BEFORE THE PERSONNEL APPEALS BOARD

STATE OF WASHINGTON

MARY OLIANSKY, Appellant, v. DEPARTMENT OF LABOR AND INDUSTRIES, Respondent.	Case No. ALLO-04-0013 ORDER OF THE BOARD FOLLOWING HEARING ON EXCEPTIONS TO THE DETERMINATION OF THE DIRECTOR

Hearing on Exceptions. This appeal came on for hearing before the Personnel Appeals Board, BUSSE NUTLEY, Vice Chair, and GERALD L. MORGEN, Member, on December 3, 2004, to hear Appellant's exceptions to the Director's determination dated August 17, 2004. The hearing was held at the office of the Personnel Appeals Board in Olympia, Washington.

Appearances. Appellant Mary Oliansky participated via telephone and appeared *pro se*. Sandi LaPalm, Classification Manager, represented Respondent Department of Labor and Industries (L&I).

Background. Appellant has worked as a Revenue Officer 2 in the Insurance Consultation/Collection Division of L&I, Region 5, since 1998. On October 15, 2003, Appellant submitted a Classification Questionnaire (CQ) to Classification Manager Sandi LaPalm, requesting her Revenue Officer 2 (RO2) position be reallocated to a Revenue Officer 3 (RO3) level.

Appellant's supervisor, Mark Mayer, disagreed with Appellant's statements and attached an addendum to her CQ signed on October 5, 2003, stating his belief that Appellant's duties and responsibilities are indicative of an RO2. On March 30, 2004, Ms. LaPalm notified Appellant her position was most appropriately allocated to the RO2 classification because she did not perform two or more senior revenue officer duties, as required for the RO3 position.

By letter dated April 29, 2004, Appellant requested a review of this decision by the Director of the Department of Personnel. On July 13, 2004, Paul Peterson, Personnel Hearings Officer, conducted an allocation review. By letter dated August 17, 2004, Mr. Peterson informed Appellant her position was properly allocated to the RO2 classification because she met only one of the seven distinguishing characteristics of an RO3. Since the RO3 incumbent must meet at least two of the options listed, Mr. Peterson determined Appellant's position best fit the RO2 classification.

On September 3, 2004, Appellant filed exceptions with the Personnel Appeals Board.

Summary of Appellant's Argument. Appellant argues she performs at least two of the distinguishing characteristics required of an RO3. Appellant contends she assesses unpaid employer taxes by computing figures and evaluating accounts when she prepares notices of assessment. Appellant also asserts that agency reports confirm she routinely handles accounts with liabilities totaling more than $3,000 per month.

Summary of Respondent's Argument. Respondent argues Appellant performs journey level work. Respondent argues Appellant receives computer generated assignments based primarily on existing accounts that become delinquent. Respondent asserts Appellant collects delinquent accounts and works with taxpayers but does not perform the complex, investigative duties of an RO3. Respondent asserts that Appellant reports any potentially unregistered accounts to the field

audit section and that agency auditors handle any in depth assessments. Respondent argues Appellant's calculation of accounts in excess of $3,000 per month is based on quarterly totals of existing registered accounts, including prior balances, and contends Appellant does not manage a caseload of high volume, unregistered accounts that exceed $3,000 in any given month.

Primary Issue. Whether the director's determination that Appellant's position is properly allocated to the Revenue Officer 2 classification should be affirmed.

Relevant Classifications. Revenue Officer 2, class code 15040; Revenue Officer 3, class code 15060.

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. Also, a position review is not a comparison of work performed by employees in similar positions. 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 which best describes the overall duties and responsibilities of the position. Liddle-Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

Because a current and accurate description of a position's duties and responsibilities is documented in an approved classification questionnaire, the classification questionnaire becomes the basis for allocation of a position. An allocation determination must be based on the overall duties and responsibilities as documented in the classification questionnaire. Lawrence v. Dept of Social and Health Services, PAB No. ALLO-99-0027 (2000).

The definition for the class of Revenue Officer 2 states, "[p]erforms all but the most complex revenue collections." The typical work for the classification of an RO2 states, in relevant part, "[c]ontacts delinquent taxpayers . . . to determine amount of tax liability, and effect collections." The two of seven distinguishing characteristics for the class of Revenue Officer 3, as related to Appellant's argument, state:

> . . . .
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> (2) identifies and investigates unregistered accounts and assesses evaded or avoided taxes;
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> . . . .
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> (4) manages the most complex and higher dollar volume accounts to include a minimum dollar liability of $3,000 or more a month or investigation and documentation for criminal prosecution;
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> . . . .

In this case, Appellant has failed to prove that her duties and responsibilities meet at least two of the criteria listed under the distinguishing characteristics for the RO3 classification. Appellant's assessment duties are related to registered accounts and not the more complex process of assessing and investigating unregistered accounts. Further, there is no evidence to support Appellant's contention that she manages accounts with a minimum liability of $3,000 per month. While Appellant's outstanding accounts might carry a balance from one month to the next, she does not regularly manage the most complex accounts, which incur a minimum monthly balance of $3,000 or more.

Conclusion. Therefore, the appeal on exceptions by Appellant should be denied, and the Director's determination dated August 17, 2004, should be affirmed and adopted.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal on exceptions by Mary Oliansky is denied and the Director's determination dated August 17, 2004, is affirmed and adopted.

DATED this _____ day of _____, 2005.

WASHINGTON STATE PERSONNEL APPEALS BOARD

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Busse Nutley, Vice Chair

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Gerald L. Morgen, Member