



STATE OF WASHINGTON
OFFICE OF FINANCIAL MANAGEMENT

STATE HUMAN RESOURCES DIVISION | DIRECTOR'S REVIEW PROGRAM
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DATE: October 30, 2015

TO: Kristie Wilson
Rules and Appeals Program Manager

FROM: Lucy Macneil
Director's Review Program Investigator

SUBJECT: Christine Larson v Department of Social & Health Services (DSHS)
Allocation Review No. ALLO-15-028

Director's Determination

This position review was based on the work performed for the six month period prior to October 27, 2014, the date DSHS received a management-initiated request for reallocation of Christine Larson's position from Speech Pathologist/Audiologist 2 (SP/A 2) to Speech Pathologist/Audiologist 3 (SP/A 3). As the Director's Review Investigator, I carefully considered all of the documentation in the file, the exhibits and the verbal comments provided by both parties. Based on my review and analysis of Ms. Larson's assigned duties and responsibilities, I conclude her position should be allocated to the Speech Pathologist/Audiologist 3 classification.

On October 27, 2014, DSHS Human Resources (HR) received a Position Description Form (PDF) submitted by Sean White, Ms. Larson's Supervisor and Megan DeSmet, Program Area Team C Director, requesting that Ms. Larson's position be reallocated from SP/A 2 to SP/A 3. A revised PDF was submitted by Mr. White on November 14, 2014. Only the November 2014 PDF was considered by DSHS in making its determination.

DSHS HR conducted a review and notified Ms. Larson on February 4, 2015, that her position was correctly allocated to the SP/A 2 classification. (Exhibit B-1)

Ms. Larson submitted a request for review with OFM State HR which was received on March 2, 2015. (Exhibit A-1)

On August 4, 2015, I conducted a telephone review conference with the parties. Present for the conference were: Ms. Larson, Tina Fleischer, Developmental Disabilities Administrator (Ms. Larson's current supervisor) and Mike Raich, DSHS HR Class/Compensation Specialist. He was joined during the conference by Ellen Andrews, DSHS HR Class/Compensation Administrator.

Rationale for Director's Determination

The purpose of a position review is to determine which classification best describes the overall duties and responsibilities of a position. A position review is neither a measurement of the volume of work performed, nor an evaluation of the expertise with which that work is performed. A position review is a comparison of the duties and responsibilities of a particular position to the available classification specifications. This review results in a determination of the class that best describes the overall duties and responsibilities of the position. *Liddle-Stamper v. Washington State University*, PAB Case No. 3722-A2 (1994)

Duties and Responsibilities

Ms. Larson is a SP/A 2 at the Rainier School. At the time the request for reallocation was submitted she was supervised by Mr. White. At the time of the review conference, Mr. White had been replaced by Ms. Fleischer.

The scope of work for Ms. Larson's position states:

Provides annual speech/language assessments for assigned caseload including, but not limited to: Identifying individual communication modalities and needs, developing individual program plans that are incorporated into the respective Individual Habilitation Plan (IHP) or Behavior Support Plan (BSP), monitoring progress, conducts oral motor evaluations upon administration request, provide staff instruction as needed and participates as an active member of interdisciplinary teams (IDT). (Exhibit B-2)

The duties assigned to Ms. Larson's position are as follows. Essential functions of the position were underlined in the original. (Exhibit B-2)

85% Identify and evaluate language, speech, and hearing, abilities using various diagnostic tools

Develop treatment programs with the cooperation of an IDT.

Administer, monitor, and evaluate assigned program(s), providing individual written assessments and report information to the HPA and DDA 1 as appropriate.

Conduct in-service training for staff concerning speech, language and hearing disabilities including any assigned programs.

Instructs speech pathologists, audiologists, students, and/or support staff. Actively monitors implementation of speech and language programs and eating protocols.

Used appropriate treatment methods for receptive and expressive language disabilities, articulation and voice disorders, stuttering and development of

alternative means of communication (e.g., augmentative communication devices, sign language)

Assume responsibility for specialized program(s) as assigned by the DDA1 and/or PAT Director.

Plan and provide for the treatment of clients that includes: tests for verbal ability and for specific language learning disabilities including deficits in auditory and visual memory or discrimination, tests for voice disorders, articulatory problems, sensory-neutral problems of the speech mechanism, pure tone and speech audiometry and other audiometric tests for hearing evaluations, and complete evaluations for dysphasia.

Plan, administer and/or participate in specialized programs in speech, language, and hearing services.

Direct and/or participate in the screening of clients to determine individuals requiring more extensive evaluation of speech, language, or hearing disabilities.

Consult with IDT's regarding progress and training procedures.

Ensures that all work requirements are completed in timely manner and in accordance with applicable regulations, policies, and procedures.

Serve on the Oral-Motor Team: assess and implement recommendations in coordination with the IDT and primary care physician; consult with the IDT to insure that all human rights issues are addressed; complete an eating/swallowing assessment or screening for newly admitted clients and any client observed or referred to them having eating/swallowing difficulties such as increased coughing, wet voice, or food refusal or any client who has had a choking/hard coughing incident.

As an Oral Motor team member assess the characteristics of each referred client's eating/swallowing skills and record the results as specified in the SOP's.

10% Provide QIDP duties for both PAT C and grounds-wide responding to behavioral crisis and supporting/directing direct care staff in the implementation of respective BSP; making needed emergent decision given specifics of the situation. Ensuring that principles and methods of Therapeutic Options are followed.

5% Performs other duties as assigned.

Ms. Larson disagrees with Mr. Raich's determination that her position is correctly allocated as a SP/A 2. She believes her position should be allocated to the SP/A 3 classification.

Supervisor's Comments

Mr. White requested the reallocation for Ms. Larson's position. Ms. Fleischer, who succeeded Mr. White as Ms. Larson's supervisor, indicated in the review conference that she supported Ms. Larson's appeal of DSHS-HR's determination.

Summary of Employee's Perspective

Ms. Larson is appealing the determination by DSHS HR that her position is correctly allocated as a SP/A 2. She disagrees with her supervisor's delineation of her assigned duties and responsibilities which was the basis of DSHS's review and determination.

Shortly before the review conference, Ms. Larson submitted a separate PDF to OFM State HR which she believes more accurately describes her job duties. Because she was appealing DSHS HR's determination, which was based on the PDF submitted by her supervisor, Ms. Larson's submittal was not entered into the record or considered in my review.

Ms. Larson submitted two different PDFs as exhibits in her appeal. The first one is dated February 2010, and was signed by Timothy Gullick, Ms. Larson's supervisor at that time. The 2010 PDF was submitted to update duties assigned to the position. Ms. Larson's signature appears on the document, noting that she had received a copy. (Exhibit A-4)

The second PDF submitted by Ms. Larson is the PDF submitted by Mr. White in November 2014, requesting reallocation of Ms. Larson's position. (Exhibit A-5 & Exhibit B-2) Ms. Larson did not receive a copy of the 2014 PDF prior to DSHS' determination letter.

It is worthy to note that there is only one difference between the duties and responsibilities listed in the February 2010 PDF and the November 2014 PDF. The following section has been added to the duties of the position in the 2014 PDF:

"Instructs speech pathologists, audiologists, students, and/or support staff. Actively monitors implementation of speech and language programs and eating protocols." (Exhibits A-5 & B-2)

In her cover letter to OFM State HR, Ms. Larson stated the following:

"Please note that there are 3 different definitions of an SP3 each separated with the qualifier OR. I qualify as an SP3 under the third definition as I work in a developmental disabilities residential facility."

Later in the cover letter she states that the 2010 PDF Form

"...does not contain all my current duties—especially those as the Rainier School Standard Setter and Lead Speech Pathologist." (Exhibit A-Cover Letter)

During the review conference, Ms. Larson elaborated on her role as Standard Setter and Lead Speech Pathologist. She represents Speech Pathologists/Audiologists at Quality

Assurance meetings and patient review; sets referral standards for staff to follow and has established dietary and feeding standards; runs the meetings of the Professional Practice Group; and chairs the Nutrition and Aspiration Risk Review Committee.

According to Ms. Larson, these duties were assigned to her when the Speech Pathologist 3 retired in 2009, and she has been performing them continuously since then. Requests to the Rainier School for contact with the Standard Setter and/or Lead Pathologist/Audiologist are referred to Ms. Larson. These responsibilities are delineated in the Description of Duties section of Ms. Larson's DSHS Employment History Form. (Exhibit A-14)

When a new SP/A 3 was hired in 2014, that position was not assigned the responsibilities of Standard Setter or Lead Speech Pathologist/Audiologist. It is Ms. Larson's understanding that the new staff member had indicated that s/he would not accept assignment of those duties. Mr. Raich did not challenge Ms. Larson's assertion.

Ms. Larson documents that she is identified as the Speech Pathologist Lead in an email from the administrator in charge of Quality Assurance convening a team of people from across the organization, including all of the Professional Practice Group Leads, for weekly meetings. (Exhibit A-7)

Summary of DSHS' Perspective

In his determination letter, Mr. Raich reviewed the definition and characteristics of the SP/A 2 and 3 specifications. After reviewing the definitions and special characteristics of both classifications, Mr. Raich determined that some of Ms. Larson's duties were at the level of Speech Psychologist/Audiologist 3, the majority of the duties delineated in November 2014 PDF are at the Speech Psychologist/Audiologist 3 level. (Exhibit B-1)

In his review, Mr. Raich cited *Emerson v. DOT*, PRB Case No. R-ALLO 09-010 (2009), and *Dudley v. Dept. of Labor and Industries*, PRB Case No. R-ALLO-07-007 (2007) in concluding that the SP/A 2 classification best fits Ms. Larson's duties and responsibilities. (Exhibit B-1)

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 Speech Pathologist/Audiologist 2

The definition of Speech Pathologist/Audiologist 2 states:

Manages a specialized program(s) within the Speech-Language Pathology and Audiology Department;

OR

Assumes independent responsibilities in the Communication Development/Communication Disorder Program which may include supervision of support personnel and/or direction of a specific program(s) within the total department program.

OR

Directs the planning, organization, and delivery of the total speech, language, and hearing program in an institution;

OR

Within a developmental disabilities residential facility, provides services to one or more assigned units consisting of 80-150 residents.

The Distinguishing Characteristics of this class state:

Plans, administers and/or participates in specialized programs in speech, language, and hearing services such as maintaining certification for the institution as a training site, coordinating clinical internships and practicums, maintaining grant-funded areas, and the evaluation and treatment of individuals.

Ms. Larson is responsible for providing services to one or more assigned units consisting of 80-150 residents within a developmental disabilities residential facility is clearly described in the definition for this classification. In addition, her responsibility for evaluating individual clients is a distinguishing characteristic for this classification. However, this classification does not describe her responsibilities as Standard Setter and Lead Speech Pathologist at the Rainier School.

Comparison of Duties to Speech Pathologist/Audiologist 3

The definition of Speech Pathologist/Audiologist 3 states:

Provides training in the evaluation and treatment of verbal communication and/or hearing disorders to students in a Speech-Language Pathology/Audiology Department;

OR

Directs the planning, organization, and delivery of total speech, language and hearing services and supervises speech pathologists and other support staff in an institution;

OR

In a developmental disabilities residential facility, responsible for developing, implementing, and monitoring performance standards, policies and procedures to ensure cross-unit standardization and quality control.

The third aspect of definition of SP/A 3 accurately describes Ms. Larson's responsibility as Standard Setter and Lead Speech Pathologist, as she regularly develops, implements and monitors performance standards, policies and procedures to ensure cross-unit standardization and quality control.

The Distinguishing Characteristics for this class state:

Supervises and instructs speech pathologists, audiologists, students and/or support staff.

The distinguishing characteristics of this classification do not accurately reflect the distinctions drawn by the three definitions above. Neither the first nor the third definition speak to supervision, yet the distinguishing characteristics statement assumes supervision as well as instruction.

The November 2014 PDF lists one of Ms. Larson's essential duties as conducting in-service training for staff concerning speech, language and hearing disabilities. In addition, she is tasked with instructing speech pathologists, audiologists, students and/or support staff. (Exhibit B-2)

Typical Work

Plans, organizes and directs the Communication Disorders Services for identification and treatment of speech, language and hearing impaired individuals; confers with other staff to coordinate Communication Disorders Services with those of other programs; establishes procedures for referrals to specialists within and outside the institution when appropriate;

Establishes procedures to provide consultative services to other departments/agencies;

Supervises and instructs speech pathology/audiology staff and students, assigns and schedules work, conducts annual performance evaluations, recommends disciplinary actions, acts upon leave requests;

Conducts demonstration evaluations and treatment sessions to assist in the professional and clinical training of students;

Conducts regularly scheduled departmental meetings; represents department at administrative and inter departmental meetings;

Prepares budget estimates for departmental program;

Directs research in speech language and hearing.

Performs other duties as required

Although examples of typical work do not form the basis for an allocation, they lend support to the work envisioned within a classification. In the case of the SP/A 3 specification, the examples clarify the nature of the work performed by Ms. Larson, as she chairs the Nutrition & Aspiration Review Committee; she convenes the Professional Practice Group and she serves on the school-wide Quality Assurance Committee as the Speech Pathologist Lead. In addition, she instructs staff. (Exhibits A-6, A-7, A-12)

Mr. Raich acknowledged that her manager did not provide an estimate of time Ms. Larson spent providing the higher level duties. While Ms. Larson does provide services to 94 clients in a developmental disabilities residential facility, she also is responsible for developing, implementing and monitoring performance standards, policies and procedures to ensure cross-unit standardization and quality control.

Ms. Larson's duties and responsibilities do not encompass the full breadth of the duties described by the SP/A 3 classification and the classification does not specifically identify lead responsibilities in the definition or distinguishing characteristics.

In his determination letter, Mr. Raich acknowledged that some of Ms. Larson's duties were best described by the SP/A 3 specification, but he relies on *Ramos v. DOP*, PAB Case A85-18 and *Dudley v. Dept. of Labor & Industries*, PRB Case No. R ALLO-07007 (2007) which state that positions are to be allocated to that class which best describes the majority of the work assignment.

In *Salsberry v. Washington State Parks and Recreation Commission*, PRB Case No. R-ALLO-06-013 (2007), the Personnel Resources Board addressed the concept of best fit. The Board concurred with the former Personnel Appeals Board's conclusion that while the appellant's duties and responsibilities did not encompass the full breadth of the duties and responsibilities described by the classification to which his position was allocated, on a best fit basis, the classification best described the level, scope and diversity of the overall duties and responsibilities of his position. *Allegri v. Washington State University*, PAB Case No. ALLO-96-0026 (1998).

Based upon the review of Ms. Larson's duties, and in accordance with *Salsberry v. Washington State Parks and Recreation Commission*, PRB Case. No. R-Allo-06-013 (2007), the Speech Pathologist/Audiologist 3 classification best fits the level, scope and diversity of the overall duties and responsibilities of Ms. Larson's position. Accordingly, her position should be allocated to the Speech Pathologist/Audiologist 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.

List of Exhibits

A. Christine Larson Exhibits

1. Request for Director's Review
2. Letter from Mike Raich, Classification & Compensation Specialist
3. Class Specification for SP/A3
4. PDF Form dated February 2010
5. PDF Form dated November 2014
6. Minutes from Professional Practice Group which I schedule, run, and write up
7. E-mail from Quality Assurance Coordinator requesting my presence as PPG Lead
8. Quality Assurance (QA) Summary dated 4/19/11 which I compiled, composed, and presented at Quality Assurance-Interdisciplinary Team meeting.
9. Quality Assurance statistics dated 4/19/11 which I compiled
10. Quality Assurance Summary dated 10/23/14
11. QA-IDT Meeting Minutes (April 25, 2013)
12. Nutrition & Aspiration Review Committee (NARC) minutes dated 1/21/11
13. NARC Minutes dated 7/18/14 with some of the statistics/charts I compile
14. DSHS Employment History Form listing description of current duties

B. Department of Social & Health Services Exhibits

1. February 4, 2015 DSHS allocation determination letter
2. PDF EJ14
3. Organizational Chart
4. Class Specification for SP/A2
5. Class Specification for SP/A3
6. Data reviewed for retention issues with current SP/A2 positions at Rainier School

C. Class Specifications

1. Speech Pathologist/Audiologist 2
2. Speech Pathologist/Audiologist 3

D. Exhibits requested by Director's Review Investigator

1. October 2014 Position Description Form
2. October 2014 Position Action Request Form
3. October 2014 Assessment of Observed Job Performance Form
4. DSHS Employment History Form