



STATE OF WASHINGTON
OFFICE OF FINANCIAL MANAGEMENT
STATE HUMAN RESOURCES | DIRECTOR'S REVIEW PROGRAM
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February 24, 2015

TO: Naedene Shearer and John Witwer

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

SUBJECT: Naedene Shearer v. Department of Corrections (DOC)
Allocation Review Request ALLO-14-094

John Witwer v. Department of Corrections (DOC)
Allocation Review Request ALLO-14-095

The Director's review of DOC's allocation determination of your positions has been completed. The review was based on written documentation provided by you and by DOC. A list of the documents reviewed is attached.

As the Director's Review Investigator, I carefully considered all of the documentation submitted by you and by DOC in this matter. In addition, I considered the guidance provided in prior Director's review determinations, the State Human Resources Glossary of Classification Terms and Personnel Resources Board appeal decisions. Based on my review and analysis of your assigned duties and responsibilities, I conclude your positions should be reallocated to the Procurement and Supply Support Specialist 3 classification.

Background

On July 29, 2014, the Human Resources (HR) office at the Washington State Penitentiary (WSP) received Position Review Requests (PRRs), asking that your Procurement and Supply Support Specialist 2 positions be reallocated to the Procurement and Supply Specialist (PSS) 1 classification. (Exhibits A-3 and B-2)

HR conducted position reviews and notified you by letters dated August 28, 2014 that your positions were properly allocated to the Procurement and Supply Support Specialist 2 class. (Exhibits A-2 and B-1)

On September 18, 2014, the State Human Resources office received your requests for Director's reviews of DOC's allocation determinations. (Exhibits A-1)

In your emails dated February 3, 2015, you contest the use of twelve months as the relevant time period for your review. (Exhibits A-64) Article 31.3 of the Collective Bargaining Agreement (CBA) between the State of Washington and Teamsters Local 117 states "[i]f the employee has performed the higher-level duties for at least twelve (12) months and meets the skills and abilities required of the position, the employee will remain in the position and retain existing appointment status." As a result, position reviews for positions covered by the CBA are typically based on the twelve-month period prior to submission of the Position Review Request to the

employer's HR office. Therefore, the review of your positions is based on the work performed during the twelve-month period prior to July 29, 2014, the date DOC HR received the requests for a position review. I note that a number of the exhibits you submitted demonstrate work that occurred in 2012 or after your review request was submitted to HR. These documents do not appear to be work assignments that you performed during the time period relevant to this review. Therefore, while I reviewed these documents I did not consider them as demonstrative of the specific work you performed during the twelve-month time period relevant to your July 29, 2014 review requests.

Duties and Responsibilities

Your positions are assigned to the WSP/Warehouse. At the time of your review requests, you reported to Kathi Ponti, Local Business Advisor who reported to the Regional Business Manager. You are not assigned lead or supervisory responsibility for other staff.

Your major job duties are described in your PRRs (Exhibits B-2). Your supervisor agrees that the information in the PRRs is accurate. In addition, the duties you perform that you feel are outside of the Procurement and Supply Support Specialist 2 classification are described in your PRRs. In your PRRs, you describe your duties as follows:

- 25% Procure supplies, services, materials and equipment in support of institution-wide purchasing activities. Using State Purchase Authorities and the Governor's Executive Order on sustainable purchasing, review, process, and finalize purchase requests using the TRACKS system.
- 20% Verify delegated expenditure authority and purchaser order details. Research and contact vendors on late, partial, overages, short, or missing shipments. Ensure purchasing policies are being followed.
- 10% Determine appropriate course of action/procurement methodology, i.e. contract, competitive bids, sole source acquisitions, etc. to streamline processing, ensure appropriate documentation is provided by requestor when order is submitted.
- 10% Process credit card purchases for the facility, i.e., Plant Maintenance, Food Service, Health Care, etc. This includes reconciling purchasing card statements to ensure all purchases and charges are accurate and appropriate.
- 5% Evaluate contracts to ensure goods and services meet contract requirements and prices remain competitive with the general market.
- 5% Research for new sources of supply; locate and contract vendors and supplies. Communicate with suppliers to stay current with industry developments.
- 5% Schedule and escort vendors for equipment bids, repairs, installation when necessary.
- 5% Implement the agency's and institution's procedures relative to supply functions; collect and evaluate supply and equipment usage data; determine optimum stock levels, appropriate authorizations, standard unit pack, and reorder points.
- 5% Responsible for the proper disposal of all surplus supplies, equipment, or records for WSP, maintaining documentation as required per policy.

- 5% Responsible to manage the monthly institution-wide shredding process to dispose of sensitive documents. Make special arrangements for any additional large shredding jobs after ensuring the retention schedule documentation is approved for disposal.
- 5% Other duties as assigned.

In addition to the duties described above, Ms. Shearer's position is responsible for new cellphone purchases and changes, organizing the monthly shredding process including ensuring retention schedules are followed, and monitoring and maintaining the archives room for the Business Office. In addition to the duties described above, Mr. Witwer's position is responsible for the annual Capital Asset Management System inventory including organizing and completing the physical count of fixed assets.

On page 1 of your PRRs, you describe the purpose of your positions. In brief summary, the purpose of your positions is to provide, plan, coordinate and perform procurement and inventory functions for WSP; process purchase requests for services, supplies, materials, parts and equipment; coordinate maintenance of equipment and emergent repairs; provide inventory reports for management as required per policy or as requested by your supervisor, maintain accurate records; improve business practices and performance related to purchasing, sourcing products, and stewardship of agency resources; and coordinate the transfer and disposal of materials and equipment.

On page 2 of your PRRs, you explain the reasons why you believe the PSS1 classification is the best fit for your jobs. You describe the PSS1 class as the "one who procures supplies, services, materials, and equipment within dollar limitations assigned by the purchasing authority in support of institution-wide purchasing activities." In addition, you identify the PSS1 typical work statements that you feel describe your positions.

While you review purchase requests, verify delegated expenditure authority and procure supplies, etc. for the institution, page 6 of your PRRs indicate that you do not have budgetary authority or responsibility for maintaining fiscal records or controlling or authorizing the expenditure of funds.

Summary of Ms. Shearer's and Mr. Witwer's Perspectives

You argue that your contract management duties are more accurately described by the PSS2 classification. You explain that you stay abreast of current contracting processes and procedures and with industry developments; communicate with vendors; research new sources of products and services; determine the appropriate procurement method to use; process hundreds of orders including receipt of products and directing warehouse staff regarding product delivery; and meet with potential bidders, assist with the bidding process, issue bids and award contracts including the contract for pest control and uniform pants. You argue that you evaluate services, ensure that pricing and contract requirements are being met and resolve problems such as dealing with issues regarding the change in document shredding vendors and notifying staff of IV solution shortages. In summary, you assert that your positions perform duties and responsibilities that are above the technical aspects of purchasing and inventory control encompassed in the Procurement and Supply Support Specialist 2 class and argue that your duties and assignments are in line with the PSS1 classification. (See Exhibits A-2, A-63 and A-64)

Summary of DOC's Reasoning

DOC argues that your positions perform the full range technical duties necessary for purchasing supplies, materials and equipment for WSP in support of your supervisor. DOC explains that you perform purchasing controls, maintain inventory levels and perform contract and invoice billing and correspondence connected with tracking and expediting orders. DOC asserts that your positions do not have authority to issue bids and award contracts. DOC contends that your positions are best described by the Procurement and Supply Support Specialist 2 classification. (See Exhibits B-13)

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).

In your written arguments (Exhibits A-63), you reference the reallocation of another Procurement and Supply Support Specialist 2 at WSP to the Procurement and Supply Specialist 1 class. The Personnel Resources Board has addressed this argument on numerous occasions. For example, in Byrnes v. Dept's of Personnel and Corrections, PRB No. R-ALLO-06-005 (2006), the Personnel Resources Board held that "[w]hile a comparison of one position to another similar position may be useful in gaining a better understanding of the duties performed by and the level of responsibility assigned to an incumbent, allocation of a position must be based on the overall duties and responsibilities assigned to an individual position compared to the existing classifications. The allocation or misallocation of a similar position is not a determining factor in the appropriate allocation of a position." Citing to Flahaut v. Dept's of Personnel and Labor and Industries, PAB No. ALLO 96-0009 (1996). Therefore, the allocation or misallocation of other positions is not a determining factor in the appropriate allocation of your positions.

Comparison to the Relevant Class Specifications

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

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

In addition, while not allocating criteria, the typical work or examples of work statements provide support to the duties typically performed at each level within the class series and the State Human Resources Glossary of Classification Terms provides guidance for interpreting the language used in the class specifications.

Comparison of Duties to Procurement and Supply Specialist Series

The Procurement and Supply Specialist (PSS) series does not contain a class series concept. However, the Procurement and Supply Support Specialist 2 class states that the PSS series performs "professional buying duties related to services and equipment, solicitation of formal

sealed bids, and award and administration of contracts of unlimited dollar value.”

In addition, the Glossary of Classification Terms provides guidance on the nature of work that is considered professional for purpose of allocation. Professional work is defined as follows:

Performs work that requires consistent application of advanced knowledge usually acquired through a college degree in a recognized field, work experience, or other specialized training. Exercises discretion and independent judgment when performing assignments. Examples include, but are not limited to, social workers, psychologists, registered nurses, economists, teachers or instructors, human resource consultants, accountants, and information system analysts.

The work assigned to your positions does not meet the definition of performing professional buying duties. Your supervisor maintains responsibility approving and awarding contracts, contract administration and resolving vendor problems. While you provide support, assist and participate in the contracting process such as requesting and reviewing bids and resolving problems, you do not have independent responsibility for the contracting process as a whole.

The Board has held that 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. Dudley v. Dept. of Labor and Industries, PRB Case No. R-ALLO-07-007 (2007).

Comparison of Duties to Procurement and Supply Support Specialist 2 and 3

The Definition for the Procurement and Supply Support Specialist 2 states:

Performs the full range of technical duties under the supervision of the individual responsible for the purchasing of supplies, materials and equipment for an agency, institution, major subdivision, or major operating location of an agency. Performs purchasing control, maintaining inventory levels, contract and invoice billing, and correspondence work connected with tracing and expediting orders.

The Glossary of Classification Terms provides guidance on the nature of work that is considered technical for purpose of allocation. Technical work is defined as work that requires “[s]pecialized knowledge or skills gained through academic or vocational courses offered in technical and community colleges, or equivalent on-the-job training.”

The Distinguishing Characteristics for the Procurement and Supply Support Specialist 2 state:

This classification is distinguished from the Procurement and Supply Support Specialist 1 by the presence of inventory control duties and from the Procurement and Supply Specialist series by the absence of professional buying duties related to services and equipment, solicitation of formal sealed bids, and award and administration of contracts of unlimited dollar value.

Positions at this level support an individual responsible for the purchasing of supplies, materials, and equipment for an agency, institution, major subdivision, or major operating location of an agency, by handling the purely technical aspects of purchasing and inventory control such as: replenish stocked items from existing

contracts; initiate and purchase inventory and non-stocked supplies within delegated purchasing authority and perform inventory control duties.

Your positions fit within the Definition and the Distinguishing Characteristics of the Procurement and Supply Support Specialist 2 level. However, your overall duties and level of responsibilities go beyond performing purely technical aspects of purchasing and inventory control. Your supervisor indicates that you work independently to perform tasks inherent in purchasing supplies, materials and equipment for the institution. Further, the majority of your duties involve administering contracts and purchasing supplies, materials and equipment utilizing procurement contracts rather than supporting the person responsible for purchasing.

The Definition for the Procurement and Supply Support Specialist 3 states:

Supervises technical/clerical staff in assigned purchasing and inventory control duties OR performs first level procurement duties as a member of a purchasing team responsible for the administration of ongoing procurement contracts.

(Emphasis added).

The definition of the Procurement and Supply Support Specialist 3 contains two options for allocation to this level. Your positions are not assigned supervisory responsibility for staff. However, you are members of a purchasing team and you are responsible for the administration of ongoing procurement contracts. Your positions fit within the definition of the Procurement and Supply Support Specialist 3 level.

The Distinguishing Characteristics for the Procurement and Supply Support Specialist 3 state:

With delegated authority, interviews and recommends selection of applicants, trains new employees, assigns and schedules work, acts upon leave requests, conducts annual performance evaluations and recommends disciplinary action.

Monitors placement of orders. Prepares reports related to unit performance.

(Emphasis added).

Your positions best fit within the Distinguishing Characteristics of the Procurement and Supply Support Specialist 3 level. You monitor purchase orders and are responsible for ongoing procurement contracts. For items not on a state contract, you determine whether to use the competitive bid process, sole source acquisition, best buy or other process in accordance with policy. As stated on page 1 of your PRRs, you provide inventory reports for management as required by policy or as requested by your supervisor. In addition, you utilize reports to set product reorder points. Further, while not allocating criteria, the following typical work statements describe the majority of the work you perform:

- Recommends actions to resolve unsatisfactory vendor performance;
- Determines and takes necessary action to maintain required stock during periods of delayed stock receipts, misdirected shipments, and quality control;
- Monitors placement of orders;
- . . .
- Performs duties of Procurement and Supply Support Specialist 1;

- May complete preliminary steps in the contracting process including preparation and advertising of bid solicitations, bid analysis, determination of lowest responsive bidder and recommends award to contract officer.

After careful review of the information provided and the arguments presented by you and DOC and comparison to the available classifications, I find that your duties and responsibilities more closely aligned with the highest level in the Procurement and Supply Support Specialist series. The overall duties and responsibilities assigned to your positions best fit the Procurement and Supply Support Specialist 3 classification.

Appeal Rights

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

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

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

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

c: Tina Cooley, DOC

Enclosure: List of Exhibits

A. Naedene Shearer and John Witwer Exhibits

1. Request for Director's Review to Office of State HR Director on Reallocation Determination from Naedene Shearer, dated 9-19-14 Pg. 1-4
2. Reallocation Determination letter from Sarah Conly, DOC Human Resources Consultant to Naedene Shearer, dated 8-28-14 Pg. 5-10
3. Position Review Request submitted by Naedene Shearer, dated 7-29-14 Pg. 11-18A
4. Letter of Support from Local Business Advisor, Kathy Ponti Pg. 19
5. PSSS2 Enforcing DES contracts and ensuring lower costs on product Pg. 20-25
6. PSSS2 Ensuring Best Buy Procedures are followed Pg. 26-31
7. PSSS2 Completed Security Management Reports to Supervisor Pg. 32-38
8. MFD (Multi-Function Device) Contract negotiation by PSSS2; PSSS2 notes of ongoing contract issues for renegotiating terms, letter to Steve Wagaman outlining issues Pg. 39-42
9. PSSS2 MFD Contract negotiation Pg. 43-49
10. PSSS2 MFD Contract negotiation Pg. 50-55
11. PSSS2 MFD Contract negotiation Pg. 56-60
12. PSSS2 MFD Contract negotiation, with instruction from Jim Cerna to do further research into contracting pricing and terms Pg. 61-63
13. PSSS2 MFD Contract negotiation Pg. 64-67
14. PSSS2 MFD Contract negotiation Pg. 68-73
15. PSSS2 submitting security clearance for badging of vendor employee Pg. 74-75
16. Direction from Supervisor Kathy Ponti to PSSS2 to conduct bid process for local Pest Control Services Pg. 76-77
17. PSSS2 updating Pest Control Check List, copy of updated Pest Control Check List Pg. 78-85
18. PSSS2 submission of Pest Control Checklist to bidders Pg. 86-87
19. PSSS2 receipt of bid from bidder Pg. 88
20. Supervisor's request to PSSS2 to notify bidders of bid results Pg. 89
21. PSSS2 notifying bidder of bid results Pg. 90
22. PSSS2 negotiating for purchase of Officer Uniform Pants Pg. 91-93
23. PSSS2 Contract Enforcement Pg. 94-109

24. Site visit conducted by PSSS2's, meet and walk through with potential bidders to assist Lauri Shenefelt, PSS2, with bidding process; report to Lauri on visit details, bidder concerns, etc. Pg. 110-114
25. PSSS2 audit of Capital Projects Visa Card Pg. 115-118
26. PSSS2 audit and coding of Locksmith, WSP Medical, Engineering and WSP Visa Card #1 Pg. 119-124
27. PSSS2 obtaining security clearance for badging of vendor employees and making arrangements for WSP Security Training Sessions for vendor employees Pg. 125-129
28. PSSS2 communication with Supervisor Kathy Ponti regarding shredding vendor Devries contract terms, cost savings, and overcharging issues with current vendor Recall and the need to switch vendors, and decision to switch vendors Pg. 130-131
29. PSSS2 communication with vendor regarding vendor change and security clearance for Devries personnel; Inquiry on need for security clearance with Captain's secretary, Monica Arlington Pg. 132-134
30. PSSS2 completion and submission of Request for Service Form to vendor Devries Pg. 135-137
31. PSSS2 notifying current vendor Recall of discontinuation of service; response to PSSS2 from vendor with request to cancel confirmation; read receipt Pg. 138-142
32. PSSS2 making arrangements for vendor change date, security, and bin locks Pg. 143-145
33. PSSS2 communications with vendor Recall Pg. 146-147
34. PSSS2 notice sent to all WSP supervisors and department heads regarding vendor change and the need to locate all shredding bins for return to current vendor Pg. 148-150
35. Examples of PSSS2 communications sent/received throughout institution to obtain correct bin count, location, and number of Recall shredding bins Pg. 151-165
36. PSSS2 Share Point Notice sent regarding Shredding Vendor Change Pg. 166-168
37. PSSS2 notification and request to Associate Superintendent, Donald Holbrook, and Key Control to release of shred bin keys and approval; explanation of exchange process Pg. 169-171
38. PSSS2 Share Point Notice regarding Shredding Vendor Change Pg. 172-174
39. PSSS2 emails to vendor regarding bin exchange details-security, directions and escort, questions regarding bar code labels on bins Pg. 175-176
40. PSSS2 notices put on new bins as they arrived at institution, departments were assigned bin locations and bin numbers were logged prior to distribution throughout institution Pg. 177-178

41. PSSS2 discovery of bin security issues with newly distributed Devries bins; communications with vendor, Superintendent, Associates, and WSP Chief Investigator Pg. 179-183
42. PSSS2 communications with vendor to resolve security issues and arrange secure new bins for institution Pg. 184-189
43. PSSS2 notification to Superintendent, Associates, Supervisor, and Chief Investigator on the discovery of actual security issues with shredding bins and resolution of the issue Pg. 190-192
44. PSSS2 Share Point Notice for exchange of unsecure bins throughout institution and Delivery Schedule for Share Point Notice Pg. 193-195
45. PSSS2 communications with vendor on unsecure bin replacement Pg. 196-197
46. PSSS2 notification to Supervisor on results of secure bin replacement Pg. 198
47. PSSS2 Log of shred bins with bar code numbers, locations, and contacts maintained and updated by PSSS2 Pg. 199-200
48. PSSS2 approval of Shredding vendor invoices to headquarters Pg. 201-207
49. PSSS2 notice to headquarters not to pay contested Recall billing, credit memo sent by vendor Pg. 208-212
50. PSSS2 ensuring proper documentation of records purge with approved Records Destruction Request. Pg. 213-220
51. PSSS2 resolving CAMS inventory discrepancies Pg. 221-225
52. PSSS2 2014 completed yearly asset inventory (CAMS) submitted by supervisor Pg. 226
53. PSSS2 Food Management-PSSS2 completed Dietary Computations, Order Guides, Order Helpers, Regular Menu and Diet menu, Count Sheets, and Correctional Industries food orders Pg. 227-252
54. PSSS2 negotiating Food Best Buys for Kitchen Pg. 253-273
55. PSSS2 attendance of Food Service Meeting in order to assist with Food Service Management Pg. 274-275
56. PSSS2 updating changes to Institution wide Cell Phone, I-Phone Listing, and updated listing maintained by PSSS2 for emergency purposes Pg. 276-281
57. PSSS2 audit of LBA Monthly Report of Cell, Blackberry and Air Card Use/Cost Pg. 282-289
58. Examples of PSSS2 enforcement of Purchasing policies and education on DES website with WSP departments Pg. 290-293
59. PSSS2 Management of General Stores Credit Card-All General Stores Inventory Purchases-Balance, Code, Audit Receiving, and complete Monthly Purchasing Card Log Reconciliation Pg. 294-295

60. PSSS2 Management of WSP Hospital Visa Card, code, complete Monthly Purchasing Card Log Reconciliation Pg. 296
61. PSSS2 Management of WSP IV solution crises-Notification from vendor on IV Solution Shortage, notification to Warehouse Supervisor and Hospital Staff of the critical situation; urgent e-mails from Hospital staff on need for IV solution; transfer of solution from Coyote Ridge; communication with vendor on supply availability; notice to Supervisor, Warehouse Staff, and Hospital staff of shipment of IV solution Pg. 297-322
62. Letter to Accompany Director's Review List of Exhibits
63. Naedene Shearer and John Witwer final response
64. Response to DOCs January 30, 2015 final response

B. DOC Exhibits

1. Allocation determination letter, dated August 28, 2014
2. Position Review Request requesting reallocation, received by the agency on July 29, 2014
3. Current Position Description on file, signed by the incumbent and supervisor May 16, 2013
4. Organizational Chart
5. Supervisor's position description received by the Agency on January 24, 2012
6. Procurement Supply Support Specialist 1 Class Specification
7. Procurement Supply Support Specialist 2 Class Specification
8. Procurement Supply Support Specialist 3 Class Specification
9. Procurement and Supply Specialist 1 Class Specification
10. Procurement and Supply Specialist 2 Class Specification
11. Procurement and Supply Specialist 3 Class Specification
12. Procurement and Supply Specialist 4 Class Specification
13. DOCs final response January 30, 2015

C. Class Specifications

1. Procurement Supply Support Specialist 1
2. Procurement Supply Support Specialist 2
3. Procurement Supply Support Specialist 3
4. Procurement and Supply Specialist 1
5. Procurement and Supply Specialist 2
6. Procurement and Supply Specialist 3
7. Procurement and Supply Specialist 4