

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

RICHARD MAYTHER,

Appellant,

vs.

EMPLOYMENT SECURITY DEPARTMENT,

Respondent.

CASE NO. R-ALLO-08-004

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; MARSHA TADANO LONG, Vice Chair; and JOSEPH PINZONE, Member, on Appellant's exceptions to the director's determination dated December 31, 2007. The hearing was held at the office of the Personnel Resources Board in Olympia, Washington, on April 3, 2008.

Appearances. Appellant Richard Mayther was present and was represented by Phyllis Naiad, Senior Field Representative with the Washington Federation of State Employees. Employment Security Department (ESD) was represented by Anna Snellgrove, Human Resource Consultant.

Background. Appellant's position was allocated to the Worksource Specialist 2 classification. On June 2, 2006, he submitted a position review request to ESD's Human Resource Department requesting that his position be reallocated to the Worksource Specialist 3 classification.

By letter dated October 11, 2006, Russell Widders, Human Resource Consultant for ESD, denied Appellant's request. Appellant filed a review request with the director of the Department of Personnel (DOP). On October 23, 2007, Meredith Huff, the director's designee, conducted a review of Appellant's request. By letter dated December 31, 2007, Ms. Huff determined that Appellant's position was properly allocated to the Worksource Specialist 2 level.

1 On January 30, 2008, Appellant filed exceptions to the director's determination. Appellant's
2 exceptions are the subject of this proceeding.

3
4 Appellant works in the Job Search Review Program in the Lynnwood WorkSource Office. His
5 duties include reviewing records and verifying claimants' record keeping, interviewing and meeting
6 with claimants to assist them with various aspects of their job search activities such as checking job
7 postings, referrals, job preparation, resume review, job counseling and assisting them to access other
8 resources. He also assists claimants filing for Unemployment Insurance.

9
10 **Summary of Appellant's Arguments.** Appellant argues that a majority of his work fits within the
11 Worksource Specialist 3 classification. Appellant asserts that he spends a majority of his time
12 independently providing intensive services to WorkSource clients including performing job
13 readiness assessments, assisting employers in developing jobs, conducting workshops, and
14 coordinating the Job Search Review Program for the Lynnwood office.

15
16 **Summary of Respondent's Arguments.** Respondent acknowledges that some of the services
17 Appellant provides rise to the level are intensive services found at the Worksource Specialist 3 level.
18 However, Respondent contends that those duties and responsibilities are not the majority of the work
19 he performs.

20
21 **Primary Issue.** Whether the director's determination that Appellant's position is properly allocated
22 to the Worksource Specialist 2 classification should be affirmed.

23
24 **Relevant Classifications.** Worksource Specialist 2, class code 30120 (subsequently renumbered to
25 code 358F), and Worksource Specialist 3, class code 30130 (subsequently renumbered to code
26 358G).

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
4 that 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
7 position. See Liddle-Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

8
9 Clearly, Appellant is a valuable employee who contributes a great deal of expertise and knowledge
10 to the Lynnwood office and who takes pride in his many contributions to the agency. However, in
11 determining the proper allocation of a position, we must consider the duties and responsibilities
12 assigned to the position, not the capabilities, expertise or dedication of the incumbent in the position.

13
14 In addition, most positions within the civil service system occasionally perform duties that
15 appear in more than one classification. However, when determining the appropriate classification
16 for a specific position, the duties and responsibilities of that position must be considered in their
17 entirety and the position must be allocated to the classification that provides the best fit overall
18 for the majority of the position's duties and responsibilities. Dudley v. Dept. of Labor and
19 Industries, PRB Case No. R-ALLO-07-007 (2007).

20
21 The definition for Worksource Specialist 3 states:

22 (1) Delivers direct core & intensive services to WorkSource, Claimant Placement
23 Program, Food Stamps, WorkFirst Post-Employment Labor Exchange, or College
24 Co-Location customers; **OR** (2) is responsible for providing bilingual outreach
25 services in a designated Migrant and Seasonal Farmworker (MSFW) service area;
26 **OR** (3) is responsible for providing outreach services to eligible Disabled
27 Outreach Veterans' (DVOP) program customers; **OR** (4) as an Employer
28 Outreach Specialist contacts local employers to develop prospective job openings
29 and provide information on services available through WorkSource.

The distinguishing characteristics for Worksource Specialist 3 state, in part:

1 This is the fully qualified professional level. Positions at this level work
2 independently, and spend a majority of time providing intensive services or
3 conducting outreach activities. May issue transportation vouchers or initiate
4 supportive service vouchers, but do not have the authority to obligate supportive
5 service or training funds.

6 During the hearing on this appeal, the Board referred Appellant to the duties listed in the
7 Position Description for his position. The Board asked Appellant to specify which of his
8 assigned duties represented core services and which represented intensive services. After
9 reviewing the duties listed, Appellant was unable to demonstrate that a majority of his assigned
10 duties involved delivery of intensive services. Rather, he explained that some of his assigned
11 duties involved providing core services in combination with some intensive services. Based on
12 the evidence in the record, including Appellant's review of his assigned duties, and considering
13 Appellant's duties and responsibilities in their entirety, we find no persuasive evidence to
14 support Appellant's claim that he performs provides intensive services a majority of the time.

15 In a hearing on exceptions, the Appellant has the burden of proof. WAC 357-52-110. Appellant has
16 failed to meet his burden of proof. The Worksource Specialist 2 classification best describes the
17 overall duties and responsibilities of Appellant's position. His position is properly reallocated.

18
19 **ORDER**

20 NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal on exceptions by Richard
21 Mayther is denied and the director's determination dated December 31, 2007, is affirmed and
22 adopted.

23 DATED this ____ day of _____, 2008.

24 WASHINGTON PERSONNEL RESOURCES BOARD

25
26
27 _____
LAURA ANDERSON, Chair

MARSHA TADANO LONG, Vice Chair

JOSEPH PINZONE, Member