

January 14, 2011

TO: Scott Svoboda

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

SUBJECT: Scott Svoboda v. Department of Corrections (DOC)
Allocation Review Request ALLO-10-015

On November 9, 2010, I conducted a Director's review telephone conference regarding the allocation of your position. In addition to you, Human Resources Consultant Joanne Harmon and Human Resources Programs Manager Lorna Ovena participated in the conference on behalf of DOC. Organizational Development Director Kevin Bovenkamp also participated in the conference. After the conference, you submitted additional examples to illustrate your work, which were received via email on November 9 and November 19, 2010.

Director's Determination

This position review was based on the work performed for at least the six-month period prior to October 30, 2007, the date DOC's Human Resources (HR) Office 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 the duties and responsibilities assigned to your position at that time, I conclude your position was properly allocated to the Corrections Specialist 3 classification.

Background

Your position is assigned to the Structured On-the-Job Training (OJT) Program, which is part of the Organizational Development Department, formerly referred to as the Performance Unit (Exhibit B-3). The OJT Program includes COACH (Correctional Officer Achievement Program for newly hired Correctional Officers); FTO (Field Training Officer Program for Correctional Sergeants); and IMU OJT (Intensive Management Unit training for experienced correctional officers). Your working title has been referred to as On-the Job Training (OJT) Specialist or COACH Specialist. Your position is assigned to perform OJT functions at Larch Corrections Center, Cedar Creek Corrections Center, and the Washington Corrections Center. Your position reports to the Structured OJT Program

Manager, Scott Holder, who reports to Organizational Development Director Kevin Bovenkamp.

On August 27, 2007, you completed and signed a Position Review Request (PRR) asking that your Corrections Specialist 3 (CS 3) position be reallocated to the Corrections Specialist 4 (CS 4) classification (Exhibit B-1). Your supervisor, Mr. Holder, signed the PRR on September 30, 2007, and Mr. Bovenkamp signed the PRR on October 22, 2007. Although the Supervisor Review portion of the PRR had not been completed, a Position Description Form (PDF) had been completed around the same time, which was signed by you, Mr. Holder, and Mr. Bovenkamp on the same dates as the PRR (Exhibit B-2). The PDF contains a description of work similar to the PRR.

During the Director's review conference, Ms. Ovena explained that DOC had been performing a class study to review all CS 3 positions within DOC. Because this had been a lengthy process, Ms. Ovena issued an allocation decision on March 15, 2010. In her decision, Ms. Ovena concluded the majority of your work involved developing, coordinating, implementing, and/or evaluating the OJT correctional program, which she determined best fit the CS 3 classification.

On April 14, 2010, you requested a Director's review of DOC's allocation determination. The following summarizes your perspective as well as your employer's:

Summary of Mr. Svoboda's Perspective

You assert your position as an OJT/COACH Specialist has progressed to include new responsibilities and expectations. In addition to overseeing and evaluating the COACH curriculum for training new Correctional Officers (CO1s), you emphasize your responsibility for evaluating and assessing more experienced Correctional Officers (CO2s) and Sergeants (CO3s) as well. For example, you indicate that you provide guidance and feedback to the CO2s serving as job coaches, the CO3s conducting evaluations, as well as Custody Unit Supervisors (CUSs) and Lieutenants. You contend your position serves as the expert and "go to" person and that you manage the Superintendents' OJT Programs at your assigned facilities. In addition, you contend your position evaluates CO3/Sergeants who are required to go through FTO training and maintain FTO Certification.

You assert that you and the other OJT Specialists consistently audit and evaluate the work performed and feedback given to Correctional Officers at all levels to help the officers be successful in their jobs. You further assert that you and the other OJT Specialists constantly monitor changes in laws, rules, and agency policies to ensure the changes are reflected in the COACH and OJT manuals. You also note that you and the other OJT Specialists audit each other to ensure consistency. You align your duties and responsibilities with those of Academy Supervisors, whose positions have been allocated at the CS 4 level. You emphasize the importance of COACH and other OJT training, which continues throughout the career of a Correctional Officer. You believe the duties and responsibilities assigned to your position best fit the CS 4 classification.

Summary of DOC's Reasoning

DOC asserts your position's primary duties and responsibilities involve the coordination and oversight of the OJT/COACH programs at assigned facilities. While you manage the OJT/COACH programs at the local facilities, DOC contends your position does not have statewide responsibility. DOC asserts your position develops, coordinates, implements, and evaluates the onsite OJT/COACH programs for effectiveness and ensures successful delivery of program services. As such, DOC acknowledges your position requires knowledge of applicable rules, laws, and policies to establish goals, provide consultation, and ensure evaluations are conducted properly and in compliance.

DOC acknowledges you review training manuals and procedures for compliance and consistency and recommend changes to the OJT Program Manager. However, DOC asserts your position is not responsible for developing curriculum and emphasizes that changes are vetted through internal management and the college overseeing the training. Further, DOC indicates the Organizational Development Director has responsibility for policy changes. DOC describes your work reviewing, monitoring, and recommending program changes as quality assurance and contends that auditing is not the focus of your position. DOC recognizes your expertise and notes you are a valuable asset to the OJT Program's success. However, DOC describes the OJT Program Manager as the statewide expert. DOC asserts the duties and responsibilities assigned to your position best fit the CS 3 classification.

Rationale for Director's Determination

During the Director's review conference, both parties clarified the different aspects of the OJT Program. Correctional Officers are hired at an in-training capacity and go through a 12-month probationary period. Although the job classification is described as a Corrections and Custody Officer 1, the in-training correctional officers are commonly referred to as CO1s. CO1s begin their training with six weeks at the Academy in Correctional Worker Core (CORE or CWC) classroom training. When assigned to a facility, CO1s continue their training by going through the COACH Program. CO1s must successfully complete the COACH Program before advancing to the Corrections and Custody Officer 2 level, referred to as a CO2.

As part of their training, CO1s go through the COACH manual, which consists of a set of "tasks maps" that describe the steps and guidelines for performing a particular task. You stated that you and the other OJT Specialists each reviewed a section of the COACH manual and updated and rewrote portions of the manual to ensure compliance with laws, rules, and policies. Mr. Bovenkamp agreed the OJT Specialists helped review the curriculum and provided input but emphasized that decisions about COACH curriculum were vetted and ultimately determined by management. As part of your job, you indicated that you introduce CO1s to the COACH Program, conduct training seminars, and review and provide feedback to the correctional officers evaluating CO1s. You may also provide input about the CO1s success with the program and recommend whether the CO1 is qualified to advance to the CO2 level.

At the CO2 level, correctional officers are fully qualified. CO2s are often referred to as job coaches or mentors to CO1s. CO2s assess the performance of CO1s, document observations, and provide verbal feedback. You receive a copy of the CO2s' written observations, and you assist the CO2s in rewriting and performing better evaluations as needed. You also share feedback about how well the CO2s are mentoring CO1s with Corrections and Custody Officer 3s, also known as CO3s/Sergeants. The CO3s write the Performance Development Plans (PDPs), and you provide assistance in writing PDPs and evaluating content as well. You indicated that as an OJT Specialist, you are constantly providing feedback to supervisors, including Custody Unit Supervisors (CUSs), Lieutenants, Captains, and the Superintendents.

In addition to the COACH Program, you conduct Field Training Officer (FTO) training, which is a required certification for CO3s. You also evaluate CO3s going through the FTO recertification process. The FTO certification is through the Performance Institute administered through Peninsula College. The college is responsible for writing and authorizing changes to the curriculum, though OJT Specialists may provide input. You indicated that you determine whether or not the CO3s successfully meet the requirements for certification and the performance consultant from the college assigns the grade. Intensive Management Unit (IMU) OJT training is a specialized training designed for experienced correctional officers who will be working in a segregation unit.

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).

Duties and Responsibilities

In summary, your position's objective or purpose, as stated on the PDF and PRR, indicates that you assist, develop, coordinate, implement, evaluate, and deliver all aspects of Structured On-the Job (OJT) training programs at Washington State Prisons. In this case, you are assigned to Larch Corrections Center, Cedar Creek Corrections Center, and the Washington Corrections Center. In that capacity, the PDF and PRR note that your position assesses, evaluates and documents FTO (CO3/Sergeant) performance; provides mentoring, training, and support for CO1s, CO2s, and CO3s; and audits OJT programs at other facilities to ensure compliance with DOC policies. During the Director's review conference, Mr. Bovenkamp clarified that "auditing" meant performing peer reviews, as well as maintaining FTO training files, COACH portfolios, and other performance documentation to ensure consistency and compliance.

While the PDF and PRR assign different percentages to the work described, a summary of the majority of work totaling 80% includes the following:

(PDF - 45% and PRR - 60%)

- Develop, coordinate, implement, and evaluate all aspects of OJT including COACH and FTO Programs with assigned facilities.
- Plan, lead, organize, and control the delivery of OJT by assisting, directing, and evaluating FTO Sergeants (CO3s), Job Coaches (CO2s), and newly hired CO1s.
- Establish training goals and objectives for the delivery of the OJT Programs with assigned facilities.
- Communicate the purpose, intent, and appraisal of OJT Programs to all staff at assigned facilities.
- Monitor the effective delivery of OJT Programs and individual progress and performance.

(PDF – 35% and PRR – 20%)

- Track, record, and evaluate all phases of FTO (CO3), CO2, and CO1 performance and forward recommendations to management.
- Manage, review, and evaluate performance documentation and assist with improvements when necessary.
- Maintain permanent employee OJT files and portfolios.
- Prepare, submit, and maintain facility and department program status reports.
- Coordinate program with key facility personnel including Superintendent, Human Resource Manager, Captains, Roster Manager, and Performance Consultant (from Peninsula College) and report progress to the Statewide OJT Program Manager (your supervisor).
- Conduct audits of OJT Programs at other facilities (during the Director's review conference this function was described as a peer review).
- Evaluate/assess FTOs (CO3/Sergeants) on a yearly basis and provide input for their PDPs and for instructor recertification to meet State Board of Community and Technical College requirements.

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:

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.

Your position has been assigned the responsibility of developing, coordinating, implementing, and evaluating the OJT correctional program at your assigned correctional facilities. Therefore, your position fits within the Corrections Specialist class series concept.

The **Corrections Specialist 4 (CS 4)** has been defined as the expert level of the series. The definition further states that a CS 4 position 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.

The typical work statements include the following duties and responsibilities as a CS 4:

- Serves as a headquarters classification program representative;
- Coordinates a major function of the agency-wide chemical dependency treatment program;
- Coordinates all functions of the canine program; audits correctional programs for compliance with agency policy;
- Coordinates programs for inmates with hearing impairments.
- May supervise lower level staff.

Mr. Bovenkamp recognized that you have expertise and knowledge about OJT programs and that you have some discretion and flexibility in coordinating and implementing the OJT programs at your assigned facilities. However, he described your supervisor, the OJT Program Manager, as the statewide expert and spokesperson regarding OJT Programs. Mr. Bovenkamp acknowledged that you and the other OJT Program Specialists have strong program knowledge and understand the related laws, rules, and policies but indicated that knowledge is expected at your level. Mr. Bovenkamp further emphasized that while you review program training materials to ensure compliance and forward recommendations to the OJT Program Manager, the OJT Program Manger determines whether or not to elevate your recommendations to management. Mr. Bovenkamp also noted that changes in curriculum or policies occur at the administrative management level in conjunction with the Performance Institute Director at Peninsula College.

Additionally, Mr. Bovenkamp acknowledged the OJT Program Specialists occasionally perform peer reviews and review, monitor, and maintain training records and portfolios to ensure compliance. However, he indicated that the focus of your work does not involve auditing. Ms. Harmon also clarified that DOC has an internal audit unit assigned to perform statewide audits. In addition to being described as the expert level, the CS 4 typical work statements describe positions working at headquarters or coordinating major functions of agency-wide programs. This level of responsibility is retained by the OJT Program Manager. Therefore, the CS 4 classification is not the best fit for the scope of work and level of responsibility assigned to your position.

The **Corrections Specialist 3 (CS 3)** has been defined as the senior, specialist, or lead worker level of the series. The definition further states that a CS 3 position within the Department of Corrections performs the following:

. . . 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

The typical work statements include the following duties and responsibilities as a CS 3:

- Interprets and explains applicable laws, rules, regulations, policies and procedures, monitors program activities for compliance; reviews/develops field instructions relevant to assigned program area(s); be knowledgeable of directives, policies, field instructions, WACs and RCWs;
- Establishes training goals and objectives; coordinates orientation and in-service training for all staff; schedules training, arranges for trainers, prepares lesson plans and materials, evaluates training and trainers; prepares a Human Resource Development Plan; prepares and maintains training records and reports, as necessary;
- Coordinates the COACH on-the-job training program providing documented step-by-step instruction for development of key skills performed by correctional officers, monitors progress through interviews, performance assessment and observation;
- May supervise lower level staff.

Your position is tasked with developing, coordinating, implementing, assessing, and making recommendations regarding the OJT Programs at your assigned facilities. You perform professional level duties specifically relating to the COACH program and other aspects of on-the job training. In addition, the CS 3 typical work statements closely align with the duties and level of responsibility assigned to your position. For example, your position requires specific program knowledge to interpret and explain applicable laws, rules, regulations, policies and procedures and to monitor activities for compliance. Your position also establishes training goals and objectives and coordinates all aspects of COACH and on-the job-training programs at your assigned facilities. The majority of duties and responsibilities assigned to your position fit the CS 3 classification.

As part of your request, you compare your position with Academy Supervisors allocated to the CS 4 level and assert your position performs similar duties. However, both the

Personnel Appeals Board (PAB) and Personnel Resources Board (PRB) have consistently 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.” Byrnes v. Dept’s of Personnel and Corrections, PRB No. R-ALLO-06-005 (2006) citing Flahaut v. Dept’s of Personnel and Labor and Industries, PAB No. ALLO 96-0009 (1996).

The PRB has also held that “[m]ost 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.” Dudley v. Dept. of Labor and Industries, PRB Case No. R-ALLO-07-007 (2007).

It is clear the work you perform is highly valued and that your position greatly contributes to the success of the correctional officers working at your assigned facilities. A position’s allocation is not a reflection of performance or an individual’s ability to perform higher level work. Rather, an allocation is based on the majority of work assigned to a position and how that work best aligns with the available job classifications. Overall, the Corrections Specialist 3 classification best encompasses the focus of your work and the specific duties and level of responsibility assigned to your position.

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: Lorna Ovena, DOC
Joanne Harmon, DOC
Lisa Skriletz, DOP

Enclosure: List of Exhibits

Scott Svoboda v. Department of Corrections

ALLO-10-015

List of Exhibits

A. Scott Svoboda Exhibits

1. April 13, 2010 Letter Requesting Director's Review
2. Position Description (BP26) December 2009
3. Employee Training and Development Policy
4. Cover sheet listing exhibits (includes A-2 and 3 above).
5. Example of Evaluations completed on Sergeants (After time period but reflective of work performed during time period – See Exhibit A-9).
6. Emails showing communication with administrators and HR regarding new employee retention.
7. Performance and Development plan completed by COACH Specialist for all new employees adopted by HR statewide.
8. Example of COACH Progress Sheet.
9. Examples of Evaluations, COACH Progress Sheets, and feedback via email closer to timeframe (similar to A-5 through A-8).
10. Acknowledgement for contributions to Design & Development of Curriculum

B. Department of Corrections Exhibits and Cover Sheet

1. Position Review Request October 30, 2007
2. Position Description (BP26) August 2007
3. Organizational Charts – Performance Unit and Supervisory Structure
4. Allocation Determination letter March 15, 2010
5. Class Specification: Corrections Specialist 3 (350C)
6. Class Specification: Corrections Specialist 4 (350D)
7. Classification Questionnaire for position # BP26 from 2003
8. Classification Questionnaire for position # BP26 from 2001