

1 On April 3, 2009, Appellant filed exceptions to the director's determination. Appellant's exceptions are
2 the subject of this proceeding.

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4 In his exceptions appeal form, Appellant requested that his position be reallocated to the Financial
5 Examiner 3 classification. During the hearing before the Board, Appellant stated that his appeal included
6 a typographical error and that he was requesting reallocation to the Financial Examiner 2 classification.

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8 Appellant works with the programs related to timeshares, camping resorts, and real estate in the
9 Real Estate, Appraisers, Timeshares and Camp Resorts Section of the Business and Professions
10 Division at DOL. Appellant is responsible for review of timeshare and camping resort applications,
11 including financial statements, public offering statements, purchase agreements, timeshare
12 condominium declarations, and association bylaws. He also answers questions and complaints for
13 real estate scenarios and documents.

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15 **Summary of Appellant's Argument.** In summary, Appellant contends that the director's
16 determination was based upon an inaccurate and incomplete assessment of his duties and responsibilities
17 and asserts that on a best fit basis, his position should be reallocated to the Financial Examiner 2
18 classification. Appellant argues that:

- 19 • The Budget Decision Package submitted as Exhibit G, shows that he performs work as a
20 technical reviewer conducting complex examinations.
- 21 • DOL has statutory responsibility to conduct in-depth examination and analysis of complicated
22 financial statements and complex legal documentation submitted by entities attempting to
23 become regulated entities and that he is the only person at DOL assigned responsibility to
24 perform these examinations and to make determinations for the protection of the public health,
25 safety and welfare in regard to timeshares and camping resorts.
- 26 • He is responsible for analyzing and evaluating financial data to assess the soundness and viability
27 of timeshares and camping resorts.

- Timeshares and camping resorts are regulated entities as encompassed by the Financial Examiner class series.
- He does not perform the duties of a program manager, does not manage staff, and does not create budgets; therefore, his position should not be allocated to a manager classification.

Appellant contends that he works independently and performs work encompassed by the Financial Examiner 2 classification and that his position should be reallocated.

Summary of Respondent's Arguments. In summary, Respondent agrees with the analysis and determination of the director's designee. Respondent recognizes that some of the duties and responsibilities of Appellant's position could be performed by positions allocated to the Financial Examiner series. However, Respondent asserts that these duties represent only a portion of the overall duties found in the Financial Examiner series. Respondent further asserts that Appellant does not perform these duties in the context of examining the viability and soundness of an entire financial entity or organization or the solvency of an organization's financial accounts. Respondent argues that Appellant does not audit businesses, regulated entities, financial institutions, or insurance companies. Rather, Appellant conducts examinations of application packages, which include financial documents, to determine if the applications should be approved. Respondent asserts that when looking at Appellant's position as a whole, the LSM1 classification is the best fit.

Primary Issue. Whether the director's determination that Appellant's position is properly allocated to the Licensing Services Manager 1 classification should be affirmed.

Relevant Classifications. Financial Examiner 2, class code 13305; Licensing Services Manager 1, class code 48840.

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

1 measurement of the volume of work performed, nor an evaluation of the expertise with which that work
2 is performed. A position review is a comparison of the duties and responsibilities of a particular position
3 to the available classification specifications. This review results in a determination of the class that best
4 describes the overall duties and responsibilities of the position. See Liddle-Stamper v. Washington State
5 University, PAB Case No. 3722-A2 (1994).

6
7 Both the Personnel Appeals Board and the Personnel Resources Board have held that because a
8 current and accurate description of a position's duties and responsibilities is documented in an
9 approved position description form, the position description form becomes the basis for allocation
10 of a position. An allocation determination must be based on the overall duties and responsibilities
11 as documented in the position description form. See Lawrence v. Dept of Social and Health
12 Services, PAB No. ALLO-99-0027 (2000). The duties described in a Budget Decision Package
13 are not a basis for allocation of a position.

14
15 The following standards are primary considerations in allocating positions:

- 16 • Class series concept (if one exists).
- 17 • Definition or basic function of the class.
- 18 • Distinguishing characteristics of a class.
- 19 • Class series concept, definition/basic function, and distinguishing characteristics of other
20 classes in the series in question.

21
22 The class series concept for the Financial Examiner series states:

23 The Financial Examiner is a professional series that performs analysis of financial
24 data, documents or statements to assess the soundness and viability of the financial
25 institutions or financial service companies or issuers, or compliance with federal or
26 state laws. Positions in this series may specialize in one or more of the following
27 areas:

28 Applications/Registrations: Incumbents analyze financial statements and materials
29 from financial institutions, financial services companies or issuers, or associated
persons for charters, registrations, licenses, or exemptions from registration or

1 amendments to existing charters, registrations, licenses or exemptions and
2 compliance with regulatory standards including safety and soundness.

3 Examinations: Generally incumbents perform site visits to financial institutions or
4 financial services companies or issuers to evaluate adequacy of operational or
5 management methods and conduct a risk analysis to determine compliance with
6 regulatory stands including safety and soundness.

7 Enforcement: Incumbents analyze, investigate, and prepare to take action against
8 institutions, companies issuers, or persons violating the laws relating to financial
9 institutions, financial service companies, issuers, and related persons for non-
10 compliance with regulatory standards including safety and soundness.

11 As part of the total application process, Appellant reviews financial statements for timeshare and
12 camping resort applications. Appellant does not analyze or evaluate financial data to assess the
13 soundness and viability of financial institutions or financial service companies. The analysis for
14 registration, evaluation, or enforcement encompassed by the Financial Examiner series relates to
15 financial institutions or financial services, not real estate licensing or timeshares and camping resort
16 applications. Appellant's position does not best fit within the Financial Examiner series.

17 The definition for the LSM1 classification states, "[w]ithin the Department of Licensing, manages one
18 or more statewide licensing service programs. Responsibilities include planning, developing,
19 monitoring, budgeting and evaluation."

20 The LSM1 management duties included planning, developing, monitoring, budgeting and evaluating a
21 licensing service program. Appellant is responsible for planning and developing the timeshare and
22 camping resort program. His duties include monitoring the program and creating revenue forecasts.
23 Appellant performs management duties as envisioned by the LSM1 classification.

24 We agree with the director's determination that:

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26 Within the framework of the licensing service programs of Timeshares and Camping
27 Resorts, Mr. Guthrie plans, develops, and monitors the day-to-day oversight of
28 analyzing, reviewing, processing, and approving applications for registration. He
29 also creates revenue forecasts based on licensing fees. Further, while not all of the

1 LSM1 typical work examples describe Mr. Guthrie's work, he does provide
2 assistance in the interpretation of licensing laws and regulations; guidance to staff
3 responsible for quality customer service for his assigned programs; and technical
4 assistance to staff providing customer service.

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6 As a whole, Appellant's position best fits within the LSM1 classification.

7 In a hearing on exceptions, the appellant has the burden of proof. WAC 357-52-110. Appellant has
8 failed to meet his burden of proof.

9 **ORDER**

10 NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal on exceptions by John Guthrie is
11 denied and the director's determination dated March 5, 2009, is affirmed.

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13 DATED this ____ day of _____, 2009.

14 WASHINGTON PERSONNEL RESOURCES BOARD

15
16 _____
17 JOSEPH PINZONE, Chair

18
19 _____
20 DJ MARK, Member