BEFORE THE PERSONNEL APPEALS BOARD

STATE OF WASHINGTON

PATRICIA BROSSARD, Appellant, v. DEPARTMENT OF LABOR AND INDUSTRIES, Respondent.	Case No. ALLO-04-0010 ORDER OF THE BOARD FOLLOWING HEARING ON EXCEPTIONS TO THE DETERMINATION OF THE DIRECTOR

Hearing on Exceptions. Pursuant to RCW 41.64.060 and WAC 358-01-040, this appeal came on for hearing before the Personnel Appeals Board, BUSSE NUTLEY, Vice Chair, on November 16, 2004, to hear Appellant's exceptions to the Director's determination dated July 14, 2004. The hearing was held at the office of the Personnel Appeals Board in Olympia, Washington. GERALD L. MORGEN, Member, reviewed the file, exhibits and the recorded proceedings and participated in the decision in this matter.

Appearances. Appellant Patricia Brossard was present and appeared *pro se*. Sandi LaPalm, Classification Manager, represented Respondent Department of Labor and Industries (L&I).

Background. Appellant works for L&I in the Insurance Services/Support Services section performing transcription duties. On May 26, 2004, Classification Manager Sandi LaPalm notified Appellant the Word Processing Operator (WPO) class series had been abolished by the Personnel Resources Board, and as a result, Appellant's position as a Word Processing Operator Senior (range 30) was reallocated to the class of Office Assistant Senior (range 31). The effective date of the reallocation was May 11, 2004. On June 11, 2004, Appellant filed for review with the Department

of Personnel (DOP). In her letter, Appellant claimed that the effective date of the reclassification should have been August 16, 1997, the same date that other employees classified as Clerk Typist 3s were reallocated upward to the Office Assistant Senior classification. On July 14, 2004, the director's designee notified the parties that the effective date of Appellant's reclassification remained May 11, 2004. DOP based this determination on WAC 356-10-050(6) and (7), which designates the date an agency's personnel office receives a classification questionnaire as the effective date of an incumbent's appointment status.

On August 2, 2004, Appellant filed an appeal with the Personnel Appeals Board indicating the effective date of her reallocation should have been effective July 1997.

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).

Appellant does not dispute that she is properly allocated to the Office Assistant Senior classification. Her primary objection during the hearing concerned to what she believed was an unfair hiring practice by the agency. Appellant claimed that whenever an employee in the Word Processing center left employment, the agency filled the vacancy from the Office Assistant Senior register and subsequently compensated new employees at a Range 31. Meanwhile, more senior employees, including herself, remained classified and compensated at the Word Processing

Operator Senior, Range 30. Appellant also raised concerns of discrimination based on age, religion and sex.

In response, Ms. LaPalm clarified that due to the few number of names available on the Word Processing Operator Senior register, the agency requested candidate names from an "allied register." According to WAC 356-26-080(2), an allied list may be utilized by an agency "when there are fewer names than constitute a complete certification for the class," and allows the director or agency designee with local list authority to "substitute an allied series of registers if he/she determines the allied registers are sufficiently similar." Ms. LaPalm explained that because the qualifications for the Office Assistant Senior and the Word Processing Operator Senior are similar, the agency requested an allied list from the Department of Personnel certifying names from the Office Assistant Senior register. Ms. LaPalm further clarified that regardless of the register an individual was certified from, he/she was interviewed for a Word Processing Operator Senior position and, if subsequently hired, classified as a Word Processing Operator Senior and compensated at a Range 30.

WAC 358-30-170 provides that in hearings on allocation appeals, appellants have the burden of proof. Appellant's concerns regarding the agency's hiring practices have now been addressed by the agency. Furthermore, Appellant's allegations of discrimination, as provided in WAC 356-46-020, are within the jurisdiction of the Washington State Human Rights Commission, not the Personnel Appeals Board. The only issue properly before us is the effective date of Appellant's reallocation. In this case, Appellant failed to meet her burden of proof that DOP erred in affirming May 11, 2004, as the effective date of her reallocation from Word Processing Operator Senior to Office Assistant Senior. Therefore, the appeal on exceptions by Appellant should be denied and the Director's determination dated July 14, 2004, should be affirmed and adopted.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal on exceptions by Patricia Brossard is denied and the Director's determination dated July 14, 2004, is affirmed and adopted.

DATED this _____ day of _____, 2004.

WASHINGTON STATE PERSONNEL APPEALS BOARD

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Busse Nutley, Vice Chair

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Gerald L. Morgen, Member

Personnel Appeals Board
2828 Capitol Boulevard
Olympia, Washington 98504