

October 9, 2009

TO: Donna Byrnes

FROM: Teresa Parsons, SPHR
Director's Review Program Supervisor

SUBJECT: Donna Byrnes v. Department of Corrections (DOC)
Allocation Review Request ALLO-08-065

The Director's review concerning the allocation of your position has been completed. The review was based on written documentation. This position review was based on the work performed for the six-month period prior to April 29, 2008, the date your request for a position review was submitted to your local Human Resources (HR) Office.

Director's Determination

As the Director's designee, I carefully considered all of the documentation and exhibits in the file. Based on my review and analysis of your assigned duties and responsibilities, I conclude your position is properly allocated to the Corrections Specialist 3 classification.

Background

On April 29, 2008, you submitted a Position Review Request (PRR) to the HR Office at Airway Heights Corrections Center (AHCC) (Exhibit B-3). A Position Description Form (PDF) was also submitted on the same date, requesting reallocation of your Corrections Specialist 3 (CS 3) position to the Corrections Specialist 4 (CS 4) classification (Exhibit B-2). The working title for your position is Facility Re-entry Specialist. On July 24, 2008, HR Consultant Cindy Greenslitt conducted a desk audit of your position. Ms. Greenslitt also observed an RMIT (Risk Management Intensive Transition) team meeting on August 18, 2008. In addition to the PRR and PDF submitted for reallocation, Ms. Greenslitt also reviewed the previous PDF for your position, signed on December 22, 2006.

Besides conducting a desk audit interview with you, Ms. Greenslitt interviewed the AHCC Associate Superintendent, AHCC Correctional Program Manager, East Region Community Corrections Specialists, AHCC Correctional Unit Supervisors and Classification Counselors, other statewide Corrections Specialists responsible for Re-Entry, the Psychiatric Social Worker at WSP (Washington State Penitentiary), the Right Living Program Manager, the

Corrections Specialist 4 at CBCC (Clallam Bay Corrections Center), and the former manager of the Community Protection Unit. Ms. Greenslitt also reviewed PDFs for your counterparts and colleagues in other DOC facilities. On August 20, 2008, Ms. Greenslitt concluded your position was properly allocated to the Corrections Specialist 3 classification (Exhibit A-2).

On September 18, 2008, the Department of Personnel received your request for a Director's review of DOC's allocation determination (Exhibit A-1). The following summarizes your viewpoint, as well as your employer's.

Summary of Ms. Byrnes' Perspective

Ms. Byrnes clarifies that her request for reallocation was not based on the recent (at time of request) Re-entry Initiative and re-entry as it was being developed at the time of her position review. Instead, she states the reason for her reallocation request is based on the duties and responsibilities assigned to her position when she made the request to AHCC's HR Office on March 6, 2008. Additionally, Ms. Byrnes has provided the past nine years of job evaluations and job descriptions to illustrate the job responsibilities, liabilities, and expectations outlined and directed by her supervisors. Ms. Byrnes notes that her duties will continue to expand as the new initiative regarding re-entry of offenders continues to develop.

Ms. Byrnes acknowledges that her expertise has historically been in Risk Management and that she also has expertise regarding classification processes and procedures. Ms. Byrnes asserts the term "classification" had previously been used to describe the initial stages of transition and re-entry of offenders. Ms. Byrnes points out that Re-entry Specialist positions have always been considered the content experts on a local as well as statewide and/or interagency basis. Ms. Byrnes asserts she has always been responsible for facilitating the Risk Management Intensive Teams for the facility and staff involved in the process. She disagrees that her duties are limited to the logistics of facilitating meetings. Instead, Ms. Byrnes contends she is responsible for the overall coordination of RMIT for facility staff and she works cohesively with Community Re-entry Specialists. Ms. Byrnes agrees they all work as team members. However, Ms. Byrnes asserts her duties relating to the overall coordination of RMIT fit within the Corrections Specialist 4 job class.

Ms. Byrnes disagrees that the majority of her time is spent making recommendations to management and indicates the comprehensive reports she completes are on a monthly basis, noting these are required by all managers and supervisors. Ms. Byrnes contends her position serves as a Classification Program Representative to Headquarters but is located at AHCC. She indicates she is responsible to Headquarters with regard to risk management and the re-entry/transition of offenders. Ms. Byrnes states that the Re-entry Specialist positions previously reported to a CPM (Corrections Program Manager) at Headquarters and were later placed under dual supervision to Headquarters and to the local facility. Ms. Byrnes contends her duties have expanded immensely and that she has responsibilities both to the local institution as well as to Headquarters.

In addition to her duties as a Re-entry Specialist, Ms. Byrnes asserts she has the responsibility to manage, coordinate, facilitate, and monitor the HB 1290 (Expedited Medical

Services) Program and Veterans Program at AHCC. While she does not describe her work with these programs as the majority, Ms. Byrnes indicates these duties have been added responsibilities. Ms. Byrnes references the Therapeutic Community Operations Specialist (CS 4) position at AHCC, indicating the duties parallel those assigned to her position but to a lesser degree. Ms. Byrnes asserts the Corrections Specialist 3 job class has never included the Risk Management/Re-entry Specialist positions and that the language in the job class is specific to a Correctional Program. Ms. Byrnes emphasizes that she does not develop, coordinate, implement, and/or evaluate any Correctional Program. Rather, Ms. Byrnes states that her duties are specific to Re-entry and transition via the classification policy series. Ms. Byrnes believes her overall responsibilities fall in alignment with duties to coordinate and implement activities and coordinate a major function of the agency wide treatment program, as outlined in the Corrections Specialist 4 job class.

Summary of DOC's Reasoning

DOC acknowledges Ms. Byrnes has expertise in the Risk Management arena and that she provides expertise in Risk Management at AHCC. However, DOC contends Ms. Byrnes' position is not considered the "expert" on Risk Management for the entire agency. DOC also recognizes that Ms. Byrnes' position requires a high degree of classification knowledge as it pertains to the re-entry process. However, DOC asserts Ms. Byrnes' position does not serve as a Classification Program Representative because those positions are housed in the Classification Unit at DOC Headquarters. DOC notes that the emphasis on positions located at Headquarters is not the location but the specific responsibility assigned to those positions. DOC contends the Re-Entry Program is managed by a Program Manager located in the DOC Headquarters office and the Program Manager position has responsibility for the program on a statewide basis. DOC further contends that Classification Program Representatives located at Headquarters assist the Program Manager in statewide responsibilities.

DOC asserts Ms. Byrnes provides expertise in Risk Management and classification assistance at AHCC at a specialist level. DOC notes that Ms. Byrnes' position does not have supervisory or agency wide decision making authority. Instead, DOC contends Ms. Byrnes' role as a Re-Entry Specialist for AHCC is consistent with the overarching description of duties in the Corrections Specialist 3 definition. To exemplify, DOC indicates Ms. Byrnes' duties are most in line with the Corrections Specialist 3 duties to develop, coordinate, implement, and/or evaluate various correctional programs as assigned. DOC asserts the scope of responsibility and work assigned to Ms. Byrnes' position best fit the Corrections Specialist 3 class level.

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

In summary, on the Position Review Request (PRR) you describe your position's purpose as follows (Exhibit B-3):

This position is an expert level that directs the offender Risk Management Intensive Transition (RMIT) Re-entry program at AHCC and facilitates/coordinates the re-entry process cohesively with both facility and community Re-entry Specialists statewide in support of the Department of Corrections Mission. This position coordinates functions of the agency-wide Re-entry Program, oversees and conducts monthly reviews/audits of caseloads qualifying and/or meeting the criteria specific to the offender (RMIT) Re-entry Program for compliance with agency policy and WACs. This position serves as a headquarters classification program representative/coordinates and implements activities pertaining to the release of high risk/offenders with needs through the statewide Re-entry Program.

The position objective on the Position Description Form (PDF) from April 2008 contains similar language, including the characterization of your position as an expert level position directing the re-entry of high risk/high needs offenders at AHCC. The PDF also describes your position as the facility liaison to headquarters for the reporting of activities pertaining to high risk/high needs offenders at AHCC. The PDF further states that your position coordinates/implements, delivers and assists in the development and revision of ongoing staff training, material program and curriculum content specific to the Re-entry of high risk/high needs offenders (Exhibit B-2).

The majority of duties/key work activities listed on both the April 2008 PRR and PDF as 75% restate many of the functions identified in the position's purpose or objective (Exhibits B-2 & 3). In summary, those duties include the responsibility for the overall administration and oversight of the re-entry of high risk/high needs offenders at AHCC with the indication that your position coordinates functions of the agency-wide re-entry of those offenders. The majority of assignments also include overseeing and conducting monthly reviews/audits of caseloads qualifying and/or meeting the criteria specific to the re-entry of those high risk offenders for compliance with agency policy and WACs. On the PRR, you indicate that you plan, organize, and control the workflow of the program. Both the PRR and the PDF describe your position as a Classification Program Representative to headquarters. Both also indicate that you provide coaching and guidance to classification staff; however, the PRR describes this as 10% of your work, while the PDF includes it in the 75%. On the PRR, you also include the responsibility for coordinating and overseeing the 1290 program and processes. In your letter requesting a Director's review, you clarified that the 1290 Program, as well as the Veterans Program, was "not part of [your] primary responsibilities" (Exhibit A-1).

The Performance & Development Plan (PDP) that coincides with the time period of the PRR and PDF submitted for reallocation provides further explanation as to the work assigned to your position. The PDP indicates your position's expectations to plan and coordinate the release of high risk offenders, provide primary oversight for offender releases, and collaborate with all levels of the facility in case management strategies, risk assessments, and resource/referral services (Exhibit C-14).

When comparing the assignment of work and level of responsibility to the available class specifications, the class series concept (if one exists) followed by definition and distinguishing characteristics are primary considerations.

The **Corrections Specialist Class Series Concept** reads as follows (Exhibit B-9-a):

Within the Department of Corrections, is responsible for various correctional programs as assigned, such as community service activities, institutional training, classification and treatment programs, offender grievances, institutional hearings, roster management for major institutions, contracted chemical dependency treatment services, deaf inmate program services, auditing of correctional programs, HQ intelligence and investigations, canine or; administers an investigative/intelligence operation at a major institution. Some positions may supervise lower level staff.

The Corrections Specialist 4 definition indicates the following (Exhibit B-9-c):

This is the expert level of the series. Within the Department of Corrections, audits correctional programs for compliance with policy, serves as an offender classification program representative, or coordinates and implements activities for chemical dependency, deaf inmates or intelligence/investigations/canine programs.

While examples of typical work identified in a class specification do not form the basis for an allocation, they lend support to the work envisioned within a classification. I understand that the typical work examples of a Corrections Specialist 4 include serving as a headquarters classification program representative, which you believe to be consistent with your job responsibility. You also align the responsibilities of your position with coordinating a major function of an agency-wide treatment program and auditing correctional programs for compliance with agency policy.

When considering the level of responsibility, including the above examples of typical work identified in the Corrections Specialist 4 class specification, I also considered your statement that "[your] job description . . . has been fairly consistent over the past several years" (Exhibit D). Further, that "[this] most recent job description is a brief and condensed version of the past several years job descriptions without reiteration due to the continuity of job duties to include only a significant increase in the level of responsibilities and liabilities over the past 9 ½ years" (Exhibit D). In reviewing your previous Position Descriptions and the evaluations that document your assignment of work, I conclude the scope of the overall duties and responsibilities, as well as your position's overall purpose, have remained the same. This is supported by your position's prior PDF from December 2006, which also indicates your position's responsibility to direct the offender re-entry at AHCC but does not describe your position as an expert level position (Exhibit B-5).

In addition, the other prior documents illustrate your position's primary duties and responsibilities to "track all RMIT inmates in the facility" (Exhibit C-19); "plan and coordinate the release of identified high risk offenders" (Exhibit C-18); and "facilitate the transition of

offenders into the community" (Exhibit C-17). Further, the prior Classification Questionnaires (CQs) for your position include, in part, the following: "[u]nder the local/regional supervision of, and in coordination with the Headquarters Community Protection Unit, directs, plans and coordinates . . . the transition to the community of targeted/ high risk offenders . . ." (Exhibits B-6-8 & C-20).

In reaching my determination, I also reviewed the previous decision by the Personnel Resources Board (PRB) with regard to your position's allocation. In that decision, the PRB concluded, in part, the following:

The focus of Facility Risk Management Specialist positions allocated to the Corrections Specialist category is performing liaison work between correctional facilities, community corrections offices and the community. Appellant's position fits the category concept for the Corrections Specialist classes. She coordinates the all the various components of the community transition program for individual offenders prior to their release from the facility and participates as part of the transition team . . . Appellant is a specialist in offender risk management which is encompassed at the Corrections Specialist 3 level of the series.

At the Corrections Specialist 3 level, the definition indicates the following (Exhibit B-9-b):

This is the senior, specialist, or lead worker 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 training, CORE, COACH, offender grievances, institutional hearings (e.g., disciplinary, intensive management, administrative segregation), roster management for major institutions; administers an investigative/intelligence operation at a major institution, which may include other regional and community involvement.

Your position has responsibility to direct the offender Re-entry Program at AHCC. As such, your work assignments include developing, coordinating, implementing, and evaluating the Re-entry Program, including risk management functions, at AHCC. In that capacity, you act as a facility liaison to Headquarters and provide monthly reports based on your review of caseloads qualifying and/or meeting the criteria specific to the re-entry of high risk offenders. You also review the caseloads for compliance with agency policy and WACs.

The Department of Personnel Glossary of terms for Classification, Compensation, & Management defines **senior- level** as follows:

The performance of work requiring the consistent application of advanced knowledge and requiring a skilled and experienced practitioner to function independently. Senior level work includes devising methods and processes to resolve complex or difficult issues that have broad potential impact. These

issues typically involve competing interests, multiple clients, conflicting rules or practices, a range of possible solutions, or other elements that contribute to complexity. The senior level has full authority to plan, prioritize, and handle all duties within an assigned area of responsibility. Senior level employees require little supervision and their work is not typically checked by others.

<http://www.dop.wa.gov/CompClass/CompAndClassServices/Pages/HRProfessionalTools.as>

Your assigned work fits within the level of work described by the senior-level definition. In addition, the typical work example of interpreting and explaining applicable laws, rules, regulations, policies and procedures; monitoring program activities for compliance; and reviewing/developing field instructions relevant to assigned program areas supports the level of work assigned to your position.

I realize the class specifications do not specifically include the programs identified as "re-entry or risk management," but the overall description of duties working with correctional programs supports the work assigned to your position. When determining the best fit for a position, consideration is given to the totality of duties and level of responsibilities and the allocation is made to the classification which best encompasses the majority of those duties and responsibilities. In Salsberry v. Washington State Parks and Recreation Commission, PRB Case No. R-ALLO-06-013 (2007), the Personnel Resources Board addressed the concept of best fit. The Board referenced Allegrì v. Washington State University, PAB Case No. ALLO-96-0026 (1998), in which the Personnel Appeals Board noted that while the appellant's duties and responsibilities did not encompass the full breadth of the duties and responsibilities described by the classification to which his position was allocated, on a best fit basis, the classification best described the level, scope and diversity of the overall duties and responsibilities of his position.

I also recognize that your supervisor, CPM Michael Klemke, supports your position's reallocation and that you both believe your position meets the Corrections Specialist 4 level compared to other Corrections Specialist 4 positions at the institution (Exhibits D and D-1). However, in the PRB's prior decision - Byrnes v. Dept's of Personnel and Corrections, PRB No. R-ALLO-06-005 (2006) – the Board determined the following:

[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 Flahaut v. Dept's of Personnel and Labor and Industries, PAB No. ALLO 96-0009 (1996).

It is clear by the comments in your performance evaluations, as well as your letters and certificates of appreciation, that you are dedicated to the department's mission and that your work is greatly appreciated. A position's allocation does not diminish the quality of work performed and is not a reflection of performance. Rather, an allocation is based on the majority of work assigned to a position. Based on the level, scope and diversity of the

overall duties and responsibilities assigned to your position, the Corrections Specialist 3 classification is the best fit.

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 mailing address for the Personnel Resources Board (PRB) is P.O. Box 40911, Olympia, Washington, 98504-0911. The PRB Office is located at 600 South Franklin, Olympia, Washington. The main telephone number is (360) 664-0388, and the fax number is (360) 753-0139.

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

c: Joanne Harmon, DOC
Lisa Skriletz, DOP

Enclosure: List of Exhibits

DONNA BYRNES v DOC

ALLO-08-065

Exhibit List

A. Filed by employee September 18, 2008:

1. Letter of request to DOP dated September 10, 2008
2. DOC allocation determination August 20, 2008

B. Filed DOC (Joanne Harmon) November 18, 2008:

1. DOC allocation determination August 20, 2008
2. Position Description Form, dated April 22, 2008
3. Position Review Request, dated April 22, 2008
4. Organizational Chart
5. Position Description, dated December 22, 2006
6. Classification Questionnaire, date stamped August 27, 2003
7. Classification Questionnaire, signed August 7, 2003
8. Classification Questionnaire, signed July 11, 2000
9. Class Specifications
 - a. Corrections Specialist 1 (class code 350A) Class Series Concept
 - b. Corrections Specialist 3 (class code 350C)
 - c. Corrections Specialist 4 (class code 350D)
10. Community Corrections Specialist Class Specification
11. Corrections Specialist Class Specification (Abolished)
12. Glossary of Classification Terms
13. Certificates/Letters of Appreciation (submitted by Ms. Byrnes)

**C. Exhibit packet filed by Donna Byrnes November 12, 2008
(See next page)**

D. Written Response (Employee's Argument) from Donna Byrnes - April 21, 2009

1. Letter from: Michael Klemke (clearing up some concerns) dated April 24, 2009

E. Written Response (Employer's Argument) from DOC - April 30, 2009

Exhibit C

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FROM Donna BYRNE
Department of Personnel
Director's Review Program

Attached documents (exhibits) include:

1. AHCC/HR denial response dated August 20th, 2008 to Reallocation request.
2. Directors Review Request dated September 10th, 2008.
3. HR Directors Review Letter, dated September 25th, 2008.
4. Position Review Request dated 03/06/08 and signed 04/29/08.
5. E-mail from Cindy Greenslitt HRC, dated 05/01/08.
6. E-mail between Cindy Greenslitt HRC, Mike Klemke CPM regarding position review request.
7. HQ minutes to statewide RES 1290 training and RES meeting via Karen Daniels.
8. Therapeutic Community Operations Specialist - (Corrections Specialist 4) Recruiting announcement (x2).
9. Current Class Specification - Corrections Specialist 4.
10. Current Class Specification - Corrections Specialist 3.
11. Original Class Specification for Corrections Specialist prior to the changeover to the HRMS Implementation.
12. Current Position Description requested by Cindy Greenslitt, dated 04/22/08.
13. Current Position Description for Therapeutic Community Operations and/or Clinical - (New Position just developed at AHCC).
14. Performance and Development Plan (PDP) - dated 09/07/07
15. Position Description - dated 12/22/06
16. Employee Development and Performance Plan (EDPP) - dated 06/16/06
17. Performance and Development Plan (PDP) - dated 09/24/07
18. Performance and Development Plan (PDP) - dated 06/14/06
19. Employee Development and Performance Plan (EDPP) - dated 08/29/05
20. Position Description - dated 12/01/04
21. Employee Development and Performance Plan (EDPP) - dated 10/01/04
22. Position Description - dated 08/26/03
23. Employee Development and Performance Plan (EDPP) - dated 07/12/00
24. Position Description - dated 07/12/00
25. Employee Development and Performance Plan (EDPP) - dated 08/01/00
26. Sample copy of RES HQ CPU Monthly RES Report and responsibilities.
27. Sample copy of tracking copy of RMIT Releases, Intakes, types of offenders being transitioned, transfers, offenders being released at ERD, MAX, and in between ERD and MAX dates and days saved by releasing at ERD. (Tracked daily and attached as part of monthly report.)
28. Sample copy of RMIT audits completed for 31 counselors caseloads. (Completed and attached to monthly report.)
29. Sample copy of Daily tracking responsibilities for all RMIT offenders at AHCC to ensure all timeframes are met and each step of the process is completed in a timely manner. Also, tracks transfer requests, transfer dates, Intakes and Releases dates. (Completed and attached to monthly report.)
30. Sample copy of 1290 Tracker and Responsibilities for all offenders housed at AHCC that meet the criteria for 1290 assistance. - (Completed and attached to monthly report.)

Exhibit C

- 31° Sample Copy of Daily RMIT Tracker. Responsibilities include monitoring RMIT offenders processes and 31 counselor caseloads to ensure that all offenders are being transitioned and that processes are being completed and meet policy deadlines. Also responsible for making sure RMIT meetings are scheduled on time and facilitated within timeframes outlined in policy. (Completed and attached to monthly report.)
- 32° Sample Copy of Veterans Assistance Program Tracker that I manage for all offenders qualifying at AHCC. (Completed and attached to monthly report.)