

BEFORE THE PERSONNEL RESOURCES BOARD  
STATE OF WASHINGTON

EARNIE CREWSE,

Appellant,

vs.

DEPARTMENT OF CORRECTIONS,

Respondent.

CASE NO. R-ALLO-07-008

ORDER OF THE BOARD  
FOLLOWING HEARING ON  
EXCEPTIONS TO THE  
DETERMINATION OF THE DIRECTOR

**Hearing on Exceptions.** This appeal came on for hearing before the Personnel Resources Board, LAURA ANDERSON, Chair, and MARSHA TADANO LONG, Vice Chair, on Appellant's exceptions to the Director's determination dated May 7, 2007. The hearing was held at the office of the Personnel Resources Board in Olympia, Washington, on September 12, 2007.

**Appearances.** Appellant Earnie Crewse was present and represented himself *Pro Se*. The Department of Corrections (DOC) was represented by Joanne Harmon and Megan Smith, Human Resource Consultants.

**Background.** Appellant's position was allocated to the Corrections Specialist 3 classification. On December 11, 2006, he submitted a Position Description Form asking that his position be reallocated to the Correctional Hearings Officer 3 classification. By letter dated December 19, 2006, Megan Smith, Human Resource Consultant for the Department of Corrections, denied Appellant's request. Appellant appealed DOC's decision to the Director of the Department of Personnel (DOP).

Following DOC's decision, Holly Platz, the Director's designee, conducted a review of Appellant's request. The review was based on written documentation. By letter dated May 7, 2007, Ms. Platz determined that Appellant's position was properly allocated to the Corrections Specialist 3 classification.

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2 On June 8, 2007, Appellant filed exceptions to the Director's determination. Appellant's  
3 exceptions are the subject of this proceeding.  
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5 Appellant's position directs the offender disciplinary hearings program at the Washington State  
6 Penitentiary. As a result, he conducts prison disciplinary hearings in compliance with WAC  
7 Chapter 137-28 applying the "some evidence" rule, independently making decisions, determining if  
8 misconduct occurred, and imposing sanctions. Appellant also prepares hearing findings and  
9 dispositions and serves as the final appeal authority for general infractions. Some of Appellant's  
10 decisions may be appealed to the Superintendent or be referred for prosecution. Appellant also  
11 supervises a Corrections and Custody Officer 2.  
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13 **Summary of Appellant's Arguments.** Appellant argues the Correctional Hearings Officer 3  
14 classification better describes his position because he conducts offender disciplinary hearings.  
15 While Appellant acknowledges he conducts offender hearings in a prison setting rather than  
16 community corrections, he contends the process is the same. For example, Appellant argues that he  
17 conducts due process hearings for offenders by considering a preponderance of the evidence,  
18 applying laws and WACs, and issuing decisions based on facts, which affect an offender's liberty  
19 interest. Appellant asserts location is the sole difference between the two classes and contends the  
20 Corrections Specialist 3 class is a "catch all" classification, arguing other positions included in the  
21 class do not conduct hearings or have the same level of responsibility.  
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23 Instead, Appellant argues his assigned duties and responsibilities are an exact fit with the  
24 Correctional Hearings Officer 3 class, with the exception of "community custody violations."

25 Appellant further argues there is a pay inequity between the two positions because he asserts both  
26 have the responsibility of conducting hearings and imposing sanctions. Appellant asks the Board to  
27 reallocate his position to the Correctional Hearings Officer 3 class or create a new class reflecting a  
28 Hearings Officer position.  
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2 **Summary of Respondent's Arguments.** Respondent argues Appellant's position is properly  
3 allocated to the Corrections Specialist 3 classification because he is assigned senior-level,  
4 professional duties in a correctional program that includes institutional hearings regarding offender  
5 disciplinary matters. While Respondent acknowledges he performs duties similar to a Correctional  
6 Hearings Officer 3, the department argues the distinction relates to community corrections. For  
7 example, Respondent contends hearings on community custody violations, while also based on  
8 evidence, impact offenders released into the community. As such, Respondent asserts there is a  
9 greater level of risk and responsibility to the community when an offender violates the conditions of  
10 release.

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12 Further, Respondent contends the decision-making by a Correctional Hearings Officer in  
13 Community Corrections has broader impact and the sanctions imposed, like returning an offender  
14 to confinement, are more severe. Respondent asserts the scope and impact of decision-making  
15 assigned to a Correctional Hearings Officer 3 working in Community Corrections require specific  
16 skills and knowledge related to an offender's release. Because Appellant conducts disciplinary  
17 hearings on offender violations within an institution, Respondent asserts his position is properly  
18 allocated. At the same time, Respondent understands there are similarities between the two classes  
19 and acknowledges that a class study may be appropriate in the future. Additionally, Respondent  
20 describes Appellant as an exemplary employee, however, asserts an allocation is based on the  
21 assignment of duties in comparison with the available job classifications.

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23 **Primary Issue.** Whether the director's determination that Appellant's position is properly  
24 allocated to the Corrections Specialist 3 classification should be affirmed.

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26 **Relevant Classifications.** Corrections Specialist 3 classification, class code 350C, and  
27 Correctional Hearings Officer 3, class code 421C.

1 **Decision of the Board.** The purpose of a position review is to determine which classification best  
2 describes the overall duties and responsibilities of a position. A position review is neither a  
3 measurement of the volume of work performed, nor an evaluation of the expertise with which that  
4 work is performed. A position review is a comparison of the duties and responsibilities of a  
5 particular position to the available classification specifications. This review results in a  
6 determination of the class that best describes the overall duties and responsibilities of the position.  
7 See Liddle-Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

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9 The Corrections Specialists Occupational Category Concept provides, in relevant part, “[w]ithin the  
10 Department of Corrections, [the incumbent] is responsible for various correctional programs as  
11 assigned, such as . . . institutional hearings. . . .” Further, the distinguishing characteristics of a  
12 Corrections Specialist 3 describe the position as a senior or specialist and note, “[p]ositions in this  
13 class perform professional level duties covering one or more of the following correctional program  
14 areas: . . . institutional hearings (e.g., disciplinary, intensive management, administrative  
15 segregation) . . .”

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17 In this case, Appellant’s Position Description indicates he directs the offender disciplinary hearings  
18 program at the Washington State Penitentiary and conducts disciplinary hearings and renders  
19 decisions at the institution. While Appellant may not perform every function related to this  
20 classification, such as administrative segregation, he does in fact conduct offender disciplinary  
21 hearings within an adult correctional institution, consistent with the Corrections Specialist 3.

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23 The Correctional Hearings Occupational Category Concept provides, in relevant part, “[t]his series  
24 conducts offender hearings and renders decisions on alleged community custody violations.”

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26 While we acknowledge the duties and responsibilities are very similar in nature, the level of  
27 decision-making and the impact to the community are not identical. The distinguishing factor  
28 identified in the Correctional Hearings Officer 3 class specification specifically relates to  
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community custody violations and the breadth of decision-making that responsibility entails. The distinction is not limited to the location; rather, it is distinguished by the level of risk and greater impact to the community.

Appellant raises the issue of “opening up” Correctional Hearings Officer 1 and 2 classes within the Correctional Hearings Occupational Category to make the salary for Hearings Officers in institutions more equitable. We understand Appellant’s position is unique because he essentially works as a Hearings Officer within an institution. At this time, however, Correctional Hearings Officer 1 and 2 classes do not exist within the classification plan. Respondent has acknowledged the possibility of conducting a future class study or assessment of the Corrections Specialist 3 positions with respect to positions conducting offender disciplinary hearings at institutions. We agree that such an assessment may be appropriate but also recognize there is a specific process for handling classification proposals. Since the allocation process is not the proper forum to address the creation of a new classification, resolution of this issue is not within the Board’s jurisdiction.

In a hearing on exceptions, the Appellant has the burden of proof. WAC 357-52-110. Appellant has failed to meet his burden of proof. Based on the available classifications, Appellant’s position is properly allocated to the Corrections Specialist 3 classification.

### **ORDER**

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal on exceptions by Earnie Crewse is denied, and the Director’s determination dated May 7, 2007 is affirmed and adopted.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2007.

WASHINGTON PERSONNEL RESOURCES BOARD

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LAURA ANDERSON, Chair

MARSHA TADANO LONG, Vice Chair

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