



**STATE OF WASHINGTON
OFFICE OF FINANCIAL MANAGEMENT**

STATE HUMAN RESOURCES DIVISION | DIRECTOR'S REVIEW PROGRAM
P.O. Box 40911 · Olympia, WA 98504-0911 · (360) 902-9820 · FAX (360) 586-4694

June 9, 2014

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

FROM: Kris Brophy, SPHR
Director's Review Investigator

SUBJECT: Danielle Bond v. Department of Labor and Industries (LNI)
Allocation Review Request ALLO-13-067

Director's Determination

This position review was based on the work performed for the six-month period prior to April 2, 2013, the date the LNI Human Resources 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 telephone conference. Based on my review and analysis of Ms. Bond's assigned duties and responsibilities, I conclude her position is properly allocated to the Data Compiler 3 classification.

Background

On April 2, 2013 LNI Human Resources (HR) received Ms. Bond's Position Review Request (PRR) form asking that her position be reallocated to the Administrative Assistant 3 classification. Ms. Bond and her supervisor, Mr. Robert Parker, Region 1, Division of Occupation and Health (DOSH) Compliance Manager signed the form on March 28, 2013.

On August 1, 2013 LNI HR notified Ms. Bond that her position was properly allocated to the Data Compiler 3 class (Exhibit B-1).

On August 28, 2013, the State HR Director's Review Program received Ms. Bond's request for a Director's review of LNI's allocation determination (Exhibit A-1).

On May 6, 2014, I conducted a Director's review telephone conference. Present during the call were Danielle Bond; Phyllis Naiad, Council Representative, WFSE; Robert Parker, Region 1 DOSH Compliance Manager, LNI; Vicki Kamin, Human Resource Consultant, LNI HR; and Robert Kowalski, Human Resource Consultant, LNI HR.

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. Bond works for the Region 1 Field Compliance Unit within the (DOSH) at LNI. Ms. Bond's position performs a variety of data compiling, secretarial and daily administrative office tasks for the Region 1 management and staff. Ms. Bond stated during the review telephone conference that she has primary responsibility for ensuring that completed Compliance Safety and Hygiene Inspection summary reports are properly completed and that all paperwork and attachments are labeled properly. She also has responsibility for gathering and collecting safety and health data to produce monthly reports. She also produces correspondence and letters as directed by compliance supervisors which includes sending correspondence to the appropriate parties. She also performs a variety of daily administrative functions in support of the unit's overall operations.

Ms. Bond's duties and responsibilities are summarized from the PRR (Exhibit B-5) as follows:

- 35% Serves as a liaison between supervisor and other staff, members, relaying assignments and requesting status information.
Assigning complaints and referrals to Compliance Safety and Health Officers (CSHO's) for inspections. Requesting status of CSHO's inspection letter to complainant or referent and abatements information on inspections.
- 35% Provides secretarial support to supervisors.
Assist supervisors Compliance Supervisor, Region 1 and Industrial Hygiene Supervisor, Region 1, with information regarding forms, faxing, letter writing, process and procedure, emails, conference room reservations, updating calendar requests. Developing of new procedures and interprets and applies administrative policies to the work of the unit.
- 20% Prepares reports.
Checking to make sure all content is accurate and format is correct according to the process and procedures set forth by DOSH's policies and procedures, and upload documentation for inspections to the WIN program. Keeping data daily to compile for monthly statistical reporting on each individual Safety and Health Compliance Officer in Region 1. To include but not limited to: lapse times, types of violations, percentage of no violations, construction, logging, framing, asbestos, opening and closing dates, etc.
- 5% Evaluates costs and purchases for expenditures such as equipment, supplies, and furniture; develops cost estimates for equipment needs and or projects as

well as ordering standards.

Purchasing supplies such as equipment, personal protective equipment, standards, furniture, evaluating cost for purchases. Performs duties of the DOSH purchasing card custodian such as ensuring that the purchasing card request form is completed before allowing use of the card and keeping Payment up to date.

- 5% Coordinates with other departmental staff members on administrative practices and procedures, and conducts presentations and/or training for meetings with new process and procedures.

Gathering information on process and procedure in accordance to DOSH's directives and producing materials and information to Safety and Health Staff regarding new or changed policies and or procedures.

Supervisor Comments

Ms. Bond's supervisor, Mr. Robert Parker, Region 1 Compliance Manager, indicates in the PRR that Ms. Bond's duties and responsibilities are accurate with his attached clarifying comments. In his comments Mr. Parker indicated that the supervisors within the department provide direction to Ms. Bond as to which CSHO is to receive a complaint or referral as they are assigned. He also indicates that Ms. Bond does provide him some support directly but that other administrative employees within the agency also provide him assistance on a regular basis.

In his comments, Mr. Parker states that, "Although I approve the purchase and provide parameters for the purchase, such as cost guidelines, Danielle does the necessary research... Danielle does perform the duties for the DOSH credit card for both Compliance and Consultation. The latter is in her PDF." In other comments provided in exhibit B-7, Mr. Parker indicates that Ms. Bond has discretionary authority for purchases up to \$89 such as digital recorders and other common purchase items.

In exhibit B-1, Mr. Parker indicates that Ms. Bond tracks purchases and supplies in a spreadsheet and is tasked with researching purchases to determine the most cost effective items to purchase which he then approves.

Mr. Parker indicates that during the review period Ms. Bond provided some assistance to the recruitment process for three vacant positions. Ms. Bond sent out correspondence to candidates for two of the recruitments and assisted on one other recruitment by escorting candidates to take assessments on a computer and providing general instructions on the testing process. She also participated on interview panels to provide input.

Summary of Ms. Bond's Perspective

Ms. Bond asserts her position meets the Administrative Assistant 3 class by providing varied higher-level administrative support duties for the Region 1 Compliance Program Manager in such areas as expenditure control, office space management, equipment purchases, personnel administration, records management, and report preparation. For example, Ms. Bond states that she develops new procedures and interprets and applies administrative policies to the work of the unit. She also evaluates costs and purchasing requirements for expenditures regarding equipment needs and or projects as well as ordering standard supplies and equipment for use

by staff. She states that she serves as the DOSH Purchasing Card custodian monitoring and controlling the use of the purchasing card and keeping payment records up to date.

Ms. Bond asserts she also provides direct secretarial support to Region 1 Field Compliance unit supervisors. Ms. Bond stated during the review telephone conference that she serves as a liaison between the Region 1 supervisors and staff relaying assignments and requesting status *information regarding work assignments*. Ms. Bond states that she assigns complaints and referrals to the Compliance Safety and Health Officers for inspections. She also provides secretarial support to supervisors. She states she assists the Compliance Supervisor and Industrial Hygiene Supervisor with information regarding forms, faxing, writing letters, processes and procedures, emails, conference room reservations, and updating calendar requests. Ms. Bond asserts she represents the supervisors' and unit's goals and interests and provides explanations to staff of the supervisors' policies and viewpoints regarding work and other staff assignments.

In total, Ms. Bond asserts her responsibilities, including serving as a liaison to staff and performing various administrative functions for the Region 1 Field Compliance Unit fall accurately within the Administrative Assistant 3 class.

Summary of LNI's Reasoning

LNI asserts the scope of Ms. Bond's position does not meet the allocating criteria for allocation to a class within the Administrative Assistant series. LNI asserts Ms. Bond's position has not been delegated authority to act on behalf of Mr. Parker, the Region 1 Compliance Program Manager. LNI asserts that when Mr. Parker is out of the office he delegates authority to the supervisors in the unit to act on his behalf. LNI contends that although Ms. Bond occasionally drafts and signs correspondence on behalf of the supervisors, and regularly provides work assignments and status reports to staff on behalf of the supervisors, this is not considered delegation of authority to act in place of the manager in substantive areas as required.

LNI acknowledges a portion of Ms. Bond's duties consists of providing secretarial-related support to the unit's supervisors. However, LNI asserts the percentage of time Ms. Bond performs providing secretarial support to the unit's supervisors does not constitute a majority of her time. Further, the focus of these duties are completed in support of performing her data compilation and reporting activities. LNI asserts the majority of her time is spent performing work consistent with the Data Compiler 3 class; therefore, her position should remain allocated to that 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 Administrative Assistant 3

The Definition of the Administrative Assistant 3 classification states:

Positions perform varied administrative and secretarial support duties or positions are responsible for one or more major program activities under a second line supervisor.

The Distinguishing Characteristics for this class state:

Positions are delegated higher-level administrative support duties or positions are delegated one or more major program activities that would be performed under a second-level professional supervisor, manager or administrator in WMS Band II or above or in exempt service, chief administrator, or head of a major organizational unit such as a school, college, or major academic or administrative department. Only one position will be allocated to an individual second-line supervisor for those positions performing one or more major program activities.

A major program activity is defined as a function that is a major element of the supervisor's job. The duty must stand alone and would create significant adverse consequences if poorly performed. However, full delegation can't occur if the supervisor's position requires specialized licensure such as attorneys, medical doctors, and engineers.

Higher-level administrative duties are duties of a substantive nature that are appropriate to be performed by the supervisor, manager, administrator, or professional level employee but have been delegated to the administrative assistant to perform. Areas may include but are not limited to, the following: budget development and/or management, expenditure control, office space management, equipment purchases, budget development and/or management, public relations, personnel administration, records management, and report preparation.

Incumbents in these positions represent the supervisor's and/or unit's goals and interests and provide interpretation or explanation of the supervisor's policies or viewpoints.

The scope of Ms. Bond's position does not include responsibility for providing administrative support services as stated in the Definition and Distinguishing Characteristics of this class. The primary focus of Ms. Bond's position is to review and process inspection reports rather than to provide higher-level administrative support services or provide delegated administrative assistance for one or more program activities for her manager as required.

While Ms. Bond's position includes performing certain administrative tasks associated with the unit's daily operations, her position does not have delegated authority to act on her supervisor's behalf in substantive areas at the level envisioned by this class. Her position does not have a reporting alignment identifying her position as the administrative assistant to her supervisor, who is the second-line supervisor for Region 1. The scope of Ms. Bond's position does not include responsibility for representing her supervisor's and/or the unit's goals and interests and providing interpretation or explanation of her supervisor's policies or viewpoints to lower level supervisors or staff at the level anticipated by this class.

For example, Ms. Bond states in the PRR that she provides varied administrative and secretarial support to the Compliance Manager and other supervisors in Region 1 regarding day-to-day office administration and related matters. However, Ms. Bond's position does not consist of providing higher-level administrative support services. Higher level administrative

duties are duties of a substantive nature that are appropriately performed by her supervisor, but have been delegated to the Administrative Assistant to perform. This level of responsibility has not been delegated to Ms. Bond's position.

In addition, Ms. Bond's position does not have responsibility for providing assistance for one or more major program activities for her manager as required. Major program activities consist of performing functions that are a major element of the supervisor's job. This level of delegation has not been assigned to Ms. Bond's position.

For example, Mr. Parker states in his comments that Ms. Bond's position does not have delegated and primary responsibility for providing administrative support to him for one or more higher level program functions. He indicates in the documentation provided that his need for administrative assistance is minimal, that budget administration is handled centrally in headquarters, and that the unit's supervisors act on his behalf in areas of significance when he is away from the office.

It is acknowledged that a portion of her work does include performing various daily administrative and office support tasks for the department such as interpreting and applying administrative policies and procedures in support of the work performed within the unit. She also oversees purchasing activities for ordering standard office supplies and safety and related technical equipment for staff. This includes monitoring the use of the department's purchasing card and keeping records of payments and other activities up to date.

It is also acknowledged that Ms. Bond occasionally drafted and signed correspondence on behalf of the supervisors during the review period. She also at times forwarded work assignments and status reports to staff on behalf of the supervisors. However, this is not considered a delegation of authority to act in place of Mr. Parker or the supervisors in substantive areas on a regular and ongoing basis as required.

Further, although Ms. Bond has participated in some hiring activities, she does not have administrative responsibility regarding departmental personnel issues. The unit's supervisors are responsible for managing staffing and performing other personnel-related activities for their staff. Ms. Bond's involvement with staffing issues is informational or procedural rather than managerial. Further, Ms. Bond's position does not have any budget-related responsibility.

In total, Ms. Bond's position does not meet the primary allocating criteria for allocation to the Administrative Assistant 3 class or other classes within the Administrative Assistant series. Ms. Bond's position has not been delegated authority to act on behalf of Mr. Parker, the Region 1 Compliance program manager. When Mr. Parker is out of the office he delegates authority to the supervisors in the unit to act on his behalf.

For each of these reasons her position should not be allocated to the Administrative Assistant 3 class.

Comparison of Duties to the Secretary series

The Class Series Concept for the Secretary series states:

In support of a supervisor and/or staff members, provides secretarial services and assistance for the purpose of facilitating the supervisor's and/or staff members' own work and relieving the supervisor and/or staff members of day-to-day clerical detail. Applies knowledge of supervisor's and/or staff members'

work commitments including status of projects and nature of contacts. Secretarial duties include making travel arrangements, scheduling meetings, taking notes and transcribing minutes, screening calls and visitors, keeping supervisor's and/or staff members calendar(s) and committing supervisor's and/or staff members' time.

A portion of Ms. Bond's duties are secretarial in nature and fit within the Secretary class series concept. For example, Ms. Bond produces letters for the unit's compliance supervisors for Medical Examiner and Fire Marshall Reports. She sends correspondence to complainants, files regional inspection copies, and purges files. She also tracks and ensures time requirements are met for report and complaint processing. She also communicates with inspection staff to notify them of the supervisor's schedules and discusses time lines and other issues relative to completing their work. A portion of her work does include taking and relaying messages, monitoring calendars, and providing a level of secretarial support to her manager and the unit's supervisors. However, the primary focus of her position, and the majority of Ms. Bond's duties are performed in support of compiling and completing inspection reports and computing production statistics.

Further, this series does not address Ms. Bond's specific knowledge and experience required to perform her technical data compilation and reporting duties or the extent of her responsibility for making specific contacts with internal staff, the public and outside entities to perform her data compilation duties. This series also does not address the position purpose, or the overall scope and breadth of impact of Ms. Bond's duties and responsibilities coordinating the technical portion of the department's daily compliance operations. For these reasons her position should not be allocated to a class within the Secretary series.

Comparison of Duties to Data Compiler 3

The Definition of the Data Compiler 3 classification states:

Performs evaluative work including the computing, comparing and reporting of data in support of reports, studies, surveys and forecasts. Prepares narrative reports to accompany data.

Distinguishing Characteristics

This level is differentiated from lower levels in that incumbents are required to evaluate the data in completed statistical reports, graphs, tables and charts according to predetermined guidelines in order to prepare summarized reports. Incumbents are given the scope or intent of the assignment, but they are expected to determine the method to complete it.

The overall scope and level of responsibility of Ms. Bond's position, and the majority of her duties as a whole, match the Definition and Distinguishing Characteristics of this class.

While it is acknowledged that Ms. Bond performs various functions for the department which includes a portion of her time spent performing both secretarial and related administrative tasks in support of daily office activities, the primary focus of her position, and the majority of her duties as a whole, consist of performing evaluative work in order to compile and report data to support the completion and processing of inspection summary reports and other documentation for the Region 1 DOSH Compliance program. She reviews inspection summary reports, checks

referrals, complaints and certification of abatement forms to ensure that required information and data entry is correct.

She also creates work assignments in the agency's computer systems based on input from the unit's supervisors. While a portion of this work also consists of working with supervisors and assigned staff to ensure assignments and other requests are being followed and completed, this activity is performed to ensure work is completed and reported accurately for data compilation and reporting purposes.

In addition, Ms. Bond has primary responsibility to collect and enter data from safety and health compliance inspections, complaints, referrals and other information into an Excel spreadsheet. She maintains files of documentation, resolves problems within the agency's internal systems. Ms. Bond uses entered data to compile a variety of monthly production statistics. She also uses this information to produce status and other reports for management and staff. Ms. Bond also attends Region 1 work unit and statewide Data Compiler meetings. Ms. Bond also uses her extensive knowledge and experience to serve as a "Super User" for new DOSH computer software applications.

It is uncontested that Ms. Bond performs various work activities in support of the Region 1 work unit and that a portion her work consists of performing certain secretarial and related office administrative duties. However, when considering the primary purpose of Ms. Bond's position and the majority of her duties, the Data Compiler 3 class provides the best overall fit.

It is clear Ms. Bond's work is highly valued by LNI and that she works hard to accomplish her tasks. However, 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.

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).

In this case, the majority of the duties assigned to Ms. Bond's position and her level of responsibility and delegated authority are best described by the Data Compiler 3 classification. Ms. Bond's 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 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 - 10th 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 (after Friday, June 13, 2014, you will be prompted to call the new number.)

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

c: Danielle Bond
Phyllis Naiad, WFSE
Vicki Kamin, LNI
Lisa Skriletz, State HR

Enclosure: List of Exhibits

DANIELLE BOND v LNI

ALLO-13-067

List of Exhibits

A. Danielle Bond Exhibits

1. Request for Director's Review from Danielle Bond received by State HR on August 28, 2013
2. Data Compiler Position Description Form for position 1725 dated 09/12/06
3. Fax Transmittal From Robert Parker to Teresa dated 7/19/13
4. Directions Sent to Staff and Supervisors on process and procedure
5. King County Medical Examiner Letter completed by Bond
6. PPE Purchase
7. GPS Tracking List
8. Referral Assignments set up for CSHO(s)
9. PPAF 7/1/2012-6/30/2013
10. Cost Codes
11. Purchasing Documents
12. Email Document
13. Bank Records

B. LNI Exhibits

1. Allocation Determination Letter from Vicki Kamin to Danielle Bond dated August 1, 2013
2. Data Compiler 3 Position Description Form for Danielle Bond, position #1725, dated 7-18-2013
3. Data Compiler 3 Position Description Form for Danielle Bond, position #1725, dated 9-30-2011
4. Organizational Charts for LNI DOSH Region 1
5. Position Review Request for Danielle Bond, dated 3-28-2013
6. Position review notes from discussion (Bond/Kamin) 7-15-2013
7. Position review notes from discussion (Manager Parker/Kamin) 7-31-2013
8. Copy of OSHRD Glossary of Classification Terms
9. State HR Data Compiler Class Specification with attached internal LNI matrix
10. State HR Class Specifications for Secretary, Secretary Senior
11. State HR Class specification for Administrative Assistant series with attached internal LNI matrix

12. Comparative Position Description—Administrative Assistant 3 #4313
13. Comparative Position Description—Data Compiler 3 #1375
14. Comparative Position Description—Data Compiler 3 #3851
15. LNI response to Ms. Bond's exhibits from Vicki Kamin to Karen Wilcox dated November 13, 2013

C. Class Specifications

1. State HR Class Specification for Data Compiler 3
2. State HR Class Specification for Administrative Assistant 1
3. State HR Class Specification for Administrative Assistant 2
4. State HR Class Specification for Administrative Assistant 3
5. State HR Class Specification for Secretary
6. State HR Class Specification for Secretary Lead
7. State HR Class Specification for Secretary Senior