

STATE OF WASHINGTON
OFFICE OF FINANCIAL MANAGEMENT
STATE HUMAN RESOURCES DIVISION | DIRECTOR'S REVIEW PROGRAM
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October 8, 2014

TO: Eric Nordlof
Attorney at Law

FROM: Holly Platz, SPHR
Director's Review Investigator

SUBJECT: Cindy Nordlof v. Department of Labor and Industries (L&I)
Allocation Review No. ALLO-13-112

The Director's review of L&I's allocation determination of Cindy Nordlof's position has been completed. The review was based on written documentation. This review covers the six month period prior to September 4, 2013, the date that L&I's Human Resources office received Ms. Nordlof's request for review.

Director's Determination

As the Director's designee, I carefully reviewed all of the documentation in the file including the duties and responsibilities described in Ms. Nordlof's Position Review Request (PRR) form, her 2007 Position Description form and the updated Position Description form dated November 21, 2013. I also reviewed the supporting documentation provided by Ms. Nordlof. Based on my review of the documents, the available classifications, and my analysis of Ms. Nordlof's assigned duties and responsibilities, I conclude that overall, her position is best described by the Customer Service Specialist 2 classification.

Background

On September 4, 2013, L&I's Human Resources office received Ms. Nordlof's Position Review Request form asking that her position be reallocated to a Customer Service Specialist (CSS) 3 classification. Ms. Nordlof signed the form on August 20, 2013. Her supervisor initially signed the form on August 30, 2013 but later attached the supervisor's portion in which she indicated that the information in PRR was not accurate and complete. She signed the attached supervisor's portion on September 4, 2013.

After receiving Ms. Nordlof's Position Review Request form, L&I reviewed her position and by letter dated November 25, 2013, determined that her position was properly allocated to the CSS 2 classification.

On December 23, 2013, Ms. Nordlof filed a request for a Director's review of her position asking that her position be reallocated to the CSS 3 classification.

The time period relevant to this review is the six months preceding September 4, 2013, the date that L&I's Human Resources office received Ms. Nordlof's request for review. The supporting documents provided by Ms. Nordlof cover a period from February 4, 2011 to June 13, 2013.

Many of these documents are outside of the timeframe of this review. While I reviewed the documents and considered them illustrative of the type of duties Ms. Nordlof performs, my decision rests primarily on those documents from the relevant review period.

Summary of Ms. Nordlof's perspective

Ms. Nordlof argues that during the period covered by this review, she acted as the *de facto* supervisor when her supervisor was absent, that her work supporting the electrical inspectors assigned to her region represented higher-level administrative assistant work and that she often acted as a lead on projects that should have been assigned to a supervisor. While Ms. Nordlof admits that some of her work is clerical in nature, she asserts that she regularly performs duties that are core to the CSS 3 classification. Ms. Nordlof explains that she engages in cross-agency problem solving when supporting the electrical supervisor and the twelve electrical inspectors in the region and that she is the primary resource for the office for inquiries and emergent issues involving the electrical inspection department and other agencies to ensure that the needs of customers are met. Ms. Nordlof further explains that she acts as the liaison between her agency and law enforcement concerning electrical safety issues or questions of illegal activities.

Ms. Nordlof argues that her job duties have evolved over time. She asserts that L&I's review of her duties and responsibilities was insufficient and that they should have talked to her co-workers, the electrical supervisor and the inspectors. Ms. Nordlof contends that these discussions would have shown that she engages in problem solving and that she acts as and is recognized as the lead for other CSS staff.

Summary of L&I's reasoning

L&I argues that in her supervisor's absence, Ms. Nordlof acts as her supervisor's backup contact for facility issues, not as the supervisor. L&I further argues that with the exception of the support Ms. Nordlof provides to the electrical inspectors, her duties and responsibilities are no different than her CSS 2 coworkers and she is not expected to help with confrontational customers any more than other staff. L&I asserts that as a CSS in a service location, Ms. Nordlof is expected to be the first point of contact for resolution of customer issues but argues that this does not meet the level of performing senior customer services specialist duties described in the CSS 3 classification. L&I acknowledges that Ms. Nordlof's duties in support of the electrical unit are unique to her position and the region but argues that they do not warrant allocation to a higher classification and that many of these duties could be performed by lower level classes. After reviewing the CSS classes and the Secretary Senior class, L&I determined that Ms. Nordlof's assigned duties are most appropriately allocated to the CSS 2 classification.

Though Ms. Nordlof's supervisor recognizes her as a natural leader, she does not support the reallocation request. She contends that Ms. Nordlof is the backup contact for facility issues and that her expectations for Ms. Nordlof are the same as for other staff, with the exception of the 3.5 hours a day Ms. Nordlof provides support for the electrical unit and the role she plays as the second Sales Auditor for the Office. Her supervisor explains that Ms. Nordlof's role as second Sales Auditor is separate from her electrical support duties and includes the responsibility to process refund requests.

Rationale for Determination

In her response to the L&I's allocation decision, Ms. Nordlof raises issues that are outside the scope of my review. Specifically, she alleges that L&I's review of her duties and responsibilities was not thorough in that they did not talk to her co-workers, the electrical inspectors or their supervisor. The process an employer uses to conduct a position review is not within the scope of the Director's review process. However, during the review process, Ms. Nordlof had an

opportunity to provide documentation, which could have included sworn affidavits or statements from others, to support her reallocation request. Ms. Nordlof provided her argument in response to L&I allocation determination and numerous exhibits consisting primarily of emails. In conducting this position review, I have carefully considered all of the documentation and written arguments submitted in this matter.

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. See Liddle-Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

In condensed summary, Ms. Nordlof's duties and responsibilities, as described in her Position Review Request form are:

- 50% Answering phones, assisting customers at the front counter, and processing payments on accounts (POAs) and incoming checks.
- 46% Electrical duties, assigning electrical inspections, sending electrical service approvals to service districts, tracking inspectors' mileage, and researching valid licenses/inspections.
- 3% Correspondence - which includes processing incoming faxes, email and snail mail in a timely manner.
- 1% Transmitting End of Day/Fiscal Corrections, send BLS information to DOR and complete fiscal correction when necessary; processing and delivering mail; supervising duties during her supervisor's absence; MFD upkeep which includes calling for service and problem solving with paper, fax, email, and copy issues; and participating in hiring process.

Customer Service Specialist class series concept:

The class series concept for the Customer Service Specialist classes states:

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. (Emphasis added).

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.

The intent of the Customer Service Specialist series is further clarified by the definition of "specialist". This is found in the Glossary of Classification Terms. The glossary provides that the duties of specialists ". . . involve intensive application of knowledge and skills in a specific segment of an occupational area."

Your position fits within the Customer Service Specialist class series. You provide assistance and problem resolution in your areas of responsibility, you provide guidance to other staff and occasionally act as the sole contact for your supervisor in her absence. The clerical work you perform is consistent with the work described by this series and your work has significant impact on granting services to customers such as telling public utilities that electric power can be turned on following the completion of electrical inspections.

I recognize that your duties in support of the electrical unit and your role as 2nd Sales Auditor are unique to your position and are not performed by other CSS 2s in your office. However, these duties are within the scope of the CSS class series. These duties entail assisting customers and internal staff, resolving customer problems, interpreting and applying laws, policies and procedures and performing clerical work in support of the unit and fiscal processing. Further, these duties do not represent a majority of your overall duties and responsibilities.

Comparison of Duties to Customer Service Specialist 3 (CSS 3)

The definition for the CSS 3 class states:

Serves as a senior customer services specialist handling complex, cross-agency customer problems. Mentors and trains lower level staff in aspects of client/customer relations and problem resolution. Interprets agency-related laws, policies and procedures.

The Glossary of Classification Terms defines senior level work as:

The performance of work requiring the consistent application of advanced knowledge and requiring a skilled and experienced practitioner to function independently. Senior-level work includes devising methods and processes to resolve complex or difficult issues that have broad potential impact. These issues typically involve competing interests, multiple clients, conflicting rules or practices, a range of possible solutions, or other elements that contribute to complexity. The senior-level has full authority to plan, prioritize, and handle all duties within an assigned area of responsibility. Senior-level employees require little supervision and their work is not typically checked by others.

There are no distinguishing characteristics for the CSS 3 class; therefore, we can look to the typical work statements for guidance. The typical work statements for this class state:

Consults with lower level customer service staff on multi-dimensional process/procedure problems.

Identifies and recommends change to agency policies and procedures that hamper customer access to agency services.

Coordinates customer service training.

The CSS 3 class describes positions which perform senior-level customer service specialist work handling complex, multi-dimensional, cross-agency customer problems, mentoring and training lower-level staff, and interpreting agency-related laws, policies and procedures in completing assigned tasks.

Ms. Nordlof has six years of experience as a CSS which has given her the knowledge to function independently. However, the duties and responsibilities she describes in her Position Review Request and the supporting documents she provided do not demonstrate the level of problem solving, impact, or complexity envisioned at the senior-level specialist level. Ms. Nordlof provided no documents that show she handles complex problems, though she does deal with multiple agencies. She is a go-to person for other CSS staff, but she is not assigned lead or supervisory duties such as regularly assigning, instructing and checking the work of others or performing supervisory duties such as selecting staff, planning work for subordinates, evaluating performance, resolving grievances or taking corrective action. (See Glossary of Classification Terms for definitions of Lead and Supervisor.) Further, as stated in the class series concept for the CSS classes, lead or supervisory duties can be assigned to any level within the class series.

In addition, the documents Ms. Nordlof provided do not show that she independently trains and mentors staff, rather, they show that she assists her supervisor in providing training to other staff in areas such as tactical communications. The documents also show that she, and sometimes the Region 5 Office Manager, are the backup contacts for her supervisor. Based on the emails Ms. Nordlof provided, in her supervisor's absence, Ms. Nordlof acts as backup or is delegated responsibility for things such as scheduling conference rooms, directing service persons to equipment to be picked up, receiving keys, and assuring coverage during lunch hours. The documents do not demonstrate that Ms. Nordlof acts as the supervisor over office staff or makes supervisory decisions during her supervisor's absence.

I recognize that while dealing with issues for the electrical unit, some of Ms. Nordlof's contacts require multiple interactions with various entities such as public utilities, city building departments, law enforcement and/or county assessor offices. However, the documentation Ms. Nordlof provided does not demonstrate that these contacts reach the level of complexity or have broad potential impact as expected at a CSS 3 level. Further, as stated above, the documents do not establish that her work in support of the electrical unit comprises a majority of her duties and responsibilities.

The CSS 3 level does not encompass the majority of Ms. Nordlof's duties or level of responsibility.

Comparison of Duties to Customer Service Specialist 2

The definition for the Customer Service Specialist 2 (CSS 2) class states:

Independently resolves complaints, inquiries and client/customer service problems while maintaining appropriate confidentiality. Provides agency interpretation and applies knowledge of laws, regulations, and processes in the resolution of inquiries, complaints and problems.

The typical work statements for this class state:

Acts as liaison between clients/customers and agency; gives presentations and offers assistance to other State and Federal agencies;

Independently resolves client/customer problems by identifying the issues, determining procedural steps necessary to bring resolution, working with program staff to implement resolution, and communicating results to the client/customer;

Creates and manages customer profiles and maintains integrity of the data and information while delivering specialized services.

The majority of Ms. Nordlof's duties are consistent with the duties described in the definition of the Customer Service Specialist 2 class. Ms. Nordlof works independently, interprets information, and applies L&I laws, rules, and internal processes and procedures while performing her work which includes answering inquiries and resolving problems from internal staff and external customers. She acts as a liaison between customers, staff and outside entities, determines procedural steps to take to bring resolution and communicates results with customers and others.

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. Dudley v. Dept. of Labor and Industries, PRB Case No. R-ALLO-07-007 (2007).

The duties and responsibilities assigned to Ms. Nordlof's position are best described by the Customer Service Specialist 2 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.

cc: Cindy Nordlof
Vickie Kamin, L&I HR

enclosure

CINDY NORDLOF v L&I

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A. Cindy Nordlof Exhibits

1. Request for Director's Review, 12/22/13
2. Employee's Response to Allocation Determination
3. Kennewick Regional Field Office After-Hours Matrix
4. Email message 2/4/2011 A. Garcia to C. Silva
5. Email message 2/17/2011 A. Garcia to S. Peterson
6. Email message 4/1/2011 A. Garcia to L. Castellanos, L. Goodwin
7. Email message 7/11/2011 A. Garcia to I. Martinez, M. Scheer, A. Harris, J. Perez, B. Pena
8. Email message 7/21/2011 A. Garcia to J. Justice
9. Email message 7/29/2011 A. Garcia to L. Castellanos
10. Email message 8/11/2011 A. Garcia to D. Frazee
11. Email message 10/3/2011 A. Garcia to V. Gottschalk
12. Email message 10/4/2011 A. Garcia to J. Greer
13. Email message 10/5/2011 A. Garcia to B. Pena
14. Email message 11/9/2011 A. Garcia to I. Martinez
15. Email message 11/28/2011 A. Garcia to C. Reyes
16. Email message 11/30/2011 A. Garcia to V. Gottschalk
17. Email message 12/5/2011 A. Garcia to M. Chase
18. Email message 4/4/2012 A. Garcia to C. Nordlof
19. Email message 5/21/2012 A. Garcia to C. Long
20. Email message 6/6/2012 A. Garcia to S. Hardy
21. Email message 7/2/2012 A. Garcia to J. Sanchez
22. E-22 Email message 7/6/2012 A. Garcia to V. Thompson
23. Email message 8/10/2012 A. Garcia to H. Churchill
24. Email message 8/14/2012 A. Garcia to D. Frazee
25. Email message 8/27/2012 A. Garcia to D. Frazee
26. Email message 10/24/2012 A. Garcia to J. Perez, I. Martinez, B. Pena, C. Nordlof, L. Goodwin
27. Email message 11/19/2012 A. Garcia to C. Nordlof
28. Email message 11/27/2012 A. Garcia to C. Nordlof
29. Email message 12/5/2012 A. Garcia to S Delgado
30. Email message 12/6/2012 A. Garcia to M.A. Kingma
31. Email message 12/17/2012 A. Garcia to J. Doll
32. Email message 1/18/2013 A. Garcia to C. Nordlof
33. Email message 3/1/2013 A. Garcia to C. Long
34. Email message 3/1/2013 A. Garcia to A. Haskell
35. Email message 6/25/2013 A. Garcia to F. Thurston

36. Email message 6/25/2013 A. Garcia to C. Perales, J. Sanchez, L. Goodwin, C. Nordlof, L. Hamilton
37. Email message 6/21/2013 A. Garcia to J. Monteressi, D. Frazee, S. Petersen, R. Husar, C. Perales, L. Goodwin, J. Sanchez, L. Hamilton, B. Farmer, A. Smith, C. Nordlof

B. LNI submitting exhibits:

1. Allocation Determination Letter, 11-25-2013
2. Position Review Request #0178, received in HR 9-4-2013 and HRC Allocation Recommendation
3. Position Description Form #0178, received 11-21-2013
4. Position Description Form #0178, received 9-2007
5. Organizational Chart
6. Position Review Notes from discussion with Nordlof, 9-19-2013
7. Position Review Notes from discussion with supervisor Garcia, 9-19-2013
8. Position Review Notes from discussion with manager Hamilton, 9-23-2013
9. Customer Service Specialist 2 & 3 Class Specifications
10. Coworker Position Description #0859, CSS 2 (Kennewick)
11. Coworker Position Description #1152, CSS 2 (Kennewick)
12. Coworker Position Description #2008, CSS 2 (Kennewick)
13. Region 3 Position Description #0455, CSS 3 (Tacoma)
14. Performance Planning and Appraisal Form (PPAF) signed 9-30-13 showing position expectations from 10/2011 through 9/2013
15. PPAF signed 9-30-13 showing position expectations from 10-2013 through 9-2014
16. Email messages from Ann Garcia--2013
17. LNI March 13, 2014 final response

C. Class Specifications

1. Customer Service class series concept
2. Customer Service Specialist 2
3. Customer Service Specialist 3