BEFORE THE PERSONNEL RESOURCES BOARD

STATE OF WASHINGTON

JOSEPH HANCOCK, *e.t al.*, Appellant, vs. DEPARTMENT OF SOCIAL AND HEALTH SERVICES, Respondent.	CASE NO. R-ALLO-18-009 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, NANCY HOLLAND YOUNG, Chair; VICKY BOWDISH, Vice-Chair and SUSAN MILLER, Member, for a hearing on Appellant's exceptions to the Director's Determination dated May 25, 2018. The hearing was held on October 3, 2018, at Room 110, Capitol Court, 1110 Capitol Way, in Olympia, Washington.

Appearances. Appellants designated Representative Joseph Hancock, was present and represented by Teresa Parsons of Washington Federation of State Employees. Respondent Department of Social and Health Services was present and represented by Yolanda Geolingo, Human Resource Consultant.

Background. On July 13, 2017, Department of Social and Health Services received requests for reallocation from the Appellants. The Appellants requested that their positions be reallocated from a Financial Services Specialist 4 to Social and Health Program Consultant 2. By letter dated November 13, 2017, Ms. Geolingo notified Appellants that their request to reallocate their positions had been denied, and the positions would remain allocated to Financial Services Specialist 4.

On December 11, 2017, Appellants submitted a Request for a Director Review to the Office of Financial Management, State Human Resources (OFM-SHR).

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The Director's Review Specialist conducted a review of Appellant's position based on written documentation and information obtained during a telephone conference on March 22, 2018. By letter dated May 25, 2018, the Director's Review Specialist determined the duties performed by Appellants met the Financial Services Specialist 4 (Administrative Hearings Coordinators) classification, therefore denying Appellants' requests to overturn Department of Social and Health Services, initial determination.

On June 20, 2018, Appellant filed timely exceptions to the Director's determination.

As summarized by the Director's Review Specialist, the Appellants indicated the following:

- Region 1 Administrative Hearing Unit, lists Mike Midkiff as Deputy RA. David Reamer is Finance and Training Coordinator, James Achenbach, is supervisor and reports to Mr. Reamer. The following FSS4/AHC positions report to Mr. Achenbach: Lydia Garcia, Anna Gonzalez, Joseph Hancock, Cynthia Keaton, Roger Knigge, Dana Phillips, James Plourde, and Timothy Shelp.

- Region 2, Babette Roberts is the Director for Community Services Division. Mike Morris, Deputy Regional Administrator reports to Ms. Roberts. Sandra Gallagher, R2 Internal Control Manager, and Matthew Snow, Administrative Hearings SSS4, report to Mr. Morris. The following FSS4/AHC positions report to Mr. Snow: Famara Demba, Janio Molieri, Joy Jones, Leslie Patton-Crews, Marta Zingmark, Oleg Varon, Jana Hawkins, and Farah Wilcoxen. (Exhibit A-2)

- Region 3 HQ, Jackie MacLean is the Regional Administrator (RA). Gloria Marshall-Perez, Deputy Regional Administrator and Donald Bowen, Financial Coordinator, report to Ms. MacLean. Theresa Rainey reports to Mr. Bowen. The following FSS4/AHC positions

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report to Ms. Rainey: Laurie Alvarino, Cassandra Hall, Florene Leinweber, Amy Murray, Patricia Petit, Ruth Rodriguez, Danae Rouse, and Michael Wooley.

All of the Appellants perform the same duties in support of the Department of Social and Health Services. There are twenty-four (24) Appellants subject to this appeal.

Summary of Appellant's Arguments. Appellant argued that the duties performed by the Appellants exceeds that of the Financial Services Specialist 4 classification. Appellant stated that the Board has the latitude to allocate the positions subject to this appeal based on a best fit, and should the Board allocate utilizing the best fit concept, the Appellant's positions fit well within the Social and Health Services Consultant 2 classification. Appellants further argued that because there was a recruitment during the relevant time-frame that included similar duties of the Appellants, and was being recruited as a Social and Health Program Consultant 4, it stands to reason that their position can also be allocated as such. Appellants urged the Board to look at their precedent regarding the comparison of one position to another and revisit it so that a fair analysis of duties within the Department of Social and Health Services can be completed.

Appellant further takes exception to the employer's argument that the Appellants positions are limited in scope as Administrative Hearings Coordinators. The Appellants interview high-level staff during a case's life through the appeal process and act as the experts giving testimony during administrative hearings. Appellants further outlined that there are times when higher-level staff's decisions are overturned, and that because of this they should be allocated to a higher classification, or at least in the interim while a new class is developed. Appellant also asserted that because each supervisor signed the Position Review Requests and provided no additional comments that they too agreed the positions should be reallocated to the Social and Health Program Consultant 2 classification. That upon review of the definition, it can be argued that by the Appellants making determinations during an appeal they, "Independently develop, administer, and/or monitor social, financial, or health

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services programs or the program policies and procedures for use by staff…" Which is in line with the definition of the Social and Health Service Consultant 2.

Summary of Respondent's Arguments. Respondent agrees with the Director's Review Specialist in that the duties of Appellant do not meet the definition of the Social and Health Program Consultant 2 classification. Specifically, Respondent stated the Financial Services Specialist 4 classification specifies incumbents of this classification serve as administrative hearings coordinators the majority of the time. Respondent further argued that although typical work statements are not allocating criteria, that again, the statements support allocation to this class because incumbents represent the department in the administrative hearing and implements the hearing decisions. All of which is consistent with the current allocation to the Financial Services Specialist 4.

Primary Issue. Whether the Director's Determination should be affirmed and whether Appellants should remain allocated to the Financial Services Specialist 4 classification.

Relevant Classifications. Social and Health Program Consultant; Financial Services Specialist 4.

Definition of Financial Services Specialist 4

> This is the senior, specialist or lead worker level for the series. Serves as a lead worker over lower-level Financial Service Specialists; Serves as an administrative hearings coordinator the majority of time; Serves as a quality assurance reviewer/Auditor for one or more units; Serves as a long-term care specialist determining eligibility for long term care services and supports; and/or Serves as a federal funding specialist.

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Definition of Social and Health Program Consultant

Independently develop, administer, and/or monitor social, financial, or health services programs or the program policies and procedures for use by staff or service vendors; or develop plans for monitoring service delivery; or develop, implement, monitor and provide statewide program consultation and/or technical assistance to staff, community or providers to enhance the delivery of services; or serves as a licensor of day care centers.

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))

Allocating criteria consists of the class specification's class series concept (if one exists), the definition and the distinguishing characteristics. (See *Norton-Nader v. Western Washington University*, PRB Case No. R-ALLO-08-020 (2008)) Typical work is not allocating criteria, but may be used to better understand the definition or distinguishing characteristics. (See *Kristin Mansfield vs. Department of Fish and Wildlife,* PRB Case No. R-ALLO-11-014 (2011))

Most positions within the civil service system occasionally perform duties that appear in more than one classification. 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. (See *Dudley v. Dept. of Labor and Industries,* PRB Case No. R-ALLO-07-007 (2007))

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The Board carefully reviewed the documentation submitted during the Director's Review and considered the arguments presented by the parties at the hearing before the Board.

As stated in *Norton-Nader v. Western Washington University,* the hierarchy of allocating positions begins with the category concept, now commonly referred to as the class series concept, followed by the definition and distinguishing characteristics of a specific job classification. In this matter, neither the Financial Services Specialist 4 nor the Social and Health Program Consultant 2 have a class series concept. Therefore, based on the two relevant classes, the Board looks to the definition of both classes, followed by the distinguishing characteristics.

The Appellant argues that the Board can look at their long standing precedent (best fit and comparison of one position to another), and re-evaluate their position to allow for allocation using the best fit concept and compare the job announcement duties to that of the Appellants. However, for the Board to re-evaluate their long-standing precedent there must be evidence presented that sways the Board to do so. In this case, there was no evidence presented for the Board to do so.

For example, the Financial Services Specialist definition clearly calls out the duties of an Administrative Hearings Coordinator within its definition. The Board would have to ignore the definition, and ignore *Salsberry v. Washington State Parks and Recreation Commission*, PRB Case No. R-ALLO-06-013 (2007) and *Allegri v. Washington State University*, PAB Case No. ALLO-96-0026 (1998), that state, "[A]pplication of the best fit concept is not appropriate when there is a class that specifically includes the majority of the overall duties, the scope, the diversity and the level of responsibility of a position." To allocate Appellants positions utilizing the best fit concept would ignore the Financial Service Specialist definition that specifically outlines the duties the Appellants are performing and ignore long standing precedent. The Board simply cannot ignore a definition or their own precedent, nor does the Board have the authority to allocate positions into classifications while another classification is being formed.

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Next, the Appellants seek for the Board to compare the duties listed on a job recruitment to the duties listed on the Appellants Position Review Requests and allocate based on such comparison. Again, the Appellant is asking the Board to overturn their own decision in *Flahaut v. Dept's of Personnel and Labor and Industries*, PAB No. ALLO 96-0009 (1996), that was later upheld by *Byrnes v. Dept's of Personnel and Corrections*, PRB No. R-ALLO-06-005 (2006) for the purpose of allocation. There is simply not enough evidence before the Board to overturn long-standing precedent. First and foremost, the job recruitment is just that, a job recruitment. The recruitment on its face seems similar to the duties performed by the Appellants; however, as a means of a limited example, the educational requirements between the two classifications differ significantly. The Board cannot simply ignore these differences and make an educated allocation determination or a comparison based on a recruitment.

The Board is relying on *Mikitik v. Dept's of Wildlife and Personnel*, PAB No. A88-021 (1989), which states, "[W]hen there is a class that specifically includes a particular assignment and there is a general classification that has a definition which could also apply to the position, the position should be allocated to the class that specifically includes the position." Such is the case in this matter, the Financial Services Specialist specifically outlines the Administrative Hearings Coordinator duties, and therefore, is the appropriate allocation.

In a hearing on exceptions, the Appellant has the burden of proof (WAC 357-52-110). Appellant has not met the burden of proof.

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ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal on exceptions by Joseph Hancock, *et. al*. is denied and Appellants' positions remain allocated to Financial Services Specialist 4.

DATED this 23rd day of October, 2018.

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Nancy Holland Young

NANCY HOLLAND YOUNG, Chair

Vicky Bowdish

VICKY BOWDISH, Vic-Chair

Susan L Miller

SUSAN MILLER, Member

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