



STATE OF WASHINGTON
OFFICE OF FINANCIAL MANAGEMENT

STATE HUMAN RESOURCES DIVISION | DIRECTOR'S REVIEW PROGRAM
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February 24, 2016

TO: Kristie Wilson
Acting Rules and Appeals Program Manager

FROM: Nancy Jacobski
Director's Review Specialist

SUBJECT: Victoria Mathews vs. Criminal Justice Training Commission
Allocation Review Request ALLO-15-069

Director's Determination

On June 23, 2015, Sonja Hirsch, Human Resources Manager, Criminal Justice Training Commission (CJTC), notified Ms. Mathews that her position was being reallocated from an Administrative Assistant 4 (AA 4) to an Administrative Assistant 3 (AA 3) effective June 30, 2015 as part of a good-faith reorganization. Therefore, the timeframe for this review is from June 30, 2015, the date Ms. Mathews assumed the duties of AA 3, through the present.

As the Director's Review Specialist, I carefully considered the documentation in the file, the exhibits and the verbal comments provided by both parties during the review telephone conference. Based on my review and analysis of Ms. Mathews' assigned duties and responsibilities, I conclude her position is properly allocated to the AA 3 classification.

Background

On June 23, 2015, Sonja Hirsch, Human Resources Manager, Criminal Justice Training Commission (CJTC), notified Ms. Mathews that her position was being reallocated from an AA 4 to an AA 3 effective June 30, 2015, as part of a good faith reorganization (Exhibit A-3).

On July 14, 2015, OFM State HR received Ms. Mathews' request for a Director's review of CJTC's allocation determination (Exhibit A-1).

A Director's review telephone conference was conducted on January 12, 2016. Present for the conference were Vicki Mathews, Appellant; Addley Tole, WFSE Representative; Sonja Peterson, HR Director, CJTC; and Dave Bales, Deputy Director, CJTC.

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).

Positions are to be allocated to the class which best describes the majority of the work assignment. *Ramos v DOP*, PAB Case No. A85-18 (1985).

Duties and Responsibilities

Ms. Mathews provides project support within the Advanced Training Division (ATD) and reports to the ATD Manager, Samantha Daly. Ms. Mathews' duties and responsibilities are identified in the Position Description (PD), signed on August 5, 2015 (Exhibit A-6), as follows:

60% Support ATD Manager with administrative duties as well as overall division wide projects and program support. **Tasks include:** Scheduling, meeting attendance/minutes, per task assignments, travel and purchasing arrangements, credit card management, special project work and other duties as assigned.

30% LMS Super Registrar. **Tasks Include:** Support IT manager with internal and external customer service for the users of LMS; bug tracking and reporting; report designing; updating transcripts; training users; launching LMS online registration across the state; creating a training program for agencies to use; assisting Certification Manager and public disclosure with data retrievals and report design; Work with Application Extender for processing.

5% ICP Administrative Support. Tasks include: Maintain the ICP databases; update records as applications come in; inform the ICP Board for approvals of renewals; handles certificate issuance and record keeping; handles administrative inquiries.

5% Other duties as assigned.

Summary of Ms. Mathews Perspective

Ms. Mathews asserts she provides administrative support to the ATD Manager by handling tasks such as scheduling meetings, making travel arrangements, reconciling credit cards, purchasing supplies and assisting with special projects. Ms. Mathews further asserts she reports directly to the ATD Director and is the only Administrative Assistant in the Division. During the time frame under review, which is June 30, 2015, through the date of this review, January 14, 2016, Ms. Mathews states the following projects are examples of AA 4 work she performed, not specified in her PD and under the guise of "other duties as assigned":

- Created a stakeholder needs survey as part of the ATD's needs assessment.
- Created a three year historical report of class attendance, estimated revenue and projections for the 2015-2016 fiscal year.

- Wrote web content for the agency website, including new, re-writing contents and html code editing.
- Coordinated the Instructor Certification Program (ICP).
- Created complex data reports from the LMS for various requests, such as public disclosure.
- Served as the ICSEW (Interagency Committee of State Employed Women) Representative.
- Provided information for public records requests.

Summary of CJTC's Perspective

CJTC contends that the good-faith reorganization of the ATD needed a position to perform duties of an AA 3, not an AA 4. CJTC further contends the removal of Ms. Mathews supervising duties and work on the DARPA (Defense Advanced Research Project Agency) project warranted a new PD which they believe best fits the AA 3 job classification.

CJTC does not agree with Ms. Mathews' claim that she manages Ms. Daly's calendar or that the majority of her work is administrative support of Ms. Daly.

CJTC believes the duties and responsibilities of Ms. Mathews' position are consistent with the AA 3 class specification.

Director's Rationale

During the review conference call, Ms. Mathews verified which tasks she performs from her allocation request dated July 13, 2015 (Exhibit A-2). Of those tasks, some took place prior to her reallocation date of June 30, 2015.

Ms. Mathews' PD asserts that 60% of her time is spent scheduling Ms. Daly's appointments, creating meeting minutes, handling travel and purchasing arrangements, managing credit card reconciliation for the division and performs other duties as assigned. Ms. Mathews contends that "other duties as assigned" takes up the majority of the 60% and is not reflected on the PD. The "other duties as assigned" to which both parties agree are:

- Created a stakeholder needs survey as part of the division's needs' assessment.
- Created a three year historical report of class attendance, estimated revenue and projections for the 2015-2016 fiscal year.
- Wrote web-content for the entire agency website (including new, re-writing content, html code editing) – currently ongoing project.
- ICSEW Representative.
- Coordinated the ICP Program (under the Advanced Training Director).
- Created complex data reports from LMS for public disclosure, Peace Officer Certification and a study being conducted by Seattle University.

As mentioned in the review conference, ICSEW work is a volunteer opportunity and, while the supervisor may approve the volunteer work, it is not a requirement of the position. Therefore, ICSEW work will not be considered in this review.

Coordinating the ICP Program is included in the 5% ICP duties on the PD and the complex LMS reports are part of the work included in the 30% LMS duties on the PD.

Comparison of Duties to Class Specifications

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.

Program Job Class Series

When determining the best fit, I considered the program job classes. To decide on the suitability of allocating Ms. Mathews' position to a job class within a program series, such as a Program Assistant or Program Coordinator, I first looked at the definition of a "program" in the Glossary of Classification Terms, which states in relevant part:

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 CJTC is comprised of the Force and Fitness Division, the Basic Training Division, the Advanced Training Division and administrative functions. Like the other divisions, ATD supports the mission of the agency, not the mission of a program separate from the main body of the organization. ATD is not a distinct program separate from CJTC and therefore, allocation to a program job class is inappropriate.

Office Assistant Series

The Class Series Concept, found in the Office Assistant 1 (OA 1) class specifications, states:

Performs a variety of clerical duties in support of office or unit operations.

The OA 1 through OA Lead increases in complexity with each new level. The definition of OA 3 states in relevant part:

...independently perform a variety of complex clerical projects and assignments such as preparing reports, preparing, reviewing, verifying and processing fiscal documents and/or financial records...and responding to inquiries requiring substantive knowledge of office/departmental policies and procedures...

"Clerical" is defined in the Glossary of Classification Terms as, "work that supports office operations." While a portion of Ms. Mathews responsibilities include clerical support, such as making travel arrangements, writing meeting minutes and preparing reports, she also handles major elements of the ATD and serves as the "go-to" person in technical areas such as the LMS and the ICP. Ms. Mathews' essential functions extend beyond clerical office support and therefore, the OA 3 job class does not describe the majority of her work.

Administrative Assistant 4

The definition states:

Positions serve 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 or to the chief administrator or head of a major organizational unit such as a school, college or major academic/administrative department.

The Distinguishing Characteristics state, in relevant part:

For those positions in a major organizational unit such as a school, college or major academic/administrative department, the "unit" will typically have more than 75 full-time equivalent professional and/or classified staff; or service responsibility for more than 4,000 full-time students or staff...

The AA series is not progressive from AA 1- AA 5, rather allocation depends largely upon the size of the unit and to whom the AA reports. In this case, Ms. Mathews supports the director of the ATD unit that employs around 11 staff. The AA 4 Distinguishing Characteristics describe a major organizational unit as typically having more than 75 full-time students or staff. This large unit size is further characterized in the definition where it is compared to a college, school or major academic/administrative department. Consequently, the duties of Ms. Mathews' position do not appear to match the organizational size and reporting structure in the definition of AA 4.

The AA 4 job class specification describes higher-level substantive work:

...

Positions perform 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...

The DCs specify that typical AA 4 work is of substantive nature in that the supervisor would perform the tasks him/herself, but delegates the work to the AA 4. The Class Series Concept for the AA series emphasizes this:

...

The technical work addressed in the definition is distinguished by a professional position fully delegating a technical portion of the position's duties which in turn encompasses the majority of the Administrative Assistant's work and can be **traced to originate directly from a professional position's duties and responsibilities** (emphasis added).

Although Ms. Mathews performs some work for Ms. Daly, including writing meeting minutes, handling some of her scheduling and creating reports and surveys, the majority of her work is not around performing tasks originating from Ms. Daly or other professional staff. LMS work,

updating the web and coordinating the ICP are examples of major functions of the ATD where the work serves the staff, students and/or instructors more than it administratively supports Ms. Daly. Further, when Ms. Daly is absent, Ms. Mathews states she is not assigned to answer her calls or deal with rising issues on her behalf.

Ms. Mathews does not serve 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 or to the chief administrator or head of a major organizational unit such as a school, college or major academic/administrative department. The majority of Ms. Mathews' work does not fit the AA 4 in the size of the organization, reporting relationship and duties and responsibilities. Therefore, allocation to the AA 4 job class is inappropriate.

Administrative Assistant 3

Definition

Positions perform varied administrative and secretarial support duties or positions are responsible for one or more major program activities under a second line supervisor.

Distinguishing Characteristics

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 such as a school, college or major academic or administrative department....

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.

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).

Consistent with the definition of AA 3, Ms. Mathews is responsible for one or more program activities under a second line supervisor, including teacher certification and LMS user training and registration. While her duties may not be a major function of Ms. Daly's job, they are program activities of the ATD which are directed by Ms. Daly. When comparing the duties and responsibilities of her position to the program series, office assistant series and AA 4 and AA 3, I find the majority of her work best fits the AA 3. Her 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 PO Box 40911, Olympia, Washington, 98504-0911. The PRB Office is located on the 3rd floor of the Raad Building, 128 10th Avenue SW, Olympia, Washington. The main telephone number is (360) 407-4101 and the fax number is (360) 586-4694.

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

c: Victoria Mathews, Appellant
Sonja Hirsch, HR Manager, CJTC
Addley Tole, WFSE Representative

Enclosure: List of Exhibits

Victoria Mathews v CJTC

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