



**STATE OF WASHINGTON
OFFICE OF FINANCIAL MANAGEMENT**

STATE HUMAN RESOURCES DIVISION | DIRECTOR'S REVIEW PROGRAM
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July 6, 2015

TO: Connie Goff, PHR
Rules and Appeals Program Manager

FROM: Kris Brophy
Director's Review Investigator

SUBJECT: Sherry Carlson v. Department of Health (DOH)
Allocation Review Request ALLO-14-079

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. Carlson's assigned duties and responsibilities, I conclude her position is properly allocated to the Health Services Consultant 3 (HSC 3) classification.

Background

On April 23, 2014, DOH Human Resources (DOH-HR) received Ms. Carlson's Position Review Request (PRR) form, requesting that her position be reallocated to the Health Services Consultant 4 classification (Exhibit B-2). (Note: This date was confirmed by Ms. Lynch during the review conference.)

DOH-HR, conducted a position review and by letter dated June 24, 2014, notified Ms. Carlson that her position was properly allocated to the HSC 3 classification (Exhibit B-1).

On July 18, 2014, State Human Resources, OFM received Ms. Carlson's request for a Director's review of DOH's allocation determination (Exhibit A).

On June 9, 2015, I conducted a Director's review conference with the parties. Present for the conference were Ms. Sherry Carlson; Stacie Leanos, Council Representative, WFSE; Ms. Maria Courogen, Director, Infectious Disease Office, DOH; and Ms. Carole Lynch, Human Resource Consultant, DOH.

During the review conference Ms. Carlson submitted additional exhibits. After the review conference Ms. Lynch reviewed the documents and indicated by email dated June 11 that she had no further response to Ms. Carlson's exhibits other than to say that they fall outside the timer period under review. I have incorporated this information as exhibits into the file.

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).

Organization Structure

Ms. Carlson works in the Tuberculosis (TB) Services Section located within the Disease Control and Health Statistics (DCHS) division as part of the Office of Infectious Disease for DOH. Ms. Carlson reports to Sheanne Allen, TB Controller/Program Manager. Ms. Allen reports to Maria Courogen, Infectious Disease Director.

Position Purpose

Ms. Carlson states in her Position Review Request (PRR) that her position serves as the TB Operations Coordinator, responsible for overseeing the day-to-day business operations for the agency's TB program. Her duties include assisting in the coordination and development of the annual federal grant application and management of state and federal budgets. She provides coaching and technical assistance on planning, implementing and evaluating health promotion and communication to the public. This is to ensure that the public, health care providers and key stake holders have accurate information regarding TB and to make informed health decisions.

Duties and Responsibilities:

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

30% Duty

Managing multiple funding sources, including budget development, management and monitoring of contracts.

Tasks

Develops and monitors budget for activities this position oversees, including tracking spending and coordinating with agency budget staff.

Develops and monitors program performance measures, contract and reporting requirements, budgets and expenditures.

Develops and manages multiple contract types related to TB activities. Writes the annual statement of work, contract deliverables, and contract amendments.

Communicates with contractors to ensure signed contracts and all progress reports are accurate and turned in by the stated deadlines.

Coordinates with program management and staff to assure that funding and other financing are consistently available to support core public health infectious disease prevention services in Washington.

Responds to requests for fiscal information from DOH and other state, local and federal agencies.

30% Duty

Coordinating various communication strategies for the public, local health jurisdictions, other state agencies and stakeholders to improve knowledge of TB in Washington State.

Tasks

Oversees planning and implementation of education and training opportunities for those providing TB care (health care providers and local health). Events include regional conferences, continuing education opportunities, and TB awareness events.

Produces and oversees development and revision of education materials for multiple target audiences, ensures materials are current, developed according to health education best practices, and meet plain talk standards.

Clearly communicates in writing and orally. Edits written materials. Provides technical assistance to staff and contractors on clear communication. Develops written responses to questions, public inquiries, and writes newsletter articles and other publications.

Develops content, and oversees staff development of content for the agency website.

Provides technical assistance to staff and contractors on the development of TB training and communication activities.

Manages website and serves as website sub-developer for TB Program and ID web liaison to assure appropriate disease prevention and control information is available to the public and health care professionals.

Conduct media relations and social media activities, including news releases, talking points and key messages for content for social media.

Provides backup to DCHS division web lead as needed.

10% Duty

Serving as the TB Elimination and Laboratory Grant lead.

Tasks

Responsible for preparation and oversight of RAGFs, grant applications, monitoring and progress reports.

Participates in CDC sponsored conference calls and related activities.

Serves as TB ETN focal point (as required by grant) to ensure development and implementation of training/education needs of program.

Produces and guides staff of content to the TB grant and any required grant reports, including narrative and budget.

Prepares for submittal of Financial Status Reports for federal grant as required, and develops/submits carryover requests to CDC.

10% **Duty**

Establishing and maintaining partnerships.

Tasks

Establish and maintain partnerships to promote TB education, including other Department of Health programs, medical provider organizations, health plans, school health clinics, immunization coalitions, medical clinics and hospitals, non-profit health agencies, tribes, and other agencies/organizations as opportunities arise, to ensure broad input and participation in health promotion, quality improvement and health education activities related to TB.

Work with partners on collaborative activities, participating in meetings, workgroups and coalitions, providing clear communication, sharing DOH and program priorities, providing technical assistance and responding to questions and providing technical information.

Cultivates networking and partnership opportunities with health care systems to promote TB and infectious disease prevention.

Attends state and national conferences representing program, as needed.

10% **Duty**

TB Team Lead

Tasks

Encourages staff self-development through supporting formal and informal training/education opportunities.

Completes staff evaluations according to DOH standards/timelines.

Determines individual staff responsibilities and develops/revises job descriptions.

Mentors staff by communicating clearly, providing guidance on work activities, setting and meeting work priorities, and encouraging appropriate work management skills.

Develops plans for staff transitions, new positions and filling vacancies by developing job description and revising as needed, working with management and human resource consultants to develop strategies and timelines for hiring, conducting hiring practices to see a broad pool of qualified candidates and hiring the most qualified candidate.

Represents and provides backup to manager as needed.

5% **Duty**

Research Project lead.

Tasks

Mentors student led TB projects and oversees compilation and presentation of findings and development of recommendations.

Conducts literature review and surveys other states for best practices.

5% **Duty**

Policy Development Coordinator

Tasks

Coordinate rule revision activities.

Interprets and implements policies, legislative rules, standards, and WACs pertaining to TB.

Supervisor's Comments

Ms. Allen, TB Controller/Program Manager, WMS Band 1, completed the Supervisor Portion of the PRR. She indicates in Exhibit B-3 that Ms. Carlson's description of her assigned work activities is accurate and complete. Ms. Courogen also signed and dated the Supervisor's section of the PRR. Ms. Courogen disagreed with Ms. Allen's assessment of Ms. Carlson's duties as stated in that section. Ms. Courogen states that Ms. Carlson does not have the level of decision making authority reflected in Ms. Allen's comments. In addition, Ms. Courogen indicated that Ms. Carlson does not supervise employees.

In exhibit A-2, Ms. Allen provided additional comments regarding Ms. Carlson's duties. She states that Ms. Carlson serves as the website sub-developer for the TB Program and also manages the state and federal budgets within the TB Services section. This

includes planning, developing, writing and electronically submitting the annual cooperative agreement with the CDC that addresses the TB program's goals and activities. She also indicates that Ms. Carlson is an expert in the TB field.

Summary of DOH's Perspective

DOH asserts the scope and level of Ms. Carlson's duties have not significantly changed from the previous position description for her position. DOH asserts that Ms. Carlson's position does not meet any of the allocating criteria stated in the Definition of the HSC 4 class. DOH asserts Ms. Carlson's position has not been designated in writing as a specialty area by the appointing authority as required.

DOH asserts that the scope and level of responsibility assigned to Ms. Carlson's position remains consistent with HSC 3 level class.

Summary of Ms. Carlson's Perspective

Ms. Carlson asserts the majority of her duties meet the requirements of the HSC 4 classification. While she acknowledges in the PRR that her duties have not significantly changed, she believes her duties have progressively reached a higher level of responsibility. This includes managing all budget activities including contracts and grants, serving as lead for three staff; leading workgroups involving multiple stakeholders, and leading policy coordination activities. For example, she indicates that she participated in a WAC revisions workgroup and served as lead to rewrite 142 TB-related WACs. She also states that she participates on national and state workgroups and committees.

Ms. Carlson asserts her position should be reallocated to the HSC 4 level class.

Comparison of Duties to Class Specifications

When comparing the assignment of work and level of responsibility to the available class specifications, the class series concept (if one exists) followed by definition and distinguishing characteristics are primary considerations. While examples of typical work identified in a class specification do not form the basis for an allocation, they lend support to the work envisioned within a classification.

Comparison of Duties to Health Services Consultant 4 (HSC 4)

The Definition for this class states:

Manages a Section within the Department of Health including the supervision of professional staff;

OR

Serves as a designated senior Health Services Consultant planner/policy analyst reporting directly to WMS Band 2 or Executive Management on issues involving multiple stakeholders. The designation must be conveyed in writing from the Department of Health appointing authority;

OR

Serves as a designated Health Services Consultant specialist to WMS Band 2 or Executive Management. The designation must be conveyed in writing from the Department of Health appointing authority.

The Distinguishing Characteristics for this class state:

Positions at this level have the authority to act on behalf of the agency representing their program to public and elected officials, media, etc., regarding issues of high visibility or sensitivity. As a technical specialist, these positions are recognized as the agency expert in a specific program area as designated in writing by the appointing authority.

Ms. Carlson's position does not reach the primary allocating criteria stated in the Definition and Distinguishing Characteristics of this class.

First, Ms. Carlson does not manage a section within the DOH. Second, she does not serve as a Health Services planner/policy analyst reporting to a WMS Band 2 or Executive manager.

Ms. Carlson's position does not meet the third allocating criteria of serving as a health services consultant reporting to a WMS Band 2 or Executive Management position. Further, based on the information provided, her position has not been recognized as the agency expert in a specific program area as designated in writing by her position's appointing authority.

Ms. Carlson works with a high degree of autonomy and independence in performing her work. Ms. Carlson performs a variety of duties which include responding to questions and providing information about the prescribed Tuberculosis program. However, the focus of her position has not been recognized as the agency's expert for the agency's Tuberculosis program specialty area. In addition, her position does not have the authority to act on the agency's behalf as the designated representative for the Tuberculosis program.

Further, the definition requires the specialty to be "designated and conveyed in writing by the Department of Health appointing authority." This issue has been addressed in previous Personnel Resources Board (PRB) decisions. For example, in *Allotta v. Department of Information Services*, PRB Case No. R-ALLO-09-021 (2009) and *Eastern Washington University v. Akin*, PRB Case No. R-ALLO-09-004 (2009), the Board cited prior Personnel Appeals Board (PAB) decisions addressing written designation, as summarized in *Osborne v. Department of Transportation*, PAB Case No. ALLO-02-0032 (2003) as follows:

Consistent with our decisions in *Griffith v. Dep't of Ecology*, PAB Case No. ALLO-00-0016 (2000) and *Stash v. Dep't of Ecology*, PAB Case No. ALLO-00-0001 (1999), when a classification specification requires written designation, we must look for a document that confers such a designation upon the position in question. This written documentation can be a formal agency designation form, an approved CQ, or other written

documentation. We find no document that confers, as required in the ITS/AS6 specification, written designation for Appellant's position to be designated at the ITS/AS6 job classification. Because Appellant lacks written designation from the IT/IS management, the scope of duties and level of independence assigned to his position are best described by the ITAS5 classification.

Although the prior Board cases discuss different job classes, the concept of written designation as described in a particular class specification applies. Allocation to the HSC 4 job class specifies that the specialty must be designated and conveyed in writing by the Department of Health appointing authority. In this case, Ms. Carlson's position lacks the written designation from the appointing authority to be a specialty area as required.

Therefore, the overall scope of her assigned duties, and the level of responsibility assigned to her position does not reach the requirements of the HSC 4 class. For these reasons her position should not be reallocated to that class.

Comparison of Duties to Health Services Consultant 3 (HSC 3)

The Definition for this class states:

Functions as an assistant manager of a statewide health program by performing more than one of the following functions within the Department of Health:

- Preparing and managing budgets, contracts or grants.
- Coordinates division fiscal management.
- Program planning and evaluation of health service delivery products.
- Developing and implementing health policies and procedures.
- Managing health data systems.
- Supervising staff providing health services to the public.

OR

Manages a region for the Department of Health.

OR

Serves as a senior health services consultant in a specialty area to WMS Band 2 or higher. The specialty must be designated and conveyed in writing by the Department of Health appointing authority.

The Distinguishing Characteristics for this class state:

This is the senior level of the professional Public Health Consultant series.

Positions at this level report to Health Services Consultant 4's, equivalent, or to a position in WMS.

The overall level and scope of responsibility of Ms. Carlson's work regarding the DOH TB program closely aligns with the senior-level professional health services consultation requirements of the HSC 3 class.

Ms. Carlson reports to a position in WMS and functions as an assistant manager for TB Program services. Her position duties are fully consistent with four of the required criteria including preparing and managing budgets, contracts or grants; coordinating division-level fiscal management for TP Program services; planning and evaluating health service delivery products, and developing and implementing health policies and procedures.

For example, her budget responsibility includes developing and monitoring the budget activities and coordinating with agency budget staff. She writes the program's annual statement of work, contract deliverables, and contract amendments. She is responsible for preparing and overseeing the TB Program's grant application, in addition to monitoring and preparing progress reports.

She coordinates division fiscal management activities for the TB program services including through activities such as developing and monitoring the program's performance measures, contract and reporting requirements, and budgets and expenditures.

Ms. Carlson plans and evaluates health service delivery products for the TB program by planning and implementing TB education and training opportunities for health care providers and others. She also produces and oversees development and revision of education materials for multiple target audiences. She develops and oversees the development of agency website content for the TB program. She works to establish and maintain partnerships to promote TB education.

Ms. Carlson's duties also meet the fourth requirement of developing and implementing health policies and procedures. For example, she participated in a WAC revisions workgroup and served as lead to rewrite 142 TB-related WACs. She also states that she participates on national and state workgroups and committees.

The majority of Ms. Carlson's assigned work providing technical expertise and consultation to health care providers and others regarding TB program services fully meet the allocating requirements described in the HSC 3 job 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, the level, scope and diversity of the overall duties and

responsibilities of Ms. Carlson's position best fit within the Health Services Consultant 3 classification. Her position should remain allocated to that class.

Appeal Rights

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

An employee incumbent in a position at the time of its allocation or reallocation, or the agency utilizing the position, may appeal the allocation or reallocation to . . . the Washington personnel resources board Notice of such appeal must be filed in writing within thirty days of the action from which appeal is taken.

The mailing address for the Personnel Resources Board (PRB) is PO Box 40911, Olympia, Washington, 98504-0911. The PRB Office is located on the 3rd floor of the Raad Building, 128 10th Avenue SW, Olympia, Washington. The main telephone number is (360) 407-4101, and the fax number is (360) 586-4694.

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

c: Sherry Carlson, DOH
Stacie Leanos, WFSE
Carol Lynch, DOH

Enclosure: List of Exhibits

SHERRY CARLSON v DOH

ALLO-14-079

List of exhibits

A. Sherry Carlson Exhibits

Cover letter from Kurt Spiegel to State HR dated July 18, 2014 requesting a Director's review, with attached appeal form.

Note: The following is a corrected version of Ms. Carlson's exhibit list:

1. Transcript for Specialist
2. PDP Assessments for Sherry Carlson for review periods: 11/1/13 to 10/31/14 and 11/01/12 to 10/31/13
3. Emails regarding Signature Authority with and without Supervisor
4. Emails regarding TB grant
5. Emails regarding: 2013 Join Conference on Health and Abstract Submission
6. Conference Expert and Representative DOH: E-mails and Notes from Meeting of WA State TB Action Coalition, et. al.
7. Training Authority e-mail National
8. News Release for TB Awards Media
9. Nation involvement and DOH Rep. WA x2
10. Document titled, "MPH Practicum – Site Supervisor Student Evaluation" and additional emails
11. Work group Lead Statewide recommendation – Document titled, "WA State MDR/XDR TB Workshop"

Exhibits submitted following the review conference: (Note: The majority of these exhibits fall outside the review time period.)

12. Exhibit List with the following attachments:

- A. Personal Statement
- B. Updated Position Description dated October 31, 2014
- C. Performance and Development Assessment for the period 11/01/13 to 10/31/14
- D. Performance and Development Planning for the period 11/01/14 to 10/31/15
- E. Supervisor letter of support dated June 4, 2015
- F. Supporting documents – Approval of program communications
- G. Supporting documents – Approval of grant spending

H. Supporting documents – Representing the program in high visibility issues

I. Supporting documents – Providing technical expertise

J. Supporting documents – Lead worker duties

K. Supporting document – MCHES definition

B. DOH Exhibits

1. June 24, 2014 DOH allocation determination letter
2. Position Review Request –employee portion submitted
3. Position Review Request –supervisor portion
4. State HR class specification for Health Services Consultant 3
5. State HR class specification Health Services Consultant 4
6. Position File #70088178
7. Analysis Table
8. DOH response dated December 15, 2014

C. Director's Exhibits

1. Final response email from Carol Lynch to Kris Brophy dated June 11, 2015