

**BEFORE THE PERSONNEL RESOURCES BOARD
STATE OF WASHINGTON**

RONNIE SAUER,

Appellant,

vs.

DEPARTMENT OF CORRECTIONS,

Respondent.

CASE NO. R-ALLO-09-041

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, LAURA ANDERSON, Vice Chair, and DJ MARK, Member, for a hearing on Appellant's exceptions to the director's determination dated October 29, 2009. The hearing was held at the office of the Personnel Resources Board in Olympia, Washington, on April 21, 2010.

Appearances. Appellant Ronnie Sauer was present and was represented by Rod Sauer. Respondent Department of Corrections (DOC) was represented by Joanne Harmon, Human Resources Consultant.

Background. Appellant is employed by the Department of Corrections at the Stafford Creek Corrections Center (SCCC) as an Office Assistant 3 (OA3). On April 16, 2008, an updated Position Description Form for Appellant's position was submitted to SCCC's HR Office asking that Appellant's position be reallocated to the Human Resource Consultant Assistant 2 (HRCA2) classification. By letter dated January 13, 2009, Respondent determined that Appellant's position was properly allocated to the OA3 classification.

On January 29, 2009, Appellant filed a request for a director's review of DOC's allocation determination. By letter dated October 29, 2009, the director's designee determined that Appellant's position was properly allocated to the OA3 classification. On November 30, 2009,

1 Appellant filed exceptions to the director's determination. Appellant's exceptions are the subject of
2 this proceeding.

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4 Appellant works in the Training Department at SCCC and provides support for her supervisor, the
5 Facility Performance Coordinator (Training Manager) at SCCC. Appellant assists her supervisor
6 in coordinating and facilitating mandatory training for correctional officers and non-custody staff
7 at SCCC, and in her supervisor's absence, she oversees the training unit operations. Appellant's
8 duties include tracking each employee's training record, notifying the necessary parties when
9 training is needed, coordinating with the Roster Manager when staff will attend training,
10 scheduling instructors, assuring the training rooms and materials are ready, and assisting
11 employees as needed with training documents, records, and employee self service. In addition,
12 Appellant presents training covering topics such as how to use the computer correctly and to
13 answer telephones professionally, vehicle safety and defensive driving, and CPR/first aid, and
14 when necessary, she fills in for instructors who are absent. Appellant also assists in presenting
15 new employee orientation at SCCC. Appellant does not conduct training for all classes or for
16 classes requiring specialized certifications such as CORE or weapons and defense tactics.

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18 **Summary of Appellant's Arguments.** Appellant contends that positions identical to hers but
19 located at other DOC institutions are allocated to the HRCA2 classification and therefore, her
20 position should be reallocated to the HRCA2 class. In addition, Appellant argues that her duties and
21 responsibilities go far beyond the level of duties described in the Office Assistant 3 classification.
22 Appellant contends that the functions she performs on a regular basis which include assuming the
23 role of her supervisor in his absence, presenting training and filling in for trainers when they are
24 absent and coordinating the training function for the facility, best fit within the HRCA2
25 classification. Appellant asserts that she uses specialized knowledge when she assembles packets of
26 information for new employees, reviews checklists and provides information to supervisors and staff
27 at DOC headquarters. She further asserts that she resolves technical problems by developing forms
28 and processes for use within the training department and that she uses independent judgment to

1 resolve problems such as addressing inappropriate staff attire or language, finding replacement
2 instructors, and assuring equipment is operational. Appellant acknowledges that some of her work is
3 found in the OA3 classification but contends that a lot of her work is found in the HRCA2 class as
4 well.

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6 **Summary of Respondent's Arguments.** Respondent contends that allocation or misallocation of
7 similar positions is not a factor to be considered in allocating Appellant's position. Respondent
8 argues that the focus of Appellant's position is to provide clerical and office support services for the
9 training office and her supervisor. In summary, Respondent contends that Appellant provides
10 customer service, tracks training information, maintains records and files, generates reports,
11 schedules training assuring that equipment is setup and instructors are scheduled, and assures staff
12 are provided the training they need. In addition, Respondent contends that Appellant arranges travel
13 for staff, orders supplies, compiles paperwork, gathers data, performs general filing and
14 correspondence work, and acts as backup for her supervisor. Respondent asserts that at DOC,
15 training is not a function under the umbrella of human resources. Therefore, Respondent argues that
16 Appellant does not function as an assistant to professional level human resource staff. Respondent
17 further argues that the policies governing training are standard and very clear unlike those that
18 govern the human resource functions that fall under the human resource umbrella at DOC.
19 Respondent contends that the focus of Appellant's position is to provide support to and perform
20 clerical functions for the training unit at SCCC and that the majority of her duties and level of
21 responsibility fit within the OA3 class.

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

25
26 **Relevant Classifications.** Office Assistant 3, class code 100J; Human Resources Consultant
27 Assistant 2, class code 123F; Human Resources Consultant Assistant 1, class code 123E.

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 In Byrnes v. Dept's of Personnel and Corrections, PRB No. R-ALLO-06-005 (2006), the
10 Personnel Resources Board held that “[w]hile a comparison of one position to another similar
11 position may be useful in gaining a better understanding of the duties performed by and the level
12 of responsibility assigned to an incumbent, allocation of a position must be based on the overall
13 duties and responsibilities assigned to an individual position compared to the existing
14 classifications. The allocation or misallocation of a similar position is not a determining factor in
15 the appropriate allocation of a position.” Citing to Flahaut v. Dept's of Personnel and Labor and
16 Industries, PAB No. ALLO 96-0009 (1996). Therefore, the allocation or misallocation of other
17 HRCA2 positions at DOC is not a determining factor in the appropriate allocation of Appellant's
18 position.

19
20 The following standards, in descending order, are the primary considerations in allocating
21 positions:

- 22 • Class series concept (if one exists).
- 23 • Definition or basic function of the class.
- 24 • Distinguishing characteristics of a class.
- 25 • Class series concept, definition/basic function, and distinguishing characteristics of
26 other classes in the series in question.

27 The class series concept for the Office Assistant classes states, “[p]erforms a variety of clerical
28 duties in support of office or unit operations.”

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2 The SCCC training unit is operated by two staff persons, Appellant and her supervisor. As a
3 result, Appellant performs the clerical and support duties required for unit operations. However,
4 while these duties encompass a portion of her overall responsibilities, Appellant performs many
5 duties that go beyond the OA3 class series.

6
7 The definition of the Office Assistant 3 classification states:

8 In support of office operations, performs repetitive, routine, or relatively simple
9 clerical duties/tasks such as establishing and maintaining record keeping/filing
10 systems and/or database files, serving as receptionist, performing mathematical
11 calculations and copying materials.

12 Because of the nature of a two person operation, some of Appellant's duties are repetitive, routine
13 or relatively simple. However, the clerical duties described in the OA3 definition do not include
14 the paraprofessional duties and responsibilities Appellant performs within the training unit such as
15 presenting training, providing guidance to staff on training policies and procedures, coordinating
16 and scheduling the use of the training facilities and training sessions, obtaining instructors, and
17 acting as backup for her supervisor.

18 The distinguishing characteristics of the OA3 classification state:

19 Under direct supervision, learns and performs a variety of routine office support
20 functions; such as copying materials and filing documents in a filing system,
21 posting records, answering telephones, and/or receiving visitors, and distributing
22 mail and other office materials. Public and departmental contact role is limited in
23 scope.

24 The Department of Personnel Glossary of classification provides that an employee who works
25 under "direct supervision":

26 Performs duties with specific instructions regarding assignments to be completed
27 and sequence of work steps. Decision-making authority is limited to clearly defined
28 work procedures, formats, and priorities. Work is reviewed for accuracy, adherence
to instructions, and established procedures.

Appellant's level of independence and the supervision she receives do not fit within the definition of "direct supervision." In addition, the variety and level of office support functions she performs go beyond those described in the OA3 distinguishing characteristics.

The class series concept for the Human Resource Consultant classes states, in part:

. . .

The Human Resource Consultant is a professional series with a Human Resource Consultant Assistant 1 and 2 as the paraprofessional levels. Positions in this series may require specialization in one or a limited number of human resource areas or may be assigned a wide variety of responsibilities.

Examples of professional responsibilities typically assigned include, but are not limited to: . . . staff and leadership development and training, . . .

Examples of paraprofessional or technical responsibilities typically assigned include, but are not limited to: interpreting rules and policies to direct payroll actions, explaining human resource policies, procedures, and programs to employees, managers, the public, and others; providing technical assistance to support the professional responsibilities listed above; providing guidance to others in registering or applying for human resource programs, completing requests for personnel actions, benefits, etc.; providing training or orientation in area of responsibility; maintaining confidential records and generating reports.

Black's Law Dictionary with Pronunciations, Sixth Edition, provides that a paraprofessional is "[o]ne who assists a professional person though not a member of the profession himself; *e.g.* a paralegal (*q.v.*) who assists a lawyer."

Staff development and training is typically a professional level human resource responsibility. Respondent explained that training is not under the "human resource umbrella" at DOC. However, Respondent's organizational structure does not change the intent of the human resource class series. Appellant reports to the Training Manager and performs paraprofessional and technical responsibilities for staff training at SCCC including providing training to staff,

1 providing orientation in her area of responsibility, and acting as a backup for the Training
2 Manager. Appellant's position fits with the human resource class series concept.

3
4 The definition of the HRCA2 classification states:

5 Performs a variety of paraprofessional and technical duties in one or more human
6 resource areas providing support to management and staff.

7
8 The distinguishing characteristics of the HRCA2 classification state:

9 Assistant to professional level human resource staff and management. Works
10 independently under general supervision and within established guidelines.
11 Applies specialized knowledge and uses independent judgment in resolving
12 technical and paraprofessional problems and interpreting and applying human
13 resource rules, policies, regulations or procedures. Reviews the accuracy of
14 records, exercises decision making authority, and initiates corrective action within
15 established guidelines.

16 Appellant performs a variety of duties, but her duties are narrower in scope than those anticipated
17 at the HRCA2 level. Appellant uses knowledge of training procedures and policies and she uses
18 judgment in resolving problems. However, the examples provided by Appellant do not meet the
19 level of specialization or independent judgment in resolving problems found at the HRCA2 level.
20 For example, when describing her problem resolution responsibilities, she indicated that when an
21 instructor does not show up for a class, she finds another instructor, or when a bulb in a projector
22 needs to be replaced, she contacts IT staff to change the bulb or she gets a new projector.
23 Appellant provided no examples of problem resolution that required interpreting and applying
24 human resource rules, policies, regulations or procedures.

25 Appellant's position does not have the breadth or depth of responsibilities found at the HRCA2
26 level.

27 The definition of the HRCA1 classification states:

1 Performs paraprofessional, technical, and clerical tasks in support of an
2 institution's or agency's human resource operations. Provides information to
3 clients and explains policies, rules and regulations applicable to human resources
4 functional area(s).

5 Appellant performs paraprofessional, technical and clerical duties in support of SCCC's Training
6 Manager and she explains policies and procedures applicable to the training function at SCCC.
7 Appellant's position fits within the HRCA1 definition.

8 The distinguishing characteristics of the HRCA1 classification state:

9 Under general supervision, performs technical human resource tasks such as
10 explaining and applying human resource rules, policies, regulations or procedures;
11 and processing and ensuring the accuracy of human resource documents and
12 records.

13 The Department of Personnel Glossary of classification provides that an employee who works
14 under "general supervision":

15 Performs recurring assignments within established guidelines without specific
16 instruction. Deviation from normal policies, procedures, and work methods
17 requires supervisory approval. Supervisory guidance is provided in new or unusual
18 situations. The employee's work is periodically reviewed to verify compliance with
19 policies and procedures.

20 Appellant's position performs technical tasks such as explaining training policies and procedures
21 and processing and ensuring the accuracy of training documents and records. She performs her
22 duties under general supervision. Appellant's position fits within the distinguishing characteristics
23 of the HRCA1 class.

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

In this case, Appellant performs some clerical and support duties but the majority of her duties are best described as paraprofessional duties. The level of responsibilities assigned to Appellant's position best fit within the Human Resource Consultant Assistant 1 classification.

In a hearing on exceptions, the appellant has the burden of proof. WAC 357-52-110. Appellant has met her burden of proof in part and her position should be reallocated to the HRCA1 classification.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal on exceptions by Ronnie Sauer is granted in part and her position is reallocated to the Human Resource Consultant Assistant 1 classification.

DATED this _____ day of _____, 2010.

WASHINGTON PERSONNEL RESOURCES BOARD

LAURA ANDERSON, Vice Chair

DJ MARK, Member