

September 26, 2007

Steve Chenoweth  
Senior Field Representative  
Washington Federation of State Employees  
3516 47<sup>th</sup> St., Suite 102  
Olympia, WA 98409-4437

RE: Lawrence "Joe" Sofia v. Department of Corrections (DOC)  
Allocation Review No. ALLO-06-031

Dear Mr. Chenoweth:

The Director's review of DOC's allocation determination of Joe Sofia's position has been completed. The review was based on written documentation and on information provided during the September 18, 2007 Director's Review meeting. Present at the Director's review meeting were you, Mr. Sofia and Joanne Harmon, Human Resource Consultant 4 for DOC's Human Resource Programs.

**Background**

Mr. Sofia requested a reallocation of his Community Corrections Officer 3 position to the Community Corrections Specialist classification. By letter dated October 3, 2006, DOC determined that his position was properly allocated and denied his request. On November 2, 2006, Mr. Sofia requested a Director's review of DOC's determination.

During the Director's review meeting, I asked for clarification of several of the documents submitted for the review. First, the documents included two Position Description (PD) forms, one date stamped October 6, 2006 and one date stamped May 17, 2006. Each PD was followed by an organizational chart for the Pierce County Court Unit 378. The parties agreed the PD and organizational chart that was in place in May 2006 (Exhibits A-5 and A-6) were the documents relevant to Mr. Sofia's reallocation request.

Also during the Director's review meeting, I noted that many of the exhibits provided by Mr. Sofia were dated after his request for reallocation and therefore, were outside of the period of time relevant to the review of his position. At my request, during his discussion of his duties and responsibilities, Mr. Sofia confirmed either that the information in the documents was similar to what was in place when he requested his review or that the documents were the same as the documents used during the time period under review. In light of Mr. Sofia's clarification, I

considered those documents as illustrative of the type of duties and responsibilities he performed during the time period under review.

Mr. Sofia's position is covered by the Collective Bargaining Agreement between the Washington Federation of State Employees and DOC. Therefore, for purposes of this reallocation review, the duties he performed during the twelve months preceding his request for review should be considered. In this case, Mr. Sofia's Position Description form was dated stamped May 17, 2006. Therefore, this position review is based on the duties and responsibilities performed by Mr. Sofia during the twelve months prior to May 17, 2006.

### **Summary of Mr. Sofia's Perspective**

Mr. Sofia argues that he plans and coordinates a program and chairs disciplinary hearings consistent with the definition of the Community Corrections Specialist (CCS) classification. Mr. Sofia works in the Pierce County Court Unit where, at the time of his request for review, he was the lead over two Community Corrections Officer (CCO) 2s. During the Director's review, he described the unique processes and procedures used by Pierce County for offenders who violated conditions of their parole and who are detained on Bench Warrants or Secretary Warrants. He clarified that he works with offenders under the jurisdiction of Pierce County which includes offenders with felonies who may be picked up in another county but then are returned to Pierce County for hearing. Mr. Sofia states that he does not have responsibility to manage an ongoing caseload, but he is assigned responsibility within Pierce County for offenders with Secretary Warrants whose names begin with Sn through Z and he is responsible for all offenders with Bench Warrants. Mr. Sofia's offender assignments are referred to as a "banked caseload." While Mr. Sofia acknowledges that staff in other counties deal with the same type of offenders and offenses and that each county uses different work protocols, but he argues that the unique work assignment method and case processing protocols used in Pierce County constitute a program for purposes of reallocation to the CCS classification.

Mr. Sofia explained that when an offender assigned to him is picked up on a violation, he meets with the offender, provides the offender with a comprehensive packet of information, including information about the violation and any other relevant evidentiary information, and discusses the matter, including possible sanctions, with the offender in an effort to reach a stipulated agreement. If successful, a stipulated agreement document is completed and signed and presented to the hearing officer or judge for approval. Mr. Sofia indicated that he uses specific guidelines to determine the range of sanctions available. He then selects the sanction to offer to the offender and to include in the agreement. If the offender does not enter into a stipulated agreement, the matter goes before the hearing officer or judge for a hearing. Mr. Sofia explained that he provides the hearing officer or judge with his recommended sanction and a copy of the packet of information given to the offender. He also attends the hearing and may provide further information during the hearing. The hearing officer or judge then decides on the sanction to impose. Mr. Sofia acknowledges that he is not a hearing officer or judge, but he asserts that by bringing forth the violations, presenting information, and recommending sanctions that hold the offender accountable, he is functioning in a capacity similar to that of a hearing officer.

In his exhibits, Mr. Sofia included the classification questionnaire (CQ) for the CCS position held by Star Boswell in King County. Mr. Sofia argues that he performs duties similar to those

performed by Ms. Boswell. Mr. Sofia asserts that if a similar position was reallocated to the CCS classification, his position should be reallocated on the same basis.

### **Summary of DOC's Reasoning**

DOC conducted a review of Mr. Sofia's position by reviewing his position description, meeting with him and his supervisor, and considering the additional information he provided. DOC asserts that the primary purpose of Mr. Sofia's position includes making court presentations of violations for offenders on the Bench Warrant and Secretary Warrant banked cases assigned to him, presenting offender violations at detention centers and DOC institutions, leading two CCO2s, and acting as backup to the Community Corrections Supervisor. DOC argues that Mr. Sofia's position does not fit with the CCS classification because he does not have program responsibility or community service activities, and does not chair disciplinary hearings or hear offender appeals. DOC acknowledges that Mr. Sofia is an exemplary employee who is dedicated to holding offenders accountable. However, DOC argues that performance is not an allocating criterion. Based on the work activities and duties assigned to Mr. Sofia's position, DOC contends that the definition and typical work statements of Community Corrections Officer 3 classification best describe his position.

### **Director's Determination**

As the Director's designee, I carefully reviewed all of the documentation in the file and the information you, Mr. Sofia and DOC provided during the Director's review meeting. Based on my review of the documents, the information provided during the Director's review meeting, the available classifications, and my analysis of Mr. Sofia's assigned duties and responsibilities, I conclude that his position is properly allocated to the Community Corrections Officer 3 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. See Liddle-Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

In summary, Mr. Sofia's duties include:

50% Ensuring all required documents for hearings are served in accordance with DOC policy; ensuring that discovery packets contain all necessary documents and that there is sufficient evidence to support violations and recommended sanction; presenting DOC's case at hearings; making sanction recommendations; compiling information pertaining the offender's DOC history; pulling, researching and disseminating data from files; preparing packets for hearings; and "chronoining," recording and filing procedure results.

40% Obtaining, preparing and proofreading discovery packets for hearings; providing service of discovery; testifying at hearings as needed; distributing hearing reports and results and entering documentary "chronos" after hearings; meeting with offenders; determining

resolution sanctions for offender violations; presenting cases to judges; and writing, obtaining and copying results of hearings.

10% Serving as liaison between the Division of Prisons and primarily, Pierce County Community Corrections though he may be called upon to represent Community Corrections state-wide; attending meetings; participating in and providing training; communicating with others including court personnel, such as prosecuting attorneys, defense attorneys, jail staff and judges, and offenders, other DOC staff and officers, and law enforcement personnel.

In regard to the CQ Mr. Sofia provided for Ms. Boswell's CCS position in King County, in Byrnes v. Dept's of Personnel and Corrections, PRB No. R-ALLO-06-005 (2006), the Personnel Resources Board 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).

While I did not apply significant weight to Ms. Boswell's CQ, I did consider the decision of the Personnel Appeals Board in the allocation appeal of her position. In Boswell v Dept. of Corrections, PAB Case No. ALLO-04-0004 (2004), the Personnel Appeals Board found that:

[Ms. Boswell's] CQ reflects that she plans and coordinates the statewide program for deportation cases and serves on inter-divisional projects relating to INS and deportation offenders, acting as the department's liaison to INS for deportation matters. Furthermore, we find [Ms. Boswell] does not have a traditional caseload; rather, she manages the program for INS offenders, which consists of inactive offenders who [Ms. Boswell] does not actively supervise.

Ms. Boswell's position differs from Mr. Sofia's in that she had state-wide program responsibilities for INS matters, while Mr. Sofia's responsibilities are limited to cases under the jurisdiction of Pierce County. Furthermore, Mr. Sofia does not have specific, discrete program responsibilities; rather he has responsibility for the same type of offenders and offenses that staff in other counties deal with. Though the processes and protocols may be different, the underlying duties and responsibilities of Mr. Sofia's position and the knowledge and skills he employs are transferable from one DOC county court unit to another.

The definition for the Community Corrections Specialist classification states:

Responsible for two or more of the following community service activities within the Northwest, Southwest or Eastern Area: 1) serves as the Department of Corrections representative to one or more Community Corrections Boards, 2) plans and coordinates programs such as Class V, voluntary services, or volunteer coordination on a multi-office basis, 3) serves on interdivisional projects, 4) chairs disciplinary hearings, 5) hears final appeals of offender infractions and grievances, 6) serves as a member of the statewide human resource or management information system committees.

Mr. Sofia asserts that his position fits within options 2 and 4 of the definition. However, his duties and responsibilities are limited to offenders within the jurisdiction of Pierce County. Pierce County is located within the Southwest Area. Mr. Sofia's position does not have responsibility for area-wide community service activities. Furthermore, he does not plan or coordinate a program for the Southwest Area nor does he chair disciplinary hearings for the area. His position does not fit within the definition of the CCS classification.

The distinguishing characteristics for the CCS classification state: "[t]his class is distinguished from the Community Corrections Officer 3 class by the absence of a caseload and the responsibility for managing programs for an Area or a large segment of an Area."

Mr. Sofia does not manage a traditional caseload. However, he is assigned a bank of offenders whose cases he works as necessary. In addition, he is not responsible for managing programs for the Southwest Area or for a large segment of the Area. His position does not fit within the distinguishing characteristics of the CCS classification.

The definition of the Community Corrections Officer 3 classification states:

Manages a caseload of adult criminal offenders and performs at least one of the following assignments: (1) serves as the manager of a one-person community services field office, (2) serves as the principal assistant to the supervisor of a work/training release facility, (3) leads two or more assigned Community Corrections Officers, (4) serves as the lead worker in an office with two Community Corrections Officers and no on-site supervision, (5) coordinates one or more programs such as Class V, Community Services, volunteer coordination and voluntary services for all offices under the supervision of one Community Corrections Supervisor.

Mr. Sofia's position best fits within this definition. He is assigned a bank of offenders whose cases he manages and coordinates as needed within Pierce County. In addition, he leads two Community Corrections Officer 2s. Furthermore, Mr. Sofia's duties and responsibilities are encompassed by the typical work statements for this class. For example, he manages a caseload of offenders after the offender commits a violation, investigates the violation, testifies at hearings, prepares reports, collects information and completes forms, records information in the "chrono" records and files, serves on committees, and leads employees.

Mr. Sofia's position is properly allocated to the Community Corrections Officer 3 classification.

### **Appeal Rights**

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 Directors' 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 Board within thirty (30) calendar days after service of the Directors' 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,

Holly Platz, SPHR  
Director's Review Investigator

cc: Lawrence "Joe" Sofia  
Joanne Harmon, DOC  
Lisa Skriletz, DOP