

BEFORE THE PERSONNEL RESOURCES BOARD
STATE OF WASHINGTON

PATRICK VAN CLEAVE,

Appellant,

vs.

EMPLOYMENT SECURITY
DEPARTMENT,

Respondent.

CASE NO. R-ALLO-06-006

ORDER OF THE BOARD
REMANDING THE APPEAL TO
THE DIRECTOR OF THE
DEPARTMENT OF PERSONNEL

Hearing on Exceptions. This appeal came on for hearing before the Personnel Resources Board, MARSHA TADANO LONG, Chair, and LARRY GOODMAN, Vice Chair, on Appellant's exceptions to the director's determination dated February 23, 2006. The hearing was held at the office of the Personnel Resources Board in Olympia, Washington, on October 5, 2006.

Appearances. Appellant Patrick Van Cleave was present and was represented by Michael Hanbey, Attorney at Law. Employment Security Department (ESD) was represented by Russell Widders, Human Resource Consultant.

Background. Appellant was allocated to the class of Employment Security Program Coordinator (ESPC) 3. He requested reallocation of his position to an unspecified higher classification by submitting a classification questionnaire (CQ) to ESD's human resource office. Appellant signed the CQ on May 26, 2005.

Karen LaFreniere, Human Resource Consultant for ESD, reviewed Appellant's request and by letter dated September 29, 2005, denied the request. On October 1, 2005, Appellant appealed ESD's decision to the director of the Department of Personnel.

On February 23, 2006, the directors' designee, Paul Peterson, conducted a review of Appellant's request and issued his determination. Mr. Peterson's review included the reasons and basis for

1 his finding that Appellant's position was properly allocated to the ESPC 3 classification. On
2 March 21, 2006, Appellant filed exceptions to Mr. Peterson's determination.

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4 At the outset of the hearing on Appellant's exceptions, Appellant stated that he was requesting that
5 his position be allocated to the Management Analyst 5 classification. This request was not made at
6 the director's level review. Therefore, neither the Board's file on Appellant's exceptions nor the
7 record forwarded to the Board from the director's level review contained an analysis of the
8 Management Analyst 5 classification. The record before the Board contained no information
9 regarding whether the duties and responsibilities of Appellant's position fit within the Management
10 Analyst 5 classification.

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12 The Board issued an oral ruling remanding the matter to the director of the Department of Personnel
13 for further investigation. The Board now confirms its oral ruling.

14
15 **V. ORDER**

16 NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal on exceptions by Patrick Van
17 Cleave is remanded to the director of the Department of Personnel for further investigation, analysis
18 and determination. If either party disagrees with the director's determination, the matter may be
19 appealed to the Board on exceptions to the director's determination as provided in Chapter 357-52
20 WAC.

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22 DATED this ____ day of _____, 2006.

23 WASHINGTON PERSONNEL RESOURCES BOARD

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25 _____
26 MARSHA TADANO LONG, Chair

27
28 _____
29 LARRY GOODMAN, Vice Chair