

STATE OF WASHINGTON
OFFICE OF FINANCIAL MANAGEMENT
STATE HUMAN RESOURCES | DIRECTOR'S REVIEW PROGRAM
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August 20, 2014

TO: Connie Goff, PHR
Rules and Appeals Section Chief

FROM: Kris Brophy, SPHR
Director's Review Program Investigator

SUBJECT: Shannon Wallace v. Department of Licensing (DOL)
Allocation Review Request ALLO-13-090

This position review was based on the work performed for the six-month period prior to August 2, 2013, the date DOL Human Resources (DOL HR) received Ms. Wallace'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 written comments provided by both parties. Based on my review and analysis of Ms. Wallace's assigned duties and responsibilities, I conclude her position is properly allocated to the Investigator 1 classification.

Background

On August 2, 2013, DOL Human Resources (DOL HR) received Ms. Wallace's Position Review Request (PRR), requesting that her Investigator 1 position be reallocated to the Investigator 2 class (Exhibit B-3).

DOL HR conducted a position review and notified Ms. Wallace on November 18, 2013 that her position was properly allocated to the Investigator 1 class (Exhibit B-1).

On November 25, 2013, State Human Resources, OFM received Ms. Wallace's request for a Director's review of DOL's allocation determination (Exhibit A-1).

On July 29, 2014, I conducted a Director's review conference with Ms. Wallace. Also present for the conference were Ms. JoAnna Shanafelt, Investigator 4, Mr. Mike Turcott, License Integrity Administrator, and Brett Alongi, Human Resource Consultant, DOL 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. Wallace's position is assigned to the License Integrity Unit (LIU) within the Programs and Services Division of DOL. Ms. Wallace reports to Ms. Joanna Shanafelt, Investigator 4.

Ms. Wallace's position conducts investigations into driver license fraud. She uses information and data obtained from the agency's Facial Recognition System (FRS) to identify potential fraud. She gathers personal identification information and demographical facts. If fraud is found she creates files with the information which is reviewed by higher level investigators for case assignment. She also conducts investigations and performs duties associated with a specialized job function within the unit.

Ms. Wallace's major job duties are summarized in the PRR (exhibit B-3) as follows:

40% Facial Recognition System (FRS)

Daily Automated List

Open FRS and work on daily automated list, checking photos, verifying information, placing notes in investigator notes page, and releasing issuance. Contact any resources necessary (i.e. city, state, county, government and federal agencies) for needed information. Place any questionable fraudulent issuances on temporary or permanent denial. Research all information and if fraud is found, create folder for case assignment.

Scrub List

Open FRS and work on the Scrub list, checking photos, verifying information, placing notes in investigator notes page, and completing investigation. If fraud is found, research information, make appropriate notes in Exception Admin and in the Scrub note page, and place in Common list for case assignment. If there is a victim involved, place in Common list and send email to Supervisor for immediate assignment.

30% Investigative Reports

Receive a case assigned by Supervisor. Make appropriate notes and research all necessary information by using DOL database, DOL Online, IDIPS, Exception Admin, Photo Verification, FRS, emailing different agencies, searching websites and using secured websites, and making phone calls to appropriate agencies. Analyze, gather all evidence found, making sure to cover every item on the LIU's check list, write up report and have it signed off by supervisor. Combine records if respondent had an alias record. Request overnight letters and mail out to appropriate people. Take appropriate administrative action by suspending or cancelling the customer's record. Close case, image the report into the database, and make appropriate notes where necessary. Some reports are recommended to be forwarded to law enforcement, in which the Administrator would look over and approve. Customers have a right to request and Administrative Hearing, in which may alter their suspension time, and another letter would be mailed out.

20% Special Job Function

Receive and answer law enforcement requests by phone calls, emails, faxes, and mail.

Answer phone calls from law enforcement regarding undercover questions and/or concerns. Receive requests from law enforcement agency. Email appropriate request forms and documents to law enforcement customers. Receive requested forms from customers and review information. Look over all information and be sure the requests are accurate. If not accurate, contact law enforcement and go over issues as necessary. Contact the Out of State Department regarding customers. Gather paperwork together and have the unit's administrator sign off on the requests. Call customers and schedule the appointments. Calendar the appointment and include the other employees and supervisor involved. Keep track of the information in secure spreadsheets and lock documents in a secure area.

Appointment Days

Before law enforcement customers arrive for their appointment, I get the paperwork from the secured area, take it back to my desk, and build the record. Making sure all entries are accurate and loaded to the workstation. Receive phone call from customers that they have arrived. Greet customer, request to see credentials, guide them to the secure location, have them sign a signature card and take their picture. Request they look over all information to be sure it is correct before printing out the paper temporary license. Print paper temporary, give to customers, and walk them out of the building. Log, cancel, and shred any returned licenses.

Maintaining information into appropriate areas.

Record information into appropriate logs accurately, making sure all information is entered correctly and into the correct location, then place paperwork into secure area. Check spreadsheet once a week to determine which documents are about to expire and contact customers with a heads up. This involves researching current correct contact for specific agency and updating LIU's secure logs. Move the expired and/or received documents from the current log to the expired log and writing notes in the third log.

Pull requests from the DOL factory.

Receiving emails from employees requesting documents to be pulled from the factory when an error has occurred. Look over the information to be sure it has an appropriate reason, it can still be pulled, send an email to the factory, and cc: supervisor and two other special program people. Track and log the information, print the pull request, and place in the secure area.

Factory documents

Every morning, go down to the mailroom to the special program mailbox and grab the bag received from the factory. Take the bag and locked up documents to the back room along with another special program member. Unlock bag, take out documents, and look through all documents. Look for any out of county documents, make note of them, and mail them internationally. Pull out licenses and mail. Pull out any agency requests and deliver to the Driver Examining group. Count all the remaining documents to be sure the count is correct. Write the amount on the sheet going back to the factory along with the remaining document for the factory's knowledge. Take locked bag back down to the mailroom and hand deliver to a mailroom employee. Call customer and let them know their documents are in the mail and log information into the area. Place documents in

the secure area and track time for record retention.

5% One line Messages (OLM)

Open one line messages in email from customers, Licensing Service Representatives (LSR) and/or techs and help them with any fraud questions or concerns by using DOL database, DOL Online, IDIPS, Photo Verification, Exception Admin, websites, and/or making appropriate phone calls. Give LSRs the information needed to assist customers and allow or deny issuances.

5% Answering Phone calls

Check personal voicemails and the unit's voicemails and call back customers or coworkers. Help victims by suggesting different routes they could take to better secure their information. Answering questions and/or concerns to customer that may have committed fraud and their record going into suspension. Talking and asking questions regarding fraudulent activity and getting a confession. Possibly bringing in customer to have a face to face interview with them. Phone calls are made to different agencies (i.e. County Jails, Law Enforcement, City, County, State, Government, and Federal agencies).

Supervisor's Comments

Ms. JoAnna Shanafelt, Investigator 4, completed the supervisor's portion of the PRR (Exhibit B-4). Ms. Shanafelt indicates that Ms. Wallace's description of her assigned duties and responsibilities is accurate and complete.

In her comments, Ms. Shanafelt states that Ms. Wallace is authorized to review all law enforcement under cover issuance requests and determine whether the request meets the agency's criteria for issuance. Ms. Wallace has authority to set up appointments, facilitate the issuance process with the requestor, contact Law Enforcement personnel to request return of expired documents, cancel or purge returned documents, contact the factory regarding issuance issues, and update the agency's database information.

Ms. Shanafelt states that Ms. Wallace must bring unique requests that are out of normal business practices to her supervisor, to the administrator of the unit, or to the Assistant Director.

Summary of Ms. Wallace's Perspective

Ms. Wallace asserts her position's duties include gathering information and municipal records, researching, analyzing, and conducting complex identity fraud investigations. In addition to this work, Ms. Wallace asserts her position has assumed increasing responsibility and the majority of her time is now spent performing duties associated with the specialized undercover licensing function. Ms. Wallace asserts the confidential program requires her to perform separate higher level investigative functions and follow different procedures and guidelines from her regular investigative job duties. Ms. Wallace contends this includes keeping all documents secure, maintaining separate password protected spreadsheets, performing additional data entry, developing a time sensitive and confidential rapport with Law Enforcement agencies, and performing criminal background checks and finger printing.

For these reasons Ms. Wallace asserts the overall scope and level of responsibility of her assigned duties meet the requirements of Investigator 2 and her position should be reallocated to that class.

Summary of DOL's reasoning

DOL asserts the majority of Ms. Wallace's time is spent performing routine investigatory duties using the agency's Facial Recognition system. DOL asserts Ms. Wallace follows established procedures and guidelines to perform investigative work, conduct identity fraud investigations and write investigative reports. DOL asserts the other job functions and duties Ms. Wallace performs do not constitute a majority of her work and that none of these duties in combination with her other duties constitutes a majority of her time. Therefore, Ms. Wallace asserts her position is best described by the Investigator 1 class.

Comparison of Duties

When comparing the assignment of work and level of responsibility to the available class specifications, the Class Series Concept (if one exists) followed by the 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 Investigator series

The Class Series Concept for the Investigator series states:

Positions in this series conduct civil and/or criminal investigations in a variety of areas including allegations of fraud or collusion among recipients of public assistance or industrial insurance, allegations of fraudulent and/or unfair business and insurance practices, misconduct, and allegations of civil rights violations.

Positions gather facts and develop evidence with responsibility for developing the complete case from the original claim or allegation through preparation for presentation in court or administrative hearing. This includes researching records and case files; gathering and preserving documentary evidence; obtaining statements of fact, depositions, or confessions; obtaining and serving subpoenas to compel the attendance of witnesses or the production of records; conducting field surveillance; obtaining and coordinating the service of search warrants; writing investigative reports, establishing proof of facts and evidence; reviewing the case with private attorneys, assistant attorneys general, or prosecuting attorneys; and testifying in court or other proceedings as necessary.

The Definition for the Investigator 1 class states:

Conducts civil or criminal investigations in order to substantiate allegations of fraud, misconduct, discrimination, fraudulent and unfair business practices, or other claims under state jurisdiction.

The Distinguishing Characteristics for this class state:

This is the first level of the series. Positions work with little supervision under the general guidance of an operations manager or higher-level Investigator. Positions conduct the more routine investigations characterized by: established precedent and

procedures, little controversy, single issues, individual claims, or other investigations of similar scope.

The Definition for the Investigator 2 class states:

Conducts complex investigations in order to substantiate allegations of fraud, misconduct, discrimination, fraudulent and unfair business practices, or other claims under state jurisdiction.

The Distinguishing Characteristics for this class state:

Positions work independently to investigate and resolve complex civil or criminal cases which are characterized by: multiple claimants; internal personnel investigations; fraud or collusion among claimants, employers and providers; alleged violations within the vehicle/vessel industry; or allegations of welfare fraud.

Positions may receive limited guidance from senior level Investigators, possessing advanced knowledge, in unique situations. This guidance will be infrequent.

The Class Series Concept for this series states that Investigator positions conduct civil and/or criminal investigations in variety of subject areas.

Positions at the Investigator 2 level conduct complex investigations and work independently to investigate and resolve complex civil or criminal cases. Cases at this level are often characterized by fraud or collusion among multiple claimants, etc. The scope of this work involves gathering facts and developing evidence. In order to meet the primary allocating criteria of this series, incumbents are responsible for developing the complete case from the original claim or allegation through preparing the final report for presentation in court or administrative hearing. The overall scope of Ms. Wallace's position does not reach this level of responsibility. Her position does not conduct complex investigations as required.

The majority of Ms. Wallace's work involves following established precedent and procedures to perform routine, single-issue investigative work involving identity fraud. For example, during the review conference the parties indicated that Ms. Wallace uses information obtained from the daily run of the FSR system to research and identify potential identity fraud for investigation. This involves opening the FRS and researching and documenting generally recurring information from the system's automated list. Ms. Wallace checks, reviews, and verifies information, and if potential fraud is found, creates a folder for assignment. She also performs similar functions for the agency's "Scrub" list, which also includes completing a preliminary investigation and if fraud is found, forwarding the information for case assignment.

Ms. Wallace also receives identity fraud cases from her Supervisor for investigation. During this investigative process Ms. Wallace researches information and makes appropriate notes by using various databases and information systems. She emails different agencies, searches and uses secured websites, and makes phone calls to appropriate agencies. She analyzes, gathers evidence, and writes investigative reports for review and signature by her supervisor. Ms. Wallace follows standard procedures check lists to complete her work. Ms. Wallace indicates that some investigative reports are recommended to be forwarded to law enforcement following review and approval by the administrator of the unit. Ms. Wallace images her completed investigative reports into the agency's database and makes appropriate notes as necessary.

The overall scope of this portion of her work more appropriately aligns with the Investigator 1 level class.

In addition, Ms. Wallace performs duties associated with a specialized licensing function for undercover law enforcement personnel. This portion of her work involves working as a member of a team which includes her supervisor. Ms. Wallace performs various technical licensing activities and related administrative support tasks. This portion of her work is separate and apart from her regular investigative job duties. She follows specific procedures and guidelines to accomplish this work.

For example, Ms. Wallace receives licensing requests and answers phone calls from law enforcement personnel regarding undercover questions and/or concerns. She emails appropriate request forms and documents to law enforcement customers and receives and reviews requested forms and information for content and accuracy and submits this information to her supervisor for approval. Her duties also include working with clients to process and issue requests, documenting, monitoring and maintaining information, and storing information securely. She contacts customers regarding documents that are about to expire, and performs related administrative processing tasks regarding the team's special program mailbox.

Although the amount time Ms. Wallace spends performing these activities has increased, this portion of her work is more technically focused on performing administrative license processing functions rather than performing investigative duties consistent with Investigator series as a whole, or the Investigator 2 class specifically.

Therefore, for each of the reasons stated above, Ms. Wallace' position should not be allocated to the Investigator 2 class.

The overall focus and depth of Ms. Wallace's duties are consistent with the Definition of the Investigator 1 class. Ms. Wallace works with little supervision under the general guidance of a higher-level Investigator. Consistent with the Definition, the thrust of her position's duties consist of conducting routine, single-issue fraud investigative work.

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).

In Salsberry v. Washington State Parks and Recreation Commission, PRB Case No. R-ALLO-06-013 (2007), the Personnel Resources Board addressed the concept of best fit. The Board concurred with the former Personnel Appeals Board's conclusion that while the appellant's duties and responsibilities did not encompass the full breadth of the duties and responsibilities described by the classification to which his position was allocated, on a best fit basis, the classification best described the level, scope and diversity of the overall duties and responsibilities of his position. Allegrì v. Washington State University, PAB Case No. ALLO-96-0026 (1998).

Based on the information provided and the discussion held during the Director's review telephone conference, it is clear Ms. Wallace has an important role at DOL. However, a position review is not an evaluation of performance. Likewise, it does not reflect an individual's ability to perform higher-level duties. Rather, a position review is limited to the duties and responsibilities

assigned to a position and how the majority of those duties best fit the available job classifications.

Therefore, based on the overall scope of his work, the Investigator 1 classification more accurately describes her position. Ms. Wallace's position should remain allocated to the Investigator 1 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: Shannon Wallace, DOL
Brett Alongi, DOL
Lisa Skriletz, OFM

Enclosure: List of Exhibits

SHANNON WALLACE v DOL

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A. Shannon Wallace Exhibits

1. E1 Request and Appeal letter, dated November 25, 2013 (1 page)
2. E 2-4 Allocation Determination Letter, dated November 18, 2013 (3 pages)
3. E 5-6 Email confirmation for Position Review Request, dated November 18, 2013 (2 pages)
4. E7-12 Position Review Request Employee Portion, dated August 1, 2013 (6 pages)
5. E13-14 Reallocation Request Supplemental Information, dated August 13, 2013 (2 pages)
6. E15-16 Investigator 1 Class Specification (2 pages)
7. E17-18 Investigator 2 Class Specification (2 pages)
8. February 7, 2014 letter from Shannon Wallace clarifying percentages of time

B. DOL Exhibits

1. Allocation Determination Letter, dated November 18, 2013 (3 pages)
2. Email confirmation for receipt of Position Review Request, sent August 22, 2013 (3 pages)
3. Position Review Request – Employee Portion, dated August 2, 2013 (6 pages)
4. Position Review Request – Supervisor Portion, dated August 15, 2013 (3 pages)
5. Reallocation Request Supplemental Information, dated August 13, 2013 (2 pages)
6. Organization Chart, DOL, License Integrity Unit (1 page)
7. Position Description Form, dated June 14, 2011 (5 pages)
8. Position Review Request/OSHRD Job Class Comparison, created October 16, 2013 (2 pages)
9. Follow up question with supervisor, created October 17, 2013 (2 pages)
10. Investigator 1 Class Specification (2 pages)
11. Investigator 2 Class Specification (2 pages)
12. Glossary of Classification terms, OSHRD/OFM (5 pages)
13. Response to Additional Exhibit provided by Ms. Wallace (1 page)

C. Class Specifications

1. State HR Class Specification for Investigator 1, 427P
2. State HR Class Specification Investigator 2, 427Q