016, Respondent notified Appellant that her position was  
25 properly allocated to the CS 2 classification.

26  
27 On April 21, 2016, OFM State HR received Appellant's request for a written Director's  
28 review of COMM's allocation determination.

1 By letter dated October 17, 2016, the Director's Review Specialist notified Appellant that  
2 her position was properly allocated to CS 2.

3  
4 On November 9, 2016, the PRB received Ms. Cole's Appeal Request. In her request, Ms.  
5 Cole took exception to the Director's Review Determination Letter.

6  
7 Appellant works in the Local Government/Federal Programs Unit, and reports to Kaaren  
8 Roe, Community Development Block Grant (CDBG) Program Manager (Senior-level  
9 Commerce Specialist). Appellant's duties entail assisting with CDBG General Purpose  
10 program management; managing assigned CDBG contracts, leading the CDBG planning-  
11 only grant program and funding of public facility activities.

12  
13 The review period for this allocation request was six months prior to February 11, 2016.

14  
15 **Summary of Appellant's Arguments.**

16 Appellant states that as a result of her unit's reorganization, she took on work previously  
17 performed by a CS 3. Appellant further states the change in her duties entailed work  
18 involving more complex contracts. Appellant maintains that she previously handled  
19 responsibilities prior to the contract execution, but after the reorganization began handling  
20 the more multifaceted tasks of contract work after their execution.

21  
22 Appellant contends she spends more time on the more complex General Purpose Grant  
23 application materials than the Planning-Only Grant materials. Appellant further contends  
24 she works with construction grants which are significantly more complex than the planning  
25 grants and take up more than 50% of her time.

1 Appellant asserts she speaks to the public on behalf of the program and argues that no one  
2 in COMM speaks to the public on behalf of the agency, as the class specifications for CS 3  
3 indicates.

4  
5 **Summary of Respondent's Arguments.**

6 Respondent contends the Board should consider the totality of duties to determine the  
7 appropriate allocation and acknowledges that the CS 2 and CS 3 do have some overlap in  
8 duties. However, CS 2 best describes the majority of Appellant's duties.

9  
10 Respondent maintains that during the review period Appellant did not determine the  
11 priorities of her work and did not have a specialty, consistent with the CS 3 definition.  
12 Appellant asserts the distinction between the CS 2 and CS 3 is that the CS 2 does not create  
13 goals and priorities, rather supports those that already exist. Respondent further asserts that  
14 Appellant's supervisor established priorities within the CDBG, consistent with higher level  
15 CS work. In the Director's Review conference, Ms. Roe indicated about 30% of  
16 Appellant's work involved complex construction contracts. Additionally, Ms. Roe stated in  
17 the conference that during the 2015 Grants Program application cycle and into the 2016  
18 cycle, approximately 35% of her time was spent on developing new rating criteria and  
19 application policies, rising to the CS 3 level. This, argues Respondent, is a defined process,  
20 typical of the CS 2 level, not the CS 3.

21  
22 **Primary Issue.** Whether the director's determination should be affirmed and whether  
23 Appellant should remain allocated to the Commerce Specialist 2 classification.

24  
25 **Relevant Classifications.** Commerce Specialist 2; Commerce Specialist 3.

26  
27 **Decision of the Board.** The purpose of a position review is to determine which  
28 classification best describes the overall duties and responsibilities of a position. A position

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

## 8 **Commerce Specialist 2**

### 9 **Class Series Concept (found in the Commerce Specialist 1 class specification).**

10 Positions in this series perform professional level work in developing, implementing  
11 and monitoring state, federal or local community, trade and/or economic  
12 enhancement or development programs or projects impacting communities,  
13 businesses and citizens of the state.

### 14 **Definition**

15 Positions at this level independently perform a wide variety of professional,  
16 journey-level work such as developing and implementing program evaluation  
17 plans, developing and maintaining program-specific data tracking systems,  
18 designing and analyzing surveys, analyzing data to measure service and impact,  
19 performing economic analysis, and integrating results into overall evaluation  
20 reports. Incumbents exercise decision-making authority, resolve issues, represent  
21 the agency within their assigned area of program responsibility and provide input  
22 into policy development. Incumbents independently provide assistance,  
23 consultation and training to clients in areas such as program planning, financing,  
24 grants management, contract development, market development, emergency  
25 preparedness, community revitalization, or other areas necessary to the success of  
26 program(s) or portions of a program(s) or project(s).

1 **Commerce Specialist 3**

2 **Definition**

3 Positions at this level function as specialists in an assigned area and work with  
4 little or no technical oversight. Incumbents deal with complex and conflicting  
5 issues and/or portfolio management and provide specialized expertise in areas  
6 such as contract negotiation and/or execution, growth management, housing,  
7 public works, community services programs, trade and economic development,  
8 historic preservation, or archeological planning. Within their assigned area,  
9 incumbents establish program priorities, develop policies and are designated in  
10 writing by the assistant director or equivalent to act as a spokesperson for the  
11 agency.

12  
13 Neither the CS 2 nor CS 3 class specifications contain distinguishing characteristics.

14  
15 Appellant does not manage portfolios or provide specialized expertise in areas such as  
16 contract negotiation, growth management, housing, public works, community services  
17 programs, trade and economic develop, historic preservation, or archeological planning.

18  
19 Additionally, based on the testimony and information provided in the exhibits, Appellant's  
20 responsibilities do not include establishing program priorities, rather they follow priorities  
21 already established. As such, Appellant's duties do not rise to the level of CS 3.

22  
23 In a hearing on exceptions, the appellant has the burden of proof. WAC 357-52-110.

24 Appellant has failed to meet her burden of proof.  
25  
26  
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29

**ORDER**

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal on exceptions by Phyllis Cole is denied and the director's determination dated October 17, 2016, is affirmed.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2017.

**WASHINGTON PERSONNEL RESOURCES BOARD**

\_\_\_\_\_  
NANCY HOLLAND YOUNG, Chair

\_\_\_\_\_  
SUSAN MILLER, Vice Chair

\_\_\_\_\_  
VICKY BOWDISH, Member