BEFORE THE PERSONNEL RESOURCES BOARD

STATE OF WASHINGTON

CAROLINE VILLARUZ, Appellant, vs. DEPARTMENT OF HEALTH, Respondent.	CASE NO. R-ALLO-13-001 ORDER OF THE BOARD FOLLOWING HEARING ON EXCEPTIONS TO THE DETERMINATION OF THE DIRECTOR

Hearing on Exceptions. This appeal came before the Personnel Resources Board, JOSEPH PINZONE, Chair; DJ MARK, Vice Chair; and NANCY HOLLAND YOUNG, Member, on Appellant's exceptions to the director's determination dated December 18, 2012. The hearing was held in the Personnel Resources Board hearing room in Olympia, Washington, on April 3, 2013.

Appearances. Appellant Caroline Villaruz was represented by Sherri-Ann Burke, Labor Advocate with the Washington Federation of State Employees. Respondent Department of Health (DOH) was represented by Ron Key, Human Resources Consultant.

Background. Appellant is a Health Services Consultant 2 in the Office of Newborn Screening within the Division of Epidemiology, Health Statistics and Public Health Laboratories at DOH. On September 26, 2011, DOH's human resources office received Appellant's reallocation request asking that her position be reallocated to the Health Services Consultant 3 classification

By letter dated December 19, 2011, DOH denied Appellant's request for reallocation. On January 13, 2012, Appellant requested a director's review of DOH's determination. By letter dated December 18, 2012, the designee determined that Appellant's position was properly allocated to the Health Services Consultant 2 classification.

On January 16, 2013, Appellant filed exceptions to the director's determination. Appellant's exceptions are the subject of this proceeding.

In summary, Appellant describes her duties and responsibilities as:

> 45% Assisting management in the administration and provision of services to professions by providing technical consultation and assistance to health care providers, hospitals and clinics for disease prevention.
>
> 25% Performing newborn screening overall program planning and evaluation of follow-up and health service delivery products.
>
> 15% Developing and implementing health policies and procedures related to newborn screening
>
> 10% Providing health education, health promotion program administration including administration of short and long range projects, consultation and technical assistance to public health programs at the state and local levels, and health education/health promotion, program planning, development and reporting to comply with federal requirements.
>
> 5% Conducting ongoing assessments, surveillance, and training of hospitals and clinics to promote proper newborn screening practices.

Summary of Appellant's Arguments. Appellant argues that she is instrumental in managing the newborn screening data system and that she is the primary author for policies and procedures that become the basis of the technical manuals which she also authors. Appellant explains that the technical manuals are used by doctors and others in the screening of newborns for various medical conditions. Appellant asserts that she gathers, inputs and analyses data to determine if changes to policies and protocols are needed. Then, she recommends changes to protocols and authors policies and procedures and the technical manual to encompass changes. Appellant explains that while she is the primary author of these documents, her supervisor, her second-line supervisor and other staff in the Newborn Screening Lab also review and provide input on protocol changes. She further explains that her supervisor and the director of the lab approve changes prior to implementation. Appellant argues that significant weight should be given to the complex, technical nature of her data analysis duties as well as her development of protocols and recommendations to expedite and improve the workflow for newborn screening and the delivery of services to a vulnerable

population. Appellant explains that the duties and responsibilities of her position are different than those performed by other Health Services Consultant 2s. Appellant asserts that she has a very unique role and uses her medical expertise in a highly technical specialty area with state-wide impact which is analogous to a section of DOH. Appellant contends that her position is encompassed by the Health Services Consultant 3 level and asks that her position be reallocated.

Summary of Respondent's Arguments. Respondent acknowledges that approximately 25% of Appellant's duties and responsibilities fit within the Health Services Consultant 3 level but asserts that the majority of her work best fits within the 2 level. Respondent argues that Appellant does not manage the Newborn Screening data system; rather she gathers data and uses the database to input and extract data for analysis and developing recommendations. Respondent explains that managing the data system would entail activities such as controlling user access, assigning roles, performing system tests, evaluating system upgrades, determining when security patches are needed, and creating business rules and processes for the system. Respondent further argues that while Appellant provides information for technical manuals and to develop changes in protocols, policies and procedures, her supervisors retain authority for approving and implementing changes. Respondent contends that many of the duties described in Appellant's position review request parrot the language found in the Health Services Consultant 2 class specification. Respondent recognizes that the Newborn Screening Lab tests approximately 85,000 newborns each year and that this work is complex, technical and extremely important to newborns and their families. Respondent also recognizes that Appellant is a highly valued employee and that she brings expertise and experience to her position. However, Respondent argues that the importance of the work, how well it is performed or how often it is performed are not allocating criteria. Respondent asserts that of the available classifications, the Health Services Consultant 2 level best encompasses the majority of Appellant's assigned duties and responsibilities.

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

Relevant Classifications. Health Services Consultant 2, class code 283I, and Health Services Consultant 3, class code 283J.

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 argues that the work she performs is different than the work performed by her peers in the Newborn Screening Lab. 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 Health Services Consultant 2 positions is not a determining factor in the appropriate allocation of Appellant's position.

The following classification standards are the primary considerations in allocating positions:

a) Category concept (if one exists).
b) Definition or basic function of the class.
c) Distinguishing characteristics of a class.
d) Class series concept, definition/basic function, and distinguishing characteristics of other classes in the series in question.

The definition for the Health Services Consultant 3 class states:

> Functions as an assistant manager of a statewide health program by performing more than one of the following functions within the Department of Health:
>
> - Preparing and managing budgets, contracts or grants.
> - Coordinates division fiscal management.
> - Program planning and evaluation of health service delivery products.
> - Developing and implementing health policies and procedures.
> - Managing health data systems.
> - Supervising staff providing health services to the public.
>
> OR
>
> Manages a region for the Department of Health
>
> OR
>
> Serves as a senior health services consultant in a specialty area to WMS Band 2 or higher. The specialty must be designated and conveyed in writing by the Department of Health appointing authority.

The distinguishing characteristics for the Health Services Consultant 3 class state:

> This is the senior level of the professional Public Health Consultant series.
>
> Positions at this level report to Health Services Consultant 4's, equivalent, or to a position in WMS.

Approximately 25% of Appellant's duties and responsibilities involve planning and evaluating service delivery products for newborn screening and fit the Health Services Consultant 3 level. And, her position contributes to the development and implementation of policies and procedures. However, these duties do not represent a majority of her work.

Each classification within the state personnel system encompasses a range of duties. The multiple positions allocated to each class typically do not perform the full scope or range of duties described in the classification. In this case, we recognize that Appellant performs work that is unique and complex and that some of her duties meet the Health Services Consultant 3 level.

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 the Health Services Consultant 2 class states:

> Provides technical consultation and assistance to local health departments, clinics, community and other health services providers by meeting one or more of the following functions within the Department of Health:
>
> - Disease prevention, health promotion, health education and training of providers and/or public, nutrition services, and health program policy.
> - Assists management in the review, analysis and impact of health legislation, health policy, rule development, and fiscal management.
> - Conducts assessment and/or data surveillance activities.

The distinguishing characteristics for the Health Services Consultant 3 class state:

> This is the journey level of the Health Services Consultant series. Incumbents work independently and are expected to develop and innovate and be responsible for the flow and completion of work.
>
> Reports to a higher level Health Services Consultant, equivalent position or a position in WMS.

As described in the Health Services Consultant 2 classification, Appellant provides technical consultation and assistance, analyses complex medical data, and provides technical health education and health promotion information. She works independently at a fully qualified level, develops recommendations and is responsible for the flow and completion of work. It is clear that Appellant is highly recognized and valued by the Department of Health and that her work is complex, technical and extremely important to a vulnerable population. However, the majority of Appellant's assigned duties and responsibilities best fit within the Health Services Consultant 2 classification.

In a hearing on exceptions, the Appellant has the burden of proof. WAC 357-52-110. Appellant has failed to meet her burden of proof. The Health Services Consultant 2 classification best describes the overall duties and responsibilities of Appellant's position.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal on exceptions by Caroline Villaruz is denied and the director's determination dated December 18, 2012, is affirmed and adopted.

DATED this _____ day of _____, 2013.

WASHINGTON PERSONNEL RESOURCES BOARD

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JOSEPH PINZONE, Chair

_____
DJ MARK, Vice Chair

_____
NANCY HOLLAND YOUNG, Member