

December 10, 2008

TO: Jennifer Mason, Senior Field Representative
Washington Federation of State Employees (WFSE)

FROM: Teresa Parsons
Director's Review Program Supervisor

SUBJECT: Debra Fullerton v. Department of Labor & Industries (LNI)
Allocation Review Request ALLO-07-078

On December 3, 2008, I conducted a Director's review telephone conference, concerning the allocation of Ms. Fullerton's position. Besides you and Ms. Fullerton, Debbie Yantis and Karen Olguin, Human Resources Consultants, participated in the conference on behalf of LNI.

Director's Determination

This position review was based on the work assigned to Ms. Fullerton's position, as indicated on the Position Description Form (PDF), dated July 31, 2007 (Exhibit A-5). As the Director's designee, I carefully considered all of the documentation and exhibits in the file, as well as the verbal comments provided by both parties. Based on my review and analysis of Ms. Fullerton's assigned duties and responsibilities, I conclude her position was properly allocated to the Customer Service Specialist 2 classification for the relevant time period.

Background

Prior to March 2007, LNI began restructuring the Customer Service Program. On March 14, 2007, Customer Service Manager Bill Wells informed Ms. Fullerton of LNI's intent to reallocate her position downward. At that time, Ms. Fullerton was in an Office Support Supervisor 2 position in the Tukwila Service Location within Region 2 of LNI. On July 31, 2007, a new PDF was created for Ms. Fullerton's position (#1305). On August 1, 2007, Ms. Yantis informed Ms. Fullerton of the agency-initiated reallocation of her position from Office Support Supervisor 2 to the Customer Service Specialist 2

classification, effective September 1, 2007. It is undisputed that the supervisory responsibilities assigned to Ms. Fullerton's position were reassigned to the Office Manager position at the Tukwila Service Location. Although Ms. Fullerton's position had been reallocated downward, her salary remained the same.

On August 24, 2007, Ms. Fullerton requested a Director's review of LNI's allocation determination.

Summary of Ms. Fullerton's Perspective

Ms. Fullerton asserts she received the new PDF on the same date LNI made the decision to reallocate her position, and she states she did not have an opportunity to provide input about the duties she performs. Ms. Fullerton acknowledges that her supervisory responsibilities regarding performance evaluation, leave approval, work expectations, and corrective action were removed from her position after September 1, 2007. However, Ms. Fullerton contends that she continued to supervise the work of two Office Assistant 3 positions in the Tukwila office. In addition, Ms. Fullerton states that she continued to coordinate the telephone customer service operations in the Tukwila office and monitor Call Center activities for the other two regional offices in Bellevue and Seattle. Ms. Fullerton asserts she backed up the Office Manager position and began performing those duties toward the end of October 2007 when the Office Manager left the position. Ms. Fullerton disagrees that removing a singular supervisory duty means the position no longer supervises. Ms. Fullerton contends her position should have remained in the Office Support Supervisor 2 classification because she asserts the majority of her time was spent overseeing or "supervising" the work of staff in the Tukwila office.

Summary of LNI's Reasoning

LNI asserts the agency made changes to the existing Customer Service Program based on business needs and the needs of each Regional Administrator (statewide). As a result, LNI contends the agency created a new layer within the reporting structure that added a Customer Service Manager to each region. LNI states that Ms. Fullerton is assigned to the Tukwila Service Location within Region 2. At the time the agency reallocated Ms. Fullerton's position, LNI contends she reported to an Office Manager in the same location and that the Customer Service Manager for Region 2 also worked in the Tukwila office. Due to the restructuring of the program, LNI asserts Ms. Fullerton's supervisory responsibilities were reassigned to her supervisor, the Tukwila Office Manager. Since Ms. Fullerton's position no longer had supervisory responsibility, LNI asserts the Office Support Supervisor 2 classification was not the appropriate fit. Instead, LNI asserts Ms. Fullerton's duties involving the coordination and oversight of staff performing customer service in the Tukwila office fit within the scope of the Customer Service Specialist 2 classification. LNI acknowledges Ms. Fullerton performed lead work but contends she no longer had the responsibility for performing supervisory functions, such as performance evaluations.

Rationale for Director's 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. Liddle-Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

Both the former 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).

The Position Description Form (PDF) replaced the Classification Questionnaire. In reviewing Ms. Fullerton's PDF, the position objective is described as follows:

This position reports to the Office Manager, in the Tukwila Service Location. It is responsible for delivering direct and high quality customer service to both internal and external customers. Through the administration of the Call Center, this position monitors and distributes regional customer service resources to the phone-in customer, based on specific program knowledge.

The PDF indicates the majority of Ms. Fullerton's work (55%) is performed under the management of the Office Manager and includes the following:

- Coordinating telephone customer service with Region 2 Call Center operations;
- Adjusting the hour-to-hour telephone customer service operations in the Tukwila Office;
- Making immediate decisions on front desk operations and coordinating job duties with front desk staff;
- Coordinating phone operations with the Office Managers and Customer Service staff in the Bellevue and Seattle Offices;
- Attending and facilitating Call Center coordination meetings;
- Participating in the training of customer service staff for Call Center operations.

Additionally, the PDF indicates Ms. Fullerton spends roughly 35% of her time providing assistance and problem resolution to customers of the Call Center. Some examples of customers include building contractors, electrical contractors, professionals, and homeowners. Ms. Fullerton deals with both external and internal customers. Ms. Fullerton interprets and applies rules, policies, and procedures; explains procedures and statutory requirements; processes requests for Master Business Applications and assists customers with registrations; assists electrical contractors with opening new accounts; sells electrical permits; performs research on contractor licenses; acts as a liaison with the Department of Licensing when necessary. She also performs fiscal duties, distributes and files paperwork, processes daily mail, and inputs and updates data on the computer (Exhibit A-5).

During the Director's review conference, Ms. Fullerton clarified that most of her time is spent coordinating and overseeing the customer service functions in the office as opposed to actually performing the customer service duties. The PDF also indicates the majority of her time is spent coordinating customer service in the Call Center. Ms. Fullerton stated that she served as a backup to the Office Manager in the Tukwila Office, which is included in her duties identified as 10% on the PDF.

Also during the Director's review conference, Ms. Fullerton expressed concern about management's decision to create a new PDF without receiving any input from her, as the incumbent. Although input from an incumbent is recommended when updating a PDF, it is not required. Management has the right to assign work to a position. In this case, Ms. Fullerton's revised PDF resulted from a restructuring of the agency's statewide Customer Service Program. LNI's reallocation of her position was based on the assignment of work, as detailed on the July 31, 2007 PDF.

The Class Series Concept for the Office Support Supervisor classes indicates that a position allocated to these classes "[s]upervises staff and oversees clerical support operations."

The definition of an Office Support Supervisor 2 reads as follows:

Supervises staff and/or lower level supervisors assigned to a variety of occupational categories or performing a variety of office support functions such as accounting, office support, data entry and inquiry, or word processing. Incumbents spend a majority of time overseeing and coordinating day-to-day unit operations, use independent judgment to accomplish assignments or solve problems, develop new work methods, procedures, or strategies or modify existing work methods, procedures, and strategies to solve new or unusual problems that impact the unit and requester of services, and plan and prioritize work to meet internal and external deadlines.

The Department of Personnel's Classification Glossary defines supervisor as follows:

An employee assigned responsibility by management to participate in all of the following functions with respect to their subordinate employees: (1) selection of staff, (2) training and development, (3) planning and assignment of work, (4) evaluating performance, (5) adjusting grievances, and (6) taking corrective action.

As part of LNI's realignment of work, Ms. Fullerton's supervisory duties were transferred to the Office Manager position. Ms. Fullerton's PDF indicates she had been assigned lead work but not supervisory duties. While I recognize Ms. Fullerton continued to instruct and check the work of the Office Assistant 3 positions she had previously supervised, the supervisory responsibilities as envisioned by the definition were no longer assigned to her position after September 1, 2007. Therefore, the duties and responsibilities assigned to her position do not meet the class concept or definition of the Office Support Supervisor 2 classification.

The Class Series Concept for the Customer Service Specialist classifications reads as follows:

Positions in this series provide assistance and problem resolution to agency clients/customers and are located in a designated customer service program. The intent of the series is to assist clients/customers in identifying agency processes and procedures, resolving client/customer problems related to agency programs and interpreting agency related laws, policies and procedures. Positions at all levels may be assigned lead or supervisory responsibility over lower level staff.

This series is not clerical in nature. Clerical support duties are incidental to the total work assignment (less than 10%). Clerical support, for the purposes of this series, includes tasks such as maintaining filing systems, maintaining logs, updating computer or manual data systems, office and telephone reception, completing office forms, compiling and completing recurrent reports, performing routine typing, copy work and preparing mailings.

The Customer Service Specialist 2 definition states the following:

Independently resolves complaints, inquiries and client/customer service problems while maintaining appropriate confidentiality. Provides agency interpretation and applies knowledge of laws, regulations, and processes in the resolution of inquiries, complaints and problems.

Ms. Fullerton is assigned to a customer service field office, the Tukwila Office and Call Center in Region 2. Her position's primary objective is to deliver quality customer service to internal and external customers. The duties assigned to her position fit within the class series concept and definition of the Customer Service Specialist 2 class.

Although typical work statements do not form the basis for an allocation, they lend support to the level of work envisioned within a classification. The typical work described at the Customer Service Specialist 2 level includes the following:

- Acts as liaison between clients/customers and agency; gives presentations and offers assistance to other State and Federal agencies;
- Independently resolves client/customer problems by identifying the issues, determining procedural steps necessary to bring resolution, working with program staff to implement resolution, and communicating results to the client/customer;
- Creates and manages customer profiles and maintains integrity of the data and information while delivering specialized services.

Ms. Fullerton's assigned work is in line with the typical work identified in the Customer Service Specialist 2 class specification.

Because Ms. Fullerton serves in a lead capacity, I also considered the Customer Service Specialist 3 classification. The definition reads as follows:

Serves as a senior customer services specialist handling complex, cross-agency customer problems. Mentors and trains lower level staff in aspects of client/customer relations and problem resolution. Interprets agency-related laws, policies and procedures.

Customer Service Specialist 3 typical work statements include the following:

- Consults with lower level customer service staff on multi-dimensional process/procedure problems.
- Identifies and recommends change to agency policies and procedures that hamper customer access to agency services.
- Coordinates customer service training.

While Ms. Fullerton's PDF indicates the majority of her time is spent coordinating telephone customer service operations, it also states that it is under the management of the Office Manager (effective September 1, 2007). At the Tukwila location during the time relevant to this request, Ms. Fullerton worked under the management of an Office Manager and Customer Service Manager. While it is undisputed Ms. Fullerton had lead responsibilities, her first and second-level supervisors at the same location had responsibility for oversight and training of staff as well, and the Office Manager retained supervisory responsibilities. Based on statements from Ms. Fullerton during the Director's review, I understand the Office Manager subsequently left the position around the end of October 2007, Ms. Fullerton backed up the position, and ultimately applied for and accepted the Office Manager position. However, the subject of this Director's review is based on LNI's downward reallocation decision dated August 1, 2007, which was based on the revised PDF, dated July 31, 2007. As such, the duties outlined on the PDF and assigned to Ms. Fullerton's position, effective September 1, 2007, meet the definition of the Customer Service Specialist 2 classification.

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: Debra Fullerton
Debbie Yantis, LNI
Lisa Skriletz, DOP

Enclosure: List of Exhibits