



**STATE OF WASHINGTON**  
**OFFICE OF FINANCIAL MANAGEMENT**  
STATE HUMAN RESOURCES | DIRECTOR'S REVIEW PROGRAM  
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September 30, 2016

TO: Connie Goff  
Rules and Appeals Section Chief

FROM: Meredith Huff, SPHR, MPA  
Director's Review Specialist

SUBJECT: Valerie Marshall v. Department of Social and Health Services (DSHS)  
Allocation Review Request ALLO-16-006

**Director's Determination**

The Director's Review Program received Ms. Marshall's request for a written Director's Review on January 27, 2016. This written review is based on the work described in Ms. Marshall's Position Review Request (PRR) and other documents in the file. After a thorough review and analysis of Ms. Marshall's assigned duties and responsibilities, I conclude her position is correctly allocated to Social and Health Program Consultant 2 (SHPC 2).

**Background**

Ms. Marshall submitted a PRR to DSHS HR on November 5, 2015, requesting reallocation from Social and Health Program Consultant 2 to Social and Health Program Consultant 3 (SHPC 3). (Exhibit B-2)

Dorothy Hibbard, DSHS HR, conducted a phone interview with Ms. Marshall on November 24, 2015 and met with Ms. Marshall's supervisor, Monica Jenkins, on November 23, 2015. (Exhibits B-4 and B-5) By letter dated December 23, 2015, Ms. Hibbard notified Ms. Marshall that her position was correctly allocated to the Social & Health Program Consultant 2. (Exhibit B-1)

**Rationale for Director's Determination**

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. *Liddle-Stamper v. Washington State University*, PAB Case No. 3722-A2 (1994).

Because a current and accurate description of a position's duties and responsibilities is documented in a Position Description (PD) and in a Position Review Request (PRR), these

documents become the basis for the allocation of the position. An allocation determination must be based on the overall duties and responsibilities as documented in the PDF and the PRR. *Edith Lawrence vs. DHS, PAB Case No. ALLOC-99-0027.*

## **POSITION REVIEW REQUEST (Exhibit B-2)**

### **Organizational Structure**

Ms. Marshall reports to Ms. Monica Jenkins, Regional Program Supervisor. Ms. Jenkins reports to Heather Hamasaki, Regional Programs Administrator. An undated Regional Program organizational chart was provided. (Exhibit B-2)

### **Position Purpose**

Ms. Marshall's Position's Purpose states:

This position is assigned regional responsibilities for the oversight, monitoring, training and implementation of programs and policies that focus on the well-being and educational outcomes of children in foster care. The position serves as regional representative at the state level, as a voice and advocate for foster children in the health care and educational communities, and provide leadership, consultation, communication, guidance, support, and training for CA management, social workers and judicial staff. An important function in this position is quality assurance and the monitoring of well-being and education outcomes for foster children. (Exhibit B-2 p.12)

### **Duties and Responsibilities**

#### **45% Regional Education Lead**

- Develop, negotiate and maintain agreements between school districts and CA, which outline collaborative plans for serving foster children. There are 94 School Districts in Region 1, which is nearly half in WA State.
- Monitor activities, provide support and facilitate consultation meetings with Treehouse Educational Advocates, a contracted service, out-stationed in CA offices, which address educational issues related to foster children.
- Organize, plan, facilitate and participate in Educational Roundtable Meetings with school staff and stakeholders ... to provide consultation, technical support, and facilitate collaborative planning for positive educational outcomes for children and youth in foster care.
- Identify problem or high risk areas of concern within the education program areas, make recommendations and advise management.

- Coordinate and collaborate with other divisions of DSHS on programs having cross-divisional impact. Establish goals, objectives and plan for educational program and staff.
- Collect and analyze data, statute and policy; write reports and policy; manage provider relationships; and make program recommendations to management team.
- In coordination with central administration and peers, design and develop statewide policies, procedures, rules and regulations for the delivery of educational programs by staff and providers to ensure consistency and quality of service delivery within the region and across the state.
- Develop and maintain collaborative relationships and provide consultations to regulatory agencies, contracted providers and community agencies to ensure the educational needs of children and youth in CA are met.
- Coordinate and communicate with senior management to administer all aspects of service array including trend and issue analysis, service authorizations and practice recommendations.
- Monitor policy implementation. Provide technical support, consultation, policy interpretation, training, direction and oversight to agency staff, community, provider partners and others involved with foster children.
- Serve as consultant for quality assurance in education for all social service staff.

**50% Health/Well-Being Program Lead**

- Provides technical support, consultation, policy interpretation, training, direction, and oversight to agency staff, community providers and partners who are involved with foster youth.
- Consult and closely coordinate with senior management to administer all aspects of program and policy implementation including trend and issue analysis, service authorizations and practice recommendations.
- Coordinate and collaborate with central administration and peers to design and develop statewide policies, rules and regulations for the delivery of Health & Well-Being programs by staff and providers to ensure consistency and quality of service delivery within the region and across the state.
- Collect and analyze data, statute and policy; write reports and policy; manage provider relationships; and make program recommendations to management team.
- Coordinate and collaborate with other divisions of DSHS on programs having cross-divisional impact.

- Identify problem or high risk areas of concern within the assigned program areas, advise management, and make recommendations.
- Collaborate with the Fostering Well-Being Unit and the Regional Medical Consultant to facility quality services to children with intense, complex or significant medical needs.
- Serve as consultant for quality assurance in education for all social service staff.

#### **5% Other Duties**

- Regional LEP; Blood Borne Pathogen Coordinator

#### **Summary of Ms. Marshall's Perspective**

Ms. Marshall commented that:

“This position should be classified as a Social and Health Program Consultant 3 because of the level of expertise required, leadership and work at multiple levels and across multiple systems. This position covers nine CA offices that support thirteen eastern WA Counties. Other individuals assigned in the same or similar job functions within CA are in positions with higher classifications. I also have the most seniority as the well-being and education program consultant and have provided guidance and training for staff in other Regions with these job responsibilities. (Exhibit B-2)

#### **Supervisor's Comments (Exhibit B-2)**

Ms. Hibbard's determination letter includes notes of a conversation with Monica Jenkins, Ms. Marshall's supervisor. A summary of Ms. Hibbard's notes of the supervisor's comments follows.

- Ms. Marshall is the regional consultant for all regional staff and she assists them with questions and finding appropriate resources in the area. She stated that Ms. Marshall does not review or assign work of other staff members.
- Ms. Marshall monitors and tracks children that qualify as medically fragile in an Excel spreadsheet.
- Ms. Marshall is expected to have a wide range of knowledge in her area. Ms. Jenkins noted that Ms. Marshall no longer performs duties related to “Incredible Years” or “FCAP” programs.
- Ms. Marshall's role does not carry the level of responsibility of serving as a lead. She has no authority when the supervisor is not available; she cannot give directions to staff and she has no authority to sign off in the supervisor's absence. Ms. Marshall is a consultant and is considered an expert, not a lead.
- Ms. Marshall provides recommendations but has no authority to follow up or to check other's work.

Ms. Jenkins noted that:

“Ms. Marshall is a valuable resource and an expert in her areas. She supports line staff by providing them the information they need to do their jobs.” (Exhibit B-2)

### **Summary of DSHS's Perspective (Exhibit B-1)**

In the determination letter, Ms. Hibbard stated, in part:

I compared the duties you described in your PRR and our conversation to this Definition [of Social and Health Program Coordinator 3]. It is clear from the duties described in your PRR that you develop, administer, and/or monitor programs that enhance the delivery of services to the foster children in your area. However, as you stated in our conversation, you have not been designated as a lead worker.

The **Definition** of Lead as provided by the *Classification Glossary of Terms* is:

An employee who performs the same or similar duties as other employees in his/her work group and has the designated responsibility to regularly assign, instruct, and check the work of those employees on an ongoing basis.

In your role you advise, provide guidance and expertise, and you occasionally instruct or train others in your area of expertise. You do not assign work to or check the work of other staff on an ongoing basis. Much of the instruction you provide is as a mentor to newer or less experienced staff, not as a lead worker. For these reasons, the SHPC3 is not the appropriate classification for the duties of this position.

Ms. Hibbard found that SHPC2 is the appropriate classification for Ms. Marshall's assigned duties.

### **Comparison of Ms. Marshall's Job Responsibilities to Classifications**

#### **Glossary of Classification Terms**

In completing this review, I referred to the Glossary of Classification Terms for the definition of Lead, which is found at:

[http://www.hr.wa.gov/sitecollectiondocuments/compensationandjobclasses/comp.class\\_hr\\_pro\\_tools/classificationglossary.doc](http://www.hr.wa.gov/sitecollectiondocuments/compensationandjobclasses/comp.class_hr_pro_tools/classificationglossary.doc).

#### **Definition of Lead:**

**Lead.** An employee who performs the same or similar duties as other employees in his/her work group and has the designated responsibility to regularly assign, instruct, and check the work of those employees on an ongoing basis.

## **SOCIAL & HEALTH PROGRAM CONSULTANT 3**

### **Class Series Concept**

This Series does not have a Class Series Concept.

### **Definition**

Within the social service system, these positions serve as a designated lead worker, directing and monitoring the activities of a team comprised of professional level social service staff, other professional staff, families, and the community in providing guidance to families that are at risk of dependency and/or serving clients with severe and intense social service needs. These positions also develop, administer, and/or monitor social, financial, or health services programs or the program policies and procedures used by staff or vendors.

Ms. Marshall serves as a regional representative and provides leadership, consultation, communication, guidance, support and training for CA management, social workers and judicial staff. She works with employees, social workers, educational systems and others ensuring quality assurance and monitoring the well-being education outcomes for foster children. Ms. Marshall has a substantial knowledge of laws pertaining to student rights and special education

As stated in the Definition, positions allocated to Social & Health Program Consultant 3 class must serve as a designated lead worker, directing and monitoring the activities of a team comprised of professional level social service staff, families and the community.

Ms. Marshall has not been delegated responsibility as a lead to direct and monitor other employees or a team as required by the Definition of Lead. (Exhibit B-2)

Ms. Marshall's position's assigned purpose and delegated responsibilities do not align with the expectations of the Definition of the Social and Health Program Consultant 3 classification as she has not been delegated as a lead for other employees. For this reason, her position should not be allocated to Social & Health Program Consultant 3 classification.

## **SOCIAL & HEALTH PROGRAM CONSULTANT 2**

### **Definition**

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.

### **Distinguishing Characteristics**

Some positions in this class may perform one of the following functions a majority of the time, provided that the duties identified in the Definition are also included in the work assignment:

- develop, implement and monitor grants and/or service contracts;
- liaison and public relations;
- draft or analyze proposed legislation and determine fiscal impact;
- conduct program audits and on-site inspections;
- review findings of hearings;
- research, analyze and interpret State and Federal regulations and/or legislation;  
or
- develop, implement, direct and monitor a designated project or projects;
- licensure of day care centers.

The focus of Ms. Marshall's position and the majority of duties as a whole, are aligned with the Definition and Distinguishing Characteristics of the SHPC 2 class.

For example, Ms. Marshall works independently and has training and education regarding national laws, such as McKinney Vento, WA State WACs pertaining to student's rights in the public school system and on special education laws under IDEA, such as IEPs and 504 plans. She has knowledge of resources available to assist and support foster care youth moving towards alternative diplomas, technical careers and college resources. She shares this information with youth, caregivers, schools and higher education partners and social workers.

Ms. Marshall reviews medical issues and provides advice and consultation to social workers regarding eligibility criteria for these programs and assists with the application process. She also provides leadership, consultation and guidance to staff on issues related to particular diagnoses such as sexually transmitted diseases, HIV-AIDS, blood borne pathogen precautions, communicable diseases and how to secure appropriate management of these issues. She serves as a liaison for hospitals and medical professionals to help problem solve issues related to foster children. She provides information, direct service, support, guidance and training to staff and caregivers related to specific issues.

Ms. Marshall provides consultation and technical assistance to staff and providers regarding Medicaid coverage for foster children and how to navigate the Medicaid system. She provides information on how children may qualify for other medical services such as Medically Intensive Care Program and Medicaid Personal Care through Developmental Disabilities Administration.

Overall Ms. Marshall's assigned responsibilities and duties are a match for the anticipated level of work of the SHPC 2.

### **Typical Work**

Although the examples of Typical Work identified in a class specification do not form the basis for an allocation, they lend support to the scope and level of work performed by the classification. The following Typical Work statements align with Ms. Marshall's assigned duties:

- Produces manuals, guidelines, forms and related materials for the instruction and guidance of agency and vendor staff; provides policy interpretation to staff, clients, community, groups, other states and agencies;
- Analyzes State and Federal laws and federal regulations, ...; recommends the development and promulgation of WAC's pertaining to social, financial or health programs; consults with other states for interpretation of Federal regulations; attends public hearings on WAC's representing agency; coordinates responses to Federal statutes;
- ... provides liaison and coordination with other divisions of DSHS on programs having cross-bureau or cross-divisional impact; identifies problem areas, advises management and makes recommendations;
- Develops and prepares program grant proposals and applications, fiscal and contract procedures for statewide implementation; obtains funds for specific areas to meet client needs;
- Prepares fiscal impact statements; reviews agency expenditures; reviews and monitors budget; provides input for budget preparation;

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. *Dee Dudley v Dept. of Labor and Industries*, PRB Case No. R-ALLO-007 (2007).

Based on the information provided, it is clear that Ms. Marshall has a very important role at DSHS and is a valued employee. However a position review is not an evaluation of performance. Likewise, it does not reflect an individual's ability to perform higher-level duties. Rather, a position review is limited to the duties and responsibilities assigned to a position and how the majority of those duties best fit the available job classifications.

Ms. Marshall provides consultation and technical assistance to staff and providers regarding Medicaid coverage for foster children and how to navigate the Medicaid system. She provides information on how children may qualify for other medical services such as Medically Intensive Care Program and Medicaid Personal Care through Developmental Disabilities Administration.

Overall, the nature and focus of Ms. Marshall's assigned responsibilities and duties are a solid match for the anticipated level of work of the Social & Health Program Consultant 2. Her position is appropriately allocated to the SHPC 2 class.

## **Appeal Rights**

RCW 41.06.170 governs the right to appeal. RCW 41.06.170(4) provides, in relevant part, the following:

An employee incumbent in a position at the time of its allocation or reallocation or the agency utilizing the position, may appeal the allocation or reallocation to the Washington Personnel Resources Board. Notice of such appeal must be filed in writing within thirty days of the action from which appeal is taken.

The mailing address for the Personnel Resources Board (PRB) is PO Box 40911, Olympia, Washington, 98504-0911. The PRB Office is located on the 3rd floor of the Raad Building, 128 10th Avenue SW, Olympia, Washington. The main telephone number is (360) 407-4101 and the fax number is (360) 586-4694.

If no further action is taken, the Director's determination becomes final.

cc: Valerie Marshall, Appellant  
Dorothy Hibbard, SPHR, Classification & Compensation Specialist

Enclosure: List of Exhibits

**VALERIE MARSHALL v DSHS**  
**ALLO-16-006**

**LIST OF EXHIBITS**

A. Valerie Marshall Exhibits

1. Request for Director's review
2. Position review response December 28, 2015
3. Position Description Form March 5, 2012
4. Performance evaluations 2014-2015
5. Famlink Education duties
6. Lead destination and lead work examples
7. Former allocation information

B. DSHS Exhibits

1. Allocation determination letter dated December 28, 2015
2. Position Review Request version received November 5, 2015
3. Previous position description received March 5, 2012
4. Notes from phone conversation with Ms. Marshall on November 24, 2015
5. Notes from phone conversation with Ms. Jenkins on November 23, 2015
6. Class specification for Social & Health Program Consultant 2
7. Class specification for Social & Health Program Consultant 3
8. DSHS final argument sent via email July 18, 2016

C. Class Specifications

1. Social & Health Program Consultant 2
2. Social & Health Program Consultant 3