



STATE OF WASHINGTON  
OFFICE OF FINANCIAL MANAGEMENT

STATE HUMAN RESOURCES DIVISION | DIRECTOR'S REVIEW PROGRAM  
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May 30, 2014

TO: James Dannen, Council Representative  
Washington Federation of State Employees (WFSE)

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

SUBJECT: Ann Maxwell v. Department of Social and Health Services (DSHS)  
Allocation Review Request ALLO-13-049

On April 8, 2014, I conducted a Director's review conference regarding the allocation of Ann Maxwell's position. You and Ms. Maxwell were both present for the Director's review conference. CJ Iwata, Classification & Compensation Specialist, represented DSHS. Ms. Maxwell's supervisor, Quality Assurance Manager Martha Gluck, also participated in the conference.

**Director's Determination**

This position review was based on the work performed for the six-month period prior to June 3, 2013, the date DSHS's Classification and Compensation Unit received Ms. Maxwell's request for a position review. 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. Maxwell's assigned duties and responsibilities, I conclude her position is properly allocated to the Developmental Disabilities (DD) Case/Resource Manager classification.

**Background**

Ms. Maxwell's position is assigned to the Quality Assurance Section of the Developmental Disabilities Administration (DDA) for Region 2 South Field Services. Ms. Maxwell reports to Quality Assurance Manager Martha Gluck, who reports to Michelle Bauchman, DDA Region 2 Administrator (Exhibits B-4). Another level of the organizational chart shows a portion of Ms. Gluck's staff reporting to the Office Chief of Compliance and Monitoring (Exhibit A-5). During the Director's review conference, Ms. Gluck explained that this was a working relationship to the Office Chief and not a reflection of the chain of command for those positions.

Ms. Maxwell had previously submitted a Position Review Request form signed by her supervisor in June 2006; however, it was never reviewed by DSHS's Classification & Compensation Unit (Exhibit A-9).

On June 3, 2013, DSHS's Classification and Compensation Unit received Ms. Maxwell's Position Review Request (PRR), which is the subject of this review. In her request, Ms. Maxwell asked that her Developmental Disabilities (DD) Case/Resource Manager position be reallocated to the Social & Health Program Consultant 4 (SHPC 4) classification. Ms. Gluck signed the PRR but disagreed that the duties described were accurate and complete. Ms. Gluck attached her supervisory response to the PRR (Exhibit B-2).

On June 21, 2013, Classification & Compensation Specialist CJ Iwata determined the majority of work described for Ms. Maxwell's position fit the DD Case/Resource Manager classification. Specifically, Ms. Iwata concluded Ms. Maxwell's position provided advanced level social services, specialized case and/or resource management for people who have developmental disabilities and their families, as stated in the DD Case/Resource Manager definition (Exhibits B-1 and A-1).

On July 17, 2013, State Human Resources (SHR) received her request for a Director's review of DSHS's allocation determination (Exhibit A).

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

Ms. Maxwell asserts she serves as a subject matter expert and key resource for all Adult Family Homes (AFHs) in King County. In her position, she contends that she provides oversight of AFH providers and the Residential Care DD Case/Resource Managers handling a caseload of clients who are vulnerable adults. As such, Ms. Maxwell states that she determines eligibility for placement into an Adult Family Home that meets the needs of the DD client. Ms. Maxwell asserts she makes visits to the homes and reviews and monitors WACs, CARE assessments and negotiated care plans to ensure regulations are followed and residents are placed in a safe environment. In addition, Ms. Maxwell asserts she provides consultation to DD Case/Resource Managers and consultation and training to AFH providers. Further, Ms. Maxwell asserts her position performs coordination and problem solving prior to client placement and continued monitoring and quality assurance auditing of the AFHs to ensure compliance and client safety.

Ms. Maxwell contends she assists AFH providers with long term planning and health and safety goals, and she coordinates training and resources for case managers and AFH providers. Ms. Maxwell indicates that she goes over WACs and regulations for AFHs and ensures providers understand regulations. In addition, she asserts she follows up with case managers and/or their supervisors regarding issues in the home. Although her position does not supervise other DD Case/Resource Managers, Ms. Maxwell contends she does provide oversight to those case managers in Residential Care Services and educates them on AFH issues. She contends that other expert level positions in the Quality Assurance Section have been allocated to the SHPC 4 class. She further asserts her entire section focuses on quality assurance issues rather than compliance and therefore notes the SHPC 4 positions in her section do not "audit" for compliance. Ms. Maxwell contends her duties, responsibilities, and expertise of AFH for DD adult clients are similar in scope and nature to the other SHPC 4 positions in her section. Therefore, she believes her position should be reallocated to the SHPC 4 classification.

### **Summary of DSHS's Reasoning**

DSHS acknowledges Ms. Maxwell has expert knowledge about Adult Family Homes (AFHs) and that she provides a very important first step of checking on the DD adult client's living environment in the AFH. However, DSHS asserts Ms. Maxwell's position performs a monitoring function to ensure health and safety and points out helpful information for AFH providers but does not perform regulatory or enforcement functions, such as auditing or compliance. DSHS contends that Residential Care Services, which is another section, handles audits of home and regulatory functions. DSHS further contends that eligibility about whether or not clients can be served in an AFH setting is already predetermined prior to Ms. Maxwell's involvement. DSHS indicates that DD Case/Resource Managers in Residential Care Services get involved when direct client care issues arise. DSHS states that Ms. Maxwell reviews CARE assessments and plans and may provide input and feedback to DD Case/Resource Managers but emphasizes that her position does not perform evaluations or provide oversight to the case managers.

DSHS asserts the focus of Ms. Maxwell's position is to gather and coordinate information to match clients with the appropriate AFH. DSHS explains that because of her extensive knowledge about AFHs and related community resources, she does a good job of matching DD adult clients with the appropriate AFH provider. DSHS also recognizes that Ms. Maxwell does a number of presentations and advocates for AFHs as part of a regional committee but contends her position has not been assigned training responsibilities such as developing a curriculum. Instead, DSHS asserts Ms. Maxwell coordinates training for AFH providers because she understands the resources that are available and helps get that technical assistance for the providers. DSHS contends the majority of Ms. Maxwell's work involves advanced level social service and resource management for DD adult clients and their families consistent with the DD Case/Resource Manager class definition.

### **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**

On the PRR, Ms. Maxwell describes her position's purpose as having the responsibility for quality assurance oversight of all Adult Family Homes [AFHs] within King County, which includes conducting quality assurance audits. However, in her response, Ms. Gluck describes Ms. Maxwell's scope of responsibility as quality assurance monitoring of Adult Family Homes with DDA clients rather than oversight. Ms. Gluck further states that Ms. Maxwell's position is responsible for conducting home visits but does not consider those visits "audits" because the Quality Assurance Section does not have responsibility for regulatory functions. Ms. Maxwell further indicates that her position coordinates training for providers and staff, including Specialty Trainings and Continuing Education. Ms. Gluck agrees Ms. Maxwell's position coordinates all DDA specialty trainings but notes that continuing education is coordinated in collaboration with the Regional Training Committee. In addition, Ms. Maxwell coordinates client placements,

which Ms. Gluck points out is for the initial placement into the Adult Family Home. Ms. Maxwell's position also ensures Adult Family Home resources meet client needs as identified by the client's DD Case/Resource Manager, and she consults with and provides support to case management and community providers. She also coordinates technical support for behavioral management as needed to ensure the health and safety for vulnerable adult residents in Adult Family Homes, and she consults with providers and case managers (Exhibit B-2).

In summary, the majority of duties described on the PRR include the following (Exhibit B-2):

30%

- Intake and coordination of all DDA Adult Family Home referrals for King County and inter-regional referrals.
- Serve as a designated Adult Family Home Specialist for DDA, DD/Case Managers, supervisors and administrators.
- Act as a liaison with internal DSHS such as Adult Protective Services and Residential Care Services and external entities such as Washington State Residential Care Council and Adult Family Homes United.
- Assess and analyze the appropriateness of each referral.
- Act as a consultant to DD Case/Resource Managers [with an assigned caseload of DD clients] regarding the best residential program and/or Adult Family Home.
- Attend weekly Adult Family Home team meetings to identify, train, and monitor AFH issues.
- Track all data on the Adult Family Homes and placements.
- Act as a consultant in crisis situations.
- Respond and manage emergency Adult Family Home placements, including those in risk of abuse and neglect.

25%

- Conduct quality assurance audits (*described as "visits" by Ms. Maxwell's supervisor*) of Adult Family Homes in King County. Audit and monitor for compliance with WACs and RCWs, policies and procedures.
- Coordinate home visits to both new and current Adult Family Homes who are serving people with developmental disabilities.
- Review and evaluate the CARE assessment completed by the DD Case/Resource Manager and the Negotiated Care Plan completed by the Adult Family Home provider to ensure health and safety of the resident.
- Interview and assess vital information from both residents and their DD Case/Resource Managers to evaluate placement appropriateness.
- Provide consultation and collaboration with Residential Care Services licensors.

*During the Director's review conference, Ms. Maxwell's supervisor, Ms. Gluck, indicated that the Residential Care Services section handles regulatory audits. She describes Ms. Maxwell's role as reviewing CARE assessments and providing input to the DD Case/Resource Managers who handle a caseload of residents (clients) but that it is not her responsibility to audit the work of those positions. She also noted that there are positions allocated to the SHPC 4 class that are assigned responsibility for comprehensive evaluation and assessment training and certification of the case managers handling a caseload of residents.*

*Ms. Maxwell described her home visits and explained that she monitors WACs and RCWs and looks at a variety of things in the home to ensure the layout of the home is appropriate and administrative paperwork such as background checks have been completed. In addition she stated that she talks to home care providers about ensuring a safe environment for vulnerable adults. She also educates providers on having emergency and long-term plans, as well as safety precautions such as fire alarms and carbon monoxide detectors. Ms. Maxwell indicated that she does review the CARE assessments and will go over the WACs and look for possible solutions, providing consultation to DD Case/Resource Managers whose clients are assigned to a particular AFH. She further stated that she reports information to the DD Case/Resource Managers and/or their supervisors when information in the CARE assessment or Negotiated Care Plan needs to be documented.*

In summary, the remaining duties on the PRR include the following (Exhibit B-2):

- Evaluate and oversee all training functions for residential providers in King County (15%).

*During the Director's review conference, both parties agreed that Ms. Maxwell's primary role with regard to training is to coordinate training for AFH providers and educate providers and the community about possible services for DD adult clients. In addition, the parties agreed that Ms. Maxwell does a lot of presentations to provide outreach and education and connect AFH providers and DD clients with community resources.*

- Assist and support managers and staff in interpreting Adult Family Home policies and procedures. Monitor and support staff work (*Ms. Gluck clarified that Ms. Maxwell does provide input but does not have any authority over the DD Case/Resource Managers with a client caseload*) (10%).
- Provide in home consultation and technical assistance to Adult Family Home providers and potential providers that include residential service guidelines, positive behavior support and services, as well as answering questions (5%).
- Interpret State and Federal Regulations and collaborate and identify areas requiring service improvement (7.5%).
- Represent the King County Quality Assurance Unit in meetings with the DDA and outside entities. Facilitate group training and DSHS information at monthly meetings and special trainings for Adult Home providers. Educate families and the general public about developmental disabilities issues and inclusion in community life (7.5%).

In addition to her response to the PRR, Ms. Gluck updated Ms. Maxwell's Position Description Form (PDF) on June 6, 2013. On the PDF, the scope of work for Ms. Maxwell's position has been described as providing "advanced level of social services, specialized case, and/or resource management for people who have developmental disabilities and their families" (Exhibit B-3). The majority of duties performed (60%) include the following:

- Complete QA visits to Adult Family Homes (AFH); make initial visit to new AFH providers who have completed DDA Specialty Training, visit clients within 90 days of placement into an AFH; and conduct visits as requested.
- Coordinate new AFH placements and monitor transfer placements for DDA clients; act as a consultant to case management staff regarding potential placements.
- Review referral/placement documentation to ensure compliance with Policy [4.08].
- Establish and maintain a system of notification for all DDA placements into AFH's.
- Develop written regional AFH placement procedures that reflect the statewide goals and objectives of the AFH QI [quality improvement] system as well as interests of the region.
- Consult with and train DDA Case Managers in AFH issues.
- Monitor services and compliance with Policy, State and federal regulations and take appropriate actions.

### 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 **Social & Health Program Consultant 4 (SHPC 4)** definition reads as follows:

(1) Serves as a designated specialist for client eligibility for social services, the training of staff who conduct client eligibility assessments, and the monitoring of staff and staff processes in meeting state and federal policies and regulations. Conducts quality assurance audits and reviews responses to quality assurance audits, as necessitated by legal, statutory, or legislative requirements. Reviews and approves corrective action plans.

OR

(2) Oversees the intake and coordination of client cases to include acting as the liaison with internal DSHS entities and external entities such as law enforcement, the courts, attorneys, and community-based social service organizations, and monitors these cases through the abuse, neglect, or financial exploitation hearings process to ensure the health, safety, and well-being of vulnerable children and adults.

In reviewing the SHPC series as a whole, positions assist with or develop, administer, monitor, and/or evaluate social services programs, projects, or program policies and procedures (Exhibit D). Although Ms. Maxwell's duties and responsibilities involve coordinating AFH social services and working with providers to ensure quality assurance for clients and their families, the SHPC class series also includes legal, regulatory and compliance aspects not assigned to her position.

In reviewing the SHPC 4 class, the overall duties and responsibilities assigned to Ms. Maxwell's position do meet the intent of the first option under the definition. Her position has not been tasked with making determinations about DD client eligibility for social services, such as whether or not a client meets the requirements to qualify for services. Once eligibility has been determined, Ms. Maxwell coordinates the placement of DD clients with the appropriate AFH

provider. She also coordinates training and resources for AFH providers, but her position has not been assigned the responsibility for training staff who conduct eligibility assessments. Although Ms. Maxwell monitors the home environment she observes while visiting AFHs with DD adult clients, her level of responsibility is more in line with consulting and providing information and suggestions based on her experience working with numerous AFHs. While it is clear Ms. Maxwell has expertise and knowledge in her field and she ensures the safety of clients, her position has not been tasked with conducting formal audits or reviewing responses to audits and corrective action plans.

The second option under the SHPC 4 definition requires oversight of the intake and coordination process for managing client cases. Although Ms. Maxwell does perform a lot of coordinating functions in placing DD adult clients in the AFHs, as well as coordinating resources and training for providers, her position does not oversee the intake and coordination of client cases. I recognize that Ms. Maxwell acts as an advocate and liaison for AFH services and monitors the home environment to ensure the health, safety, and well-being of vulnerable adults. In this respect, there are aspects of her job that are encompassed in the SHPC 4 class specification. Ms. Maxwell is a specialist in her field and has extensive knowledge about community resources and the intricacies of managing an AFH. She provides education and outreach to potential providers and the community, coordinates training, and serves as a valuable resource for AFH providers. However, when looking at Ms. Maxwell's duties and responsibilities as a whole, they better align with the intent of the Developmental Disabilities (DD) Case/Resource Manager classification.

The **Developmental Disabilities (DD) Case/Resource Manager** definition states the following:

Within the Division of Developmental Disabilities, provides advanced level of social services, specialized case and/or resource management for people who have developmental disabilities and their families.

This classification provides for both case management and resource management. While there are DD case managers who work directly with clients and manage client care, Ms. Maxwell's position serves as a DD resource manager. For example, she coordinates placement of DD clients with AFHs; ensures AFH providers understand the rules and regulations associated with maintaining an adult family home for vulnerable residents; serves as a resource for providers, clients, and families; and ensures clients reside in a healthy and safe environment to enhance their quality of life. The duties Ms. Maxwell performs fit the DD Case/Resource Manager definition of providing advanced level social services and specialized resource management for people who have developmental disabilities and their families. Further, 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. A number of the DD Case/Resource Manager typical work statements specifically describe the work Ms. Maxwell performs. The examples of work that most align with her duties include the following:

- Coordinates resource programs with case management services, DSHS Offices, county coordinators, Adult Family Homes, county boards, and other vendors;
- Provides support services and oversight to Adult Family Home providers to enhance health, safety, and quality of life for DD residents;
- Arranges for special placement and other residential, vocational and recreational supports for . . . adults;

- Assists and/or makes referral to the appropriate professional . . . ;
- Assesses/evaluates facility situations, makes recommendation, and plans for family/community support service . . .

I realize that some of the DD Case/Resource Manager typical work is also described in the SHPC 4 class specification. However, when considering the primary purpose of Ms. Maxwell's position and the majority of her duties, the DD Case/Resource Manager provides the best overall fit.

In addition, the Personnel Resources Board has previously determined the following:

In Byrnes v. Dept. of Corrections, PRB No. R-ALLO-06-005 (2006), the Board held that “[w]hile a comparison of one position to another similar position may be useful in gaining a better understanding of the duties performed by and the level of responsibility assigned to an incumbent, allocation of a position must be based on the overall duties and responsibilities assigned to an individual position compared to the existing classifications. The allocation or misallocation of a similar position is not a determining factor in the appropriate allocation of a position.” Citing Flahaut v. Dept's of Personnel and Labor and Industries, PAB No. ALLO 96-0009 (1996).

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).

It is clear Ms. Maxwell's work is highly valued by DSHS and that she works hard to pair DD clients with the right adult family home. 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.

The overall duties and responsibilities assigned to Ms. Maxwell's position best fit the DD Case/Resource Manager 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 fax number is (360) 586-4694. **This mailing address and fax number will remain unchanged.**

However, on June 16, 2014, the PRB will move from its location in the Insurance Building at 302 Sid Snyder Avenue Southwest, to 128 - 10<sup>th</sup> Avenue Southwest, Olympia, Washington. The contact telephone number will also change on that date.

To verify an appeal has been received, or to arrange to hand-deliver an appeal, call 360-902-9820 through Friday, June 13, 2014, and 360-407-9501 after that date.

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

c: Ann Maxwell  
CJ Iwata, DSHS  
Lisa Skriletz, State HR

Enclosure: List of Exhibits

**ANN MAXWELL v DSHS**  
**ALLO-13-049**

- A.** Ann Maxwell Exhibits - Director's Review Form received July 17, 2013 (3 pages)
1. Pages 1-7: Letter denying reallocation request
  2. Pages 8-9: Social and Health Program Consultant 4 Class Specification
  3. Pages 10-15: Social and Health Program Consultant 4 application invitation
  4. Page 16: Adult Family Home Team Roster demonstrating Ms. Maxwell's role is differentiated from her peers as Performance and Quality Improvement Specialist with a separate reporting relationship
  5. Page 17: DSHS Aging and Disability Services Organizational Chart (showing that Ms. Maxwell also reports to Quality Programs and Stakeholder Involvement – omitted from consideration in Employer's response to Ms. Maxwell's reallocation request)
  6. Pages 18-19: Examples of Ms. Maxwell coordinating training for AFH Providers
  7. Pages 20-55: Documents demonstrating that Ms. Maxwell performs audits of AFH Providers (not perfunctory visits as Classification and Compensation surmised)
  8. Pages 56-57: Adult Family Home Referral and Placement Process Policy (showing that Ms. Maxwell oversees the emergency AFH referral process)
  9. Pages 58-63: PIQS Position Review Request substantiating that Ms. Maxwell acts in a consulting relationship with DD case managers, conducts audits, sets up and coordinates specialty training, monitors AFH compliance, develops new programs for the division, and has supervised and trained staff
  10. Pages 64-65: Description of Ms. Maxwell's role at weekly AFH Placement Staffing Meetings
  11. Pages 66-67: WACS reviewed with licensed AFH owners by Ms. Maxwell at Adult Family Home Meetings
  12. Pages 68-70: Sample letters/handouts given to AFH Providers to provide information and coordinate trainings
  13. Pages 71-76: Sample agendas for AFH Provider meetings Ms. Maxwell coordinates
  14. Page 77: Outline of AFH Orientation presentation provided by Ms. Maxwell
  15. Pages 78-93: Additional assessment utilized by Ms. Maxwell in normal course of duties
  16. Page 94: Form demonstrating supply approval authority exercised by Ms. Maxwell
  17. Pages 95-96: Emails demonstrating Ms. Maxwell's role in identifying issues to be addressed by assigned Case Manager
  18. 97-100: DSHS policy 4.08 clearly differentiating Ms. Maxwell's role in Quality Improvement from her currently titled position
  19. 101-102: Correspondence AFH Providers demonstrating distinct line between PQIS and DD Case Management roles
  20. 103-106: Spreadsheet developed by Ms. Maxwell to assist Case Managers in field

**B. DSHS Exhibits**

1. Allocation determination letter dated June 21, 2013
2. Position Review Request received in Class and Comp Unit June 3, 2013
3. Position Description Form received in Class and Comp Unit June 6, 2013
4. Organizational Chart
5. Social and Health Program Consultant 4 Classification Specification
6. Developmental Disabilities Case/Resource Manager Classification Specification

**C. Classification Specifications**

1. Developmental Disabilities Case/Resource Manager
2. Social and Health Program Consultant 4

**D. Social and Health Program Consultant 1 – 3 Class Specifications**