



**STATE OF WASHINGTON
OFFICE OF FINANCIAL MANAGEMENT**

STATE HUMAN RESOURCES DIVISION | DIRECTOR'S REVIEW PROGRAM
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February 21, 2014

TO: Amy Murphy, Council Representative
Washington Federation of State Employees (WFSE)

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

SUBJECT: Jodi Tufts v. Washington State Patrol (WSP)
Allocation Review Request ALLO-13-033

On December 13, 2013, I conducted a Director's review conference regarding the allocation of Ms. Jodi Tufts' position. Both you and Ms. Tufts were present for the Director's review conference. Dr. Ben Lastimado, Human Resource Operations Manager, represented WSP. Ms. Debb Chavira and Ms. Yvette Fabregas, WSP's Human Resources Division; Ms. Laura Gocha, Ms. Tufts' former supervisor; and Captain Ken Noland, District 1 Commander, participated in the conference as well.

Director's Determination

This position review was based on the work performed for the six-month period prior to October 16, 2012, the date Ms. Tufts submitted her request for review to WSP's Human Resources (HR) Division. 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. Tufts' assigned duties and responsibilities, I conclude her position is properly allocated to the Forms and Records Analyst 1 (F&RA 1) classification.

Background

Ms. Tufts is assigned to WSP's District One in Tacoma, and her position has the working title of Video Coordinator. At the time relevant to this review, Ms. Tufts reported to Office Support Supervisor 1 Laura Gocha. Captain Ken Noland is the District 1 Commander (Exhibit B-9).

The Digital Video Program started as a pilot program in District One in 2006 and later expanded throughout the state. In 2012, at the time relevant to this review period, District One was the main hub for cameras, audio and video equipment, and Ms. Tufts' position served as the main Video Coordinator for all districts.

Ms. Tufts included a Position Description Form (PDF) from October 2008 to illustrate she had previously held a Forms and Records Analyst 3 (F&RA 3) position (#0018), which had been in a Public Disclosure and Risk Management Unit (Exhibit A-7). Ms. Tufts asserts the duties and responsibilities she has performed since 2010 are similar to those she performed while in the F&RA 3 position.

On January 11, 2012, Ms. Tufts requested a position review asking that her then Office Assistant 3 position (#0989) be reallocated (Exhibit B-1). On January 31, 2012, Ms. Fabregas conducted a desk audit (Exhibit B-3) and issued a decision on March 26, 2012 that reallocated Ms. Tufts' position to the F&RA 1 classification (Exhibit B-4).

On October 15, 2012, Ms. Tufts completed a Position Review Request form (Exhibit B-5), which she completed again on an updated form and submitted to the HR Division on October 16, 2012 (Exhibit A-4). Ms. Gocha completed the Supervisor Portion of the request, also submitted on October 16, 2012 (Exhibit B-5-a). The timeframe relevant to this review is April 16, 2012 through October 16, 2012.

On March 4, 2013, Ms. Fabregas conducted a second desk audit, and on April 2, 2013, Dr. Lastimado determined Ms. Tufts' position (#0989) was properly allocated to the F&RA 1 classification (Exhibits B-8 and A-3).

On April 23, 2013, the State Human Resources (SHR) Director's Review Program received Ms. Tufts' request for a Director's review of WSP's allocation determination (Exhibits A-1 and A-2).

Summary of Ms. Tufts' Perspective

Ms. Tufts asserts she has been performing F&RA 3 duties since August 2010 in support of WSP's Video Program. Ms. Tufts contends that as the Video Program has expanded, WSP has relied on her position as the subject matter expert. As such, she states her position has played a key role in selecting equipment and developing policies and procedures. Ms. Tufts asserts she has created and implemented training plans for Video Coordinators in other districts and continues to diagnose software and equipment problems within the troopers' vehicles. Further, Ms. Tufts asserts she patches correct software updates to in-car units and maintains a supply of removable hard drives. Ms. Tufts contends that she works independently when handling customer inquiries and processing a high volume of video requests. In addition, Ms. Tufts emphasizes that she works with public disclosure, records retention, and on occasion may have to testify about the video process and chain of custody for video records. Ms. Tufts asserts her position performs technical duties beyond the F&RA 1 level and notes that she has participated on committees to help with procurement of camera equipment and software. In total, Ms. Tufts contends her duties and responsibilities fit the F&RA 3 classification (Exhibit A-2).

Summary of WSP's Reasoning

WSP acknowledges Ms. Tufts' position had been the primary Video Coordinator and that she had participated on committees as the video project was getting established. WSP indicates

Ms. Tufts had been part of a brainstorming group created to help pick out the new system. However, WSP contends the work of processing video requests has not changed. Instead, WSP indicates the technology used to accomplish the work has changed. WSP asserts the work assigned to Ms. Tufts' position involves a combination of complex clerical tasks, F&RA 1 duties, and some higher level F&RA duties (Exhibit B-10). For example, WSP asserts a portion of Ms. Tufts' duties extracting audio and video files for public disclosure purposes reaches the F&RA 3 level. WSP notes that other F&RA 1 positions, as well as some Office Assistant 3 positions, now serve as Video Coordinators for their respective districts. Further, while Ms. Tufts works independently, WSP states that she performs her duties within established guidelines and cannot deviate from procedures without approval from higher level staff. WSP recognizes Ms. Tufts' duties are an integral part of WSP operations and emphasizes that she performs valuable work for the district. However, WSP contends the majority of Ms. Tufts' duties and responsibilities fit within the F&RA 1 classification.

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

Ms. Tufts initially completed her request on an older Position Review Request (PRR) form (Exhibit B-5) and then transferred the information to an updated version of the PRR form – Employee Portion (Exhibit A-4). Ms. Tufts' supervisor, Ms. Gocha, disagreed with portions of the Employee Portion and provided clarification to the duties described by Ms. Tufts (Exhibit B-5-a).

In summary, both parties agree that Ms. Tufts' position oversees the coordination, transfer, and maintenance of audio and video data for 93 active units (at the time of request) for District One. This involves uploading video data from the hard drives that troopers have in their vehicles while on patrol and mastering the related software and procedures. It is undisputed the daily uploads from dash cameras to the central system and running of video logs for WSP had all been done in District One at the time of Ms. Tufts' request.

In addition, Ms. Tufts provides training and guidance to troopers on the use of video equipment, and she acts as a liaison between troopers and others seeking video information. Specifically, Ms. Tufts serves as the point of contact for video content provided to prosecutors, defense attorneys, public disclosure, WSP personnel and other agencies.

During the Director's review conference, the parties clarified that public disclosure requests coming from anyone other than a prosecutor or law enforcement go through the F&RA 3 position responsible for public disclosure prior to Ms. Tufts receiving the request. Further, if an individual comes into the office to view video data, command staff is present at all times.

On the PRR, Ms. Tufts describes the majority of her duties (85%) as copying and receiving records, which her supervisor agrees is generally accurate. Specific tasks include the following:

- Receiving filled hard drives from officers and uploading video data onto central server.
- Preparing DVDs of incidents for prosecutors, defense attorneys, public disclosure, WSP personnel and other agencies. (Note: Ms. Gocha clarified the majority of WSP personnel who need to watch videos access the back office video support eliminating the need for DVDs).
- Facilitating the viewing of videos when requested.
- Extracting audio/video files for public disclosure purposes.
- Converting videos into alternative formats as needed (Ms. Gocha clarified this function occurs less than 5% of the time).
- Running video log reports for disclosure purposes.
- Redacting sensitive materials from videos per RCWs and WACs (Ms. Gocha clarified the redactions pertained to dates of birth and social security numbers).
- Maintaining hard drive data according to retention procedures and ensuring their proper disposal.

Captain Noland and Ms. Gocha further noted that decisions around retention and public disclosure are made by the district's F&RA 3 position. As the supervisor, Ms. Gocha indicated that she provided oversight to Ms. Tufts and that Ms. Tufts had not been tasked with making decisions outside the realm of her assigned duties. She further clarified that Ms. Tufts may quote policies in providing information to outside parties but did not answer specific questions about policies or procedures.

In summary, the remaining duties include the following:

10% Training

- Preparing training materials for new users, setting up equipment for troopers, providing user manual and instructions.
- Performing "system administration" functions in DVMS, which includes entering officers into the system and adding or deleting in-car unit set up. This involves using a software program and following the proper steps.
- Providing instruction for the troopers on how to use Coban system (dash cameras) and troubleshooting issues with DVDs or equipment.

Other duties (5%) include maintaining records of each video hard drive; initializing new hard drives and logging them into the system; troubleshooting hard drive problems; maintaining inventory of backup hard drives; updating and working with command staff when policies need revising and updating; attending meetings to establish guidelines for procurement of new equipment; and responding to subpoenas and testifying about her role in following the chain of custody of the hard drives, which are considered evidence.

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.

The **Forms and Records Analyst 3 (F&RA 3)** definition states the following:

Positions at this level are specialists in two or more system areas such as financial records, student records, resident records, and/or health records, or function as a management consultant for complex manual and/or electronic forms and/or records problems, or provide management consultation and determinations on responses to public record requests. Incumbents may oversee the work of subordinate staff and coordinate the day-to-day delivery, distribution, access, maintenance and retention of manual and/or electronic forms and/or records.

Ms. Tufts' position has not been assigned specialist level duties in two or more system areas. Further, her position has not been tasked with management consultant or making determinations on responses to public records requests. Although Ms. Tufts processes public disclosure requests within the proper guidelines, there is an F&RA 3 position in District One assigned to perform the higher level duties relating to general public disclosure requests and records retention, and that position makes decisions around public disclosure prior to giving the request to Ms. Tufts. Overall, the majority of Ms. Tufts' assigned duties do not reach the scope or level of responsibility anticipated by the F&RA 3 classification.

The **Forms and Records Analyst 2 (F&RA 2)** definition states, in part, the following:

Positions at this level provide consultation to managers and perform journey-level forms and/or records work such as analyzing manual, electronic and/or automated forms and/or records management problems, developing and implementing plans for rectifying system deficiencies, designing forms and coordinating forms production. Incumbents assist with and coordinate records retention, migration, transfer and disposition, utilize manual, electronic and/or automated systems, and provide consultation on forms and/or records management programs and system requirements. Incumbents conduct record inventories, assist with reviewing and updating record retention schedules and coordinate, retrieve information for and respond to public record requests.

WSP has acknowledged that some of Ms. Tufts' duties extracting audio and video files for public disclosure reach the F&RA 2 and 3 levels and that Ms. Tufts works directly with prosecutors and law enforcement when handling their requests. I also recognize that Ms. Tufts performs her duties independently. Although portions of Ms. Tufts' duties fit the F&RA 2 level, the majority of her duties involve routine processing and maintenance of video data, including uploading data to a central server, running daily video logs, and maintaining hard drive data according to retention procedures. Therefore, when looking at Ms. Tufts' duties and responsibilities as a whole, the majority of her daily work best aligns with the F&RA 1 classification.

The **Forms and Records Analyst 1 (F&RA 1)** definition states the following:

Positions at this level provide assistance in all phases of manual, electronic and/or automated forms control, records management and/or public records

disclosure. Incumbents work under the supervision of higher-level records and/or forms management staff. Incumbents follow established guidelines and perform tasks that are routine in nature and require the use of standard filing and indexing systems and related equipment and supplies. Decision-making authority is limited to choice of established methods or procedures and guidance is provided for new or unusual situations.

The majority of Ms. Tufts' assigned duties fit within the F&RA 1 definition. Ms. Tufts assists the district in processing public disclosure requests for video information. In addition, she regularly assists in records management by uploading video data from troopers' dash cameras/hard drives to a central system, running video logs, and ensuring files are maintained according to retention schedules. In performing her duties, Ms. Tufts follows established guidelines, and her position's decision-making authority is limited to established methods and procedures.

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 F&RA 1 typical work examples that best align with Ms. Tufts' duties and level of responsibility include the following:

- Assists in the analysis of manual, electronic and/or automated filing systems and in the design of alternative systems . . . ;
- Assists in the development of records retention and essential records schedules; aids in the identification and description of record series;
- Assists in the development of agency/institution-wide uniform filing system;
- Participates in designing and revising . . . forms . . . processes forms orders; maintains forms inventory;
- Assists in the transmittal, migration, reformatting, and disposition of records;
- Provides clerical and technical support to higher level records management staff;
- Assists higher level staff in the retrieval of records and response to public disclosure requests;
- May identify potential applications of electronic, automated, micrographics and/or imaging technology and assist in performing analysis to determine the feasibility and/or benefits of converting information to alternative formats.

It is clear Ms. Tufts has a solid understanding of all aspects of the Video Program and her work is highly valued by WSP. A position's allocation is not based on an evaluation of performance or an individual's ability to perform higher-level work. Rather, it is based on the majority of work assigned to a position and how that work best aligns with the available job classes. Overall, the scope of duties and responsibilities assigned to Ms. Tufts' position best fit the Forms & Records Analyst 1 (F&RA 1) job 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 on the 4th floor of the Insurance Building, 302 Sid Snyder Avenue SW, Olympia, Washington. The main telephone number is (360) 902-9820, and the fax number is (360) 586-4694.

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

c: Ms. Jodi Tufts
Dr. Ben Lastimado
Ms. Lisa Skriletz, SHR

Enclosure: List of Exhibits

JODI TUFTS v WSP
ALLO-13-033

A. Jodi Tufts Exhibits

1. Director's Review Form received April 23, 2013 (2 pages)
2. Letter requesting Director's review dated April 23, 2013 (2 pages)
3. April 2, 2013 WSP allocation determination letter (3 pages)
4. Position Review Request – Employee portion October 15, 2012 (5 pages)
5. Subpoenas for Jodi Tufts – varied dates (23 pages)
6. Video requests – Discovery – varied dates (15 page sampling)
7. Position Description for Forms and Records Analyst 3 (6 pages)

B. WSP Exhibits

1. First Position Review Request dated January 11, 2012
2. March 2012 Position Description Form OA3
3. Desk Audit January 31, 2012
4. IOC denying reallocation dated March 26, 2012
5. Second Position Review Request dated October 15, 2012
 - a. Supervisor Portion of the Position Review Request
6. Email to supervisor Laura Gocha December 19, 2012
7. Desk Audit March 27, 2013
8. IOC denying reallocation dated April 12, 2013
9. Organizational Chart dated July 1, 2012
10. WSP's comparison of Ms. Tufts' duties to the class specifications

C. Class Specifications

1. Forms and Records Analyst 1 classification specification 112I
2. Forms and Records Analyst 2 classification specification 112J
3. Forms and Records Analyst 3 classification specification 112K