STATE OF WASHINGTON
OFFICE OF FINANCIAL MANAGEMENT
STATE HUMAN RESOURCES DIVISION | DIRECTOR'S REVIEW PROGRAM
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DATE: October 12, 2015

TO: Kristie Wilson
Acting Rules and Appeals Manager

FROM: Meredith Huff, SPHR, MPA
Director's Review Program Investigator

SUBJECT: Jay Johnson v Washington State Lottery (Lottery)
Allocation Review Request ALLO-15-013

DIRECTOR'S DETERMINATION

This position review was based on the work performed for the six-month period prior to November 18, 2014. I carefully reviewed and considered 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 Mr. Johnson's assigned duties and responsibilities, I conclude his position is correctly allocated to the Lottery District Sales Representative (DSR) classification.

BACKGROUND

On November 18, 2014, Mr. Johnson submitted a Position Description (PD) form to the Lottery Human Resources Office requesting that his position be reallocated from Lottery District Sales Representative to Commerce Specialist 2. (Exhibit B-2)

On January 8, 2015, Debbie Robinson, Director of Human Resources (HR), notified Mr. Johnson that his responsibilities were reviewed and it was determined that his position was correctly allocated to the Lottery District Sales Representative classification. (Exhibit B-1)

On February 3, 2015, the State HR Director's Review Program received Mr. Johnson's Request for a Director's Review of Lottery's allocation determination.

SUMMARY OF REVIEW CONFERENCE

On August 18, 2015, I conducted an in-person review conference with the following participants.

Susan Berger	ALLO-15-011 DSR, Marysville
Cynthia Fleener	ALLO-15-018 DSR, Central Pierce County for Federal Way
Jay Johnson	ALLO-15-013 DSR, Bellingham area
Jennifer Jun	ALLO-15-014 DSR, Everett office
Heather Mathisen	ALLO-15-015 DSR, Everett office for Lynnwood
Mara Sobel	ALLO-15-016 DSR, Everett region – King County

Maureen Van Deuren ALLO-15-017 DSR, Everett office for North Seattle
Yasushi Yamamoto ALLO-15-024 DSR, Federal Way

Phyllis Alexander, Council Representative, WFSE

Debbie Robinson, Director of HR, Lottery
Shelby Sheldon, Human Resource Consultant, (HRC), Lottery

The DSR employees, listed above, all agreed that their Position Objective is to approve retailers to be licensed to "offer games of chance that generate revenue for the benefit of the people of Washington" as described on the PD forms. (Exhibit B-2)

Mr. Johnson indicated that the DSRs are informed about the money that is generated through the sale of Lottery products. Each year a brochure is printed that shows how the money is divided among the beneficiaries: Pathway Account, State Needs Grants, Work Study Programs, Early Learning, Education Legacy Trust Account and Economic Development Account. He explained that annually over one-half billion dollars are generated from the Lottery ticket sales for the state, and that amount is climbing.

Ms. Fleener described the process the DSRs use in approaching a potential retail business. The DSRs use the internet to gather information about the business such as the ownership, sales figures, what the store is selling and whether or not it meets the Lottery's established criteria. The DSR approaches the store to find out more through a cold call. The DSR looks at the store setup, talks with the business personnel and asks questions about business achievements, history, goals, market share and other areas. The DSR ensures the product is secure, the owner and staff are reputable and completes background investigations for personnel; determines the number of customers coming into the store and what they are buying. The DSR ensures the forms are completed, collects money for license fees, explains additional fees depending upon credit history and follows up if forms are missing or further information is needed. Sometimes a retailer will call and request that they be allowed to sell Lottery products. Ms. Fleener noted the process for licensing through a cold call or an initial store contact is similar.

Ms. Sobel confirmed that once the retailer is licensed, the DSR manages the account so it is profitable for the owner and for Lottery. Ms. Sobel noted that decisions are made at a high level to confirm that everything is in place so the DSRs can manage the retail accounts to ultimately increase revenue for the state. Once a business is licensed, the DSR continues that relationship.

Ms. Van Deuren confirmed that when contacted through a retailer's request, she can say yes or no to licensing. She converses with the owners and analyzes their market share, notes the number of customers in the store, calculates what amount of dollars per square foot is currently generated, surveys possible placement of Lottery products and notes how much money is spent on marketing. Ms. Van Deuren is interested in the different marketing strategies that currently are used because she wants the retailer to be successful. At least $300 of Lottery sales per week generated within six months is required of the retailer. She stated that lots of business analysis goes into the review such as location - does it generate a lot of business and can a driver see the products signage? She lets the store owner and staff know that she will do her best, and she needs them to listen to her ideas. She finds some of her retailers by looking for strategic locations on different corners with a high car count (30,000 cars). Ms. Van Deuren

confirmed that the DSR has authority to say "no" to a retailer or "maybe not at this time." She encourages retailers to build their business and then they can reapply for licensing.

Mr. Yamamoto stated that he has been working with Lottery for 25 years and sales have changed quite a bit since he started. As a senior representative, he has built up many contacts and many owners have multiple locations. When he gets a "heads up" about expansions, he talks with the owners at the new location and makes projections of lottery sales and their business increases with the lottery product. Mr. Yamamoto stated that there is a change in the clientele as people from Eastern Asia and India and other areas are buying franchises. In some situations, the owners do not speak English, so an interpreter is needed to get the Lottery products into the stores. Mr. Yamamoto pointed out that, "We do not want to lose business once we get in."

Ms. Sobel agreed that the DSR needs to be culturally sensitive. She has learned several different languages to communicate with retail staff. She stated, "This shift in cultural diversity has caused me to manage my retailers on to a whole different level. There are so many languages, we are forced to adapt to their needs so they can make money for the state."

Ms. Van Deuren noted, "…we are really ambassadors for those communities. They respect and trust us as an advisor. There are a lot of things that go into that, and we are a valued asset for that community." She indicated that the DSRs can remove Lottery products from stores when the sales do not develop as expected. Businesses have six weeks to meet the established goals. Removing the Lottery products from a retail outlet can be a positive situation if it takes a worry or load from that business.

Ms. Berger believes that 60% of her duties encompass managing the inventory to maximize sales and avoid ticket overstocks. The auto-order is manipulated to show the correct orders for retailers. She noted that it is helpful to have the tools to analyze sales and give retailers a full picture of where they are in their Lottery development plan. Ms. Berger indicated she analyzes data to make comparisons for retailers: "…*this is what you are doing and this is what the region, state, your neighborhood, and the city are doing*." Ms. Berger noted that a lot of Everett information and examples of auto-orders is shown on Exhibit A-8.

Ms. Robinson, Director of HR, commented that Lottery redistributed the territories across the state to try to even out the number of clients for each DSR to be close to 120. That adjustment happened about six months ago. The DSRs stated the number of retail accounts each is currently assigned as follows:

Susan Berger -113	Cynthia Fleener -119	Jay Johnson -112
Jennifer Jun -114	Heather Mathisen -110	Mara Sobel -115
Maureen Van Deuren -108	Yashi Yamamoto -123	

Ms. Van Deuren indicated that retailer information is generated on excel spreadsheets. She helps the retailers to look at the different sales and how they relate to other businesses, their position in the market place, how many packets of tickets have been sold, what the hot tickets are and other information. Ms. Van Deuren feels that knowing her clients helps her to keep "ahead of the game" and to make sure her clients have what they need "just in time". She maintains records so she knows what games need to be pulled, when to hold onto new packets and when to restock products. She feels that her knowledge about timely orders helps her to be ahead of the customers' needs.

Ms. Sobel explained that she analyzes the customer's base trade style by product quantity available, what kind of product and customer profiles in each store. Ms. Sobel agreed that the use of the spreadsheets helps to figure out needs in her area. She manages her clients' production daily to maximize sales. Each area is different so she helps retailers find a niche in their area. She noted the key to product sales success for retailers is her managing the product by getting the right product to the right place at the right time. There is constant change, so next time something may work here but not there. She noted that a lot of work goes into establishing a successful retail customer; she is the trusted advisor to each of her clients and manages their products accordingly.

Mr. Yamamoto stated that each store is different and it is best to localize and find that niche to make maximum sales. He emphasizes to the retail owners that they need to have a signature product in the store to bring customers back (i.e. fried chicken), be constantly vigilant and make the best sales to continue raising revenue. He noted he is helping businesses build communities in the area. Mr. Yamamoto believes that when there is a niche product and it is flying off the shelf, he has to use his strategy of "*Fuel the Jet"* as much as he can to constantly adjust his order process to meet his retailers' needs. Mr. Yamamoto uses his own form to track customers. He picks up top retail money every week, identifies patterns and makes adjustments in the order process. This on-going projection of upcoming weeks' sales is put into the computer, based on previous weeks' consumption. In this way, Mr. Yamamoto feels he is on top of orders and his retailers' needs.

Mr. Johnson stated the ordered ticket products are delivered through UPS or FedEx. He stated that the DSR will carry inventory in the vehicle to meet retailers' immediate needs. Ticket overstocks and clear out materials are also carried in the car. Ms. Sobel commented that she collects "stale and moldy products" (outdated or closed tickets) from the stores. She tries to maintain fresh products to maximize sales for her retailers.

Ms. Fleener noted that a key element is to maintain the integrity of the product. It is important to train retailers about how to secure the products. The first line of security is continual inventory checking to match computer and to check condition of inventory to ensure there is no pin pricking and no scratching in back rooms. She instructs retailers how to monitor employees and how to watch behaviors. She stated the DSRs are the first line of defense on integrity issues.

Ms. Van Deuren indicated that each time the DSRs go to the store, they make sure the machines are running. They check inventory before leaving the store. If they find a problem, they try to identify individuals who are taking products. They work with police to find out how employees or others are conducting illegal actions. Occasionally the FBI is involved. Mr. Yamamoto noted that typically the DSRs do the initial work of discovering problems.

Ms. Mathiesen also discussed that a lot of time is spent with retail management explaining and training them on how to log tickets, track new employees' shifts, ensure that employees sign at the start and end of each shift and observe if products are missing. She provides training on every aspect of machines and dispensers. Ms. Mathiesen noted that often training is interrupted as employees assist customers and perform other tasks at that time.

Ms. Berger identified the document "*Ultimate Sales Call*" as an Everett Office training tool for helping a retailer become a Lottery sales site. The DSRs provide information about ways to keep the merchandise fresh and available, run an inventory, set up equipment and keep products secure. (Exhibit A-6)

Ms. Van Deuren indicated that part of that process is helping the retailer establish a program that can increase sales. Programs may include being online for better sales or a contest between staff and boss. Ms. Van Deuren supports whatever it takes to bring more revenue to the state.

Mr. Johnson discussed a change that occurred about three years ago when the Lottery's Scratch Inventory Department was eliminated. Five or six people in that unit had ordered the tickets for the retailers. Now the DSRs manually make changes daily to the automated system to correct orders before warehouse staff start pulling the orders for shipment. The DSRs' early morning review of orders prevents automated orders going to retailers that have sufficient supplies.

Ms. Robinson (HR) noted that a DSR has an option to go into the automated program and adjust for retailers' orders generated that day. She stated that about 20% of the retailers receive tickets per day. She indicated there are options for coverage during the DSR's vacations, holidays and other absences.

Mr. Yamamoto stated that although the daily review of ticket orders is optional; most of the DSRs do this as it ties into the incentive program. He noted that previously, the incentive program was ten ranges; now it is five ranges, but still a significant amount is involved. He explained that Scratch ticket sales make up 80% of the five ranges and he feels this is why the representatives adjust the orders early in the morning; some as early as 5:00 a.m. to 7:00 a.m. He found that trying to adjust orders in the field is not easy and that "you run around crazy". He observed that ignoring the automated orders results in the necessity of returning inventory. Mr. Yamamoto strives to ensure tickets are in the right place at the right time.

Ms. Mathisen noted that doing the right thing is the motivation for getting up early and adjusting the warehouse orders. She noted that many times she removes orders rather than adding, which is just as important as it creates the right mix of games. She analyzes and allocates bin applications to create the correct order for the retailer.

Ms. Sobel explained that she takes a lot of time and makes corrections to ensure not to exceed the limits of 1.8 and 2.5 weeks of inventory on hand. She stated it takes analyzing the products and sometimes the sales are different than what she anticipates. She may analyze again when she arrives at the store. Most retailers are pleased that she does this as she may take old packets that are slowly selling. She is motivated to be the "trusted advisor" and take care of her retail clients so they are satisfied with the Lottery products and service.

Ms. Jun indicated that she has been in her position for two years and she is in agreement with the comments of her co-workers.

Ms. Alexander, Council Representative for WFSE, stated her support of reallocation of the DSRs' positions to the Commerce Specialist 2 classification.

POSITION DESCRIPTION (PD) (Exhibit B-2)

Mr. Johnson is a DSR for the Washington State Lottery in Bellingham. The PD is date stamped by HR on November 18, 2014. The PD is signed by Mr. Johnson and Fil Gudmundson, Supervisor, on Nov. 12, 2014. Lance Anderson, Sales Assistant Director, signed the form on November 19, 2014. The Organization Chart is Exhibit B-4.

Mr. Johnson's position purpose is described as follows:

> The mission of Washington's Lottery is to offer games of chance that generate revenue for the benefit of the people of Washington. Beneficiaries include the State's General Fund, stadium debt contributions, problem gambling, and education scholarships.
>
> The DSR manages Lottery activities at retail accounts within an assigned territory in order to maximize sales and ensure retailer understanding of Lottery laws and regulations. Examples of Lottery activities include but are not limited to recruiting new retailers; securing business owner's signature on contracts: ensuring retailers understand their contractual and legal obligations regarding the sales and redemption of Lottery tickets, meeting minimum sales goals, and payment of Lottery obligations through electronic funds transfer (EFT); negotiating placement of Lottery equipment and advertising.
>
> The DSR works to build and foster a trusted advisor relationship with his/her assigned retailers to ensure sales are maximized for revenue for the retailers and for the state. The DSR conducts business reviews with the Retailers using fiscal analysis; exercises decision-making authority, resolves issues, represents the agency within their assigned area of responsibility, and provides assistance, consultation, and training. The DSR works independently to achieve specific performance objectives.

Mr. Johnson's described his work time as divided among responsibilities as follows, in part:

30% Maximize sales and expand the number of retailers licensed to sell Lottery products.

- Analyze and monitor sales, identify potential sales barriers and recommend solutions.
- Recommend/negotiate locations and types of Lottery equipment and signage to maximize sales.
- Recruit new retailers by visiting and/or cold-calling new locations.
- Interact with general public during the course of daily activities.
- Respond to retailers' questions and explain procedures on a variety of subjects.

60% Manage the Scratch inventory for assigned retailers in order to maximize sales and avoid overstocks or outages.

- Periodically conduct sales performance assessments using a variety of data.
- Analyze sales patterns.
- Adjust, update and modify the auto order scaling factors and bin allocations; maximize sales, manage inventory to avoid overstocks or outages.

10% Marketing and other duties

- Remain current on industry product and point of sale knowledge and marketing trends.
- Deliver and install POS of various types.
- Deliver and assist in the presentation of auxiliary Lottery products.

Mr. Johnson does not have lead or supervisory responsibilities. He works under general direction. He performs his work at home, retailers' locations and in a state vehicle driving from location to location. He occasionally travels overnight to attend or present at sales conferences.

Mr. Johnson frequently interacts with retailers, retail employees and the general public, as well as, agency employees, supervisors and managers at all organization levels. The nature of his position requires Mr. Johnson to use discretion, confidentiality and integrity in all matters.

SUMMARY OF EMPLOYEE'S PERSPECTIVE (Exhibit A-2)

Mr. Johnson believes that Commerce Specialist 2 is the correct classification for his position. In his personal statement, Mr. Johnson commented as follows:

> Since the Lottery changed to the A/O ordering system, my job duties have been very different than they were before the implementation of this system. Because we also have the expectation of having only 2 – 2.5 weeks of inventory in our district, I have not been able to meet this expectation without taking about a third of my retailers off of A/O and analyze and manage all ordering myself.
>
> This requires analyzing and placing custom orders myself based on my knowledge of the retailers' customers' needs. Managing and analyzing this process usually takes about 25% - 30% of my work day time.
>
> This includes placing planned custom orders each morning and placing special orders throughout each workday. Most of my presentations and rule explanation come when there is a change of ownership. I did this approximately 8 times in the last year. These presentations also happen to potential new retailers that I performed 2 times in the last year.

Mr. Johnson participated in the review conference and his comments, in part, are included in the Summary of Review Conference section of this document.

SUMMARY OF HUMAN RESOURCES PERSPECTIVE

In a letter dated January 8, 2015, Ms. Robinson, Director of HR, stated that she had reviewed Mr. Johnson's position and found it was appropriately allocated to the Lottery District Sales Representative classification. Ms. Robinson wrote, in part:

> My analysis is based in large part on the Class Series intent for Commerce Specialists… I counseled with Dept. of Commerce's Agency Resource Book to ensure my understanding of "program" areas". Their approach to supporting and assisting businesses includes improving the economic environment, developing industry sectors, expanding exporting opportunities, and infrastructure. …
>
> In evaluating your request, I also consulted with our assigned Classification and Compensation analyst at the OFM, State Human Resources, rode with several DSRs to observe the work being performed; reviewed other available job classes and thoroughly reviewed the Position Descriptions I received for the Commerce Specialist positions at the Washington Dept. of Fish and Wildlife….
>
> Based on all of this information, the best description of the overall duties and responsibilities of your position continues to be found in the Lottery District Sales Representative classification … This allocation decision is not intended to be an evaluation of your capabilities or the value of your job. Rather, it is an assessment based solely on a

> comparison of your position's duties and responsibilities to the existing classification specifications." (Exhibit B-1)

Ms. Robinson and Ms. Sheldon participated in the review conference and their comments are included in the Summary of Review Conference section of this document.

BOARD GUIDANCE FOR COMPARISON OF DUTIES TO CLASS SPECIFICATIONS

When comparing the assignment of work and level of responsibility to the available class specifications, the Class Series Concept (if one exists) followed by the Definition and Distinguishing Characteristics are primary considerations. While examples of Typical Work identified in a class specification do not form the basis for an allocation, they lend support to the work envisioned within a classification.

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. 3712-A2 (1994).

COMPARISON OF DUTIES TO COMMERCE SPECIALIST SERIES (233A)

Class Series Concept for Commerce Specialist classes is on Commerce Specialist 1:

> Positions in this series perform professional level work in developing, implementing and monitoring state, federal or local community, trade and/or economic enhancement or development programs or projects impacting communities, businesses and citizens of the state.

To better understand the types of programs and projects that may be assigned to a position allocated to the Commerce Specialist series, I reviewed examples of community, trade and economic enhancement or development programs listed on the WA State Department of Commerce website. The website has several examples of programs and projects including: State Trade and Export Promotion (STEP), Lead-Based Paint Program, Community Development Block Grant Program, and Community Capital Facilities. (Website: *http://www.commerce.wa.gov/Pages/default.aspx*)

The purpose and thrust of the Commerce Specialist classes is to "perform professional level work in developing, implementing and monitoring state, federal or local community trade and economic enhancements or development programs that impact communities, business and citizens of the state.

Mr. Johnson's delegated responsibilities and assigned duties do not include responsibilities for a program or project for which he develops, implements, and monitors *trade and economic enhancements that impact communities, business and state citizens* as anticipated by the Class Series Concept of the Commerce Specialist series. Rather, as detailed on the PD, the primary purpose of Mr. Johnson's position is to locate potential new retail outlets for licensing and to work closely with licensed retail stores to sell Lottery products. For a majority of his work time,

he manages the ticket inventories for licensed retail outlets. Mr. Johnson's PD describes his responsibilities, in part, as: "*The DSR manages Lottery activities at retail accounts within an assigned territory in order to maximize sales and ensure retailer understanding of Lottery laws and regulations. … The DSR works to build and foster a trusted advisor relationship with his/her assigned retailers to ensure sales are maximized for revenue for the retailers and for the state.*" (Exhibit B-2, pg. 1)

The purpose and focus of Mr. Johnson's position are to locate potential retail outlets for Lottery ticket sales, and after licensing, to manage those outlets to achieve increased ticket sales. He ensures the outlet meets Lottery criteria for licensing, provides training on sales and security of the Lottery products and equipment, and establishes an on-going relationship as the "trusted advisor" to the retail outlet for resolving problems, ensuring orders are accurate and timely, and providing service.

Overall, the nature, focus, and assigned responsibilities of Mr. Johnson's assignments do not align with the anticipated responsibility for, *"professional level work in developing, implementing and monitoring state, federal or local community, trade and/or economic enhancement or development programs or projects…"* as stated in the Class Series Concept of the Commerce Specialist classes.

Mr. Johnson's position's overall duties and responsibilities do not meet the anticipated purpose, scope of responsibility, and expected results of the Class Series Concept of the Commerce Specialist series. The Commerce Specialist is not the best fit for Mr. Johnson's responsibilities and his position should not be allocated to this series.

COMPARISON OF DUTIES TO LOTTERY DISTRICT SALES REPRESENTATIVE (232E)

There is not a Class Series Concept or Distinguishing Characteristics for this class.

Definition

> For the Washington State Lottery, serves as a marketing and sales representative for an assigned geographic territory. Solicits new accounts and negotiates sales and placement of Lottery products with retail outlets. Independently performs inventory management activities for instant ticket products and point-of-sale materials to assigned retail outlets; provides redistribution of products and materials as necessary to achieve maximum market penetration and sales potential. Develops, presents, implements, and evaluates marketing and sales strategies to determine best method to reach sales goals for individual retail outlets. Serves as a direct communication link between Lottery management and retail outlets.

Mr. Johnson's assigned responsibilities and level of independence in performing his work are closely aligned with the expectations of the Definition of the Lottery District Sales Representative class. He independently performs a variety of responsibilities to locate potential new retail outlets and manage and support existing accounts that sell Lottery products.

Mr. Johnson spends 60% of his work time managing the inventory for ticket products and point of sale materials in his licensed retail stores. He provides high level customer service for each licensed retailer, including sales analysis, providing training and guidance on product sales, security and answering questions. He provides guidance in marketing strategies and options for increasing sales and reaching retail outlet goals. He communicates between Lottery and the

retail outlets. Mr. Johnson's described duties are closely aligned with the nature and level of responsibilities anticipated in the Lottery District Sales Representative class.

Although 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 that class. The Typical Work statements that reflect Mr. Johnson's assigned responsibilities include, in part:

- Following agency guidelines, solicits new accounts and redemption centers and negotiates placement of Lottery products… for maximum impact; conducts site surveys and recommends approval of new on-line accounts;
- Analyzes individual retailer information and trends in the areas of sales and marketing; develops and implements retailers' sales promotion programs; makes recommendations to enhance the merchandising efforts of retailers;
- Instructs retailers on … use of sophisticated equipment and systems; consults with … regarding security, financial obligations, the billing process and inventory management;
- Monitors on-line retailers' sales for compliance with agency sales goals; …
- Investigates illegal games; maintains security of Lottery tickets; evaluates and directs retail outlets to ensure a secure environment for maintaining Lottery tickets; reports lost or stolen tickets; verifies that valid lottery tickets are sold; …

Mr. Johnson submitted exhibits comparing District Sales Representative positions to Fish and Wildlife positions which are allocated to Commerce Specialist 2. The Board previously has provided guidance on comparison of positions and allocation as follows:

> "…..However, in *Byrnes v. Dept's of Personnel and Corrections,* PRB No. R-ALLO-06-005 (2006), the Board held that "[w]hile a comparison of one position to another similar position may be useful in gaining a better understanding of the duties performed by and the level of responsibility assigned to an incumbent, allocation of a position must be based on the overall duties and responsibilities assigned to an individual position compared to the existing classifications. The allocation or misallocation of a similar position is not a determining factor in the appropriate allocation of a position." Citing to *Flahaut v. Dept's of Personnel and Labor and Industries*, PAB Case No. ALLO 96-0009 (1996). Therefore, the allocation or misallocation of positions at other DOC institutions is not a determining factor in the appropriate allocation of Appellant's position."
>
> "When there is a class 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 should be allocated to the class that specifically includes the position. Mikitik v. Dept's of Wildlife and Personnel, PAB No. A88-021 (1989); see also, Waldher v. Dept. of Transportation, PRB Case No. R-ALLO-08-026 (2009)."

It is evident that Mr. Johnson is a respected employee who performs a variety of complicated responsibilities in support of Lottery's product sales. However, a position's allocation is not based on an evaluation of performance. Nor does a position's allocation diminish the quality of work performed and is not a reflection of performance. Rather, an allocation is based on the majority of work assigned to a position and how that work best aligns with the available job classes.

Overall, Mr. Johnson's described responsibilities on the PD accurately reflect the nature and complexity of assignments described in the Lottery District Sales Representative class. Mr. Johnson's position should remain allocated to this class.

Appeal Rights

RCW 41.06.170 governs the right to appeal. RCW 41.06.10(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 P.O. Box 40911, Olympia, WA 98504-0911. The PRB Office is located on the 3rd floor of the Raad Building, 128 10th Avenue SW, Olympia, WA. 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.

LIST OF EXHIBITS

A. Jay Johnson Exhibits

1. Dated Position Description
2. Personal Response
3. Weeks of supply on hand
4. The Ultimate Sales Call
5. Governing Article
6. Examples of Auto Orders
7. Incentive Proposal Fiscal Year 2014
8. Current Sales 3-14/15
9. Current Job Posting

B. Lottery Exhibits

1. Allocation Letter, Jay Johnson
2. Position Description Form, Position 70006185-0050 (Attachment 1 to Allocation Letter)
3. Allocation Comparison, DSR and Commerce Specialist (Attachment 2 to Allocation Letter)
4. Organizational Chart
5. Commerce Specialist 1 Class Specification (233A)
6. Commerce Specialist 2 Class Specification (233B)
7. Commerce Specialist 3 Class Specification (233C)
8. Lottery District Sales Representative Class Specification (232E)
9. Director's Meeting Agenda Item 11, September 2004 - Community and Economic Development occupational category
10. Director's Meeting Agenda Item 2a-d, November 12, 2009 – Commerce Specialist 1, 2, 3, 4
11. Wikipedia definition – Economic development
12. International Economic Development Council's Economic Development Reference Guide, selected pages
13. Business Retention and Expansion Guide, selected pages
14. Department of Commerce 2015 Agency Resource Book, selected pages
15. Department of Fish and Wildlife position description, Position 71039313, Commerce Specialist 1
16. Department of Fish and Wildlife position description, Position 771037052, Commerce Specialist 2
17. Department of Fish and Wildlife position description, Position 71037053, Commerce Specialist 2