

December 20, 2007

Phyllis Naiad
Senior Field Representative
16710 Smokey Point Blvd. Suite 308
Arlington, WA 98223-8435

RE: Carol Bello v. Department of Social and Health Services (DSHS)
Allocation Review No. ALLO-06-027

Dear Ms. Naiad:

The Director's review of DSHS's allocation determination of Carol Bello's position has been completed. The review was based on the written documentation submitted by you, on behalf of Ms. Bello, and by DSHS. DSHS determined that Ms. Bello's Office Assistant 3 position should be reallocated to the Secretary Senior classification. Ms. Bello asked for a Director's review of DSHS's determination and asked that her position be allocated to the Legal Secretary 1 classification.

Background

On September 14, 2006, Ms. Bello signed a revised Position Description (PD) for her position. The PD was initiated by DSHS management and requested that Ms. Bello's position be reallocated to the Secretary Senior classification. By letter dated September 19, 2006, DSHS reallocated Ms. Bello's position. On October 13, 2006, Ms. Bello requested a Director's review of DSHS's determination.

By letter dated November 15, 2007, Karen Wilcox, the Director's Review Coordinator, informed the parties that the review of Ms. Bello's position would be conducted based on the documents provided by the parties. Ms. Wilcox set an exhibit deadline of December 7, 2007 for submission of additional documentation. On November 21, 2007, DSHS submitted a written summary of the agency's position and a notebook of exhibits (E-3 to E-8) and on December 6, 2007, you filed a written statement and exhibits A-1 to A-8.

Summary of Ms. Bello's Perspective

Ms. Bello contends that the duties of her position have not changed since March 2005 when her work was allocated to the Social Worker 3 classification. Ms. Bello explains that shortly after she was appointed to her position, the PD was revised and her position was reallocated to the

Office Assistant 3 classification. Ms. Bello asserts that when her position was reallocated in 2005, she was not contacted regarding the duties she performed. In addition, Ms. Bello asserts that she was never contacted regarding the duties she actually performed before her position was reallocated in September 2006.

Ms. Bello acknowledges that she does not work for a specific judge but asserts that she interfaces with ten Assistant Attorney Generals (AAGs) and acts as the liaison for other staff with court personnel including law clerks, defense attorneys, judges, private attorneys and the public. Ms. Bello argues that she is required to know legal terminology; to work with staff and law clerks to schedule hearings, coordinate judges' calendars and keep them informed of any changes in the calendar; to file legal paperwork from social workers and assure that copies are made and distributed appropriately; to pick up signed orders and retrieve court documents; and to work with court staff to arrange travel for incarcerated parents. Ms. Bello describes her position as highly sensitive and in addition to her legal secretary assignments, she is responsible for all the office equipment and ordering all supplies for the office. Ms. Bello argues that her position fits the Legal Secretary 1 classification.

Summary of DSHS's Reasoning

In their response to the request for review, DSHS reviewed the Customer Service Specialist (CSS) and Legal Secretary classifications. DSHS argues that Ms. Bello's position does not meet the CSS classification because she is not located in a designated customer service program and because she spends a majority of her time providing support to Social Workers, rather than providing assistance and problem resolution to DSHS clients and customers. DSHS argues the Ms. Bello's position does not meet the Legal Secretary 1 classification because she does not report to or work for an attorney, judge, or equivalent.

DSHS explains that Ms. Bello reports to an Office Support Supervisor and that she is assigned to provide support to Social Workers at the Snohomish DCFS office. DSHS asserts that Ms. Bello resolves problems using established procedures and devises her own work methods to:

- Screen and file ISSP's, legal documents, letters, reports, evaluations, return to service documents and provide copies as appropriate;
- Work with staff in the county clerks office;
- Enter orders in the CAMIS Legal and Placement Module;
- Provide guidance and assistance to Social Workers, AAGs, VGAL, law clerks and others regarding court procedures, rules, timelines, calendars, returns of service, Notice and Summons packets, termination trial scheduling, certified copies and pick up orders;
- Answer phones, screen, receive and refer clients;
- Use complex word processing tasks; and
- Coordinate office operations, order supplies and request facility maintenance.

DSHS asserts that the majority of the duties performed by Ms. Bello's position fit within the definition of the Secretary Senior classification.

Director's Determination

As the Director's designee, I carefully reviewed all of the documentation in the file including the written statements and exhibits submitted by you and DSHS. Based on my review of the

documents, the available classifications, and my analysis of Ms. Bello's assigned duties and responsibilities, I conclude that Ms. Bello's position is properly allocated to the Secretary Senior classification.

Rationale for Determination

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. See Liddle-Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

WAC 357-13-030 requires employers to maintain a current position description for each position. WAC 357-13-045 states that "[t]he manager of the position is responsible for completing the position description form. If the position is filled, input from the incumbent is recommended." In this case, management revised Ms. Bello's position description in September 2006 but did not seek input from Ms. Bello. While input from the incumbent is recommended, it is not required. 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).

Ms. Bello's position description indicates that her position provides administrative support to the Snohomish County DCFS Social Workers for dependency and permanency placement matters. She screens documents, provides copies of documents and enters orders in the Legal and Placement Module of CAMIS. She assists staff and court personnel and responds to inquiries regarding procedures and services. In addition, she answers the phone, receives and refers clients, performs word processing tasks, assigns case numbers, relays messages and instructions to staff, attends meetings, searches for and obtains court records, coordinates office operations, orders supplies, and requests facility maintenance. Ms. Bello describes her position as acting as a liaison in scheduling hearings and appointments, sharing information, coordinating activities and assuring that legal paperwork is checked and provided to the appropriate entities.

The Department of Personnel Classification and Pay Administrative Guide provides guidance in allocating positions. In order to be allocated to classification, a position must fit first within the class series concept, if one exists. Then the position must meet the definition and the distinguishing characteristics of the class. Typical work statements or examples of work are not allocating criteria.

The Legal Secretary 1 classification does not include a class series concept, however, the definition for the Legal Secretary 1 states that positions allocated to this class perform "legal technical and secretarial works for an attorney, Administrative Law Judge, Industrial Appeals

Judge, review judge or equivalent." Ms. Bello's position does not fit within this definition. She does not perform work for an attorney, judge or equivalent. Rather she performs work in support of the DCFS office which includes coordinating schedules and assuring that legal documentation is filed, retrieved and recorded correctly.

The distinguishing characteristics for the Legal Secretary 1 classification state:

This class differs from general clerical and secretarial classes in that Legal Secretaries work more as personal assistants to attorneys, Administrative Law Judges, Industrial Appeals Judges, review judges or equivalent to whom assigned. They also have greater responsibility than legal stenographers or other clerical support classes to initiate their work in relieving the attorney, Administrative Law Judge, Industrial Appeals Judge, review judge or equivalent of technical aspects of legal practice.

Ms. Bello's position does not fit within the distinguishing characteristics of the Legal Secretary 1. She is not assigned to nor does she act as a personal assistant to an attorney or judge. She does not relieve the attorney or judge of technical aspects of a legal practice.

Positions allocated to the secretarial classes differ from clerical and office support positions in that the primary focus of secretarial positions is to provide secretarial services and assistance to one or more individuals. Secretarial positions typically facilitate the supervisor's and staff members own work, relieve the supervisor and/or staff members of day-to-day clerical details, apply knowledge of supervisor's work commitments including status of projects and nature of contacts, and commit supervisor's time. Ms. Bello's position meets the intent of a secretarial position. She facilitates the work of Social Workers and relieves them of the day-to-day clerical details involved in processing legal documents for dependency and permanency placement matters.

The distinguishing characteristics for Secretary Senior classification state:

Perform complex secretarial duties such as independently planning, organizing and prioritizing work, monitoring and evaluating budget(s) status and initiating corrections, developing travel itineraries, compiling reports, studies, and/or applications, developing, modifying, and/or maintaining data base management, office record keeping, or filing system(s), establishing office procedures, standards, priorities, and deadlines, and coordinating office operations. Positions initiate action to ensure work unit and/or office goals are met and have frequent contacts with clients, the public, staff members from other departments, students, and faculty.

Assignments and projects are of a complex nature. Independent performance of complex secretarial assignments requires substantive knowledge of a variety of regulations, rules, policies, procedures, processes, materials, or equipment. Problems are resolved by choosing from established procedures and/or devising work methods. Guidance is available for new or unusual situations. Deviation from established parameters requires approval. Work is periodically reviewed to verify compliance with established policies and procedures.

Ms. Bello's position fits within the distinguishing characteristics of the Secretary Senior classification. She independently performs complex secretarial duties such as planning, organizing and prioritizing work, arranging travel for incarcerated parents, compiling documents for filing with court, retrieving orders from court, entering information in CAMIS, establishing procedures, assuring deadlines are met, and having frequent contact with staff, court personnel and others. Ms. Bello's assignments are of a complex nature and require her to have substantive knowledge of filing protocols for legal documents, scheduling processes, and terminology used in dependency and permanency placement matters.

Ms. Bello's position is properly allocated to the Secretary Senior classification.

Appeal Rights

Because this position is covered by a Collective Bargaining Agreement, please refer to the contract to determine whether the parties have appeal rights to the Personnel Resources Board.

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

Sincerely,

Holly Platz, SPHR
Director's Review Investigator

cc: Carol Bello
Pam Pelton, DSHS
Lisa Skriletz, DOP