

June 30, 2011

TO: Gary Hill, Council Representative
Washington Federation of State Employees (WFSE)

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

SUBJECT: Cathy Walker v. Military Department (MIL)
Allocation Review Request ALLO-10-050

On April 28, 2011, I conducted a Director's review conference regarding the allocation of Ms. Walker's position. Present during the Director's review conference were you and Ms. Walker; Laura Drybread, Human Resource Manager, Jana Dutt, Human Resource Consultant; Major Thomas Muehleisen, Chief Information Officer (CIO); and Dennis Trout, Information Technology (IT) Operations Manager and Ms. Walker's supervisor at the time she requested a position review.

Director's Determination

This position review was based on the work performed for the six-month period prior to March 1, 2010, the date Ms. Walker submitted her request for a position review to MIL's Human Resources (HR) Office. 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 Ms. Walker's assigned duties and responsibilities, I conclude her position was properly allocated to the Emergency Management Program Specialist 2 classification for the time period relevant to this review.

Background

In June 2007, Ms. Walker began working in an Emergency Management Program Specialist 1 (EMPS 1) in-training position. At that time, Ms. Walker had been assigned to the Planning, Analysis and Logistics (PAL) Section within the Emergency Management Division (EMD) and reported to the PAL Manager. During the Director's review conference, the parties described the PAL Section as a science and technology unit. After completing the in-training period, Ms. Walker promoted to an EMPS 2. The Position Description Form (PDF) for Ms. Walker's EMPS 2 position describes, in part, the position objective as independently providing professional level emergency management support for the maintenance of the state Hazard Identification and Vulnerability Assessment (HIVA) and developing scientific based analysis (Exhibit B-4).

In May 2008, Ms. Walker's position became part of the Geographic Information Systems (GIS) Section within the Information Technology (IT) Division. Ms. Walker then began reporting to Dennis Trout, IT Operations Manager, who reported to Major Thomas Muehleisen, CIO (Exhibit B-6). During the Director's review conference, Mr. Trout explained the structure of the GIS Section included an IT position as well as positions from other functional areas that generate GIS products. He indicated the positions had been grouped together in the same work unit because they all supported the GIS mission. For example, Ms. Walker's position functioned as an emergency management specialist using science and technology to generate GIS products, while another technician previously in Facilities specialized in another area using GIS.

On March 1, 2010, Ms. Walker submitted a Position Review Request (PRR) to MIL's Human Resources (HR) Office, requesting her Emergency Management Program Specialist 2 (EMPS 2) position be reallocated to the Information Technology Specialist 3 (ITS 3) classification (Exhibit B-3). MIL's HR Office notified Ms. Walker that her PRR was not complete because it did not contain the Unit Head's signature. HR then forwarded the PRR to Major Muehleisen, CIO, for his review and signature. In the meantime, on July 15, 2010, Ms. Walker promoted out of the agency. However, Major Muehleisen had not completed the PRR prior to Ms. Walker's departure. As a result, MIL discontinued Ms. Walker's position review.

WFSE filed a grievance due to the agency not completing the position review, and a fact finding meeting was held on July 23, 2010. On August 23, 2010, MIL submitted a response to the grievance. Part of the response included an informal review of Ms. Walker's position (Exhibit A-2). On September 21, 2010, Ms. Walker requested a Director's review of MIL's informal determination, which had been included in the response to the grievance (Exhibit A-1). Before proceeding with a Directors' review, our office asked MIL to submit a formal allocation determination.

Meanwhile, the parties also proceeded with the pre-arbitration process at the Public Employees Relations Commission (PERC) relating to the grievance. After completing the grievance process, HR Consultant Jana Dutt once again reviewed Ms. Walker's March 1, 2010 PRR. On March 4, 2011, Ms. Dutt issued a formal allocation determination, concluding Ms. Walker's position had been correctly allocated to the EMPS 2 classification on a best fit basis (Exhibit B-1).

Summary of Ms. Walker's Perspective

Ms. Walker asserts the focus of her position became more technical when her position moved to the IT Division. Ms. Walker indicates the prior focus of her position in the PAL Section had been to write emergency management plans, primarily the Hazard Identification and Vulnerability Assessment (HIVA). The HIVA was considered a living document that outlined potential hazards in our state. In that capacity, Ms. Walker states that she researched information and wrote emergency management plans, which included maps she created using GIS software. The HIVA included scientific analyses of vulnerability regarding hazards that exist in our state. After moving to the IT Division in 2008, Ms. Walker contends she independently performed consulting on GIS projects and database management and that she established work procedures and innovative approaches to completing assignments and coordinating projects. In addition, Ms. Walker contends her position had been tasked with designing, programming, installing, and maintaining GIS software, as well as performing quality assurance of GIS data.

Ms. Walker asserts her position was recognized as a GIS expert. Ms. Walker contends other positions within the state performing similar GIS duties have been allocated within the IT series. Therefore, Ms. Walker believes the ITS 3 classification best describes the duties she performed as a GIS Analyst with the Military Department.

Summary of Military Department's (MIL's) Reasoning

MIL asserts the primary focus of Ms. Walker's position had been on the scientific analysis relating to emergency management planning rather than IT. MIL acknowledges Ms. Walker performed some IT-related work but contends the overall focus and majority of her work involved the use of GIS software to plan and analyze hazardous situations. MIL indicates she also provided professional level support in the development, use, maintenance, and oversight of science and technology analysis tools relating to emergency management planning and logistics functions. MIL contends Ms. Walker's position used GIS software and developed tools to accomplish her work but remained focused on emergency management. As a result, MIL asserts the EMPS 2 classification best describes the overall intent of her position and the duties and responsibilities assigned.

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

Duties and Responsibilities

The PDF on file for Ms. Walker's position at the time of her position review was from January 2008 when her position was in the PAL Section (Exhibit B-4). MIL asserts the duties did not significantly change when she moved to the GIS Section in the IT Division. MIL states that the focus of her job still involved the planning and analysis of emergency management situations using GIS tools.

In March 2010, Ms. Walker completed a PRR and a PDF for her position (Exhibits B-3 and A-13). The PRR and PDF reflect the same duties and responsibilities. Mr. Trout signed both documents, though the PDF had been unofficial. Mr. Trout agreed the duties and responsibilities Ms. Walker described were an accurate reflection of her work. The position's purpose includes the responsibility for supporting MIL's GIS and acting as the primary liaison to MIL's EMD regarding GIS products. As previously indicated, the GIS Section included positions with a focus on IT as well as positions with a focus in other specialty areas, such as the science and technology used in emergency preparedness or facilities planning. The common link related to IT's mission involving GIS software. Mr. Trout indicated he authorized administrator rights to all of the positions in the GIS Section, which he supervised as IT Operations Manager. Further, the common data is located in a central location to be accessed by those positions using the data for analysis as it relates to a particular function, such as emergency management.

On the PRR, Ms. Walker describes her primary job duties as follows:

- 25% Provide custom cartographic and GIS analytical products to Military Department personnel using ESRI's ArcGIS software and spatial analysis tools.

During the Director's review conference, Ms. Walker described her customers as anyone in emergency management, noting the products may include maps, reports, or a mitigation plan analysis using GIS data that illustrates the potential impacts of a particular hazard.

- 20% Perform risk and vulnerability analysis using GIS spatial analysis tools for State Emergency Management plans including but not limited to Washington's Hazard Identification and Vulnerability Assessment (HIVA) and Washington's Enhanced Hazard Mitigation Plan (E-HMP).
- 15% Perform data mining, data manipulation, data editing geocoding geoprocessing tasks, and/or QA/QC tasks on customer provided data to ready for incorporation into the Military Department's spatial databases, and for use in GIS spatial analysis and/or the creation of custom cartographic products.

During the Director's review conference, Major Muehleisen described the majority of Ms. Walker's work with the data as "data scrubbing" rather than data mining. He explained that data mining involves a higher level analysis. Ms. Walker ensured the data was clean and ready for the higher level analysis. For example, Ms. Walker ensured the data had complete and correct addresses and was in the correct format to be incorporated into the GIS.

- 10% Install and maintain ArcGIS, HAZUS-MH, and CDMS [Comprehensive Data Management System] software on GIS designated computers in the State's Emergency Operations Center (EOC), as well as for those EMD personnel granted access to these software packages. Evaluate and conduct testing of geospatial and emergency management software products for use in the State EOC. Maintain EOC large format plotter; perform maintenance tasks; replenish paper and ink supplies in the plotter; order maintenance cartridges, ink, and paper supplies for plotter.

It is undisputed Ms. Walker and the other employees in the GIS Section had administrative rights to install, update and troubleshoot issues with the GIS software.

- 10% Develop HAZUS-MH and CDMS training curriculum. Instruct local and state GIS and emergency management personnel on the use of HAZUS-MH and CDMS for performing risk and vulnerability analysis for emergency management planning requirements.
- 10% Serve as project manager and/or technical lead to EMD for projecting involving GIS or geospatial data management. This includes the Washington State HAZUS Data Enhancement Project which involves the improvements of statewide infrastructure and critical facilities data for use in risk and vulnerability analysis using GIS spatial analysis tools. Manage contractor working on project

including overseeing products generated from project, approving invoices and submitting them for payment, providing technical assistance and resolving technical issues, and performing QA/QC checks of products submitted to EMD.

- 5% Serve as Lead GIS Analyst in the State EOC during activations and exercises, providing geospatial analytical products, data, and maps to EOC personnel.
- 5% Automate and or streamline GIS processes by creating map templates, developing custom mapping styles, and developing and documenting map production procedures. Use ESRI's ModelBuilder to automate geoprocessing tasks.

It is undisputed Ms. Walker installed and maintained software products on GIS designated computers and she was considered the technical subject matter expert on the use of the software (Exhibit A-8). Mr. Trout also noted Ms. Walker had specifically been trained on the HAZUS software required by FEMA to monitor and plan for hazardous situations and that she trained others on the use of the software (Exhibit A-9). Ms. Walker tested science and technology based tools, for example, by running data through modeling software and creating different hazardous scenarios. For instance, Ms. Walker may have been asked to test a chemical hazard software modeling program to ensure the data could be used in an emergency situation.

As part of her geoprocessing tasks, Ms. Walker used a database management tool to create schema and structure different types of data, for example by demographics. Ms. Walker developed several data sets and formatted them into standard format so they could be incorporated into the GIS modeling software to run different hazardous scenarios for analysis. Ms. Walker also added fields in the system to automate certain actions so she could run multiple items at one time rather than entering individual items. These functions have been described as normal tasks that GIS positions perform to process data. In addition, Ms. Walker worked with subject matter experts from other agencies, such as Department of Natural Resources or Ecology regarding natural disasters and environmental hazards. As a result, she was considered a technical expert on understanding customer needs, and Mr. Trout indicated she had "complete discretion on making commitments" (Exhibit B-3, page 7) which he clarified related to the representation of GIS products, such as a graph, map, or flood plain map, and the graphic outcome of those products.

Both Major Muehleisen and Mr. Trout acknowledged the focus of Ms. Walker's position had been shifting toward more of a technical GIS, IT centric job. However, at the time Ms. Walker left the position, they indicated the majority of the work she performed and the overall focus still remained in the emergency management area of expertise.

Class Specifications

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 **Information Technology Specialist** class series concept reads as follows:

Positions in this category perform professional information technology systems and/or applications support for client applications, databases, computer hardware and software products, network infrastructure equipment, or telecommunications software or hardware.

This category broadly describes positions in one or more information technology disciplines such as: Application Development And Maintenance, Application Testing, Capacity Planning, Business Analysis and/or Process Re-Engineering, Data Base Design And Maintenance, Data Communications, Disaster Recovery/Data Security, Distributed Systems/LAN/WAN/PC, Hardware Management And Support, Network Operations, Production Control, Quality Assurance, IT Project Management, Systems Software, Web Development, or Voice Communications.

Positions which perform information technology-related work to accomplish tasks but are non-technical in nature would not be included in this occupational category.

There is definitely an IT component to the work Ms. Walker performed using GIS software and tools. For example, Ms. Walker installed and maintained GIS software on her computer as well as others and served as the resident expert in using and creating GIS products. She also performed some duties that fit within IT, such as higher level data analysis and programming within the software. However, Major Muehleisen and Mr. Trout both emphasized the focus of Ms. Walker's position and the majority of her duties related to emergency management rather than IT. I recognize Ms. Walker gained knowledge and expertise in using GIS software to accomplish her work. However, the bulk of work described on the PRR involved the use of GIS software and tools to create cartographic and GIS analytical products and perform geoprocessing tasks to analyze and assess the risk and vulnerability of a variety of potential hazards.

While some of Ms. Walker's duties overlap with the IT class series, the Personnel Resources Board (PRB) has held the following:

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).

Further, in Byrnes v. Dept's of Personnel and Corrections, PRB No. R-ALLO-06-005 (2006), the 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).

Overall, the Information Technology series was not the best fit for the duties and responsibilities assigned to Ms. Walker's position during the time she worked at the Military Department.

The **Emergency Management Program Specialist** class series concept reads as follows:

Positions in this occupational category perform professional emergency management or telecommunications duties. Emergency management is the preparation, mitigation, response, and recovery activities inherent in managing potential or actual natural or technological hazards and disasters. Other concepts include program management for one or more emergency management programs; project lead for one or more emergency management projects; managing one or more emergency management telecommunications projects and/or systems; consulting/planning for statewide 911 system enhancement; or, legislative and policy coordinating/analyzing for the Emergency Management Division.

The phases of emergency management are: 1) preparedness, which is the planning and preparation that occurs before and in anticipation of an emergency or disaster; 2) mitigation, which is the act of lessening or eliminating hazards before an emergency occurs; 3) response, which is the implementation of the preparedness function, use of operational plans, warning systems, activation of resources, and mobilization of personnel; and 4) recovery, which is the immediate and often long-term process of dealing with the aftermath of a disaster.

Incumbents in this class serve in the Emergency Operations Center or at other locations as may be assigned during exercises, emergencies, disasters, and/or other occurrences.

Ms. Walker's position at the time relevant to this review fit within the Emergency Management Program Specialist series. Her position had been tasked with using GIS software and tools to prepare, mitigate, and respond to a number of potential hazards and disasters as part of emergency management.

The **Emergency Management Program Specialist 2** defines this class as follows:

This is the fully qualified working level. Positions at this level independently perform professional level emergency management or telecommunications duties under the general direction and guidance of higher level staff and/or management. Positions perform a variety of professional level tasks in the development, implementation, and/or delivery of emergency management services within a program(s), project(s), and/or functional area(s) such as plans, exercises, education, training, recovery, telecommunications, and/or emergency operations. Incumbents are fully responsible for the delivery of services within their assigned

area(s) of responsibility. Incumbents in this class may be assigned related budget, accounting, or contracting responsibilities. Work assignments involve at least one of the four phases of emergency management.

The primary focus of Ms. Walker's position had been to provide professional level analytical, scientific support for emergency management. To accomplish this, Ms. Walker had been extremely proficient in using GIS software and tools to develop scientific based analysis and custom cartographic products. Her managers indicated the thrust of her work had not significantly changed when her position moved to the GIS Section within the IT Division. However, they acknowledged some of her work aligned with IT duties and responsibilities and may have evolved into an IT position at some point in the future. The duties and responsibilities assigned to Ms. Walker's position align with the EMPS 2 definition, which includes performance of a variety of professional level tasks in the development, implementation, and/or delivery of emergency management services. Further, while not exact, the following EMPS 2 typical work statements are consistent with Ms. Walker's duties and level of responsibility:

- Coordinates emergency management . . . functions . . . internally and with other state agencies, local jurisdiction, federal agencies, the private sector, and other states or countries;
- Develops, delivers, or evaluates emergency management training and/or education activities throughout the state in support of state and local emergency management programs;
- Develops, evaluates, implements, or coordinates emergency management plans in support of local and state emergency management programs;
- Performs liaison activities to provide assistance in support of state and local emergency management programs.

It is clear from the comments during the Director's review conference that Ms. Walker's work was highly valued and appreciated at the Military Department. However, 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. The Emergency Management Program Specialist 2 was the best fit for the overall duties and responsibilities assigned to Ms. Walker's position at the time relevant to this review.

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. ***If either party plans to hand-deliver or fax an appeal to the PRB, please note the following changes:***

Through July 15, 2011, you may file in person at ***600 South Franklin***, Olympia, Washington. Fax number (360) 753-0139.

Beginning July 18, 2011, you may file in person at ***521 Capitol Way South***, Olympia, Washington. Fax number (360) 586-4694.

For questions, please call (360) 664-0388.

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

c: Cathy Walker
Jana Dutt, MIL
Lisa Skriletz, DOP

Enclosure: List of Exhibits

CATHY WALKER v MILITARY
ALLO-10-050

A. Cathy Walker Exhibits

1. Director's Review Form received September 21, 2010
2. Step 1 Response to Grievance of Cathy Walker from Dennis Trout, August 23, 2010 with attachments:
 - 1) March 2, 2010 email from Jana Dutt confirming receipt of position review request
 - 2) March 26, 2010 email from Jana Dutt confirming that the PRR was sent to Tom Muehieisen for his review
 - 3) March 30, 2010 email from Jana Dutt asking Tom Muehieisen and Cathy Walker for update for position review
 - 4) April 22, 2010 emails to/from Cathy Walker and Dennis Trout concerning the completion of the position review
 - 5) Job offer from OSPI to Cathy Walker June 21, 2010 (Not allocating criteria)
 - 6) June 30, 2010 Cathy Walker resignation from Military Department

The following position descriptions from other agencies are not considered allocating criteria.

3. Department of Revenue ITS6 Position Description
4. Department of Ecology ITS3 Position Description
5. Department of Transportation ITS3 Position Description
6. Department of Transportation ITS4 Position Description
7. Department of Transportation ITS5 Position Description
8. Emails of providing assistance to staff with HAZUS installation and software support p.1-24
9. Training Ms. Walker facilitated for staff and stakeholders regarding HAZUS and how to use the database system p.1-55
10. Webpage Ms. Walker kept updated/point person
11. Instruction manual Ms. Walker developed for stakeholders regarding the completion of Significant Incidents Map p.1-36
12. Information Ms. Walker provided stakeholders about FTP
13. Unofficial PDF with duties that mirror the PRR

B. Military Department Exhibits

1. March 4, 2011 official position allocation determination for Cathy Walker's former position 0438
2. Ms. Walker's e-mail with job classes from outside employers (this included Walker – emails and Walker –job classes 1 of 8 through 8 of 8).
3. Ms. Walker's Position Review Request (PRR) form received March 1, 2010

4. Emergency Management Program Specialists (EMPS2), Science and Hazards Technology Program Coordinator, Position Description Form (PDF) received January 31, 2008
5. Step 1 Response to Grievance #Walk7/8/2010gh (Cathy Walker, Emergency Management Program Specialist 2) dated August 23, 2010
6. The Information Technology Division's organization charts updated 5/19/2010
7. The Information Technology Division's organization chart updated 1/31/2011
8. The Emergency Management Division's Planning Exercise and Training Unit's organization charts with the Planning and Analysis Section, updated 1/31/2011
9. Emergency Management Program Specialist (EMPS3), Science and Technology Planner, PDF received August 19, 2009
10. Information Technology Specialist 2, G.I.S. Analyst, PDF April 02, 2007
11. Engineering Aide, CAD Manager, PDF received April 21, 2008

C. Class specifications

1. Emergency Management Program Specialist Class Series Concept (397A)
2. Emergency Management Program Specialist 2 (397B)
3. Emergency Management Program Specialist 3 (397C)
4. Information Technology Specialist Class Series Concept (479I).
5. Information Technology Specialist 2 Class Specification (479J)
6. Information Technology Specialist 3 Class Specification (479K)