BEFORE THE PERSONNEL RESOURCES BOARD

STATE OF WASHINGTON

DEPARTMENT OF SOCIAL AND HEALTH SERVICES, Appellant, vs. CRYSTAL BUCKNER, Respondent.	CASE NO. R-ALLO-18-021 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, NANCY HOLLAND YOUNG (via telephone), Chair, VICKY BOWDISH, Vice Chair, and SUSAN MILLER, Member, for a hearing on Appellant's exceptions to the Director's Determination dated October 29, 2018. The hearing was held on December 13, 2018.

Appearances. Appellant, Department of Social and Health Services, was represented by Yolanda Geolingo, Human Resource Consultant. Respondent, Crystal Buckner, appeared by phone. Also present in person for the Respondent was Sherri-Ann Burke, Labor Advocate and Teresa Parsons, Classification and Compensation Specialist from the Washington Federation of State Employees.

Background. On February 8, 2018, Respondent's Position Review Request was received by DSHS Human Resources requesting reallocation from a Customer Service Specialist 2 to a Customer Service Specialist 3. By letter dated March 16, 2018, Respondent's request to be reallocated was denied and Appellant notified Respondent the position would be reallocated to the Contracts Assistant classification.

On April 11, 2018, Respondent filed a Request for Director's Review of DSHS HR's decision. On October 16, 2018, the Director's Review Specialist determination reallocated Respondent to a Customer Service Specialist 3. On October 29, 2018, Appellant filed an appeal of the Director's determination.

Summary Position Objective. Respondent of this position serves as a Customer Service Specialist 2 located in the Mount Vernon Office (Region 2) within the Home and Community Services (HCS) program of DSHS. Respondent's position includes supporting existing and potential Independent Providers (IP) with the IP Contracting process and assisting social workers, supervisors, clients and IPs with obtaining in-home caregivers that are qualified, competent and compliant with DSHS IP contracts. Respondent serves as the expert in her office assisting customers on resolving IP-related issues and IP inquiries.

Summary of Appellant's Arguments. Appellant argues Respondent does not mentor and train lower-level staff. Appellant interprets "lower level staff" as employees who have lower level job classifications. Appellant argues Respondent trained staff at the same or higher job classification level therefore, Respondent is not training lower level staff.

Appellant contends Respondent works in a customer service program. Appellant argues IPs are contracted employees as they provide personal caregiving services to clients/customers. Appellant argues Respondent is not assisting clients/customers, rather Respondent completes IP information on contracts. Appellant disputes Respondent solves "complex, cross-agency customer problems." Appellant's interpretation of "cross agency" applies to units such as Payroll, Human Resources, and Background Check Central Unit (BCCU). Appellant argues the Customer Service Specialist 3 classification is not the best fit and reallocated Respondent to a Contracts Assistant.

Summary of Respondent's Arguments. Respondent supports the Director's Review determination. Respondent is identified as the IP expert in her office and point of contact for

contractors and clients with questions and technical issues and works with very little supervision. Respondent monitors IP-related issues, assists with IP inquires, provides information to IPs, trains IPs, and answers questions regarding the IP contract process. Respondent works at the senior level handling complex items, conducts orientation training and connects with agencies to ensure the IP contracting process is complete. Respondent conducts cross-agency work by interacting with various departments within DSHS, other state agencies, and AAA agencies to complete the IP contracting process. Respondent gathers information for contracts, but does not create the contract.

Respondent's position works in a unit where fellow employees' positions are in the Customer Service Specialist job classification and Respondent's position reports to a Customer Service Specialist 4. Respondent trains new employees in HCS on IP-related procedures.

Primary Issue. Whether the Director's determination properly allocated the Respondent's position to the Customer Service Specialist 3 classification.

Relevant Classifications. Contracts Assistant, Contracts Specialist 1, Customer Service Specialist 1, Customer Service Specialist 2 and Customer Service Specialist 3

Contracts Assistant

Definition

Assists in contract development, award, administration and termination; in a large contracts staff may be assigned one or more specialized functions such as the review of status reports or the development of contract close-out letters.

Distinguishing Characteristics

Positions in this class review contract proposals for conformance with law, develop bid invitations, check and develop contracts status reports, review, for contract conformance, billings for contracted goods or services, maintain contract financial status information and develop contract close-out

letters and reports. Incumbents may assist in the development of contract specifications, determinations of pricing levels or determination of contract performance.

Customer Service Specialist series

Class Series Concept

Positions in this series provide assistance and problem resolution to agency clients/customers and are located in a designated customer service program. The intent of the series is to assist clients/customers in identifying agency processes and procedures, resolving client/customer problems related to agency programs and interpreting agency related laws, policies and procedures. Positions at all levels may be assigned lead or supervisory responsibilities over lower level staff.

This series is not clerical in nature. Clerical support duties are incidental to the total work assignment (less than 10%). Clerical support, for the purposes of this series, includes tasks such as maintaining filing systems, maintaining logs, updating computer or manual data systems, office and telephone reception, completing office forms, compiling and completing recurrent reports, performing routine typing, copy work and preparing mailings.

This occupational category is considered a technical occupational category. Positions assigned to this occupational category have authority to accept, grant or deny agency services or may mediate between the business of the agency and the client (example: Attorney General's Consumer Protection Unit). Some positions may train and provide leadership to volunteers.

Customer Service Specialist 3

Definition

Serves as a senior customer services specialist handling complex, cross-agency customer problems. Mentors and trains lower level staff in aspects of client/customer relations and problem resolution. Interprets agency-related laws, policies and procedures.

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. 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 that best describes the overall duties and responsibilities of the position. See *Liddle-Stamper v. Washington State University*, PAB Case No. 3722-A2 (1994).

The following standards, in descending order, 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.[1]

While not allocating criteria, typical work statements of a class lend support and provide clarification of type and scope of work encompassed in a class.

The Board finds Respondent's duties do not meet the Contracts Assistant definition and distinguishing characteristics. Respondent is not performing contracting functions, such as drafting contract proposals, bid invitations and billings for contracts nor is Respondent administering contracts for the agency. Respondent is entering limited information into a contract template and submitting it to the Contracts Unit to complete the contract. Respondent does not have authority to terminate a contract, however she provides a request to the Contracts Unit to cancel an IP for not meeting compliance. The Contracts Assistant classification does not fit this position.

Based on the duties and level of responsibility Respondent has been assigned, the Board found

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[1] *Norton-Nader v. Western Washington University*, PRB Case No. R-ALLO-08-020 (2008).

Respondent meets the Customer Service Specialist series that states "... provide assistance and problem resolution to agency clients/customers and are located in a designated customer service program... assist clients/customers in identifying agency processes and procedures, resolving client/customer problems related to agency programs..." Respondent's position description identifies she is in a customer service program. Respondent provides customer service to IPs, potential IPs and clients. She answers inquiries, resolves problems and complaints and provides guidance regarding accessing agency services and program requirements to clients, providers and other agencies.

The Board determined Respondents duties are in line with the CSS3 classification. The CSS3 definition states:

> "Serves as a senior customer services specialist handling complex, cross-agency customer problems. Mentors and trains lower level staff in aspects of client/customer relations and problem resolution. Interprets agency-related laws, policies and procedures."

Per *OFM SHR Glossary of Classification Terms* (April 1, 2017), "senior" is defined as:

> "The performance of work requiring the consistent application of advanced knowledge and requiring a skilled and experienced practitioner to function independently. Senior-level work includes devising methods and processes to resolve complex and difficult issues that have broad potential impact. These issues typically involve competing interests, multiple clients, conflicting rules or practices, a range or possible solutions, or other elements that contribute to complexity. The senior-level has full authority to plan, prioritize, and handle all duties within an assigned area of responsibility. Senior-level employees require little supervision and their work is not typically checked by others."

Respondent meets the definition of "senior" as she provides training and mentoring to staff and clients in regards to the IP program. Respondent performs cross-agency work as she works with multiple agencies and multiple facets within DSHS to ensure IPs are in compliance. Respondent monitors the fingerprinting process, sustainability reviews, continuing education and ensures credentials are active with Department of Health. The duties performed by Respondent are consistent with the Customer Service Specialist 3 level work.

Based on the hierarchy outlined in *Norton-Nader v. Western Washington University*, PRB Case No. R-ALLO-08-020 (2008), the overall duties and level of responsibility assigned to Respondent meets both the class series concept and the definition for the Customer Service Specialist 3 classification.

In a hearing on exceptions, Appellant has the burden of proof (WAC 357-52-110). Appellant has not met its burden of proof.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal on exceptions by Appellant is denied and the Director's Determination dated October 16, 2018, is affirmed.

DATED this 27 day of February, 2019.

WASHINGTON PERSONNEL RESOURCES BOARD

Nancy Holland Young

NANCY HOLLAND YOUNG, Chair

Susan L. Miller

SUSAN MILLER, Member