

April 19, 2007

Joanne McCaughan, Senior Field Representative  
Washington Federation of State Employees  
1210 Eastside Street SE Suite 300  
Olympia, WA 98501

RE: Larry Dudley, Jr. v. Department of Labor & Industries  
Allocation Review Request 06AL0090

Dear Ms. McCaughan,

On December 7, 2006, I conducted a Director's review meeting at the Department of Personnel, 2828 Capitol Boulevard, Olympia, Washington, concerning the allocation of Larry Dudley Jr.'s position. Present at the Director's review meeting were you and Mr. Dudley; Human Resource Consultant BJ Matthews representing the Department of Labor & Industries (L&I), and Cletus Nnanabu, Program Manager of the Crime Victims' Compensation Program at L&I.

### **Background**

On April 18, 2006, Mr. Dudley submitted a Position Description Form (PDF) requesting that his Office Assistant (OA) 2 position (#3773) be reallocated to the Office Assistant 3 classification. By letter dated May 9, 2006, Ms. Matthews notified Mr. Dudley his position was properly allocated to the OA 2 classification because she determined the majority of his work time was spent performing routine clerical duties in support of the Crime Victims' Compensation Program.

### **Summary of Mr. Dudley's Perspective**

Mr. Dudley asserts most of his work time is spent working with medical providers to establish an agreement for services and states he also works with rape claims. As a result, Mr. Dudley contends he performs complex clerical duties most of the time, while performing the routine duties such as ordering supplies about 20% of the time. Mr.

Dudley asserts the work related to rape claims is complex because of the need to understand the policies and Crime Victims' Program well enough to explain information to providers attempting to set up an account with the program. Mr. Dudley states he reviews provider application packets, which he states essentially become legal documents, to ensure the information is filled out correctly, which is pertinent for the providers to get paid.

Additionally, Mr. Dudley describes the establishment of rape claims as complex due to the nature and sensitivity of the information, which he states needs to be handled carefully and accurately. Mr. Dudley asserts he does a lot of research to obtain and verify accurate information, which he states requires substantive knowledge about which policies and procedures apply. Similarly, Mr. Dudley contends he reviews diagnostic codes when initiating a rape claim to ensure the claim is properly coded as a sexual assault, which he describes as a complex coding process. Mr. Dudley further contends he researches various Internet sites to obtain and verify information such as a provider's licensing status. Mr. Dudley describes his duties as complex and believes he should be reallocated to the OA 3 classification.

### **Summary of the Department of Labor & Industries (L&I's) Reasoning**

L&I contends Mr. Dudley performs routine clerical duties consistent with the OA 2 classification. L&I asserts the majority of Mr. Dudley's work time is spent providing clerical support to the Crime Victims' Compensation Program in the provider accounts unit. As such, L&I asserts Mr. Dudley supports a customer service representative by reviewing new applications from providers to ensure information is complete and can be entered into a database needed to generate payments. L&I asserts Mr. Dudley also updates provider accounts and information in the database and, when necessary, returns incomplete applications or tries to find adequate information. Additionally, L&I states Mr. Dudley initiates sexual assault claims by assigning a number and entering information into the computer system so claims can be paid.

L&I characterizes Mr. Dudley's assigned duties as routine clerical functions because he reviews standard forms to ensure all boxes are checked and forms are complete, performs data entry or ensures information is available for data entry regarding claim and provider account information, activates bills, prepares copies for filing, scans information into the computer system, and orders all supplies for the Crime Victims' Compensation Program. Therefore, L&I believes Mr. Dudley's assigned duties appropriately fit the OA 2 classification.

### **Director's Determination**

This position review was based on the work performed for at least the six-month period prior to April 18, 2006, the date Mr. Dudley submitted his PDF for reallocation.

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 Mr. Dudley's assigned duties and responsibilities, I conclude his position is properly allocated to the Office Assistant 2 classification.

### **Rationale for Determination**

The category concept for the Clerical, Office Support and Secretarial Occupational Category notes that positions provide a variety of clerical services in support of a work unit, department, supervisor(s), staff members, and/or general day-to-day office operations.

The distinguishing characteristics of an OA 2 include the following:

Perform a variety of routine clerical duties such as processing documents and records, extracting and compiling records or data, responding to routine inquiries concerning office/departmental services and procedures, maintaining and monitoring established record keeping, filing and data base systems, and producing forms, letters, record entries and other material. Positions may perform data retrieval and modification and enter data on numerical or alphabetical data entry equipment.

Duties and assignments are of a routine nature. Routine duties are recurring and accomplished by following established work methods or procedures. Within established guidelines, independently organizes, prioritizes, and initiates work activities. Decision making authority is limited to choice of appropriate methods or procedures.

The distinguishing characteristics of an OA 3 differ because incumbents "independently perform a variety of complex clerical projects and assignments." Complex assignments can include preparing reports, preparing, reviewing, verifying and processing fiscal documents and/or financial records, composing correspondence, establishing manual or electronic filing systems and/or data base files, and responding to inquiries requiring "substantive knowledge of office/departmental policies and procedures." At the OA 3 level, problems are resolved by choosing from established procedures and/or devising work methods.

In reviewing Mr. Dudley's Position Description Form (PDF) (Exhibit 1), the majority of his key work activities identified as 50% relates to establishing provider accounts and includes the following duties:

- Reviews, verifies, and resolves the completeness of information contained in new provider applications for compliance with rules and regulations;
- Determines if further information is needed to establish a provider number, and if so takes appropriate action;
- Verifies whether application has the legally correct signature;
- May need to telephone or correspond with medical providers, vocational counselors, victims, and other department clients and agencies to explain why missing information is needed;
- Prioritize applications for processing with bill payment unit when bills are included with application;
- Issue a letter and return application for corrections when necessary;
- Screen new claims and deny bills when necessary;
- Provide timely and complete responses to inquires that are complex in nature.

Additionally, 25% of Mr. Dudley's key work activities relates to processing sexual assault claims and has been described as follows:

- Accurately initiate sexual assault claims by determining and entering necessary claim information into LINIIS (computer system);
- Update system with address/telephone number and miscellaneous provider account changes, which may require contacting providers or using Internet;
- Activate bill batches so data entry operators can enter billing information, perform batch control changes, prepare hard copies of bills for inclusion in claim files;
- Archive documents for office retention;
- Collect and break down system generated reports so work can be performed by adjudicators and claims managers;
- Coordinate materials for provider packets.

It is undisputed that 20% of Mr. Dudley's assigned duties relate to ordering office supplies, which is consistent with OA 2 duties and responsibilities.

Both Mr. Dudley and his supervisor, Darlene Prosser, signed the PDF, and Ms. Prosser supports his position's reallocation (Exhibit 5). When Ms. Matthews reviewed the PDF as a reallocation request, however, she asked Mr. Dudley to clarify several points (Exhibit 2), including the following:

- What are you looking for when you review the provider application for completeness?

*Mr. Dudley's response, in part: I am looking to make sure all the required fields such as name, provider type, signature, etc. are filled out properly. I verify that all the correct paperwork has been sent with the application, such as License . . . and other credentialing papers. . . I verify that the information on the Tax Information sheet is filled out properly and that it matches the information on the application.*

- How do you resolve issues that prevent the application from being processed?

*Mr. Dudley's response, in part: If information is missing or incomplete, I attempt to resolve issues by contacting the provider and walking them through the process of correcting the application. . . . [or] send a rejection notice with a description of why the application was rejected along with my phone number . . . Before I contact the provider I try to locate information utilizing the internet when appropriate . . .*

- How do you verify that the signature on the application is legally correct?

*Mr. Dudley's response, in part: I compare the name on the application to the name on the license. If the names do not match or there is any doubt about the validity of a signature I immediately contact the provider and determine if the information is correct and if they in fact wanted to become providers and agree to the terms of our program. I then verify that the provider is licensed by going to the Department of Health website . . .*

Mr. Dudley's written responses, as well as his comments during the Director's review meeting, provide clarification regarding the duties he performs. While Mr. Dudley has working knowledge of the Crime Victims' Compensation Program's policies and procedures, the majority of his assigned work relates to ensuring information on provider applications is present and complete. He also provides information about the program to

providers by answering basic questions and responding to inquiries about the application process.

During the Director's review meeting, the Crime Victims' Compensation Program Manager, Cletus Nnanabu, explained that Mr. Dudley's role is to provide clerical support to the program by ensuring all information is complete, which augments the role of the customer service specialist who establishes the provider account. Since clerical duties are incidental to customer service positions, Mr. Nnanabu affirmed that Mr. Dudley has an integral role in servicing providers with registration. Ms. Matthews further acknowledged that Mr. Dudley is familiar with the policies and procedures of the program but noted it was only one element and that his primary duties related to checking over the applications to ensure they were complete.

Mr. Dudley's responses to Ms. Matthews clarifying questions and the statements made by Mr. Dudley, Mr. Nnanabu, and Ms. Matthews during the Director's review conference all support allocation to the OA 2 classification because Mr. Dudley primarily checks over provider applications to ensure all portions are complete and requests additional information when necessary. These duties are routine and recurring and consistent with the OA 2 distinguishing characteristics of processing documents and responding to routine inquiries concerning office/departmental services and procedures.

Mr. Dudley's assigned duties and responsibilities do not meet the level of reviewing, verifying, and processing required of an OA 3 position. For example, Mr. Dudley's duties relating to compliance or problem-solving are limited to determining whether the information is present and/or how to obtain information rather than assessing the content with regard to rules and regulations. While it is evident Mr. Dudley has a strong understanding of the policies and procedures regarding the Crime Victims' Compensation Program and does his best to ensure applications are processed rather than rejected, an incumbent's experience and knowledge are not allocating criteria. Rather, a position review is based on the overall duties and responsibilities assigned to a position. In this case, the majority of work assigned to Mr. Dudley's position #3773 best fits the Office Assistant 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: Larry Dudley, Jr.  
BJ Matthews, L&I  
Lisa Skriletz, DOP

Enclosure: List of Exhibits