BEFORE THE PERSONNEL APPEALS BOARD

STATE OF WASHINGTON

PAUL LANDSVERK, Appellant, v. DEPARTMENT OF SOCIAL AND HEALTH SERVICES, Respondent.	)	Case No. ALLO-02-0008 ORDER GRANTING *DE NOVO* HEARING AND BOARD ORDER FOLLOWING *DE NOVO* HEARING

1.1 Hearing. This appeal came on for a *de novo* hearing before the Personnel Appeals Board, GERALD L. MORGEN, Chair, at the Department of Social and Health Services, Lakeland Village, Medical Lake, Washington, on March 12, 2003. WALTER T. HUBBARD, Chair, listened to the recorded proceedings, reviewed the file and exhibits, and participated in this decision.

1.2 Appearances. Appellant Paul Landsverk was present and was represented by Electra Jubon, Area Representative for the Washington Federation of State Employees. Gynne Seidita, Human Resource Consultant, represented Respondent Department of Social and Health Services.

1.3 Background. Appellant submitted a Classification Questionnaire signed on November 5, 2001, requesting that his position as an Information Technology Systems Specialist (ITSS) 3 be reallocated to the Information Technology Systems Specialist (ITSS) 4 classification. Gynne Seidita, Human Resources Consultant for Lakeland Village, reviewed Appellant's request and on December 6, 2002, issued a written decision denying Appellant's request. On January 17, 2002, Appellant filed for a review to the Director of Personnel asserting that his position should have been allocated to the ITSS 4 classification.

Personnel Appeals Board
2828 Capitol Boulevard
Olympia, Washington 98504

On April 16, 2002, Paul L. Peterson, Director's Designee, conducted a position review. In a letter dated April 22, 2002, Mr. Peterson wrote:

> During the review it became evident that this appeal is identical to the previous review I heard on January 9, 2001 concerning Mr. Landsverk's position (Appeal NO. 01AL0043). My decision letter is dated January 24, 2001. ...
>
> At that time, Mr. Landsverk was seeking reallocation because he believed he was responsible for multiple business units. His current appeal is claiming the same issue. The only difference is that he is now substituting the Human Resources Division for the Nursing Facility.
>
> Finding
> This appeal is a virtual repeat of the previous hearing conducted on January 9, 2001. There was no new information that changes the previous decision. The agency correctly denied Mr. Landsverk's request. His position is properly allocated to an ITSS3.

On May 20, 2002, Appellant filed exceptions with the Personnel Appeals Board to the determination of the Department of Personnel, and he requested a *de novo* hearing.

1.4 Motion for *de novo* hearing. On February 21, 2003, the parties convened to hear arguments on Appellant's exceptions to the Director's determination and consider Appellant's request for a *de novo* hearing. After hearing arguments from both parties, the Board granted Appellant's motion and ordered a *de novo* hearing. The Board now clarifies their ruling.

WAC 356-10-060 states that an incumbent in a position may request a "review by the director of personnel or designee within 30 days after an allocation decision is issued by an agency." WAC 356-10-060(5) further requires the Director of Personnel or designee to conduct a review of an allocation request and states, in part, "The hearing shall be informal and any of the above designated parties may

present their views. The director of personnel or designee will enter a written determination and provide each of the participating parties with a copy."

In this case, Appellant believed he had new information that supported his request for reallocation. He submitted his CQ to the agency, and after the agency denied his request, he asked the Department of Personnel for a review. Appellant, under WAC 356-10-060, was entitled not only to receive an opportunity to state his supporting arguments and evidence before the Department of Personnel but also to receive a written determination outlining the reasons for granting or denying his request. The director's designee here erred when he refused to issue a written determination explaining his decision. Instead, the designee relied on a previously issued decision.

II. FINDINGS OF FACT

2.1 Appellant Paul Landsverk is the incumbent in position GS74. Position GS74 is classified as an Information Technology Systems Specialist (ITSS) 3. The position is located within the Computer Services Department of Lakeland Village. Lakeland Village is a residential rehabilitation center that serves and habilitates developmentally disabled adult clients. Lakeland Village is a part of the Division of Developmental Disability, a division of the Aging and Disability Services Administration (ADSA).

2.2 John Oswald is the Facilities Services Administrator and he supervises Bob Harder, Information Technology Applications Specialist (ITAS) 4. Mr. Harder is Appellant's first-line supervisor.

2.3 Appellant completed and submitted a CQ asking for reallocation of his ITSS 3 position to the ITSS 4 level. Appellant's Classification Questionnaire, signed by him on November 5, 2001, in pertinent part, reflects that he performs the following duties:

> 60% Serves as the LAN/WAN administrator who identifies moderate to severe operational problems that impacts one department or multiple business units with multiple business functions campus-wide. Provides computer related consultation to users on the LAN/WAN and individual stand-alone PC workstations using Windows 95/98 and NT 4.0 Server/Workstation/Windows 2000 in a mixed environment. The departments supported are the PAT offices, Adult Program, Employee Services Division, Business Office, and the outlying cottages on the campus. Serves as a mentor to ITSS2 in Computer Services for networking issues. Coordinates with vendors to resolve problems; works with vendors to identify and implement network changes; monitors service level agreements, including licensing agreements.
>
> Coordinates with Lakeland Village Information processing plans to assist management in determining options for increased demand for services. As the Lakeland Webmaster, initiates and maintains the local website. Performs testing of new and/or existing computers for integration on the LAN/WAN, file server maintenance, problem solving within multiple business units with multiple business function. Conducts monitoring of LAN/WAN system, investigates performance problems and uses predetermined methods for decision-making concerning said problems; makes recommendations for resolving networking issues.

2.4 On November 5, 2001, Appellant's supervisor, Mr. Harder, signed the CQ stating he agreed with the description of Appellant's primary duties.

2.5 On November 13, 2001, Mr. Oswald reviewed and signed the CQ. Mr. Oswald attached a response to the CQ stating he agreed with the description of work performed by Appellant, however, he disagreed that Appellant performed the work for "multiple business units/functions."

2.6 The DSHS Human Resources Division has a "branch" or "satellite" personnel office located on the campus of Lakeland. The personnel office is not considered a part of Lakeland Village. The office, which employs a human resource manager and three human resource consultants, provides personnel support to over 600 individuals employed at Lakeland Village. Each human resource employee at the Lakeland field office has a computer connected to Lakeland Village's wide area network (WAN). Appellant performs minimal computer maintenance, troubleshooting and Microsoft Word updates on these computers whenever necessary, however, he does not provide total support. The personnel office

relies on a computer technician from headquarters for other computer support, such as any installation of new software programs used specifically for personnel functions.

2.7 For a position to be allocated to the ITSS 4, the incumbent must "Perform system design, acquisition, installation, maintenance, troubleshooting, problem resolution and/or consulting tasks for complex systems, projects, or operational problems that impact a region, geographical grouping of offices/facilities, or multiple business units with multiple business functions."

2.8 The distinguishing characteristics of the ITSS 4 classification require the employee to function at "a senior-professional level and apply considerable discretion in approaches and techniques applied, to independently evaluate and meet complex systems needs of a region or other similar organization." The incumbents must also possess advanced technical knowledge as wells as understand the customer's business from the perspective of a senior business person and must be conversant in the customer's business language. The projects assigned to this level "impact multiple business units and multiple business functions, integrate new technology, and change how business is done. ..."

2.9 At the ITSS 3 level, incumbents "independently perform system design, acquisition, installation, maintenance, troubleshooting, problem resolution and/or consulting for a division, large work group, or single business function." Incumbents at this level are journey-level professionals who are independently responsible for projects, problems identification and problem resolution within their area of responsibility. Incumbents are responsible for moderate-size, moderate risk projects that impact a single work group or a single business function. Incumbents may serve as technical mentors to others.

III. ARGUMENTS OF THE PARTIES

3.1 Appellant argues that Lakeland Village consists of two divisions with multiple business units and functions. Appellant argues that while he is not the sole provider of computer support services, he

does provide services to both of these divisions. Appellant argues that he is responsible for the design and maintenances of the websites used by both Lakeland Village and the Employee Services Division. Appellant argues that the amount of time he spends providing computer support for the Employee Services Division is irrelevant and not a basis to deny his appeal, because there is no dispute that he provides computer support service to them. Appellant argues that employees at institutions similar to Lakeland Village, who perform the same work he does, have been reallocated to the ITSS 4 level. Appellant contends that his position should be reallocated to the ITSS 4 level.

3.2 Respondent argues that Appellant is correctly allocated to the ITSS 3 level. Respondent argues that "multiple business units with multiple business functions" do not exist at Lakeland Village, therefore, Appellant cannot be allocated to the ITSS 4 classification. Respondent argues that the Lakeland Village personnel office receives minimal computer support from Appellant. Respondent argues the Employee Services Division has its own computer Information Technology Systems Specialist who is responsible for providing the Lakeland Village personnel office with the majority of its computer support.

IV. CONCLUSIONS

4.1 The Personnel Appeals Board has jurisdiction over the parties and subject matter.

4.2 Appellant has the burden of proving by a preponderance of the credible evidence that his position should be allocated to the class of Information Technology Systems Specialist 4.

4.3 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).

4.4 The issue before us is a very narrow. Does Appellant perform computer support services for multiple business units with multiple business functions?

4.5 Lakeland Village and the DSHS branch personnel office are separate entities, therefore, they are separate business units. Lakeland Village performs one business function: the habilitation of disabled adult clients. The Lakeland Village branch personnel office also performs one function: human resources/ personnel work. Consequently, while Appellant does provide computer support for "multiple business units" these multiple business units do not perform "multiple business functions" as required for allocation to the ITSS 4 classification. Furthermore, the work time Appellant spends providing support to the Lakeland Village personnel office's computers is minimal.

4.7 Appellant has not met his burdening of proving that he serves "multiple business units with multiple business functions" or that duties of his position are at the ITSS 4 level. The duties of Appellant's position do not meet the definition or the distinguishing characteristics of the of ITSS 4 class specification.

4.8 The job duties, responsibilities and level of authority assigned to Appellant's position, as stated in his CQ, best fit the definition and distinguishing characteristics of the ITSS 3 classification.

4.9 Appellant asserts that other employees at institutions similar to Lakeland Village that perform duties similar to his are allocated to the ITSS 4 level. However, we continue to hold that the allocation

or misallocation of a similar position is not a determining factor in the appropriate allocation of a position. Flahaut v. Dept's of Personnel and Labor and Industries, PAB No. ALLO 96-0009 (1996).

4.10 Therefore, position #GS74 is appropriately allocated to the Information Technology Systems Specialist 3 classification, and the appeal of Paul Landsverk should be denied.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal of Paul Landsverk is denied.

DATED this _____ day of _____, 2003.

WASHINGTON STATE PERSONNEL APPEALS BOARD

_____
Walter T. Hubbard, Chair

_____
Gerald L. Morgen, Vice Chair