BEFORE THE PERSONNEL RESOURCES BOARD

STATE OF WASHINGTON

JESSICA KREGER, Appellant, vs. WASHINGTON STATE DEPARTMENT OF CORRECTIONS, Respondent	CASE NO. R-ALLO-18-024 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, Chair, and SUSAN MILLER, Member, for a hearing on Appellant's exceptions to the Director's Determination dated November 19, 2018. The hearing was held on March 14, 2019, at Room 110, Capitol Court, 1110 Capitol Way, in Olympia, Washington.

Appearances. Appellant Jessica Kreger was present. Respondent Department of Corrections (DOC) was represented by Darryl Taylor, Human Resources Consultant (by telephone).

Background. On March 9, 2018, Respondent submitted an updated position description to DOC Human Resources (HR) office for proper allocation based on Office of Financial Management (OFM) classification revisions dated June 30, 2017, to Corrections Specialist (CS) series.

On April 6, 2018, DOC HR notified Appellant of position allocation from CS2 to CS1.

On April 6, 2018, OFM - State Human Resources (OFM-SHR) received a Request for Director's Review by Appellant.

On November 19, 2018, the Director's Review Specialist conducted a review of Appellant's position description determination based on written documentation. By letter dated November

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19, 2018, the Director's Review Specialist determined the appropriate allocation for Appellant's position was CS1 classification.

On November 28, 2018, Appellant filed timely exceptions to the Director's Determination to the Board.

As summarized by the Director's Review Specialist, Appellant's position is located within DOC, at Cedar Creek Corrections Center (CCCC). Appellant performs her duties under Correctional Lieutenant, Mark Keller. Appellant manages a Custody Staff Roster Management Unit. A responsibility of the position is management of all custody and non-custody staffing assignments; leave authorization for Sergeants and Correctional Officers at CCCC. Appellant ensures all mandatory post assignments are covered/staffed, monitors the cost effective use of assigned staff, to include the control and use of overtime authorization and track post vacancies and extra post assignments.

Summary of Appellant's Arguments. Appellant asserts work duties assigned are commensurate to CS3 classification, specifically stating the CS2 classification no longer applies, following the OFM CS series revisions approved July 1, 2017. Appellant states her work duties assigned were that of a major facility roster manager, responsible for a multi-million dollar management program, in addition to working in a multiple level confinement facility. Appellant argued work load is not a criteria for determining a classification and alleges allocation determinations used by the Respondent for classification from a CS2 to CS1 is based on workload and not on classification specifics.

Summary of Respondent's Arguments. Respondent asserts the duties assigned to the Appellant listed in the position description are assigned to minor facility roster managers pursuant to classification specifications. Respondent agrees some duties overlap CS3 classification, specifically the master roster assignment and accountability for overtime minimization, monitoring

annual leave requests and approvals for custody and non-custody staff, and coordinating with DOC HR on bid processing of staff changes. Respondent contests points stated by Appellant and asserts duties assigned are specific to the classification definition of CS1 approved by DOC and OFM.

Primary Issue. Whether Director's Determination should be affirmed and whether Appellant should remain allocated to Corrections Specialist 1 classification.

Relevant Classifications. Corrections Specialist 1 (CS1), Corrections Specialist 2 (CS2), and Corrections Specialist 3 (CS3).

Class Series Concept of CS

Responsible for various correctional programs as assigned, such as: community service activities, institutional training, classification and treatment programs, offender grievances, institutional hearings, roster management for minimum or major facilities, contracted chemical dependency treatment services, deaf inmate program services, or auditing of correctional programs.

Definition of CS 1

Serves as a manager of the department's community and citizen involvement program at a facility. Plans, organizes, directs, and manages all aspects of the community partnership program within a facility, to include: volunteer services, family friendly and community resource programs.

OR

Within a minimum security facility, has overall administration of roster management.

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Distinguishing Characteristics

Under general supervision, positions are responsible for the department's community and citizen involvement programs. Primary responsibility is acting as a liaison between the community and facility on community involvement issues, volunteer administration, which includes volunteer recruitment, providing technical assistance to staff and management on the use of volunteers, providing mandatory training to volunteers, maintaining records for accountability, coordinating projects utilizing community or offender volunteers, and preparing reports.

Positions responsible for the master roster within a minimum facility develop the roster in accordance with the Custody Staffing Model as determined by the facility's audit and as approved.

Definition of CS 2

Develops, coordinates, implements and/or evaluates various correctional program(s) as assigned. Prepares comprehensive reports and makes recommendations for management, identifies and projects trends, and monitors program expenditures for adherence to budgeted allocations. Positions in this class perform professional level duties related to correctional programs in areas such as: intensive management, administrative segregation, grievance coordinator, security specialist, facility classification; and evidence based program delivery specialists.

Distinguishing Characteristics

Positions at this level work under general direction and have facility wide correctional program responsibility.

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Definition of CS 3

Positions at this level work under administrative direction. Audits correctional programs for compliance with policy and/or has responsibility for statewide programs such as offender classification, Prison Rape Elimination Act (PREA), chemical dependency, staff safety and facility security, and deaf inmates;

OR

Within a major facility that includes multiple levels of confinement has overall administration of institutional hearings or a multi-million dollar roster management program.

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)).

Here, as in Liddle-Stamper, we are comparing the duties and responsibilities of Appellant's position to the available classification specifications. We are considering the relevant classifications that were in effect at the time she requested her review from Respondent and determining which classification best describes the overall duties and responsibilities assigned to her position at that time. [1]

[1] (Upheld, see *Boekhoff v. Bellevue Community College*, PRB Case No. R-ALLO-07-002(2007); *Pederson v. Central Washington University*, PRB Case No. R-ALLO-07-014 (2007); *McLean v. Community Colleges of Spokane;* PRB Case No. R-ALLO-07-022 (2008))

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Allocating criteria consists of the class specification's class series concept (if one exists), the definition and the distinguishing characteristics.[1] Typical work is not an allocating criterion, but may be used to better understand the definition or distinguishing characteristics. (See *Kristin Mansfield vs. Department of Fish and Wildlife,* PRB Case No. R-ALLO-11-014 (2011)).

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.[2]

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)).

This hearing was scheduled for consideration of exceptions filed with Board. The Board carefully reviewed documentation submitted during the Director's Review and arguments presented by parties at the hearing.

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

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The Board finds Appellant's duties are significant but the classification definition of CS1 is the best fit allocation. The Board has long held when there is a class that specifically includes a particular assignment and there is a general classification that has a definition, which could also apply to a position, the position should be allocated to the class that specifically includes the position. This precedent is noted in *Mikitik v. Dept's of Wildlife and Personnel*, PAB No. A88-021 (1989) and upheld in *Waldher v. Dept. of Transportation*, PRB Case No. R-ALLO-08-026 (2009).

Respondent stated the CS1 classification definition specifically states minimum security facilities have overall administration of roster management, thus the Appellant meets the definition and duties performed under the CS1 classification.

The Board finds the Respondent and Director's Review Specialist were correct in determining the level of responsibilities and duties assigned met the definition of Corrections Specialist 1.

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

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ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED the appeal on exceptions filed by Jessica Kreger is denied and Appellant's position remains allocated to Corrections Specialist 1.

DATED this 30th day of April, 2019.

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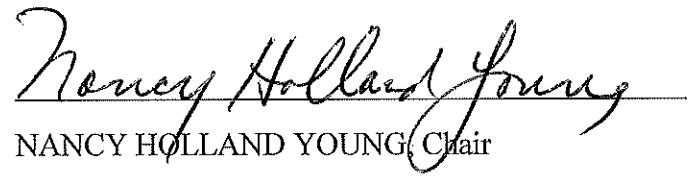
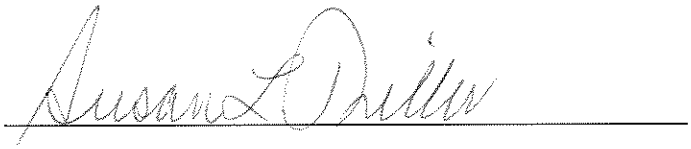


NANCY HOLLAND YOUNG, Chair



SUSAN MILLER, Member

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