

September 7, 2007

RE: Anthony Distefano v. Department of Social and Health Services  
Allocation Review Request ALLO-06-013

Dear Mr. Distefano:

On June 21, 2007, 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, Gwen Willingham, Human Resource Manager, and Pam Pelton, Classification and Recruitment Manager, representing the Department of Social and Health Services (DSHS).

### **Background**

On March 14, 2006, you submitted a Position Description Form to DSHS's Human Resources Division, requesting that your Human Resource Consultant 1 (HRC 1) position #SH53 be reallocated to a Human Resource Consultant 2 (HRC 2). By letter dated July 28, 2006, Human Resource Manager Pamela Vest Conte notified you that your request was denied and that you were properly allocated as a HRC 1. Ms. Vest Conte determined that your position performs some duties at the HRC 1, HRC 2, and Human Resource Consultant Assistant (HRCA) levels but that the majority of your duties fit within the HRC 1 classification.

On August 14, 2006, the Department of Personnel received your request for a Director's review of DSHS's determination.

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

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

You contend the level of work you perform more closely fits within the HRC 2 job specification. You believe your duties and responsibilities align with the language of the definition and distinguishing characteristics listed at the HRC 2 level with the exception of assisting or conducting investigations. For example, you state that you lead other HR staff at both the HRCA

and HRC 1 levels and back up the HR Manager when she is absent. You further state that you retrieve statistical information for reports presented to management of the Economic Services Administration (ESA). You assert the statistical data you provide is customized and non-routine and reflects information for the entire ESA division. You also note that you attend WMS Banding Committee meetings and other meetings in the absence of your supervisor.

While you acknowledge you perform some duties that are technical and paraprofessional in nature, you assert you spend the majority of your time answering questions from HR staff within ESA, which you contend requires expertise and knowledge. You further state that you consult with DOP regarding recruitment issues. In summary, you believe many of the duties that DSHS describes as HRC 1 level duties actually fit higher-level HRC positions, and you contend you perform work at HRC 1, 2, and 3 levels with the majority of your work fitting within the HRC 2 classification.

### **Summary of DSHS's Reasoning**

DSHS asserts you perform work at the HRCA, HRC 1 and HRC 2 levels but contends the majority of your work is performed at the paraprofessional or beginning professional levels. As a result, DSHS states you perform work that is primarily routine and technical in nature. For example, DSHS asserts your position is tasked with the more technical aspects of maintaining personnel files and records. DSHS views your position as one that deals with the first line of communication regarding personnel actions. As such, DSHS contends your position is responsible for being able to interpret and understand rules, procedures, and policies but asserts complex, higher-level decisions are made by HRD staff with some assigned delegated authority. DSHS further asserts the level of consultation assigned to your position references established procedures and does not rise to the level of interpretation or opinion.

DSHS acknowledges that you perform some higher-level (HRC 2) duties, which include consulting with risk managers on L&I claims; analyzing and gathering statistics and applying HR data from multiple sources, including non-routine research; and assisting management staff with complex HR issues such as reporting on internal salary relationships of WMS employees to the Assistant Secretary of ESA. DSHS, however, states the majority of your assignments fall within the HRC 1 classification.

### **Director's Determination**

This position review was based on the work performed for at least the six-month period prior to date March 14, 2006, the date you submitted your reallocation request to DSHS.

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 is properly allocated to the Human Resource Consultant 1 classification.

### **Rationale for Determination**

You work in the Division of Management Resources and Services (DMRS) within the Economic Services Administration (ESA), and you report to the Human Resource Manager of the Division, Kandy Pierson. The scope of your work, as identified on the Position Description Form (PDF) (Exhibit 1) states you consult with and provide assistance to managers and employees regarding human resource issues. The PDF also describes in more detail the type of consultation and assistance you perform in the course of your duties (page 3). I reviewed the PDF in conjunction with the clarifying answers you provided to Classification Manager Dave Cahill (Exhibit 4), which included a breakdown of the percentages of time spent on work activities that corresponds with the PDF. After reviewing both documents, I conclude the primary level of consultation and assistance you provide best fits within the HRC 1 classification.

The class series concept identifies both the HRC 1 and HRC 2 classifications as human resource professionals. The class series concept further notes that assignments frequently crossover or merge traditional functions with specialty areas. Many of the professional HRC positions lead, facilitate, or coach others regarding a wide variety of human resource issues. Some examples of the professional responsibilities include assignments in recruitment, selection, affirmative action, diversity, and development and training, as well as interpretation and application of laws, rules, policies, and procedures.

The definitions, distinguishing characteristics, and examples of core competencies illustrate the differences between class levels. For example, the HRC 1 definition describes the professional human resource duties as "routine," and the distinguishing characteristics identify the HRC 1 class as being the first professional level in the series. The distinguishing characteristics also affirm that positions in this class have specific assignments that are "mostly routine and of limited scope" and may include work in a "developmental or training capacity in preparation for a higher level." HRC 1 positions may also lead or supervise support staff.

The core competencies at the HRC 1 level include consulting by providing advice on specific courses of action and using decision making skills. The analysis and problem solving component is limited to identifying issues, assessing problems, anticipating consequences, and developing strategies to resolve issues. HRC 1 positions also compile and review data.

At the HRC 2 level, the core competencies are similar because each higher level incorporates the previous level. The core competencies at the HRC 2 level also include consulting, analysis, and problem solving, but the consultation is more involved. For example, incumbents may advise specific courses of action while demonstrating an awareness of potential impact and liability. Further, analysis and interpretation also apply to specific issues but involves taking calculated risks.

The HR class series also includes a paraprofessional level (HRCA) where incumbents perform "a variety of paraprofessional or technical duties in one or more human resource areas" and provide human resource support to management and staff. While the paraprofessional level acts as an assistant to professional staff and management, the typical work is technical, such as payroll

processing functions, and does not encompass the same depth of human resource related work or knowledge necessary to work in the professional level positions.

The following is a summary of your duties and responsibilities outlined on the PDF and your corresponding answers, which further explain your duties and include examples of your work along with the percentage of time spent on each activity.

The second paragraph on your PDF (page 3) begins, in part, as follows:

The incumbent advises division management and directors on possible impact and liability regarding staff issues, laws and rules. Complies with policies and procedures related to Human Resource functions on behalf of the administration. Position requires specialized knowledge and independent judgment to resolve supervisor/employee difficulties, as well as resolution of employee insurance complications, pay inquiries and issues and payroll actions.

This corresponds with your description identified as 10% in which you explain that some of the issues you consult on related to possible impact or liability "can have adverse impact if certain procedures are not followed."

As examples you describe documenting performance issues or the risk of double discipline, which you consider professional level or referring to the CBA (collective bargaining agreement) regarding represented employees, and solving employee pay issues, which you consider paraprofessional (Exhibit 4, page 2). You note that some of these duties, such as referring a represented employee to a CBA, are performed at the paraprofessional level. The specific examples you provided that relate to advising division management on possible impact and liability (Exhibit 4, pages 6-9) include selecting a correct leave category, showing the process for completing WMS Layoff Option requests, answering questions about an employee's insurance deduction, and resolving a payroll processing issue.

*All of these examples fall within the paraprofessional or beginning HR professional level. For example, you provide advice and consultation on following the proper procedures, which can result in a liability if not followed but your level of involvement does not go beyond procedural. In your explanation (Exhibit 4, page 2) you also state that you are authorized to make recommendations, including just cause. While such a recommendation may reach the level of an HRC 2, this is less than 10% of your overall work.*

The next section on the PDF further references consultation and advice on all personnel issues. Examples include:

- Sensitive employee issues and personal issues;
- Allocation/reallocation of positions;
- Performance evaluation process; career counseling;
- Affirmative action process and recruitment to meet diversity goals;
- Analyze problems related to payroll;

- Consult with DOP regarding recruitment issues;
- Advise and provide HR procedures regarding salary determination, college recruitment, nonpermanent jobs, and WMS employees;
- Consult with managers to ensure programs are in compliance with WACs and DSHS policies;
- Obtain, organize, and maintain data to support research and investigation of HR issues.

The PDF indicates you provide programs with the appropriate information and procedures related to the issues above. This section corresponds with your description of the above work as 30% of your work time (Exhibit 4, page 3).

In this section identified as 30%, you state that some areas are complex when dealing with sensitive employee issues but also acknowledge that some of the work includes routine tasks such as sending appropriate paperwork to new employees. You later give an example of providing an employee with an administrative policy on electronic messages after the employee had been offended by a circulating email containing political issues. You also advised the employee to bring the matter to his supervisor for further action. Another example of a personal issue you described involved advising an employee to complete a Personnel Incident Report and notify his/her supervisor after having an accident at work.

*Both of these scenarios entail providing information to employees by pointing out policies and procedures and are representative of professional level HR work performed by an HRC 1 (Exhibit 4, page 9).*

Also included within the duties identified as 30%, you describe advice given to an employee who wanted to request reallocation. In that example, you explain that you consulted with HRD and informed the employee her position description (PDF) was written like the class her position was allocated to. You then provided her with examples of work that would need to be included in her PDF to coincide with the desired classification. A second submittal of the PDF showed no correlation with the desired class, and you informed the employee.

*Your involvement in this is consistent with the HRC 1 professional level because you were informing the employee about the allocation process and consulted with HRD regarding the actual content (Exhibit 4, page 9).*

Further examples include providing information to supervisors regarding the performance evaluation process for WMS employees and advice provided about the affirmative action process (Exhibit 4, page 10-11). Similarly, you provide payroll related information like current employee salaries, a history of salary increases for WMS employees, or seniority dates. You also deal with incorrect information entered into the system (Exhibit 4, page 12).

*These examples have to do with advising and consulting about process. As a result, the work identified as 30% falls primarily within the HRC 1 classification, with some duties crossing into the paraprofessional level.*

An additional 15% of your duties, as you described in your clarifying answers, also relates to the above functions and corresponds with the PDF as follows:

- 8% You review PDFs for establishment and/or updates or reallocations to ensure content meets job specification/qualification requirements. You also review job applications to ensure candidates meet minimum qualifications. In performing these tasks, you review job specifications and make recommendations about the appropriate job class.

*During the Director's review meeting you clarified that managers will develop the duties of a job most of the time but that you may go over the position description or assist new managers with the content. The assistance you provide is at the beginning professional level and fits within the HRC 1 classification.*

- 7% Independently review and process all payroll activity and mandatory/voluntary deductions. Consult with attendance keepers on correct payroll procedures.

*The payroll functions are technical and routine in nature. The payroll processing primarily fits within the paraprofessional (HRCA) level with some in-depth consultation on payroll issues, such as leave without pay questions, reaching the first professional level (HRC 1).*

Similarly, you also spend 2% of your time providing member status verification of retirement enrollment for new employee appointments and provide earning information to employees upon request.

*Providing and verifying routine information to employees appropriately fits within the HRCA class.*

The duties on the PDF related to assisting and consulting on WMS issues total 11%, as you indicated in your clarifying answers, and are broken down as follows:

- 2% Attends WMS Banding Committee meetings and other meetings in supervisor's absence. During the meetings suggest an appropriate JVAC code for the assigned administration's positions to be banded or rebanded.
- 2% Assist management staff in research and investigation of complex HR issues such as reporting on internal salary relationships of WMS employees by request of the Assistant Secretary of ESA.

*While both sections identified as 2% reach higher-level HR duties, they do not reflect the majority of your assigned work.*

- 7% Review and correct WMS salary increase requests for ESA Assistant Secretary approval and track new salary and Range of Consideration into appropriate database. Provide data to management on WMS employees.

*The processing and tracking functions related to WMS salary increases are routine and technical in nature and fall within the paraprofessional (HRCA) level.*

In your clarifying answers, you state that you edit and make corrections in order to comply with administration rules prior to submitting the information to the Assistant Secretary for approval (Exhibit 4, page 5).

*This can overlap between the paraprofessional and professional level responsibilities. Depending on whether you are simply verifying correct information or performing a higher-level review in accordance with the rules. In either case, this function would not extend beyond the HRC 1 level.*

The remainder of your PDF and corresponding answers include mainly HRC 1 duties with a few HRC 2 level duties.

*Those HRC 1 level duties include clarifying benefit issues with HR staff (3%); responding to unemployment compensation claims (2%); presenting recruitment strategies, such as posting on listservs, Internet, or through DOP (4%); and obtaining referrals from Automated Register Maintenance System (ARMS) and consulting with supervisors to obtain successful recruitment (4%).*

*Those duties reaching the HRC 2 level in addition to the 4% identified earlier include the following:*

- 2% Consulting with Risk Managers on L&I claims.

In the clarifying responses, you indicate that dealing with claims management can be simple or complex. DSHS considered your assignments in this area to be complex, reaching the HRC 2 level.

- 7% Analyze, interpret, gather, and apply HR data from multiple sources for managerial assignments.

*This involves performing skilled, non-routine research on employee data, which is complex in nature and goes beyond a routine, professional HR duty.*

There is no doubt you play an important role in providing initial, professional level HR assistance to your division. An allocation, however, is based on a comparison of the *majority* of assigned duties and responsibilities to the available job classifications. In your case, the overall level of consultation and assistance you provide relates to process. As a result, the Human Resource Consultant 1 classification best describes your position #SH53.

**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