

June 5, 2009

TO: Joe Mihelich

FROM: Holly Platz, SPHR
Director's Review Investigator

SUBJECT: Joe Mihelich v. Department of Health (DOH)
Allocation Review Request ALLO-08-102

The Director's review of DOH's allocation determination of your position has been completed. The review was based on written documentation. This review covers the six month period prior to October 13, 2008, the date that you requested a review of your position.

Director's Determination

As the Director's designee, I carefully reviewed all of the documentation in the file including the duties and responsibilities described in your October 2008 Position Review Request form. I reviewed the Administrative Assistant (AA) class series, the Customer Service Specialist class series and the Office Assistant 3 (OA3) classification. Based on my review of the documents, the available classifications, and my analysis of your assigned duties and responsibilities, I conclude that overall, your position is best described by the Office Assistant 3 classification.

Background

On October 13, 2008, DOH's Office of Human Resources received your Position Review Request form asking that your Office Assistant 3 position be reallocated to the Administrative Assistant 3 classification. DOH reviewed your position and by letter dated November 18, 2008, determined that your position was properly allocated to the Office Assistant 3 classification.

On December 5, 2008, you filed a request for a Director's review of your position. In your Director's review request, you asked that your position be reallocated to the Administrative Assistant 3, the Administrative Assistant 2, or the Customer Service Specialist 2 classification.

Summary of Mr. Mihelich's Perspective

You explain that your position was moved to the Medical Commission in July 2008 and that the duties of your position are different than they were previously. You contend that since July 1, 2008, you have been providing direct support to a WMS 2 position (duties that prior

to 2006 had been provided by an AA3 position) and that you provide support to investigators for the Commission as well as support to the Commission by doing their payroll, travel and procurements (again, duties previously performed by an AA3). You argue that there is an inequity in DOH and that if your position were located in another unit, your position would be allocated to a higher classification. You assert that you perform higher level duties including background checks for licensing physicians and physicians' assistants and for disciplinary cases; processing payroll, travel and procurement requests; preparing and issuing letters for your supervisor; and tracking information and producing reports, charts and graphs. You argue that your position should be reallocated to the AA3 classification or in the alternative, to the AA2 or the Customer Support Specialist 2 classification.

Summary of DOH's Reasoning

DOH argues that your supervisor is a first-line supervisor and that you do not perform varied administrative and secretarial support duties or have responsibility for one or more major program activities as required by the AA3 class. DOH asserts that you work under general supervision and independently perform a variety of complex clerical projects and assignments such as preparing reports, generating letters to respondents and complainants, establishing electronic recordkeeping systems and/or database files, and responding to inquiries requiring substantial knowledge of office/departmental policies and procedures. DOH argues that you perform these duties a majority of the time and that these duties best fit within the OA3 classification.

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

You argue that positions similar to yours at DOH are allocated to higher level classifications. However, 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." Citing to Flahaut v. Dept's of Personnel and Labor and Industries, PAB No. ALLO 96-0009 (1996). Therefore, the allocation or misallocation of other positions at DOH is not a determining factor in the appropriate allocation of your position.

In addition, most positions within the civil service system occasionally perform duties that appear in more than one classification. However, when determining the appropriate

classification for a specific position, the duties and responsibilities of that position must be considered in their entirety and the position must be allocated to the classification that provides the best fit overall for the majority of the position's duties and responsibilities. See Dudley v. Dept. of Labor and Industries, PRB Case No. R-ALLO-07-007 (2007).

You describe your work as:

- 35% collecting and inputting information and preparing monthly reports. You explain that you track information through the internet based Integrated Licensing and Regulatory Service (ILRS) system and that you use this information and information from the Excel worksheets you created to help create reports.
- 35% generating and mailing letters and creating assignments in the ILRS system for investigators. You explain that you generate form letters using mail merge functions. Your supervisor explained that you do not create assignments for investigators. Instead you input action items into the work queue and the item is then accepted by the investigator.
- 5% preparing payroll and travel documents and reimbursements and making travel arrangements
- 5% coordinating meeting room arrangements with hotels and creating purchase orders
- 10% answering the telephone
- 10% distributing and tracking mail

The Department of Personnel Glossary of terms for Classification, Compensation, & Management provides that clerical work is work that supports office operations. The duties described in your PRR form support the operations of the Medical Commission office and your supervisor. Your duties and responsibilities are best described as clerical in nature.

In accordance with the guidance provided by the Personnel Resources Board, examples of work statements or typical work statements are not allocating criteria. Rather they provide guidance on the level of work typically found in the various classes within the series. The guidance provided by the Board establishes that the following standards are primary considerations in allocating positions:

- a) Class series 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.

The Administrative Assistant series does not include a class series concept. However, as indicated in the AA 1 level, typically, clerical and secretarial work does not exceed 25 percent of the total work performed by Administrative Assistant positions. As indicated in your PRR form and your supervisor's response to your request, 70 percent of your work entails clerical and secretarial functions. Furthermore, after reviewing your PRR, the clarifying information you and your supervisor provided to DOH's Human Resources staff and the clarifying information you provided for your Director's review request, I find that

some of the remainder of your work is also clerical in nature. Therefore, the majority of your duties and responsibilities do not fit within the Administrative Assistant series.

In addition, if Administrative Assistant positions do not perform a majority of technical administrative duties, those positions would have delegated authority to:

- review the work of professional staff for completeness and to assure compliance with laws, rules, policies, procedures and standards
- control professional staff's work
- prioritize professional staff's workloads and
- coordinate professional staff's work within an agency, between agencies, with the public and/or other governmental entities.

You forward investigation action items to staff by entering items into the ILRS system, but you do not review, control, prioritize or coordinate professional staff's work at the level encompassed by the Administrative Assistant classes.

Your position is primarily clerical in nature and the majority of your work does not meet the scope of work or level of responsibility of either option for allocation to a class within the Administrative Assistant class series.

The class series concept for the Customer Service Specialist class series states:

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 intent of your position is not to assist clients/customers or resolve client/customer problems. The purpose of your position is to perform functions in support of the Medical Commission office, your supervisor and the investigators. You maintain electronic filing systems and logs, update data in computer systems, answer the phone, compile and complete recurrent reports, and perform other clerical assignments. These are clerical duties and are not incidental to your total work assignments. Rather they represent more than 70 percent of your duties and responsibilities. Your position does not fit within the Customer Service Specialist class series.

The class series concept for the Office Assistant class series provides that positions allocated to this series perform "a variety of clerical duties in support of office or unit

operations." You perform a variety of clerical duties in support of the operations of the Medical Commission office. Your position meets the concept for the Office Assistant series.

The definition of the Office Assistant 3 classification states:

Under general supervision, independently perform a variety of complex clerical projects and assignments such as preparing reports, preparing, reviewing, verifying and processing fiscal documents and/or financial records, composing correspondence such as transmittals and responses to frequent requests for information, establishing manual or electronic recordkeeping/filing systems and/or data base files, and responding to inquiries requiring substantive knowledge of office/departmental policies and procedures. Positions may perform specialized complex word processing tasks in a word processing unit or complex rapid data inquiry and/or entry functions.

You work independently and receive general supervision. The majority of your work entails a variety of complex clerical assignments such as preparing reports, processing payroll and travel documents, drafting letters, establishing data tracking systems and maintaining electronic database files, and responding to inquiries that require you to use knowledge of the office policies and procedures. You also use word processing, PowerPoint and database software to create letters, slides, reports, and graphs and charts. Your position fits within the definition of the Office Assistant 3 classification.

The distinguishing characteristics of the Office Assistant 3 classification state:

Assignments and projects are of a complex nature. Independent performance of complex clerical assignments requires substantive knowledge of a variety of regulations, rules, policies, procedures, processes, materials, or equipment. Problems are resolved by choosing from established procedures and/or devising work methods. Guidance is available for new or unusual situations. Deviation from established parameters requires approval. Work is periodically reviewed to verify compliance with established policies and procedures.

Positions typically provide work direction to lower level staff and may assist in training new staff.

Some of your assignments are complex in nature. You independently perform the duties and responsibilities of your position. You use substantive knowledge of the Medical Commission policies, procedures, processes and regulations. You resolve problems, sign letters and grant extensions as delegated by your supervisor. Your supervisor spot checks your work. While you do not provide work direction to lower level staff, you do assist in training new staff. Your position fits within the distinguishing characteristics of the Office Assistant 3 classification.

In addition, though not allocating criteria, the duties of your position are described by the typical work statements for the Office Assistant 3 classification. For example, you:

- resolve problems and respond to inquiries regarding rules, regulations, policies, department procedures, and department services

- answer the telephone and assist callers
- review documents, such as background checks on applications, for completeness, accuracy, and compliance with rules
- compose/generate correspondence
- review and process payroll and travel documents; use basic arithmetic to perform computations
- establish and maintain complex electronic or manual file systems or data base files
- compile and produce material such as technical and statistical reports requiring specialized knowledge and judgment in selection and treatment of data and format; prepare tables, charts and graphs
- perform complex word processing tasks such as merging, sorting and integrating text with graphics, spreadsheet, and data base files; use spreadsheet and data base software to develop and maintain records; use graphics software and recommend appropriate display of information

Your position fits within the class series concept for the Office Assistant series and the definition and distinguishing characteristics of the Office Assistant 3 classification. In addition, the level of your duties and responsibilities are described in the typical work statements for the Office Assistant 3 class. Your position is properly allocated.

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.

cc: Rozanne Stewart, DOH
Classification & Pay Team, DOP

Exhibit List

A. Joe Mihelich exhibits:

1. Director's Review Request form December 5, 2008:
2. DOH allocation determination, November 18, 2008.
3. Position Review Request date stamped (HR) October 13, 2008.
4. Medical Quality Assurance Commission org chart November 2008, sent in by Mr. Mihelich via email April 7, 2009.
5. Joe Mihelich written summary received by DOP May 4, 2009

B. DOH exhibits:

1. Summary letter with exhibit letter sent in by Rozanne Stewart December 29, 2008
2. October 30, 08 email requesting Mr. Mihelich complete a Questionnaire to clarify his duties.
3. October 31, 08 email with completed Questionnaire from Mr. Mihelich.
4. November 3, 08 email clarification on one of Mr. Mihelich's responses on Questionnaire.
5. November 3, 08 email from Maryella Jansen with current org chart for the Medical Quality Assurance Commission.
6. November 4, 08 email from James Smith, Mr. Mihelich's supervisor, clarifying delegated authority and status as principal assistant.
7. November 3-4, 08 emails clarifying Mr. Mihelich's level of signature authority.
8. November 6-12, 08 emails clarifying Mr. Mihelich's responsibilities with case assignments.
9. Class Spec – Office Assistant 3 100J
10. Class Spec – Office Assistant 1 100H
11. Class Spec – Administrative Assistant 1 105E
12. Class Spec – Administrative Assistant 2 105F
13. Class Spec – Administrative Assistant 3 105G

C. DOP exhibits:

1. Class Spec – Customer Service Specialist 1 102A
2. Class Spec – Customer Service Specialist 2 102B