

March 10, 2011

TO: Teresa Parsons
Director's Review Program Supervisor

FROM: Kris Brophy, SPHR
Director's Review Program Investigator

SUBJECT: Gregory Duncan v. Department of Social and Health Services
Allocation Review Request ALLO-10-045

Director's Determination

On August 12, 2010, the Department of Social and Health Services Human Resource Department (DSHS-HRD) received a management-initiated request from the Executive Administration, Special Commitment Center (SCC) to review Mr. Duncan's position. As the Director's Review Investigator, I carefully considered all of the documentation in the file, the exhibits, and the verbal comments provided by both parties during the conference review. Based on my review and analysis of Mr. Duncan's assigned duties and responsibilities, I conclude his position is properly allocated to the Chaplain 1 classification.

Background

By Position Action Form dated August 3, 2010, the SCC requested a management-initiated position review of Mr. Duncan's position. SCC submitted a Position Description Form for Mr. Duncan's position to DSHS – HRD classification unit on August 12, 2010.

DSHS – HRD notified Mr. Duncan on August 18, 2010 that his position was being reallocated downward to the Chaplain 1 classification (Exhibit B-2).

On August 31, 2010, the Department of Personnel received Mr. Duncan's request for a Director's review of DSHS's allocation determination (Exhibit A-1).

On January 26, 2011, I conducted a Director's review conference. Present during the call were Gregory Duncan, and Robert Swanson, Classification and Compensation Specialist, DSHS – HRD.

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

The Position Description Form (PDF) for Mr. Duncan's position, signed by his supervisor, Randy Pechoes, and Associate Superintendent Cathi D. Harris on March 10 and March 16, 2009, respectively, describes the position's purpose as follows (Exhibit B-1):

The SCC Chaplain 2 is responsible to manage the spiritual program for residents of the Special Commitment Center and to provide support in spiritual matters for residents of the Secure Community Transition Facility [SCTF], both located on McNeil and the SCTF of King County (duties for SCTFs are on an as-needed basis). Duties involve close interaction with persons who have a history of interpersonal violence and sexual criminality and who are currently detained or committed within a secure facility.

The position is not assigned supervisory or lead work over other staff. In summary, the majority of work includes:

- 60% Conduct worship activities, spiritual and moral guidance and pastoral counseling.
- 15% Serves as a consultant to treatment teams and other staff regarding appropriate and acceptable religious practices as well as participating as a member of a multi-disciplinary team related to resident treatment and services.
- 5% Direct and set the schedule for all religious activities.
- 5% Direct and offer faith and culturally oriented activities.
- 5% Direct the chapel and library and acquires resources (books, etc.).
- 5% Provide outreach to the community to obtain volunteers, provides training for volunteers and offers family support.
- 5% Administers a budget and chapel fund.

Summary of Mr. Duncan's Perspective

Mr. Duncan asserts his position has assumed additional duties that were previously done by three staff people, and that he performs higher level administrative duties than indicated by the Chaplain 1 class (Exhibit A-1). Mr. Duncan asserted during the review conference that there are other Chaplain positions which perform similar duties to his that are classified at the Chaplain 2 level.

Summary of DSHS's Reasoning

DSHS asserts Mr. Duncan's position does not conduct an accredited pastoral education program within the SCC and therefore does not meet the requirements of the Chaplain 2 class.

Comparison of Duties to Class Specifications

In Byrnes v. Dept's of Personnel and Corrections, PRB No. R-ALLO-06-005 (2006), the 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).

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.

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).

Comparison of Duties to Chaplain 2

The Definition for the Chaplain 2 classification states:

Conducts worship, educational, pastoral and administrative services at a State institution and provides spiritual and moral guidance for residents within the institution. Additionally conducts an accredited clinical pastoral education program within a State institution. [Emphasis added]

The Distinguishing Characteristics include:

Positions in this class are distinguished from the Chaplain 1 level by the responsibility for administering a C.P.E. program. C.P.E. programs characterized at this level possess all four of the following elements:

- A. Each clinical education unit conducted will have 3-6 full-time participant students;
- B. at least two units will be conducted each year;
- C. each clinical unit conducted will cover both basic and advanced courses; and
- D. the program will be accredited to serve students of varying denominations.

[Emphasis added].

As stated in the Definition and Distinguishing Characteristics, incumbents in this class have responsibility for conducting an accredited clinical pastoral education program within a State institution. Incumbents administer a C.P.E program. Mr. Duncan's position's duties do not include this responsibility. In his letter of appeal, Mr. Duncan states that he trains volunteers to participate in the volunteer program (Exhibit A-1). However this does not reach the requirements of the Chaplain 2 class to conduct an accredited pastoral education program within a state facility. Mr. Duncan's position does not meet the requirements of the Definition and Distinguishing Characteristics and therefore should not be allocated to the Chaplain 2 class.

Comparison of Duties to Chaplain 1

The Definition for the Chaplain 1 classification states:

Provides spiritual and moral guidance for residents or offenders and conducts religious services at a State institution or correctional facility.

On a best fit basis, Mr. Duncan's position meets the Definition for the Chaplain 1 classification. Approximately 60% of Mr. Duncan's time is spent conducting worship activities, and providing spiritual and moral guidance and pastoral counseling. The majority of Mr. Duncan's duties and his overall scope and level of responsibility for coordinating administrative tasks within his position fits within the Chaplain 1 classification.

Based on the overall duties and responsibilities that have been reassigned to Mr. Duncan's position, the Chaplain 1 classification is the best fit. His position should remain allocated to that class.

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: Gregory Duncan, SCC
Robert Swanson, DSHS - HRD
Lisa Skriletz, DOP

Enclosure: List of Exhibits

Gregory Duncan v. Social and Health Services

ALLO-10-045

A. Gregory Duncan Exhibits

1. Letter of appeal from Gregory Duncan, received by DOP on August 31, 2010.

B. Department of Social and Health Services Exhibits

1. Position Action Request form requesting reallocation of Gregory Duncan's position, dated August 2, 2010. Includes Position Description Form (PDF) for Mr. Duncan's position, signed by his supervisor, Randy Pechoes, and Associate Superintendent Cathi D. Harris on March 10 and March 16, 2009, respectively.
2. Allocation Determination letter from Robert Swanson to Gregory Duncan, dated August 18, 2010.
3. Email from Robert Swanson to Robin Calhoun, regarding Position SS25, dated April 14, 2010.
4. Assessment of Observed Job Performance for Gregory Duncan dated August 5, 2010.
5. SCC Program Services Organizational Chart, dated May 1, 2010.

C. Class Specifications

1. DOP Class Specification for Chaplain 1 (363H).
2. DOP Class Specification for Chaplain 2 (363I).