



STATE OF WASHINGTON
OFFICE OF FINANCIAL MANAGEMENT
STATE HUMAN RESOURCES | DIRECTOR'S REVIEW PROGRAM
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December 2, 2015

TO: Kristie Wilson
Acting Rules and Appeals Program Manager

FROM: Kris Brophy
Director's Review Investigator

SUBJECT: Sandra Pearson v. Department of Health (DOH)
Allocation Review Request ALLO-15-034

Director's Determination

As the Director's designee, I carefully considered all of the documentation in the file, including the exhibits presented during the Director's review conference and the verbal comments provided by both parties. Based on my review and analysis of Ms. Pearson's assigned duties and responsibilities, I conclude her position should be reallocated to the Health Services Consultant 1 (HSC 1) classification.

Background

On September 23, 2014, DOH Human Resources (DOH-HR) received Ms. Pearson's Position Review Request (PRR) form requesting that her position be reallocated to the Health Services Consultant 2 (HSC 2) classification. (See Exhibits A-5 and Exhibit B-2 regarding date received)

DOH-HR conducted a position review and notified Ms. Pearson on March 31, 2015, that her position was properly allocated to the Secretary Senior classification. (Exhibit B-1)

On April 16, 2015, Office of Financial Management - State Human Resources received Ms. Pearson's request for a Director's review of DOH's allocation determination. (Exhibit A-1)

On October 13, 2015, I conducted a Director's review conference. Ms. Pearson and Ms. Stacie Leanos, Council Representative, WFSE, were present for the conference. Attending by telephone were Ms. Traci Black, Human Resource Consultant, DOH-HR; and Ms. April Yancey, Human Resource Consultant, DOH-HR.

During the course of the review conference Ms. Black requested and was given additional time to reconsider DOH's allocation decision regarding Ms. Pearson's position. However, no further action was taken by the parties with respect to this request and this determination was finalized following the conclusion of a 30 day extension.

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. Pearson states in the PRR that the purpose of her position is to serve:

...as the back up to senior level program managers by assisting and providing complex technical support with coordination and management of several assigned board, committee, commission and secretary health professions, implementing programmatic activities. This position identifies and resolves complex and unique problems and issues related to various program activities and recommends ways to improve the operating efficiency of health profession programs.

Ms. Pearson's duties and responsibilities are summarized from the PRR (Exhibit B-2) as follows:

55% Duty:

Provides journey level technical support and back-up to senior program managers, coordinating and implementing programmatic activities.

Tasks:

- Coordinate and assist senior program managers with program activities for multiple board, committee, commission and Secretary health professions.
- Serves as a program representative interfacing with board, committee, commission members and other stakeholders.
- Coordinate multiple board, committee, commission meetings, using technical knowledge and expertise to organize, monitor and make adjustments to ensure program's meeting requirements and logistics are implemented.
- Arranges conference calls, webinars and ensures 24-hour notice is posted on listserv, as required by Open Public Meetings Act.
- Prepares for signature, and monitors progress, preauthorization and procurement documents for all meetings/hearings.
- Reviews and processes program contracts for meeting rooms, hearing rooms, meals, overnight accommodation and other logistics for staff and members.

- Assist senior managers in agenda development, including content, completeness and continuity.
- Research, locate, and compile information requested by board, commission, committee or for special reports.
- Prepare documents and other statistical reports for presentation at board, committee, and commission meetings.
- Develop and prepare training documents, meeting notices, selected programmatic correspondence, reports, record retention and consumer brochures for several board, committee, commission and secretary professions.
- Prepare in-state and out-of-state travel arrangements for program activities; prepares, processes and monitors to ensure that payments for member payroll and member staff travel are made.
- Coordinate and arrange member and staff travel logistics.
- Attend and participate in numerous board, committee and commission meetings for multiple health professions, documenting meeting proceedings and drafting complex BCC meeting minutes using Plain Talk Guidelines.
- Utilizing a variety of rules and processes that require specialized knowledge and skills independently completes work assignments from multiple boards, committees and commission meetings for subsequent board, committee or commission review.
- Represent program manager in meetings, site reviews, presentations, examinations, Case Management Team meetings and other programmatic obligations (i.e. writing monthly reports) in their absence.
- Recommends changes to rules policies and procedures focusing on process improvement.
- Makes recommendations to program managers or executive director regarding changes in areas outside their primary responsibility.
- Posts programmatic information to websites and provides to interested parties through program(s) listserv.
- Assist program managers in maintaining, updating and ensuring accuracy of program websites.
- Provide ongoing support for changes to programs as law and rules are changed or modified.
- Engage in programmatic budgetary process by preparing budget reports using ADDs.net detailing program budget, expenditures and allotment authority for review at board, committee and commission meetings.
- Perform cost benefit analysis to determine cost effectiveness of program specific needs.

- Receive and review Continuing Education audits to determine compliance with RCW and WAC per profession.
- Provide technical consult and assistance to internal and external stakeholders on difficult and complex questions regarding multiple health profession programs.
- Research and review complex laws relating to several different health professions within the unit in order to respond to inquiries from internal staff or external individuals, organizations and stakeholders.
- Execute high-level computer skills in areas such as: MS Office Suite; charting/graphing; correspondence; collecting and formatting data and or information; handling confidential and sensitive materials and other hardware/software requirements.
- Distribute minutes, agendas or other mass mailings electronically or by paper mail methods.
- Maintains all meeting records and minutes.
- Ensures packets for members are completed and delivered in advance of upcoming meetings
- Provide programmatic support in the rules process, assists senior program managers with rule development.
- Completes requests for documentation and information, confidential/sensitive materials, or other documentation.
- Compile information for legislatively mandated rule changes and special reports; coordinate with other agency staff involved in the rules process.
- Utilize technical knowledge and expertise to coordinate public rules forums, rules workshops and hearings.
- Provides training to new staff or cross-training to existing staff to ensure coverage for all professions/program within the unit.

25% Duty:

Provides programmatic customer service support to senior program managers and Executive Director.

Tasks:

- Responds to inquiries from the public, stakeholders, members, customer service center and DOH personnel related to professions served by the program.
- Explains complex statutes, rules, scopes of practice, policies and procedures for board, committee, commission, facilities and secretary professions asked by telephone, electronically or at the customer counter.

- Communicates with assistant attorney general to seek opinions, clarification and advice on questionable/controversial areas of discussion.
- Reviews, assesses, and responds to incoming mail and correspondence about program activities or issues from consumers and stakeholders, other state agencies and external entities.
- Assists customer(s) in defining questions, seeking/providing information, and taking messages for Program Managers and Executive Director.
- Explains and answers questions regarding profession websites, the provider credential search and other departmental resources.
- Monitor member terms for primary and secondary professions, assist program managers in recruitment efforts.
- Maintain member files for assigned programs.
- Develops, updates, distributes and maintains master copy of board, committee and commission member training materials.
- Participates in Dental Quality Commission Education and Outreach Committee.
- Assists with Education and Outreach Committee meetings, minutes, and preparing reports and informational reviews.
- Edits and reviews quarterly newsletter for Education and Outreach Committee.
- Forwards clear and accurate messages from callers to the correct staff person for timely attention, including name/number of person taking the call.
- Assists in the rules process and record management.
- Assist program managers with rule development by compiling information for special reports, copying and preparing draft documents, coordinating with other agency staff involved in the rules process.
- Coordinate and arrange public rules forums/hearings by arranging space and equipment for rules meetings, rules workshops and hearings, at least three months in advance and notify participants two weeks in advance.
- Prepare handouts, contact individuals and stakeholders to attend, post information on the listserv and responding to inquiries related to the event.
- Receive and file documents relating to specific rules and maintain rule file.

10% **Duty:**

Coordinates and prepares for site reviews and assists with examinations for licensure.

Tasks:

- Travel to and participate in curriculum and site reviews of educational providers for specific health professions.
- Prepares presentation materials, including PowerPoint presentations, charts and graphs of fiscal and statistical data, attends meetings, conferences etc. and gives presentations on behalf of program manager when assigned or in program managers absence.
- Draft initial exam, update and maintain written exams.
- Analyze statistics and trends in candidate results; assist senior program manager and conduct periodic review of exam questions.
- Act as proctor for written and clinical exams for multiple professions.
- Administer exams in senior program manager's absence.
- Create and maintain accurate records of examination performance.
- Consult with candidates to review and discuss specific examination outcomes.

5% **Duty:**

Assists with records management.

Tasks:

- Collect and file records related to health profession program for archiving.
- Periodically review and update records retention schedule.
- Complete contact/request for pickup and transport of box(es) to the records retention center.
- Maintains archiving log.

5% **Duty:**

- Other duties as assigned.

Summary of Ms. Pearson's Perspective

Ms. Pearson asserts her duties meet the requirements of the HSC 2 classification by providing technical consultation and assistance to senior program managers who have program management responsibility for multiple board, committee, commission and Secretary health services professions. Ms. Pearson states in her comments that she serves as the back-up to the Health Services Consultant 4's (HSC 4) who manage those programs. She states she serves as the second-line expert to the Health Professions directly after the program managers. Ms. Pearson asserts she provides journey-level and program-specific technical assistance to the program managers and health services providers.

For these reasons Ms. Pearson asserts her position should be reallocated to the HSC 2 level class.

Summary of DOH's Reasoning

DOH asserts that Ms. Pearson's position does not reach the allocating criteria stated in the HSC class series. DOH asserts Ms. Pearson's position does not meet any of the primary allocating criteria stated in the Definition of the HSC 2 class. For example, her duties do not include responsibility for disease prevention, health promotion, health education and training of providers and/or public, nutrition services, or health program policy activities. DOH asserts Ms. Pearson does not assist management in the review, analysis and impact of health legislation, health policy, rule development or fiscal management, nor does she conduct assessment and/or data surveillance activities related to diseases or other health conditions.

DOH asserts Ms. Pearson's position does not meet any of the four allocating criteria of the HSC 1 class, but rather focuses a majority of her time on providing senior-level secretarial support to the program managers in her unit.

For these reasons, DOH asserts that the scope and level of responsibility assigned to Ms. Pearson's position is consistent with Secretary Senior 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 the Secretary series

The Class Series Concept for the Secretary classes states:

In support of a supervisor and/or staff members, provides secretarial services and assistance for the purpose of facilitating the supervisor's and/or staff members' own work and relieving the supervisor and/or staff members of day-to-day clerical detail. Applies knowledge of supervisor's and/or staff members' work commitments including status of projects and nature of contacts. Secretarial duties include making travel arrangements, scheduling meetings, taking notes and transcribing minutes, screening calls and visitors, keeping supervisor's and/or staff members calendar(s) and committing supervisor's and/or staff members' time.

The Definition for the Secretary Senior class states:

Perform complex secretarial duties such as independently planning, organizing and prioritizing work, monitoring and evaluating budget(s) status and initiating corrections, developing travel itineraries, compiling reports, studies, and/or applications, developing, modifying, and/or

maintaining data base management, office record keeping, or filing system(s), establishing office procedures, standards, priorities, and deadlines, and coordinating office operations. Positions initiate action to ensure work unit and/or office goals are met and have frequent contacts with clients, the public, staff members from other departments, students, and faculty.

Assignments and projects are of a complex nature. Independent performance of complex secretarial 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.

A significant portion of Ms. Pearson's duties are secretarial in nature and fall within the type of work performed within the Secretary series generally and to the Secretary Senior class specifically such as scheduling meetings, taking meeting minutes and performing other related complex clerical activities in support of departmental activities.

However, the primary focus of Ms. Pearson's position and the scope of her duties as a whole are to work independently in direct technical support to the department's health services functions. During the review conference it was acknowledged that Ms. Pearson does not provide direct secretarial support to departmental program managers or the Assistant Director for the purpose of facilitating their own work as required for allocation to this class series. For example, Ms. Pearson does not have responsibility for answering phones, taking messages, keeping calendars or performing related direct secretarial support to her supervisor or the other program managers in the unit.

In addition, this series does not anticipate the full scope of Ms. Pearson's knowledge and experience required to perform her technical health services activities which includes the nature and scope of her contacts with health providers, the public and other outside entities.

In total, this series does not address the primary purpose and overall scope of Ms. Pearson's assigned duties and responsibilities. For these reasons her position should not be allocated to a class within the Secretary Senior class or to other classes within the Secretary series.

Comparison of Duties to Health Services Consultant 2

The Definition for the Health Services Consultant 2 class states the following:

Provides technical consultation and assistance to local health departments, clinics, community and other health services providers by meeting one or more of the following functions within the Department of Health:

- Disease prevention, health promotion, health education and training of providers and/or public, nutrition services, and health program policy.
- Assists management in the review, analysis and impact of health legislation, health policy, rule development, and fiscal management.
- Conducts assessment and/or data surveillance activities.

The HSC 2 Distinguishing Characteristics describe the class as “the journey level of the Health Services Consultant series,” where incumbents “work independently and are expected to develop and innovate and be responsible for the flow and completion of work.”

Ms. Pearson works with a high degree of autonomy and independence in performing her work; however, her position does not function as a journey level consultant performing health services functions at the level stated in the Definition of this class.

First, Ms. Pearson's duties do not include independently providing health services consultation to health services providers involving disease prevention, health promotion, health education and training of providers and/or public, nutrition services or health program policy activities as required.

For example, Ms. Pearson's position does not focus on providing technical public health services consultation to health providers, but rather focuses on providing administrative technical assistance to the program managers working in the department as well as health providers seeking clarification of departmental functions and regulatory requirements. Ms. Pearson acknowledged during the review conference that the scope of responsibility for providing technical health services advice and consultation to providers rests with the program managers and higher level management staff including Ms. Castle.

Second, Ms. Pearson does not assist management in the review, analysis and impact of health legislation, health policy, rule development or fiscal management activities at the level anticipated by this class. Ms. Pearson participates and provides assistance to program managers regarding the administrative processing aspects of proposed rule changes. Ms. Pearson assists the program managers by participating in rule writing workshops, attending rule hearings and reviewing draft language. However, the scope of this work involves making recommendations to rules, policies and procedures from an administrative process improvement perspective rather than a technical health services policy perspective.

In addition, positions at the HSC 2 level typically assist higher level management staff in reviewing and analyzing the impact of developing or revising regulations and guidelines for public health services or programs. The scope of Ms. Pearson's position does not have this focus.

Third, Ms. Pearson's position does not conduct assessment and/or data surveillance activities related to diseases or other health conditions as required.

In total, Ms. Pearson's does not meet the primary allocating requirements of the HSC 2 class.

Comparison of Duties to Health Services Consultant 1

The Definition for the Health Services Consultant 1 class states:

This is the entry level of the professional Health Services Consultant series. Positions must perform one or more of the following functions within the Department of Health:

- Maintains, monitors and updates specialized health databases regarding client eligibility, hospital patient data, vital statistics, enrollment, demographics and utilization.
- Promotes and assists with the evaluation of public health program effectiveness, compliance, and standards.
- Conducts public education outreach and/or prevention activities to improve public health.
- Maintains and distributes vaccine immunization biologicals and supplies.

As a whole, Ms. Pearson's position falls more appropriately within the scope of work stated in the definition for the HSC 1 class. Her position performs a variety of professional entry-level health services consultation and support activities to program managers in the administration of various health profession programs.

Ms. Pearson assists program managers with the administration of the following programs:

- Athletic Trainers
- Dental Hygienists
- East Asian Medicine Practitioners
- Hearing and Speech
- Midwifery
- Occupational Therapy
- Orthodontics and Prosthetics

Ms. Pearson assists and provides technical health services back-up support to the program managers in their absence. For example, Ms. Pearson responds to technical questions from practitioners and internal DOH staff regarding scope of practice, continuing education, licensure and renewal requirements. Ms. Pearson addresses a variety of questions from health providers and other stakeholders. Her position has latitude for independent judgment in responding to licensing, renewal and technical scope-of-practice questions. She provides information regarding health services provider licensing requirements and uses her knowledge to answer questions regarding state licensing and renewal requirements.

In addition, as stated in exhibits A-21, A-22 and A-23, Ms. Pearson supports the program managers by performing other technical tasks as writing jurisprudence exam questions and designing brochures for public distribution. She also develops public service announcements on behalf of the Board of Hearing and Speech.

Also, while Ms. Pearson works with a high degree of autonomy and independence in performing her work, the overall scope of her position duties best fall within the allocating requirements of the HSC 1 class.

For example, Ms. Pearson participates in developing and writing rules by providing a variety of administrative support to the program managers but does not independently perform this function at the level anticipated by the HSC 2 level class. The scope of her work involves assisting the program managers with the rule development process by researching and reviewing laws relating to the various health professions, compiling information for special reports, copying and preparing draft documents and coordinating with other agency staff involved in the rules process.

In total, the primary focus of Ms. Pearson's position is to assist program managers in the administration of public health program compliance and standards at a level consistent with the definition of the HSC 1 level class.

For these reasons, the overall focus and scope of the majority of her duties as a whole are more accurately described and more fully consistent with HSC 1 level class.

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).

Further, positions are to be allocated to the class which best describes the majority of the work assignment. *Ramos v DOP*, PAB Case No. A85-18 (1985).

A position's allocation is not based on an individual's ability to perform higher-level work or on an evaluation of performance. Instead, a position's allocation is based on the majority of work assigned to a position and how that work best aligns with the available class specifications.

In this case, while there is a degree of overlap of her duties with the Secretary series, the overall level, scope and diversity of duties and responsibilities performed by Ms. Pearson's position best fit the HSC1 classification. Her position should be reallocated 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: Sandra Pearson, DOH
Stacy Leanos, WFSE
Traci Black, DOH

Enclosure: List of Exhibits

SANDRA PEARSON v DOH

ALLO-15-034

List of Exhibits

A. Sandra Pearson Exhibits

1. Date Stamped Request for Director's Review
2. March 31, 2015 HR Response to Position Review Request
3. May 20, 2015 letter summarizing the unbalanced distribution of Sec Sr. positions within DOH
4. Position Review Request (submitted to HR by my supervisor, Trina Castle on 9/23/2014)
5. October 9, 2014 E-mail from Traci Black confirming date the Position Review Request was received was 9/23/2014
6. April 1, 2015 E-mail request to Traci Black for the supervisor portion of the Position review Request
7. April 1, 2015 E-mail response from Traci Black to my request for the supervisor portion of the Position Review Request
8. April 1, 2015 E-mail from Traci Black with supervisor portion of the Position Review Request attached
9. Supervisor portion of the Position Review Request signed by Trina Castle, Executive Director (my supervisor), Lisa Hodgson, Office Director of Health Professions and Facilities, and Appointing Authority - Sam Marshall, Deputy Assistant Secretary of Health Systems Quality Assurance (dated 9/30/2014)
10. Copy of my current position description (dated 3/17/2014)
11. Copy of my current position description – highlighted duties that fall within the HSC 1 or HSC 2 position
12. Matrix I created to help determine whether to proceed with Position Review Request to re-allocate my position to and HSC 1
13. Matrix I created to help determine whether to proceed with Position Review Request to re-allocate my position to and HSC 2
14. Current org chart with health professions listed
15. Copy of org chart listing position 71037854 that was used by HR to determine whether to re-allocate, noting that the position used was not filled at the time I submitted the Position Review Request
16. Position Review Request timeline of events, including a notation that DOH HR violated Article 41:41.3 of the WFSE Union Contract (highlighted)

17. January 26, 2015 E-mail from Traci Black to Trina Castle regarding update on my Position Review Request that was then forwarded to me
18. March 10, 2015 Email to Trina Castle about status of Position Review Request
19. Copy of Health Professions and Facilities Vision Statement with pertinent areas highlighted
20. April 7, 2015 E-mail from Secretary John Wiesman and attachments
21. May 19, 2015 Letter from Health Services Consultant 4, Kathy Weed
22. May 21, 2015 Letter from Janette Benham, Health Services Consultant 4
23. May 22, 2015 Letter from Vicki Brown, Health Services Consultant 4
24. E-mail chain example – regarding updating renewal notices on delegation from the Board of Hearing and Speech
25. E-mail chain example – demonstrating completion of the renewal notice update for audiologists; as delegated by the Board of Hearing and Speech
26. E-mail chain example – demonstrating completion of the renewal notice update for speech language pathologists; as delegated by the Board of Hearing and Speech
27. April 16, 2015 E-mail example – from Janette Benham, Program Manager delegating development of public service announcements for board review
28. August 26, 2014 E-mail requesting approval of brochures I developed for review at the Midwifery Advisory Committee Meeting (brochures included)
29. E-mails from Trina Castle delegating monthly report (formerly Program Managers completed the monthly reports)
30. State of Washington Class Specification for Health Services Consultant 1
31. State of Washington Class Specification for Health Services Consultant 2
32. State of Washington Class Specification for Secretary Senior
33. DOH Job Announcement for HSC 2 posted on May 15, 2015-- areas highlighted reflect very similarly to duties listed on my Position Review Request

Additional exhibits submitted on August 27, 2015:

34. "The Purpose of Reviewing a Positions Allocation" with 'factors not considered' highlighted printed from DOP website
35. "Key Documents Used for an Allocation Review" with 'Signed and dated Position Description Form for the relevant period' highlighted printed from DOP website
36. Email from Trina Castle regarding reallocation of Secretary Senior, Org Chart with position being reallocated highlighted, Proposed HSC 1 Position Description (referred to in email), Proposed HSC 2 Position Description (referred to in email), Job Announcement for the HSC 2 position referred to in email

37. Work Example – Signed and Approved Pro-Tem Board Member Appointment packet and DOH Policy and Protocol noting responsible parties

38. Work Example – Email chain regarding scope of practice question sent originally to an HSC 1 to an HSC 2 who then sent to me to respond (my email response is included)

Additional exhibit submitted during the review conference:

39. Opening statement notes from Sandra Pearson

B. DOH Exhibits

1. Allocation Determination Letter
2. Position Review Request, Employee Portion
3. Job Class Specification for Secretary Senior
4. Job Class Specification for Health Services Consultant 1
5. Job Class Specification for Health Services Consultant 2
6. Position Review Request, Supervisor Portion
7. The position description for Secretary Senior position #70088338
8. The position description for Secretary Senior position #71037854
9. Organizational Chart for the Office of Health Professions and Facilities

C. Class Specifications

1. State HR Class Specification for Secretary Senior
2. State HR Class Specification for Health Services Consultant 1
3. State HR Class Specification for Health Services Consultant 2