BEFORE THE PERSONNEL RESOURCES BOARD

STATE OF WASHINGTON

ROGER JOHNSON, Appellant, vs. DEPARTMENT OF ECOLOGY, Respondent.	)	CASE NO. R-ALLO-10-005 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, Vice Chair, and DJ MARK, Member, for a hearing on Appellant's exceptions to the director's determination dated February 4, 2010. The hearing was held at the office of the Personnel Resources Board in Olympia, Washington, on April 14, 2010.

Appearances. Appellant Roger Johnson was present and represented himself. Respondent Department of Ecology (ECY) was represented by Gerard Buan, Human Resource Consultant.

Background. Appellant's position was allocated to the Forms and Records Analyst 2 (FRA2) classification. On February 18, 2009, Respondent received Appellant's position review request asking that his position be reallocated to the Forms and Records Analyst 3 (FRA3) classification. By letter dated May 1, 2009, Respondent determined that Appellant's position was properly allocated to the FRA2 classification.

On May 29, 2009, Appellant filed a request for a director's review of ECY's allocation determination. By letter dated February 4, 2010, the director's designee determined that Appellant's position was properly allocated to the FRA2 classification. On March 4, 2010, Appellant filed exceptions to the director's determination. Appellant's exceptions are the subject of this proceeding.

Appellant works in ECY's Central Regional office. Appellant manages and coordinates the Central Region's Central Files and Records Management Systems, responds to and coordinates public disclosure requests in accordance with statutes and policies for each program within the region. The majority of Appellant's work activities involves processing and responding to public disclosure requests. In performing the duties of his position, Appellant provides technical assistance and responds to requests from the public, attorneys, and regional staff, including management. Appellant tracks records using an electronic system, clarifies requests, locates requested records, redacts records as necessary, and provides copies or access to the records for the requestor. Appellant also consults with ECY management and Assistant Attorneys General on requests involving sensitive information and ligation against the agency and notifies ECY's Public Disclosure Officer located in headquarters of such requests.

Summary of Appellant's Arguments. In summary, Appellant explains that he receives 200 – 250 records requests per month. When he receives a request, he clarifies the request and determines the information the requestor is looking for, locates the information, and determines whether information needs to be redacted and if so, redacts the information. He then provides the information to the requestor. Appellant explained to the Board that when seeking clarifying information from a requestor, he does not get into the technical aspects of information contained in documents. Rather, he tells the requestor what information a file contains. Appellant asserts that his position requires intensive application of his knowledge and skills in records management for each of the eleven program areas in the region, that his duties involve functioning as a management consultant for records problems within the region, and that he acts as the public disclosure coordinator and consultant for management within the region for all public records requests. Appellant contends that his position falls within the definition of the FRA3 class. Appellant also asserts that the specific activities he performs are encompassed in the typical work statements of the FRA3 classification. Therefore, Appellant asks that his position be reallocated to the FRA3 classification.

Summary of Respondent's Arguments. Respondent explains that agency human resource staff reviewed Appellant's position review request, the accompanying documents, and the position description form for Appellant's position and determined that Appellant's position was properly allocated as an FRA2. In response to Board questions, Respondent clarified that human resource staff did not talk to Appellant or his supervisor or seek clarification of the duties described in the documentation prior to making a determination on the reallocation request. Respondent also indicated that information about the multiple programs and complexity of the requests Appellant receives was not evaluated by the human resources staff when the reallocation request was denied.

Nonetheless, Respondent argues that Appellant independently performs at the journey level and that the purpose of his position is to coordinate and respond to all records requests, provide technical assistance, and manage and coordinate the files and file management system at the regional level. Respondent asserts that Appellant does not perform specialist duties as envisioned at the FRA3 level. Instead, Respondent asserts that the agency's Public Disclosure Officer located at headquarters is the specialist for the agency and is responsible for managing public disclosure state-wide and providing advice and guidance to management. Respondent argues that Appellant is not responsible for one or more system areas; rather, he is responsible for environmental files – a single system area. Respondent further argues that Appellant's consultation duties and responsibilities are in line with the duties described in the FRA2 classification and that his position does not have agency-wide impact as envisioned at the FRA3 level. Therefore, Respondent asserts that Appellant's position is properly allocated to the FRA2 classification.

Primary Issue. Whether the director's determination that Appellant's position is properly allocated to the Forms and Records Analyst 2 classification should be affirmed.

Relevant Classifications. Forms and Records Analyst 2, class code 112J; Forms and Records Analyst 3, class code 112K.

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 definition of the Forms and Records Analyst 2 classification states:

> Positions at this level provide consultation to managers and perform journey-level forms and/or records work such as analyzing manual, electronic and/or automated forms and/or records management problems, developing and implementing plans for rectifying system deficiencies, designing forms and coordinating forms production. Incumbents assist with and coordinate records retention, migration, transfer and disposition, utilize manual, electronic and/or automated systems, and provide consultation on forms and/or records management programs and system requirements. Incumbents conduct record inventories, assist with reviewing and updating record retention schedules and coordinate, retrieve information for and respond to public record requests.

Appellant's position performs the duties described within the definition of the FRA2 class. But, this level does not address complexity of the multiple program records maintained in the region, the intensive application of knowledge and experience Appellant must use in order to respond to requests, or the level of consultation he performs for complex records containing sensitive information or for records involved in ligation.

The definition of the Forms and Records Analyst 3 classification states:

> Positions at this level are specialists in two or more system areas such as financial records, student records, resident records, and/or health records, or function as a management consultant for complex manual and/or electronic forms and/or records problems, or provide management consultation and determinations on responses to public record requests. Incumbents may oversee the work of subordinate staff and coordinate the day-to-day delivery, distribution, access, maintenance and retention of manual and/or electronic forms and/or records.

The definition for FRA3 provides three options for allocation to this level. Two of the options address functioning as a management consultant for complex records problems and providing management consultation and determinations on responses to public record requests. Appellant provided persuasive argument and specific examples to show that he functions as a management consultant on complex records and records requests. He also makes determinations on responses to complex public record requests such as whether certain information must be redacted prior to disclosure or whether information contained in files should be considered a public record subject to disclosure. In addition, Appellant oversees and coordinates the day-to-day delivery, distribution, access, maintenance and retention of manual and electronic records for the region. The complexity of Appellant's duties and his level of responsibility are described by the definition of the FRS3 classification.

In a hearing on exceptions, the appellant has the burden of proof. WAC 357-52-110. Appellant has met his burden of proof.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal on exceptions by Roger Johnson is granted and his position is reallocated to the Forms and Records Analyst 3 classification.

DATED this _____ day of _____, 2010.

WASHINGTON PERSONNEL RESOURCES BOARD

_____
LAURA ANDERSON, Vice Chair

_____
DJ MARK, Member