



**STATE OF WASHINGTON**  
**OFFICE OF THE STATE HUMAN RESOURCES DIRECTOR**  
DIRECTOR'S REVIEW PROGRAM  
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October 7, 2011

TO: Rhonda Fenrich  
Garrettson, Goldberg, Fenrich and Mackler PC

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

SUBJECT: Kristin Mansfield v. Department of Fish and Wildlife (DFW)  
Allocation Review Request ALLO-11-011

On July 12, 2011, I conducted a Director's review telephone conference regarding the allocation of Kristin Mansfield's position. You and Ms. Mansfield were both present for the Director's review conference. Cindy Lerch, Human Resources Manager, represented DFW. Human Resources Consultant Meghan Melton also participated in the conference.

**Director's Determination**

This position review was based on the Position Description Form (PDF) Ms. Mansfield's managers submitted to DFW's Human Resources (HR) Office on November 4, 2010. 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. Mansfield's assigned duties and responsibilities, I conclude her position is properly allocated to the Natural Resource Scientist 4 classification.

**Background**

Ms. Mansfield is assigned to the Wildlife Program in the Wildlife Science Division, and her working title is Wildlife Veterinarian. Ms. Mansfield reports to Matt Vander Haegen, Research Scientist 2 (Fish and Wildlife). Mr. Vander Haegen reports to the Division Manager, John Pierce, who reports to the Wildlife Program's Assistant Director, Nate Pamplin (Exhibit B-2). On November 4, 2010, the HR Office received a management-initiated request for reallocation of Ms. Mansfield's position from the Fish and Wildlife Health Specialist classification to the Natural

Resource Scientist 4 classification. Ms. Mansfield signed the PDF on November 8, 2010. Mr. Vander Haegen and Mr. Pamplin signed the PDF on November 10 and 12, 2010, respectively.

During the Director's review conference, the parties clarified that Recruitment and Classification Manager Art Irving had been working with Ms. Mansfield's managers to find a classification that best aligned with the scope and level of her duties and responsibilities. It is undisputed the scope and level of work Ms. Mansfield performs exceed the Fish and Wildlife Health Specialist classification and the managers in the Wildlife Program support reallocation of her position. On February 14, 2011, Mr. Irving approved the request to reallocate Ms. Mansfield's position to the Natural Resource Scientist 4 classification.

On March 15, 2011, the Department of Personnel received Ms. Mansfield's request for a Director's review of DFW's allocation determination.

### **Summary of Ms. Mansfield's Perspective**

Ms. Mansfield indicates she is the sole state wildlife veterinarian with statewide responsibility for wildlife disease issues. As such, Ms. Mansfield asserts she proposes, plans, coordinates, and implements epidemiologic studies of morbidity and mortality in wildlife. She further indicates her position serves as the principal investigator on federal and state wildlife health surveillance cooperative agreements. Ms. Mansfield asserts she analyzes, interprets, and reports findings from wildlife disease surveillance programs and determines the appropriate preventive or corrective actions needed to mitigate wildlife morbidity and mortality.

Ms. Mansfield contends there are significant connections between animal and human health, which have been recognized in cases such as avian and swine flu. She indicates she is responsible for determining the source of diseases affecting wildlife and that she has to approach each situation as though it may be an epidemic with the potential to impact wildlife, domestic animals, and humans. If there is a potential impact on humans or domestic animals, Ms. Mansfield states that she collaborates with her counterparts in the Departments of Health and Agriculture and that she becomes a primary contact for the public.

Ms. Mansfield contends the veterinarian positions in other state agencies are allocated to the Epidemiologist class series. Ms. Mansfield further contends her veterinarian counterparts have been allocated at the Epidemiologist 3 level, exempt, or in a Washington Management Services (WMS) position. Ms. Mansfield contends her position as the DFW Wildlife Veterinarian performs substantially similar work to the other veterinarians with statewide responsibility. Further, Ms. Mansfield asserts that with the exception of the "human" reference in the Epidemiologist class series, the Epidemiologist 3 class provides the best match for the overall nature of her work, as well as the level and scope of responsibilities assigned to her position.

### **Summary of DFW's Reasoning**

DFW acknowledges Ms. Mansfield is the sole wildlife veterinarian for the state and that her position has statewide responsibility. DFW also recognizes her position as the highest level expert with regard to wildlife diseases. In addition, DFW notes her responsibilities for administering controlled substances used to sedate wild animals and that the drugs are administered under her veterinarian license. For these reasons, DFW recognizes the scope of

work assigned to Ms. Mansfield's position exceeds the Fish and Wildlife Health Specialist classification.

DFW acknowledges there are similarities between the Epidemiologist class series and Ms. Mansfield's scope of work. However, when considering the Epidemiologist class series as a whole, DFW concluded the intent of the epidemiological studies applied to human morbidity and mortality, not wildlife. As a result, DFW asserts allocation to this class series is not appropriate for Ms. Mansfield's position as a wildlife veterinarian. Based on the available class specifications, DFW believes the Natural Resource Scientist 4 provides the best overall fit for the level and scope of the duties and responsibilities assigned to Ms. Mansfield'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. Liddle-Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

### **Duties and Responsibilities**

The position objective on the PDF describes the purpose of Ms. Mansfield's position as follows (Exhibit B-1):

As designated by the agency, serves as the expert in the specialized field of wildlife diseases, performing or supervising scientific studies and disease monitoring across the state. Also, serves as the designated lead for the safe handling and chemical immobilization of wildlife. Applies support for agency scientific programs and activities at the highest level of expertise in the field of wildlife disease, epidemiology, and chemical immobilization that exists within the broader scientific community.

DFW agrees Ms. Mansfield's position serves as the state wildlife veterinarian, and her PDF notes the requirement to practice veterinary medicine in the State of Washington. Further, the desk audit notes recognize "there is no one else at this level of expertise who can act for the agency . . ." (Exhibit B-5). The PDF also indicates Ms. Mansfield's position supervises a Fish Biologist 2 position (Exhibit B-2). During the Director's review conference, Ms. Mansfield clarified the position she supervises is funded through federal research grants relating to the wildlife disease surveillance programs.

In a separate document, Ms. Mansfield describes her position's connection to the epidemiology field, in part, as follows (Exhibit B-6):

. . . public and professional concern over wildlife diseases has risen dramatically. This is primarily due to recognition of the potential effects of wildlife diseases on public and domestic animal health. As a result, since this position was filled, federal research grants have become available for large-scale wildlife disease

surveillance programs in this state. [Her position] is the principal investigator on these grants and is responsible for administering the Cooperative Agreements; preparing work plans and budgets; providing training; coordinating the surveillance; and analyzing, interpreting, and reporting the findings to the funding agencies, policy-makers, cooperating agencies and the public. In addition, [her position] collaborates extensively with local health districts, the state public health and agriculture departments, university researchers, the U.S. Fish and Wildlife Service, and the U.S. Department of Agriculture to address concerns about the impact of wildlife diseases on public and domestic animal health. . . .

During the Director's review conference, Ms. Mansfield further explained that her position is responsible for applying for the federal grants, managing the budgets, implementing surveys and study plans, writing final reports, and sharing information with collaborating agencies like the Department of Agriculture and Department of Health, as well as the public.

The key job responsibilities on Ms. Mansfield's PDF have been broken down into 5% and 10% increments. During the Director's review conference, Ms. Mansfield clarified the following duties and responsibilities relate to epidemiology in wildlife diseases:

- Independently proposes, plans coordinates, and implements epidemiologic studies of morbidity and mortality in wildlife (10%).
- Analyzes, interprets, and applies findings from wildlife disease surveillance programs; formulates and justifies conclusions and recommendations based on current scientific principles (10%).
- Prepares study plans and budgets and serves as the principal investigator on federal wildlife health surveillance Cooperative Agreements (10%).
- Collaborates with local, state, federal, and university officials and researchers to address concerns about the impact of wildlife diseases on public and domestic animal health (10%).
- Establishes appropriate capture, handling, sample collection, record keeping and reporting procedures for wildlife disease surveillance (5%).
- Determines appropriate preventive or corrective actions needed to mitigate wildlife morbidity and mortality (5%).
- Provides expertise and responds to concerns from the public, WDFW staff, and other agencies on issues related to wildlife diseases (5%).
- Gives presentations to the scientific community and writes scientific reports and submits for peer review and publication if appropriate (5%).

The above duties and responsibilities total 60% of Ms. Mansfield's work. While a portion of her work deals with the impact of wildlife diseases on public and domestic animal health, the majority of duties above relate to epidemiology in wildlife.

The remaining duties and responsibilities, which account for about 35% of Ms. Mansfield's work, relate to her work with the Enforcement Program within the Wildlife Program. During the Director's review conference, both parties explained that Ms. Mansfield oversees the administration of all drugs issued to DFW enforcement officers agency-wide, who serve as first responders to dangerous wildlife complaints, such as a bear sighting in a heavily populated city. As an example, the darts used to tranquilize a wild animal are all administered under her veterinarian license. As a result, she carries the responsibility for developing and administering agency policies that meet federal food and drug regulations, as well as possession of controlled substances. Ms. Mansfield has the responsibility to order, log, and inventory all drugs administered by wildlife enforcement officers. She also maintains the responsibility for ensuring all enforcement officers are trained in administering these controlled substances to wild animals, which can be fatal to humans. Ms. Mansfield noted the duties on her PDF that relate to enforcement:

- Develops and implements agency policies, procedures, and protocols to ensure the safe, humane, and legal capture of wildlife (5%).
- Maintains expertise on regulations and procedures for handling, storage, and accounting of controlled substances (5%).
- Develops and conducts training required to ensure that 100+ agency staff can safely and effectively capture dangerous wildlife, and so that the Agency is in compliance with state and federal controlled substances laws (10%).
- Provides professional veterinary consultation and support for wildlife capture efforts (in some situations this requires a veterinary license) (10%).
- Supplies controlled substances to qualified agency employees for animal capture work and maintains record of same (requires veterinary license) (5%).

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.

It is undisputed the level and scope of responsibility assigned to Ms. Mansfield's position exceed the **Fish and Wildlife Health Specialist** classification. This is further supported by the desk audit notes, which indicate this class "describes positions with less scope and impact" than Ms. Mansfield's position (Exhibit B-5).

As part of my review, I also considered the Veterinary Specialist class series. The **Veterinary Specialist 4** has been described as the expert level of the series and requires a veterinarian license. The definition states, in part, "positions are responsible for public health protection in an assigned area of the state through the control and eradication of livestock diseases, or diseases of captive exotic wildlife or natural wildlife . . ." During the Director's review conference, DFW indicated the level and scope of responsibility assigned to Ms. Mansfield's position exceeded the Veterinary Specialist 4 classification. Ms. Mansfield's position has

statewide responsibility, and the Veterinary Specialist 4 describes positions with responsibility for an assigned area of the state. Further, the typical work examples identify positions that act as a liaison between the state veterinarian and others. Because Ms. Mansfield serves as the state wildlife veterinarian for DFW with statewide responsibility, the level and scope of her responsibilities exceed the level anticipated for the Veterinary Specialist 4 class.

The Epidemiologist 3 definition reads as follows:

Plans, coordinates, conducts, analyzes, interprets, and reports the findings from public health surveillance systems and advanced epidemiologic studies which identify the causes of morbidity and mortality. Designs and coordinates appropriate preventive health measures based upon investigative results. Determines which specific public health issues require further epidemiologic studies. Medical positions provide professional medical consultation in the performance of these duties.

The Epidemiologist 3 distinguishing characteristics describe this position as the "full working-level position in the series." Further, positions "independently propose and direct epidemiological investigations or act as the principal investigator on local, State, and/or Federal health research grants . . . [and] "may supervise or lead lower level epidemiologists or other research staff." The Epidemiologist 3 typical work statements indicate this position may perform, in part, the following duties:

- Independently proposes and supervises epidemiological investigations of human morbidity or mortality;
- Collaborates with a broad spectrum of public health constituents and participants including federal, state, and local public health officials, as well as government officials, private individuals, and senior researchers in academic settings;
- Coordinates local, State and/or Federal health research programs;
- [Serves as] principal investigator (PI) on local, State, and/or Federal health research grants.

I recognize there are similarities between the work Ms. Mansfield performs and the work described in the Epidemiologist 3 class. However, the epidemiological studies and investigations Ms. Mansfield performs relate to wildlife morbidity and mortality. All levels in the Epidemiologist class series describe investigations of human morbidity and mortality. While I understand the broader definition of epidemiology does not distinguish between humans and animals, the Epidemiologist 1 and 2 class definitions specifically reference humans. In addition, the Epidemiologist 3 distinguishing characteristics specify work with "health research grants." Further, the typical work examples distinctively describe epidemiological investigations of "human morbidity or mortality." The class definition is a primary factor in making an allocation decision. While I recognize a portion of Ms. Mansfield's work addresses concerns about the impact of wildlife diseases on public and domestic animal health, the focus of her work supported by the majority of duties still relates to the study of wildlife diseases. Therefore, allocation to the Epidemiologist class series is not the best fit for the concentration of work assigned to her position.

Ms. Mansfield has pointed out that veterinarian positions in other state agencies have been allocated to the Epidemiologist class series. However, the Personnel Resources Board (PRB)

has 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. of 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).

Additionally, in Mikelson et al. v. Dept. of Social and Health Services, PRB Case No. R-ALLO-08-022 (2009), Appellants argued they were not being compensated fairly for the higher levels of work they had been performing. However, the Board affirmed that salary inequity was not an allocation criterion and should not be considered when determining the appropriate allocation of a position, citing Sorensen v Dept’s of Social and Health Services and Personnel, PAB Case No. A94-020 (1995).

The Board has also held that 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. Dudley v. Dept. of Labor and Industries, PRB Case No. R-ALLO-07-007 (2007).

When reviewing the available class specifications, I recognized Ms. Mansfield’s position as an expert in wildlife diseases and her role as the state wildlife veterinarian. I also considered the research aspect of her job either supervising or performing scientific studies and disease monitoring across the state. In addition, Ms. Mansfield’s position reports to a Fish and Wildlife Research Scientist 2 position (Exhibit B-2). Therefore, I considered the Fish and Wildlife Research Scientist class series and concluded Ms. Mansfield’s position may fit in the Fish and Wildlife Research Scientist 2 class as well. The **Fish and Wildlife Research Scientist 2** class definition includes positions designated as consultants in a specialized area of expertise. It also describes positions that independently conduct research or supervise positions conducting research in a specialized field (Exhibit C-14). However, the Natural Resource Scientist 4 class also includes positions designated as experts in a specialty field that independently perform scientific research.

During DFW’s review of Ms. Mansfield’s position, the Recruitment and Classification Manager worked extensively with the managers of the Wildlife Program to gain a clear understanding of the scope and level of work assigned to her position (Exhibits B-7-13). Ultimately, Ms. Mansfield’s managers requested reallocation of her position to the **Natural Resource Scientist 4** ( NRS 4) classification (Exhibit B-15). The NRS 4 class defines, in part, positions “designated in writing by the agency director as the agency’s expert in a specialty field independently performing original scientific research . . .” The definition also includes publication of research findings “applying in support of agency scientific programs and activities the highest level of expertise in the specialty field existing within the broader scientific community.” The NRS 4 definition aligns with her position’s purpose on the PDF. In addition, the typical work statements similar to Ms. Mansfield’s duties include:

- Defining the research project . . .;
- Conducting surveys, analyzing and recording field conditions;

- Developing and defining the record keeping and reporting procedures;
- Training and supervising other personnel in . . . field evaluations and reporting work;
- Gathering and evaluating sample data; formulating and justifying conclusions and recommendations;
- Writing reports;
- Analyzing and applying related research work conducted by others in specialty field.

While I realize the Natural Resource Scientist 4 class may not be a perfect fit, it encompasses elements of Ms. Mansfield's duties and responsibilities. In Salsberry v. Washington State Parks and Recreation Commission, PRB Case No. R-ALLO-06-013 (2007), the Personnel Resources Board addressed the concept of best fit. The Board concurred with the former Personnel Appeals Board's conclusion that while the appellant's duties and responsibilities did not encompass the full breadth of the duties and responsibilities described by the classification to which his position was allocated, on a best fit basis, the classification best described the level, scope and diversity of the overall duties and responsibilities of his position. Allegrì v. Washington State University, PAB Case No. ALLO-96-0026 (1998).

On a best fit basis, the level, scope and diversity of the overall duties and responsibilities of Ms. Mansfield's position fit within the Natural Resource Scientist 4 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 521 Capitol Way South, Olympia, Washington. The main telephone number is (360) 664-0388, and the fax number is (360) 586-4694.

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

c: Kristin Mansfield  
Cindy Lerch, DFW  
Lisa Skriletz, DOP

Enclosure: List of Exhibits

**Kristin Mansfield v. DFW**

**ALLO-11-011**

**A. Kristin Mansfield's Exhibits**

1. Director's Review Request Form (2 pages)
2. Description of work from Kristin Mansfield (7 pages)
3. Background and History from Kristin Mansfield March 16, 2011 (2 pages)
4. F&W February 14, 2011 Position Reallocation Decision (1 page)

**B. DFW's Exhibits**

1. Current Position Description used to reallocate Ms. Mansfield to NRS4 (5 pages)
2. Wildlife Science Division Organizational Chart
3. 2009 Position Description (6 pages)
4. HR Action Form (2 pages)
5. Position Review Notes (1 page)
6. Position background and description prepared by Kristin Mansfield
7. Email to Art Irving from John Pierce October 5, 2010 asking questions to HR regarding reallocating Ms. Mansfield's position
8. Email to John Pierce from Art Irving October 6, 2010 asking if an updated PD will be submitted
9. Email to John Pierce from Kristin Mansfield October 15, 2010 forwarding updated PD and discussing reallocation process and reason for reallocation
10. Email to Cindy Lerch from Art Irving October 15, 2010 suggesting to ask DOP about using Epidemiologist class for Ms. Mansfield
11. Email to John Pierce from Kristin Mansfield October 14, 2010 outlining reallocation options
12. Email to Kristin Mansfield from John Pierce October 14, 2010 detailing reallocation procedure and recommending updating PD
13. Email to John Pierce from Matt Vander Haegen October 16, 2010 typo in October 14 email
14. Email to Kristin Mansfield from Art Irving February 2, 2011 notifying Kristin Mansfield of her reallocation to Natural Resource Scientist 4
15. Email to Art Irving from Nathan Pamplin February 1, 2011 notifying Art Irving to reallocate Ms. Mansfield position to NRS4

**C. Class Specifications**

1. Natural Resource Scientist 1 (516K)
2. Natural Resource Scientist 2 (516L)
3. Natural Resource Scientist 3 (516M)
4. Natural Resource Scientist 4 (516N)
5. Veterinarian Specialist 1 (524A)
6. Veterinarian Specialist 2 (524B)
7. Veterinarian Specialist 3 (524C)
8. Veterinarian Specialist 4 (524D)
9. Epidemiologist 1 (303J)
10. Epidemiologist 2 (303K)
11. Epidemiologist 3 (303L)
12. Fish and Wildlife Health Specialist (516E)
13. Fish and Wildlife Research Scientist 1 (516F)
14. Fish and Wildlife Research Scientist 2 (516G)