



STATE OF WASHINGTON
OFFICE OF FINANCIAL MANAGEMENT

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

May 12, 2015

TO: Cindy Reames

FROM: Holly Platz, SPHR
Director's Review Investigator

SUBJECT: Cindy Reames v. Department of Social & Health Services (DSHS)
Allocation Review Request ALLO-15-004

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 should be reallocated to the Forms and Records Analyst 3 classification.

Background

Your position is located in Facility Services at Lakeland Village. On July 8, 2014, Lakeland Village's Human Resources Office received your Position Review Request (PRR) form. DSHS's Classification & Compensation Unit received the PRR on August 8, 2014. In the PRR, you requested reallocation of your position from Secretary Senior to Forms and Records Analyst 3, Program Specialist 3 or Program Manager A (Exhibits A-3 and B-2) You signed the Position Review Request (PRR) form on July 8, 2014.

On July 22, 2014, your supervisor, Joe Veliz, Facility Services Administrator for Lakeland Village, signed the PRR indicating that he did not agree that the information contained in the PRR was accurate. Mr. Veliz provided clarification of the areas he disagreed with in Exhibit B-5. He provided further clarification in an email dated November 5, 2014. (Exhibit B-7) In the November 5, 2014 email, he indicated that "[t]he functions listed in the PRR DSHS 03-457 are reflective of the current function's (sic) she performs and is why we would like her position reclassified to reflect the duties she actually performs."

On August 4, 2014, Anthony DiBartolo, Superintendent for Lakeland Village, signed the PRR. He provided clarification by memo dated August 4, 2014 (Exhibit B-4). In part, Mr. DeBartolo stated that he believed your duties closely resembled those of a Forms and Records Analyst 2.

Lester Dickson, DSHS Compensation and Classification Specialist, conducted the review of your position. By letter dated December 23, 2014, Mr. Dickson concluded that the Forms & Records Analyst (FRA) 2 classification best described the majority of the duties assigned to your position.

On January 21, 2015, you requested a Director's review of DSHS's allocation determination and asked that your position be reallocated to the FRA 3 classification. (Exhibit A-1).

Summary of your Arguments

You contend that your occupational area is Lakeland Village and that within Lakeland Village you are responsible for more than 250 forms, public disclosure requests and requests for discovery. While you agree that Millie Brombacher is the DSHS forms manager, you assert that at Lakeland Village, you exercise total control over forms including researching information; creating, revising and maintaining forms; assigning form numbers; and determining appropriate retention and destruction schedules. You argue that you fulfill public disclosure and discovery requests from a wide arena of requestors including the Department of Health, Disability Rights of Washington, attorneys, treatment centers, doctors' offices, etc. You contend that you are the Lakeland Village contact person for public disclosure and discovery requests and that you deal with requestors directly without going to your supervisor first. You explain that approximately 30% of the requests you fulfill are sent to the DSHS central office but assert that you are totally responsible for the remaining 70% at Lakeland Village. You agree that your position does not have supervisory responsibilities but explain that you lead staff and volunteers. You contend that you require little supervision and that your work is not checked by others. You believe that your position is best described by the FRA 3 level.

Summary of Mr. Veliz' PRR Comments

In his response to the PRR, Mr. Veliz noted that your functions and responsibilities are consistent with the FRA 2 classification. He also indicated that 5% of your duties should be assigned as other duties and that the 3% of your duties designated as participating on committees was not a required job duty.

Summary of Superintendent DiBartolo's PRR Comments

In his response to the PRR, Superintendent DiBartolo explained that your position is not assigned supervisory responsibility and there is no plan to assign supervisory responsibility to your position. He further explained that the specific disciplines at Lakeland Village are responsible for procedure manual updates and that you assist them by making necessary updates for final posting as well as making hard copies of procedures. Mr. DeBartolo agreed that your position has some responsibility to update and revise procedures related to public disclosure and records retention. He also agreed that your position responds to public records request and redacts information before sending requested information to the DSHS Central Office Public Records Program Management for final review. Superintendent DiBartolo supported reallocation of your position from Secretary Senior to FRA 2.

Summary of DSHS's Reasoning

DSHS explains that you perform journey-level work managing forms and records for Lakeland Village.

DSHS contends that you function as the records coordinator for Lakeland Village and that you manage the day-to-day delivery, distribution, access, maintenance and retention of facility records.

DSHS also contends that you manage the day-to-day development, review and revision process for Lakeland Village electronic forms and maintain the forms database for Lakeland Village. DSHS explains that Millie Brombacher is the forms manager for DSHS and that she reviews and approves all forms within DSHS. DSHS argues that Ms. Brombacher is available for consultation and is the final approval, assigning forms numbers. DSHS further argues that Ms. Brombacher's staff is available to assist in the designing, analysis, formatting, use, storage and distribution of forms. DSHS asserts that the work you perform regarding forms management is consistent with the FRA 2 classification.

In addition, DSHS explains that you provide consultation to management regarding public records requests. DSHS contends that you track, retain, process and respond to public records requests including redacting exempt information from public records and that you collect and forward information to the central public disclosure officer if state-wide information is requested. DSHS states that you assist customers with questions about public disclosure and are responsible for responding to requests in accordance with public disclosure laws. DSHS asserts that you perform journey level work in regard to public record requests which is consistent with the FRA 2 classification.

DSHS asserts that you do not provide the level of consultation envisioned at the FRA 3 level and that your position best fits the FRA 2 classification.

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 A-3 and B-2), when asked to you describe the purpose of your position, you stated:

I function as management's consultant and specialist for [Lakeland Village] records, [Lakeland Village] Procedure Manual, [Lakeland Village's] Forms, Public Disclosure Request and the Discovery process for Lakeland Village and function as the Facility Services Department Administrative Assistant. Responsibility to coordinate the day-to-day delivery, distribution, access, maintenance and retention of [Lakeland Village's] procedure manual, electronic forms, public disclosure requests and overall operation/administration of client/resident records of present and past.

Your duties, responsibilities and tasks are described in detail in your PRR. As stated, in part, in your PRR, your duties and responsibilities include:

- 40% Function as Records Coordinator/specialist for LV Clients/Residents Records. Manage the day-to-day delivery, distribution, access, maintenance, retention of facility records, electronic form development/revising, review, process any public record requests for the facility regarding client/resident records and track those on ARRTS
- 25% Public Record Disclosure Coordinator
- 25% Coordinates the administration of the Lakeland Village's Procedural Manual
- 5% Mail distribution for Lakeland Village
- 3% Order inventory for department members; Editor of Village Voice; Committee work
- 2% Relieve Switchboard for breaks one week a month or on an as need basis.

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.

I agree with DSHS that the Program Specialist and Program Manager classes are not the best fit for your position.

Allocation to a program class requires that the functions of the position constitute a program. The State Human Resources Glossary of Classification Terms defines a program as:

A specialized area with specific complex components and tasks that distinguish it from other programs (or the main body of an organization). A program is specific to a particular subject and has a specific mission, goals, and objectives. A program typically has an identifiable funding source and separate budget code.

The specific components and specialized tasks involve interpretation of policies, procedures and regulations, budget coordination/administration, and independent functioning. Typically requires public contact relating specifically to program subject matter, clients, and participants.

Duties are not of a general support nature transferable from one program to another. Performance of clerical duties is in support of an incumbent's performance of specialized tasks. Independent performance of these duties usually requires at least a six-month training period.

Coordination of records, forms, public disclosure requests and procedure manual updates does not meet the definition of a program. Rather, the duties of your position support Lakeland Village staff, clients and residents by managing forms used within the institution, by coordinating public records requests received at the institution and by assisting in the completion and distribution of procedure manual updates. The tasks you perform are not distinguished from the main body of Lakeland Village. Your body of work does not constitute a program separate from the main body of Lakeland Village.

In addition, the State Human Resources Glossary of Classification Terms provides that the duties of a program manager involve authority over:

- Developing program goals and objectives.
- Developing timetables and work plans to achieve program goals and objectives.
- Developing program policies and procedures.
- Preparing program budgets, adjusting allotments and authorizing expenditures.
- Controlling allocation of program resources.
- Setting and adjusting program priorities.
- Evaluating program effectiveness.

Your position does not have the level or scope of duties and responsibilities required for allocation to a program manager classification.

When 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. Mikitik v. Dept's of Wildlife and Personnel, PAB No. A88-021 (1989); see also, Waldher v. Dept. of Transportation, PRB Case No. R-ALLO-08-026 (2009).

The majority of your duties and responsibilities are specifically included in the FRA class series.

A 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. Although the Superintendent indicates that your position does not currently supervise staff and there is no plan to assign supervisory responsibilities to your position in the future, whether you supervise staff is not the primary allocating criteria.

The **Forms and Records Analyst 2** (FRA 2) definition states, in relevant part:

Positions at this level provide consultation to managers and perform journey-level forms and/or records work such as analyzing manual, electronic and/or automated forms and/or records management problems, developing and implementing plans for rectifying system deficiencies, designing forms and coordinating forms production. Incumbents assist with and coordinate records retention, migration, transfer and disposition, utilize manual, electronic and/or automated systems, and provide consultation on forms and/or records management programs and system requirements. Incumbents conduct record inventories, assist with reviewing and updating record retention schedules and coordinate, retrieve information for and respond to public record requests

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The State Human Resources Glossary of Classification Terms defines journey level as: "[f]ully competent and qualified in all aspects of a body of work and given broad/general guidance. Individuals can complete work assignments to standard under general supervision. Also referred to as the working or fully-qualified level."

In Geisa et. al. v. Dept. of Social and Health Services, PRB Case Nos. R-ALLO-11-004 – 008 (2011), the Personnel Resources Board provided further clarification of the FRA 2 level and stated that:

At the Forms and Records Analyst 2 level, incumbents provide consultation to managers and perform journey-level forms and/or records work. Incumbents also assist with and coordinate records retention, migration, transfer and disposition, utilize manual, electronic and/or automated systems, and provide consultation on forms and/or records management programs and system requirements. (Emphasis added.)

The majority of your work involves forms, records and public disclosure. Your position performs journey-level duties found in the definition for the FRA 2 level. However, your level of responsibility for the majority of your work goes beyond assisting with records retention, migration, transfer and disposition and retrieving information for and responding to public record requests. You are responsible for coordinating all the forms and retention of records for Lakeland Village not assisting in this function. In addition you are the coordinator for all public record and disclosure requests that are received at Lakeland Village which includes identifying the scope of requests, redacting information and providing information to the requestor. In Exhibit B-7, your supervisor confirmed that no other staff performs record requests or discovery functions at Lakeland Village. The FRA 2 classification is not the best fit for the majority and overall scope of your duties and the level of responsibilities assigned to your position.

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.

The State Human Resources Glossary of Classification Terms defines specialist duties as involving “intensive application of knowledge and skills in a specific segment of an occupational area.”

The FRA 3 level provides that positions serve as records system specialists for two or more systems or serve as management consultants for complex form or records issues or provide management consultation and determination of public record requests. Your position provides consultation to Lakeland Village staff for more than 250 electronic and/or hard copy forms and for the retention, disposition, transfer, storage and cataloging of all records held by the facility. In addition, your position is the only position at the Lakeland Village responsible for public record requests. In carrying out this function, you provide specialized consultation and make determinations regarding public record requests including which information is exempt from disclosure and must be redacted prior to distribution to the requestor. The majority of your duties and your level of responsibility meet the definition of the FRA 3 classification.

In addition, while not allocating criteria, the following FRA 3 typical work statements describe your position:

- 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;
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I recognize that the FRA 3 classification does not specifically address your responsibility for administration of the Lakeland Village Procedural Manual. However, this responsibility does not constitute a majority of your duties. The majority of your duties involve forms, records and public disclosure. The FRA 3 class best describes the majority of the duties and the level and scope of responsibility assigned to your position. Your position should be reallocated to the FRA 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 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

CINDY REAMES v DSHS
ALLO-15-004

A. Cindy Reames Exhibits

1. Director's Review request received January 21, 2015
2. List of Lakeland Village Forms
3. Position Review Request
4. PDF of Yakima Valley
5. LV Procedure Manual Table of Contents

B. DSHS Exhibits

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C. Class Specifications

1. Secretary Senior 100T
2. Forms & Records Analyst 2 112J
3. Forms & Records Analyst 3 112K
4. Program Specialist 3 107J
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