

February 20, 2009

TO: Teresa Parsons  
Director's Review Program Supervisor

FROM: Meredith Huff, SPHR  
Director's Review Investigator

SUBJECT: Kathleen Navarre v. Dept. of Labor and Industries (LNI)  
Allocation Review ALLO 08-019

### **Director's Review Conference**

Ms. Kathleen Navarre and Ms. Patricia Brown submitted Request for Director's Review forms for their positions' reallocation on March 6, 2008. On January 29, 2009, I conducted a Director's review conference by phone. Present by phone were Kathleen Navarre and Patricia Brown; Phedra Quincey, Senior Field Representative for WFSE, representing Ms. Brown and Ms. Navarre; Janet Kenney, Program Manager for Division of Safety and Health (DOSH) at LNI and second-level supervisor for Ms. Brown and Ms. Navarre; Vicki Kamin, Human Resources Consultant 4; and Sandi LaPalm, Personnel Payroll Program Manager, representing LNI. The information gathered during the review conference applies to both Ms. Brown's and Ms. Navarre's position.

### **Director's Determination**

As the Director's review investigator, I carefully reviewed and considered all of the documentation in the file, the class specifications, and the information provided during the Director's review conference. Based on my review and analysis of Ms. Navarre's assigned duties and responsibilities, I find that the classification that best fits Ms. Navarre's overall duties and responsibilities is the Safety and Health Specialist 2. Ms. Navarre's position is correctly allocated to Safety and Health Specialist 2.

### **Background**

Ms. Navarre conducts investigations of an employee's complaint of discrimination by an employer as a result of the employee pointing out an unsafe or unhealthy working condition. Ms. Navarre requested a reallocation from Safety and Health Specialist 2 (SHS2) to Safety and Health Specialist 3 (SHS3) by submitting a completed and signed

Dept. of Personnel Position Description (PD) received by LNI Human Resources on January 18, 2008. (Exhibit B-2) By letter dated February 11, 2008, Ms. LaPalm advised Ms. Navarre that her position was properly allocated to the SHS2 class.

In response to Ms. LaPalm's decision, Ms. Navarre requested a Director's review of her position's allocation by submitting a Request for Director's Review form on March 6, 2008. Ms. Navarre indicated on the Request that she thought the Investigator 3 class would be an appropriate classification for her position. (Exhibit A-1)

### **Summary of Ms. Brown's and Ms. Navarre's Comments**

Ms. Brown and Ms. Navarre individually investigate cases in which an employee has filed a complaint against an employer for alleged discrimination that is covered under the Washington State laws regarding safety and health issues in the workplace. Once the investigation shows the case has merit, they strive to bring the parties to a written and signed settlement agreement. Ms. Brown's worksite is located in Tukwila, WA. Ms. Navarre's worksite is located in Bellevue, WA. Both Ms. Brown and Ms. Navarre report to Mr. Don Butler, Investigations Manager.

Ms. Brown explained that the federal safety and health regulations are handled by OSHA and the state safety and health regulations (WISHA) are handled through LNI. Occasionally Ms. Brown and Ms. Navarre receive complaints that they determine should be directed to OSHA and in that case they forward the complaints to OSHA.

Ms. Navarre described "high profile cases" as those involving very large companies such as Boeing, the University of Washington or Harborview Hospital. Ms. Brown noted that occasionally the Governor's Office is involved and requires weekly update contact. Ms. Navarre remarked that there is some element of outside interest and pressure in most cases. Ms. Navarre defined "extremely complex complaints" as those cases involving more than one employer or those that involved both OSHA and WISHA regulations. Ms. Navarre identified a construction site or agencies which provide temporary employees to businesses as examples of multiple employers. Ms. Navarre characterized discrimination cases as "uniquely complex and sensitive in nature" when they are politically charged or when discrimination goes beyond safety and health issues and perhaps the Human Rights Commission (HRC) or another agency takes parts of the case. Ms. Brown commented that she and Ms. Navarre do not work with HRC or other agencies to reach a solution.

Ms. Navarre commented that as a lead investigator, she helps train new investigators; she understands the regulations and can assist the new investigators with them. Ms. Brown indicated that she frequently reviews the work of less experienced investigators. Ms. Navarre and Ms. Brown each confirmed that at least once a month she will review the work of another investigator.

Ms. Navarre indicated that most of the cases assigned come from LNI regions 1 and 2. She noted that occasionally cases from outside those regions are assigned. Ms. Brown

commented that due to her experience, Mr. Butler sometimes will assign a complex or high impact case from another area, such as Spokane. Ms. Brown noted that some cases involve more than discrimination complaint issues. She will review those to determine the full nature and scope of the complaint and the problems.

In resolving a discrimination complaint, Ms. Brown and Ms. Navarre pointed out they independently do extensive research and interviews, record notes, develop a chronology of events, and get to the base of what the complaint is about. Ms. Brown confirmed that as investigators, they are each responsible to independently manage the case and look for evidence of any adverse action, disparate treatment and review the timing of the filing. They look closely at the allegations and form questions for witnesses. After they gather the facts and determine the issues, they make recommendations to the supervisors and perhaps to the Assistant Attorney General. In some cases, the complainant may withdraw if the witnesses do not collaborate the situation or if there are options to go elsewhere with the complaint such as another agency or court. Ms. Brown and Ms. Navarre verified that they are authorized to negotiate and sign written agreements to settle cases. Settlement may involve money, a return to a job location or a preferred work shift, an item such as a jacket or a watch, and reinstatement of benefits, vacation leave, lost wages and other income. Ms. Brown indicated that a case settlement involves money about 90% of the time.

Ms. Brown and Ms. Navarre confirmed that toward the end of the review process when the recommendation is made, the Investigations Manager, Mr. Butler, will review the case file and settlement agreement. They recommend the Assistant Attorney General review a case that has merit but the investigator is unable to reach a settlement. The Discrimination Technical Advisor is consulted when there is resistance, threats or other obstacles to settlement.

Ms. Brown emphasized that the Investigator 3 classification discusses negotiating, drafts and signs legal binding contracts. She observed those responsibilities are not in the Investigator 2 class nor in the Safety and Health Specialist 2 or 3 classes. Mr. Brown confirmed that she and Ms. Navarre feel the Investigator 3 class more closely fits the work they are assigned.

On behalf of Ms. Brown and Ms. Navarre, Ms. Quincey stated the Investigator 3 (I3) class is the best fit for these jobs. She stated the I3 talks about conducting the most complex investigations; the majority of cases completed by Ms. Brown and Ms. Navarre are complex. Ms. Quincey found that the Distinguishing Characteristics of the I3 described work that matches these jobs in that Ms. Brown and Ms. Navarre work independently, handle high profile cases of a political nature including internationally known employers such as Boeing and Starbucks. She continued that they provide regular updates to the Governor's Office as needed, deal with cases with multiple-entities employers, complainants, multi jurisdictions such as EEOC and HRC and determine whether or not cases should go to OSHA. She stated that in their investigations, Ms. Brown and Ms. Navarre determine if the complaint is related to

patterns of discrimination, as well as the scope and level of responsibility. Ms. Quincey reiterated that when comparing the Position Description to the Investigator 3 class specification it is clearly the best fit class.

### **Supervisor's comments**

Ms. Janet Kenney is the second level supervisor for Ms. Brown and Ms. Navarre. Ms. Kenney pointed out that usually there are only two or three high profile cases per year; the majority of cases are not high profile. She stated she is not aware of any case that has required weekly updates to the Governor's Office. Ms. Kenney emphasized that if there were such cases, the updates would be done through Mr. Butler's office or through her office. Ms. Kenney explained that there are a few cases that involve multiple employers, especially in the construction industry. However, she confirmed that the majority of cases do not involve multiple employers or large complex employers. She noted that the involved companies come in various sizes. She verified that the referral of cases to OSHA goes through the manager rather than Ms. Brown or Ms. Navarre directly contacting OSHA.

Ms. Kenney discussed the lead investigator role of Ms. Brown and Ms. Navarre. She confirmed there are a total of five investigators, including Ms. Brown and Ms. Navarre. She stated only two investigators were hired after Ms. Brown and Ms. Navarre were employed and there is not an on-going need for training; only intermittent training is provided when needed. Ms. Kenney pointed out that assigning cases from other regions is an effort to even out the workload, rather than based on complexity of the case.

Ms. Kenney confirmed that during 2005/2006 there were more frequent assignments to backup the Investigator Manager position. She remarked that happens rarely since August 2007 when a new manager was hired.

Ms. Kenney observed that the written settlement template is used to record the settlement agreement. She noted that the template may be adjusted to cover specific details of the case, but the majority of the information in the template is unchanged for the settlement agreement. In initially developing the template, she observed that it was thoroughly scrutinized so it met legal and manager's needs.

Ms. Kenney verified that the investigations are reviewed prior to the manager sending out a letter with the determination. She emphasized that until the final determination letter is sent from the manager, the settlement agreement and case is not finalized. She confirmed that Ms. Brown and Ms. Navarre independently determine how to reach settlement, who to talk to for the facts and whether the case has merit or non-merit.

### **LNI Comments**

Ms. LaPalm noted all investigators in LNI programs do receive out-of-region assignments. Ms. LaPalm also confirmed that the most complex cases are not assigned to the investigators; they are handled by the investigator managers.

Ms. LaPalm observed that Ms. Quincey was leaning toward the Investigator class. She noted that as Ms. Brown and Ms. Navarre work closely with Safety and Health regulations, she determined that the best fit class for their positions is the SHS2 level as those classes are specific to LNI. She noted Ms. Brown's and Ms. Navarre's responsibilities and duties would also fit within the Investigator 2 class. She noted however, that she did not find that their responsibilities and duties were at the level expected in the Investigator 3 or Safety and Health Specialist 3 classes.

### **Rationale for Director's Determination**

A position review is neither a measurement of the volume of work performed, nor an evaluation of the expertise with which the 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).

The position description serves the same purpose as the former classification questionnaire. Both the Personnel Appeals Board and the Personnel Resources Board have held that because a current and accurate description of a position's duties and responsibilities is documented in an approved classification questionnaire, the classification questionnaire becomes the basis for allocation of a position. An allocation determination must be based on the overall duties and responsibilities as documented in the classification questionnaire. Lawrence v. Dept of Social and Health Services, PAB No. ALLO-99-0027 (2000).

When there is a definition 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 will be allocated to the class with the definition that includes the position. Mikitik v Depts. of Wildlife and Personnel, PAB No. A88-021 (1989).

### **Glossary of Classification Terms**

In reviewing this position, I have considered the following terms. The Department of Personnel's (DOP) Glossary of Classification Terms defines these terms. The Glossary is found at <http://www.dop.wa.gov/HRProfessionals/Classification/>.

**Complexity of work** – Refers to the scope, variety and difficulty of the duties, responsibilities and skills required in order to perform the work. Complexity may be categorized as follows [in part]:

**3. 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.

4.Highly/Most Complex – Consists of broad responsibilities including extensive research and analysis of systems, facts, figures, or similar information to determine the nature and scope of problems which need to be solved. Work involves originating new policies, procedures, and/or techniques to deal with these problems.

Position Description - Key Work Activities

Ms. Navarre described her key work activities on the Position Description as follows, in part:

- **50%** Maintain expert awareness of WISHA statues and regulations for the Discrimination Program and a strong working knowledge of WISHA & OSHA safety and health regulations. ...Conduct complex discrimination investigations with sufficient facts to corroborate investigative findings...The investigative reports are required to be technically sufficient with the investigator's recommendation as to the merit of the complaint .... and must support the investigative findings.
- **40%** Document investigative findings and make a determination of a prima facie case resulting in a merit recommendation. Review the investigative file with the Discrimination Technical Advisor and on occasion with the Assistant Attorney General as assigned...Attempt to resolve, settle or negotiate investigations resulting in merit. Complete and forward cases not settled to the Department for post investigative review and determination....drafts and signs legally binding settlement contracts.
- **10%** Maintain a high level of knowledge and expertise by attending WISHA & OSHA discrimination training. Make comprehensive oral presentations and provide WISHA discrimination program information to employers, employees, unions and other groups... (Exhibit A-4)

AGO Investigator/Analyst (class code 429C)

The **Class Series Concept** of the AGO Investigator/Analyst states: "This series works in the Office of the Attorney General (AGO). Investigators provide legal services to the state of Washington and its citizens. Positions can be found in a variety of program areas such as Torts, Consumer Protection, Medicaid Fraud, Financial Crimes, Homicide Investigation Tracking System, and The Sexually Violent Predator Program. Positions determine caseload priorities and methodologies and develop information critical to the defense or prosecution of civil or criminal cases held in superior or federal court."

Ms. Navarre's position does not meet the intent of the class services concept for the AGO Investigator/Analyst classes as she does not work in the Office of the Attorney General. This class is not the best fit for Ms. Navarre's responsibilities.

Investigator 1, 2, and 3

The Class Series Concept: Investigator 1 (class code 427P) states: "Positions in this series conduct civil and/or criminal investigations in a variety of areas including

allegations of fraud or collusion among recipients of public assistance or industrial insurance, allegations of fraudulent and/or unfair business and insurance practices, misconduct, and allegations of civil rights violations. Positions gather facts and develop evidence with responsibility for developing the complete case from the original claim or allegation through preparation for presentation in court or administrative hearing. This includes researching records and case files; gathering and preserving documentary evidence; obtaining statements of fact, depositions, or confessions; obtaining and serving subpoenas to compel the attendance of witnesses or the production of records; conducting field surveillance; obtaining and coordinating the service of search warrants; writing investigative reports, establishing proof of facts and evidence; reviewing the case with private attorneys, assistant attorneys general, or prosecuting attorneys; and testifying in court or other proceedings as necessary.”

The thrust of the Investigator series is to conduct civil and/or criminal investigations in areas such as fraud, collusion among recipients of public assistance or industrial insurance, and allegations of civil rights violations or of fraudulent and/or unfair business and insurance practices. Positions gather facts and develop evidence with responsibility for developing the complete case from the original claim or allegation through preparation for presentation in court or administrative hearing. Cases are reviewed with private attorneys, assistant attorney general, or prosecuting attorneys; and incumbents testify in court or other proceedings as necessary. Although Ms. Navarre’s position does not include responsibilities such as preparation and presentation for court; reviewing cases with private attorneys, assistant attorneys general or prosecuting attorneys, this series may be a marginal fit for her position from the perspective of doing investigations and reaching settlement agreements for discrimination under the WISHA regulations.

Investigator 3 (I3) (class code 427R)

The **Definition** of the Investigator 3 states: “Conducts the most complex and difficult investigations relating to sensitive and controversial cases; or, supervises investigative staff; or, acts as the statewide training expert for the investigation program.” (emphasis added)

The **Definition** of the Investigator 3 requires that an incumbent “conducts the most complex and difficult investigations relating to sensitive and controversial cases...” Ms. Kenney, second level supervisor, stated that the most complex and sensitive cases, such as a case monitored by the Governor’s office, are assigned to managers for investigation rather than to Ms. Navarre. Ms. Navarre does not supervise investigative staff and she does not have responsibility as the statewide training expert for the investigation program. Ms. Navarre’s assignments do not meet the level of *most complex* as defined by the DOP Glossary of Terms. The overall duties and responsibilities of Ms. Navarre’s position do not meet the complexity and difficulty envisioned by the requirements of the **Definition** of the Investigator 3 class. The Investigator 3 class is not the best fit class for Ms. Navarre’s position.

Investigator 2 (I2) (class code 427Q)

The **Definition** of the I2 states: “Conducts complex investigations in order to substantiate allegations of fraud, misconduct, discrimination, fraudulent and unfair business practices, or other claims under state jurisdiction.”

The **Distinguishing Characteristics** of the I2 states: “Positions work independently to investigate and resolve complex civil or criminal cases which are characterized by: multiple claimants; internal personnel investigations; fraud or collusion among claimants, employers and providers; alleged violations within the vehicle/vessel industry; or allegations of welfare fraud. Positions may receive limited guidance from senior level Investigators, possessing advanced knowledge, in unique situations. This guidance will be infrequent.”

Ms. Navarre independently conducts complex investigations dealing with workplace discrimination based on Washington State safety and health regulations. Ms. Navarre has a thorough knowledge and understanding of the WISHA (state) and OSHA (federal) regulations and their application to worksites. She is experienced in investigative procedures and techniques and independently investigates and resolves complex worksite discrimination complaints. She negotiates settlement agreements that are signed by all parties and then reviewed by her supervisor. In the case of no settlement, the case is referred to the manager/supervisor for further action.

Ms. Navarre’s duties and responsibilities are encompassed within the **Definition** and **Distinguishing Characteristics** of the Investigator 2 class. However, the Investigator 2 is a somewhat generic class that includes a variety of investigations. The Investigator 2 is not the best fit for Ms. Navarre’s specific overall duties and responsibilities within LNI.

Safety and Health Specialist 1 (class code 392E)

The **Class Concept** for the Safety and Health Specialist series states:

“This series works in the Department of Labor & Industries. The Safety and Health Specialist is required to successfully maintain the Federally approved state occupational safety and health program and meet the authorizing statute, Chapter 49.17 RCW, the Washington Industrial Safety and Health Act (WISHA). The approved State program at the Department of Labor and Industries must be maintained as-effective-as the national Federal OSHA program including enforcement, consultation, rules, regulations, policies and procedures. The series represent the predominant professional classifications necessary to maintain Federal approval. The work is aimed at assisting and ensuring employers comply with safety and health standards, general duty clauses and employee safety laws, rules and regulations.”

Ms. Navarre’s position fits within the Class Concept of the Safety and Health Specialist series.

Safety and Health Specialist 3 (SHS 3) (class code 392G)

The **Definition** of the SHS3 states, in part: “In the Department of Labor and Industries, this is the senior-level class of the series.

- **Safety & Health Compliance:** The Compliance Safety and Health Officer conducts complex enforcement inspections of employers' workplace and determines whether employers are complying with safety and health standards, general duty clauses and safe employee exposure limits. Investigates and recommends criminal prosecution. Directs or leads other staff in complex inspections as assigned. Researches and provides technical input for program development.

OR

- **Safety and Health Consultation:** The Safety and Health Consultant conducts complex workplace consultations and advises employers whether they are complying with safety and health standards; the general duty clause and safe employee exposure limits. Provides information, orally and in writing, to employers of possible abatement strategies and measures. Develops and presents training programs for employers and industry groups. Directs or leads other staff as assigned.

- A “**complex**” **inspection/consultation** is comprised of the following elements:
  - Leads and/or conducts full worksite intervention of a multi-employer commercial worksite (multiple trades), (i.e. hi-rise steel erection, highway construction);
  - Leads and/or conducts full worksite intervention of a multiple industrial operation and process (i.e. pulp and paper mills, petrochemical plants or refineries);
  - Leads and/or conducts process system safety inspections;
  - Fatalities which are not categorized as routine heart attack or motor vehicle accidents.

OR

- Position designated in writing by the Assistant Director of the Division of Occupational Safety and Health (DOSH) as a technical specialist for an assigned industry. Designated positions will conduct all levels of safety inspections/consultations for the assigned industry. Technical specialty areas are defined by the Assistant Director of DOSH.”

Ms. Navarre’s position is assigned to complete investigations of employer discrimination toward employees based on the Washington State regulations regarding workplace safety and health rather than provide inspection and consultation of workplaces as required by the **Definition** of the SHS3 class. The level of complexity in Ms. Navarre’s assignments does not meet “A ‘complex’ inspection/consultation...” as defined in the **Definition** of this class. The Safety and Health Specialist 3 class is not the best fit for Ms. Navarre’s position’s overall assigned duties and responsibilities.

Safety and Health Specialist 2 (SHS2) (class code 392F)

The **Definition** of the SHS2 states, in part: “In the Department of Labor and Industries, this is the journey-level class of the series. . . . **Safety & Health Compliance:** The Compliance Safety and Health Specialist conducts enforcement inspections and investigations of

employers' workplace and determines whether employers are complying with safety and health standards, general duty clauses and safe employee exposure limits. Documents facts and prepares reports to support conclusions resulting from inspections and investigations. Exercises compliance authority in issuing citations including orders and notices of immediate restraint. Provides information to employers of possible abatement strategies and measures. Appears and testifies as a State's witness, as required during appeal actions and gives depositions; appears in Superior Court for warrant requests or civil cases. As a technical resource, advises and assists Assistant Attorney Generals, Hearing Officers and others in their preparation of hearings and in making settlements. Assists supervisors in the direction of trainees; . . .”

Although not used as allocation criteria, the **Typical Work** statements provide guidance in the level of responsibility and the breadth of impact predicted in the position: The **Typical Work** statements for SHS2 state, in part:

- “Interviews complainants, employers, witnesses, and documents to prepare a written report of facts to support a conclusion. . . .
- Analyzes evidence, prepares documented reports, issues Citations and Notice of Violation; proposes penalties for alleged violations in accordance with legislative and departmental guidelines;
- Maintains awareness of OSHA/WISHA and regulation national consensus standards, changes and proposed changes; interprets these regulations in order to respond to inquiries from the public, industry groups and government; . . .”

Ms. Navarre independently completes investigations of employee's complaints about workplace discrimination as a result of reporting unsafe/unhealthy conditions. Through the investigation, she determines if in fact discrimination has occurred and if so tries to develop a settlement agreement which she signs. LNI procedures include a settlement template that is used for all settlements. Ms. Navarre's supervisor reviews the case and settlement and then provides a letter of determination to finalize the case. Ms. Navarre stated she occasionally provides training and reviews procedures for other employees.

Ms. Navarre's position's responsibilities and duties fit within the **Definition** of the SHS2 class. Her assigned level of responsibility and scope of impact fall within the guidance provided by the **Typical Work** statements. The Safety and Health Specialist 2 is specific to Department of Labor and Industries' regulatory responsibilities, such as investigation of discrimination under the WISHA regulations. For these reasons, I conclude that the Safety and Health Specialist 2 is the best fit overall for the duties and responsibilities assigned to Ms. Navarre's position. Ms. Navarre's position is properly allocated to the SHS2 class.

### **Appeal Rights**

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

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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 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.

cc: Kathleen Navarre  
Sandi LaPalm, LNI  
Lisa Skriletz, DOP

Enclosure: List of Exhibits

### List of Exhibits

**A.** Filed by Kathleen Navarre on March 6, 2008

1. Director's Review Form filed March 6, 2008:
2. Position Action Form, no dates or signatures.
3. LNI allocation determination letter, February 11, 2008.
4. Position Description Form no dates or signatures.

**B.** Filed by WFSE:

1. Request for Director's Review submitted
2. Exhibit A – Denial letter from Department of Labor and Industries dated February 11, 2008
3. Exhibit B – Position Description
4. Exhibit C – DOP Class for Safety and Health Specialist 2 (class code 392F)
5. Exhibit D – DOP Class for Safety and Health Specialist 3 (class code 392G)
6. Exhibit E – DOP Class for Investigator 2 (class code 427Q)
7. Exhibit F – DOP Class for Investigator 3 (class code 427R)
8. Exhibit G – DOP Class for Investigator 4 (class code 427S)
9. Exhibit H – DOP Class for Attorney General Investigator3 (class code 429C)
10. Exhibit I – DOP list of Salary Ranges for Job Classifications.

**C.** May 19, 2008 letter from LNI with attached exhibits:

1. **LNI Exhibit 1** \* The Allocation Determination letter February 11, 2008
2. **LNI Exhibit 2** \* The dated & signed Position description form date stamped January 18, 2008 (LNI does not use the DOP Position Review Request Form)
3. **LNI Exhibit 3** \* organizational charts showing the organizational structure from the Director to position 2296
4. **LNI Exhibit 4** \* Classification Specs used for allocation determination
  - a) Safety & Health Specialist 2 (class code 392F)
  - b) Safety & Health Specialist 3 (class code 392G)
  - c) Investigator 1 (class code 427P)
  - d) Investigator 2 (class code 427Q)
  - e) Investigator 3 (class code 427R)
5. **LNI Exhibit 5** \* Previous classification questionnaire allocating position 2296 to Safety and Health Specialist 2

**D.** June 2, 2008 letter from LNI with additional exhibits:

6. **LNI Exhibit 6** \* Email from Don Butler
7. **LNI Exhibit 7** \* WISHA Discrimination Settlement Agreement Form