BEFORE THE PERSONNEL RESOURCES BOARD

STATE OF WASHINGTON

JENNIFER WILLIAMS, Appellant, vs. DEPARTMENT OF CORRECTIONS, Respondent.	CASE NO. R-ALLO-10-009 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, LAURA ANDERSON, Chair; DJ MARK, Vice Chair; and JOSEPH PINZONE, Member, for a hearing on Appellant's exceptions to the director's determination dated March 11, 2010. The hearing was held at the office of the Personnel Resources Board in Olympia, Washington, on August 18, 2010.

Appearances. Appellant Jennifer Williams was present and represented herself *pro se.* Respondent Department of Corrections (DOC) was represented by Joanne Harmon, Human Resources Consultant.

Background. Appellant is employed by DOC's Offender Treatment and Reentry Programs Division in the End of Sentence Review (ESR) and Civil Commitment (CC) Records Office. Appellant's position is allocated to the Correctional Records Supervisor classification.

DOC's Human Resource (HR) Office began reviewing Appellant's position around March 2008. The HR Office received a Position Review Request (PRR) form for Appellant's position on July 1, 2008. Appellant's supervisor signed the form on March 11, 2009. Appellant asked that her Correctional Records Supervisor position be reallocated to a classification in the Program Specialist series or Forms and Records Analyst series. By letter dated May 1, 2009, Respondent determined that Appellant's position was properly allocated to the Correctional Records Supervisor classification.

On May 29, 2009, Appellant filed a request for a director's review of DOC's allocation determination. By letter dated March 11, 2010, the director's designee determined that Appellant's position was properly allocated to the Correctional Records Supervisor classification. On April 9, 2010, Appellant filed exceptions to the director's determination. In her exceptions appeal, Appellant asked that her position be reallocated to the Program Specialist class series or that a class be created that would more closely fit her position.

As described in her PRR form and in her March 2008 Position Description form, Appellant:

> Manages the End of Sentence Review/Civil Commitment Records Office, providing essential support to the End of Sentence Review/Civil Commitment and Law Enforcement Notification Programs, which have statewide impact. Serves as Public Disclosure Coordinator for these programs, maintaining specialized knowledge regarding requests and dissemination of records/information under the Public Records Act, RCW 4.24.550, RCW 72.09.345, and RCW 71.09. Coordinates records collection and processing for multi-agency Joint Forensic Unit (JFU) regarding all offenders identified for civil commitment consideration under RCW 71.09. This position regularly communicates and collaborates with DOC staff, criminal justice partners, victims, citizens, and other stakeholders to enhance community safety regarding sex/registerable kidnapping offenders.

Appellant supervises three Correctional Records Technicians and one Office Assistant 3. In performing her duties, Appellant coordinates and oversees the processes involved in collecting, compiling, verifying, and reviewing documents used to create sex offender files for review by the ESR/CC programs in accordance with RCWs and agency policies. In addition, she reviews and updates information in offender database systems. The focus of Appellant's work pertains to records management for sex offender files and supervision of staff in the ESR/CC records office which is a component of the Offender Treatment and Reentry Programs.

Summary of Appellant's Arguments. In summary, Appellant explains that the End of Sentence Review program ultimately supports the End of Sentence Review Committee which is a state-wide, multi-agency committee and is legislatively mandated to provide recommendations to local law

enforcement agencies as to the level of risk to the community for each sex offender being released from state facilities such as those found within the Department of Corrections or the Department of Social and Health Services. Appellant argues that her position is very specialized and does not best fit within the Correctional Records Supervisor classification. Appellant further argues that the ESR/CC Records Office is not a correctional records office as described by the Correctional Records class series, because the program staff does not work with certified copies of offender records in a prison or field office setting. Appellant contends that she and her staff work with program specific files utilizing program specific requirements, not correctional records files. Appellant explains that she and her staff work with sex offender records only because they are sex offenders under the jurisdiction of DOC or registerable offenders under the jurisdiction of other state agencies such as the Department of Social and Health Services. Appellant admits that the majority of work performed within the ESR/CC Records Office is for offenders under the jurisdiction of DOC but argues that the office also collects, utilizes, releases, and maintains records from other jurisdictions requiring the application of different retention and redaction processes and rules regarding the release of information. Appellant asserts that the Correctional Records series is not the best fit for her position.

Summary of Respondent's Arguments. In summary, Respondent argues that the primary focus of Appellant's position is to coordinate, plan and monitor processes and work tasks related to offender file management and to provide supervisory oversight to correctional records staff. Respondent argues that Appellant is responsible for:

- hiring, training and auditing of corrections records staff
- coordinating and managing offender records
- monitoring the file setup, organization, and archiving of records
- gathering criminal history from offender databases and other criminal history documents
- responding to requests for information in compliance with public disclosure laws
- utilizing technical expertise regarding interpretation of decisions, RCWs and applicable laws regarding offender sentencing and file information
- compiling information relative to sex offender registration based on review and research of offender database file information and documents.

Respondent recognizes that Appellant performs some aspects of work that are similar to the Program Specialist series but argues that the focus of Appellant's work is correctional records management. Respondent acknowledges that Appellant's work has a specialized focus area, but argues that the work is not specialized. Respondent further argues that ESR/CC program is not separate, unique and independent from other reentry, risk assessment activities and that the duties Appellant performs are transferable to other units within the agency. Respondent contends that Appellant's position does not fit within the Program Specialist class series and that her position is best described by the Correctional Records class series, specifically the Correctional Records Supervisor classification.

Primary Issue. Whether the director's determination that Appellant's position is properly allocated to the Correctional Records Supervisor classification should be affirmed.

Relevant Classifications. Correctional Records Supervisor, class code 112G; Program Specialist class series.

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).

The following standards, in descending order, are the primary considerations in allocating positions:

- Class series concept (if one exists).

- Definition or basic function of the class.
- Distinguishing characteristics of a class.
- Class series concept, definition/basic function, and distinguishing characteristics of other classes in the series in question.

The class series concept for the Program Specialist classes states:

> Positions in this series coordinate discrete, specialized programs consisting of specific components and tasks that are unique to a particular subject and are separate and distinguished from the main body of an organization. Positions coordinate program services and resources; act as a program liaison and provide consultation to program participants and outside entities regarding functions of the program; interpret, review and apply program specific policies, procedures and regulations; assess program needs; and develop courses of action to carry out program activities. Program coordination also requires performance of tasks and application of knowledge unique to the program and not transferable or applicable to other areas of the organization.
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> Examples of program areas may include, but are not limited to: business enterprises, fund raising, volunteer services, community resources, election administration and certification, juvenile delinquency prevention, recreational education and safety, energy education, aeronautic operations and safety, student housing, financial aid, and registration.

Appellant oversees the ESR/CC Records Office and supervises the office staff. The ESR/CC Records Office is a component of the Offender Treatment and Reentry Programs. We recognize that the subject matter of the work performed by the ESR/CC Records Office is specialized and consists of specific components and tasks that are unique to sex offenders and their files. However, the overall focus of the ESR/CC Records Office is compiling, maintaining and disseminating records. These tasks are not separate and distinguished from the main body of an organization. The ESR/CC program does not fit within the class series concept of the Program Specialist class series, therefore this series is not the best fit for Appellant's position.

Appellant asks that if the Board concludes her position does not fit within the Program Specialist series that they initiate creation of a classification that would more closely fit her position. However, RCW 41.06.150 provides, in part, that:

> The director [of the Washington State Department of Personnel] shall adopt rules, consistent with the purposes and provisions of this chapter and with the best standards of personnel administration, regarding the basis and procedures to be followed for . . .
>
> (4) Adoption and revision of a comprehensive classification plan, in accordance with rules adopted by the board under RCW 41.06.136, for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position and allocation and reallocation of positions within the classification plan. . . .

In addition, WAC 357-13-010 provides, in relevant part, that: "[t]he director adopts a comprehensive classification plan and any subsequent revisions to the plan." And, WAC 357-13-050 provides that: "[t]he employer must allocate or reallocate each classified position to an established class in the classification plan."

Therefore, consistent with the statute and the rules, the allocation process is not the proper forum to address the creation of a new classification. Resolution of this issue is not within the Board's jurisdiction.

The definition of the Correctional Records Supervisor classification states: "[m]anages a correctional records office and supervises at least one Correctional Records Technician 1 or 2." There are no distinguishing characteristics for the Correctional Records Supervisor class.

Appellant manages the End of Sentence Review/Civil Commitment Records Office. The office is responsible for sex offender records. The majority of the sex offenders fall within the jurisdiction of the Department of Corrections and their records are correctional records. In addition, Appellant supervises more than one Correctional Records Technician. The majority of Appellant's duties and responsibilities fit within the definition of the Correctional Records Supervisor classification.

We recognize that the Correctional Records Supervisor classification is not an exact fit for the level and scope of duties and responsibilities performed by Appellant. 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. In this case, Appellant's position best fits the Correctional Records Supervisor 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.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal on exceptions by Jennifer Williams is denied and the director's determination dated March 11, 2010, is affirmed.

DATED this _____ day of _____, 2010.

WASHINGTON P ERSONNEL RESOURCES BOARD

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LAURA ANDERSON, Chair

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DJ MARK, Vice Chair

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JOSEPH PINZONE, Member