



**STATE OF WASHINGTON  
OFFICE OF FINANCIAL MANAGEMENT**

STATE HUMAN RESOURCES DIVISION | DIRECTOR'S REVIEW PROGRAM  
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August 26, 2015

**TO:** Connie Goff, PHR  
Rules and Appeals Program Manager

**FROM:** Kris Brophy  
Director's Review Program Investigator

**SUBJECT:** Employees v. Department of Social and Health Services (DSHS)  
Allocation Review Request ALLO-15-038 through ALLO-15-056

Director's reviews regarding the allocation of the following positions have been completed:

038 BOBBY CRAIG	046 ROXI BOOLEN	052 HEATHER BROWN
039 JOEL DUMESLE	047 LINDA CEARLEY	053 PAMELA COFFELL
040 CHARLES FRENCH	048 DENISE DIAZ	054 JOEL GOPLIN
041 MIGUEL GUZMAN	049 APRIL LICKAR	055 PATTY INGERSOLL
042 BERNA HABERMANN	050 GAGE LOCKHART	056 JANET ROLLINS
043 ALFREDO HERRERA	051 SALLY WILKINS	
044 RAY MAGANA		
045 REBECCA WITHROW		

### **Director's Determination**

This Director's review was based on a review of the Position Review Request (PRR) forms describing each employee's duties and responsibilities.

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 comments provided by both parties. Based on my review and analysis of the employee's assigned duties and responsibilities, I conclude their positions are properly allocated to the Social Service Specialist 3 (SSS 3) classification.

### **Background**

The nineteen employees who are the subject of this review filed position review requests with DSHS Human Resources Division, Classification and Compensation Unit (HRD CCU), requesting reallocation to the AGO Investigator/Analyst class based on the specialized nature of their work. On December 9, 2014, the CCU received eight PRR's from the employees who report to Ms. Roxy Plinski. On December 12, 2014, the CCU received seven PRR's from the employees who report to Christopher Mallonee. On

February 3 and February 6, 2015, the CCU received six PRR's from the employees who report to Ms. Jackie Lynch. All of the PRR's submitted were identical in job content.

On April 2, 2015, HRD - CCU issued determinations for these positions indicating the positions were properly allocated to the SSS 3 class.

The employees filed timely appeals with State HR requesting reallocation to the AGO Investigator/Analyst class.

On July 15, 2015 I conducted a combined telephone review conference with the employees including Pamela Coffell, Heather Brown, Roxi Boolen, Ray Magna and Patty Ingersoll. Also in attendance were Dorothy Hibbard, Classification and Compensation Specialist, HRD CCU; Jeanette Lyles, Human Resource Consultant (HRC), HRD CC; and Pao Vue, Regional Administrator, HSC.

### **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**

The positions under consideration are located in DSHS within the Aging and Long Term Support Administration (ALTSA - formerly ADSA). The positions are assigned to the Adult Protection Services (APS) program located within the Home and Community Services (HCS) Division - Region 1, Eastern Washington.

### **Position Purpose**

The employees investigate allegations of abuse, neglect, abandonment, and/or exploitation of vulnerable adults that fall under the jurisdiction of RCW 74.34. Their positions ensure compliance with RCW 74.34 and make referrals to other for protective services for vulnerable adults.

### **Duties and Responsibilities**

The employees' major job duties are summarized in the PRR (exhibit B-3) as follows:

- 75% Plan and conduct civil investigations for mistreatment of [Vulnerable Adults] VAs.  
Investigate allegations of abuse, neglect, exploitation, and abandonment.  
Conduct interviews of AV's [Alleged Victim] (within required timeframes) AP's [Alleged Perpetrator], and interview collateral sources and develop other sources of information.  
Extensive travel is required at times.

Conduct research, analysis, audits, and other necessary tasks needed to obtain relevant information and documentation.

Thoroughly investigate allegations of VA mistreatment and/or violations according to RCW 74.34 within the required timelines of RCW 74.34 and Chapter 6 of the Long Term Care Manual.

Be a representative of the law of the State of Washington for RCW 74.34.

Interpret medical and financial documents as well as functional assessments, psychological evaluations, legal and court documents.

Collect, preserve, and handle evidence in accordance with established laws and rules.

Gather and compile investigation related documents, witness statements, photographs, LE [Law Enforcement] reports, court and medical documents.

Make a finding determination based on sufficient evidence to support an "airtight" case that is "beyond a reasonable doubt".

Work in coordination with LE, courts, etc.

Cooperate with local and federal LE [Law Enforcement], prosecutors, and the AG's [Attorney General] to support criminal prosecution or civil actions.

Maintain case file and current documentation of investigative activity.

Case notes need to be clear, concise, and detailed in electronic format to be used as necessary in administrative hearings and/or civil/criminal matters if requested under Public Disclosure and/or subpoena.

Research activities in various databases.

Have working knowledge of online databases i.e. Barcode, ACES, CARE, Client Registry, SSPS, etc. Have knowledge of other potential search databases and know how to use/access them.

Complete criminal history checks and review of information obtained from various LE, other state and federal agencies.

10% Assess VA's cognition, physical, mental, and functional abilities.

Possess and often use crisis intervention skills in order to diffuse volatile situations and/or engage in problem solving interactions.

Assess environmental safety and proceed accordingly.

Provide protective services: VAPOs [Vulnerable Adult Protection Order], Guardianships, refer for DDD [Division of Developmental Disabilities] services, MH [Mental Health] services, residential placements, or other referrals for various long term care services, medical attention, legal assistance, etc.

Be able to determine eligibility for available programs.

Knowledge of financial and functional eligibility for long term care services under Medicaid guidelines.

Assist AV's with application process and/or refer AV for application assistance. Partner and network with other community agencies as well as HCS SW's and FSS to help provide protective services.

Work with the AG's office in establishing Guardianships and/or dissolving Guardianships in State Courts. Work with Tribal Courts, counsel, Tribal Attorney's establishing Guardianships and/or dissolving Guardianships or assist VA's in obtaining protection orders (VAPOs) established in State Courts.

5% Participate in Fair Hearings and court related activities related to substantiated findings of mistreatments and protective services. At times, may need to participate in criminal proceedings as required by law.

5% Attend unit meetings, Adult Protective Services Academy, weekly staff meetings, APS Investigative Review Team due process, all-staff meetings, and trainings to enhance skills.

Maintain competency and keep current on compliance with department policy and procedures per Chapter 6. (Note: Chapter 6 of the Long Term Care Manual)

5% Develop, promote, and provide guidance, education and awareness, as a subject matter expert, to partnering agencies, LE, prosecutors, community entities, and citizens regarding the law under RCW 74.34 and the APS services program and other services available to VA's.

### **Supervisor's Comments**

DSHS conducted extensive interviews with the employee's management and supervisory staff. These comments are documented in the exhibits and summarized in the allocation determination letter (exhibit B-30). The following are a summary of those comments as stated in the determination letter.

Kathy Morgan is the Chief of Field Operations for HCS. Ms. Morgan believes the employees' work has become more complex. She explained the employees investigate allegations of financial exploitation, self-neglect, neglect and mental abuse. Financial exploitations are the most numerous and most complex. APS workers have to work with financial institutions in obtaining bank records and determining if an alleged perpetrator took advantage of or financially exploited a vulnerable adult. Ms. Morgan also indicated that the self-neglect cases require a great deal of social work, protective service case management, working with the Attorney General's office, and court work. Ms. Morgan also indicated the employees do not carry a caseload, but rather are assigned cases, which are to be closed within ninety days per agency policy.

Pau Vue is the Regional Administrator for HCS, Region 1. Mr. Vue indicated that APS Investigators do not write investigative reports. Instead, they use the agency's Tracking Incidents of Vulnerable Adults (TIVA) system to input information which is used to generate "Outcome Reports" containing their findings. Mr. Vue indicated the employee's decision making authority includes deciding who will be interviewed and what evidence will be collected. In addition, employees determine if protected services are needed; and if an allegation should or should not be substantiated. Mr. Vue indicated that APS Investigators do not conduct criminal investigations, nor do they have the power to subpoena, interrogate, arrest or detain alleged perpetrators. He also indicated the investigative standard of proof is "preponderance of the evidence" rather than the "beyond a reasonable doubt" standard required by law enforcement investigations.

Mr. Stickel is the Field Services Administrator for HCS, Region 1. He states that APS workers "are investigators who investigate and also provide social services when needed." Mr. Stickel indicated that

the APS employees spend seventy percent of their time on investigations and thirty percent of their time providing social services.

Mr. Stickel agrees the employees do not have a set case load as APS Intake workers are the initial point of contact for vulnerable adult abuse allegations. The Intake workers receive the allegations and assign them out to the investigators.

Roxy Plinski, Jackie Lynch, and Christopher Mallonee, are APS Supervisors for HCS Region 1. The supervisors agree the employees spend a majority of their time investigating mistreatment of vulnerable adults, and that, "Providing social services to the alleged victim is a very small part yet a necessary part of this role".

The supervisors indicate that the employee's APS investigator duties include conducting face to face interviews with alleged victims, making alleged perpetrator and collateral contacts as needed, interpreting psychological evaluations, reviewing medical and financial documents, performing functional assessments, and reviewing legal and court documents.

The supervisors indicated that the social services/protective services provided by the employees making community referrals for the vulnerable adult based on the person's specific needs and petitioning for guardianships when necessary.

The supervisor's do not believe the APS workers carry a caseload; but rather are assigned cases as they come through the APS Intake unit.

### **Summary of Employee's Perspective**

As noted in the PRR, the employees believe the functions of their positions and the duties they perform most accurately align with the AGO Investigator/Analyst class. The employees assert they perform the same or similar work as Medicaid/Fraud Control unit (MFCU) positions allocated to that class. For example, the employees state they work as investigators and must have expertise, knowledge, and skills in certain specialized areas. They both work to enforce compliance within the Federal and State laws and policies. They work on cases that include civil and/or criminal statutes and each works in coordination with law enforcement, prosecutors, and courts.

In addition, the employees assert that similar to the MFCU, the APS program is a mandated and partially federally funded investigative unit staffed by attorneys, investigators and support personnel. The mission of APS is to investigate reports of abuse, neglect, abandonment, and exploitation of vulnerable adults. Their positions provide valuable information and assistance to law enforcement in investigating and prosecuting crimes. It also provides training to partnership agencies, industry stakeholders, and the community.

The employees further assert the primarily function of their positions is to perform complex investigation work rather than social work and case management activities. The employees assert the extent of the social work or social services they perform is limited to making referrals to other agencies and/or services as a result of their investigations.

As investigators, the employees believe their duties include gathering information, researching, analyzing, and conducting complex investigations. This includes conducting interviews and collecting, preserving and handling evidence. This also includes preparing narratives for determinations based on sufficient evidence to support cases that reach the "beyond a reasonable doubt" standard used in courts.

For each of these reasons the employees asserts the overall scope and level of responsibility of her assigned duties meet the requirements of AGO Investigator/Analyst class and their positions should be reallocated to that class.

### **Summary of DSHS's reasoning**

DSHS asserts the employees' positions do not meet the intent of the AGO Investigator/Analyst class series of working in the Office of the Attorney General (AGO), nor do they provide legal services as required.

DSHS acknowledges the employee's positions work independently to investigate complex civil cases; however, the Investigator 2 class does not address the essential function of the positions of performing social service work that is performed in conjunction with conducting investigations. For example, DSHS states in the determination that their positions in the APS program provide:

...adult protective services in addition to conducting investigations. Although all agree that conducting investigations is a majority of the work performed by this group of SSS 3's, all also agree that an essential function of these positions is to ensure the safety of the VAs by providing protective services. The two functions go hand in hand – these positions are not pure investigators and cannot ignore the needs of the [vulnerable adult] VA.

In addition, DSHS asserts the scope of their work is specifically addressed in the SSS 3 class specification and their positions are properly allocated to that class.

### **Comparison of Duties**

When comparing the assignment of work and level of responsibility to the available class specifications, the Class Series Concept (if one exists) followed by the 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 AGO Investigator/Analyst**

#### **The Class Series Concept for this class states:**

This series works in the Office of the Attorney General (AGO). Investigators provide legal services to the state of Washington and its citizens. Positions can be found in a variety of program areas such as Torts, Consumer Protection, Medicaid Fraud, Financial Crimes, Homicide Investigation Tracking System, and The Sexually Violent Predator Program. Positions determine caseload priorities and methodologies and develop information critical to the defense or prosecution of civil or criminal cases held in superior or federal court.

#### **The Definition states:**

Investigates high profile, politically sensitive, and multi-jurisdictional cases that have statewide impact. Investigations involve vulnerable adult abuse and neglect; Medicaid fraud; consumer protection fraud; tort claims and lawsuits brought under theories of liability for state actions. Prepares written reports documenting case findings and

conclusions, and consults with the litigation/prosecution team on case strategy throughout trial.

**The Distinguishing Characteristics state:**

Investigators perform the full range of investigative and analytical duties required to complete difficult and complex cases. Independently determines caseload priorities and methodology, and develops information critical to the preparation, defense or prosecution of civil or criminal cases in superior and federal courts.

Investigative assignments are unlimited as to scope, subject matter, geographical area, and/or potential liability of the state, or recovery for the state or its residents; often, applicable case law does not exist and/or is not clearly defined.

This class series describes agency-specific investigative positions working in the Office of the Attorney General (AGO). Incumbents provide legal services to the agency and are located in a variety of program areas such as Torts, Consumer Protection, Medicaid Fraud, Financial Crimes, Homicide Investigation Tracking System, and The Sexually Violent Predator Program.

Although this is an agency-specific class, the current *Position Allocation Training* guide posted on the SHR website at:

<http://www.hr.wa.gov/SiteCollectionDocuments/CompensationAndJobClasses/1RoundtableClassCompMeetingMaterials/091208HandoutAllocationTrainingGuideRS.doc>

provides the following guidance:

All classes may be considered for use by any agency or institution. While some classes may not be appropriate for use other than in a single agency (e.g. Fish & Wildlife Enforcement Officers) due to the nature of the work performed, the emphasis is to shift away from unique classes.

It is uncontested that the employees perform investigations, which is similar in nature to many aspects of the work performed by incumbents in this class. This includes conducting interviews, gathering information, and researching and analyzing data. It also includes and collecting, preserving and handling evidence. This also includes preparing narratives based on sufficient evidence to support cases that proceed to Fair Hearings and other court related activities as required by law.

However, the definition for this class states incumbents have primary responsibility for investigating high profile, politically sensitive, and multi-jurisdictional cases that have statewide impact. In addition, the Distinguishing Characteristics clarify that incumbents perform the full range of investigative and analytical duties required to complete difficult and complex cases where applicable case law often does not exist and/or is not clearly defined. Incumbents in this class receive investigative assignments that are unlimited in scope, subject matter, geographical area, and/or potential liability of the state, or recovery for the state or its residents.

In total, the employees' case assignments do not have the scope of impact or level of complexity as required.

Although the examples of typical work identified in a class specification do not form the basis for an allocation, they lend support to the scope and level of work performed in that class. The typical work statements indicate that incumbents in this class perform such activities as:

- Investigates fraudulent or illegal business practices that may involve multiple business entities operating in Washington, as well as in other states or other countries. Investigations may be conducted in conjunction with other state agencies, other states and agencies of the federal government.
- Conducts statewide criminal investigations into Title XIX Medicaid vendor fraud and/or abuse of patients in state, state licensed, or vendor facilities to include sexual and/or physical assault, manslaughter, theft, forgery, criminal negligence, and/or financial exploitation. Medicaid fraud investigations typically involve multiple-parties, thousands of documents, and extensive analysis of electronic database contents to develop evidence admissible in court;
- Directs and conducts investigations statewide of major crimes committed against state or local government agencies/institutions and individuals,
- Responds to discovery requests such as interrogatories, requests for production of documents, and requests for admission;
- Obtains statements, prepares or attends depositions, or obtains confessions;
- Obtains and serves subpoenas to compel attendance of witnesses or to produce records;
- Collects, handles, and preserves evidence in accordance with the rules of evidence;
- Analyzes evidence to determine if it fits a cause of action or creates a new cause of action in the case;
- Conducts field surveillance;
- Obtains and coordinates service of search warrants;
- Advises parties of their constitutional rights;
- Writes investigative reports;
- Provides expert analysis of case files and investigations;
- Correlates evidence and pursues leads as indicated;
- May be required to lead an investigative team;

In total, the scope of the investigative assignments and the level of investigative work the employees does not fully reach the breadth and scope of diversity, or overall depth and level of complexity of the AGO Investigator/Analyst class.

For example, the scope of their duties do not include performing equivalent-level investigative tasks such as investigating fraudulent or illegal business practices involving multiple business entities, as well as businesses in other states or other countries. Their investigations are not conducted in conjunction with other state agencies, other states and agencies of the federal government. They do not conduct equivalent-level statewide criminal investigations into Title XIX Medicaid vendor fraud and/or abuse of patients in state, state licensed, or vendor facilities. They do not direct and conduct equivalent-level

statewide investigations of major crimes committed against state or local government agencies/institutions or individuals.

Rather, the employee's investigations are more narrowly focused. The employees investigate civil allegations of abuse, neglect, abandonment, and/or exploitation of Vulnerable Adults that fall under the jurisdiction of RCW 74.34. Their positions ensure compliance with RCW 74.34 and make referrals to protective services for vulnerable adults. While the scope of their work reaches certain aspects of this class, as a whole, the employee's positions do not fully reach the overall focus, scope, and level of responsibility required.

In addition, this class does not anticipate the scope of adult protective services work performed by the incumbents to accomplish their work. This class does not address the specific functions performed by investigative positions working in DSHS. There is another class which specifically addresses the investigative work performed by the employees in their positions within the APS program.

For each of these reasons, the employee's positions should not be reallocated to the AGO Investigator/Analyst class.

### **Comparison of Duties to Investigator series**

#### **The Class Series Concept states:**

Positions in this series conduct civil and/or criminal investigations in a variety of areas including allegations of fraud or collusion among recipients of public assistance or industrial insurance, allegations of fraudulent and/or unfair business and insurance practices, misconduct, and allegations of civil rights violations.

Positions gather facts and develop evidence with responsibility for developing the complete case from the original claim or allegation through preparation for presentation in court or administrative hearing. This includes researching records and case files; gathering and preserving documentary evidence; obtaining statements of fact, depositions, or confessions; obtaining and serving subpoenas to compel the attendance of witnesses or the production of records; conducting field surveillance; obtaining and coordinating the service of search warrants; writing investigative reports, establishing proof of facts and evidence; reviewing the case with private attorneys, assistant attorneys general, or prosecuting attorneys; and testifying in court or other proceedings as necessary.

### **Comparison of Duties to Investigator 3**

#### **The Definition for the Investigator 3 class states:**

Conducts the most complex and difficult investigations relating to sensitive and controversial cases; or, supervises investigative staff; or, acts as the statewide training expert for the investigation program.

**The Distinguishing Characteristics for this class states:**

Positions work independently to resolve the most complex investigations which are characterized by: high profile and/or political in nature; systemic, involving multiple entities; multi-jurisdictional investigations; patterns of practice or ongoing pattern of criminal activity or discrimination; vendor fraud investigations; multiple issues, claimants, and respondents; or other investigations of similar scope and level of responsibility.

The employee's case assignments do not meet the primary allocating criteria of the definition of this class of conducting the most complex and difficult investigations as the primary focus of their positions, or of supervising investigative staff, or acting as statewide training experts for an investigation program.

In addition, their positions do not meet have the scope of impact or level of complexity as required by the distinguishing characteristics of resolving high-profile and/or political, multiple-jurisdictional, or systemic cases involving multiple entities, or other investigations of similar scope and level of responsibility.

**Comparison of duties to Investigator 2**

**The Definition for the Investigator 2 class states:**

Conducts complex investigations in order to substantiate allegations of fraud, misconduct, discrimination, fraudulent and unfair business practices, or other claims under state jurisdiction.

**The Distinguishing Characteristics for this class state:**

Positions work independently to investigate and resolve complex civil or criminal cases which are characterized by: multiple claimants; internal personnel investigations; fraud or collusion among claimants, employers and providers; alleged violations within the vehicle/vessel industry; or allegations of welfare fraud.

Positions may receive limited guidance from senior level Investigators, possessing advanced knowledge, in unique situations. This guidance will be infrequent.

Positions at the Investigator 2 level conduct complex investigations and work independently to investigate and resolve complex civil or criminal cases. Cases at this level are often characterized by fraud or collusion among multiple claimants, etc. The scope of this work involves gathering facts and developing evidence.

It is uncontested the employees perform routine to complex investigation activities as the primary focus of their positions. The definition and distinguishing characteristics describe many duties which are the same or similar to the work activities performed by the employees.

However, while the employee's duties generally fall within the scope of work identified in the Investigator 2 class, this class does not anticipate the scope of specialized adult protective services work required by the incumbents to accomplish their work. As APS Investigators, this includes performing such tasks as seeking Vulnerable Adult Protection Orders and Guardianships and making referrals to Division of Developmental Disabilities services, mental health services, residential placements, or other referrals for various long term care services, medical attention, or legal

assistance. This also includes working with the Attorney General's office in establishing Guardianships and/or dissolving Guardianships in State Courts.

In addition, while the Investigator 2 class generally describes much of the work performed by the employees in their positions, allocating positions to specific rather than general classifications has been applied in numerous Board cases: Waldher; Firouzi; Makari; *Korndorfer v. Department of Transportation*, PRB Nos. R-ALLO-08-026; R-ALLO-09-005, R-ALLO-09-006, and R-ALLO-09-009 (2009).

In *Cerna v. Employment Security Dept.*, PAB No. ALLO-03-0014 (2003), the Board stated that “[i]t is not intended for a more generic classification to be used to allocate a position where the duties and responsibilities of the position are more precisely described by a more specific classification.” [See also *Nance v. Eastern Washington University*, PAB No. 3769-A2 (1995)].

Additionally, the PRB has concluded that while one class appeared to cover the scope of a position, there was another classification that not only encompasses the scope of the position, but specifically encompassed the unique functions performed. *Alvarez v. Olympic College*, PRB No. R-ALLO-08-013 (2008). The Board has also consistently held that “[w]hen there is a definition 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 will be allocated to the class with the definition that includes the position” *Mikitik v. Depts. of Wildlife and Personnel*, PAB No. A88-021 (1989).

Therefore, if there is another class that specifically encompasses the body of work, allocation to the specific class must take primary consideration. In this case, the Social Services Specialist 3 class specifically addresses performing complex investigations in accordance with RCW 73.34 and related rules and regulations.

There is another class series which specifically address the body of work under review in this appeal. Since the other class series specifically describes the scope of work and specific duties performed, allocating the employee's positions to the Investigator 2 class is not appropriate.

For these reasons the employee's positions should not be reallocated to the Investigator 2 class.

### **Comparison of duties to Social Service Specialist 3**

#### **The Definition for this class states:**

Within the Department of Social and Health Services, functions as a lead worker or sole case manager in a remote location in either Aging and Disability Services Administration or Economic Services Administration; or, performs advanced level of specialized case management in Children's Administration or Aging and Disability Services Administration. All positions at this level receive little supervision - employees are responsible for devising their own work methods.

#### **The Distinguishing Characteristics state in relevant part:**

This is the specialist level of this series functioning independently.

**IN AGING AND DISABILITY SERVICES ADMINISTRATION EITHER:**

- a) Serve as the lead worker reporting to an off-site supervisor, or;
- b) In a remote office is solely responsible for the full scope of social services provided in that location; or
- c) Provide one or a combination of the following duties a majority of the time:
  - Adult Protective Services
  - Inspection of care
  - Determine the level of nursing care needed by clients
  - Ongoing case management to adults at high risk of institutionalization or to those adults whose need for case management is part of a service plan developed following an adult protective service or investigation
- d) License and develop alternate familial resources including duties such as recruitment, providing initial and ongoing training to licensees and staff, provide field response.

The overall thrust and focus of employees' duties meets the Definition of the SSS 3 class. The employees work for the Department of Social and Health Services, working in the Aging and Disability Services Administration (now ALTSA). As indicated in the Distinguishing Characteristics, they work for the Adult Protective Services program. Their positions receive little supervision and they are responsible for devising their own work methods.

In addition, although the examples of typical work identified in a class specification do not form the basis for an allocation, they lend support to the scope and level of work performed by that classification. The SSS 3 typical work statements include the following:

...investigates complaints of abuse, neglect or failure to comply with licensing regulations;

Consults with and makes referrals to appropriate law enforcement agencies, the prosecutor's office, mental health and alcohol involuntary treatment, prepares for, appears at and testifies in judicial and fair hearing proceedings;

Provides formal and informal referral service to community resources; ...crisis counseling and intervention to individuals and families;

The focus of the employees' duties, and the majority of their duties as a whole, more consistently and fully align with these statements. For example, their investigator duties include conducting face to face interviews with alleged victims, making alleged perpetrator and collateral contacts as needed, interpreting psychological evaluations, reviewing medical and financial documents, performing functional assessments, and reviewing legal and court documents. The social services/protective services work provided by the employees include making community referrals for the vulnerable adult based on the person's specific needs and petitioning for guardianships when necessary.

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).

Based on the information provided and the discussion held during the Director's review telephone conference, it is clear the employees have a very important role at DSHS. However, a position review is not an evaluation of performance. Likewise, it does not reflect an individual's ability to perform higher-level duties. Rather, a position review is limited to the duties and responsibilities assigned to a position and how the majority of those duties best fit the available job classifications.

As a whole, when comparing the definition and distinguishing characteristics of the available classes, given their duties are more precisely described by a more specific classification, the SSS 3 class provides an overall better fit for the majority of work that the employees perform. Their positions 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:      Enclosure: List of Exhibits

## **EXHIBIT LIST**

### **ALLO-15-038 to ALLO-15-056**

#### List of Exhibits

##### **A. Employees Exhibits**

1. PDF Annual review for 2013-2014 for Pamela Coffell
2. Copy of Region 1, ALTSA Strategic Plan, Program Success Measures – Action Plan – Strategic Plan Objective showing the expectations for APS investigations
3. Pamela Coffell letter requesting Director's Review received April 20, 2015
4. Pamela Coffell Request for Director's Review dated April 22, 2015
5. Joel Goblin letter requesting Director's Review received May 1, 2015
6. Denial Letter from HR from initial Position Review Request for Pamela Coffell
7. AGO Investigator/analyst MFCU job responsibilities comparison chart to APS Investigator's current job responsibilities
8. Comparison chart for the APS Social Service Specialist 3 versus RCPP Long Term Care Surveyor in RCS (the position that was dissolved and added to the APS SSS 3 duties and responsibilities effective 11/1/2014) versus what APS Investigators are required to do and have been doing
9. Chapter 6 from the Long Term Care Manual – in 3-ring binder

##### **B. DSHS Exhibits**

1. Chief of Field Operations, HCS, Kathy Morgan's written responses to questions with example PDF and history document
2. HCS Regional Administrator, Pao Vue's written responses to questions with example PDF
3. Pao Vue's views of PRR with chart from 1/13/15 conversation
4. Pao Vue's written response to follow-up questions
5. Field Services Administrator, Patrick Stickel's written responses to questions with example PDF
6. Patrick Stickel's written responses to follow-up questions
7. Adult Protective Services (APS) Supervisor, Christopher Mallonee's written response to questions
8. Christopher Mallonee's written response to follow-up questions
9. Christopher Mallonee's written response to percentage break down of duties
10. APS Supervisor Roxy Plinski's written response to questions with example PDF

11. Roxy Plinski's written response to follow-up questions
12. APS Supervisor Jackie Lynch's written response to questions
13. Jackie Lynch's written response to percentage break down of duties
14. 2/2/15 email string denoting choice of employee spokespersons—Pamela Coffell and Raina Peone
15. Employee spokes persons written responses to questions
16. SSS 3 Joel Dumesle's individual written response to questions
17. Employee spokespersons' written responses to follow-up questions
18. Employee spokespersons' written response to percentage breakdown of duties
19. 2/10/15 notes of phone call with Loida Baniqued, Interim QAA-RCPP
20. 2/13/15 email string with notes regarding number of referrals in HCS Region 1
21. Notifications from Assistant Secretary, Bill Moss to staff regarding APS assuming all investigations relating to Chapter 74.34 RCW
22. Q & A document from HCS website regarding change
23. Excerpt from APS manual, Chapter 6 regarding change
24. Chapter 74.34 RCW Abuse of Vulnerable Adults
25. State HR Class Specification for AGO Investigator/Analyst
26. State HR Class Specification for Social Service Specialist 3
27. State HR Class Specification for Investigator 2
28. Position Review Request for each employee
29. Position Description Form for each employee
30. Response to Position Review Request for each employee

### **C. Class Specifications**

1. State HR Class Specification for Investigator 1