

BEFORE THE PERSONNEL RESOURCES BOARD
STATE OF WASHINGTON

MIKE STURMAN,

Appellant,

vs.

DEPARTMENT OF LABOR AND
INDUSTRIES,

Respondent.

CASE NO. R-ALLO-06-010

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 March 31, 2006. The hearing was held at the office of the Personnel Resources Board in Olympia, Washington, on October 12, 2006.

Appearances. Appellant Mike Sturman was present and was represented by Kurt Spiegel, Area Representative with the Washington Federation of State Employees. Department of Labor and Industries (L&I) was represented by Sandi Riggle, Human Resource Consultant.

Background. Appellant was allocated to the class of Safety and Health Specialist (SHS) 2. He requested reallocation of his position to SHS 3 classification. Ms. Riggle reviewed Appellant's request and by letter dated October 28, 2005, denied the request. On November 22, 2005, Appellant appealed L&I's decision to the director of the Department of Personnel.

On February 6, 2006, the directors' designee, Paul Peterson, conducted a review of Appellant's appeal. The parties agree that the February 6, 2006 meeting with Mr. Peterson was very brief. Mr. Peterson recessed the meeting following his request for additional information from the parties. The parties submitted the information as requested. However, rather than reconvening the meeting as the parties expected, Mr. Peterson issued his determination on March 31, 2006, with no further input from the parties.

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2 Mr. Peterson determined that Appellant's position was properly allocated to the SHS 2
3 classification. On May 1, 2006, Appellant filed exceptions to Mr. Peterson's determination.

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5 At the outset of the hearing on Appellant's exceptions, Appellant stated that he felt he was not given
6 due process during the director's level review and that information he submitted during the review
7 was not included in the record or documents forwarded to the Board. In addition, both parties
8 agreed that Mr. Peterson did not provide them with a copy of additional information the other party
9 submitted, that there was no subsequent meeting on the additional information and that neither party
10 had an opportunity to argue or explain the additional information provided to Mr. Peterson.

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12 After considering the arguments of the parties and reviewing the record provided by the director's
13 designee, the Board issued an oral ruling remanding the matter to the director of the Department of
14 Personnel. The Board now confirms its oral ruling.

15
16 **V. ORDER**

17 NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal on exceptions by Mike Sturman
18 is remanded to the director of the Department of Personnel for a thorough and complete review and
19 determination. If either party disagrees with the director's determination, the matter may be
20 appealed to the Board on exceptions to the director's determination as provided in Chapter 357-52
21 WAC.

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23 DATED this ____ day of _____, 2006.

24 WASHINGTON PERSONNEL RESOURCES BOARD

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26 _____
27 MARSHA TADANO LONG, Chair

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29 _____
LARRY GOODMAN, Vice Chair