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

March 19, 2015

Deborah Reichelderfer
15225 Knowles Road SE
Tenino, WA 98589

RE: Deborah Reichelderfer v. Department of Retirement Systems (DRS)
Rule Violation RULE-14-005

Dear Ms. Reichelderfer:

On October 31, 2014, you filed a request for a Director's review alleging DRS violated the civil service law and rules regarding the position allocation and performance evaluation process. The Director's review has been completed based on a review of the written documents in the record.

Background

You were informed of the decision to reallocate your position from the Management Analyst 2 to Office Assistant 3 on September 18, 2014 during a meeting with HR Services staff and yourself. At that time you were hand delivered a copy of the allocation determination letter, dated September 16, 2014. The reallocation action became effective October 1, 2014 (Exhibit B-1).

On September 15, 2014 you signed copy of the Position Description form for your Office Assistant 3 position (Exhibit B-3).

On October 10, 2014 you signed copy of your Performance and Development Plan (PDP) Expectations covering the review period from October 1, 2014 through January 19, 2015 (Exhibit B-4).

Nature of Alleged Violation

In your request for review form, you requested a review of DRS's performance evaluation process and alleged violations of WAC 357-13-045, WAC 357-13-055, and WAC 357-13-065.

Relevant State Civil Service Rules

Chapter 357-13 WAC provides rules regarding position allocation and reallocation.

WAC 357-13-045 states that the manager of the position is responsible for completing the position description form. If the position is filled, input from the incumbent is recommended.

WAC 357-13-055 states that allocations or reallocations must be based upon a review and analysis of the duties and responsibilities of the position.

WAC 357-13-060 states that the employer must establish a procedure that specifies when positions are to be reviewed for reallocation based upon substantive and permanent changes in job duties and scope of responsibility.

WAC 357-13-065 states that the employer's allocation procedure must allow an employee to request the employer to review his/her position at least every six months.

Chapter 357-37 WAC provides rules regarding performance management.

WAC 357-49-010(3) (b) states that an employee may request a Director's review of a performance evaluation process or procedure per WAC 357-37-080.

WAC 357-37-080(1) provides, in part, the following:

> . . . within thirty days of receipt of a completed and signed performance evaluation . . . a WGS employee may request a director's review of alleged irregularities in the use of the approved performance evaluation form and/or procedures outlined in the civil service rules. The content of an evaluation is not subject to review.

<u>Director's Determination and Rationale</u>

Alleged Violation of WAC 357-13-045

WAC 357-13-045 states that the manager of an employee is responsible for completing the position description form for that employee's position. You received a copy of the revised PDF for your OA 3 position completed by your supervisor on September 15, 2014. You signed the PDF on September 15, 2014. WAC 357-13-045 states that while input from the incumbent regarding the content of the Position Description is recommended, it is not required. Therefore, DRS complied with the requirements of WAC 357-13-045 and no violation occurred.

Alleged Violation of WAC 357-13-055

WAC 357-13-055 states that allocations or reallocations must be based upon a review and analysis of the duties and responsibilities of the position. In addition, WAC 357-13-060 states that employers must establish a procedure that specifies when positions are to be reviewed for reallocation based upon substantive and permanent changes in job duties and scope of responsibility.

In accordance with WAC 357-13-060, DRS has a policy/procedure in place outlining the agency's position allocation process (Exhibit B-4). In accordance with that policy, a letter was provided to you on September 16, 2014 indicating that your position was being reallocated based on the duties described in the Position Description received in the DRS Human Resources office on September 15, 2014. Therefore, DRS complied with the requirements of WAC 357-13-055 and WAC 357-13-060 and no violation occurred.

Alleged Violation of WAC 357-13-065

WAC 357-13-065 states that the employer's allocation procedure must allow an employee to request the employer to review his/her position at least every six months.

DRS's allocation procedure provides the opportunity to request a review of your position allocation every six months. Your position reallocation was effective on October 1, 2014. You will be able to request a review of your position six months from that date. Therefore no rule violation occurred.

Chapter 357-37 WAC

WAC 357-37-30(2) indicates that employers must provide feedback and formally evaluate a permanent employee's performance "on an annual basis."

WAC 357-37-040 further indicates that employers "must use standardized employee performance planning and evaluation procedures and forms developed by the director or alternate procedures and forms approved by the director." In this case, DRS used the State Human Resources Performance and Development Plan (PDP) Expectations form and followed the standardized employee performance planning and evaluation procedures developed by State HR.

The PDP process provides a method for employers to notify employees of work expectations and then evaluate those work expectations on an annual basis.

The PDP is the method for communicating expectations and providing feedback about work performance.

In addition, WAC 357-37-080(1) specifically states, in part, that an employee "may request a director's review of alleged irregularities in the use of the approved performance evaluation form and/or procedures . . ." However, "[t]he content of an evaluation is not subject to review."

DRS followed the PDP process outlined in Chapter 357-37 WAC. There is no evidence any violations occurred. You signed the PDP Expectations for the period of October 1, 2014 through January 19, 2015, on October 10, 2014. Those expectations outlined the key expectations and competencies for that performance period.

Therefore, no violation in the use of the approved performance evaluation form and/or procedures occurred.

<u>Appeal Rights</u>

WAC 357-49-018 provides that either party may appeal the results of the Director's review to the Personnel Resources Board (board) by filing written exceptions to the Director's determination in accordance with Chapter 357-52 WAC.

WAC 357-52-015 states that an appeal must be received in writing at the office of the Personnel Resources Board within thirty (30) calendar days after service of the Director's determination.

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.

c: Chris Greenwalt, DRS/HR

List of Exhibits

A. Deborah Reichelderfer Exhibits

1. Director's Review Form received October 31, 2014 with attached exhibit labeled A-2 below.
2. Position Description Form (PDF) for Deborah Reichelderfer's position signed by Ms. Reichelderfer April 8, 2013
3. Unsigned or dated Position Description Form (PDF) for Deborah Reichelderfer's position dated September 11, 2014
4. PDP Expectations form for Deborah Reichelderfer for performance period October 1, 2014 to January 19, 2014 signed by Deborah Reichelderfer on October 7, 2014.
5. DRS Issue/Resolution form from Deborah Reichelderfer dated October 27, 2014.
6. Response memo from Deborah Reichelderfer to Karen Wilcox received by State HR on December 10, 2014.

B. Department of Retirement Systems Exhibits

1. Letter from Chris Greenwalt to Karen Wilcox dated November 19, 2014 with attached copy of the position allocation determination notice from Chris Greenwalt to Deborah Reichelderfer dated September 16, 2014.
2. Letter from Chris Greenwalt to Kris Brophy dated February 25, 2015 with attached exhibits as labeled below:
3. Signed and dated copy of PDF for position #0044 received by DRS HR on September 15, 2014
4. Corrected copy of PDP Expectations form for Deborah Reichelderfer for performance period October 1, 2014 to January 19, 2015 signed and dated by Deborah Reichelderfer on October 10, 2014.
5. Copy of DRS Policy HR-OPS-1.
6. Copy of DRS Policy HR-OPS-1.2.
7. Copy of DRS Policy HR-OPS-12.