

STATE OF WASHINGTON
OFFICE OF FINANCIAL MANAGEMENT
STATE HUMAN RESOURCES | DIRECTOR'S REVIEW PROGRAM
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July 24, 2014

TO: Connie Goff, PHR
Rules & Appeals Section Chief
State Human Resources Division

FROM: Kris Brophy, SPHR
Director's Review Investigator

SUBJECT: Shari DeHart v. Department of Labor and Industries (LNI)
Allocation Review Request ALLO-13-073

Director's Determination

This position review was based on the work performed for the six-month period prior to January 24, 2013, the date the LNI HR received Ms. DeHart'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 conference. Based on my review and analysis of Ms. DeHart's assigned duties and responsibilities, I conclude her position is properly allocated to the Office Assistant 3 classification.

Background

On January 24, 2013 LNI HR received Ms. DeHart's Position Review Request (PRR) form asking that her position be reallocated to the Workers Claim Adjudicator 1 (WCA 1) classification.

On September 6, 2013 LNI HR notified Ms. DeHart that her position was being reallocated to the Office Assistant 3 class based on the scope of her duties and responsibilities (Exhibit B-1).

On November 18, 2013, the State HR Director's Review Program received Ms. DeHart's request for a Director's review of LNI's allocation determination (Exhibit A-1).

On June 3, 2014, I conducted a Director's review conference with the parties. Present during the meeting were Shari DeHart; Perry Gordon, Council Representative, WFSE; Brenda Heilman, Self Insurance Claims Operations Manager, LNI; and Vicki Kamin, Classification & Compensation Coordinator, 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. DeHart works in the Claims Initiation and Word Processing unit of the Self Insurance Section within the Insurance Services Division of LNI. Her position exists to initiate claims in the LNIIS system and to provide word processing support to the Worker Claims Adjudicator staff.

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

55% Duty

I take action on all incoming workers compensation claim documents, medical reports, employer documents to establish approval for wage information in compliance with industrial insurance law. I review forms such as SIF 2 (Self Insurer Accident Report), SIF 5 (Self Insurer Report on Occupational Injury or Disease), PIR (Physician's Initial Report)/Doctor Information for accuracy. Initiate entry of new claims to determine and evaluate if they are time loss, medical treatment only or employer closed claims.

Evaluate claim file documents (medical reports and injury descriptions to make a determination issue allowance orders, which includes evaluating if a claim is an injury or occupational disease and records. Review SIF 2, SIF 5 forms for accuracy of information to make a determination to issue interlocutory orders for pending claim allowance or review by the WCA3 adjudicators or Claims Consultants. I review the SIF 2 and SIF 5 to identify hearing loss claims for review by higher level adjudicators.

25% Duty

Initiates time loss, treatment only, and employer closed time loss claims by entering data into department mainframe system, (LNIIS). Prepares claims for initiation by arranging documents in proper order. Assist with public records for Board of Industrial Insurance Appeals and Public disclosure of records, back up receptionist as needed.

10% Duty

Communicate with customers to obtain necessary information, share information and to take action on claim. This includes TPA (Third Party Administrators), Doctors/Providers, Attorneys and claimants. Maintain entry of claims and documents into database (LNIIS) for processing reports and tracking.

10% Duty

Create legal documents for penalty/pension adjudicator 5's. Knowledge of

grammar, punctuation and spelling. Providing excellent customer service in all areas. Customer inquiries and complaints are addressed. Hostile customer incidents are dealt with by attempting to resolve the issues and responding in a manner that will avert hostility.

In exhibit B-9, Ms. Kamin states that a pilot project was implemented in 2011 in response to a backlog of claim allowances in the Self Insurance Program. The purpose of the "Allowance Pilot" was to search for specific criteria in claims forms and to allow or close the claim if the specific criteria were met. Another element of the project was to reduce "AZ" orders. AZ orders are generic legal orders that are issued when it is initially unclear that a specific event resulted in an occupational injury or disease. These orders may be issued when there is no specific event that resulted in injury but may have occurred over a period of time such as repetitive motion injuries. AO orders are legal orders that allow a claim and establish the date for a specific injury. These orders are issued for specific incidents that occur on a specific date and time and are marked on an SIF 2 form and supported via a PIR.

Ms. Kamin indicates that as part of the pilot project, Ms. DeHart assumed responsibility for initiating claims and completing AZ and AO allowance orders. Ms. DeHart follows prescribed procedures when determining whether or not to allow claims and the order to be issued. She reviews documents, enters data from the forms into the agency's LINNIS system and corrects data in LINNIS to match the documentation on the form. She ensures claim numbers on the forms match. The information is forwarded to a WCA 3 position for action. Once a claim is allowed and the allowance order issued she applies a tickler in LINIIS and forwards the order to the WCA 3 for follow-up action.

Summary of Ms. DeHart's Perspective

Ms. DeHart asserts her position was assigned responsibility for participating in the Allowance Pilot Project for the Self Insurance section. She asserts these duties meet the requirements of the WCA 1 class. She contends her duties extend beyond providing clerical support to include performing adjudicative functions in allowing claims and issuing AZ and AO orders consistent with the WCA 1 class.

Supervisor Comments

Ms. DeHart's supervisor, Ms. Mildred Poole, Office Support Supervisor 2, completed the Supervisor's section of the PRR. Ms. Pool indicates in the PRR that Ms. DeHart's description of her assigned duties and responsibilities is not fully accurate. In her comments Ms. Poole states that the only duties Ms. DeHart assumed were those associated with the Allowance Pilot Project which involved working as a claims initiator. She stated that Ms. Dehart would initiate claims and complete allowance orders at the same time if needed.

She also indicates that, "She is our word processor doing form letters for me (Mildred) and the Adjudicators. These are form letters generated through the computer system. She has to enter data as noted from the Adjudicators and ensure the claim number and claimant or physician addresses are correct and generate the letter to be sent out."

Summary of LNI's Reasoning

LNI asserts Ms. DeHart does not have a caseload of claims to manage or adjudicate as required by the WCA 1 level class. LNI asserts Ms. DeHart does not have responsibility for

researching medical documentation and she may not deny self-insured employers or TPAs requests to allow, pend, or deny claims. LNI acknowledges that while Ms. DeHart has been assigned the task of processing certain claim allowances she is not authorized to make subjective judgment on the validity of the claims. LNI asserts Ms. DeHart's scope of responsibility is limited to making clerical determinations on two specific claim allowances based on the presence of the correct documentation, matching qualifying criteria, and whether the claim is allowable per the self-insured employers' or TPA's request.

LNI asserts Ms. DeHart works within established guidelines and the level of her decision-making authority to process claim allowances is limited to following a choice of appropriate methods and procedures. However her responsibility for making determinations on AO and AZ orders reaches beyond simply processing routine documents and her position is therefore properly allocated to the OA 3 level 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 Workers' Compensation Adjudicator 1

The Definition for this class states:

In the Department of Labor and Industries, adjudicates and manages a caseload of non-compensable and compensable workers' compensation claims or crime victims claims.

The Distinguishing Characteristics for this class state:

Positions assigned to this class which are responsible for the management of non-compensable and compensable claims, involve less than 14 days of time loss with level 1 complexity factors.

Note: Level 1 complexity factors are determined by the Labor and Industries claims assignment system matrix.

Positions at this level maintain a caseload and have independent responsibility for reviewing and adjudicating claims. Positions at this level typically have responsibility for interpreting facts and applying laws to determine a claim's validity, researching medical documents in claim files to gather information, evaluating and authorizing or denying requests for medical treatment, responding to inquiries regarding a claim's status and the department's rules and regulations, and composing legal orders and other documents. The duties Ms. DeHart performs in support of the Allowance Pilot project do not reach this level of responsibility.

Ms. DeHart does not have responsibility for adjudicating and managing a caseload. In October 2011, Ms. DeHart began processing claim allowances as part of her duties assisting with the Allowance Pilot project. Ms. DeHart is able to process a claim allowance if certain criteria are

met. However, she is not analyzing claims or making determinations on the validity of claims. She is checking to see if appropriate information is provided. If so, she can process it.

For example, when Ms. Dehart processes claim allowances she is not authorized to make subjective judgments on the validity of claims. Her scope of responsibility is limited to making a determination regarding whether or not the correct documentation is provided in accordance with the agency's procedures. This requires that the documentation submitted matches strict criteria, and that the self-insured employer or third part administrator (TPA) requests the claim to be allowed. The scope of her decision making authority for making claim allowances for AO or AZ orders is limited to following prescribed procedures.

Thus, the scope of her duty in processing claims does not reach responsibility for managing a caseload as required for allocation to the WCA 1 class. Additionally, she does not perform higher level adjudicative functions such as researching medical documentation to verify the validity of claims, evaluating and authorizing or denying requests for medical treatment, responding to inquiries regarding a claim's status and the department's rules and regulations, and composing legal orders and other documents. In total, the scope of her responsibility for processing claims and issuing certain allowance orders does not reach the level of responsibility for adjudicating and managing claims as required.

For these reasons her position should not be reallocated to the WCA 1 level class.

Comparison of Duties to Office Assistant 3

The Class Series Concept of the Office Assistant series states that positions perform "a variety of clerical duties in support of office or unit operations."

The Definition for Office Assistant 3 states:

Under general supervision, independently perform a variety of complex clerical projects and assignments such as preparing reports, preparing, reviewing, verifying and processing fiscal documents and/or financial records, composing correspondence such as transmittals and responses to frequent requests for information, establishing manual or electronic recordkeeping/filing systems and/or data base files, and responding to inquiries requiring substantive knowledge of office/departmental policies and procedures. Positions may perform specialized complex word processing tasks in a word processing unit or complex rapid data inquiry and/or entry functions.

The Distinguishing Characteristics for Office Assistant 3 include the following:

Assignments and projects are of a complex nature. Independent performance of complex clerical assignments requires substantive knowledge of a variety of regulations, rules, policies, procedures, processes, materials, or equipment. Problems are resolved by choosing from established procedures and/or devising work methods. Guidance is available for new or unusual situations. Deviation from established parameters requires approval. Work is periodically reviewed to verify compliance with established policies and procedures. . . .

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

The majority of Ms. DeHart's time is spent performing a variety of complex clerical duties. Her duties include processing, initiating, and making allowance determinations on AO and AZ claims. The duties she performs to accomplish this work are complex, highly structured clerical support tasks. Ms. DeHart must have a substantive knowledge of a variety of regulations, rules, policies and procedures to process claims. Ms. DeHart follows prescribed procedures when determining whether or not to allow claims and the order to be issued. She reviews documents, enters data from the forms and corrects online data to match the documentation on the forms. She ensures claim numbers on the forms match. She forwards information to Adjudicators for follow-up action. Ms. DeHart seeks guidance for new or unusual situations, and the problems she encounters are resolved by following established procedures or seeking guidance from other staff. The scope of this work reaches beyond performing routine work as stated in the OA 2 class and is appropriately described by the Definition and Distinguishing Characteristics of this class.

This is further supported in the typical work statements which provide examples of work performed at this level. For example, Ms. DeHart takes action on all incoming workers compensation claim documents, medical reports, and employer documents in compliance with the industrial insurance laws. She reviews forms for completeness and accuracy in order to initiate new claims following prescribed agency rules and procedures. She resolves problems and responds to inquiries regarding the claims process with TPAs, doctors, attorneys and claimants. She enters information into the agency's database for tracking and reporting purposes. She also creates documents for WCA 5's. In total, the majority of Ms. DeHart's work assignments involve performing a variety of complex clerical support tasks associated with Self Insured Program's claims process.

It is clear the work Ms. DeHart performs is very important and valued by LNI. A position's allocation is not a reflection of performance or an individual's ability to perform higher-level work. Rather, it is based on a comparison of duties and responsibilities to the available job classifications. The Office Assistant 3 classification best encompasses the overall scope of work and level of responsibility assigned to her position.

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. DeHart's position and her level of responsibility and delegated authority are best described by the Office Assistant 3 classification. Ms. DeHart'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 PO Box 40911, Olympia, Washington, 98504-0911. The PRB Office is located on the 3rd floor of the Raad Building, 128 10th Avenue SW, Olympia, Washington. The main telephone number is (360) 407-4101, and the fax number is (360) 586-4694.

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

c: Shari DeHart
Perry Gordon, WFSE
Vicki Kamin, LNI
Lisa Skriletz, SHR

Enclosure: List of Exhibits

SHARI DEHART v LNI

ALLO-13-073

List of Exhibits

A. Shari DeHart Exhibits

Request for Director's Review from Shari DeHart to State HR received October 1, 2013 with attachments, 5 pgs.

Appeal letter from Shari DeHart dated November 18, 2013 with attachments:

1. Copy of Position Review Request (PRR) form for Shari DeHart. 5 pgs.
2. Performance Planning and Appraisal Forms, 9-28-11- 8-30-13, 30 pgs.
3. Position Description form (PDF) dated 11-26-12, 7 pgs.
4. Production report from 11-7-11- 8-2013, 5 pgs.
5. Word Processing weekly count sheet, 18 pgs. (Showing work box from Orion work pos SI17 & SI73- my case load)
6. Example of Work Products, 17 pgs.
7. Injured Worker letter to the Department, 1 pg. (confused to the letter received from Shari DeHart dated 11-30-12)
8. Email from Jim Nylander seeking assistance from Shari DeHart dated 3-6-13, 1pg.
9. Email from Gene Anderson, Self-Insurance Training Section, dated 8-5-13, 1 pg. (amount of allowance orders & notices produced in just 1 yr)
10. Letter of Reference from co worker, Corina Groth, WCA 3, dated 2-27-13, 1 pg.
11. Email from co-workers, 9 pgs.
12. Emails to/from Jan Bacon, Perry Gordon, Vicki Kamin & Shari DeHart 9 pgs.
13. Corrections resubmitted for the Position review notes with/on Shari DeHart, Phyllis Gallegos, Vicki Kamin, 8-1443. 3 pgs.

B. LNI Exhibits

1. Allocation Determination Letter from Vicki Kamin to Shari DeHart dated 9-6-2013
2. Position Review Request form for Shari Dehart received 1-24-2013
3. Office Assistant 2 Position Description Form, #3160, 8-24-12
4. Office Assistant 2 Position Description Form, #3160, 11-4-2011
5. Office Assistant 2 Position Description Form #3160, 12-23-2005
6. Organizational Charts
7. Position review notes from Jan Bacon (Dehart/Bacon) 3-27-2013

8. Position review notes from discussion (Dehart/Kamin/Gallegos) 8-14-2013
9. Position review notes from discussion with Program Managers and supervisor, 8-23-2013
10. Office Assistant Class Specifications
11. Workers' Compensation Adjudicator Class Specifications
12. Comparative Position Description—Office Assistant 2 #1708
13. Comparative Position Description—Office Assistant 2 #2406
14. Comparative Position Description—Workers Comp Adjudicator 1 #1680
15. Instruction Manual
16. Examples of Work Products submitted for consideration by Dehart
17. LNI final response to Ms. DeHart's exhibits

C. Class Specifications

1. State HR Class Specification for Office Assistant 3
2. State HR Class Specification for Worker's Compensation Adjudicator 1