

May 7, 2007

RE: Earnie Crewse v. Department of Corrections (DOC)
Allocation Review No. ALLO-07-004

Dear Mr. Crewse:

The Director's review of DOC's allocation determination of your position has been completed. The review was based on the written documentation submitted by you and by DOC. DOC determined that your position was properly allocated to the Corrections Specialist 3 classification. You feel that your position should be allocated to the Correctional Hearings Officer 3 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. See Liddle-Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

Salary inequity is not an allocation criteria and should not be considered when determining the appropriate allocation of position. See Sorensen v. Dept's Of Social and Health Services and Personnel, PAB Case No. A94-020 (1995).

Background

On December 11, 2006, you submitted a reallocation request to the Washington State Penitentiary (WSP) Personnel Office. By letter dated December 19, 2006, Megan Smith, Human Resource Consultant, determined that your position was properly allocated and denied your request. (Exhibit B). By letter dated January 5, 2007, you requested a review of that decision. (Exhibit A).

By Notice of Exhibit Deadline for Director's Review dated April 11, 2007, you and DOC's representative were informed that the review of your position would be conducted based on

written documentation. (Exhibit J). Both parties were asked to submit any additional documents by no later than April 25, 2007.

The Director's review file includes two separate Position Description forms (PDF) for your position. One is signed by you on June 12, 2006 (Exhibit F), and one is signed by you on November 1, 2006 and received by the WSP Personnel Office on December 11, 2006. (Exhibit C). The PDF filed on December 11, 2006, indicates that it was submitted as an update and for reallocation. The December 11, 2006, PDF was signed by your supervisor and department head on December 21, 2006. Your supervisor and your department head agreed that the job duties defined in the PDF were an accurate reflection of your work. Therefore, I relied on the December 11, 2006 PDF in my review of your duties and responsibilities.

Summary of Mr. Crewse' Perspective

You believe that Department of Corrections (DOC) is incorrect in its practice of assigning positions that conduct hearings in Community Corrections to the Correctional Hearings Officer 3 classification while assigning positions that conduct hearings in a correctional facility to the Corrections Specialist 3 classification. You argue that positions within adult prisons that conduct disciplinary hearings and are identified as hearing officers should be allocated to the Correctional Hearings Officer 3 classification. You assert that the duties, skills and requirements of the two classes are similar. You contend that both classes conduct hearings and base decisions on evidence and that your position should not be precluded from allocation to the Correctional Hearings Officer 3 classification solely on the basis that you do not work for Community Corrections. You allege that DOC is using the Corrections Specialist 3 classification for a variety of positions with completely different job descriptions so that the agency can pay employees at a lower pay scale. You ask that your position be reallocated and paid equal to positions allocated to the Correctional Hearings Officer 3 classification.

Summary of DOC's Reasoning

DOC compared the duties and responsibilities described in your Position Description form (PDF) to the relevant job specifications and determined that your position does not perform any type of hearings related to community custody. Because the Correctional Hearings Officer 3 classification is specific to positions conducting hearings in community custody violations, DOC determined that your position does not fit within this classification. DOC concluded that your position performs institutional hearings as encompassed by the distinguishing characteristics of the Corrections Specialist 3 classification and as specifically addressed in the examples of work for the class which state, "[c]onducts administrative segregation hearings to determine whether an inmate should be continued on administrative segregation, placed on intensive management status, recommended for transfer to another institution, or to the general population; ensures hearings are held in accordance with policy; and ensures accurate records are maintained."

Director's Determination

As the Director's designee, I carefully reviewed all of the documentation in the file including your letter requesting an allocation review, your supplemental letter dated February 1, 2007

(Exhibit D), the duties and responsibilities described in the PDF for your position CF78, and the relevant Occupational Categories and classifications, specifically, the Correctional Hearings Occupational Category, including Correctional Hearings Officer 3 (class code 421C) and Corrections Specialists Occupational Category, including Corrections Specialist 3 (class code 350C).

Based on my review of the documents, the available classifications, and my analysis of your assigned duties and responsibilities, I conclude that your position is properly allocated to the Corrections Specialist 3 classification.

Rationale for Determination

In summary, your position directs the offender disciplinary hearings program at Washington State Penitentiary. You conduct prison disciplinary hearings in compliance with WAC Chapter 137-28 applying the "some evidence" rule; independently make decisions, determine if misconduct occurred, and impose sanctions; prepare hearing findings and dispositions; and serve as the final appeal authority for general infractions. In addition, you supervise a Corrections and Custody Officer 2.

The Correctional Hearings Occupational Category Concept states, "[t]his series conducts offender hearings and renders decisions on alleged community custody violations." Your position does not fit within the concept for this occupational category because you do not conduct hearings or render decisions related to community custody violations. Rather, you conduct inmate disciplinary hearings within an adult correctional institution.

The distinguishing characteristics for the Correctional Hearings Officer 3 classification state, "[t]his is the senior, specialist, or leadworker level of the series. Positions specialize in hearing community custody violations and render decisions based upon the preponderance of the evidence." Your position does not fit within the distinguishing characteristics for this class because you do not conduct community custody violation hearings. Rather, as stated above, you conduct inmate disciplinary hearings using the "some evidence" rule, not a preponderance of the evidence.

The Personnel Resources Board (Board) heard a similar case from an employee who worked in an adult correctional institution and requested reallocation to a classification used in the community corrections setting. In Byrnes v. Dept's of Personnel and Corrections, PRB No. R-ALLO-06-005 (2006), the Board determined that the thrust of Ms. Byrnes' argument centered on a comparison of the duties she performed within the Washington State Penitentiary to those performed by a Community Corrections Specialist working outside of the Penitentiary. 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 No. ALLO 96-0009 (1996).

In Byrnes, the Board concluded that “[t]ypically, Correction Specialists work in correctional facilities and they do not continue to manage a caseload after offenders have been released from the facility.” The Board further concluded that Ms. Byrne’s position was best described by the Corrections Specialist 3 classification.

Here, as in Byrnes, your work is conducted in a correctional facility. You do not conduct hearings for offenders after the offenders have been released from the facility.

The Corrections Specialists Occupational Category Concept states, in relevant part, “[w]ithin the Department of Corrections, is responsible for various correctional programs as assigned, such as . . . institutional hearings. . . .” Your position fits within the concept for this occupational category because you conduct inmate disciplinary hearings within an adult correctional institution.

The distinguishing characteristics for the Corrections Specialist 3 classification state, in relevant part, “[t]his is the senior, specialist, or leadworker level of the series. Within the Department of Corrections, develops, coordinates, implements and/or evaluates various correctional program(s) as assigned. Prepares comprehensive reports and makes recommendations for management, identifies and projects trends, and monitors program expenditures for adherence to budgeted allocations. Positions in this class perform professional level duties covering one or more of the following correctional program areas: . . . institutional hearings (e.g., disciplinary, intensive management, administrative segregation), . . .” Your position fits within the distinguishing characteristics for this class because you perform professional level duties for the offender disciplinary hearings program which includes conducting inmate disciplinary hearings.

Consistent with the conclusions of the Personnel Appeals Board in Mikitik v. Dept’s of Wildlife and Personnel, PAB No. A88-021 (1989), 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. In this case, your position is specifically included in the Corrections Specialist 3 classification. Therefore, your position is properly allocated.

Appeal Rights

WAC 357-49-018 provides that either party may appeal the results of the Director’s review to the Personnel Resources Board by filing written exceptions to the Directors’ 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 Directors’ 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,

Holly Platz
Director's Review Investigator

cc: Joanne Harmon, DOC
Megan Smith, DOC

List of Exhibits for Crewse ALLO-07-004

- A. Mr. Crewse's review request dated January 5, 2007, received January 11, 2007
- B. December 19, 2006 letter from Megan Smith to Mr. Crewse denying his request for reallocation
- C. Position Description form signed by Mr. Crewse on November 1, 2006 and received by the WSP Personnel Office on December 11, 2006
- D. Memo dated February 1, 2007 from Mr. Crewse to Karen Wilcox
- E. Copy of news clipping dated July 13, 2006 with handwritten comments by Mr. Crewse
- F. Position Description form signed by Mr. Crewse on June 12, 2006
- G. Correctional Hearings Occupational Category including the classification specification for Correctional Hearings Officer 3 (421C)
- H. Corrections Specialists Occupational Category including the classification specification for Corrections Specialist 3 (350C)
- I. Pages 6-9 of the Corrections and Custody Occupational Category
- J. April 11, 2007 Notice of Exhibit Deadline for Director's Review
- K. Email dated April 18, 2007 from Mr. Crewse to Karen Wilcox regarding pending DOC policy
- L. Copy of WAC 137-28-210 received from DOC on April 18, 2007