

February 4, 2010

TO: Roger Johnson

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

SUBJECT: Roger Johnson v. Department of Ecology (ECY)
Allocation Review Request ALLO-09-033

On November 12, 2009, I conducted a Director's review telephone conference regarding the allocation of your position. In addition to you, your supervisor, Regional Business Administrator John Althaus, and Senior Human Resources Consultant Gerard Buan also participated in the conference.

Director's Determination

This position review was based on the work performed for the six-month period prior to February 18, 2009, the date you submitted your request for a position review to ECY's Office of Human Resources (HR). 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 is properly allocated to the Forms & Records Analyst 2 classification.

Background

On February 18, 2009, ECY's Office of Human Resources received your Position Review Request (PRR) asking that your Forms & Records Analyst 2 (F&RA 2) position be reallocated to the Forms & Records Analyst 3 (F&RA 3) classification. On May 1, 2009, Mr. Buan determined your position was appropriately classified as an F&RA 2 because the majority of your work involved processing and responding to public disclosure requests for the Central Regional Office.

On May 19, 2009, the Department of Personnel received your request for a Director's review of ECY's allocation determination. The following summarizes your viewpoint, as well as your employer's:

Summary of Mr. Johnson's Perspective

Mr. Johnson asserts his position serves as a specialist in forms and records management and public disclosure as indicated in the definition of an F&RA 3. As such, Mr. Johnson contends that he handles the daily delivery, distribution, access, maintenance, and retention of manual and/or electronic forms and records for program and system areas for the Central Region, which includes eleven counties. Mr. Johnson states that he manages and coordinates the central files and records management systems for the region; responds to and coordinates all public disclosure requests for the region; and provides technical assistance to the public and regional staff regarding records management and public disclosure in accordance with RCWs, WACs, and agency policies. Mr. Johnson describes records requests ranging from the general public inquiring about a well to attorneys or consultants requesting information about a large project involving toxic clean-up or water resources. In any case, Mr. Johnson states that he is required to have knowledge about the files and that he helps requestors narrow down their requests based on the information needed. Mr. Johnson believes the duties and responsibilities assigned to his position fit within the F&RA 3 job classification.

Summary of ECY's Reasoning

ECY acknowledges that some of the typical work statements identified in the F&RA 2 and F&RA 3 class specifications contain similar language. However, ECY points out that the duties assigned must meet the definition of the class before considering typical work. ECY asserts the majority of duties assigned to Mr. Johnson's position involve processing and responding to public disclosure requests for the Central Region, as indicated on the Position Description Form (PDF). ECY contends these duties are performed at a journey level and are consistent with the definition of the F&RA 2 classification. Further, ECY notes that Mr. Johnson's supervisor, John Althaus, has indicated that no major changes have occurred since the prior review of Mr. Johnson's position. ECY indicates that the level of responsibility assigned to Mr. Johnson's position does not involve consultation to management, as described by the F&RA 3 classification. Rather, ECY asserts the Public Disclosure Officer located at Headquarters serves as the consultant to management on public disclosure issues. Therefore, ECY maintains the F&RA 2 classification is the appropriate fit for the duties and responsibilities assigned to Mr. Johnson's position.

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, you describe your position's purpose on the PRR as managing and coordinating the Central Regions Central Files and Records Management Systems and responding to and coordinating Public Disclosure requests in accordance with statutes and

policies. You also indicate that you provide technical assistance to the public and regional staff in these areas (Exhibit B-1). You describe the majority of your job duties (60%) as working with public disclosure, which includes the following:

Respond to all requests for public disclosure received by the Central Regional Office applying knowledge of agency policies and procedures, system, analysis, and state laws relating to public disclosure. Schedule public reviews, assist requestor in defining the scope of records/documents requested and assist staff in identifying all records responsive to that request. Identify and redact information exempt from disclosure, provide records to the requestor, and retain records related to requests in accordance with records retention requirements. Public disclosure includes redacting and disseminating exempt materials, using Attorney General's advice and/or consultation when required or necessary. Maintain contact with Attorney General's office (AGO) on sensitive issues and legal concerns. Coordinate copying/scanning, billing, and shipment of all documents requested.

During the Director's review conference, you explained that the majority of requests for public disclosure are via email and that you typically scan the documents requested or transfer them to a site where the requestor can download the information from a link you provide. You indicated that you have used a database to create a list of documents in central records in your region to easily find information when requested. You stated that you research and cross reference records and that you need to be familiar with all of the files and content so you can assist a requestor in finding the right document based on the type of information requested. You indicated that you can answer most of the requestors' questions and rarely need to consult with the Public Disclosure Officer at Headquarters. However, you stated that you will let the Public Disclosure Officer know and work with the AGO when records pertain to litigation or anticipated litigation. You also redact information and make an exemption log, which may be reviewed by the AGO. In addition, you indicated that you provided training and orientation to new staff regarding the central records center.

In the Supervisor Review Section of the PRR, your supervisor, Regional Business Administrator John Althaus, disagreed that the information on the PRR was accurate and complete. Mr. Althaus further emphasized that your duties have not changed since the previous position review and Director's determination (Exhibits B-1, page 4 and B-1-a).

The following summarizes your position's objective, as described on the PDF for your position (Exhibit B-2):

Provide centralized support functions for the region including reception, records management, SEPA routing and processing, environmental spill reporting, facility and telecommunications management. This position is the forms and Records analyst for the region and directly impacts ECY's mission by providing a centralized contract for the clients seeking documents and records.

Similar to the PRR, the PDF describes the majority of key work activities (55%) as processing and responding to public discourse requests for the Central Regional Office. The duties described on the PDF include researching and locating appropriate documents;

communicating with requestor to define and refine the request; coordinating requests with staff, fellow coordinators, attorneys and other entities like the state records center; applying public disclosure laws and agency policies; and scheduling and managing appointments for reviews (when a requestor comes into the Central Regional Office to view the records). In addition, the duties include compiling all materials, reviewing for exemptions, and redacting; consulting with the AGO and the agency's Public Disclosure Officer if the documents are highly sensitive or require legal scrutiny; and fulfilling requests by copying or scanning materials.

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 **Forms & Records Analyst 3** definition reads as follows:

Positions at this level are specialists in two or more system areas such as financial records, student records, resident records, and/or health records, or function as a management consultant for complex manual and/or electronic forms and/or records problems, or provide management consultation and determinations on responses to public record requests. Incumbents may oversee the work of subordinate staff and coordinate the day-to-day delivery, distribution, access, maintenance and retention of manual and/or electronic forms and/or records.

Although you independently resolve public disclosure issues within the Central Regional Office, you also consult with the AGO or Public Disclosure Officer when more complex or legal issues arise. You also keep the Regional Business Administrator informed about these types of requests. You clearly have a good understanding of the Public Disclosure statute and relating agency policies and procedures, which you follow to process public disclosure requests ranging from routine to more complex requests involving input from AGO or Public Disclosure Officer. However, the scope of responsibility assigned to your position does not include management consultation on determinations about responses to public record requests. Rather, your position provides journey-level consultation on the processes involved in coordinating the materials needed to fulfill a request.

The **Forms & Records Analyst 2** definition states the following:

Positions at this level provide consultation to managers and perform journey-level forms and/or records work such as analyzing manual, electronic and/or automated forms and/or records management problems, developing and implementing plans for rectifying system deficiencies, designing forms and coordinating forms production. Incumbents assist with and coordinate records retention, migration, transfer and disposition, utilize manual, electronic and/or automated systems, and provide consultation on forms and/or records management programs and system requirements. Incumbents conduct record inventories, assist with reviewing and updating

record retention schedules and coordinate, retrieve information for and respond to public record requests.

The majority of work involves processing and responding to public disclosure requests. You coordinate all requests for the Central Regional Office and consult with the AGO and/or ECY's Public Disclosure Officer as needed or when documents are highly sensitive or require legal review. The duties and responsibilities of coordinating, locating and retrieving records, and responding to public record requests are consistent with the F&RA 2 definition. The work performed at this level is considered journey level, defined as "[f]ully competent and qualified in all aspects of a body of work."

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

You have substantial experience in handling public disclosure requests and all related activities. You also work collaboratively with managers regarding the specific processes you follow to accomplish your tasks in completing public disclosure requests.

It is clear the work you perform is very important and that you are knowledgeable in the area of public disclosure. 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. The overall work and level of responsibility assigned to your position best fit the Forms & Records Analyst 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 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: Gerard Buan, ECY
Lisa Skriletz, DOP

Enclosure: List of Exhibits

Roger Johnson v. Dept. of Ecology

ALLO-09-033

List of Exhibits

A. Roger Johnson Exhibits

1. Request for Director's Review May 19, 2009
2. Agency Allocation Determination letter dated May 1, 2009
3. DOP Glossary – Classification, Compensation, & Management

B. Dept. of Ecology Exhibits

1. Position Review Request, date stamped February 18, 2009, including organizational chart.
 - a. April 9, 2007 Director's determination
2. June 2007 Position Description Form
3. Class Specification: Forms and Records Analyst 2
4. Class Specification: Forms and Records Analyst 3
5. Agency Allocation Determination letter dated May 1, 2009
6. Letter dated July 17, 2009 from Gerard Buan to Roger Johnson in response to Mr. Johnson's July 7, 2009 inquiry about exhibits.

C. July 7, 2009 letter from Roger Johnson regarding exhibits.