



STATE OF WASHINGTON
OFFICE OF FINANCIAL MANAGEMENT

STATE HUMAN RESOURCES DIVISION | DIRECTOR'S REVIEW PROGRAM
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May 5, 2015

TO: Michele Mendel

FROM: Holly Platz, SPHR
Director's Review Investigator

SUBJECT: Michele Mendel v. Department of Social & Health Services (DSHS)
Allocation Review Request ALLO-14-117

Director's Determination

The Director's review of DSHS's allocation determination of your position has been completed. The review was based on written documentation provided by you and by DSHS. A list of the documents reviewed is attached. In addition, I considered the guidance provided in Personnel Resources Board appeal decisions and the State Human Resources Glossary of Classification Terms.

As the Director's Review Investigator, I carefully considered all of the documentation submitted by you and by DSHS in this matter. Based on my review and analysis of your assigned duties and responsibilities, I conclude your position is properly allocated to the Forms and Records Analyst 3 classification.

Background

Your position is assigned to the Health Information Management Services (HIMS) at Western State Hospital (WSH). On June 30, 2014, DSHS's Classification & Compensation Unit received your request for reallocation of your position from Forms and Records Analyst 3 to Forms and Records Analyst Supervisor. (Exhibits A-3 and B-4)

On June 12, 2014, your supervisor, Jannah Abdul-Qadir signed the PRR indicating that she agreed that the information contained in the PRR was accurate. (Exhibit B-4) Ms. Abdul-Qadir provided email clarification on October 13 and 14, 2014 (Exhibit. B-6) On June 24, 2014, Ron Adler, Chief Executive Officer for WSH, signed the PRR indicating that he disagreed with the assessment.

Lester Dickson, DSHS Compensation and Classification Specialist, conducted a desk audit of your position on July 10, 2014. Mr. Dickson's audit notes are found in Exhibit B-5 and summarized in his December 2, 2014 allocation determination letter (Exhibits A-2 and B-1). In the determination letter, Mr. Dickson concluded that the Forms & Records Analyst 3 (FRA 3) classification best described the duties and responsibilities of your position.

On December 22, 2014, you requested a Director's review of DSHS's allocation determination (Exhibit A-1).

Summary of your Arguments

You argue that you were appointed supervisor of the HIMS department during a staff meeting on January 14, 2014 (Exhibit A-4) and that you supervise nine staff members. You acknowledge that during the six months prior to submission of your PRR, you had not had an opportunity to conduct performance evaluations because they were not due during this time or to resolve grievances. But you assert that you sign many documents as the supervisor and that you have counseled employees regarding their attendance and job performance as shown in Exhibit A-12. You further assert that you have sat in on counseling sessions with your supervisor, that you train staff, and that you meet weekly with staff to address issues that come up and to help with morale in the department. Additionally, you contend that DSHS failed to consider classifications other than the FRA series.

Summary of your Supervisor's Comments

In her email comments, your supervisor indicates that the unsigned Position Description Form (Exhibit A-6) better describes your position. She further indicates that you do not write or sign performance evaluations but you do provide feedback to your supervisor regarding staff performance. She also indicates that you perform supervisor duties for seven staff including:

- Approving leave requests
- Providing input into staff selection
- Training staff
- Planning and assigning staff work
- Participating in the grievance process with her when necessary
- Devising plans to correct staff needs

Summary of DSHS's Reasoning

DSHS explains that you provide direction to staff but you are not responsible for formulating procedures, completing performance evaluations, resolving staff grievances or taking corrective actions. DSHS asserts that you provide input to your supervisor in the performance evaluation process, staff grievances and corrective action plans and that you may sit in on counseling sessions with your supervisor. DSHS contends that these duties aligned with the duties of a lead rather than a supervisor. DSHS explains that the FRA Supervisor class encompasses duties above an FRA 3 as described in the typical work statements for the Supervisor level and asserts that the assignment of supervisory duties alone does not warrant allocation to the FRA Supervisor class. DSHS further asserts that supervisory and lead duties are also found in the FRA 2 and 3 classes. DSHS argues that based on review of all relevant documents, input from the desk audit and from your supervisor, the FRA 3 level is the best fit for your position.

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).

Most positions within the civil service system occasionally perform duties that appear in more than one classification. However, when determining the appropriate classification for a specific position, the duties and responsibilities of that position must be considered in their entirety and the position must be allocated to the classification that provides the best fit overall for the majority of the position's duties and responsibilities. See Dudley v. Dept. of Labor and Industries, PRB Case No. R-ALLO-07-007 (2007).

Duties and Responsibilities

In your PRR (Exhibit B-4), you describe the purpose of your position as follows:

Assist in maintaining the hospital accreditation being the custodian of the medical records. Maintaining the document requirements, confidentiality and integrity of the medical records for the patients we serve. Work to meet and exceed the federal and state laws and standards by upholding and fulfilling the requirements of The Joint Commission, Center of Medicaid and Medicare Services, Office of Inspector General and the HIPAA laws.

Your duties and responsibilities are described in detail in your PRR and in the unsigned PDF (Exhibit A-6).

In summary, the majority of your duties and responsibilities include providing leadership to staff, providing assistance and consultation to managers and staff, implementing and coordinating the HIMS records management system, producing and maintaining statistical reports, overseeing and processing the public records requests including redacting information as appropriate, resolving and researching issues, maintaining processes and standards for HIMS records, and establishing work priorities and deadlines for HIMS staff. In addition, you conduct patient record audits; compile, store and maintain audit data; develop audit feedback, education and actions plans; and schedule and provide training.

Class Specifications

Consistent with the direction provided by the Personnel Resources Board in Boekhoff v. Bellevue Community College, PRB Case No. R-ALLO-07-002 (2007), I considered all relevant classifications regardless of whether they were requested by you or considered by DSHS. In addition to the FRA class series, I considered the Records Management Supervisor classification.

The Records Management Supervisor definition states: “[d]evelops, implements, and administers a totally integrated records management program in a large agency.”

Your position does not exercise the scope or breadth of authority anticipated at the Records Management Supervisor level. In addition, positions allocated to the Records Management Supervisor class typically direct the activities of staff engaged in the design, analysis, specification development and acquisition of all forms and graphics, the disposition of records

and the establishment and maintenance of filing systems. The scope and complexity of your duties and responsibilities activities do not reach management level responsibility for directing the activities of personnel engaged in records management activities.

In addition, I reviewed the entire classification plan for classes that deal specifically with medical records. In Alvarez v. Olympic College, PRB No. R-ALLO-08-013 (2008), the Personnel Resources Board held that “[w]hen there is a class 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 should be allocated to the class that specifically includes the position. [See Mikitik v. Dept’s of Wildlife and Personnel, PAB No. A88-021 (1989)].”

After my review, I determined that the FRA series most closely aligns with the duties and responsibilities assigned to your position.

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.

When considering whether your overall duties and responsibilities fit the FRA 3 or FRA Supervisor classification, I reviewed the definition of supervisor found in the State Human Resources Glossary of Classification Terms. The Glossary states:

Supervisor. An employee who is assigned responsibility by management to participate in all of the following functions with respect to their subordinate employees:

- Selecting staff
- Training and development
- Planning and assignment of work
- Evaluating performance
- Resolving grievances
- Taking corrective action

Participation in these functions is not routine and requires the exercise of individual judgment.

While the primary thrust of your argument is supervision of staff, review of the FRA class series shows that the series is broadly written to allow lead work or supervision of lower level classes at the FRA 2 and 3 levels as well as at the FRA Supervisor level. Therefore, whether you supervise staff is not the primary allocating criteria.

The **Forms and Records Analyst (FRA) Supervisor** definition states:

Formulates procedures and supervises analysts within forms design or records management programs.

Although examples of typical work identified in a class specification do not form the basis for an allocation, they lend support to the level and breadth of work envisioned within a classification. The typical work for FRA Supervisor state:

- Establishes agency forms and records management standards and objectives in the absence of the agency forms and records manager;
- Presents forms and records management policies and procedures to management in the absence of the agency forms and records manager;
- Formulates procedures to eliminate unnecessary and unauthorized forms;
- Develops agency forms procurement procedures;
- Solves complex forms and records management problems;
- Formulates/coordinates agency forms and records management reporting process; maintains records and reports net dollar savings to agency management and State Forms Management Center;
- Implements and coordinates agency records management system to ensure compliance with State records management statutes;
- Formulates/coordinates files management program in order to standardize files procedures; exercises control over the acquisition of agency filing equipment;
- Inventories, or manages inventory of all public records of the agency, in accord with procedures established by the State Records Committee;
- Analyzes records inventory data, examines and compares divisional or unit inventories for duplication and recommends minimal retentions for all copies commensurate with legal, financial and administrative needs;
- Approves all records inventory and destruction requests which are submitted to the State Records Committee;
- Reviews established agency records retention schedules at least annually and coordinates agency records retention, disposition, transfer and microfilming systems and programs;
- Coordinates and manages agency essential records protection program;
- Trains lower level analysts and other agency staff in forms and records management activities;
- Plans and coordinates forms and records management activities of lower level analysts;
- Analyzes and evaluates effectiveness of lower level analysts;
- Performs other work as required.

FRA Supervisor positions have agency level responsibility such as establishing agency level standards and objectives, assisting management on an agency level, developing agency level procedures, implementing and coordinating agency records management system, establishing agency level record retention procedures and schedules, and managing an agency level essential records protection program. The scope of your duties and responsibilities do not rise to the agency level. Further, your supervisor, Ms. Abdul Qadir, is the records manager for WSH. The FRA Supervisor is not the best fit for your overall duties and responsibilities.

The **Forms and Records Analyst 3 (FRA 3)** definition states:

Positions at this level are specialists in two or more system areas such as financial records, student records, resident records, and/or health records, or function as a management consultant for complex manual and/or electronic forms and/or records problems, or provide management consultation and determinations on responses to public record requests. Incumbents may oversee the work of subordinate staff and coordinate the day-to-day delivery, distribution, access, maintenance and retention of manual and/or electronic forms and/or records.

At the FRA 3 level, positions serve as records system specialists or management consultants for complex records issues including public records requests, and may oversee the work of subordinate staff. The FRA 3 typical work examples further indicate that positions may lead or supervise lower level positions.

The State Human Resources Glossary of Classification Terms definition of a "specialist" provides that specialist "[d]uties involve intensive application of knowledge and skills in a specific segment of an occupational area."

The definition of FRA 3 classification provides the best overall fit for your duties and responsibilities as a specialist for complex records issues, including public records requests.

In addition, the FRA 3 typical work statements include:

- Schedules and coordinates manual and electronic forms and/or records management services including files consulting, records retention scheduling, essential records scheduling, and similar services, in one or a group of organizational units . . . ;
- Reviews records retention and essential records schedules to ensure conformance with legal requirements and state and agency or institution standards;
- Manages manual and/or electronic records retention, disposition, transfer, and storage systems and programs;
- Designs and develops electronic forms, layout and screens; analyzes work plan and/or process to determine required data elements, screen and automation concepts; determines audit requirements;
- Reviews and processes public record requests; assists in the development of public disclosure guidelines and training;
- May develop and maintain forms web repository and web links;
- May receive public records requests, assist requestor in defining the scope of records requested, assist staff in identifying records responsive to a request, identify and redact information exempt from disclosure, provide records to requestor, and retain records related to requests in accordance with records retention requirements;
- May conduct records management workshops and similar instructional sessions and assist in the development of instructional materials;
- May lead or supervise lower level staff.

The duties and responsibilities of your position are encompassed in the typical work statements for the FRA 3 classification.

It is clear that staff at WSH appreciate your skills, knowledge and devotion to HIMS and WSH. However, a position's allocation is not based on an evaluation of performance or an individual's ability to perform higher-level work. Rather, it is based on the majority of work assigned to a position and how that work best aligns with the available job classes.

For the time relevant to your position review, the FRA 3 class best described the overall duties and responsibilities assigned to your position.

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: Lester Dickson, DSHS
Class/Comp, SHR

Enclosure: List of Exhibits

MICHELE MENDEL v DSHS
ALLO-14-117

A. Michele Mendel Exhibits

1. Letter to Office of Financial Management Directors Review Program
2. Letter from Classification and Compensation Unit denying position reallocation
3. Position Review Request that initiated desk audit
4. Health Information Management Services (HIMS) Department meeting (Jan 14th 2014) appointing Michele as supervisor in HIMS department
5. Current working PDF updated Jan 2010
6. Updated (unapproved) PDF that covers all the current job duties and responsibilities I do/have (submitted with a classification that my duties actually fit in based on Comp and Class Specifications)
7. 2014 Performance Evaluation completed by HIMS Manager Nov 17th 2014
8. Debra Nixon statement/support letter
9. Joe Dom statement/support letter
10. Koreena Brazil statement/support letter
11. Vi Yun statement/support letter
12. April 3, 2015 email submitting two HR letters to two employees

B. DSHS Exhibits

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| 1. Allocation Determination Letter | p. 1 – 12 |
| 2. TN28 Position Description | p. 13 – 16 |
| 3. Organization Chart | p. 17 – 18 |
| 4. Position Review Request (PRR) | p. 19 – 24 |
| 5. Desk Audit Report – July 10, 2014 | p. 25 – 27 |
| 6. E-Mail Trail with Jannah Abdul-Qadir | p. 28 – 30 |
| 7. Class Spec – Forms & Records Analyst Supervisor – 112L | p. 31 – 32 |
| 8. Class Spec – Forms & Records Analyst 3 – 112K | p. 33 – 34 |
| 9. Class Spec – Forms & Records Analyst 2 – 112J | p. 35 – 37 |

C. Class Specifications

1. Forms & Records Analyst 2
2. Forms & Records Analyst 3
3. Forms & Records Analyst Supervisor