BEFORE THE PERSONNEL RESOURCES BOARD

STATE OF WASHINGTON

KELLY HUBBARD, Appellant, vs. DEPARTMENT OF CORRECTIONS, Respondent.	CASE NO. R-ALLO-12-014 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 November 8, 2012. The hearing was held in the Personnel Resources Board hearing room in Olympia, Washington, on April 10, 2013.

Appearances. Appellant Kelly Hubbard was represented by Sherri Clark, Classification Manager and Sherri-Ann Burke, Labor Advocate with the Washington Federation of State Employees. Respondent Department of Corrections (DOC) was represented by Nicole Baker, Human Resources Consultant.

Background. Appellant is a Corrections Mental Health Counselor 3. Her position is within DOC's Health Services Division. Appellant provides transition and case management support for the Offender Re-Entry and Community Safety Program in Pierce, Mason and Kitsap counties. On May 20, 2011, DOC's human resources office received Appellant's reallocation request asking that her position be reallocated to the Community Corrections Specialist (CCS) classification

By letter dated May 5, 2012, DOC denied Appellant's request for reallocation. On April 2, 2012, Appellant filed a review request with the Office of the State Human Resources Director. On September 12, 2012, the director's designee conducted a review of Appellant's request. By letter dated November 8, 2012, the designee determined that Appellant's position was properly allocated to the Corrections Mental Health Counselor 3 classification (CMHC3).

On November 27, 2012, Appellant filed exceptions to the director's determination. Appellant's exceptions are the subject of this proceeding.

As summarized in the November 8, 2012 director's determination, Appellant

> . . . serves as a representative of the [Offender Re-Entry and Community Safety Program] and works collaboratively with Community Corrections Officers, prison and other DOC staff, community mental health agencies and treatment providers to plan and coordinate the re-entry and transition of . . . program participants . . . . [Appellant] establishes and leads each participant's multi-disciplinary re-entry team and facilitates release planning meetings and other direct case management services which may include intervention, therapy and treatment. [Appellant] is one of six positions located regionally throughout the state with assigned responsibility for establishing and coordinating the [Offender Re-Entry and Community Safety Program] participant's teams, transition plans and eventual release into the community.

Summary of Appellant's Arguments. Appellant argues that her position performs the same duties and has the same level of responsibilities as those she performed as a Community Re-Entry Specialist (CRES) allocated to the Community Correction Specialist class. Appellant argues that the work she performs is similar in function and structure to other Community Corrections Specialist positions. Appellant contends that her level of responsibility and the majority of duties she performs in managing the re-entry program for a large section of the Southwest Region best fit the Community Corrections Specialist class. Appellant argues that her position best fits the definition of the Community Corrections Specialist class because she does not carry a caseload, she does not provide mental health counseling, she serves as DOC's representative for the Offender Re-entry Community Safety Program (ORCS) within the Southwest Area and she plans, coordinates, facilitates, schedules meetings and explains services and process for the Multi-System Care Planning Transition/Treatment Teams, which is equivalent to serving on interdivisional projects. Appellant contends that her position meets the definition and in part, the distinguishing characteristics of the Community Corrections Specialist classification and that on a best fit basis, her position should be reallocated.

Summary of Respondent's Arguments. Respondent asserts that Appellant's position does not meet the full intent and requirements of the Community Corrections Specialist class. Respondent acknowledges that Appellant's position was allocated to the Corrections Mental Health Counselor 3 class on a best fit basis. Respondent contends that Appellant serves on multi-disciplinary teams which provide transitional and case management support to high-risk mentally ill offenders. Respondent asserts that Appellant does not manage a program or have the specific level of program responsibilities as required by the distinguishing characteristics of Community Corrections Specialist class. Respondent contends that Appellant plans, coordinates and facilitates multi-functional teams through the offender re-entry process. Respondent contends that Appellant provides direct case management support for assigned high-risk mentally ill offenders and that her duties are primarily technical, focusing on development, coordination and implementation of transition plans. Respondent argues that Appellant does not represent the division on interdivisional projects or participate on statewide and area task forces and that the transition work she performs is not equivalent to serving on interdivisional projects as intended by the Community Corrections Specialist class. Respondent recognizes that Appellant is a highly valued employee. However, while Respondent agrees Appellant does not carry a traditional caseload, Respondent argues that of the available classifications and on a best fit basis, the Corrections Mental Health Counselor 3 best encompasses the intent of Appellant's position and the majority of her assigned duties and responsibilities.

Primary Issue. Whether the director's determination that Appellant's position is properly allocated to the Corrections Mental Health Counselor 3 classification should be affirmed.

Relevant Classifications. Corrections Mental Health Counselor 3, class code 354P, and Community Corrections Specialist, class code 383I.

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 her level of responsibilities and the duties she performs are similar in function and structure to other Community Corrections Specialist positions. 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." Flahaut v. Dept's of Personnel and Labor and Industries, PAB No. ALLO 96-0009 (1996). Therefore, the allocation or misallocation of other Community Corrections Specialist positions is not a determining factor in the appropriate allocation of Appellant's position.

The definition for the Community Corrections Specialist class states:

> Responsible for two or more of the following community service activities within the Northwest, Southwest or Eastern Area:
>
> 1. serves as the Department of Corrections representative to one or more Community Corrections Boards,
> 2. plans and coordinates programs such as Class V, voluntary services, or volunteer coordination on a multi-office basis,
> 3. serves on interdivisional projects,
> 4. chairs disciplinary hearings,
> 5. hears final appeals of offender infractions and grievances,
> 6. serves as a member of the statewide human resource or management information system committees.

Appellant's position is not responsible for two or more community services as required by the definition of the Community Corrections Specialist class. Appellant argues that her position performs functions in the first, second and third bullet of the definition. We agree that she

performs some functions that fit within the second bullet. In addition, while she provides information to the Indeterminate Sentencing Board, she is not the DOC representative serving on the board as required by the first bullet. Further, while she coordinates and facilitates inter-disciplinary transition teams for individual offenders, these duties and responsibilities do not involve the complexity of coordination, level of responsibility or breadth of impact inherent in interdivisional projects.

The definition for Community Mental Health Specialist 3 class states:

> In an adult corrections treatment program, provides specialized mental health counseling to a group of convicted felons demonstrating emotional, cognitive and/or behavioral disorders. In the Division of Prisons, supervises Corrections Mental Health Counselors and other staff and may serve as the principal assistant to a Corrections Mental Health Unit Supervisor, including the supervision of custody functions. In the Division of Community Corrections, independently provides mental health treatment to offenders, and may provide training and program direction to professional staff and Work Training Release contractors on sex offender treatment and mental health issues.

We recognize that a portion of Appellant's duties are described by the Community Corrections Specialist class and that the Corrections Mental Health Counselor 3 classification is not an exact fit for her position. However, typically there are positions allocated to each class that do not perform the full scope or range of duties described in the classification. In Salsberry v. Washington State Parks and Recreation Commission, PRB Case No. R-ALLO-06-013 (2007), the Personnel Resources Board addressed the concept of best fit. The Board referenced Allegri v. Washington State University, PAB Case No. ALLO-96-0026 (1998), in which the Personnel Appeals Board noted that while the appellant's duties and responsibilities did not encompass the full breadth of the duties and responsibilities described by the classification to which his position was allocated, on a best fit basis, the classification best described the level, scope and diversity of the overall duties and responsibilities of his position.

Appellant's position is located in DOC's Health Services Division where she is responsible for the Offender Re-entry Community Safety Program for a list of specific offenders. The Offender Re-entry Community Safety Program is responsible for the transition of offenders from prison

facilities to the community. Appellant facilitates and monitors the development and implementation of individual transition plans, rather than treatment plans, and follows general case management procedures to assist in the transition of high-risk mentally ill offenders. Appellant acts as the liaison and provides program direction to other support services and professional staff, including mental health providers. It is clear that Appellant's work is extremely important to the community and that she is highly valued by Department of Corrections. However, the intent of her position and the focus of her assigned duties and responsibilities best fit the Corrections Mental Health Counselor 3 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 Community Mental Health Specialist 3 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 Kelly Hubbard is denied and the director's determination dated November 8, 2012, is affirmed and adopted.

DATED this _____ day of _____, 2013.

WASHINGTON PERSONNEL RESOURCES BOARD

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JOSEPH PINZONE, Chair

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DJ MARK, Vice Chair

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NANCY HOLLAND YOUNG, Member