

STATE OF WASHINGTON
OFFICE OF FINANCIAL MANAGEMENT
STATE HUMAN RESOURCES DIVISION | DIRECTOR'S REVIEW PROGRAM
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August 27, 2014

TO: Kandys Dygert, WFSE

FROM: Holly Platz, SPHR
Director's Review Program Investigator

SUBJECT: Sherry Vizcaino v. Department of Licensing (DOL)
Allocation Review Request ALLO-13-089

Director's Determination

On August 21, 2014, I conducted a review of the allocation of Sherry Vizcaino's position. Present at the review meeting were you, Ms. Vizcaino, Brett Alongi and Jeanne Wright, Human Resources Consultants for DOL, Toni Hood, Hearings and Interviews Administrator, and Jim McNew, Hearings Examiner Manager.

This position review was based on the work performed for the six-month period prior to August 8, 2013, the date the agency received Ms. Vizcaino'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 the parties.

Based on my review and analysis of Ms. Vizcaino's assigned duties and responsibilities, I conclude her position is properly allocated to the Hearings Scheduler classification.

Background

On July 25, 2013, Ms. Vizcaino completed a Position Review Request form (PRR) asking that her Hearings Scheduler position be reallocated to the Paralegal 3 classification. Although DOL's allocation determination letter (Exhibit B-1) indicates that the request was received in the Human Resources Office on August 2, 2013, the PRR (Exhibit B-2) is date stamped August 8, 2013. By letter dated October 21, 2013, Brett Alongi, Human Resources Consultant, determined that Ms. Vizcaino's position was properly allocated to the Hearings Scheduler classification.

On November 20, 2013, the State Human Resources Division received Ms. Vizcaino's request for a Director's review of the DOL's allocation determination (Exhibit A-1). In her review request, Ms. Vizcaino indicated that the Legal Secretary 2 classification or the Paralegal job class series described her position.

Ms. Vizcaino's position is located in DOL's Region 3 hearings and interviews office in Spokane. Ms. Vizcaino reports to the Hearings Examiner Manager and she provides support to seven hearing examiners who conduct hearings on DUI and non-DUI sanctions. She supports the hearing examiners by calendaring hearings, preparing case files, marking exhibits, sending notices and managing paperwork including subpoenas for hearings. Ms. Vizcaino's position requires precision and knowledge of procedural statutes, rules and practices especially related to timelines for service of notices and subpoenas. She must stay aware of changes to work processes related to her responsibilities. If she makes an error, it could have a negative impact resulting in the dismissal of the department's sanction against a driver.

The following summarizes Ms. Vizcaino's perspective as well as her employer's:

Summary of Ms. Vizcaino's Perspective

Ms. Vizcaino argues that she assists the hearing examiners by sending hearing notices, rescheduling hearings, placing hearings and associated information on the calendar and preparing documents for the hearing files. She explains that after receiving a hearing memo from the Olympia office, she pulls documents relating to the case from different imaging folders and reviews them to assure they are complete and legible. If the documents are not complete or legible, she contacts the initiating agency, usually a law enforcement agency, and requests a new copy be sent by fax. Once she has the documents (which is also referred to as "discovery"), she tags them for the hearing and sends a copy to the driver or his/her attorney. Ms. Vizcaino argues that she assures legal notice is properly served. In addition, she reviews incoming subpoenas for accuracy and assures persons named in the subpoenas are included in the police report. If subpoenas are accurate, she signs the subpoenas on behalf of the hearings examiners and provides the signed copies to the initiating party for service. If subpoenas are inaccurate, she assures that the necessary corrections are made before the subpoena is signed. If the subpoena is for a person not included in the case records such as an unnamed police officer or blood technician, she forwards the subpoena to the hearings examiner to determine whether it should be issued.

Ms. Vizcaino argues that she independently initiates and provides legal documents consistent with the notice requirements in statute and rules. She asserts that the hearings examiners are equivalent to Administrative Law Judges and that most of them are attorneys. She explains that when parties ask for a hearing continuance, she must use her knowledge of the hearings examiners' preferences and her knowledge of the RCWs and WACs in determining whether to move a hearing. She further explains that when necessary, she must get a "speedy resolution" waiver from the driver or his/her attorney if the request is to move the hearing too far into the future.

Ms. Vizcaino also explains that she has added duties such as using Excel to prepare monthly statistics for Non-DUI cases and that she must keep abreast of any and all changes with RCWs and WACs affecting case processing. Ms. Vizcaino asserts that department changes are ongoing and frequent. She contends that she is called upon to educate attorneys and pro se drivers on hearing processes such as requesting continuances, issuing subpoenas and waivers. She further contends that she must maintain confidentiality of case information and on occasion must redact information such as a person's social security number from the documents.

Ms. Vizcaino argues that she acts as a personal assistant to the hearings examiners because she maintains their hearing calendars, is at their beck and call for hearings, does all the prep

work for hearings, tags exhibits, sends notices and manages paperwork. Because of the legal aspects of her work, the complexity of case preparation and the individualized support she provides to hearings examiners, she asserts her position is best described by the legal secretary or paralegal classifications.

Summary of Supervisor's Perspective:

Jim McNew, Hearings Examiner Manager, is Ms. Vizcaino's supervisor. Mr. McNew explains that the hearing notice is initiated by a hearing memo that comes from headquarters staff in Olympia and that the hearing memo contains case and folder information that Ms. Vizcaino uses to identify which imaging file to access in order to pull the case documents. While Mr. McNew recognizes that Ms. Vizcaino's position requires precision and knowledge of the procedural practices of the office and the timelines found in RCWs and WACs, he does not believe it requires the level of research and analysis of the law found in the paralegal classifications. Mr. McNew agrees that Ms. Vizcaino must stay current on changes with the RCWs and WACs related to her work processes but asserts that while there are frequent amendments to the DUI statutes, they have not altered the requirements for hearing notices, continuances or subpoenas. Mr. McNew clarifies that Ms. Vizcaino uses standardized forms and documents for hearing notices and letters and that the exhibits she retrieves from the department's imaging system are not documents she creates, approves or signs. Mr. McNew explains that most of the documents Ms. Vizcaino pulls from imaging are routine but occasionally she must access the Washington State Patrol website to find a Compliance Certificate related to the collection of blood samples for analysis and occasionally she may need to redact a social security number from a document. Mr. McNew also acknowledges that finding relevant evidence in the imaging system can take considerable time and that not all files are precise or complete and that on occasion multiple folders may need to be searched for relevant documents.

Summary of the DOL's Reasoning

DOL argues that hearings examiners are not Administrative Law Judges but acknowledges that their work is similar. DOL explains that Ms. Vizcaino does not report to an attorney or to the hearings examiners. DOL asserts that scheduling is done in accordance with the Administrative Procedures Act and that Ms. Vizcaino is responsible for the administrative aspects of scheduling hearings including providing proper notice and preparing files. In addition, she must track cases throughout the process and assure that appropriate timelines are met. DOL contends that Ms. Vizcaino's position does not meet the definition and distinguishing characteristics of the Paralegal classes because the position does not report to an attorney in a regional office and does not require the high level of knowledge of legal concepts, issues and legal research encompassed in the classes. DOL contends that Ms. Vizcaino's position does not meet the Legal Secretary classes because she does not report to an attorney and does not function as a personal assistant or secretary to an attorney. DOL asserts that the majority of Ms. Vizcaino's duties involve scheduling and coordinating contested case hearings which is best described by the definition of the Hearings Scheduler 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).

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. See Dudley v. Dept. of Labor and Industries, PRB Case No. R-ALLO-07-007 (2007).

Duties and Responsibilities

In her PRR form, Ms. Vizcaino describes her major duties as follows:

- 50% Prepare legal forms and documents. I prepare several types of hearing notices for DUI and non DUI cases. I identify, compile and select documents and discovery for hearings. I organize and prepare hearing files. I request documents and respond to requests for documents.

Tasks include:

Determining what type of notice is needed and whether there is enough time to give proper, legal, notice. I select exhibits that are relevant for the various hearing types, determine whether the reports are complete reports, whether they are legible and then number the reports/exhibits for hearing. If the reports have personal information such as social security numbers, bank information, I must redact the report and prepare a redaction letter to send with the discovery. If the reports are not complete or legible, I prepare a re-fax request asking the law enforcement agency to send the report again with the corrections I have identified. I make sure the re-faxed report is complete and legible, prepare a DOC (*document*) file for imaging and send out the now completed hearing notice with proper, legible reports. Once done, I type labels, make a file, put the hearing examiners copy of the police report into the file and place in the drawer. I then make sure the hearing is listed on the proper attorney/hearing examiner calendar, under the correct date and time. Once the hearing notices are done, I forward the scheduling memos to the hearing examiners with a "comments" section explaining any problems with the reports and/or information they need to know about that particular case. I also advise them when the evidence and notice were mailed.

- 20% I review and process defense attorney subpoenas for accuracy and whether they can be served per Washington Administrative Code (WAC). I also prepare amended subpoenas.

Tasks include:

Upon receipt of attorney subpoenas, I review the police report in imaging and/or pull the physical file to make sure the subpoena has the correct date and time of hearing, lists the proper name of driver and officer(s), and make sure the incident date and report number are accurate. I must also ensure that department's evidence is listed properly on the subpoena. I then mark the calendar in "red" to alert hearing examiners that a subpoena has issued on that case, to whom, and that it was faxed to the defense attorney with a copy mailed to the officer. I fax

the subpoena to the defense attorney with an instruction sheet on how to serve the subpoena properly either by personal service or certified mail. Once a confirmation of the faxed subpoena is received, I make a copy of the envelope being mailed to the officer (showing postage and date mailed) and place the envelope in the outgoing mail. The confirmation of the faxed subpoena to the defense attorney, along with a copy of the mailed envelope and a copy of the actual subpoena is faxed to the hearings examiner if they are off site. I wait for a faxed confirmation that it went through to the hearing examiner. Proof and confirmation of these work processes is important to the department's legal proceedings. For in-house hearing examiners, I place these documents in the physical file.

20% Calendaring/Scheduling

Tasks include:

I take numerous calls from defense attorneys and pro se drivers asking to reschedule their hearing to a new date and time to accommodate calendaring conflicts. I instruct the caller on the legal waiver required to go past the 60 day speedy resolution. Quite often, there are subpoenaed officers and hired interpreters on the case which requires coordinating the reschedule with them as well as the attorney and hearing examiner to a new date and time that accommodates all parties involved. If there are subpoenaed officers on the case and the case moves, amended subpoenas must be prepared and mailed. All cases are constantly shuffling and moving and some cases are rescheduled to reconvene for one officer only. I must remain knowledgeable of current laws and procedural changes. I often take customer service calls and educate attorneys and pro se drivers on deferred prosecution matters. I am always mindful of confidentiality as parents and relatives of drivers try to get information on a case. A driver(s) DOL case is confidential and must remain confidential. If hearing examiners are out or unavailable to do their hearings, due to illness, I determine which examiner is available to cover the hearing and provide the necessary discovery/documentation to the examiner coming on board to conduct the hearing. Documenting the numerous calendars with all information received, all updates, phone numbers, and notices of appearance/withdrawal of attorney(s) is essential. On occasion, a driver pays for a hearing via personal check, the hearing is scheduled in Olympia and the check bounces. In this instance, I am notified that the matter is taken off calendar for dishonored check. Once the driver makes good on the check, I call the attorney/pro se driver and tell them we can proceed with the hearing, reschedule the matter making sure proper waivers are sent in accordance to the RCW and WAC.

10% Processing incoming and outgoing mail and faxes. Storage of state's evidence and Public Disclosure Requests.

Tasks include:

On incoming mail: On processing/researching returned mail, contact is attempted with the driver to inform them of the upcoming hearing and advise them to change their address of record with DOL. I also update notes in imaging. Correctly date stamp all incoming mail and route to proper attorney/hearing examiner via scan, fax, or mailing them out directly to their site. If examiner is "off

site", I send an email explaining what documents have come in the mail and advise when I'm placing their documents in the outgoing mail. FAX: Date stamp all faxes. Look on the calendar to see if it is a document that needs to get to a hearing examiner ASAP because a hearing is in progress or whether it can go into their mail bin. If a hearing is in progress and the document is urgent, I then scan or fax the document to the hearing examiner. I often scan the document to myself and then forward to the hearing examiner to have proof that the document was sent.

In the case of a fax for an off-site examiner, I date stamp it, read it, see if there is something to be coordinated with the calendar, coordinate it and then fax it directly to the off-site hearing examiner, confirming by a confirmation sheet that they received it.

Storage/Archiving/Record Retention: Attorneys/Hearing Examiners put all of Department's additional exhibits/discovery received from defense attorneys (DVD's, pictures and videos) in a state approved archive box. I ensure that the state's retention time is met and inventory list is created. This evidence is then separated by year and place in approved storage boxes. A list is then created of what evidence is in what storage box for appeal purposes. Often the case number and/or name are not listed on the evidence so I must spend time researching to find the name/case number for storage purposes. The Washington State Records Box transmittal is created along with a State Records Center Box Label. A box transmittal is created and I get approval from Olympia to have the box sent to archives. Arrangements are then made to have the box transported to Olympia for storage.

Public Disclosure Request: When a Public Disclosure request is received from Olympia, I search in emails and email retention folders for any information regarding that case and then inform Olympia with the results of the search.

Class Specifications

The following classification standards, in descending order, are the primary considerations in allocating positions:

- a) Category concept (if one exists).
- b) Definition or basic function of the class.
- c) Distinguishing characteristics of a class.
- d) Class series concept, definition/basic function, and distinguishing characteristics of other classes in the series in question.

In addition, while not allocating criteria, the typical work or examples of work statements provide support to the duties typically performed at each level within the class series.

Ms. Vizcaino requested reallocation to a Legal Secretary 2 or a Paralegal class. In addition to those class series, I also reviewed the Office Assistant, Secretary and Administrative Assistant classes.

Ms. Vizcaino's position does not fit within the Secretary series because a majority of her work does not entail providing secretarial duties. For example she does not make travel arrangements, schedule meetings (other than hearings), take notes and transcribe minutes, keep her supervisor's and the hearings examiners' calendars (other than the hearing calendar), produce final copy documents from drafts and compose forms and letters (although she does complete forms and letters using standard formats).

Ms. Vizcaino's position does not fit within the Administrative Assistant series because she does not support her supervisor by reviewing, controlling, prioritizing and coordinating the work of the hearings examiners. Further, the majority of her work does not entail performing technical work directly delegated from her supervisor or the hearings examiners.

Ms. Vizcaino's position is described by the Office Assistant series because she provides a variety of clerical duties in support of unit operations. As described in the Office Assistant 3 classification, Ms. Vizcaino independently performs a variety of complex tasks such as preparing reports; preparing, reviewing, verifying and processing documents; responding to frequent requests for information; maintaining recordkeeping/filing systems and/or data base files; and responding to inquiries requiring substantive knowledge of office/departmental policies and procedures related to scheduling hearings and issuing subpoenas. However, while this class describes the tasks Ms. Vizcaino performs, it does not encompass the legal requirements she must follow or the specialized support she provides to hearing examiners. The Office Assistant 3 is not the best fit for the overall scope and level of responsibility assigned Ms. Vizcaino's position.

In addition, the Personnel Resources Board and its predecessor have held that when there is a class that specifically includes a particular assignment and there is a general classification that has a definition which could also apply to the position, the position should be allocated to the class that specifically includes the position. *Mikitik v. Dept's of Wildlife and Personnel*, PAB No. A88-021 (1989); see also, *Waldher v. Dept. of Transportation*, PRB Case No. R-ALLO-08-026 (2009). The Office Assistant 3 class is a general classification. There is a class that better encompasses Ms. Vizcaino's duties.

Comparison of Duties to Legal Secretary 1 and 2

The definition for the Legal Secretary 1 class states:

Performs legal technical and secretarial work for an attorney, Administrative Law Judge, Industrial Appeals Judge, review judge or equivalent. Acts as a liaison between Assistant Attorney(s) General and campus personnel, opposing counsel, court and/or judicial department personnel and/or members of the general public.

The distinguishing characteristics for the Legal Secretary 1 class state:

This class differs from general clerical and secretarial classes in that Legal Secretaries work more as personal assistants to attorneys, Administrative Law Judges, Industrial Appeals Judges, review judges or equivalent to whom assigned. They also have greater responsibility than other clerical support classes to initiate their work in relieving the attorney, Administrative Law Judge, Industrial Appeals Judge, review judge or equivalent of technical aspects of legal practice. Performs complex legal secretarial duties; drafts documents and

correspondence using legal, medical and/or other technical terminology; checks legal citations and references.

The definition for the Legal Secretary 2 class states:

Performs legal technical, secretarial and administrative work or performs legal secretarial work for an attorney AND is recognized and designated in writing by management to be responsible, on a regular and ongoing basis for at least a quarter of the time, for specialized entry level paralegal or computer support duties.

The distinguishing characteristics for the Legal Secretary 2 class state:

Incumbents who perform administrative duties but do not perform one of the specialized duties must function as the principal legal secretary to an Administrative Law Judge, review judge, or Assistant Attorney General who heads up a major legal division or section.

Entry level paralegal duties typically include the following functions: drafting standard interrogatories, assisting an attorney or paralegal in deposition summaries and case summaries; conducting basic legal research, drafting requests for production of documents and responses, organizing and preparing trial notebooks, pleadings and exhibits to be used at trial.

Computer support duties include all of the following functions: training staff in the use of computers and software in a network environment; assisting staff with problems or questions pertaining to computer production work; serving as liaison with an information services division (or equivalent), communicating operational needs for increased programming, and serving as liaison in training and assisting staff in adapting to hardware, software and network changes.

The primary focus of Ms. Vizcaino's position does not meet the definition and distinguishing characteristics of the Legal Secretary 1 or the Legal Secretary 2 class. Her position does not meet the primary allocating factor of these classes of performing legal technical and secretarial work or performing administrative duties for an attorney or equivalent. She does not function as a personal assistant to an attorney. Rather, her position provides administrative hearing support to her supervisor and the hearings examiners in her section which includes scheduling hearings and coordinating case file preparation for the hearings. Ms. Vizcaino's position does not provide direct legal technical and secretarial support to the hearings examiners at the level intended by Legal Secretary 1 class. And, she does not function as a principal legal secretary; perform entry level paralegal duties; or perform computer support duties intended by the Legal Secretary 2 class.

Rather, her position has primary responsibility to schedule and coordinate the pre-hearing administrative processes for hearings for drivers following actions taken against their driving privileges.

Further, the scope of Ms. Vizcaino's duties does not include responsibility for performing complex legal secretarial duties such as drafting original documents and correspondence using legal, medical and/or other technical terminology. Her duties do not require her to check legal citations and references. After Ms. Vizcaino provides the hearings examiner with the case file, it is the examiner's responsibility to prepare for and conduct the hearings and to write the

decisions. Ms. Vizcaino's duties are more accurately described as providing specialized support to the unit's administrative hearings process rather than providing direct technical legal support to an assigned attorney as intended by the Legal Secretary class series.

In addition, the role Ms. Vizcaino's position has in working with drivers and/or their attorneys is performed within the context of providing support to the hearing process rather than performing direct legal secretarial support. For example, she schedules hearings, works with drivers and/or their attorneys to reschedule hearings; provides information about the hearing process such as the process for obtaining and serving subpoenas, follows prescribed standards and templates to create generally standard correspondence and notices and prepares case files for hearing.

While a small portion of her work overlaps with certain aspects of the typical work of the Legal Secretary classes, typical work is not an allocating factor. The focus of her position and the majority of her assigned duties as a whole do not reach the primary allocating factors required for allocation to this class series. For these reasons Ms. Vizcaino's position should not be reallocated to the Legal Secretary class series.

Comparison of Duties to Paralegal classes

Class series are designed to be a hierarchy of duties. For example, a Paralegal 2 would be expected to perform some duties at the Paralegal 1 level even though a majority of the work was at the Paralegal 2 level. Therefore, to determine if Ms. Vizcaino's position should be allocated to a Paralegal class series, I first considered the Paralegal 1 class to determine if she performs aspects of paralegal work. The Legal Secretary 2 class indicates that "Entry level paralegal duties typically include the following functions: drafting standard interrogatories, assisting an attorney or paralegal in deposition summaries and case summaries; conducting basic legal research, drafting requests for production of documents and responses, organizing and preparing trial notebooks, pleadings and exhibits to be used at trial."

Ms. Vizcaino does not perform entry level paralegal work as described above. She does not draft interrogatories, assist in deposition summaries or case summaries, conduct legal research, draft requests for and responses to production of documents, or organize or prepare trial notebooks, pleadings and exhibits for use at trial. Rather, she pulls existing documents from the imaging system, provides them to the driver and/or their attorney, creates a hearing file for use by the hearings examiner and assures that the examiner has copies of faxes and other documents that may be filed during the process or during the hearing.

The definition for the Paralegal 1 class states:

Under the supervision of an assistant attorney general, performs paralegal work (e.g., analyzing facts, composing initial drafts of documents and pleadings, interviewing witnesses, etc.) on assigned cases or projects at an entry level. These positions possess sufficient knowledge, training and experience to perform work which, absent the paralegal, would for the most part be performed by an assistant attorney general.

Ms. Vizcaino's position does not meet the definition of the Paralegal 1 class. She does not work under the supervision of an attorney. She does not analyze facts, compose pleadings or interview witnesses.

The Distinguishing Characteristics for the Paralegal 1 class state:

This is the first level of the series. Positions analyze facts, compose documents and pleadings, interview witnesses, research legal issues and evaluate the facts of cases, coordinate the preparation for litigation, track status of cases from summons to trial, draft legal notices and perform other paralegal work. Incumbents possess sufficient knowledge, training and experience to perform the work, which absent the paralegal, would be performed by an attorney.

Ms. Vizcaino's position does not meet the distinguishing characteristics of the Paralegal 1 class. Again, she does not analyze facts, compose pleadings or interview witnesses. In addition, she does not research legal issues, or coordinate the preparation for litigation. She does track cases from receipt of the hearing memo to the date of hearing, she completes the forms for legal notices and reviews subpoenas for accuracy and she drafts and distributes standard correspondence such as waivers.

The definition for the Paralegal 2 class states:

Under the supervision of an assistant attorney general, these positions function at a high level of independence in performing complex substantive paralegal work which, absent the paralegal, would be performed by an assistant attorney general. This work includes legal research in selected areas, shepardizing cases, analyzing case fact situations for legal issues identification and development of legal strategy. In addition, may act as lead worker or coordinate projects involving other paralegals or clerical support staff.

The distinguishing characteristics for the Paralegal 2 class states:

This is a paraprofessional class and is distinguished from a Paralegal 1 in that it involves more complex duties and responsibilities, which are performed with greater independence (e.g., negotiating settlements).

Ms. Vizcaino's position does not meet the definition or the distinguishing characteristics of the Paralegal 2 class. She is not under the supervision on an assistant attorney general. And, she does not perform complex substantive paralegal work that includes legal research, shepardizing cases, analyzing case facts, develop case strategies or negotiate settlements.

While some aspects of her work may be similar to some aspects of the Paralegal classes, the focus of her position and the majority of her assigned duties as a whole do not reach the primary allocating factors required for allocation to the Paralegal class series. Ms. Vizcaino's position is not best described by the Paralegal class series.

Comparison of Duties to Hearings Scheduler

The definition for the for the Hearings Scheduler class states:

Responsible for scheduling and coordinating contested case hearings in accordance with the Administrative Procedures Act.

Ms. Vizcaino's position fits within the definition of the Hearings Scheduler class. The primary focus of her position is scheduling hearings and performing the administrative support duties necessary to prepare a case for the hearings examiner.

The distinguishing characteristics for the Hearings Scheduler class state:

Positions work independently and have responsibility for the scheduling process to include: (1) identifying issues and interested parties; (2) reviewing case to ensure presence of complete documentation before scheduling and obtaining missing information as needed; (3) determining need for and type of hearing/notice form; (4) preparing hearing calendars for and coordinating with Administrative Law Judge(s), Hearings Examiners, judges or similar positions; (5) assigning or adjusting hearing date and place; and determining time needed for hearing based on type of issues and number of parties; (6) coordinating scheduling services (e.g., interested parties, attorneys, witnesses, subpoena requests, court reporter, hearing space, postponements, withdrawals); and (7) maintaining tracking system.

The overall scope and focus of the majority of Ms. Vizcaino's duties are fully consistent with these statements.

Ms. Vizcaino performs a variety of administrative support work to schedule and coordinate hearings for hearings examiners. She works independently, reviews case information to assure subpoenas are accurate and case documents are complete and legible and she verifies information and obtains missing information as needed. She maintains the hearing calendar and notes information on the calendar for the hearings examiners. After receiving scheduling memos from the main office, she issues hearing notices to the parties. She also answers inquiries and explains processes, retrieves documents from the imaging files, tracks and maintains cases as they progress through the hearing process and reschedules hearings within the required timelines or obtains a waiver from the driver when necessary. Ms. Vizcaino's position is properly allocated to the Hearings Scheduler 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 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: Sherry Vizcaino
Brett Alongi, DOL
Lisa Skriletz, SHR

Enclosure: List of Exhibits

SHERRY VIZCAINO v DOL
ALLO-13-089

A. Sherry Vizcaino Exhibits

1. Director's Review Form received November 20, 2013 (2 pages)
2. Organization Chart, DOL, Hearing and Interviews (1 page)
3. Job Analysis Record Form, August 10, 2011 (6 pages)

B. DOL Exhibits

1. Allocation Determination Letter, dated October 21, 2013 (3 pages)
2. Position Review Request – Employee Portion, dated August 8, 2013 (6 pages)
3. Position Review Request – Supervisor Portion, dated August 21, 2013 (2 pages)
4. Reallocation Request Supplemental Information, dated August 27, 2013 (2 pages)
5. Supervisor comments in response to Reallocation Request Supplemental Information, dated August 22, 2013 (5 pages)
6. Organization Chart, DOL, Hearing and Interviews (1 page)
7. Position Description Form, dated August 30, 2011 (6 pages)
8. Annual Performance Plan, dated May 21, 2013 (2 pages)
9. Position Review Request/OSHRD Job Class Comparison, created September 30, 2013 (2 pages)
10. Hearings Scheduler Class Specification (1 page)
11. Paralegal 1 Class Specification (2 pages)
12. Paralegal 2 Class Specification (2 pages)
13. Paralegal 3 Class Specification (2 pages)
14. Legal Secretary 1 Class Specification (2 pages)
15. Legal Secretary 2 Class Specification (2 pages)
16. Legal Secretary 3 Class Specification (2 pages)
17. Glossary of Classification terms, OSHRD/OFM (5 pages)

C. Director's Exhibits

1. Office Assistant 3 Classification Specification