BEFORE THE PERSONNEL RESOURCES BOARD

STATE OF WASHINGTON

TIMOTHY PETROZZI, Appellant, vs. DEPARTMENT OF LICENSING, Respondent.	CASE NO. R-ALLO-12-004 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, DJ MARK, Chair; JOSEPH PINZONE, Vice Chair; and NANCY HOLLAND YOUNG, Member, for a hearing on Appellant's exceptions to the director's determination dated March 28, 2012. The hearing was held at the office of the Personnel Resources Board in Olympia, Washington, on August 1, 2012.

Appearances. Appellant Timothy Petrozzi was present and represented himself. Respondent Department of Licensing (DOL) was represented by George Price, Human Resources Operations Manager.

Background. Appellant's position is allocated to the Customer Service Specialist 2 (CSS2) classification. On March 24, 2011, he submitted a Position Review Request (PRR) to DOL's Human Resources (HR) office asking that his position be reallocated to the Correctional Records Technician 1 (CRT1) classification. DOL conducted a position review of Appellant's position in conjunction with others in his work unit who had also requested reallocation. By letter dated August 15, 2011, DOL denied Appellant's reallocation request.

On August 30, 2011, the Department of Personnel received Appellant's request for a Director's review of DOL's decision. By letter dated March 28, 2012, the director's designee determined that Appellant's position was properly allocated to the CSS2 classification. On April 24, 2012, Appellant filed exceptions to the director's determination. Appellant's exceptions are the subject of this proceeding.

Appellant's position is assigned to the Suspensions Unit of the Driver Records Section within the DOL's Programs and Services Division. In brief summary, his position is responsible for reviewing of court documents relating to convictions and sentencing of criminal driving offenses to calculate and determine driving restrictions and update individual driving records.

Summary of Appellant's Arguments. Appellant argues that Respondent did not conduct a proper desk audit of his position and asserts that while he shares the same class title as other staff within his unit, his duties and responsibilities are drastically different than those assigned to other positions. Appellant asserts that his position performs work described in the typical work statements of the CRT1 class and that he reviews and verifies the accuracy of court documents relating to conviction and sentencing which is consistent with the duties described in the CRT1 class. Appellant further asserts that he is the custodian of records for DOL, that he responds to requests for offender information including subpoenas from court, and that he testifies in court as described in the CRT1 typical work. Appellant disputes the percentages and information he submitted in his PRR and contends that he submitted a regurgitation of the information that was given to him and others by the department. Appellant contends that the duties of his position have expanded and that seventy percent of his duties fall within sixty-five percent of the duties described in the CRT1 class. Appellant asks that his position and the other CSS2 positions in the Suspensions Unit be reallocated to the CRT1 class.

Summary of Respondent's Arguments. Respondent argues that Appellant's position is not assigned to a correctional records office and does not report to a correctional records supervisor. Respondent explains that while there may be some similarities between Appellant's duties and those described in the CRT1 typical work, typical work statements are not allocating criteria. Respondent further explains that Appellant's duties involve driver's record information for felony traffic offenders and that these records do not impact correctional supervision, incarceration, or community service as encompassed at the CRT classifications. Respondent asserts that Appellant is responsible for maintaining accurate driver's record information within the DOL system. The information Appellant updates and maintains includes criminal traffic offenses like DUI or

vehicular homicide which affects driving privileges. Respondent explains that Appellant does not modify or calculate length of incarceration or community supervision and that he does not access Department of Correction or Washington State Patrol systems. Respondent further asserts that Appellant responds to inquires and resolves customer service problems through the interpretation and application of DOL laws, regulations and processes as described in the CSS2 class. Respondent contends that Appellant's position is properly allocated.

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

Relevant Classifications. Customer Service Specialist 2, class code 102B; Correctional Records Specialist 1, class code 112E.

Decision of the Board. During the hearing on his exceptions, Appellant expressed a number of concerns about DOL's internal practices and the fairness of the allocation process. These issues are outside of the scope and purpose of a position review. 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).

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 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 Correctional Records Technician classifications do not contain a class series concept. Therefore, the definition becomes the first consideration in allocating positions to these classes. The Correctional Records Technician 1 definition provides that positions allocated these classes "[p]erforms correctional records technical tasks and sentencing structure duties <u>within a correctional records office</u>. Calculates length [o]f incarceration and/or community supervision time <u>under the supervision of a Correctional Records Supervisor</u>." (Emphasis added.)

Appellant does not work within a correctional records office nor does he work under the supervision of a Correctional Records Supervisor. He does not calculate length of incarceration or community supervision time. Appellant's position does not meet the definition of a Correctional Records Technician.

Appellant further argues that his duties fall within the typical work examples found in the Correctional Records Technician 1 classification. However, typical work statements are not allocating criteria. Rather they provide guidance on the level of work typically found in the various classes within a series. For the reasons stated above, Appellant's position does not fit within the Correctional Records Technician series; therefore the typical work statements of the CRT1 class have no bearing on the allocation of his position.

Appellant described the duties and responsibilities of his position in the PRR that he submitted to DOL's HR office on March 24, 2011. Appellant signed the PRR on March 10, 2011, attesting that "[t]he information I have provided is accurate and complete." The majority of the job duties he described in his PRR involve responding to customer complaints, inquires and requests that

require him to research information and determine eligibility of driving privileges. He processes documentation and enters information into the Drivers Headquarters System and uses this information to respond to customers. He uses extensive technical knowledge in the performance of his duties and interprets current and past state laws, federal regulations, departmental action codes, policies, and procedures relating to criminal driving history. In addition, he drafts letters and correspondence, verifies the accuracy of reports, updates and corrects data, and testifies in court.

The class series concept for the Customer Service Specialist series states, in relevant part:

> Positions in this series provide assistance and problem resolution to agency clients/customers and are located in a designated customer service program. The intent of the series is to assist clients/customers in identifying agency processes and procedures, resolving client/customer problems related to agency programs and interpreting agency related laws, policies and procedures. Positions at all levels may be assigned lead or supervisory responsibility over lower level staff.
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> . . . .

Appellant's position fits within the class series concept for the Customer Service Specialist series. He provides assistance to internal and external customers, including law enforcement, by maintaining accurate drivers' records, responding to inquiries, and resolving problems. Appellant's duties require him to interpret and apply DOL rules, regulations, and processes.

The definition of the Customer Service Specialist 2 classification states:

> Independently resolves complaints, inquiries and client/customer service problems while maintaining appropriate confidentiality. Provides agency interpretation and applies knowledge of laws, regulations, and processes in the resolution of inquiries, complaints and problems.

Appellant performs his work independently, interprets information, and applies DOL laws, rules, and processes when resolving problems and answering inquiries, including those from law enforcement. Appellant performs duties and responsibilities encompassed by the CSS2 definition.

Furthermore, the typical work statements for the CSS2 class indicate that positions at this level independently resolve customer complaints. Positions at this level also identify issues and

procedural steps needed to resolve the issues. CSS2s implement resolutions, communicate results to customers, and maintain the integrity of data and information. While typical work statements are not allocating criteria, they support the determination that Appellant's duties and responsibilities are described by the CSS2 classification.

Appellant's position best fits within the CSS2 classification. His position is properly allocated.

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 Customer Service Specialist 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 Timothy Petrozzi is denied. His position is properly allocated to the Customer Service Specialist ~~1~~ 2 classification.

DATED this _____ day of _____, 2012.

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