BEFORE THE PERSONNEL RESOURCES BOARD

STATE OF WASHINGTON

DEPARTMENT OF SOCIAL AND HEALTH SERVICES Appellant, vs. TERESA LAZO Respondent.	)	CASE NO. R-ALLO-17-014 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, VICKY BOWDISH, Vice Chair, and SUSAN MILLER, Member. The hearing was held on November 30, 2017, at Capitol Court, Room 110, 1110 Capitol Way, Olympia, WA.

Appearances.

Appellant Department of Social and Health Services (DSHS) was present and represented by Dorothy Hibbard, Classification and Compensation Specialist. Respondent Teresa Lazo was also present and represented by Mark Hamilton, Representative for Washington Federation of State Employees (WFSE).

Background.

On August 17, 2016, Respondent submitted a Position Review Request (PRR) to DSHS Human Resources (HR) requesting allocation from Secretary Senior to Administrative Assistant 4 (AA 4).

By letter dated December 5, 2016, Respondent was notified her position was reallocated to an AA 2.

On December 20, 2016, the Office of Financial Management State HR (OFM-HR) received Appellant's request for a Director's Review of DSHS's allocation determination.

WASHINGTON PERSONNEL RESOURCES BOARD
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By letter dated June 15, 2017, Respondent was notified her position was reallocated to AA 3.

On June 26, 2017, Appellant filed timely exceptions to the director's determination. In her appeal, Appellant contended Respondent's position should remain allocated to AA 2.

As summarized in her Position Review Request (PRR), Respondent states:

> Provide independent administrator [SIC] and facility support. Assist Regional Business Center (RBC) with resolving billing issues and submitting invoices for payment, reconciling facility interest account, bank accounts, purchases card and resident accounts. Back-up approval for Administrator and Supervisor in Leave Tracker; correct errors in time card/leave slip entries. Assist and facilitate staff questions to Human Resources duties; dispersing keys; setting up staff work stations; facility orientation.

Respondent's Position Description (PD) indicates, in summary, that the majority of her work includes providing direct administrative support to the Administrator, including maintaining confidential administrative files; word processing; and spreadsheet and presentation development. Respondent drafts memos and letters and performs a variety of other word processing and editing functions correlating with that task; assists HR with paperwork; interacts with the public, co-workers and youth and families; informs Administrator of significant issues; and serves as OSHA records coordinator.

Respondent reports to Emillio Iniguez, Community Facility Administrator (CFA).

Summary of Appellant's Arguments. Appellant contends the level of duties performed by Respondent are not in accordance with the definition and distinguishing characteristics of AA 3. Appellant asserts the scope of responsibility assigned to Respondent does not encompass the key areas that are substantive in nature, such as budget, policy oversight, management representation, and other higher level work.

Appellant states budgetary matters are the responsibility of Respondent's supervisor. Appellant further contends Respondent tracks purchases, orders supplies and researches the cost of supplies to present purchase options to the CFA.

Appellant contends Respondent serves as the primary coordinator in various systems, but this does not rise to the level of a substantive area as required of the AA 3 job class. While Respondent does help staff with signing into TEMS and LMS, these are statewide systems used by employees statewide and therefore Respondent is not responsible for the systems themselves. While Respondent asserts she handles new hire paperwork, Appellant argues that DSHS's HR division is in charge of personnel administration.

Appellant states Respondent is not in charge of scheduling. If someone calls in sick, they would contact the supervisor to arrange for another on-call to take their place. While Respondent has been given authority to approve leave in the leave system if the supervisor is not there, it is the supervisor or CFA that allows time off for his staff, not Respondent.

Summary of Respondent's Arguments. Respondent contends her position should be allocated to AA 3, evident by her taking higher level tasks of a substantive nature normally performed by her supervisor. This includes expenditure control, tracking expenditures, and report preparation. Respondent maintains she reports to a WMS Band 2 who is a second level supervisor, also consistent with the AA 3 class specification. Respondent further maintains that to be allocated to the

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PO BOX 40911
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AA 3, she needs to meet just one aspect of the distinguishing characteristics, such as records management or personnel administration. Respondent asserts her tasks around personnel administration alone, such as onboarding and processing new hire paperwork, would qualify her for the AA 3 job class.

Respondent asserts that, while they work in a small group home, they are responsible for scheduling 25-30 staff, including on-call staff. Appellant states she assists new employees with numerous questions and trains them how to navigate the leave tracker and LMS. Respondent asserts she is an administrator for the LMS and TEMS systems, another task delegated by the CF Administrator. Respondent contends she creates the classes in LMS, assigns staff to various courses and gives credit for classes completed. These include required classes, such as safety training.

Respondent maintains she ensures expenditures are tracked and has the authority to sign and pay some bills. Expenditure work includes balancing the $250 petty cash fund on a monthly basis. Respondent states she also prepares A19s for staff reimbursement requests and routes them appropriately.

Primary Issue. Whether the director's determination should be affirmed in that Appellant's position should remain allocated AA 3.

Relevant Classifications. Administrative Assistant 2; Administrative Assistant 3

Decision of the Board.

In *Norton-Nader v. Western Washington University*, PRB Case No. R-ALLO-08-020 (2008), the Personnel Resources Board (Board) stated the following standards are the hierarchy of primary considerations in allocating positions:

a) Category concept (if one exists).

b) Definition or basic function of the class.

c) Distinguishing characteristics of a class.

d) Class series concept, definition/basic function, and distinguishing characteristics of other classes in the series in question.

Administrative Assistant 2

This no class series concept for Administrative Assistant 2

Definition:

Provide administrative and staff support services for a section or unit with delegated authority to act in supervisor's absence in areas of substance.

Distinguishing Characteristics:

These positions may be distinguished from lower level classes by addition of the delegation of authority to act for or in the regular place of the superior in substantive areas, and/or supervision of some professional or several clerical subordinates and a formal reporting alignment identifying the position as the principal administrative assistant to the superior who is at the first professional supervisory level or above.

Administrative Assistant 3

There is no class series concept for Administrative Assistant 3

Definition:

Positions perform varied administrative and secretarial support duties or positions are responsible for one or more major program activities under a second line supervisor.

Distinguishing Characteristics:

Positions are delegated higher-level administrative support duties or positions are delegated one or more major program activities that would be

WASHINGTON PERSONNEL RESOURCES BOARD
PO BOX 40911
OLYMPIA, WA 98504-0911

> performed under a second-level professional supervisor, manager or administrator in WMS Band II or above or in exempt service, chief administrator, or head of a major organizational unit such as a school, college, or major academic or administrative department. Only one position will be allocated to an individual second-line supervisor for those positions performing one or more major program activities.
>
> A major program activity is defined as a function that is a major element of the supervisor's job. The duty must stand alone and would create significant adverse consequences if poorly performed. However, full delegation can't occur if the supervisor's position requires specialized licensure such as attorneys, medical doctors, and engineers.
>
> Higher-level administrative duties are duties of a substantive nature that are appropriate to be performed by the supervisor, manager, administrator, or professional level employee but have been delegated to the administrative assistant to perform. Areas may include but are not limited to, the following: budget development and/or management, expenditure control, office space management, equipment purchases, budget development and/or management, public relations, personnel administration, records management, and report preparation.
>
> Incumbents in these positions represent the supervisor's and/or unit's goals and interests and provide interpretation or explanation of the supervisor's policies or viewpoints.

The differences between the AA 2 and AA 3 are best captured in the distinguishing characteristics in the AA 3 class specification. The AA 3 is delegated one or more major program activities or

WASHINGTON PERSONNEL RESOURCES BOARD
PO BOX 40911
OLYMPIA, WA 98504-0911

delegated higher level support duties. The second paragraph under distinguishing characteristics defines a major program activity as a major element of the supervisor's job and the duty must stand alone. The third paragraph under the distinguishing characteristics defines higher level administrative duties as being of a substantive nature that are appropriate to be performed by the supervisor, manager, administrator, or professional level employee.

The majority of duties and responsibilities assigned to Appellant do not reflect higher level administrative support. For example, processing on-boarding paperwork for new hires; entering data into LMS; and tracking and balancing petty cash are not higher level administrative duties. Rather, most of Appellant's tasks are clerical in nature and would not be appropriate if assigned to the CFA. Therefore, Appellant does not meet the first portion of the AA 3 definition.

Appellant is not assigned a major program activity that is a major element of the supervisor's job and therefore, does not meet the second portion of the AA 3 definition. The duties performed, including registering staff for training; maintaining files and documentation; arranging for maintenance when something breaks; searching for and costing equipment; and running reports are supportive in nature and do not stand alone as a major program activity. Personnel administration is a major program activity but involves making decisions around substantive elements of HR, such as recruiting and screening strategies. Additionally, a major program activity must be performed the majority of the time.

Most positions within the civil service system occasionally perform duties that appear in more than one classification. However, when determining the appropriate classification for a specific position, the duties and responsibilities of that position must be considered in their entirety and the position must be allocated to the classification that provides the best fit overall for the majority of the position's duties and responsibilities. See *Dudley v. Dept. of Labor and Industries*, PRB Case No. R-ALLO-07-007 (2007).

While Respondent's duties may rise to the level of AA 3 some of the time, *Dudley* indicates the work must be performed the majority of the time. Respondent is not assigned AA 3 duties the majority of time and has not been delegated a stand- alone major program activity.

The Board has considered all Appellant's exceptions to the director's determination and finds the duties of this position best fit the class specification for Administrative Assistant 2.

In a hearing on exceptions, the Appellant has the burden of proof (WAC 357-52-110). Appellant has met their burden of proof.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal on exceptions by Department of Social and Health Services is affirmed; the director's determination dated June 15, 2017, overturned; and Teresa Lazo's position remains allocated to Administrative Assistant 2.

DATED this _____ day of _____, 2017.

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_____
VICKY BOWDISH, Vice Chair

_____
SUSAN MILLER, Member

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