

STATE OF WASHINGTON
OFFICE OF FINANCIAL MANAGEMENT
STATE HUMAN RESOURCES | DIRECTOR'S REVIEW PROGRAM
P.O. Box 40911 · Olympia, WA 98504-0911 · (360) 407-4101 · FAX (360) 586-4694

October 24, 2014

TO: Connie Goff, PHR
Rules and Appeals Section Chief

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

SUBJECT: Kathy Peterson v. Department of Social and Health Services (DSHS)
Allocation Review Request ALLO-13-107

This position review was based on the work performed for the six-month period prior to June 13, 2013, the date DSHS Human Resources Division, Classification and Compensation Unit (HRD CCU) received Ms. Peterson'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. Peterson's assigned duties and responsibilities, I conclude her position is properly allocated to the Financial Services Specialist 5 classification.

Background

Ms. Peterson's position is located in DSHS within the Aging and Long Term Support Administration (AL TSA - formerly ADSA). Her position is assigned to the Home and Community Services (HCS) Division - Region 1, Eastern Washington, Long Term Care (LTC) unit.

Ms. Peterson filed a position review request with DSHS HRD CCU, requesting reallocation to Program Specialist 5 based on the specialized nature of her work.

On November 7, 2013, HRD - CCU issued its determination indicating her position was properly allocated to the FSS 5 class.

On December 4, 2013 Ms. Peterson filed an appeal with State HR requesting reallocation to the Program Specialist 5 class.

On September 30, 2014 I conducted a telephone review conference with Ms. Peterson. Also in attendance for the conference were Gregory Davis, Council Representative, WFSE; Lester Dickson, Classification and Compensation Specialist (CCS), HRD CCU, Dorothy Hibbard, CCS, HRD CCU, Amanda Myers, HRD CCU, and Jeanette Lyles, HRD CCU.

Following the review conference, the parties submitted additional information. Mr. Dickson submitted a final rebuttal statement on October 6, 2014. This information has been added to the record and incorporated as exhibits herein.

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. Peterson worked in the Region 1 HCS LTC unit performing specialized financial services work. This involved supervising the unit's Financial Services employees who are responsible for determining Medicaid eligibility for aged, blind and disabled clients for nursing homes, assisted living facilities, and adult family homes. These positions deal with complex eligibility rules associated with long-term and SSI related Medicaid eligibility requirements. They are required to analyze funding sources, read complicated documents: trusts, life insurance policies, court orders, etc. in order to determine eligibility for long term care services and benefits.

Ms. Peterson's duties are described in detail in the PRR submitted for reallocation (Exhibit B-4).

Summary of Employee's Perspective

Ms. Peterson asserts there is no class which properly fits her position due to the unique and specialized nature of the work she performed within the Region 1, HCS Long Term Care Unit.

She asserts her position should be reallocated to the Program Specialist 5 class to more accurately reflect the level of responsibility and complexity of scope of duties assigned to her position. She asserts her position fits the Program Specialist 5 class due to the nature of the Long Term Care Program specialty duties she performs which requires supervising staff that perform the duties and functions associated with the Long Term Care activities for clients. She contends the letter submitted from Pao Vue, Regional Administrator, to Ellen Andrews, Administrator, CCU (Exhibit B-5), supports their position that the long-term care home and community based services, hospice and SSI related eligibility rules require advanced knowledge, special expertise and skills.

For these reasons Ms. Peterson feels her position should be reallocated to the Program Specialist 5 class.

Summary of DSHS's reasoning

DSHS asserts Ms. Peterson's position does not specifically fall within the Program Specialist 5 class or the Program Specialist series as a whole. In its comments, DSHS asserts the FSS series specifically addresses the financial eligibility needs of DSHS clients whereas the Program Specialist is a generic series which consolidated a number of different classes into one series. DSHS asserts allocation to the Program Specialist series requires an assignment of work

specific to a particular program and not work that is specifically described by another class specification.

In total, DSHS contends Ms. Peterson's position meets the requirements of the FSS 5 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 Program Specialist 5

The Definition for Program Specialist 5 class states:

Positions at this level work under administrative direction, have organization-wide program management responsibilities, are recognized as the program expert and typically supervise lower-level professional program staff. For programs with statewide impact, incumbents are experts who manage two or more components of the program. Program components are comprised of specialized tasks (e.g., reservations, administration, and budget coordination) within a specialty program. Incumbents administer, oversee, and direct all program activities and advise public entities and higher level administrative staff on aspects of the program or make decisions of major significance that may affect the organization as a whole. Incumbents manage program activities affecting an essential service within the organization or activities with statewide impact. Incumbents perform a wide scope of complex duties and responsibilities in the management of a program, exercise independent judgment, have delegated decision-making authority and typically have delegated budgetary authority. Programs include but are not limited to boating, recreational safety and motorized usage programs; statewide energy programs; and delinquency prevention programs.

The scope of the long term care financial services eligibility determination activities and related functions performed by Ms. Peterson do not meet the definition of a program. A program consists of discrete, specific components and tasks that are unique to a particular subject and are separate and distinguished from the main body of an organization. Although the HCS unit performs a specialized function in contrast to CSO financial services units by determining long-term and Medicaid eligibility of clients for nursing home and other facilities, the nature and scope of the unit's activities are the same as those performed by other Long Term Care HCS units working across the ALTSA. The focus and scope of these activities are transferable and applicable to other HCS units within the ALTSA organization. Therefore, the overall nature and scope of the technical duties of Ms. Peterson's position do not meet the definition of a program.

In addition, positions at the Program Specialist 5 level work under administrative direction and have organization-wide program level responsibilities. Incumbents are experts who manage two or more program components and administer, oversee, and direct all program activities and advise public entities and higher level administrative staff on the program components.

The focus of the Ms. Peterson's position and the nature of the duties she performs do not reach this level of responsibility. Ms. Peterson does not have organization-wide program management responsibility. Her duties consist of supervising a unit of Financial Services staff who provide professional case management activities and financial services tasks to make long term care eligibility determination activities within an assigned HCS unit in Region 1.

Further, allocation to the "Program" series requires an assignment of work that is unique and specific to a particular program and not work that is specifically described by another existing class specification. If there is a class that encompasses the body of work, allocation to the specific class must take primary consideration. Allocation to a "Program" class should only occur when there are no other viable options for allocation.

The Financial Services Specialist series specifically addresses the body of work under review in this appeal. This includes determining eligibility for medical benefits for long term care in various long term care and other facilities. Because these classes specifically describe the scope of work and specific duties performed by Ms. Peterson, allocating her positions to a class within the Program series is not appropriate.

This is further supported by Personnel Resources Board (PRB) decisions in which the Board has concluded that while one class appeared to cover the scope of a position, there was another classification that not only encompassed the scope of the position, but specifically encompassed the unique functions performed. In Alvarez v. Olympic College, PRB No. R-ALLO-08-013 (2008), the Board held that "[w]hen there is a definition 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 will be allocated to the class that specifically includes the position. [See Mikitik v Depts. of Wildlife and Personnel, PAB No. A88-021 (1989)."

For these reasons, Ms. Peterson's position should not be reallocated to the Program Specialist 5 class.

Comparison of Duties to Financial Services Specialist 5

The definition of the Financial Services Specialist 5 classification states:

Supervises a unit of Financial Service Specialist staff in the Reception Financial Intake System, the Financial Maintenance System, and/or the Verification and Overpayment Control System.

Ms. Peterson's position fully meets and is accurately described by the Definition of the Financial Services Specialist 5 classification.

For example, Ms. Peterson supervises a unit of Financial Services specialist staff. She uses her specialized knowledge to independently supervise and carry out the unit's efforts. This includes controlling the work flow to ensure that planned unit volume levels are maintained and work is processed within established Federal and State funding regulations.

In addition, although the typical work statements are not allocating criteria, they lend support to the type of work performed by incumbents in this class. A portion of the typical work statements are stated as follows:

Supervises a staff of Financial Service Specialists in gathering information regarding public assistance clients' eligibility for financial assistance...;

Supervises Financial Service Specialists with assistance of lead worker through individual and group conferences by reading and analyzing records and reports and evaluating performance; recommends placements and reassignments;

Establishes unit workloads and quality standards; reviews completed complaints and eligibility determinations to ensure that appropriate data gathering and verification techniques were utilized and that findings were adequately documented;

Controls overall flow of work processed by the unit; reviews activity reports to ensure that planned unit volume levels are being maintained and that work is being processed within established time limits;

Analyzes adequacy of agency policy and practices; participates in formulation of local policies and procedures for development of financial assistance programs administered by the agency; explains policies and rules to unit staff;

Teaches employees to elicit and evaluate needs of recipients and refer them to other sources available; allocates workloads and measures performance in relation to workload standards;

Plans and directs induction and training of new staff members; plans and coordinates in-service training for staff; encourages continuing interest in increased job effectiveness;

Consults with agency management regarding unit requirements; makes recommendations regarding budget requirements for the unit such as staffing, equipment, space, etc.;

Submits period reports to agency management regarding unit operations; makes recommendations regarding revised systems and procedures to accommodate program changes and improvements;

Ms. Peterson's duties and responsibilities fully align and are consistent with the typical work statements of this class.

In total, the overall complexity and level of responsibility of her assigned duties are accurately and fully described by the FSS 5 classification.

For each of the reasons stated above, Ms. Peterson's position should remain allocated to the Financial Services Specialist 5 class.

Appeal Rights

RCW 41.06.170 governs the right to appeal. RCW 41.06.170(4) provides in relevant part, the following:

The mailing address for the Personnel Resources Board (PRB) is P.O. Box 40911, Olympia, WA 98504-0911. 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: Kathy Peterson
Gregory Davis, WFSE
Lester Dickson, DSHS
Lisa Skriletz, OFM

Enclosure: List of Exhibits

KATHY PETERSON v DSHS

ALLO-13-107

List of exhibits

A. Kathy Peterson Exhibits

1. Request for Director's Review received by State HR on December 3, 2013 (3 pages)
2. Allocation decision letter with position description relevant to the time period and organizational chart (22 pages) (Note: Page 17b added following review telephone conference)
3. Position Review Request Employee Portion (11 pages)
4. CBA July 1, 2011 through June 30, 2013 – see first bullet (1 page)
5. My notes taken re: Reclassification – note it did not differentiate between FSS1, FSS2, FSS3, FSS4, or FSS5 (2 pages)
6. Transfer Penalty Process – please see section – Ask: while it says discussion with LW or supervisor is advisable on transfers; it is now a requirement that all staff are to discuss with the supervisor before any transfer penalty is completed unless it is an attorney request transfer penalty. It is up to the supervisor to determine if a transfer penalty should be completed or not. I am required to audit all transfer penalties as well, including attorney requested transfers. (1 page)
7. Evaluation Summary – Standard Performance Evaluation 2013-2014: See Customer Service and Quality Assurance; Communication; Leadership (3 pages)
8. Trust document – a sample of what staff must review. There are times that staff comes to me for direction on trust documents for further review (96 pages)
9. Two examples of case audits (4 pages)

B. DSHS Exhibits

1. Allocation determination letter November 7, 2013, 14 pages
2. Current Position Description received in DSHS C&C Unit September 10, 2011, 5 pages
3. Organizational Charts for the Home and Community Services Division, Long Term Care, Region 1, 2 pages
4. Position Review Request submitted by Kathy Peterson June 13, 2013, 5 pages
5. Memorandum from Pao Vue, Regional Administrator, HCS, Region 1, dated June 12, 2013, 2 pages
6. Previous Position Description September 22, 2011, 6 pages

7. State HR Class Specification for Financial Services Specialist 5

8. State HR Class Specification for Program Specialist 5

Exhibit submitted following the review conference:

9. Email from Lester Dickson to Kris Brophy dated October 6, 2014 submitting response to page added to Position Description form located in exhibit A-2.