

March 9, 2007

RE: Dawn Chillers v. Department of Social and Health Services  
Allocation Review Request 06AL0076

Dear Ms. Chillers,

On November 2, 2006, I conducted a Director's review meeting at the Department of Personnel, 2828 Capitol Boulevard, Olympia, Washington, concerning the allocation of your position. Present at the Director's review meeting were you and Pam Pelton, Classification and Recruitment Manager, representing the Department of Social and Health Services (DSHS).

**Background**

On August 1, 2005, your Human Resource Consultant 2 (HRC 2) position, number SX26, was reallocated to a Human Resource Consultant 1 (HRC 1). The reallocation resulted from a decision to end a Memo of Understanding between the Division of Children and Family Service (DCFS) Region 5 and the Human Resources Division (Exhibit 4).

On September 21, 2005, you submitted an updated Position Description Form (PDF) to DSHS's Human Resources Division (HRD). Human Resource Consultant Lloyd Hoage subsequently conducted a desk audit, and on February 27, 2006, Classification and Recruitment Manager David Cahill notified you that your position was properly allocated to the HRC 1 classification. Mr. Cahill agreed that a majority of the work you performed was professional; however, he determined your duties were routine in nature, limited in scope and that your position received regular guidance. He also concluded that more complex HR issues were referred to HRD staff.

On March 17, 2006, you filed a request for a Director's review of Mr. Cahill's determination.

The following summarizes your perspective as well as your employer's:

**Summary of Ms. Chillers' Perspective**

Ms. Chillers asserts the level of duties she previously performed as an HRC 2 has not changed since her reallocation to the HRC 1 classification. Ms. Chillers disagrees that her duties are routine in nature and contends she regularly consults with managers, supervisors, and employees on a variety of complex human resources issues. For example, Ms. Chillers describes her involvement with corrective actions as reviewing and drafting counseling memos, letters of reprimand, and letters of expectation. Ms. Chillers does not consider her work with corrective and disciplinary actions, including grievances, as well as recruitment, classification, and performance management, to be routine. Rather, Ms. Chillers contends her duties go beyond simply assisting and advising managers to drafting disciplinary letters, and she asserts she is the primary HR contact for DCFS, Region 5. Ms. Chillers states she does not receive regular guidance from HRD, though she will consult with and provide information to HRD when a corrective action reaches the level of a disciplinary sanction like demotion or dismissal. Ms. Chillers asserts that she keeps the HRD HR Manager informed about issues in her region, meeting monthly when possible. Ms. Chillers contends that her managers support her reallocation, and she believes her position should be reallocated back to the HRC 2 level.

### **Summary of the Department of Social and Health Services' (DSHS's) Reasoning**

DSHS asserts Ms. Chillers performs routine professional duties and processes information such as payroll activities and leave tracking. DSHS describes the level of work assigned to Ms. Chillers' position as routine because DSHS contends she processes information related to P-2s and P-4s, tracks leave, prepares letters in template form, drafts counseling memos/name removals from registers, answers processing questions on recruitment/payroll, and performs maintenance of personnel files. DSHS further describes Ms. Chillers' consultation duties as professional but routine because she reviews and makes recommendations regarding classification, for instance, but the allocation decision is handled by HRD. In addition, DSHS asserts Ms. Chillers' position was removed from HRD's authority when the position transferred to DCFS and therefore, she does not report to a higher level human resource professional or manager. Further, DSHS states that Administrations and their programs outside of HRD cannot exceed an HRC 1 professional level because HRD will not delegate their authority outside of the Division. Therefore, DSHS contends Ms. Chillers' position is properly allocated to the HRC 1 classification.

### **Director's Determination**

This position review was based on the work performed as of September 21, 2005, the date you signed the updated PDF for your position, and included a review of the audit notes prepared by Mr. Hoage.

As the Director's designee, I carefully considered all of the documentation in the file, the exhibits presented during the Director's review meeting, and the verbal comments

provided by both parties. Based on my review and analysis of your assigned duties and responsibilities, I conclude your position should be reallocated to the Human Resource Consultant 2 classification.

### **Rationale for Determination**

- The definition for a Human Resource Consultant 1 reads, “[p]erforms routine professional human resource duties.”
- The definition for a Human Resource Consultant 2 reads, “[c]onsults with and provides assistance to managers and employees regarding human resource issues.”

The Human Resource class specifications do not address delegated authority; however, the distinguishing characteristics do indicate that duties are performed “under the regular guidance of a higher level human resource professional or manger.” This is true for both HRC 1s and 2s, and in most cases the professional or manager will be connected to HRD since that is the nature of the work. However, DSHS has indicated that some positions that work in Administrations other than HRD perform human resource related duties.

DSHS has also indicated that within the agency, HRC 1 positions may be used within other programs [Administrations] but beginning at the HRC 2 level, positions are assigned to HRD (Exhibit 8). While I understand DSHS’s rationale for managing HR work, DSHS agrees that “[a] position review is a comparison of the duties and responsibilities of a particular position to the available classification specifications.” Liddle-Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

In this case, you do not report to an HR manager, but you do update an HR manager on HR activity within your region on a monthly basis when possible. This is confirmed on your position’s PDF where it reads, “[s]erves as an experienced professional level Human Resource Consultant under the supervision of the Regional Business Manager and in consultation with the . . . Human Resource Manager” (Exhibit 1). A similar reporting relationship appears to be the case for HRC 1 positions assigned to programs other than HRD because the same distinguishing characteristic of working under the guidance of a human resource professional or manager applies to HRC 1 positions as well.

I recognize the HRD Administration at DSHS has ultimate responsibility for HR functions. At the same time, the work assigned to a position and performed by an incumbent needs to be consistent with that position’s allocation. Because DSHS has a unique reporting structure for employees performing HR activities throughout various programs and because you regularly consult with an HR manager, my primary focus in this case was on the work you perform.

The Washington State Classification and Pay Administrative Guide defines complexity of work as follows:

- Routine – Involves the performance of several related and repetitive tasks, which require some judgment in respect to the rules, procedures, materials, or equipment that will be used.
- Complex – Requires the use of a wide variety of rules, processes, materials or equipment that require an application of specialized knowledge or skills. Decisions must be made independently regarding which rules, processes, materials or equipment to use in order to effectively accomplish work assignments.

The position objective on your PDF further indicates that you consult with and provide assistance to managers, supervisors, and employees regarding HR issues such as interpretation of DSHS policies, collective bargaining agreements (CBAs), and laws pertaining to issues like Family Medical Leave Act (FMLA) and Federal Labor Standards Act (FLSA).

In addition, the essential functions of your position include consulting and advising management on disciplinary actions, grievances, labor relations, reasonable accommodation, and FMLA. They also entail keeping the Business Manager and Regional Administrator informed of personnel issues and consulting with HRD staff regarding complex HR issues. Your position is also responsible for making recommendations on letters of reprimand, counseling memos and corrective action plans, performance expectation plans, and Performance and Development Plans for managers and supervisors, and consulting and advising managers on the hiring process. These functions require a use of a wide variety of rules and application of specialized knowledge as well as independent judgment. Additionally, your PDF states you are the primary human resource contact for Region 5 (page 3).

The essential functions identified above go beyond the beginning professional level and involve more than processing functions and template letters. This is also confirmed by the audit notes (Exhibit 2), which show that you draft, review, and sign letters like counseling memos and letters of expectations. The audit notes further indicate that you answer questions for management and staff and consult and make recommendations on issues pertaining to corrective action, grievances, layoff, allocation, including a review of the language used in CQs. The audit form also indicates that you approve and make recommendations regarding FMLA and counsel management regarding performance issues. In performing these functions, you interpret rules, policies, and CBAs and advise employees of their rights.

While some of the duties you perform do involve processing, such as processing payroll (P-2s and P-4s) and maintaining personnel files, these duties are identified as 15% of your work on the PDF and 20% in the audit notes.

The HR class series is written so each higher level incorporates the previous level, and many of the duties can overlap. Based on your overall duties and responsibilities, your position meets the HRC 2 definition of consulting and providing assistance to managers and employees regarding human resource issues. Additionally, you work at an experienced professional level and meet the distinguishing characteristics of performing complex work rather than routine, and your assignments involve making decisions and judgments within established precedents. Therefore, position SX26 should be reallocated to the Human Resource Consultant 2 classification.

**Appeal Rights**

WAC 357-49-018 provides that either party may appeal the results of the Director's review to the Personnel Resources Board (board) by filing written exceptions to the Director's determination in accordance with Chapter 357-52 WAC.

WAC 357-52-015 states that an appeal must be received in writing at the office of the board within thirty (30) calendar days after service of the Director's determination. The address for the Personnel Resources Board is 2828 Capitol Blvd., P.O. Box 40911, Olympia, Washington, 98504-0911.

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

Sincerely,

Teresa Parsons  
Director's Review Supervisor  
Legal Affairs Division

c: Pam Pelton, DSHS  
Lisa Skriletz, DOP

Enclosure: List of Exhibits