

Appellant works in DOL's Hearings and Interviews Section. Appellant is responsible for independently processing and conducting administrative reviews for drivers contesting DOL actions withholding driving privileges based on court convictions. Processing and conducting an administrative review includes verifying the identity of the driver and confirming that information received by DOL is consistent with the information found in court documents. In her Position Review Request form, Appellant indicated that 25 percent of her time is spent resolving customer complaints and problems and 75 percent of her time is spent conducting and processing administrative reviews.

Summary of Appellant's Arguments. Appellant argues that the issues she decides are the same issues decided by hearing officers allocated to the Licensing Hearing Specialist classification although she acknowledges that the process she uses is different. Appellant explains that she performs a document review of information while a hearing officer conducts a telephonic interview with the driver using documents she provides. Appellant also argues that she trains internal and external staff on administrative reviews, she provides guidance and answers questions for her supervisor on how to perform reviews, she has signature authority to sign off on record corrections made by other staff, and she has authority to change information in DOL's secured system.

Regarding the Customer Service Specialist 3 class, Appellant asserts that she reads and interprets laws and applies policies and procedures to the information she has. She then verifies the information with the court. Appellant contends that these duties are consistent with the definition of the Customer Service Specialist 3 class.

Regarding the hearing officer class, Appellant asserts that she reviews the same issues reviewed by the hearing officers. As a result, Appellant contends that her position should be reallocated to the Licensing Hearing Specialist class.

Summary of Respondent's Arguments. Respondent argues that the majority of Appellant's duties involve conducting administrative reviews of documents to assure accuracy. In addition, if a driver

1 requests a hearing or interview, Appellant checks the accuracy of documents before the matter is
2 forwarded to a hearing officer.

3
4 Respondent acknowledges that for administrative review interviews and hearings, hearing officers
5 decide the same issues reviewed by Appellant during an administrative review of documents. But
6 Respondent argues that administrative interviews and hearings are only one small portion of the overall
7 hearings work performed by hearing officers. Respondent asserts that Appellant's duties do not involve
8 legal reasoning, conducting formal hearings, and hearing arguments from the driver or attorney.
9 Therefore Respondent contends that Appellant's position does not fit the Licensing Hearing Specialist
10 classification.

11
12 Respondent contends that Appellant performs a verification process for documents and based on her
13 interpretation of the information and the language of the law, makes a judgment call on the accuracy of
14 the information. Respondent asserts that Appellant's duties do not involve resolving complex or unusual
15 situations that are outside of the scope of the verification process. Therefore Respondent contends that
16 Appellant's position does not fit the Customer Service Specialist 3 classification.

17
18 Respondent argues that Appellant's position is properly allocated to the Customer Service Specialist 2
19 classification.

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

23
24 **Relevant Classifications.** Customer Service Specialist 2, class code 102B; Customer Service Specialist
25 3, class code 102C; and Licensing Hearing Specialist, class code 168U (previously class code 48900).

26
27 **Decision of the Board.** The purpose of a position review is to determine which classification best
28 describes the overall duties and responsibilities of a position. A position review is neither a measurement
29 of the volume of work performed, nor an evaluation of the expertise with which that work is performed.

1 A position review is a comparison of the duties and responsibilities of a particular position to the
2 available classification specifications. This review results in a determination of the class that best
3 describes the overall duties and responsibilities of the position. See Liddle-Stamper v. Washington State
4 University, PAB Case No. 3722-A2 (1994).

5
6 The definition of the Licensing Hearing Specialist classification provides that a hearing officer:

7 Conducts group and individual driver improvement and financial responsibility
8 interviews. Presides over formal administrative hearings involving legal format
9 issuance of findings of fact and conclusions of law directly appealable to Superior
10 Court in the following areas: implied consent, administrative per se, financial
11 responsibility. Presides over other hearings such as: habitual traffic offender law,
12 vehicle registration cancellation, and occupational driver licenses.

13 Appellant does not preside over formal administrative hearings as required for allocation to the
14 Licensing Hearing Specialist classification. Her position does not meet the definition for this class.

15 A small portion of the work performed by hearing officers encompasses deciding the same issues
16 Appellant decides, but hearing officers decide these issues within the context of an administrative
17 interview or hearing. Appellant decides these issues within the context of a document verification
18 process.

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

25
26 The definition of the Customer Service Specialist (CSS) 3 classification states:

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

Appellant's duties and responsibilities are limited in scope to reviewing and verifying the accuracy of driver information and court records. She does not handle the breadth or scope of problems anticipated at the CSS 3 level. She provides guidance to staff and interprets laws, but here again, this responsibility is limited in scope and is does not include the breadth of multi-dimensional problems anticipated at the CSS 3 level.

The definition of the Customer Service Specialist (CSS) 2 classification states:

Independently resolves complaints, inquiries and client/customer service problems while maintaining appropriate confidentiality. Provides agency interpretation and applies knowledge of laws, regulations, and processes in the resolution of inquiries, complaints and problems.

Appellant possesses the depth of knowledge needed to perform her work independently and to resolve problems within the scope of her area of responsibility. She interprets information and applies her knowledge of the applicable laws and the administrative review process when resolving review requests. She performs duties and responsibilities encompassed by the definition of the CSS 2 classification.

Furthermore, the typical work statements for the CSS 2 class indicate that positions at this level independently resolve customer complaints. Positions at this level also identify issues and procedural steps needed to resolve the issues. CSS 2s implement resolutions, communicate results to customers, and maintain the integrity of data and information. Appellant's duties and responsibilities are consistent with the typical work of the CSS 2 classification.

Appellant's position best fits within the CSS 2 classification. Her position is properly allocated.

This decision is based on the duties and responsibilities of Appellant's position during the six months prior to May 17, 2007. If she feels that her duties have changed since that time, she may request a review of her current duties and responsibilities in accordance with DOL's procedures

1 and the Collective Bargaining Agreement between DOL and the Washington Federation of State
2 Employees.

3
4 In a hearing on exceptions, the Appellant has the burden of proof. WAC 357-52-110. Appellant has
5 failed to meet her burden of proof. The Customer Service Specialist 2 classification best describes the
6 overall duties and responsibilities of Appellant's position.

7
8 **ORDER**

9 NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal on exceptions by Linda Holloway is
10 denied and the director's determination dated October 15, 2008, is affirmed and adopted.

11 DATED this ____ day of _____, 2009.

12 WASHINGTON PERSONNEL RESOURCES BOARD

13
14
15 _____
JOSEPH PINZONE, Chair

16
17 _____
LAURA ANDERSON, Member

18
19
20 _____
DJ MARK, Member