



STATE OF WASHINGTON
OFFICE OF THE STATE HUMAN RESOURCES DIRECTOR
DIRECTOR'S REVIEW PROGRAM
521 Capitol Way South, P.O. Box 40911, Olympia, WA 98504-0911
(360) 664-0388 · FAX (360) 586-4694

February 15, 2012

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

FROM: Kris Brophy, SPHR
Director's Review Investigator

SUBJECT: Willie Stoddard v. Department of Social and Health Services (DSHS)
Allocation Review Request ALLO-11-033

Director's Determination

This position review was based on the work performed for the six-month period prior to June 9, 2011, the date the DSHS Classification & Compensation (Class/Comp) unit received the request for a position review. As the Director's Review Investigator, I carefully considered all of the documentation in the file, the exhibits, and the verbal comments provided by both parties during the review conference. Based on my review and analysis of Mr. Stoddard's assigned duties and responsibilities, I conclude his position is properly allocated to the Residential Rehabilitation Counselor 4 classification.

Background

On June 3, 2011, DSHS Class/Comp unit received Mr. Stoddard's Position Review Request Form (PRR), requesting his Residential Rehabilitation Counselor 4 (RRC 4) position be reallocated to Security Guard 3 or be considered for inclusion within the Washington Management Service (WMS) to his former allocation as an Assistant Program Service Manager (APSM) within WMS. In addition, on June 9, 2011, Ms. Harris, and Mr. Weinberg submitted an updated Position Description Form with handwritten notation that Mr. Stoddard declined to sign.

As part of my review, I considered both the PDF (Exhibit B-1) submitted by SCC management and the PRR (Exhibit B-2) submitted by Mr. Stoddard. Based on the totality of information presented, I found the PRR more accurately reflects the body of work and percent of time he performs his duties. In analyzing the OSS work schedule submitted by DSHS for the beginning of January 2011 through the end of April 2011, the schedule confirms that on average, Mr. Stoddard performed OSS duties approximately 27% of the time for that period (Exhibit B-8).

DSHS notified Mr. Stoddard on July 11, 2011, that his position did not meet the WMS inclusion criteria and determined that his position was properly allocated as a Residential Rehabilitation Counselor 4 (Exhibit A-2).

On August 2, 2011, the Department of Personnel received Mr. Stoddard's request for a Director's review of DSHS's allocation determination (Exhibit A-1).

On December 13, 2011, I conducted a Director's review conference. Present during the meeting were Willie Stoddard, Steve Chenoweth Counsel Representative, WFSE; and Ellen Andrews, Classification and Compensation Administrator, DSHS. During the course of the review conference, I informed Mr. Stoddard that the scope of the Director's review is limited to a review of classifications within the Washington General Service (WGS).

Following the review conference, Mr. Stoddard submitted additional information which was received on January 10, 2012. DSHS submitted a rebuttal reply on January 17, 2012. This information has been added to the record and incorporated as exhibits herein.

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).

Position are to be allocated to the class which best describes the majority of the work assignment. Ramos v DOP, PAB Case No. A85-18 (1985).

Duties and Responsibilities

Mr. Stoddard works in the Special Commitment Center (SCC) on McNeil Island. Mr. Stoddard supervises Residential Rehabilitation Counselors (RRC) who are responsible for providing specialized care and security of civilly-committed level 4 sexual predators within the SCC facility. Mr. Stoddard's duties include performing staff supervision, staff training, resident treatment and residential unit security functions. A portion of Mr. Stoddard's time is spent serving as the central communication On-Site Supervisor (OSS) for the SCC facility.

Mr. Stoddard's position is assigned to Day Shift, 6:00 a.m. to 2:00 p.m., with Sunday and Monday off.

The majority of Mr. Stoddard's duties are summarized from the PRR as follows (Exhibit B-2):

55% Staff Supervision:

Provide staff with constructive feedback in a timely manner. Provide staff with clear performance expectations in English. Maintain a supervisor's file documenting all verbal and written corrective actions. Communicate and document matters of a disciplinary nature to the assigned PAM [Program Area

Manager] for action. Prepare duty assignment rosters and post assignments. Document corrective action and write employee evaluations. Ensure the accurate completion and timely submission of staff payroll. Ensure the timely development and submission of staff evaluations.

Resident Supervision:

Direct the RRC 2 Unit staff in their day-to-day supervision and accountability of SCC residents. Direct the RRC 2 Unit staff in assuring that residents comply with facility policy, standard operating procedures, unit and program rules. Ensure that RRC 2 unit staff maintains good order in and around the unit, that unit property is kept in good working order and safely and appropriately stored, and that state resources are used in a responsible manner.

Staff training:

Provide ongoing in-service training to RRC staff. Provide instruction, as directed by the PAM, to new employees undergoing other SCC training. Identify individual training needs and provide one-to-one performance enhancement training on specific skills and tasks as needed or directed.

Treatment and Residential Care:

Ensure staff have read, understand and apply treatment plans for individual residents. Ensure the resident's physical needs are met per SCC policy. Participate in regular treatment team meetings. Instruct and encourage residents regarding policies, procedures, protocols and living unit rules. Encourage residents to participate in extra-curricular activities. Interact with the residents on a frequent basis. Assist SCC residents with problem solving, and informally counsel residents individually and in small groups. Encourage and assist residents in working toward treatment goals. Use appropriate and clear verbal direction and interventions with residents on a daily basis.

Safety/Security:

Ensure unit staff: maintain safe and secure living environments within the living units supervised; perform routine inspections; monitor residential interactions, secure resident rooms and common areas; implement appropriate verbal and physical behavior intervention. Ensure unit staff: monitor use of prescription medications; perform continual observation of unit activities; monitor resident mail for contraband, know how to operate touch screen monitors; know how to report and respond to emergent situations following SCC emergency response procedures, and know how to use, maintain, and account for the unit's equipment.

Documentation:

Generate accurate, detailed, and timely documentation of routine matters, including progress reports, log entries, resident census. Write reports. Provide

written statements and depositions as required related to observed behaviors. Write clearly, issue, and review behavior management reports.

Supply:

Ensure the timely order, receipt, cataloging, and distribution of expendable supplies, including clothing, personal hygiene items, and facility cleaning and sanitation materials. Ensure timely processing and distribution of resident mail, checks, money orders, credit cards, etc.

(Note: During the review conference, Mr. Stoddard stated the following duties relate to the On-Site Supervisor (OSS) duties.)

40% Accountable to ensure that safety and security of total confinement facility is upheld. Responsible for ensuring ALL emergencies are handled properly within SCC Emergency protocol. Act as Incident Commander for all Emergency operations, until relieved by Superior Administrative Management Personnel. Responsible for authorization of the use of force, if required. In charge of all personnel assigned to the Institution during a shift.

Directly supervise first line supervisors, ensuring that they act in a professional manner and act in a timely manner. Ensure: policies and procedures are understood and followed by staff and residents, including personnel regulations and policies; current and oncoming shift is properly staffed, optimizing safety and security.

Submit daily reports to upper/Executive management, documenting incidents that occur on the shift. Evaluate unexpected events/incidents, manage incident response and follow-up. Report urgent and emergent situations to the off-island on call Administrator. Report actions taken in crisis situations. Responsible for a full range of incident response and behavior management techniques.

Performs initial investigations of resident abuse complaints and mistreatment allegations. Ensure all staff complaints and behavioral issues are handled appropriately. Receive and process all incident reports on the shift, and any necessary actions to minimize or diffuse the incident. Process all Category 1 Behavior management reports. Receive evidence and contraband taken from resident searches, and follow chain of custody for investigations.

Hold first-line supervisors accountable for supervision of their staff. Ensure overtime meals are sufficiently stocked and keys are accounted for in Central Control. Follow overtime procedures and issue overtime to staff. Conduct daily radio check for all SCC staff.

Serve as the On-site contact and liaison between SCC and McNeil Island Corrections Center. Contact outside resources as necessary. Responsible for the: safety and security of the less restrictive housing units; emergency response, fire, resident escape; and residential staffing. Complete other

Administrative tasks on behalf of, and as assigned by the Program Services Manager.

Mr. Walter Weinberg, WMS Program Area 2 Manager (PAM), is Mr. Stoddard's supervisor. Mr. Weinberg did not complete the supervisor's section, but did sign the PRR form on April 19, 2011.

Ms. Cathi D. Harris, Associate Superintendent, subsequently completed and signed the supervisor's section on June 6, 2011 (Exhibit B-3). In her response to Mr. Stoddard's description of duties, Ms. Harris listed the duties and percentages of time in verbatim from the PDF submitted to the Classification & Compensation Unit on June 9, 2011 (Exhibit B-1).

In her comments, Ms. Harris states Mr. Stoddard does not hold supervisory responsibility over other direct supervisors while he is serving as the OSS. She indicates that while working in that capacity he directs their work but does not have supervisory authority over them.

Ms. Harris also clarified that while serving as the OSS, Mr. Stoddard indicated the highest class he manages is the Program Area Manager. Ms. Harris stated that Mr. Stoddard is supervised and reports to the Program Area Manager while serving in that capacity. Further, Ms. Harris disagrees with Mr. Stoddard's statement that all of the responsibilities of the WMS Assistant Program Services Manager position were delegated to the RRC 4 positions. She states that when the position was abolished, the higher level managerial functions such as high level personnel investigations, managing additional programs such as mailroom, recreation, and the warehouse were distributed among other WMS positions, not to the RRC 4 positions (Exhibit B-3).

Summary of Mr. Stoddard's Perspective

Mr. Stoddard asserts his OSS duties are consistent with his previous WMS Assistant Program Service Manager (APSM) (Exhibit A-7). Mr. Stoddard asserts the duties described for on-site supervision in the RRC 4 PDF (Exhibit A-2) were taken directly from the APSM position description. Mr. Stoddard asserts that when the WMS positions were eliminated he was reallocated to the RRC 4 class, and within thirty days of his return he was told the RRC 4 positions at the SCC were assuming the OSS responsibilities.

Mr. Stoddard asserts that SCC management recognizes the OSS function as a critical duty, separate from the current RRC 4 positions and performed at a higher level of work as noted by its previous designation in the WMS as an APSM. Mr. Stoddard asserts it is inappropriate to now say these higher level duties fit within the RRC 4 class specification. Mr. Stoddard asserts the OSS work involves a higher overall scope and level of responsibility for the entire SCC facility, which is distinct from unit level supervisory responsibility as a RRC 4.

Summary of DSHS's Reasoning

DSHS asserts the primary focus of Mr. Stoddard's position is the supervision of staff and security of the residents in Mr. Stoddard's assigned residential units. DSHS asserts fifty-five

percent of Mr. Stoddard's duties involve unit level supervision of RCC staff, which is consistent with the RRC 4 class.

Additionally, DSHS asserts Mr. Stoddard's rotational assignment to fill the OSS post is described in the RRC 4 description of duties. DSHS asserts Mr. Stoddard's secondary role of OSS does not meet the definition of supervisor, nor does it meet the definition of administrative or managerial work. DSHS further determined Mr. Stoddard's position did not meet the criteria for inclusion within WMS.

DSHS asserts Mr. Stoddard's position does not meet the scope of the Security Guard 3 definition as his position is not assigned to fill in behind other RRC 4 staff when the Security unit is short staffed. In total, DSHS asserts Mr. Stoddard's position is properly allocated to the RRC 4 class.

Comparison of Duties to 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.

Comparison of Duties to Security Guard 3

The Definition for this class states:

Supervises security staff who provide protection and security of buildings, grounds and their residents, staff or visitors. Assists security staff in the patrolling and inspection of buildings, grounds and equipment. Enforces rules of behavior in buildings and grounds. [Emphasis added]

There are no Distinguishing Characteristics for this class.

This class does not fully describe the overall scope and level of responsibility of Mr. Stoddard's position. The majority of Mr. Stoddard's time is spent supervising seventeen residential unit RRC staff who are responsible for providing specialized rehabilitation care for more than 140 resident housed within four living units (Gingo, Elm, Dogwood, and Fir). This includes supervision of staff engaged in providing resident treatment functions, with a secondary emphasis on providing security to the unit. Mr. Stoddard handles complex, sensitive issues and initiates proactive interventions as needed, and reports staff performance and disciplinary issues to his supervisor.

Further, the former Personnel Appeals Board held that when there is a definition that specifically includes a particular assignment and there is a general classification that has a definition which could also apply to the position, the position will be allocated to the class with the definition that includes the position Mikitik v Depts. of Wildlife and Personnel, PAB No. A88-021 (1989). This is supported by the Personnel Resources Board which concluded that while one class appeared to cover the scope of a position, there was another classification that not only encompassed the

scope of the position, but specifically encompassed the unique functions performed. Alvarez v. Olympic College, PRB No. R-ALLO-08-013 (2008).

Mr. Stoddard's duties are more accurately and fully described by the Residential Rehabilitation Counselor series. Therefore, because there is another class series which more fully describes and addresses the full scope of Mr. Stoddard's responsibilities, which includes supervising residential rehabilitation counselors who provide specialized care in addition to security functions, his position should not be allocated to this class.

Comparison of Duties to Residential Rehabilitation Counselor 4

The Definition for the Residential Rehabilitation Counselor 4 classification states:

Within the Special Commitment Center, under the supervision of mental health professionals, supervises Residential Rehabilitation Counselors in providing for the specialized care and security of civilly-committed adult, violent sexual predators.

The Distinguishing Characteristics for this class states:

Supervises Residential Rehabilitation Counselors and performs security work to ensure the safety and security of the total confinement facility, less secure transition facility, program area, residents, staff and the public. Monitors implementation of resident treatment plans and addendums to support residential treatment. Positions supervise staff assigned to escort residents off the island for medical or court appointments.

Mr. Stoddard's position closely matches the Definition and Distinguishing Characteristics of this class. The primary thrust of Mr. Stoddard's position is to supervise RCC staff assigned to provide specialized care to residents in four housing units. Approximately fifty-five percent of Mr. Stoddard's duties involve unit level supervision of RCC staff, which is consistent with the RRC 4 definition. Mr. Stoddard supervises unit RCC employees who are responsible for providing specialized care and security functions for their assigned residential units. This includes assuring that residents comply with facility policy, standard operating procedures, and unit and program protocols, rules, and regulations.

According to the PRR, approximately forty percent of Mr. Stoddard's time is spent serving in a secondary role as the SCC OSS which involves providing security oversight work for the entire SCC facility. DSHS submitted a copy of the OSS work schedule for January – April 2011, which indicates Mr. Stoddard worked 23 of his 86 scheduled work days (i.e. 27%) for that period as the OSS.

In her allocation determination letter, Ms. Andrews emphasizes the principle function of the OSS as follows (Exhibit A-3):

... a central communication post charged with ensuring the island is secured, and residents and staff are safe. Incidents are handled in accordance with written plans, procedures, and verbal direction from

management or the On-call Administrator. The OSS has the authority to take necessary action to contain and secure the situation until guidance is obtain[ed] from management or the On-call Administrator. Advance level understanding and familiarity with SCC policies, procedures, structure, and island operations are essential to handle the variety of unanticipated events... the RRC 4's on day shift developed a rotating schedule to cover the OSS post; post coverage is based on reverse seniority.

Mr. Stoddard's rotational assignment as the OSS, while not fully anticipated by the RRC 4 class, is addressed in the RRC 4 definition's statement: "Supervises Residential Rehabilitation Counselors and performs security work to ensure the safety and security of the total confinement facility..." [Emphasis added]

This statement is consistent with Mr. Stoddard's OSS responsibilities including: assigning staff to appropriate work locations to ensure adequate and proper security coverage in the total confinement facility (i.e. SCC); responding to and coordinating all urgent and emergent situations that arise according to institutional policy and standard operating procedures; completing the On-Site Supervisor's report (exhibit B-12) during the shift to document incidents and actions taken; acting as a liaison between SCC and the administrative, clinical, and facilities duty officers; completing documentation for resident seclusion assignments; and reviewing all Incident Reports written during the assigned shift.

Further, this level and scope of responsibility is supported in Ms. Harris's comments in exhibit B-3, where she states that the level of decision making authority delegated to Mr. Stoddard while engaged as the OSS includes the following:

- Authority to grant staff requests for early departures.
- Issuance of OT.
- Determine low level use of force interventions – staff must contact an on-call administrator for any level of force that exceeds a basic team entry.
- Determine level of intervention needed for resident abuse allegations according to policy.
- Determine how to allocated staff if staffing must fall below the optimal level.
- Determine which resident activities will be suspended or resumed according to staffing levels. Any activity which deals with non-resident individuals is approved through the on-call administrator.
- In emergent and urgent situations, placement of a resident in more restrictive settings for a one hour period until extended authorization can be given by the on-call administrator.

Additionally, although 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. A portion of the typical work for the RRC 4 class includes the following statements:

- Supervises and monitors Residential Rehabilitation Counselors in carrying out specific duties and assignments defined by professional staff; advises Residential Area Manager, Assistant Program Services Manager or SCTF Manager regarding performance of Residential Rehabilitation Counselors; assists in the development and implementation in directed treatment/management plan for residents;

- Establishes work schedules, authorizes routine overtime, reviews and finalizes payroll reports; assigns work to Residential Rehabilitation Counselors; Observes and evaluates work performance of Residential Rehabilitation Counselors; establishes and maintains effective work methods;
- Trains Residential Rehabilitation Counselors staff in routine safety/security unit operations; conducts and supervises all security related drills; supervises and ensures proficiency of unit control booth operation;
- Consults with clinical staff in the evaluation, treatment and management of residents; participates in individual group counseling;
- Participates in supervisor, classification and team meetings; prepares reports as required;
- Supervises implementation of behavior management procedures when a resident is violent, suicidal or has behavior difficulties; monitors and evaluates Residential Rehabilitation Counselor staff proficiency of behavior intervention techniques;
- Provides for communication of information between shifts....;
- Assists in conducting investigations as the on-scene officer, answers questions of residents and visitors concerning rules, regulations and procedures....;
- Supervises random and specific searches/inspections of residents and visitors, resident housing, buildings, physical plant, supplies and residents personal property....;
- Coordinates the security and custody for residents on authorized leave from the less secure transitional facilities to community appointments and activities; coordinates staff to assist corrections and custody officers in the transport and security of residents to hospital or medical appointments, and scheduled court appearances outside the institution....;

Mr. Stoddard's duties and responsibilities are fully consistent with these statements. Mr. Stoddard ensures his assigned RRC 2 unit employees maintain order in and around the units. He provides ongoing in-service training to RRC staff. He instructs and encourages residents regarding policies, procedures, protocols and living unit rules. He ensures his employees maintain a safe and secure living environment within the living units, which includes performing routine inspections; monitoring residential interactions; securing resident rooms and common areas; and implementing appropriate verbal and physical behavior intervention.

Mr. Stoddard's overall level of responsibility and decision making authority, as well as his responsibility for serving in rotation as the SCC On-Site Supervisor, fit within the Definition and Distinguishing Characteristics for the Residential Rehabilitation Counselor 4 classification.

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).

In this case, the majority of the duties assigned to Mr. Stoddard's position and his level of responsibility and delegated authority are best described by the Residential Rehabilitation Counselor 4 classification. Therefore, his position should remain allocated to that class.

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.

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: Willie Stoddard, DSHS
Steve Chenoweth, WFSE
Ellen Andrews, DSHS
Lisa Skriletz, DOP

Enclosure: List of Exhibits

WILLIE STODDARD v DSHS

ALLO-11-033

List of Exhibits

A. Willie Stoddard exhibits

1. Director's Review Request form received August 2, 2011.
2. A copy of Mr. Stoddard's Position Description Form indicating his refusal to sign.
3. A copy of the DSHS allocation determination letter dated June 11, 2011.
4. SCC Residential Program #2 Organizational chart.
5. Email from Willie Stoddard to Cathi Harris dated June 21, 2011 concerning RRC4s coverage and assignment of duties.

Additional exhibits submitted following the review conference:

6. Forwarded email from Byron Eagle to Willie Stoddard dated December 08, 2011 with enclosed email from Cathi Harris dated August 10, 2011 regarding OSS duty update concerning a request to pursue assignment pay for OSS duties.
7. Memorandum from Henry Richards, Ph.D. to Tim Brown, Ph.D. dated March 8, 2005 regarding a management request to establish a WMS position – Assistant Program Services Manager (APSM).

B. DSHS exhibits

Cover page from DSHS listing the following exhibits:

1. Position Description Form date stamped June 9 2011, indicating Mr. Stoddard's refusal to sign, with attachment:
 - a. SCC Residential Program #2 Organizational chart
2. Position Review Request form for Willie Stoddard's position received by DSHS Class/Comp unit on June 3, 2011 with attachments:
 - a. SCC Residential and Security Operations Chief Organization Chart (1/19/11)
 - b. SCC Program Services-Security Organizational Chart (1/5/09)
 - c. SCC Residential Program #2 Organizational Chart (1/19/11)
 - d. Position Description form for position QR67 with 4/1/2005 action date.
3. Section 9 supervisor comments for the PRR completed and signed by Cathi Harris, dated June 6, 2011.
4. Email from Willie Stoddard to Robin Calhoun, dated April 20, 2011.
5. OSHRD Class specification for Security Guard 3, (385M).
6. OSHRD Class Specification for Residential Rehabilitation Counselor 4, (347H).
7. RCW 41.06.022 – Manager Definition.
8. On-Site Supervisor Schedule (January 11 through April 11 (Day Shift)).

9. Email from Cathi Harris to Robert Swanson dated June 10, 2011 – Subject: One more question for the day.
10. Email from Cathi Harris to Ellen Andrews dated June 17, 2011 – Subject: RRC4 Desk Audit Follow-up.
11. DSHS allocation determination letter dated June 11, 2011.
12. A copy of an On-Site Supervisor Report.

Additional exhibits submitted following the review conference:

13. Email from Ellen Andrews to Kris Brophy dated January 17, 2012 indicating a final response statement to Mr. Stoddard's additional exhibits.