

March 26, 2008

TO: Teresa Parsons
Director's Review Program Supervisor

FROM: Kristie Wilson
Director's Review Investigator

RE: **Linda Hildebrand Et Al v. Department of Health (DOH)
Allocation Review Request No. ALLO-07-039**

On March 13, 2008, a Director's Review meeting took place at the Department of Personnel (DOP), 2828 Capitol Boulevard, Olympia, Washington, concerning the allocation of Linda Hildebrand, Arthur Wiedenmann, Kevin Rich, Susan Hall Ostfeld, and Mary Sherman's positions. Present during the meeting were you, Lois Speelman Assistant Secretary for Financial Services, Lou Owen DOH Human Resources, Sherri-Ann Burke Washington Federation of State Employees (WFSE), and Kristie Wilson DOP. The following employees were also present: Art Wiedenmann, Susan Ostfeld, Mary Sherman, and Linda Hildebrand.

Investigator's Finding

My review finds that Linda Hildebrand, Arthur Wiedenmann, Kevin Rich, Susan Hall Ostfeld, and Mary Sherman's positions are properly allocated as Fiscal Analyst 3s.

Background

On May 2, 2007 the above named employees filed Position Review Request forms to DOH Human Resource Office requesting that their positions be allocated to the class of Health Services Consultant 3. Lou Owen, DOH Human Resource Office reviewed these requests and issued her decision by letters dated May 11, 2007. In her letters she outlined the reasons and basis for her denial. Ms. Owen stated that the Financial Services Division does not administer statewide health programs. Rather, the Financial Services Division administers statewide financial programs comprised of fiscal, budget, and grants. This unit is dedicated to the grant side of the financial programs. On May 21,

2007 WFSE, on behalf of the employees, filed a request to the Department of Personnel for a Director's Review.

Employees' Perspectives

During the review the employees asserted that the allocation decision was incorrect. They assert they are each responsible for specific grants and have ongoing contact with the Federal Government, monitoring grants and expenditures. They also stated that they work with the Health Program Managers in regards to audits and reviewing the findings.

DOH's Rationale

DOH asserts that these employees are responsible for monitoring the grants and not managing a statewide program. DOH has managers that actually manage the programs. These employees are responsible for the quality assurance for the grants and not the program itself. DOH asserts that although these employees work with the health program managers they are still only tied to the grant portion and not the specific program.

Reason and Basis for Finding

The definition for Health Services Consultant 3 states:

Functions as an assistant manager of a statewide health program by performing more than one of the following functions within the Department of Health:

- Preparing and managing budgets, contracts or grants.
- Coordinating division fiscal management.
- Program planning and evaluation of health service delivery products.
- Developing and implementing health policies and procedures.
- Managing health data systems.
- Supervising staff that provide health services to the public.

The employees' positions are responsible for providing leadership around federal grants, fiscal and budgets issues for the DOH. These positions also provide technical assistance and quality assurance for the programs. These positions are not assistant managers for statewide health programs.

As previously noted by the Personnel Resources Board (PRB), the guidance provided in the Department of Personnel's Classification and Pay Administrative Guide establishes that the following standards are primary considerations in allocating positions:

- a) Category concept (if one exists).
- b) Definition or basic function of the class.
- c) Distinguishing characteristics of a class.
- d) Class series concept, definition/basic function, and distinguishing characteristics of other classes in the series in question.

Because the employees do not meet the definition, allocation to the Health Services Consultant 3 classification is not appropriate.

The definition for Fiscal Analyst 3 states:

This is the senior, specialist or leadworker level of the series. Leadworker positions lead professional staff conducting financial reviews and analysis of fiscal data, grants or contracts in accordance with Generally Accepted Accounting Principles (GAAP). Senior positions independently plan, coordinate and conduct fiscal, grants or contractual reviews of the more comprehensive fiscal or manual accounting systems in accordance with GAAP, statutes or regulations. Positions can also coordinate and direct cash flows or investment activities of an agency.

Although these employees are considered senior professional level, they are in the financial service area and not in the program area. The employees clearly fall within the Fiscal Analyst 3 definition.

In Byrnes v. Dept's of Personnel and Corrections, PRB No. R-ALLO-06-005 (2006), the Personnel Resources 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.”

After reviewing the documentation and comments from all parties with regard to the employees' assigned duties and responsibilities, I conclude the Fiscal Analyst 3 classification best describes their positions.

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.

c: Employees
Lou Owen, DOH
Lisa Skriletz, DOP

Enclosure: List of Exhibits