



**STATE OF WASHINGTON
OFFICE OF FINANCIAL MANAGEMENT**

STATE HUMAN RESOURCES DIVISION | DIRECTOR'S REVIEW PROGRAM
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July 15, 2015

TO: Connie Goff, PHR
Rules and Appeals Manager

FROM: Meredith Huff, SPHR
Director's Review Program Investigator

SUBJECT: Michael Langbehn v WA State Department of Licensing (DOL)
Allocation Review Request ALLO-14-103

Director's Determination

This position review was based on the work performed for the six-month period prior to July 21, 2014, the date DOL's Human Resources received a request for a position review of Mr. Michael Langbehn's position. I carefully reviewed the information provided and conclude Mr. Langbehn's position is properly allocated to Customer Service Specialist 4.

Background

On July 21, 2014, Mr. Langbehn submitted his Position Review Request – Employee Portion, to the Human Resources Office of DOL. (Exhibit B-2)

On October 2, 2014, Mr. Brett Alongi, HR Consultant at DOL, notified Mr. Langbehn that his position was properly allocated as Customer Service Specialist 4. (Exhibit B-1)

On October 16, 2014, the State HR Director's Review Program received Mr. Langbehn's request for a Director's review of DOL's classification determination. Mr. Langbehn indicated he believed the Management Analysis 3 class is more appropriate for his job duties. (Exhibit A-1)

On January 14, 2015, Mr. Langbehn requested a written review of his position. A review conference was not conducted. (Exhibit A-10)

On May 6, 2015, Mr. Langbehn submitted a Position Description that is dated February 5, 2014. It is signed by Mr. Langbehn and by Lynette Glassburn, supervisor. DOL's Human Resources did not date stamp or sign this form. (Exhibit D-2) As this document was not received or reviewed by DOL Human Resources, I did not include it in the documents used in this review.

POSITION REVIEW REQUEST (Exhibit B-2)

On July 21, 2014, DOL's Human Resources received and date stamped Mr. Langbehn's Position Review Request, Employee Portion. Ms. Lynette Glassburn, Supervisor, signed the

Supervisor's Portion form on July 18, 2014 and it is date stamped by DOL HR on September 3, 2014. Ms. Sue Aschenbrenner, Assistant Administrator and second-level supervisor for Mr. Langbehn's position, completed a PRR-Supervisor Portion signed August 25, 2014.

Mr. Langbehn described his duties and responsibilities on the PRR as follows:

Position Purpose:

Supervise and support 7 customer service staff through coaching, mentoring, developing, training and guiding; create, modify and implement unit policies and procedure as it relates to RCWs, WACs, federal regulations and agency policies; evaluate legislation for impacts to the agency and advise on any fiscal impacts; supervise two statewide programs within the Suspensions Unit (Administrative Suspensions and Conviction Suspensions); keep the Suspensions Unit in compliance with state and federal laws.

Work Activities, in part: [Note: The percentages add up to 90%]

65% Major Duty:

- My position exists to supervise seven FTEs within the Suspensions Unit. As the Unit Supervisor, I provide coaching, mentoring, developing, training and guidance to unit staff that are responsible for quality customer service in the Suspension Unit within the Dept. of Licensing.
- As supervisor, I am responsible for the efficient and effective operation of a multi program unit. I provide assistance in the interpretation of licensing laws, federal regulations and guidelines, WACs, internal policies and procedures to staff, licensing customers, state and federal law enforcement, state and federal courts and DOL stakeholders.
- I am additionally responsible for writing and developing departmental policies for licensing services programs within the Driver and Vehicle Records (DVR) and PSD.
- As Suspension Supervisor, I am responsible for developing training programs, providing training and technical assistance to Suspensions staff. I monitor and formulate recommendations for legislation that impacts the Suspensions Unit or Driver and Vehicle Records Division with some overlap into PSD as a whole.
- I am responsible for process improvements in the Suspensions Unit including coordinating implementation of an agreement between DSHS and DOL in the automation of child support suspensions.
- I am, also, responsible for participating in other projects and task groups to establish unit policies and practices pertinent to program changes and process improvements across PSD.

15% Major Duty

- I respond to inquiries, complaints and concerns about licensing laws and agency policies and procedures received from the public, elected officials, law enforcement, courts, state and federal agencies. I respond to these issues through email, written correspondence, telephonically and on occasion in person.
- Participate in other IS projects such as Online ADR, On-line reinstatement, On-line driver license status.
- I, additionally, act in the above capacities as a backup resource for the Record Corrections Team and other DVR and PDS units.

8% Major Duty

- I schedule and conduct unit meetings conveying relevant information regarding new legislation, process changes, program area initiatives and current problems.
- I receive input from staff and give feedback.
- I participate in meetings for DVR and Driver Services team and communicate staff input and unit activities.

2% Major Duty

- I serve on a Record Retention Committee to identify the destruction of documents within Driver Records.

Summary of Supervisor's Comments (Exhibit B-4)

On September 3, 2014, DOL Human Resources received Ms. Lynette Glassburn's completed Position Review Request, Supervisor Portion for Mr. Langbehn's position. Ms. Glassburn agreed that the information Mr. Langbehn provided on the Position Review Request was accurate and complete.

Ms. Glassburn listed the following examples of decisions Mr. Langbehn is authorized to make without prior review:

- Change to procedures within his unit.
- Approves exceptions to DVR policy.
- Approves leave and schedule modifications.
- Approves work place accommodations.
- Approves all free form correspondence written by staff.
- Approves refunds and removal of reissue fees.

Ms. Glassburn indicated she provides Administrative Direction to this position and stated:

"There are numerous factors that impact the nature and difficulty of this position. One of the main factors is new and/or updated state and federal guidelines. The DUI law changes significantly throughout the year. With these changes this position is required to learn the complex requirements of these new laws. Then develop, train, and implement new guidelines to the Suspensions Unit Convictions staff."

Summary of Second-level Supervisor's Comments (Exhibit B-5)

Ms. Sue Aschenbrenner, Assistant Administrator and second-level supervisor for Mr. Langbehn's position, clarified Mr. Langbehn's (CSS4) assigned work and authority as follows, in part.

Position Purpose, in part:

- The CSS4 is responsible to ensure the work completed by unit staff is meeting the requirements of the law. This is accomplished through the development of unit procedures.
- The CSS4 is responsible to ensure the AAMVA guidelines and rules are followed where appropriate. The AAMVA communication happens at a higher level.
- The CSS4 will review policy and procedures but does not plan and organize them. Unit policies are implemented at the Administrator level.

- The CSS4 is responsible to ensure unit staff are following new procedures. The LSM1 [direct supervisor] is responsible to ensure unit procedures are implemented when there is new legislation.
- The CSS4 responds to requests for information from the director, governor and state legislative offices. The CSS4 does not consult directly with these offices but forwards the information to the Administrator or designee for action.

Work Activities and Decision Making:

- The CSS4 may draft the policy for review and approval. The CSS4 is responsible to develop procedures...for staff to follow to meet the intent of the policies.
- The CSS4 reviews proposed legislation to see how it may affect the Suspensions unit. Findings are shared with the DVR Administrator.
- The CSS4 may participate in project meetings when AAMVA directs new federal regulations. The CSS4 is responsible to explain how the changes affect the work completed in his unit.
- The CSS4 is responsible to develop procedures for unit staff and to train them on the changes in work processes to meet the intent of the legislation.
- The CSS4 would forward responses to questions to the administrator who would review them and send them to the DOL legislative and policy office for additional review prior to being given to the legislator or staffer.
- The CSS4 makes hiring recommendations to the LSM1.
- The CSS4 is responsible to update and implement procedures so they meet the intent of agency policy.

Decision Making Authority includes:

- Authority to delay, change, alter or end departmental actions based on special circumstances.
- Develop and/or provide training to staff.
- Assist staff when needed to handle complex issues with the drive records.
- Interact with state, federal and local agencies regarding departmental policies/regulations.
- Final signature authorization for staff to remove charges to change the driver record status.
- Approve or deny refunds and/or other licensing fees.
- Approve changes to FTE work schedules ensuring business needs are met.

HUMAN RESOURCE PERSPECTIVE (Exhibit B-1 and B-8)

On October 2, 2014, Mr. Alongi informed Mr. Langbehn that his position was properly allocated to the Customer Service Specialist 4 classification based on the position's responsibilities and duties. Mr. Alongi noted that Mr. Langbehn is responsible for:

- Supervising the Suspensions Unit which involves coaching, mentoring, developing and training unit staff that is responsible for quality customer service;
- Writing and developing departmental policies;
- Training programs; providing training and technical assistance to Suspensions Unit staff;
- Monitor and formulate recommendations for legislation that impacts the Suspensions Unit.
- Respond to complaints/concerns about licensing laws and agency policies and procedures from the public, elected officials, law enforcement, courts, state and federal agencies.
- Schedule and conduct unit meetings; convey relevant information regarding new legislation.

GUIDANCE FOR DIRECTOR'S DETERMINATION

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.

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).

COMPARISON OF DUTIES TO CLASS SPECIFICATIONS

Comparison of Duties to Management Analyst Series

Class Series Concept of all Management Analyst classes is on Management Analysis 1 (109I) and states:

Positions in this series analyze management problems, provide consultation, develop strategies, conduct research, formulate recommendations, and coordinate implementation of strategic and long-range planning activities in areas such as business and organizational planning, budgeting, operations, policy issues, and proposed legislation. Incumbents develop and implement processes for monitoring and measuring outcomes of activities.

For a position to be allocated to the Management Analyst series, the position's assigned duties and responsibilities must align with the Class Series Concept.

Mr. Langbehn's assignments do not include responsibilities to analyze agency management problems, provide consultation, develop strategies, conduct research, or formulate recommendations and coordinate implementation of strategic and long-range planning activities as anticipated by the Class Series Concept of the Management Analyst series. Mr. Langbehn is not assigned responsibilities for problem solutions or consultation in agency business and organizational planning, budgeting, operations, policy issues and proposed legislation to the extent anticipated by the Class Series Concept of the Management Analyst series.

Rather, Mr. Langbehn supervises employees in the Suspensions Unit within the Driver and Vehicle Records section, within the Programs and Services Division of DOL. (Exhibit A-4) Although Mr. Langbehn's delegated responsibilities involve analyzing problems, developing strategies, formulating recommendations, these activities are directed to the operations within the Suspension Unit and the supervision of Unit staff.

The nature and focus of Mr. Langbehn's assigned responsibilities do not reach the level of analyzing problems and providing consultation or developing strategies for improvement for DOL business planning, budgeting, operations, policy issues and proposed legislation as anticipated by the Class Series Concept of the Management Analyst series. Mr. Langbehn's

position does not coordinate implementation of strategic and long-range planning activities in broad areas of DOL's business and organizational planning, budgeting, operations, policy issues or proposed legislation. The majority of his responsibilities, as a whole, do not align with the level of agency-wide research, strategic planning and implementation of changes described and anticipated by the Management Analyst Class Series Concept.

Overall, the duties assigned to Mr. Langbehn's position do not match the broad scope and level of the responsibility anticipated for allocation to the Management Analyst series. Mr. Langbehn's position's responsibilities are not a match for the Management Analyst series. His position should not be allocated to this classification.

Comparison of Duties to Customer Service Manager (103D)

Class Series Concept

Positions in this series manage agency-wide programs that provide assistance and problem resolution to agency clients/customers. The intent of the series is to develop agency wide policies and procedures relating to client/customer service and to manage and supervise customer service units.

Definition

Manages a customer service unit for an agency.

The Class Series Concept for the Customer Service Manager class requires that positions allocated to this class manage agency-wide programs that provide assistance and problem resolution to agency clients/customers.

Mr. Langbehn's assigned responsibilities are not aligned with the Customer Service Manager expectation to manage "agency-wide programs that provide client/customer assistance and problem resolution." Rather, Mr. Langbehn's delegated responsibilities include supervision of the Suspensions Unit within the Driver and Vehicle Records Program within the Programs and Services Division of DOL. His assigned responsibilities are specific to overseeing and responding to issues regarding suspension of drivers' records. Although Mr. Langbehn is responsible for developing procedures within the Unit, he does not have authority to develop agency-wide customer service policies and procedures as anticipated by the Class Series Concept.

The overall scope of authority and level of responsibility of Mr. Langbehn's position do not reach agency wide as specified by the Class Series Concept of the Customer Service Manager Class. The Customer Service Manager class is not the best fit for allocation of the duties and responsibilities assigned to Mr. Langbehn's position. His position should not be allocated to this class.

Comparison of Duties to Customer Service Specialist Series

Class Series Concept for all Customer Service Specialist classes is on Customer Service Specialist 1 (102A)

Class Series Concept

Positions in this series provide assistance and problem resolution to agency clients/customers and are located in a designated customer service program. The intent of the series is to assist clients/customers in identifying agency processes and procedures, resolving client/customer problems related to agency programs and interpreting agency related laws, policies and procedures. Positions at all levels may be assigned lead or supervisory responsibility over lower level staff.

This series is not clerical in nature. Clerical support duties are incidental to the total work assignment (less than 10%). Clerical support, for the purposes of this series, includes tasks such as maintaining filing systems, maintaining logs, updating computer or manual data systems, office and telephone reception, completing office forms, compiling and completing recurrent reports, performing routine typing, copy work and preparing mailings.

This occupational category is considered a technical occupational category. Positions assigned to this occupational category have authority to accept, grant or deny agency services or may mediate between the business of the agency and the client (example: Attorney General's Consumer Protection Unit). Some positions may train and provide leadership to volunteers.

As described by the Customer Service Specialist, Class Series Concept, Mr. Langbehn's position is located within a designated customer service program (Suspensions Unit). Mr. Langbehn assists clients in identifying agency processes and procedures, resolves client problems and interprets agency policies, procedures and related laws. He supervises Customer Service Specialist 2 employees. He has responsibility to respond to inquiries, complaints and concerns about licensing laws, and agency policies and procedures. His position provides customer service to a variety of customers, including attorneys, judges, the public, and other agencies. In some situations, his responses to customers are reviewed/revise by administrative positions prior to being distributed.

Mr. Langbehn's position assists and initiates responses to customers who have complex issues with their driving record and/or need to communicate their requests through a supervisor. The position is responsible for personnel issues related to the direct reports with the exception of dismissal/suspension. Overall, Mr. Langbehn's assigned responsibilities are a match for the anticipated level of responsibility of the Class Series Concept of the Customer Service Specialist class. His position should be allocated within this series.

Comparison of Duties to Customer Service Specialist 4 (102D)

There are no Distinguishing Characteristics for this class.

Definition

Plans, organizes, and manages a designated customer service program for an agency sub-division or location. Positions supervise customer service staff or volunteers.

Positions responsible for an agency's state-wide customer service program are allocated to the Customer Service Manager Occupational Category.

Mr. Langbehn plans, organizes, and manages a designated customer service program: the Suspensions Unit of the Driver and Vehicle Records within the Programs and Services Division of the Dept. of Licensing. Mr. Langbehn's position provides supervision of Customer Service Specialist employees who provide customer services regarding complex issues of driver records. The Suspension Unit provides customer service to a variety of clients, such as attorneys, judges, stakeholders, other states, the public, and drivers that have interest in or inquiries about drivers' records. Mr. Langbehn's described duties and responsibilities are closely aligned with the nature and level of responsibilities described in the Definition of the Customer Service Specialist 4 classification.

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 this class. The Typical Work statements that most closely align with Mr. Langbehn's duties include the following, in part:

- Consults with agency management on client/customer relations issues; recommends changes to agency procedures . . . ;
- Plans and directs the program of the unit; reviews work for compliance with agency policy;
- Develops and implements customer service training;
- Provides consultation and facilitates customer service problem resolution

Mr. Langbehn's duties are consistent with the Definition and supported by the Typical Work statements of this classification. Overall, Mr. Langbehn's described duties and responsibilities on the PRR accurately align with the nature and level of responsibilities described in the Customer Service Specialist 4 classification.

It is clear Mr. Langbehn's work is highly valued by DOL and that he has extensive knowledge about supervision of the Suspension Unit and drivers' records and related issues. 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 the position and how that work best aligns with the available job classes.

For the time relevant to this review, I find that Mr. Langbehn's overall level of decision making authority, scope of duties, and assigned supervisory responsibilities, best fit the Customer Service Specialist 4 classification. Mr. Langbehn's position is correctly allocated.

Appeal Rights

RCW 41.06.170 governs the right to appeal. RCW 41.06.10(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.

cc: Michael Langbehn, Employee, DOL
Brett Alongi, Human Resource Consultant, DOL

Enclosure: List of Exhibits

Michael Langbehn v DOL

ALLO-14-103

A. Michael Langbehn Exhibits

1. Customer service 4 position description with comments (2 pages)
2. Management Analyst 3 position description with comments (3 pages)
3. Supervisors portion of reallocation request with comments (4 pages)
4. Second supervisors portion of reallocation request with comments (7 pages)
5. Outdated position description form with comments (7 pages)
6. Conducting a desk audit document with comments (2 pages)
7. Written policies with comments (6 pages)
8. Meeting attendance with comments (16 pages)
9. Michael Langbehn final argument

B. DOL Exhibits

1. Allocation Determination Letter, dated October 2, 2014 (5 pages)
2. Position Review Request – Employee Portion, dated July 21, 2014 (6 pages)
3. Reallocation Request Supplemental Information, signed July 18, 2014 (3 pages)
4. Position Review Request – Supervisor Portion (direct supervisor), dated September 3, 2014 (3 pages)
5. Position Review Request – Supervisor Portion Attachment (Assistant Administrator), signed August 25, 2014 (5 pages)
6. Position Description Form, dated November 16, 2012 (6 pages)
7. Organization Chart (1 page)
8. Desk Audit Documentation, dated September 18, 2014 (5 pages)
9. Customer Service Specialist 4 Class Specification (1 page)
10. Management Analyst 1 Class Specification (1 page)
11. Management Analyst 3 Class Specification (1 page)
12. Position Allocation Process, OSHRD (8 pages)

C. Class Specifications

1. Customer Service Specialist 4
2. Management Analyst 1
3. Management Analyst 3

D. Director's Exhibits

1. 4/27/2015 e-mail clarification of current Position Description Form
2. Position Description Form date stamped Nov. 16, 2012.