BEFORE THE PERSONNEL RESOURCES BOARD

STATE OF WASHINGTON

BRIAN SHARP, Appellant, vs. EMPLOYMENT SECURITY DEPARTMENT, Respondent.	CASE NO. R-ALLO-12-009 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, DJ MARK, Chair; JOSEPH PINZONE, Vice Chair; and, NANCY HOLLAND YOUNG, Member, on Appellant's exceptions to the director's determination dated August 10, 2012. The hearing was held in the Personnel Resources Board hearing room in Olympia, Washington, on January 3, 2013.

Appearances. Appellant Brian Sharp was present and was represented by Dale Roberts, Labor Advocate with the Washington Federation of State Employees. Employment Security Department (ESD) was represented by Teresa Eckstein, Human Resource Manager.

Background. Appellant's position was allocated to the Worksource Specialist 2 classification. On October 14, 2011, 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 December 15, 2011, ESD denied Appellant's request. Appellant filed a review request with the Office of the State Human Resources Director. On June 28, 2012, the director's designee conducted a review of Appellant's request. By letter dated August 10, 2012, the designee determined that Appellant's position was properly allocated to the Worksource Specialist 2 level.

On September 7, 2012, Appellant filed exceptions to the director's determination. Appellant's exceptions are the subject of this proceeding.

Appellant works in the Kelso WorkSource Office. As stated in his position review request, his "position supports job seekers by providing assessment, job search skills training, job referrals, and work search guidance so that they can return to work and gain self-sufficiency." The majority of his duties include facilitating workshops and orientations, assisting customers by providing information about agency services and programs, directing customers to internal or external resources, conducting interviews, screening and referring customers to jobs, conducting initial assessments, entering information into case management systems, and assisting customers in the resource room.

Summary of Appellant's Arguments. Appellant argues that a majority of his work fits within the Worksource Specialist 3 classification. Appellant asserts that he spends a majority of his time providing intensive services to WorkSource clients including facilitating orientations and workshops and delivering employment and training services. Appellant contends that other positions that facilitate and coordinate job hunter workshops were reallocated to the Worksource Specialist 3 level and argues that his position should be similarly allocated.

Summary of Respondent's Arguments. Respondent acknowledges that some of the services Appellant provides are intensive services found at the Worksource Specialist 3 level. However, Respondent contends that those duties and responsibilities are not the majority of the work he performs. Rather, Respondent argues that the majority of Appellant's work is best described as providing routine workshops, such as the job seeker workshops, and other core services.

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

Relevant Classifications. Worksource Specialist 2, class code 358F, and Worksource Specialist 3, class code 358G).

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

Appellant asks the Board to consider the allocation of other positions that coordinate and facilitate job hunter workshops. In Byrnes v. Dept's of Personnel and Corrections, PRB No. R-ALLO-06-005 (2006), the Personnel Resources Board held that "[w]hile a comparison of one position to another similar position may be useful in gaining a better understanding of the duties performed by and the level of responsibility assigned to an incumbent, allocation of a position must be based on the overall duties and responsibilities assigned to an individual position compared to the existing classifications. The allocation or misallocation of a similar position is not a determining factor in the appropriate allocation of a position." Citing to Flahaut v. Dept's of Personnel and Labor and Industries, PAB No. ALLO 96-0009 (1996). Therefore, the allocation or misallocation of other positions in the Kelso office is not a determining factor in the appropriate allocation of Appellant's position.

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

The definition for Worksource Specialist 3 states, in relevant part**:**

> (1) Delivers direct core & intensive services to WorkSource, Claimant Placement Program, Food Stamps, WorkFirst Post-Employment Labor Exchange, or College Co-Location customers.
>
> . . . .

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

> This is the fully qualified professional level. Positions at this level work independently, and spend a majority of time providing intensive services . . . .

We agree that a portion of Appellant's work can be described as providing core and intensive services to WorkFirst customers as intended by the definition of the 3 level. However, he does not meet the distinguishing characteristics of the 3 level. The distinguishing characteristics clarify that positions at the Worksource Specialist 3 level perform intensive services a majority of the time. Based on the evidence in the record, including Appellant's description of his assigned duties, and considering Appellant's duties and responsibilities in their entirety, we find no persuasive evidence to support Appellant's claim that he provides intensive services a majority of the time. Rather, the majority of his work fits within the Worksource Specialist 2 level.

The definition for the Worksource Specialist 2 class states:

> Performs professional duties in the delivery of direct core services to customers. Conducts in-depth interview and provide job referrals, placement services, and information regarding agency and partner programs.

The distinguishing characteristics for the 2 level state, in relevant part:

> This is the fully qualified working level. . .
>
> The majority of time is spent performing assignments such as:
>
> - Interviewing job applicants to determine job readiness and/or making referrals to job openings.
> - Providing information and answering questions on the full range of agency core services and programs.
> - Monitoring Resource Room activities and assisting with workshops.
> - Writing and verifying orders.

The typical work statements for the 2 level provide further clarification of the type of activities considered direct core services. The typical work includes, in part, matching customers to job openings, conducting basic job search workshops and facilitating customer orientation to WorkSource services, assisting with Job Hunter Series Workshops, and assisting customers in the Resource Room. The majority of Appellant's duties and responsibilities are best described as providing direct core services to customers as encompassed by the Worksource Specialist 2 class.

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

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal on exceptions by Brian Sharp is denied and the director's determination dated August 10, 2012, is affirmed and adopted.

DATED this _____ day of _____, 2013.

WASHINGTON PERSONNEL RESOURCES BOARD

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DJ MARK, Chair

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JOSEPH PINZONE, Vice Chair

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NANCY HOLLAND YOUNG, Member