

December 18, 2009

TO: Mark Biggs

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

SUBJECT: David (Mark) Biggs v. Department of Social and Health Services (DSHS)  
Allocation Review Request ALLO-09-009

On October 15, 2009, I conducted a Director's review conference at the Department of Personnel, 600 South Franklin, Olympia, Washington, concerning the allocation of your position. Besides you, Robert Swanson, Classification & Compensation Manager also attended the conference on behalf of DSHS.

### **Director's Determination**

This position review was based on the work performed for the six-month period prior to June 6, 2008, the date DSHS's Human Resources Division (HRD) received your request for a position review. As the Director's designee, I carefully considered all of the documentation in the file, the exhibits presented during the Director's review conference, and the verbal comments provided by both parties. Based on my review and analysis of your assigned duties and responsibilities, I conclude your position should be reallocated to the Information Technology Systems/Applications Specialist 6 (ITS/AS 6) classification.

### **Background**

On June 6, 2008, DSHS's HRD received a Position Description Form (PDF) requesting reallocation of your Information Technology Specialist 5 (ITS 5) position (#KX01) to the Information Technology Systems/Applications Specialist 6 (ITS/AS 6) classification. Both you and your managers signed the PDF on May 21, 2008 (Exhibit B-1). On October 23, 2008, Mr. Swanson conducted a desk audit of your position (Exhibit B-4). On January 6, 2009, Mr. Swanson issued an allocation decision, concluding the ITS 5 best described the duties and responsibilities assigned to your position (Exhibit B-3).

On February 5, 2009, the Department of Personnel received your request for a Director's review of DSHS's allocation determination. The following summarizes your perspective as well as your employer's:

### **Summary of Mr. Biggs' Perspective**

Mr. Biggs asserts his position has been assigned the highest level of responsibility for management of the Forms Generation Program within the Support Enforcement Management System (SEMS). Mr. Biggs describes SEMS as a collection of components and programs with each component playing a part in the case management for the Division of Child Support (DCS). Mr. Biggs indicates that the components and programs of SEMS are stored on the host Unisys database, the network servers, and the individual PCs that DCS staff members use to perform their jobs. Mr. Biggs contends the Forms Generation Program is one of the largest components/programs within SEMS and affects almost all case actions.

In addition to managing the Forms Generation Program, Mr. Biggs states that he serves as the project manager for the Washington Child Support Employer Information System (WCSIS), as well as project manager and business analyst on several other projects within SEMS. Mr. Biggs asserts he is trusted by management to independently deal with high risk, high profile initiatives, that he is the highest level authority for the Forms Generation Program, and that he has the authority to make commitments on behalf of the agency. As part of his responsibilities, Mr. Biggs indicates that he translates technological options into business terms and interacts with executive management to create technology solutions to mission critical business problems. Mr. Biggs believes the level of independent management and decision making routinely assigned to his position fit within the ITS/AS 6 level.

### **Summary of DSHS's Reasoning**

DSHS acknowledges the duties Mr. Biggs performs are critical to gathering information and making it accessible to decision-makers. However, DSHS contends Mr. Biggs has not been assigned decision-making authority at the strategic level. Instead, DSHS asserts Mr. Biggs' position provides recommendations and options to management. DSHS recognizes Mr. Biggs' high level of expertise and technical knowledge but contends he applies the technical design to the program to make it function as needed. DSHS points out that the Forms Generation Program is a component of the larger SEMS system and asserts Mr. Biggs' position is not responsible for the program. As an example, DSHS states that Mr. Biggs' position has not been tasked with writing program changes needed to support new form requirements. Instead, DSHS contends his position has been tasked with analyzing forms received from the technical writer, providing a screen layout view of the desired form to the programmer, troubleshooting problems, and performing quality assurance. DSHS also indicates Mr. Biggs' position develops training for users and responds to questions or concerns about the forms used by staff in DCS. DSHS emphasizes that Mr. Biggs provides recommendations to management and contends the duties and responsibilities assigned to his position do not reach the ITS/AS 6 level.

### **Rationale for Director's Determination**

Your position is assigned to the Economic Services Administration (ESA) within DSHS. Specifically, you work in Operations Support for SEMS, primarily providing support to the Division of Child Support (DCS) with the Forms Generation Program. The SEMS computer

system has been described as a complex, high risk, high impact, mission critical system that provides case management, payment processing, database access, and automated child support enhancement actions to over 8,000 users in state services and other agencies. The system must adhere to strict federal and state system requirements and provides services to over a million individuals, collecting and processing over \$1.4 billion a biennium (Exhibit B-1).

While SEMS is a case management system devoted to child support, you note that it interfaces with multiple other systems as well. For example, SEMS, and the Forms Generation Program in particular, interfaces with electronic programs in the Employment Security Department (ESD), the Department of Labor and Industries (LNI), the federal Office of Child Support Enforcement (OCSE) and US Bank. Your work group identified on the organizational chart includes analysts who understand the business aspects of the Division of Child Support. You report to the SEMS Analysis and Support Team Manager, William Benningfield, who is in a Washington Management Service (WMS) position. Mr. Benningfield reports to Wally McClure, Chief of SEMS Operations (Exhibit B-2). Within your direct work group, you do not supervisor or lead others; rather, you indicated the ITS 5 positions in your group have been assigned one or more functional areas within SEMS. You describe your specialty area as the application development, support, and enhancement for the SEMS Forms Generation program. As such, you serve as a business analyst/program manager for the Forms Generations Program.

In your role, you direct the work of two programmers who are in the ITS 2 and 3 positions under Position #CF55 (ITS/AS 6) on the organizational chart (Exhibit B-2). During the Director's review conference, you clarified that you do not "officially supervise" or conduct Performance Development Plans (PDPs) for these positions. However, you stated that you supervise the work of these employees, ensure they meet deadlines, stay on task with programming relating to Forms Generation, and ensure the work performed is satisfactory. Mr. Swanson agreed that you provide a considerable amount of guidance and direction to these two positions and described your role as a "strong lead." Mr. McClure agreed that "you most certainly provide much of the planning and workflow for two of the development staff which sets the direction of their workday" (Exhibit A-8).

You emphasize that SEMS is a collection of interrelated components and programs, which are stored on a host database, network servers, and individual PCs that DCS uses to perform the work related to the collection of child support. During the Director's review conference, you explained this framework, indicating that one ITS/AS 6 position has primary responsibility for the host (Position #CF55); one ITS/AS 6 position has primary responsibility for the Adobe client servers (Position #RB28); and your position has primary responsibility for the forms, meaning the individual screens viewed on the PCs, as well as the program logic in the Forms Generation application. Your position is responsible for writing the business requirements of DCS and converting them to the technical requirements needed to properly interface with the SEMS client servers and host, as well as other programs like OCSE, to extract, update, and archive data to meet business and legal requirements.

You describe your work with the Forms Generation Program as a large project and one of the largest components/programs within SEMS, affecting nearly all DCS case actions. You further indicate that you serve as project manager for the Washington Child Support

Employer Information System (WCSEIS), also described as a large project. Chief of SEMS Operations, Wally McClure, agreed that "your role as project manager and/or lead analyst for projects like Employer Database project and several changes to Forms Gen are significant and large compared to many projects performed in SEMS. . . ." (Exhibit A-8).

In summary, you describe the scope of the Forms Generation Program as follows (Exhibit A-7):

- More than 275 user interface screens which allow approximately 950 DCS staff to create more than 900 individual DSHS forms.
- An automated batch forms creation program.
- Electronic interface programs with ESD, LNI, OCSE, and US Bank, which create electronic and paper forms and update the SEMS database (incoming & outgoing).
- The program creates in excess of 1.5 million forms each year, which are printed at the ten local field offices, DCS headquarters and the Department of Printing.

You also emphasize that you write the business requirements for the programming staff to code and that as the business analyst for this program, you have oversight over the above program functions. During the Director's review conference, you explained that DCS staff attorneys and a technical writer (Child Support Program Administrator (CSPA) position in your work group) design the "paper form" based on federal and state laws and regulations. From that point, you then write the business and technical requirements and program logic of the Forms Generation program, translating technological options into business terms. You then provide the business requirements you have written to programming staff to carry out the work. Mr. McClure agreed that "you perform complex business analysis of nearly every form and you interpret those business requirements for the programmers" (Exhibit A-8).

Mr. McClure provided additional insight into the complexity of the Forms Generation Program, as well as your responsibilities, including the following (Exhibit A-8):

*. . . there is program logic in the form verification screens themselves; that is, when staff enter data into a form gen screen, logic that is developed based on the business requirements and designed by you, determine the logical resulting text, data, or printing of the form. Likewise, there is a great deal of business logic in batch forms, as you mention, that you are responsible for determining, working with the developers to nail down, and then of course, testing and approving for release. Like all SEMS programs, approval to release is based on the say so of the developer and the analyst. In this case, you are the analyst responsible for the release of those forms – batch or otherwise (emphasis added).*

Mr. McClure also concurred with your statements describing your work and responsibilities, which include the following (Exhibit A-8):

- *Provide the analysis and business requirements for DCS to two additional programming staff regarding the enhancement of the Forms Generation and Batch Forms program.*

- *Provide analysis and business requirements to other SEMS programmers when their programs interface with the Forms Generation program, such as the OCSE electronic withhold program.*
- *Prioritize the scheduled release of all forms to DCS staff.*
- *Create the Verification Screen model that is the basis for every user interface screen.*
- *Make the final decision to approve each Forms Generation program release. This requires the Forms Generation release meet all DCS business requirements (emphasis added).*
- *Coordinate with SEMS program releases, Field Operations requirements and DCS Policy changes.*
- *Responsible for the coordination of all testing which includes developing test criteria, test plans and coordination of testing staff.*

The PDF for your position documents the duties and responsibilities assigned to your position. Both Mr. McClure, as the Chief of SEMS Operations, and Mr. Benningfield, as the SEMS Analysis and Support Team Manager, signed the PDF indicating that the job duties as defined were an accurate reflection of the work performed by your position (Exhibit B-1, page 6). Mr. Benningfield also signed an Assessment of Observed Job Performance supporting the duties described on the PDF (Exhibit A-9).

Both the Personnel Appeals Board (PAB) and the Personnel Resources Board (PRB) have held that 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).

The position description serves the same purpose as the former Classification Questionnaire (CQ). Both the PAB and the PRB have also 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).

A summary of your position's objective includes the following (Exhibit B-1):

*This highest level, expert position reports to the SEMS Analysis and Support Team Manager in the IT Solutions section of DSHS/ESA Operation Support. This expert level position is responsible for application development support and enhancement and serves as the designated highest level authority for the Operation of Support Division for analysis, consulting, design, maintenance, project management and support of major high risk/high impact applications for SEMS and associated*

*applications that impact ESA statewide.* In addition, this position provides the highest level support to local staff as well as staff located throughout the state in the Division of Child Support, Community Services Division, county Prosecutors' offices, and other various stakeholders.

...

This position has highest level knowledge and skills in the area of application development, support and enhancement for the SEMS Forms Generation program.

... *This position is designated by management as the highest level authority, project lead, and spokesman for the design, implementation, and maintenance of all aspects of the Forms Generation program, which includes SEMS Forms Generation, Archive Search program, and the Batch Forms program.*

...

This position is trusted to be responsible for troubleshooting and developing solutions for programs and interfaces that have statewide impact to customer services. ...

This position serves as technical advisor, consultant, and project manager to the Analysis, Consultant and Support (ACS) Manager. It also serves as technical advisor and consultant to customers of the ACS team. ...

This position provides planning and analysis to high risk, high profile initiatives that impact significant/fundamental public service; leads strategic planning to develop policy, identify improvement opportunities and comply with legislative mandates in the area of forms generations ...

This position analyzes suggested projects or enhancements to determine the costs, benefits, risk, and relationship to program mission and federal and state system requirements; develops IT project plans and coordinates the development, testing rollout, implementation, enhancement, and maintenance of the product.

...

This position reviews, documents, approves, builds, and coordinates software releases across a wide area network.

A summary of the specific duties includes the following (Exhibit B-1, page 4):

- Planning, analyzing, and leading strategic business initiatives and legislative mandates in the generation, storage and archiving of forms, and the electronic form interfaces with other government agencies for DCS.
- Serving as agency spokesperson and making commitments for DCS in the area of forms generation process ...
- Responsible for DCS strategic planning, policy development and design in the forms generation programs ...
- Serving as project leader in integrating changes in forms generation ...
- Providing final written approval for release of a project or system change.

- Analyzing suggested projects or project enhancements; determining cost, benefits, risk and relationship to program mission, federal and state system requirements.
- Working with executive management to create technology solutions . . .
- Serving as liaison to other agency organization offices on behalf of SEMS and DCS . . .
- Developing document guides for users and fellow development staff . . .
- Assisting in meeting Federal Reporting guidelines; working with State and Federal auditors in area of specialty.
- Providing expert technical and organization leadership in the area of forms generation . . . serving as advisor for DCS management.
- Serving as technical mentor, coach and trainer to others.
- Responsible for the analysis, response, and implementation of employee brainstorm proposals.

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. 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.

The definition for the **ITS 5** reads as follows:

This is the supervisory or expert level. Provides expert consultation and specialized analysis, design, development, acquisition, installation, maintenance, programming, testing, quality assurance, troubleshooting, and/or problem resolution tasks for major organization-wide, high risk/high impact, or mission-critical applications computing and/or telecommunication systems, projects, databases or database management systems; support products, or operational problems.

Performs highly-complex tasks such as conducting capacity planning to determine organization-wide needs and make recommendations; designing complex agency- or institution-wide enterprise systems crossing multiple networks, platforms or telecommunication environments; overseeing the daily operations of large-scale or enterprise systems; identifying and resolving operational problems for major high risk systems with centralized, organization-wide functions; testing multi-dimensional applications, providing quality assurance; developing standards or enhancing existing, high risk and impact, mission critical applications; integrating business solutions, or writing feasibility studies and decision packages for high visibility/impact initiatives.

Provides leadership and expert consultation for large-scale projects or enterprise systems that often integrate new technology and/or carry out organization-wide information technology functions, or impact other institutions or agencies. Provides project management leadership, technical expertise and demonstrates knowledge of project management practices, principles, and skills.

May supervise information technology specialists or function as a recognized expert who is sought out by others in resolving or assessing controversial or precedent-setting issues.

The duties and responsibilities assigned to your position fit within the ITS 5 classification. You perform expert level development, support, and enhancement for major organization-wide, high risk/high impact, as well as mission-critical applications within SEMS. However, your PDF describes your position as "the designated highest level authority" for analysis, consulting, design, maintenance project management and support of major high risk/high impact applications within SEMS, namely the Forms Generation Program. This is further supported by Mr. McClure's comments regarding the level of responsibility assigned to your position.

At the **ITS/AS 6** level, the definition states, in part, that the position:

Serves as the highest level authority for . . . a major subdivision of DSHS in an information technology specialty area such as, but not limited to . . . applications development, applications support and enhancement . . . project management methodology . . .

Further, the ITS/AS 6 distinguishing characteristics include the following:

This is the expert professional level where incumbents are designated in writing by IT/IS management to provide technical and organizational leadership in a specialized area of technology. Incumbents possess advanced technical as well as business knowledge and grasp the overall impact of their specialty such that they are trusted by management to independently deal with high risk, high profile initiatives that may impact significant/fundamental public services. Incumbents have mastered the ability to translate technological options into business terms and interact with executive management to create technology solutions to mission critical business problems. Incumbents in this class serve as the agency spokesperson in their area of technical expertise and may make commitments on behalf of their agency. Serve as a technical mentor, coach and trainer to others. Often supervises others.

The PRB has previously discussed the importance of written designation as the highest level authority at the expert professional level. In Eastern Washington University v. Akin, PRB Case No. R-ALLO-09-004 (2009), the Board determined that allocation to the ITS/AS6 classification is not appropriate unless such a written designation has been given by information technology or information services management. Unlike Akin, your position has been designated the highest level authority for the analysis, consulting, design, maintenance, project management and support of major high risk/high impact applications for SEMS and associated applications that impact ESA statewide. Further, the written designation assigned to your position is consistent with prior Board decisions, as cited in Akin. For example, the PRB cited Lisle v. Department of Labor and Industries, PAB Case No. ALLO-00-0020 (2000), in which the PAB reallocated an employee to the ITS/AS6 classification after finding that the employee's classification questionnaire, which was signed by his supervisor and by the Assistant Director of Information Services, designated

the employee as the agency's highest level authority and highest technical specialist for the department. Specifically, in Lisle, the appellant had been designated in writing as the highest level authority in the information technology specialty area of Imaging Technology and served as the agency's spokesperson in that area of technical expertise, as well as serving as technical mentor, coach and trainer to others.

I recognize that you are not responsible for SEMS as a whole because SEMS is comprised of a mixture of components and programs. However, as indicated on the PDF, your position has responsibility for major high risk/high impact applications connected to SEMS like the Forms Generation Program. This is consistent with Mr. McClure's indication that your role as project manager and/or lead analyst has been for large and significant projects relating to the Forms Generation Project, as well as projects like the Employer Database. This is also consistent with your description of work on the WCSEIS and other projects in addition to the Forms Generation Program. Moreover, the PDF indicates your position has been assigned responsibility for the strategic planning and policy development in the area of forms generation, as well as agency spokesperson for commitments in this area as it relates to DCS.

Based on the level, scope and diversity of the overall duties and responsibilities assigned to your position, the preponderance of evidence supports allocation to the ITS/AS 6 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 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: Robert Swanson, DSHS  
Lisa Skriletz, DOP

Enclosure: List of Exhibits

**Mark Biggs v. Dept. of Social and Health Services (DSHS)**

**ALLO-09-009**

List of Exhibits

**A. Mark Biggs Exhibits**

1. Letter requesting a Director's Review, received February 5, 2009
2. Example of work – Forms Gen Program
3. Project Charter Employer Database Analysis –Example of work
4. Forms Gen Release – Example of work
5. Request for Director's Review form February 18, 2009
6. Agency allocation determination letter dated January 6, 2009
7. Mark Biggs' rebuttal of Reclassification Denial (Mark Biggs' argument – additional information to letter requesting review in exhibit A-1).
8. Email from Wally McClure, SEMS Office Chief, supporting description of work assigned to Mr. Biggs and supporting many of Mr. Biggs' statements in Exhibits A-1 & A-7).
9. Assessment of Observed Job Performance, signed by William Benningfield, supervisor, on May 21, 2008.

**B. DSHS Exhibits**

1. Position Description Form signed and dated May 21, 2008
2. Organizational Chart
3. Agency allocation determination letter dated January 6, 2009
4. Desk Audit Notes 10/23/2008
5. Class Specification: Information Technology Specialist 4
6. Class Specification: Information Technology Specialist 5
7. Class Specification: Information Technology Systems/Applications Specialist 6