BEFORE THE PERSONNEL RESOURCES BOARD

STATE OF WASHINGTON

DEPARTMENT OF CORRECTIONS, Appellant, vs. HELEN BATTAGLIA, Respondent.	CASE NO. R-ALLO-18-002 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, and VICKY BOWDISH, Vice Chair; and SUSAN MILLER, Member, for a hearing on Appellant's exceptions to the Director's Determination dated May 29, 2018. The hearing was held on October 3 2018, at Room 110, Capitol Court, 1110 Capitol Way, in Olympia, Washington.

Appearances. Appellant, Department of Corrections was present and represented by Darryl Taylor, Human Resource Consultant, and Rozanne Stewart, Human Resource Consultant. Respondent, Helen Battaglia was present and represented by Talisha Boad and Serena Davis, Teamsters Local 117.

Background. On October 4, 2017, Respondent submitted a Position Review Request to the Department of Corrections, Human Resources Office requesting reallocation from a Corrections Specialist 1 to a Corrections Specialist 2. By letter dated December 27, 2017, Ms. Taylor, Department of Corrections, Human Resources, notified Appellant the request to reallocate the positon was denied and, the position remained allocated to Corrections Specialist 1.

On January 4, 2018, Office of Financial Management, State Human Resources received a Request for Director's Review.

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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 April 12, 2018. By letter dated May 29, 2018, the Director's Review Specialist determined the most appropriate allocation for Appellant's position was the Corrections Specialist 2 classification.

On June 8, 2018, Appellant filed timely exceptions to the Director's Determination.

As summarized by the Director's Designee, Respondent position is located within the Department of Corrections at Mission Creek Corrections Center for Women, which is a standalone minimum-security facility. The Respondent performs her duties under the general supervision of the Superintendent and manages the Roster Management for custody staff for the facility.

Summary of Appellant's Arguments. Appellant takes exception to the Director's determination in that the Director's Review Specialist stated that the Correctional Specialist 2 definition does not contain enough information to eliminate it as an appropriate allocation for Respondent's duties. Appellant argued the Board has long held that when 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. The Appellant outlined this precedent is noted in *Mikitik v. Dept's of Wildlife and Personnel*, PAB No. A88-021 (1989) and *Waldher v. Dept. of Transportation*, PRB Case No. R-ALLO-08-026 (2009). Appellant noted the Corrections Specialist 1 specifically calls out minimum security facilities and states, "Within a minimum security facility, has overall administration of roster management" and is a specific statement that meets the duties performed by Respondent.

Appellant further argued the use of the new specification was correct because the Board ruled in *Boekhoff v. Bellevue Community College*, PRB Case No. R-ALLO-07-002 (2007), that an incumbent's duties and responsibilities are compared to relevant classifications that were in effect

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on the date that Department of Corrections received Respondent's Position Review Request. In addition, Appellant also noted that roster management is not considered a correctional program, and that based on all of the information in the classifications and obtained through the Director's Review Program and the hearing before the Board, the initial allocation determination is appropriate.

Summary of Respondent's Arguments. Respondent presented to the Board the fact that union members were being reallocated and placed in non-represented positions, and these particular positions are the subject of an unfair labor practice complaint and a demand to bargain. Respondent further agrees with the Director's Designee that the Corrections Specialist 2 definition is broad and allows for allocation into the classification for an incumbent performing the duties of a Roster Manager at minimum security facilities. Respondent outlined that the overall scope of the duties performed are that of roster management. Respondent outlined that both the Corrections Specialist 1 and 3 definition include roster management and that the duties are the same whether they are performed in a minimum or major facility. The incumbents are responsible for the approval/denial of leave requests, custody level staffing and that the duties performed are the same regardless of the size of the facility. That similar to Corrections Specialist 3's in major facilities, Respondent too must ensure the custody level are at an appropriate level according to Department of Corrections internal policies.

Respondent further outlined that there are cases within the Department of Corrections where the Corrections Specialist specifications that were in effect prior to July 1, 2017, had been used to allocate positions. Respondent outlined that this is confusing because based on the previous specifications, Respondent's position could be appropriately allocated to the Corrections Specialist 2. Even so, if the Board disagrees with the aforementioned argument, the term "such as" in the Corrections Specialist Class Series Concept and the definition of the Corrections Specialist 2 is broad and allows for allocation into the class because of the roster management duties performed by the Respondent.

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Primary Issue. Whether the Director's Determination should be affirmed and whether Appellant should remain allocated to the Corrections Specialist 2 classification.

Relevant Classifications. Corrections Specialist 1; Corrections Specialist 2.

Class Series Concept Corrections Specialist Series

Responsible for various correctional programs as assigned, such as: community service activities, institutional training, classification and treatment programs, offender grievances, institutional hearings, roster management for minimum or major facilities, contracted chemical dependency treatment services, deaf inmate program services, or auditing of correctional programs.

Definition of Corrections Specialist 1

Serves as a manager of the department's community and citizen involvement program at a facility. Plans, organizes, directs, and manages all aspects of the community partnership program within a facility, to include: volunteer services, family friendly and community resource programs.

OR

Within a minimum security facility, has overall administration of roster management.

Definition of Corrections Specialist 2

Develops, coordinates, implements and/or evaluates various correctional program(s) as assigned. Prepares comprehensive reports and makes recommendations for management, identifies and projects trends, and monitors

program expenditures for adherence to budgeted allocations. Positions in this class perform professional level duties related to correctional programs in areas such as: intensive management, administrative segregation, grievance coordinator, security specialist, facility classification; and evidence based program delivery specialists.

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 an allocating criterion, 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))

The Board's jurisdiction is limited to that jurisdiction outlined in RCW 41.06.170, and although Respondent argued that prior to the revision of class specifications, the union should have been

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contacted, this is outside the Board's jurisdiction. Therefore, although Respondent presented these facts, they have not been considered by this Board and did not weigh into its decision.

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.

The definition of the Corrections Specialist 1 specifically outlines that incumbents of positions that perform roster management duties at minimum security facilities, are appropriately allocated to this classification. The Board relies on precedent setting cases, and each are outlined below.

1. *Norton-Nader v. Western Washington University*, PRB Case No. R-ALLO-08-020 (2008).

In *Norton* the Board outlined the hierarchy of allocating positions, and in the order of consideration. It is clear the duties performed by the Respondent meet the first test outlined in *Norton* because Respondent's duties are that of roster management that is specifically outlined in the class series concept. Therefore, Respondent duties have met the first test.

Furthermore, according to *Norton*, the next allocating criterion is the definition of a specific classification. In this case, the definition of the Corrections Specialist 1 specifically outlines that duties of roster management at minimum security facilities are performed by incumbents of this specific classification. Even more to the point and in support of this Board's determination, the distinguishing characteristics of the Corrections Specialist 1 also specifies that positions allocated to this classification are "[R]esponsible for the master roster within a minimum facility and develop the roster in accordance with the Custody Staffing Model as determined by the facility's audit and as approved." All of which meet the duties performed by the Respondent.

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2. *Mikitik v. Dept's of Wildlife and Personnel*, PAB No. A88-021 (1989), and *Waldher v. Dept. of Transportation*, PRB Case No. R-ALLO-08-026 (2009).

In *Mikitik* and upheld later by *Waldher*, the Board held that, "When 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." [emphasis added] Such is the case in this matter. The definition of the Corrections Specialist 1 is specific to the duties of roster management at minimum-security facilities.

Even though the Director's Specialist relied on the term "such as" used by the class series concept. The class series concept is simply outlining the various correctional programs that Corrections Specialists may encounter while performing their duties. However, the definition of the Corrections Specialist 1 is specific to roster management at minimum security facilities, just as the Corrections Specialist 3 is specific to roster management duties performed at major facilities. Neither the term nor the specificity of roster management is included in the definition of the Corrections Specialist 2, and therefore does not allow for a broad interpretation, nor allocation to the class. As stated in *Mikitik* and *Waldher* when there is a classification that specifically includes the duties, the appropriate allocation is to that classification.

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

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ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal on exceptions by the Department of Corrections is granted and Appellant's position should be allocated to the Corrections Specialist 1 classification.

DATED this 23 day of Oct, 2018.

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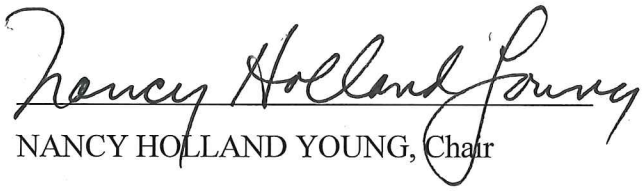
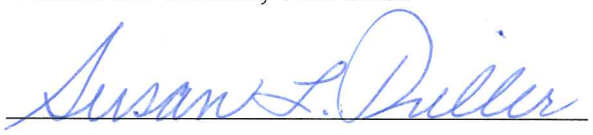


NANCY HOLLAND YOUNG, Chair

VICKY BOWDISH, Vice Chair



SUSAN MILLER, Member

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