



**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*

November 8, 2012

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

FROM: Kris Brophy, SPHR  
Director's Review Investigator

SUBJECT: Kelly Hubbard v. Department of Corrections (DOC)  
Allocation Review Request ALLO-12-020

**Director's Determination**

This position review was based on the work performed for the six-month period prior to May 20, 2011, the date DOC Human Resources received Ms. Hubbard's 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 telephone conference. Based on my review and analysis of Ms. Hubbard's assigned duties and responsibilities, I conclude her position is properly allocated to the Corrections Mental Health Counselor 3 classification.

**Background**

On May 20, 2011, the DOC Human Resources Headquarters office received Ms. Hubbard's Position Review Request form (PRR), requesting that her Corrections Mental Health Counselor 3 (CMHC 3) position be reallocated to the Community Corrections Specialist (CCS) class. On March 5, 2012, Nicole Baker, Human Resource Consultant, notified Ms. Hubbard that her position was properly allocated to the CMHC 3 classification based on the majority of duties assigned to her position (Exhibit A-2).

On April 2, 2012 the Office of State Human Resources Director received Ms. Hubbard's appeal requesting a Director's review of DOC's allocation decision (Exhibit A-1).

On September 12, 2012, I conducted a Director's review telephone conference regarding Ms. Hubbard's position allocation. Present during the meeting were Kelly Hubbard; Amy Murphy, Council Representative, WFSE; Thomas Saltrup, ORCS Program Manager, DOC; and Nicole Baker, Human Resource Consultant, DOC-HR Classification Unit.

**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 class 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

Ms. Hubbard's position is located in the Health Services Division of DOC. Ms. Hubbard's position provides transition and case management support to mentally ill participants of the Offender Re-Entry Community Safety Program (ORCSP) and other special/high needs offenders who have been determined to be a high risk to public safety. Ms. Hubbard serves as a representative of the ORCS program and works collaboratively with Community Corrections Officers, prison and other DOC staff, community mental health agencies and treatment providers to plan and coordinate the re-entry and transition of ORCS program participants releasing from prison to Section 4 of the Southwest Area, which consists of Pierce, Mason and Kitsap counties. Ms. Hubbard establishes and leads each participant's multi-disciplinary re-entry team and facilitates release planning meetings and other direct case management services which may include intervention, therapy and treatment. Ms. Hubbard is one of six positions located regionally throughout the state with assigned responsibility for establishing and coordinating the ORCS program participant's teams, transition plans and eventual release into the community.

Ms. Hubbard describes her duties and responsibilities in the Position Review Request (PRR) submitted for reallocation as follows: (See Exhibit B-1)

- 60% Establish, facilitate and coordinate the multi-system care plan transition/treatment meetings for designated offenders as identified per policy and as assigned. Participates and schedules these pre-release meetings at increments as outlined in policy prior to the release.
- 10% Completes and maintains ORCSP 48 hour plan, distributes to team members and provides updates to team and HQ program staff prior to the release of the offender. Provides monthly status reports to HQ.
- 10% Identifies risk, treatment needs and other services needed for each designated and assigned offender.
- 10% Works closely and collaboratively with a variety of community agencies and providers to enhance services and resources for the severely mentally ill and special needs offenders. Educates and explains program expectations and processes to both DOC staff, community mental health professionals and other community members.
- 5% Represents DOC and ORCS program in a variety of community and interagency meetings. Attends and participates in ORCS committee and staff meetings as scheduled.

- 5% Facilitates behavioral or mental health groups and provide treatment and other transitional services for identified individuals as schedules and as workloads permit. This may include assisting in treatment of designated offenders from prison and while in the community.

Ms. Hubbard reports to Mr. Thomas Saltrup, ORCS Program Manager. Mr. Saltrup supports Ms. Hubbard in her reallocation request and provides clarifying comments in the supervisor's section of the PRR regarding her description of duties and responsibilities. He states that Ms. Hubbard's duties and responsibilities are consistent with the CCS class.

Mr. Tim Hunter, Director of Behavioral Health, reviewed Ms. Hubbard's description of work and provided clarification to her comments. Mr. Hunter clarified that the purpose of Ms. Hubbard's position as a transition counselor extends beyond serving only ORCS program participants to include the reentry transition of mentally ill offenders, some of whom are ORCS program participants and some who are not.

Mr. Hunter commented on Ms. Hubbard's statement that her current position is identical to the former Community Re-entry Specialist (CRES) position by stating that there is some overlap but also some significant distinctions between the two roles. He states that the former CRES positions had additional responsibility for working with Level 3 sex offenders, high violent offenders, and imminent threat offenders. He states that her current position is specific to mentally ill offenders and includes the responsibility to provide some mental health treatment if needed and appropriate. Her position is housed within the DOC's Behavioral Health team and is supervised by a licensed mental health clinician. During the review telephone conference, Ms. Hubbard reiterated that her position does not provide direct mental health treatment to offenders as part of the transition process.

#### Summary of Ms. Hubbard' Perspective

Ms. Hubbard asserts her position performs the same job duties and has the same level of responsibility that she previously performed for six years as a Community Re-Entry Specialist (CRES) which was allocated to the Community Corrections Specialist class.

Ms. Hubbard asserts that the scope of her work serving as one of six regional Transition Community Mental Health Counselors [working title] is similar in function and structure to other Community Corrections Specialist positions performing specialized work in their assigned regions. Ms. Hubbard contends those positions are similarly located regionally and also report to a supervisor located in the DOC headquarters building. Ms. Hubbard asserts that it should be noted that a Community Corrections Specialist position has existed previously in the Health Services Division at Headquarters and that the job responsibilities outlined in the ORCS policy manual are currently being revised to only reflect the title change from the CRES job title to the CMHC 3 class title.

Ms. Hubbard asserts her position meets two of the five requirements of the Definition of the Community Corrections Specialist class including planning and coordinating community programs and serving on interdivisional projects. First, Ms. Hubbard asserts she serves as the DOC representative and plans and coordinates the ORCS program's

offender transition activities for Section 4 of the Southwest Area consisting of Pierce, Mason, and Kitsap counties. Second, Ms. Hubbard asserts the work she performs facilitating each ORCS offender's MSCPT team is equivalent to serving on interdivisional projects which includes participating on various regional and other committees.

Ms. Hubbard contends she does not carry an assigned caseload but rather that each offender is assigned to a Classification Counselor caseload and then a Community Corrections Officer caseload when the offender is released to the community.

#### Summary of DOC's Reasoning

DOC acknowledges that Ms. Hubbard's position was allocated to the CMHC 3 class on a best fit basis. During the review telephone conference Ms. Baker stated that neither the CMHC 3 nor the CCS class fully describes the work Ms. Hubbard performs. Ms. Baker stated that the six regional transition positions were established in 2010 during a downsizing which eliminated the CRES positions. Ms. Baker asserts that as a whole, the CMH3 class more accurately describes the work Ms. Hubbard performs in providing transitioning and case management support to high-risk mentally ill offenders.

Ms. Baker stated during the conference that her key factors for allocating Ms. Hubbard's position to the CMHC 3 class was her responsibility for identifying the mental health issues and risks associated with each offender, the level of case management and counseling responsibility assigned to her position, and her level of responsibility for facilitating multi-functional teams through the offender transition process. Ms. Baker acknowledges that while Ms. Hubbard does not provide direct mental health treatment to offenders, the CMHC 3 class more accurately describes her level of responsibility for understanding the mental health issues involved in dealing with the offenders as they move through the transition process; the skill sets required to deal with the type of offenders treated; and the position's requirement for licensure.

While Ms. Baker acknowledges Ms. Hubbard plans and coordinates the ORCS program for Section 4 of the Southwest Region, she asserts that Ms. Hubbard does not have responsibility for performing two or more community service activities as stated in the Definition of the CCS class. Ms. Baker further asserts Ms. Hubbard's work does not meet the requirements of the Distinguishing Characteristics which require the absence of a caseload. In total, DOC asserts Ms. Hubbard's position is properly allocated to the CMHC 3 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 Community Corrections Specialist

The Definition for this class states:

Responsible for two or more of the following community service activities within the Northwest, Southwest or Eastern Area:

1. serves as the Department of Corrections representative to one or more Community Corrections Boards,
2. plans and coordinates programs such as Class V, voluntary services, or volunteer coordination on a multi-office basis,
3. serves on interdivisional projects,
4. chairs disciplinary hearings,
5. hears final appeals of offender infractions and grievances,
6. serves as a member of the statewide human resource or management information system committees.

[Emphasis added]

The Distinguishing Characteristics for this class state:

This class is distinguished from the Community Corrections Officer 3 class by the absence of a caseload and the responsibility for managing programs for an Area or a large segment of an Area.

Ms. Hubbard's position does not fully meet the intent and requirements of the Community Corrections Specialist class. This class describes positions which perform two or more specialized community service activities within a region-wide area or a large segment of an area. This class is further distinguished by the absence of an assigned caseload and responsibility for managing a program within an assigned Area or large segment of an Area.

Ms. Hubbard does not perform two or more of the specialized community service activities as required. Ms. Hubbard's position does reach one aspect of the community service activities stated in the definition of this class of planning and coordinating the ORCS program's offender transition process within Section 4 of the Southwest Region. However, her duties do not include managing the program as required by the Distinguishing Characteristics of this class. This would include performing activities such as planning, implementing, and evaluating the program as a whole for the Southwest Area or a large segment of the Area. Ms. Hubbard's duties are technical in nature, focusing primarily on facilitating the development, coordination and implementation of transition plans for ORCS program offenders into the community. Her position does not have specific, discrete program level responsibilities.

Further, Ms. Hubbard's position does not meet the other allocating factors stated in the definition of serving as a Department of Corrections representative to one or more Community Corrections Boards. She does not chair disciplinary hearings. She does not hear final appeals of offender infractions and grievances, and she does not serve as a member of the statewide human resource or management information system committee.

Additionally, Ms. Hubbard does not have responsibility for serving on interdivisional projects. Ms. Hubbard asserts the work she performs facilitating each ORCS offender's

MSCPT team is equivalent to serving on interdivisional projects which includes participating on various regional and other committees in association with her assigned duties. However, the transition work she performs is not equivalent to serving on interdivisional projects as intended by this class. Responsibility for serving on projects at this level would include representing the division on interdivisional projects which includes activities such as participating on statewide and area task forces and committees at the direction of the Assistant Director.

Finally, it is true Ms. Hubbard does not manage a traditional caseload. During incarceration each offender is assigned to a Classification Counselor and once released to the community they are assigned to a Community Corrections Officer caseload. However, Ms. Hubbard is assigned a specific list of offenders and she provides direct case management support during the transition process. This includes coordinating release planning with community mental health treatment, community corrections officers and other team members.

In total, Ms. Hubbard's position does not meet the requirements of the definition and distinguishing characteristics of the CCS classification. The thrust of her position and the majority of her duties as a whole, do not reach CCS level responsibility. Therefore, Ms. Hubbard's position does not involve performing the duties of a Community Corrections Specialist and her position should not be reallocated to that class.

### Comparison of Duties to Community Mental Health Specialist 3

The Definition for Community Mental Health Specialist 3 class states:

In an adult corrections treatment program, provides specialized mental health counseling to a group of convicted felons demonstrating emotional, cognitive and/or behavioral disorders. In the Division of Prisons, supervises Corrections Mental Health Counselors and other staff and may serve as the principal assistant to a Corrections Mental Health Unit Supervisor, including the supervision of custody functions. In the Division of Community Corrections, independently provides mental health treatment to offenders, and may provide training and program direction to professional staff and Work Training Release contractors on sex offender treatment and mental health issues.

Although the Typical Work examples do not form the basis for an allocation, they lend support to the work envisioned within a classification. The following provides an example of the level of work assigned to the Community Mental Health Specialist 3 class, as stated on the class specification:

Facilitates and monitors development and implementation of individual treatment plans and general case management procedures;

Acts as liaison for all support service and contract staff;

Monitors and oversees treatment and management reports prepared by subordinate Corrections Mental Health Counselors 1;

Leads and coordinates groups providing specialized therapy; coordinates specialized program activities in recreation; provides crisis intervention, group and individual counseling to inmates;

Participates on Classification Committees and treatment and multidisciplinary treatment conferences;

Supervises unit area searches; conducts institutional counts as needed; Chairs general infraction hearings; reviews reports required by the Department of Corrections and the Washington State Board of Prison Terms and Parole;

Supervises and manages all unit staff and inmates in the absence of the Corrections Mental Health Unit Supervisor;

Monitors pursuit of unit goals; ensures task identification and accountability;

Provides training for Corrections Mental Health Counselors 1 and unit Correctional Officers through case consultation and formal presentation; provides consultation to all unit staff;

Participates in off-unit and cross-unit task groups and projects, including research, evaluation and planning;

This class most closely approximates the work Ms. Hubbard performs in providing transition services to ORCS program participants. Although her position does not provide direct mental health treatment to offenders, it does address the work she performs transitioning and providing direct case management support to mentally ill offenders. This includes her responsibility for identifying risk and mental health treatment needs and other services needed for each designated and assigned offender.

Ms. Hubbard's duties are clarified in Section 5 of the PRR. Ms. Hubbard states she is responsible for identifying individuals to be included in the Multi-System Care Planning Transition/Treatment (MSCPT) team. Ms. Hubbard establishes and leads MSCPT teams to transition mentally ill ORCS program participants. The team is responsible for meeting with the offender to develop a release plan based on each offender's risks and needs. The team performs the following functions for each offender transitioning to the community:

- Identify the offender's risk factors and needs through meeting with offender, reviewing the offender's criminal and mental health documentation, infraction history, supervision compliance and any other information included in the ORCS packet.
- Determine if the proposed housing placement will provide the offender with the necessary level of support that creates a safe environment for the offender and community safety
- Decide when the Offender Release Plan should be submitted and approved, which ultimately determines when the offender will be released
- Ensure the DSHS application has been initiated and processed in order to determine benefits to be assessed upon release

- Verify that the offender will be released with a 30 day supply of medication, as necessary
- Establish the transportation plan to ensure community safety
- Determine if an offender should be reviewed for Civil Commitment and ensure that an appropriate referral has been submitted within the necessary timeframe prior to release

Ms. Hubbard states in the PRR that she completes and maintains information on each individual's release, which is outlined in an ORCS 48 hour transition plan. The transition plan identifies the team member's roles and responsibilities and the offender's schedule for the first 48 hours upon release. The plan is updated at the time of each pre-release meeting and is distributed to both her supervisor and the team members prior to release. She addresses any concerns with her supervisor.

Therefore, consistent with this class, she facilitates and monitors the development and implementation of individual treatment plans and follows general case management procedures to transition offenders into the community. She acts as a liaison to other support services and mental health providers. In total, these duties are consistent and more accurately described by this class.

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).

A position's allocation is based on the duties and responsibilities assigned and how the majority of those duties best fit into the available job classifications. The primary focus of her position, and the majority of her work assignments as a whole are more appropriately aligned with the requirements of the Corrections Mental Health Counselor 3 and her 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. The main telephone number is (360) 664-0388, and the fax number is (360) 586-4694.

***If either party plans to hand-deliver an appeal to the PRB, please first call 360-664-0388 for details.*** The PRB Office is currently located at 521 Capitol Way South, Olympia.

However, on or around ***November 26, 2012, PRB staff will move to a new location in the Insurance Building on the Capitol Campus, 302 – 14<sup>th</sup> Avenue S.W., 4<sup>th</sup> Floor, Olympia, Washington. The PO Box 40911 address will not change.***

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

c: Kelly Hubbard, DOC  
Amy Murphy, WFSE  
Nicole Baker, DOC  
Lisa Skriletz, OSHRD

Enclosure: List of Exhibits

**KELLY HUBBARD v DOC (ALLO-12-020)**

Exhibit List

A. Kelly Hubbard Exhibits

1. Director's Review Form received April 2, 2012 (page 1-2)
2. DOC allocation determination from Nicole Baker to Kelly Hubbard dated March 5, 2012 (page 1-5)
3. A copy of the DOP Corrections Mental Health Counselor 3 class specification (page 1-2)
4. October 2009 Position Description Form for Kelly Hubbard's position as a Community Corrections Specialist (page 1-9)
5. December 2009 Position Description Form –Vacant Community Corrections Specialist/Regional Housing Specialist (page 1-9)
6. December 2006 Position Description Form – Sherina A. James , Community Corrections Specialist/Community Victim Liaison (page 1-6)
7. A copy of the "Offender Re-entry Community Safety Program Transition Plan" form (revised August 24, 2011) (1 page)
8. Archived DOC policy-Prison/work release/field, DOC 630.590 (revised August 24, 2009) (page 1-12)
9. Draft DOC policy-Prison/work release/field, DOC 630.590 (revised February 2011) (page 1-17)
10. DOC Current policy- Prison/work release/field, DOC 630.590 (revised October 1, 2011) (page 1-13)
11. Section 2 of the PRR - Description of duties and responsibilities that Kelly Hubbard performs outside present job classification (page 1-3)
12. April 2010 Position Description Form for position TP45 – Corrections Mental Health Counselor 3 (page 1-6)
13. A work example of "OMNI Chronos" case notes dated May 3, 2011 (page 1-3)
14. A work example of an, "Offender Re-entry Community Safety Program Transition Plan and 48 hour Plan" (page 1-4)
15. A work example of an "Offender Re-entry Community Safety Program Transition Plan and 48 hour Plan" – expected release date March 2011 (page 1-3)

B. DOC Exhibits

Cover letter from Nicole Baker to Karen Wilcox dated May 15, 2012 with attached exhibits:

1. Position Review Request (PRR) form with attached statement from Tim Hunter, Director of Behavioral Health (page 1-8)
2. Position Description Form for Kelly Hubbard's position submitted for reallocation dated June 2, 2011 (page 1-6)
3. Nicole Baker's interview notes with Thomas Saltrup dated October 31, 2011 (page 1-2)
4. Nicole Baker's interview notes with Tim Hunter, Director of Behavioral Health dated November 2, 2011 (1 page)
5. Health Services Organizational Chart
6. Class Specification for Community Corrections Officer 2
7. Class Specification for Community Corrections Officer 3
8. Class Specification for Community Corrections Specialist
9. Class Specification for Corrections Mental Health Counselor 3