

February 2, 2010

TO: Sue Gibbs

FROM: Teresa Parsons, SPHR  
Director's Review Program Supervisor

SUBJECT: Sue Gibbs v. Department of Corrections (DOC)  
Allocation Review Request ALLO-09-030

On October 28, 2009, I conducted a Director's review telephone conference regarding the allocation of the following positions:

Billie Ackerman	Position #BU22
Risa Klemme	Position #2389
Sue Gibbs	Position #GF14
Debra Dobson	Position #BS01

You and the other employees all participated in the telephone conference. Doug Cole, Superintendent for the Washington Corrections Center for Women (WCCW) also participated in the conference. Human Resources (HR) Consultants Tina Cooley and Joanne Harmon represented DOC. HR Consultant Nicole Baker observed.

### **Director's Determination**

This position review was based on the work performed for the six-month period prior to November 21, 2008, the date a Position Description Form (PDF) was submitted to DOC's HR Office, requesting reallocation of your position. As the Director's designee, I carefully considered all of the documentation in the file, the exhibits presented during the Director's review conference, 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 Administrative Assistant 4 classification.

### **Background**

Your position is located at the Olympic Corrections Center (OCC), and you report directly to Superintendent John Aldana. On September 8, 2008, a number of employees in Administrative Assistant 4 (AA 4) positions submitted a letter to Secretary Eldon Vail,

requesting reclassification of prison AA 4 positions (Exhibit B-1). On November 21, 2008, you completed a Position Description Form (PDF) to formally request reallocation of your position, which Superintendent Aldana reviewed and signed. On the PDF, you requested reallocation of your position from the AA 4 class to Corrections Specialist 3 (CS 3). Because a number of employees in AA 4 positions at institutions throughout the state had sent a joint letter to Secretary Vail requesting a review of their positions, Human Resources Director Donna Haley completed the review.

Prior to issuing her determination, Ms. Haley asked HR Consultant Jenny Warnstadt to perform a desk audit of the AA 4 positions by selecting a cross section of the positions located at the various institutions. On April 14, 2009, Ms. Haley issued an allocation decision, concluding the AA 4 classification best described the duties and responsibilities assigned to your position. Specifically, Ms. Haley determined your position did not meet the class concept or definition of the Corrections Specialist 3 because your position was not solely responsible for fully managing DOC programs.

On May 15, 2009, the Department of Personnel received your request for a Director's review of DOC's allocation determination. You provided evidence that DOC's allocation determination was placed in the United States Postal Service on April 16, 2009. Therefore, your request for a Director's review was timely.

The following summarizes the viewpoints of the employees involved in the review, as well as DOC's:

### **Summary of Employees' (Ackerman, Klemme, Gibbs, and Dobson) Perspectives**

The employees assert they manage several programs at their respective institutions. While the employees acknowledge that a manager has oversight of these programs at DOC Headquarters, they indicate their positions coordinate the programs for each facility. The employees note that instead of managing one program at Headquarters, they have responsibility for managing several programs located at the facilities. As examples, the employees contend their positions have responsibility for managing the Public Disclosure Program at the facility and serve as Legal Liaison Officer and Public Information Officer. The employees emphasize that their positions have decision making and signature authority for programs at the facility, as well as the responsibility of being liable for decisions. The employees assert they are also responsible for ensuring that operational inspections and security audits occur to be in compliance with American Correctional Association (ACA) standards, policies, directives, operational memorandums, laws and rules. The employees state that their positions have become very technical and require expertise relating to ACA standards and relating laws and policies. The employees indicate that their supervisors (the Superintendents) support reallocation, and they believe their positions should be reallocated to a higher-level classification.

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

DOC acknowledges the employees do an excellent job handling a large volume of work at each facility. DOC further acknowledges the employees have duties and responsibilities that may touch some of the correctional programs. However, DOC contends the employees have been designated as facility coordinators for these programs. Accordingly, DOC asserts the employees coordinate certain aspects of the programs and related processes but do not have sole responsibility for fully managing the programs. Instead, DOC contends the employees support programs managed by the Superintendent or other delegated managers with ultimate responsibility. DOC describes the majority of tasks as coordinating events, gathering documents, and tracking processes, which require knowledge about DOC policies and each respective facility. As a result, DOC asserts the duties and responsibilities assigned to the employees' positions do not fit the class series concept or definition of the Correctional Specialist 3 classification. DOC indicates that the employees serve as assistants to the Superintendents regarding administrative matters at each facility, considered a major operating location. DOC states that the professional level duties have been delegated to the employees' positions by each of their Superintendents. Therefore, DOC contends the employees' positions are appropriately allocated to the Administrative Assistant 4 classification.

### **Rationale for Director's 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).

The Position Objective on the November 21, 2008 PDF is summarized as follows (Exhibit B-2):

This position manages/coordinates the institution-wide programs of ACA Accreditation; facility security audits; operational memorandum development; public disclosure; and manages the Tort Claims program; interprets and explains applicable policies WACs and RCWs; reviews and develops operational memorandums relevant to assigned program areas; monitors program activities for compliance; serves as the facility Legal Liaison Officer (LLO) to the Attorney General's office (AGO) and assists the Superintendent in program areas to fulfill and support DOC's mission to improve public safety and re-entry. Serves as a member of the Administrative Team.

A summary of the Key Work Activities listed on the PDF includes the following (Exhibit B-2):

50% ACA Accreditation Coordinator – Responsible to ensure the facility meets and maintains accreditation standards by monitoring and tracking progress and maintenance of the standards and completion of ACA files, as well as the internal audit programs to include developing, tracking and ensuring corrective action plans are complete. Prepare/train staff to participate in internal audit programs; attend statewide meetings concerning facility accreditation/re-accreditation and participate on peer ACA audit teams; work with facility and statewide stakeholders to ensure ACA standards are met; maintain and archive documents relative to internal audits.

35% Operational Memorandum (OM) Coordinator – Responsible for monitoring coordinating and revising (with expert subject matter input) facility operational memorandums to ensure accurate alignment with RCWs and WACs, policies and procedures. Manages and maintains the Standard Operating Procedure process.

The above duties make up the majority of your assigned work. The remaining 15% of your work activities include serving as Public Disclosure Coordinator, Tort Claim Manager, Legal Liaison (LLO), and representing the Superintendent at meetings.

During the Director's review conference you and the other employees provided examples of LLO duties, such as providing documents to the AGO requested through the discovery process and informing the AGO about practices followed at the institution. You indicated that you serve as the conduit for information the AGO needs to defend a tort claim. You stated that you prepare preservation orders and send them to staff under your signature, as well as review information submitted by staff in response to a discovery request and send the information to the AGO.

You also explained that each institution receives a list of tort claims filed with the Office of Financial Management (OFM) and that you assign investigations based on staff most familiar with the content of the claim. You and the other employees gave examples of performing investigations by getting statements from staff and offenders or taking pictures of an area relating to a claim. You also indicated that you review and finalize investigations for completeness before the Superintendent signs the finalized version and forwards to OFM.

DOC noted a distinction between conducting an investigation and asking the individuals with knowledge of an incident to respond to a list of questions presented. You indicated that you determine what questions need to be asked and who needs to be involved and that you recommend whether to approve or deny a claim. You and the other employees acknowledged that you do not make decisions on all tort claims and that the Superintendent signs the investigation when there is a monetary impact.

You included the agency's Policy DOC 280.510 regarding Public Disclosure of Records, dated 3/13/07, which describes, in part, the PDC duties (Exhibit B-7):

1. Respond to public disclosure requests that fall within their assigned area of responsibility,

2. Coordinate response to requests that involve more than one location, if they are the coordinator with the majority of the responsive documents,
3. Communicate local procedures for processing requests for public record,
4. Attend statewide training and provide training to appropriate staff in their local area, and
5. Track and report the receipt and disposition of public disclosure requests on a monthly basis.

After the Director's review conference, Ms. Cooley provided an updated version of Policy DOC 280.510, dated 8/14/09, which was after the period of time DOC reviewed in reaching the April 14, 2009 allocation decision (Exhibit B-8). However, both versions of the policy indicate that the PDCs will be designated by the Superintendent for each Prison. In addition, an email dated May 17, 2005, from Public Disclosure Manager Denise Vaughan includes an attachment identifying Public Disclosure Specialists (PDS) assigned to each area as a resource for PDCs located at the facilities (Exhibit B-9).

The prior PDF for your position, signed by you and Superintendent Aldana in October 2006, shows the majority of work involving duties and responsibilities as the Operational Memorandum and ACA Accreditation Coordinator at OCC (Exhibit B-3). During the Director's review conference you and the other employees indicated that the majority of duties did not change significantly from the 2006 PDF to the one submitted for reallocation in 2008.

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.

In addition to the AA 4 classification, DOC's HR Office reviewed several classifications including Program Assistant; Corrections Specialist 1, 2, and 3; Administrative Assistant 3 and 5; Program Specialist 2 and 3; Administrative Services Manager A and B; Communications Consultant 1, 2 and 3; and Program Manager A and B.

When considering the classifications related to programs, I reviewed the following definitions in the Department of Personnel's Glossary of Classification Terms:

**Program.** A specialized area with specific complex components and tasks that distinguish it from other programs (or the main body of an organization). A program is specific to a particular subject and has a specific mission, goals, and objectives. A program typically has an identifiable funding source and separate budget code.

The specific components and specialized tasks involve interpretation of policies, procedures and regulations, budget coordination/administration, independent functioning. Typically requires public contact relating specifically to program subject matter, clients, and participants. . . .

**Program Manager.** Duties involve authority over:

- Developing program goals and objectives.
- Developing timetables and work plans to achieve program goals and objectives.
- Developing program policies and procedures.
- Preparing program budgets, adjusting allotments and authorizing expenditures.
- Controlling allocation of program resources.
- Setting and adjusting program priorities.
- Evaluating program effectiveness.

<http://www.dop.wa.gov/CompClass/CompAndClassServices/Pages/HRProfessionalTools.aspx>

Although you coordinate functions at your facility affecting programs, such as Public Disclosure, your position has not been assigned the responsibility for managing the programs as a whole. Instead, your position has been delegated the authority to act on behalf of the Superintendent to ensure policies and procedures are followed and program functions are accomplished. Therefore, the **Program Specialist and Program Manager** classes are not the best fit for the breadth of duties and responsibilities assigned to your position.

Because your position responds to public disclosure requests, I also reviewed the Forms & Records Analyst 2 and 3 classifications, which include work with public disclosure . At the **Forms & Records Analyst 2** level, incumbents review and process routine requests for public records/public disclosure by locating and retrieving necessary records. At the **Forms & Records Analyst 3** level, incumbents provide management consultation and determinations on responses to public record requests. While some of your duties may align with the work performed by Forms & Records Analyst 3 positions, the primary focus of your position and majority of assignments extend beyond public disclosure.

The class series concept for the **Corrections Specialist** classes reads as follows:

Within the Department of Corrections, is responsible for various correctional programs as assigned, such as community service activities, institutional training, classification and treatment programs, offender grievances, institutional hearings, roster management for major institutions, contracted chemical dependency treatment services, deaf inmate program services, auditing of correctional programs, HQ intelligence and investigations, canine or; administers an investigative/intelligence operation at a major institution. Some positions may supervise lower level staff.

The definition for **Corrections Specialist 3** states the following:

This is the senior, specialist, or lead worker level of the series. Within the Department of Corrections, develops, coordinates, implements and/or evaluates various correctional program(s) as assigned. Prepares comprehensive reports and makes recommendations for management, identifies and projects trends, and monitors program expenditures for adherence to budgeted allocations. Positions in this class perform professional level duties covering one or more of the following correctional program areas: institutional training, CORE, COACH, offender grievances, institutional hearings (e.g., disciplinary, intensive management,

administrative segregation), roster management for major institutions; administers an investigative/intelligence operation at a major institution, which may include other regional and community involvement.

Once again, your primary responsibilities include acting on behalf of the Superintendent to ensure policies and procedures are followed and program functions are carried out. This relates not only to public disclosure but also ACA standards. As such, your position does interpret laws, rules, regulations, policies and procedures, to ensure necessary functions occur and that the facility is in compliance. However, your position has not been assigned responsibility for a correctional program, as described in the class series concept and CS 3 definition. Therefore, the CS 3 is not the appropriate fit for your position.

The class series concept for the **Communication Consultant** classes indicates the following:

Positions in this series are involved in developing, editing and/or disseminating publications and a variety of communication and marketing materials as part of the overall public information function. This series also includes positions responsible for internal communications and strategic messaging, and positions serving as a spokesperson to the news media and the public.

During the Director's review conference, you indicated that your position no longer serves as the Public Information Officer. Further, the primary focus of your position does not involve the work described by the Communication Consultant classes. Your role in representing the Superintendent and the facility to the public is one aspect of your job that involves overall administrative support to the Superintendent.

The **Administrative Assistant 4** definition includes serving as "the assistant on administrative matters to the head of a state agency, the head of a major sub-division or major operating location of an agency . . ." The distinguishing characteristics include performing "higher-level administrative duties of a substantive nature that are appropriate to be performed by the supervisor, manager, administrator, or professional level employee but have been delegated to the administrative assistant to perform."

While I considered the Administrative Services Manager and AA 5 classifications, I concluded your duties and responsibilities best aligned with the AA 4 definition of serving as the assistant to the head of a major operating location of an agency, which in this case is OCC.

It is clear the work you perform is highly valued and recognized by the agency. A position's allocation does not diminish the quality of work performed and is not a reflection of performance. Rather, an allocation is based on the majority of work assigned to a position. As a whole, your duties involve high level administrative support to the Superintendent of OCC. Of the available classifications, the Administrative Assistant 4 best encompasses the totality of your position's duties and responsibilities.

### **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 at 600 South Franklin, Olympia, Washington. The main telephone number is (360) 664-0388, and the fax number is (360) 753-0139.

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

c: Tina Cooley, DOC  
Joanne Harmon, DOC  
Lisa Skriletz, DOP

Enclosure: List of Exhibits



**Sue Gibbs v. DOC**  
**ALLO-09-030**  
List of Exhibits

**A. Sue Gibbs Exhibits**

1. Request for Director's Review Form received May 15, 2009
2. November 21, 2008 Position Description form
3. Allocation decision letter dated April 14, 2009 , from HR Director Donna J. Haley
4. Ms. Gibb's response to timeliness issue
5. DOC's response to timeliness issue

**B. Dept. of Corrections Exhibits**

Cover letter with list of Exhibits

1. September 8, 2008 letter to Eldon Vail, Secretary, regarding request for reclassification of prison AA4 positions
2. November 21, 2008 Position Description form
3. October 2006 Position Description
4. Organizational Chart
5. Allocation decision letter dated April 14, 2009 , from HR Director Donna J. Haley
6. DOP Class Specifications:
  - Administrative Assistant 3 105G
  - Administrative Assistant 4 105H
  - Administrative Assistant 5 105I
  - Corrections Specialist 1 350A
  - Corrections Specialist 2 350B
  - Corrections Specialist 3 350C
  - Program Assistant 107M
  - Program Specialist 2 107I
  - Program Specialist 3 107J
  - Administrative Services Manager A 106E
  - Administrative Services Manager B 106F
  - Communications Consultant 1 197I
  - Communications Consultant 2 197J
  - Communications Consultant 3 197K
  - Program Manager A 107R
  - Program Manager B 107S
7. DOC Policy #280.510 Public Disclosure of Records
8. DOC Policy #110.100 Prison Management Expectations
9. DOC's Public Disclosure resource documents with Nov. 10, 2008 cover letter

**C. Forms & Records Analyst 2 & 3 class specifications**