

February 7, 2008

Mr. John Wines

RE: John Wines v. Employment Security Department
Allocation Review Request ALLO-06-043

Dear Mr. Wines:

On December 6, 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, Human Resource Consultant Susan Amico, representing the Employment Security Department (ESD), and Greg Weeks, Director of the Labor Market and Economic Analysis Division.

Background

On November 14, 2006, you submitted a Position Review Request (PRR) to ESD's Human Resource Services Division, requesting that your Economic Analyst 2 (EA 2) position (#4039) be reallocated to the Economic Analyst 3 (EA 3) classification. Your supervisor, Jeanette Piott, also signed the PRR on November 14, 2006. On November 29, 2006, Mr. Weeks submitted a written response to the PRR to Amy Wear in Human Resource Services. After reviewing the PRR and Mr. Weeks's written response, Human Resource Consultant Russell Widders determined your position was properly allocated to the Economic Analyst 2 classification.

Specifically, Mr. Widders considered Mr. Weeks's description of your primary responsibilities, including the monthly seasonal employment survey of growers and your descriptive analysis of the survey results reflecting the six agricultural regions. While Mr. Weeks agreed you disseminate agricultural employment information, he did not consider your assigned role to be the primary contact for agricultural labor market information. Mr. Weeks further indicated that although your statistical and econometric skills are developing, you spend a majority of your time performing tasks at the Economic Analyst 2 level. As a result, Mr. Widders concluded your position was properly allocated.

On December 19, 2006, the Department of Personnel received your request for a Director's review of ESD's allocation determination.

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

Summary of Mr. Wines' Perspective

You believe your assigned duties and responsibilities fit the EA 3 classification. While you acknowledge the program you use is a "canned" program and that you did not write the program, you assert you are performing higher-level economic analysis consistent with the EA 3 level. You assert the department has "raised the bar" for the expectations of an EA 3. Further, you state it was your belief that after completing advanced economic classes you would be assigned to an EA 3 level position. You assert you are the only person performing seasonal analysis in agriculture. You assert you are a primary contact in agriculture and state you have heavily contributed to the annual agricultural report. You further assert you have written papers and produced articles on agricultural data such as the Tree Fruit Wage Study (Exhibit 6). You assert you perform high-level analysis and contend your supervisor supports your reallocation to the EA 3 level. You believe your position should be reallocated.

Summary of ESD's Reasoning

ESD contends the duties and responsibilities assigned to your position are EA 2 level duties. ESD asserts your position is responsible for gathering information from growers with the assistance of a data compiler position that reports to your position. ESD asserts you are responsible for taking the compiled information and running it through a "canned" program that weights the data. ESD describes your key work activity as conducting the study but not having full responsibility for the conceptualization or design of the survey. ESD states your position is then responsible for writing a monthly report on surveys, which the department characterizes as a very useful report that is well prepared by you. ESD acknowledges your skills are developing and that you have successfully completed economic classes. As such, ESD states the department supports your professional growth and encourages you to consider applying for higher-level positions. ESD, however, asserts the level of work assigned to your position fits the EA 2 classification.

Director's Determination

This position review was based on the work performed for at least the six-month period prior to November 14, 2006, the date you submitted your Position Review Request.

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 Economic Analyst 2 classification.

Rationale for Determination

The definitions for both the EA 2 and EA 3 classifications are the same and read as follows:

Within an agency's economic research organization, conducts studies of economic impact analysis in areas such as revenue estimation and forecasting, taxation analysis, business regulation and marketing analysis, foreign trade, economic development, public finance, labor economics or regional economics.

The major focus of economic impact analysis studies is to predict or measure impacts of a variety of conditions affecting the State's economy. The conduct of such studies is characterized by the following aspects: (1) receipt of questions raised by the Legislature, executive office, or agency management which require investigation of cause-effect relationships; (2) determination of what information and procedures are required to answer such questions; (3) performance of mathematical and logical analyses requiring the application of economic theory, principles and techniques at a sophisticated and specialized level; and, (4) interpretation of results, and oral and/or written presentation of conclusions and recommendations to the inquirer(s).

The distinction between the two levels is outlined in the distinguishing characteristics. At the EA 2 level, the distinguishing characteristics indicate that positions "independently conduct comprehensive economic impact studies of major scope, significance and complexity that constitute an integral portion of an agency's economic analysis program."

At the EA 3 level, the distinguishing characteristics note that as a "sub-division and program leader," positions are "fully responsible for the conceptualization, design and implementation of all aspects of studies conducted within a major economic research program area." In addition, positions "establish priorities and coordinate activities of the subdivision, supervise lower level Economic Analysts on a continuing or project basis, and act as primary economic consultant to intra- and inter-agency management."

In reviewing the Position Review Request (PRR) you submitted for reallocation, your position's purpose is described as follows (Exhibits 3 and C, page 1):

The agricultural economic analyst position exists to produce and publish monthly total and seasonal employment wage data. The position analyzes employment and wage trends using historical seasonal agricultural data. This is done by estimating monthly seasonal

employment trends using sample data, knowledge of the industry and media updates. This position also responds to requests for labor market information and acts as lead worker for that section.

On the PRR, you indicate that supervision of the agricultural unit and responsibility for all aspects of specialized studies within the agricultural program support your position's reallocation to the EA 3 classification. You describe the primary duties, identified as 60%, as follows (Exhibits 3 and C, page 2):

- Supervisor and program leader of the agricultural LMI (Labor Market Information) unit of LMEA (Labor Market and Economic Analysis);
- Responsibility for conceptualization, design, and implementation of all aspects of studies within agricultural program;
- Implement and direct activities in estimation and forecasting of economic trends in agricultural employment;
- The studies analyze employment trends in agriculture using historical data, current agricultural practices from historical data, current practices, market conditions, and weather;
- Independently design, develop, and publish monthly studies;
- Serve as primary contact to resolve questions about economic trends and impacts;
- Prepare and present *ad hoc* oral and written analyses to economists, state agencies, local government, legislative staff, and employers;
- Develop new research methods and econometric models for analyzing data;
- Use historical data and run queries from databases;
- Clean data and run econometric tests for validity to determine valid average hourly wage for harvest of specific crops;
- Adjust annual average wages using CPI-W wage deflator to compare trends across time series;
- Design and develop sample selection and data sample for resoliciting agricultural areas to maintain adequate survey sample size;
- Evaluate performance of existing sample;
- Develop monthly estimates of current employment by geographical area and industry sector;
- Use sampling methodology adjusted by knowledge of local economic conditions;
- Perform analyses of collected monthly data;
- Update and maintain estimating model with quarterly employment by bringing universe data through FoxPro and revising and running Excel macros;
- Run economic model to develop area and crop specific seasonal employment and wages on a monthly basis;
- Complete annual agricultural benchmarking activities;
- Supervise agricultural staff in collecting, coding and data entry of statistical data.

The PRR indicates that you supervise one Data Compiler 3 position and lead one EA 2 position (Exhibits 3 and C, page 4). Your supervisor, CLFS Programs Manager Jennie Piott, signed the PRR, indicating the information you provided was accurate. She further noted that your decision-making authority included meeting deadlines, making estimates, and providing information. In addition, Ms. Piott wrote, "John has worked hard to complete coursework required for the EA 3 position He has used this knowledge to perform higher level analysis" (Exhibits 3 and C, page 7). Ms. Piott reports directly to Greg Weeks, the Director of the Labor Market and Economic Analysis Division (LMEA) (Exhibit C, page 8). Mr. Weeks disagrees with your characterization of duties outlined in the PRR.

In his written response to the PRR, Mr. Weeks indicates that the sophistication of duties you perform does not reach the EA 3 level (Exhibit B). During the Director's review meeting, Mr. Weeks stated he had a large role in overseeing the agricultural program and had been in a position to review the work you perform, using your work as part of his raw analyses. Mr. Weeks indicated that *your position is not fully responsible for the conceptualization, design, and implementation of all aspects of studies within the agricultural program*. Mr. Weeks further indicated that *Ms. Piott coordinates, plans, and establishes priorities and that he (Mr. Weeks) has taken on the primary spokesperson role for agricultural matters within the agency*.

When considering the assignment of work to your position, I also reviewed the Classification Questionnaire (CQ) on file for your position, signed by you, Ms. Piott, and Mr. Weeks in October and November 2005 (Exhibit D). The majority of duties outlined in the CQ are similar to those listed on the PRR. For example, the CQ indicates you supervise the agricultural LMI unit; conduct studies of agricultural economic analysis that analyze employment trends; write and organize economic data for an economic analysis program to compile monthly and annual reports; and independently design, develop, and publish monthly agricultural economic studies.

The CQ also notes you prepare and present *ad hoc* agricultural analyses to outside parties; design and develop sample selection, maintaining survey sample size and evaluating the performance of the existing sample. Similar to the PRR, the CQ indicates you develop monthly estimates using sampling methodology adjusted by knowledge of local economic conditions, the local structure, and regional events; perform analyses of collected monthly data; and update and maintain an employment estimating model by running data through FoxPro and revising and running Excel macros. The CQ states you also act as the lead economist in the LMI unit and maintain the database of quarterly and annual historical covered employment series.

The CQ does not indicate that you have full responsibility for the conceptualization, design, and implementation of all aspects of studies within the program. The implementation and direction of activities in estimation and forecasting of economic trends relate to the development of monthly estimates using sample methodology and

knowledge of local conditions. You also perform analyses of collected data, run data through FoxPro and Excel, and direct the process of collecting, coding, and data entry of statistical data.

During the Director's review, ESD acknowledged that your supervisor supports your professional advancement but noted that Human Resource Services ensures positions are properly classified. When considering a position's allocation, the assigned duties and responsibilities are compared to the available class specifications. Both Ms. Piott and Mr. Weeks acknowledged your completion of coursework to enhance your professional development. A position's allocation, however, is not based on an incumbent's ability to perform higher-level work or an evaluation of performance, as addressed by the former Personnel Appeals Board in the following decision:

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. 3722-A2 (1994).

The duties describing your position fit the definition of an Economic Analyst position. There is no question that you independently conduct comprehensive economic studies within the agricultural program, which is consistent with the distinguishing characteristics of an EA 2. However, the distinction at the EA 3 level is that positions are also fully responsible for the conceptualization, design and implementation of all aspects of studies conducted within a major economic research program area, in this case the agricultural program. Positions also establish priorities, coordinate activities of the subdivision, and supervise lower level Economic Analysts positions. *While you supervise the work of the agricultural LMI unit, the duty consists of supervising a Data Compiler 3 position and leading another EA 2 position* (Exhibits 3 and C, page 4).

Although the examples of work do not form the basis for an allocation, they lend support to the type of work and level of responsibility envisioned within a classification. The typical work identified on the EA 2 class specification most resembling the assignment and level of work to your position includes the following:

- Directs subdivisions of major programs, with responsibility for determining feasibility and approach, planning and conducting studies within the subdivision;

- Independently conducts comprehensive economic studies and analysis of major scope; may carry responsibility for all aspects of special studies within a program area;
- Defines, develops and conducts special studies of an economic nature as requested by legislative, executive or other governmental officials; prepares and presents written and/or oral reports on studies conducted;
- Compiles detailed technical reports dealing with the economic topics for use by State agencies, the executive office and the legislature;
- Provides consulting services concerning status of State and regional economy as evidenced by collection data and other economic indicators to private sector economists, other State and local government agencies, legislative committees and the executive office; provides regional marketing analysis in support of State economic development program;
- Develops methodologies for measurement, estimation, and forecasting of economic trends;
- Responds to requests for information and analytic assistance from the Governor, agency executive staff, other agencies, the Legislature and other concerned parties;
- Designs and maintains economic models and reference system relating to economic growth indicators; prepares long-term baseline forecasts of State and regional economic levels;
- Oversees collection, analysis, and reporting of statistical data;
- Participates in design, implements, and operates computerized econometric models to forecast;
- On a project basis, may direct the work of one or two economic or research analysts, accounting or clerical personnel;

While it is clear you are a highly capable individual who contributes to the success of the agricultural LMI unit and LMEA division, the Economic Analyst 2 classification best describes the scope of duties and level of responsibility assigned to your position, #4039.

Appeal Rights

RCW 41.06.170 governs the right to appeal. RCW 41.06.170(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 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: Susan Amico, ESD
Lisa Skriletz, DOP

Enclosure: List of Exhibits