

December 3, 2010

TO: Anne Butcher

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

SUBJECT: Anne Butcher v. Department of Corrections (DOC)
Allocation Review Request ALLO-10-010

On September 15, 2010, I conducted a Director's review telephone conference regarding the allocation of your position. In addition to you, the following individuals participated in the Director's review conference: Marina House, Teamsters Shop Steward; Kyle King, Health Care Manager 2; Dana Fayette, Health Care Manager 1; Megan Smith Human Resources Consultant at the Washington State Penitentiary (WSP); and Human Resources Consultants Nicole Baker and Joanne Harmon.

Director's Determination

This position review was based on the work performed for the twelve-month period prior to June 26, 2009, the date the WSP Human Resources (HR) Office received the Position Description Form (PDF) from your managers 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 2 classification.

Background

Your position is assigned to the WSP's Health Services (Medical Records/Clerical Support) Unit (Exhibit B-5). You report directly to Kyle King, Health Care Manager (HCM) 2. You also provide HCM support to Dana Fayette, HCM 1. On June 26, 2009, your managers submitted a PDF to WSP's HR Office, requesting that your Office Assistant 3 position be reallocated to the Administrative Assistant 3 (AA 3) classification. Human Resources Consultant Nicole Baker reviewed the PDF, conducted a desk audit, and had a telephone meeting with Mr. King. On February 1,

2010, Ms. Baker determined that the Administrative Assistant 2 (AA 2) was the appropriate classification for the duties and responsibilities assigned to your position.

On March 8, 2010, you requested a Director's review of DOC's allocation determination. I determined your request had been timely filed because DOC had delivered your allocation determination, which you received on February 9, 2010. When delivered via alternate method, "service . . . will be regarded as completed when it is actually received . . ." (WAC 357-04-105(2)).

Summary of Ms. Butcher's Perspective

You indicate that your position reports to two Health Care Managers (HCMs) in Washington Management Service (WMS) positions, which were WMS Band 1 and 2 at the time relevant to this review. In addition, you assert your duty to manage the nursing schedule is a duty of a substantive nature appropriate to be performed by the RN 3 Nurse Manager positions but delegated to you by your supervisor, the HCM. In managing the nurse schedule you contend that you are the one responsible for approving or denying all nursing leave slips. Although the official approval of leave slips come from the RN 3s, you assert that nursing supervisors approve or deny leave based on your recommendations. You describe your duties regarding the nursing schedule as a major program activity involving personnel administration.

Additionally, you assert you provide high-level administrative support to the HCMs and that you are a member of the management team. Accordingly, you assert you make decisions about best practices and procedures, based on budget considerations, work flow, staffing, and other operational issues. You assert you attend meetings on behalf of the HCMs and have been delegated the authority to speak on behalf of the HCMs. You further assert the HCM has delegated your position with the responsibility to respond to level 1 offender grievances, facilitate facility clearances, and handle tort claims regarding Health Services. You describe your position as a liaison between the HCMs and staff. You further contend your position has been delegated public relations work because you deal with phone calls and inquiries from offenders' families and others contacting or visiting Health Services. You assert your position provides high-level administrative support consistent with the AA 3 classification.

Summary of DOC's Reasoning

DOC acknowledges your duties and responsibilities have grown and the level of work assigned to your position exceeds the Office Assistant 3 classification. DOC also recognizes that you perform a tremendous amount of work, which has been described as exemplary. Further, DOC recognizes that you act professionally when representing Health Services. However, DOC contends the primary focus of your position is to coordinate the activities of the Health Services Unit and provide administrative support functions to assist professional staff, including the HCMs and RN 3 Nurse Managers. DOC asserts that your duties and responsibilities for

coordinating the nursing schedule and timekeeping functions fit within the AA 2 level of work.

While DOC recognizes you make recommendations to the HCMs and RN 3s regarding processes, DOC asserts the HCMs and RN 3s still retain the overall decision-making authority. For example, DOC asserts the RN 3s retain the responsibility for the nursing schedule and approving leave for nursing staff. In addition, DOC asserts the HCMs are responsible for written responses to grievances containing specialized issues. DOC acknowledges your position responds to less complicated, level 1 grievances and has responsibility for coordinating the flow of these and other documents involving tort claims or facility clearances. However, DOC contends your position has not been fully delegated the level of authority or scope of responsibility encompassed at the AA 3 level. Therefore, DOC contends your position is properly allocated to the AA 2 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).

Duties and Responsibilities

In summary, the PDF describes your position's objective as working closely with the RN 3s, HCMs, and Duty Officer to ensure adequate nursing coverage for all assigned areas. As such, your duties include maintaining the nursing schedule on-line, monitoring and updating changes to the schedule on a daily basis and posting the schedule monthly. Other duties include facilitating Health Services facility clearances, logging and assigning offender grievances, answering phones and taking detailed messages for the HCMs. Your position also facilitates all travel, takes meeting notes, and performs delegated clerical duties as needed (Exhibit B-1).

The majority of duties described on the PDF involve scheduling the nurses. However, during the Director's review conference, both parties indicated that the percentages of work were more accurately described in notes from the desk audit (Exhibit B-4). This is also confirmed in DOC's allocation determination (Exhibit A-2). The following summarizes the revised percentages of work activities:

- 35% Nurse Schedule
- 25% Support HCM
- 15% Grievances
- 6% Leave slips

- 5% Facility Clearances
- 5% Tort Claims
- 5% Primary Receptionist
- 4% Sick leave coverage

Based on the percentages above, the majority of work involves scheduling nurses and providing support to the HCMs. Nurse scheduling involves coordinating, organizing, and directing the nursing schedule. This includes posting the monthly schedule and recording call-ins, while adhering to the collective bargaining agreement (CBA) and budgeting guidelines. HCM administrative support includes coordinating office operations; maintaining the HCMs' calendars; serving as primary receptionist for Health Services, answering and directing calls; and processing offender grievances, tort claims, and facility clearances for Health Services. You also process leave requests, which interrelate with sick leave coverage and overall coordination of the nursing schedule. During the Director's review conference you indicated that you also order supplies through the Procurement Officer.

The notes from the desk audit interviews with you and your supervisor provide further clarification about your duties and responsibilities (Exhibits B-2; B-3; and B-3-a). For example, you explained that nurse scheduling includes creating and monitoring nurse schedules in Excel and advising nurse managers "whether leave can be granted or if it will cause scheduling difficulties and should be denied" (Exhibit B-2). Your supervisor, Mr. King, clarified that scheduling decisions are "ultimately the management team's decision" (Exhibit B-3-a) and that nursing supervisors sign and approve leave requests. He further clarified that he signs and approves leave for his direct reports but acknowledged that you process all leave requests for Health Services. The information regarding leave requests that you provide to nursing supervisors helps them understand the impact that absences will have on the overall schedule. Your position is also responsible for coordinating overtime and contacting staff on the overtime list as needed to ensure coverage.

Mr. King recognized that you are a vital part of the scheduling team and that you participate in meetings with the HCMs and nursing supervisors to provide input regarding staff scheduling. As such, he indicated that you are part of the decision-making process. Mr. King further indicated that your assistance to the HCMs helps them set the framework and parameters of the nursing schedule. However, Mr. King noted that you independently follow established procedures set by the management team. While you may also attend meetings with the Superintendent, Mr. King clarified that the meetings you attend with the Superintendent are open to all staff.

Your position also logs in grievances and ensures all grievances are answered in the timeframe set by the Grievance Coordinators. Both you and Mr. King indicated that you typically respond to level 1 grievances by reviewing information in the patient charts. You explained that a level 1 grievance can be anything an offender is unhappy about. Medical providers respond to grievances regarding medical diagnoses, and Mr. King responds to level 2, complex grievances and those of a legal nature. In his follow-up email to his interview with Ms. Baker, Mr. King

summarized your involvement with grievances and torts as gathering and organizing information and writing a brief summary for his review. Mr. King indicated that he writes the official responses (Exhibit B-3-a). Your position is responsible for coordinating all of the grievances and ensuring that timely responses occur. Similarly, your position gathers and coordinates the necessary paperwork in response to tort claims. Your position also coordinates the paperwork for facility clearances. You ensure the proper individuals receive the correct paperwork or responses on time according to established procedures.

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.

The **Administrative Assistant 3** (AA 3) definition indicates that “[p]ositions perform varied administrative and secretarial support duties or positions are responsible for one or more major program activities under a second line supervisor.”

The AA 3 Distinguishing Characteristics include the following:

Positions are delegated higher-level administrative support duties or positions are delegated one or more major program activities that would be performed under a second-level professional supervisor, manager or administrator in WMS Band II or above or in exempt service, chief administrator, or head of a major organizational unit . . .

Only one position will be allocated to an individual second-line supervisor for those positions performing one or more major program activities.

A major program activity is defined as a function that is a major element of the supervisor's job. The duty must stand alone and would create significant adverse consequences if poorly performed. . . .

Higher-level administrative duties are 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. Areas may include but are not limited to, the following: budget development and/or management, expenditure control, office space management, equipment purchases . . . public relations, personnel administration, records management, and report preparation.

Incumbents in these positions represent the supervisor's and/or unit's goals and interests and provide interpretation or explanation of the supervisor's policies or viewpoints.

Your position performs administrative support duties. However, the level of administrative support for the majority of duties performed does not reach the higher level anticipated by the distinguishing characteristics. For example, the distinguishing characteristics note that AA 3 positions have been delegated higher level administrative duties such as budget development, personnel administration, or records management. While your position does coordinate the nursing schedule and considers the impact that leave will have on the nursing schedule, the nursing supervisors retain the responsibility for approving leave requests. Your position has not been delegated full responsibility for the schedule; rather the final approval and authority rest with the RN 3s.

Similarly, while you provide input and recommendations to the HCMs and RN 3s, the management team ultimately makes decisions. Your supervisor, the HCM, has overall responsibility for the scheduling framework, and he ultimately sets the parameters that your position follows when creating and maintaining the schedule. Additionally, your position gathers, researches, and coordinates other functions within Health Services in support of the HCMs. Although you perform work independently, your position has not been fully delegated the level of authority or autonomy consistent with the AA 3 classification.

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. Overall, the AA 3 typical work statements illustrate a level of work that has not been assigned to your position the majority of the time. I recognize the AA 3 typical work statements include the responsibility to coordinate, organize, and/or direct the operation of a program or major program activity. While it is evident Health Services relies on your position to coordinate the nursing schedule, the HCMs and RN 3s have not fully delegated you responsibility for the nursing schedule as a whole.

The **Administrative Assistant 2** (AA 2) definition indicates that positions “[p]rovide administrative and staff support services for a section or unit with delegated authority to act in supervisor's absence in areas of substance.” The AA 2 distinguishing characteristics are described as follows:

These positions may be distinguished from lower level classes by addition of the delegation of authority to act for or in the regular place of the superior in substantive areas, and/or supervision of some professional or several clerical subordinates and a formal reporting alignment identifying the position as the principal administrative assistant to the superior who is at the first professional supervisory level or above.

Your position provides administrative and staff support services for Health Services at WSP. You report to two HCMs at the first professional supervisory level *or above*. You have delegated authority to act in your supervisor's absence regarding the coordination of the nursing schedule. However, leave requests are ultimately

approved by nurse managers or your supervisor for his direct reports. You have been delegated the authority to act on level 1 grievances; however, level 2 grievances or those containing complex or medical issues are responded to by your supervisor or medical staff. Your role is to coordinate these processes and assist the HCMs in conducting the business of Health Services. Overall, the following AA 2 typical work statements align with the level of work assigned to your position:

- Reviews work of professional staff to assure that input/output is in conformance with rules, law, policy and standards when such review requires substantial knowledge of the work performed;
- Explains and interprets complex rules, policies and operating procedures;
- Performs significant portions of professional level assignments, working with professionals and knowledge of programs;
- Reviews and researches operating procedures and problems; develops solutions and/or recommendations;
- Coordinates work of unit with that of other areas; establishes and maintains schedules and priorities; authorizes exceptions and special processing.

You provided a number of exhibits describing other positions allocated to the AA 3 level within DOC. Both the Personnel Appeals Board (PAB) and Personnel Resources Board (PRB) have consistently 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.” Byrnes v. Dept’s of Personnel and Corrections, PRB No. R-ALLO-06-005 (2006) citing Flahaut v. Dept’s of Personnel and Labor and Industries, PAB No. ALLO 96-0009 (1996).

The PRB has also held that “[m]ost positions within the civil service system occasionally perform duties that appear in more than one classification. However, 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).

For informational purposes, I reviewed the RN 3 position descriptions to gain a better understanding of the nurse scheduling process you described during the Director’s review conference. You highlighted the RN 3s’ responsibilities to schedule nurses and ensure a sufficient number of qualified and trained nursing staff are on duty (Exhibits A-6 and A-7, #27). This supports DOC’s indication that nursing supervisors

retain responsibility for the nursing schedule, while your position performs significant portions of this professional level assignment. I also reviewed the organizational structure, which shows a Secretary Supervisor and Administrative Assistant 1 position also reporting to Mr. King, HCM 2, providing some level of administrative and secretarial support duties as well (Exhibit B-5).

It is clear your work is highly valued by the Health Services Unit at WSP. A position's allocation is not a reflection of performance or an individual's ability to perform higher level work. Rather, an allocation is based on the majority of work assigned to a position and how that work best aligns with the available job classifications. The Administrative Assistant 2 is the best fit for the overall duties and responsibilities assigned to your position.

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: Nicole Baker, DOC
Joanne Harmon, DOC
Lisa Skriletz, DOP

Enclosure: List of Exhibits

Anne Butcher v. Department of Corrections

ALLO-10-010

List of Exhibits

A. Anne Butcher's Exhibits

1. Letter requesting Director's Review, dated March 8, 2010
2. DOC's Allocation Determination letter, dated February 1, 2010
3. Explanation of Disagreement of Reallocation Denial from Ms. Butcher
4. Administrative Assistant 3 Class Specification with Ms. Butcher's comments in red.
5. Position Description BK83 (RN 3 – for informational purposes)
6. Position Description CF96 (RN 3 – for informational purposes)

The following exhibits A-7 through A-13 relate to other positions, not Ms. Butcher's position – outside scope of allocating criteria.

7. Explanation of other AA3 and Secretary Supervisor positions
8. Position Description BN74 (copy of #5 above)
9. Position Description GD07
10. Position Description S199
11. Position Description Secretary Supervisor, Coyote Ridge
12. Position Description 3001
13. Position Description BT06
14. Examples of leave slip process
15. Examples of tort claim responses via email

B. DOC's Exhibits

1. Position Description for Ms. Butcher's position (WS88) serving as request for reallocation, dated June 2009
2. October 23, 2009 interview notes from desk audit
3. November 6, 2009 notes from interview with Ms. Butcher's supervisor, HCM Kyle King
 - a. December 18, 2009 email correspondence from Mr. King, clarifying notes from interview.
4. December 14, 2009 email verifying breakdown of percentages discussed during desk audit.
5. Organizational Chart WSP Medical Records/Clerical Support
6. OA3 Classification Specification
7. Secretary Senior Classification Specification
8. Administrative Assistant 1 Classification Specification
9. Administrative Assistant 2 Classification Specification
10. Administrative Assistant 3 Classification Specification
11. August 2, 2010 email from Nicole Baker with attached PDF for Ms. Butcher's position number WS88, date stamped September 25, 2007

C. Timeliness Correspondence