

December 24, 2007

RE: Kristin Lynett v. Department of Fish and Wildlife  
Allocation Review Request ALLO-06-028

Dear Ms. Lynett:

On September 20, 2007, I conducted a Director's review meeting at the Department of Personnel, 2828 Capitol Boulevard, Olympia, Washington, concerning the allocation of your position. Present at the Director's review meeting were you and Art Irving and Cheryl Gardner from the Human Resources Office at the Department of Fish and Wildlife (F&W).

**Background**

A Position Description Form (PDF) with the working title of Sustainability Coordinator established your position (identified as #67421) on July 26, 2005 (Exhibit B-1). The unsigned PDF lists Harvey Childs, Engineering Division Manager, as the supervisor and does not state a current class title but proposes Environmental Planner 4. Subsequently, the "Sustainability Coordinator" position (now identified as #1225) was placed into the Outdoor Grants Manger classification. You requested the position be reallocated to the Environmental Planner 4 classification. By letter dated September 15, 2006, Human Resource Consultant Cheryl Gardner denied your request and determined the Community Outreach and Environmental Education Specialist 4 (CO&EES 4) classification appropriately fit the duties described on the July 2005 PDF (Exhibit 2).

In her determination, Ms. Gardner concluded the position objectives describing the Sustainability Coordinator's role were consistent with the CO&EES 4 class specification. While Ms. Gardner's determination reallocated your position to a class with a lower salary range, she noted your salary would remain the same.

On October 16, 2006, the Department of Personnel received your request for a Director's review of F&W's allocation determination (Exhibit 1). On November 20, 2006, you and your supervisor, Don Bartlett, signed a new PDF marked for reallocation (Exhibit B-2). During the Director's review meeting, both parties clarified the November 2006 PDF was submitted for reconsideration and agreed both PDFs essentially described the same duties, with the November 2006 PDF providing more detail. During the Director's review meeting, we also looked at the "crosswalk" you created to describe your duties, and F&W agreed your descriptions accurately reflected the work you perform (Exhibit A).

The following summarizes your perspective as well as your employer's:

### **Summary of Ms. Lynett's Perspective**

You agree the Outdoor Grant Manger is not the correct classification. However, you contend the Community Outreach & Environmental Education Specialist does not adequately describe your position because you assert your position does not perform community outreach work. Instead, you state a small portion of your duties consist of education and communication. You contend you work with other agencies on major new initiatives and determine how to use that information to form effective goals, plans, actions, and implemented solutions. As an example, you state you incorporate "green features" into F&W buildings and sites, consulting with architects and engineers as part of the design team. You assert a similar position at the Department of Corrections with relatively the same duties, responsibilities, and title (Sustainability Coordinator) has been allocated to the Environmental Planner 4 classification. Likewise, you believe the duties and responsibilities of your position are best described by the Environmental Planner 4 classification.

### **Summary of F&W's Reasoning**

F&W asserts your position's objective is to manage and implement the agency's sustainability plan. As such, F&W contends you have the responsibility of providing information, researching, developing, and coordinating efforts such as waste reduction, litter control, or water resources. While F&W agrees you do not provide community outreach to the general public, the department contends you educate the extended F&W community on environment/conservation issues, and you plan, direct, evaluate, and develop policy and budget requests accordingly. F&W asserts you also provide outreach and education through the outreach staff you oversee. For example, F&W contends your position identifies conservation opportunities, coordinates with outside engineering expertise and F&W staff, and finds grants and rebates for areas such as utilities. F&W describes these conservation efforts as part of the project management assigned to your position. F&W views the Environmental Planner 4 class as working with land use, urban planning, and habitat issues like assessment and restoration or conservation of species. F&W believes the CO&EES 4 is the best classification for your position.

### **Director's Determination**

As the Director's designee, I carefully considered all of the documentation in the file, the exhibits presented during the Director's review meeting, and the verbal comments provided by both parties. Based on my review and analysis of your assigned duties and responsibilities, I conclude your position is properly allocated to the Community Outreach and Environmental Education Specialist 4 classification.

### **Rationale for 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).

During the Director's review meeting, both parties agreed the July 2005 PDF (Exhibit B-1), the November 2006 PDF (Exhibit B-2), and the document you prepared to describe your duties (Exhibit A) accurately reflect the duties assigned to your position. Based on the PDFs, your position's objective can be summarized as follows:

As the Sustainability Coordinator, your position is responsible for energizing and managing the development and implementation of the Department's Sustainability Plan. This plan aims to minimize the environmental impacts of agency practices. As such, this position acts as a liaison to the Governor's Office and other agencies regarding sustainability initiatives and issues, which influences the direction of sustainability throughout state government.

In that effort, this position analyzes data and other information to develop agency goals and then identifies, prioritizes, implements, and tracks conservation measures. This also includes preparing and implementing an outreach strategy and training plan, and researching, developing, and implementing conservation actions.

The key points describing your position's duties and responsibilities, as documented, include the following:

- Identify and prioritize conservation measures through development of policies and develop Sustainability Strategic Plan. Ensure effective and efficient implementation of department-wide initiatives, develop Facility

- Action Plans, and work with program staff, vendors, and outside experts to implement actions.
- Research, interpret, and analyze information and develop recommendations to conserve energy, water, fuel, paper and other resources at all F&W facilities. Analyze resource data, research alternatives and funding strategies and track performance measurements.
  - Coordinate and communicate with F&W staff and Executive Management Team, the Governor's Office, and other agencies regarding sustainability programs, policies, and procedures. Lead implementation committees and develop outreach and education strategies. Participate in Governor's Office Inter-Agency Sustainability Committee and other conservation committees. Oversee development of educational tools. Provide bill analysis reports for sustainability related topics.
  - Develop and update program goals, objectives, performance measures, and new policies and procedures. Allot budget, monitor expenses, and develop spending plan. Chair Sustainability Environmental Purchasing, and Recycling Committee.

When comparing your duties and responsibilities to the available job classifications, your position best fits the Community Outreach and Environmental Education Specialist 4 classification. The relevant portion of the CO&EES 4 definition reads as follows:

Positions at this level have . . . statewide program responsibilities. Duties include administrative responsibilities for all environmental/conservation education or community outreach activities such as planning, directing, and evaluating activities; and developing policies and budget requests. Positions typically handle precedent-setting issues or those with the potential for broad impact.

Your position has statewide responsibility for the sustainability program. You provide environmental/conservation education to F&W staff and managers on the projects you evaluate for effective conservation measures. You also coordinate efforts with other state agencies, including the Governor's Office, and you participate on various committees regarding sustainability issues. You plan, direct, evaluate, and implement conservation measures, and oversee the research and outreach functions. You also interpret and analyze conservation information to develop effective policies and procedures and use that information when considering budget requests to ensure "green features" are being utilized.

On the crosswalk document you prepared (Exhibit A), you listed the *Typical Work* identified in the CO&EES 4 class specification, indicating that you do not perform many of these functions. While typical work statements provide a picture of the type and level

of work envisioned within a classification, they are not exclusively considered allocating criteria. The statements most relating to your position include the following:

- Manage administrative functions for sustainability program.  
*Although you do not supervise staff, you do oversee program staff working on sustainability issues.*
- Consult with outside organizations and departmental personnel to plan environmental/conservation education. *In your case, the education you provide is more informational than instructional.*
- Organize and conduct meetings to promote services (*conservation resources*) serve as liaison with other agencies related to program activities.
- Advise top management on environmental/conservation . . . policies and issues; recommend and assist in formulating program policy.
- Evaluate effectiveness of information . . . and recommend changes.
- Interact with staff to develop communications in support of ongoing programs, services, and activities.

I also considered the Conservation Planner 4 (CP 4) classification, which is defined as follows:

Plans and supervises the wildlife resource planning program staff or the operational budget development planning program staff involved with the biennial and capital budgets for the Department of Wildlife; OR serves as the principal staff to the Commission, responsible for assisting in the development and management of resource planning.

With the exception of supervisory duties, many of the functions you perform also fit within the CP 4 classification. However, some of the language is outdated, making the CO&EES 4 class specification a better fit.

In reviewing the Environmental Planner 4 (EP 4) classification, the definition requires written designation. Specifically, the definition reads, “[s]erves as a senior level environmental planner responsible for a specifically defined program need as designated in writing by a program manger, equivalent or above.” The distinguishing characteristics reiterate that a position in this classification “requires written designation . . .” In addition, the senior planner position “reports to an Ecology Supervisor 3A, equivalent or above.”

The concept of written designation for the EP 4 classification was previously addressed by the former Personnel Appeals Board (PAB) as follows:

. . . Appellant [the employee] does not have a document from management that specifically designates him as a senior level environmental planner responsible for a specifically defined program. Consistent with our decisions in Griffith v. Dep't of Ecology, PAB Case No. ALLO-00-0016 (2000) and Stash v. Dep't of Ecology, PAB Case No. ALLO-00-0001 (1999), when a classification specification requires written designation, we must look for a document that confers such a designation upon the position in question. This written documentation can be a formal agency designation form, an approved CQ or other written documentation. Davis v. Dep't of Ecology, PAB Case No. ALLO-02-0033 (2003).

Although you provided an unsigned PDF for an EP 4 position with the Department of Corrections and examples of other position descriptions (Exhibits C-E), an allocation is not based on a comparison with other positions. The Personnel Resources Board (PRB) addressed such an issue in Byrnes v. Dept's of Personnel and Corrections, PRB No. R-ALLO-06-005 (2006). In Byrnes, the PRB held that “[w]hile a comparison of one position to another similar position may be useful in gaining a better understanding of the duties performed by and the level of responsibility assigned to an incumbent, allocation of a position must be based on the overall duties and responsibilities assigned to an individual position compared to the existing classifications. The allocation or misallocation of a similar position is not a determining factor in the appropriate allocation of a position.” Citing to Flahaut v. Dept's of Personnel and Labor and Industries, PAB No. ALLO 96-0009 (1996).

It is clear your efforts in managing F&W's sustainability plan are appreciated by the department, and a position review is not a reflection of performance or an individual's ability to perform higher-level duties. Rather, a position review is based on a comparison of assigned duties and responsibilities to the available job classifications. Based on your overall assignment of work, the Community Outreach and Environmental Education Specialist 4 classification best describes your position.

### **Appeal Rights**

If this position is covered by a Collective Bargaining Agreement, please refer to the contract to determine whether the parties have appeal rights to the Personnel Resources Board.

If this position is not represented, WAC 357-49-018 provides that either party may appeal the results of the Director's review to the Personnel Resources Board by filing written exceptions to the Director's determination in accordance with Chapter 357-52 WAC. 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 address for

the Personnel Resources Board is 2828 Capitol Blvd., P.O. Box 40911, Olympia, Washington, 98504-0911.

If no further action is taken, the Director's determination becomes final.

Sincerely,

Teresa Parsons  
Director's Review Supervisor  
Legal Affairs Division

c: Cheryl Gardner, F&W  
Lisa Skriletz, DOP

Enclosure: List of Exhibits