BEFORE THE PERSONNEL RESOURCES BOARD

STATE OF WASHINGTON

KATHLEEN JAMISON Appellant, vs. DEPARTMENT OF SOCIAL AND HEALTH SERVICES Respondent.	)	CASE NO. R-ALLO-17-021 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. The hearing was held on October 25, 2017, at Capitol Court, Room 110; 1110 Capitol Way, Olympia, WA.

Appearances.

Appellant Kathleen Jamison was present and represented herself. Respondent Department of Social and Health Services (DSHS) was also present and represented by Jeanette Lyles, Classification and Compensation Specialist.

Background.

On April 11, 2017, the DSHS Human Resource Office received management's request for reallocation of Appellant's position from Nursing Consultation Advisor (NCA) to Registered Nurse 4 (RN 4).

By letter dated April 17, 2017, Appellant was notified her position was reallocated to RN 4.

On May 12, 2017, the Office of Financial Management State Human Resources (OFM SHR) received Appellant's exceptions to the Director's Review. By letter dated August 14, 2017, the

Director's Review Specialist notified both parties that Appellant's position should remain allocated to RN 4.

On September 11, 2017, Appellant filed timely exception to the director's determination. In her appeal, Appellant contended her position should be allocated to NCA.

As summarized in Appellant's most recent Position Description for RN 4 and reiterated in part during her testimony at the hearing, Appellant is responsible for managing, leading, planning and directing aspects of patient care for psychiatric patients with medical needs at Western State Hospital's East Campus Clinic. Appellant is instrumental in defining the mission, goals and performance standards for the clinic and communicating this to staff. She utilizes knowledge or organizational policies, procedures and systems. Appellant uses skills in planning, organizing, delegating and supervising. She must work effectively with physicians, staff, patients, the public and external agencies.

Appellant reports to Katharine Dexter, Deputy Chief Nursing Officer.

Summary of Appellant's Arguments.

Appellant contends she continues to perform the duties of NCA, even though her position was reallocated to an RN 4 in April, 2017. Appellant maintains when she was reallocated, none of her responsibilities were transferred to the Deputy Chief Nursing Officer. Rather, she continues to represent the hospital and nursing department in several areas.

Appellant states her duties, which include setting standards, evaluating systems, monitoring relationships with customers and working with outside providers are beyond the scope of an RN 4 and better align with the duties and responsibilities of a clinic director. Appellant asserts her role

entails management of the clinic and its systems, not supervision of nurses on a 24-hour basis, as the definition of the RN 4 states.

Appellant contends she is rarely called upon to perform nursing duties, typically only in the event where patients display unusually troublesome behavior. In these instances, she may be called upon to help diffuse a situation to ensure patient care is not compromised. Appellant states the emphasis on clinic management, rather than staff supervision and nursing, is one reason her position best fits the duties and responsibilities outlined in the NCA class specification.

Summary of Respondent's Arguments.

Respondent contends the majority of Appellant's work best fits option one in the definition of RN 4, which states: "In a hospital, directs all nursing activities and charge nurses of several wards or floors on a 24-hour basis."

Respondent further contends that, even though the East Campus Clinic is not open 24 hours per day, it is part of Western State Hospital's campus and the hospital itself is open 24 hours per day to house and care for psychiatric patients.

Respondent states the need for an RN 4 in the clinic arose out of a federal audit that pointed to the need for more direct oversight of clinic activities. As such, Appellant was reallocated from NCA to RN 4 in part to provide direct supervision over daily activities, including those of three nurses. Respondent further states Appellant's PD indicates her main function is to provide leadership and guidance to staff, consistent with the scope of an RN 4.

Primary Issue. Whether the director's determination should be affirmed in that Appellant's position should remain allocated to RN 4.

Relevant Classifications. Nurse Consultation Advisor; Registered Nurse 4.

Decision of the Board.

In *Norton-Nader v. Western Washington University*, PRB Case No. R-ALLO-08-020 (2008), the Personnel Resources Board (Board) stated that the following standards are the hierarchy of primary considerations in allocating positions:

a) Category concept (if one exists).
b) Definition or basic function of the class.
c) Distinguishing characteristics of a class.
d) Class series concept, definition/basic function, and distinguishing characteristics of other classes in the series in question.

Registered Nurse

Class Series Concept (located in the RN 1 job class specification):

> The principal activity of the Registered Nurse series is to provide nursing care in a variety of settings and supervision of nursing personnel in varying degrees.
>
> For purposes of allocating positions, the following word definitions shall apply:
>
> Hospital - A building or structure made up of several units designed for the prevention, diagnosis, and treatment of physical, mental, and the medical aspect of social ills, usually lasting longer than 72 hours.

Infirmary - A building or place set aside for the short-term care (usually not to exceed 72 hours) for the sick or injured. This type of patient may be too sick to go to work, but not in need of hospitalization or may be preparing for or recovering from surgery or other needed hospitalization.

Clinic - A building or site where patients are examined, diagnosed or treated for illnesses and injuries or receive preventive care but are not housed.

Registered Nurse 4

Definition:

1. In a hospital, directs all nursing activities and charge nurses of several wards or floors on a 24-hour basis; or
2. Coordinates the overall monitoring and supervision of nursing care and nursing services functions for all the charge nurses for the evening or night shift at Eastern or Western State Hospital; or,
3. In a residential facility for developmentally disabled, supervises and directs all nursing activities for a program area of residents on a 24-hour basis.

There are no distinguishing characteristics for Registered Nurse 4

The class series concept for RN distinguishes between hospital, infirmary and clinic for purposes of allocation. Appellant works in a **clinic** where patients are examined, diagnosed or treated for illnesses and injuries or receive preventive care but are not housed. The East Campus Clinic for which Appellant works is in a separate building on the campus of Western State Hospital. The clinic is open from 7:30 a.m. to 4:00 p.m. and serves the purpose of providing medical health care to psychiatric patients housed at Western State Hospital.

Appellant directly supervises one RN 3, who in turn supervises two Licensed Practical Nurses, making the total of Appellant's direct and indirect subordinates three. Since Appellant does not work in a **hospital** or direct all nursing activities and charge nurses of several wards or floors on a 24-hour basis, her duties do not fit option one in the definition for RN 4.

Appellant also does not meet the second option in the definition for RN 4: She does not coordinate the overall monitoring and supervision of nursing care and nursing service functions for all the charge nurses for the evening or night shift at Eastern or Western State Hospital. Rather, Appellant works in a clinic with set daily hours.

Option 3 in the definition for RN 4 requires incumbents to work in a residential facility for developmentally disabled, supervising and directing all nursing activities for a program area of residents on a 24-hour basis. The duties of Appellant's position do not fit this option.

Nursing Consultation Advisor

There is no class series concept or distinguishing characteristics for Nursing Consultation Advisor

Definition

> Advises program administrators on matters relating to community or institutional nursing services within various programs of State Department of Social and Health Services.

Although Appellant directly supervises one RN 3 and indirectly supervises two Licensed Practical Nurses, supervision and patient care does not encompass the majority of her work. The majority of Appellant's work, as indicated in her most recent PD received by DSHS's Classification & Compensation Unit on April 11, 2017, states Appellant is "responsible and accountable for managing, leading, planning and directing all aspects of patient care for psychiatric patients with

medical needs within the East Campus Clinic at Western State Hospital…Appellant is accountable for the management, supervision and leadership of the East Campus Clinic." Appellant's PD also indicates she develops standards and designs methods to improve functions; identifies unmet healthcare needs; collaborates and coordinates with center directors, discipline leaders and other nursing managers; defines and implements clinic goals in keeping with the organization's mission, vision and strategic plan; and develops clinic standards.

Nursing and hands-on patient care is not the majority of Appellant's work, conflicting with the class series concept for the RN series, which states: "The principal activity of the Registered Nurse series is to provide nursing care in a variety of settings and supervision of nursing personnel in varying degrees." As the manager of East Clinic, program administrators rely on Appellant to advise them on matters relating to the nursing services at the clinic, consistent with the definition for NCA. Also consistent with the definition of NCA, Appellant's work involves managing an institutional nursing service: Appellant manages the East Campus Clinic to which provides medical care/nursing services to patients housed at Western State Hospital.

The Board finds the majority of duties and responsibilities assigned Appellant's position do not align with the class series concept for Registered Nurse, nor fit either of three options in the definition of RN 4.

The Board has considered all Appellant's exceptions to the director's determination and finds the duties of this position best fit the class specification for Nurse Consultation Advisor.

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

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal on exceptions by Kathleen Jamison is granted; the director's determination dated August 14, 2017, is reversed; and Appellant's position remains allocated to Nursing Consultation Advisor.

DATED this _____ day of _____, .

WASHINGTON PERSONNEL RESOURCES BOARD

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NANCY HOLLAND YOUNG, Chair

_____
VICKY BOWDISH, Vice Chair

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SUSAN MILLER, Member