



**STATE OF WASHINGTON
OFFICE OF FINANCIAL MANAGEMENT**

STATE HUMAN RESOURCES DIVISION | DIRECTOR'S REVIEW PROGRAM
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May 17, 2016

TO: Kristie Wilson
Acting Rules and Appeals Program Manager

FROM: Kris Brophy
Director's Review Specialist

SUBJECT: Anita Granbois v. Department of Commerce (Commerce)
Allocation Review Request ALLO-15-098

A consolidated Director's review has been completed regarding the allocation of the following positions:

Anita Granbois	ALLO-15-098
Jodine Honeysett	ALLO-15-099

Director's Determination

Ms. Granbois' position remained allocated to the Commerce Specialist 2 (CS 2) class following a management-initiated position review. As the Director's designee, I carefully considered all of the documentation in the file, including the exhibits discussed during the Director's review conference and the verbal comments provided by the parties. Based on my review and analysis of Ms. Granbois' assigned duties and responsibilities, I conclude her position is properly allocated to the CS 2 class.

Background

On August 10, 2015, Commerce Human Resources (Com-HR) received an updated Position Description Form (PDF) form for Ms. Granbois' position completed by her supervisor, Ms. Pearl Gipson-Collier, Commerce Specialist 5. (Exhibit B-3)

Com-HR conducted a position review and notified Ms. Granbois on December 4, 2015 that her position was properly allocated to the CS 2 class. (Exhibit B-1)

On December 11, 2015, Office of Financial Management - State Human Resources (OFM-State HR) received Ms. Granbois' request for a Director's review of Commerce's allocation determination. (Exhibit A-1)

On April 26, 2016, I conducted a Director's review conference with Anita Granbois, CS 2 and Jodine Honeysett, CS 2; Pearl Gipson-Collier, CS 5; and Stacie Leanos, Council

Representative, WFSE. Amy Goodall-Rasmussen, Human Resources Managing Director and Diane Klontz, Community Services & Housing Assistant Director also attended the conference remotely by telephone.

During the review conference Ms. Honeysett submitted an updated PDF for her position dated February 11, 2016. On April 28, 2016, Ms. Goodall-Rasmussen submitted a final reply email noting an objection to the document on the basis it falls outside the allocation review period. All of this information has been added to the file as exhibits.

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).

Organizational Structure

Ms. Granbois' position is located within the Community Services & Housing Division (CSHD). Her position supports the Washington State STOP Violence Against Women Grant Program, funded through the federal Violence Against Women Act. (VAWA). She reports to Ms. Gipson-Collier, Program Manager.

Duties and Responsibilities

Ms. Granbois' major job duties are described in exhibit B-3 as follows:

70% **Duty:**

Grant Management and Program Development

Tasks:

Management of STOP Violence Against Women Grant program including planning and development of program goals and objectives.

Development of applications and/or request for proposals. Evaluates applications, convenes and facilitates application review teams as needed, and makes recommendations to the section manager (COM Spec 5) regarding assigned applications for program funds. Provides oversight of grant proposal process from receipt through grant execution. Develops grant statements of work or work plans. Prepares and reviews final contract documents.

Monitors grants to ensure achievement of program goals and objectives. Provides technical assistance to grantees regarding compliance. Prepares site visit and desk monitoring reports and documentation of technical assistance provided. Identifies and tracks grantee needs, conducts analysis of trends in the field. Keeps section manager and unit manager apprised of grantee compliance issues. Develops and implements training and/or

technical assistance plans.

Develops and implements individual problem-solving plans with grantees experiencing difficulty being or staying in compliance, meeting service delivery standards, or other issues. Completes risk assessments by reviewing and analyzing grantee information. Conducts fiscal accountability reviews on assigned grantees, as appropriate. Develops plans for corrections or improvements, as required.

Oversees development of financial documentation and tracking systems, conducts review and approving vouchers for payment. Implements established system of financial documentation of expenditures. Reconciles assigned grant budgets on a monthly basis. Coordinates with and responds to department accounting staff.

Consults and provides information regarding site visits, desk monitoring, correspondence, and discussions that result in applicable information regarding other. OCVA grants with the other staff in the unit.

Conducts program planning and development for program processes, projects or policies. Coordinates program advisory groups, workgroups, and stakeholder meetings. Consults in the development of committee work plans, meeting planning, and follow-up.

Serves as the violence against women program lead on one or more statewide initiatives such as but not limited to sexual assault set aside and healthcare forensic exams initiatives, coordinated community response teams, Infonet data, court related projects and/or other statewide initiatives.

Incorporates principles of cultural competency into grant and program development work.

Serves, as assigned, on department, division, and unit work groups related to grants, monitoring, evaluation, data, etc. Assists section manager in developing federal grant applications as OCVA seeks grants related to crime victim services.

15%

Duty:

Data Coordination

Tasks:

Coordinates program data collection. Monitors submission by grantees of required data and checks for timeliness, completeness, and accuracy. Contacts grantees to provide technical assistance or seek clarification for those whose data is inaccurate or incomplete. Assists with the planning and development of data collection systems that meet individual program requirements and needs. Prepares data reports and distributes, based on their purpose. Responds to individual inquiries from federal agency, grantees, staff, public, media, and others who are requesting data. Coordinates training and provides individual technical assistance as requested or assigned.

10%

Duty:

Technical Assistance and Consultation

Tasks:

Develops, analyzes and assesses technical assistance plans using professional experience and knowledge, journal articles, research, best practice standards, and consultation, as needed.

Consultation topics may include, but are not limited to, service delivery, cultural competency, criminal and civil justice systems, personnel, systems advocacy, or other program services. Provides technical information, including conducting literature searches and review of various professional journals. Provide oversight to and collaborates with contracted technical assistance providers that assist OCVA grantees.

Assists other direct service agencies meeting the needs of or providing system response to victims of crimes.

Conducts outreach to tribes, tribal organizations, and organizations working in marginalized or underserved communities.

Incorporates principles of cultural competency into technical assistance and consultation work.

Coordinates and/or conducts training and provides technical assistance to public policy makers, staff and service providers, based on best practice analysis, literature search and field experience.

Prepares written reports, analyses, resources, and publications as required.

5% **Duty:**

Other duties as assigned.

Supervisor's Comments

The following is a summary of comments provided by Ms. Gipson-Collier in support of her request to reallocate Ms. Granbois' position to the CS 3 class (Exhibit A-14):

...From July 2014 through December 2014, my program was heavily involved with planning and development of several new federally funded initiatives as well as preparing to implement the new OMB Uniform Guidance. There was no way of knowing the extent to which development and implementation of the new initiatives would impact staffing capacity. With limited resources within the Violence Against Women Program, both Anita and Jodi were relied upon to shift a portion of their time as lead staff to perform higher and more advanced level of planning and development of the STOP Violence Against Women Program and the Domestic Violence Legal Advocacy (DVLA) Program while also working together within our team to implement new initiatives and other program efforts.

In addition to maintaining their efforts on crucial activities such as developing collaborative relationships with local government officials and community organizations (activities that align with those of a commerce specialist 3 classification), Anita and Jodi were asked to plan, develop, coordinate and manage two significant programs.

...

Upon completion of my review of the position descriptions, I determined that the increased reliance in the past few months upon Anita and Jodi to perform higher and more advanced level work appeared to push them well over 51% of effort on activities and tasks unquestionably within the Commerce Specialist 3 classification.

...

Finally, throughout this process there has been no disagreement that the Commerce Specialist 2 and 3 classifications contain some crossover and that both Anita and Jodi are performing some duties within the Commerce Specialist 3 classification, in fact, there continues to be acknowledgement from the unit manager, division director and HR manager to this. However, it is of concern that little-to-no value has been afforded to my assessment and assertion (as the direct supervisor) nor to the time-consuming efforts by Jodi and Anita in determining the percent of time they are spending on duties best aligned with those of within a Commerce Specialist 3 classification. From the on-set throughout this process, my goal has been to obtain a fair, impartial and accurate assessment of both positions based on a number of factors, of which, one must include the standard by which the department has set in approving positions as Commerce Specialist 3's.

As part of my latest review of the position descriptions, I researched other positions within the division that are currently classed as Commerce Specialist 3. The position descriptions I examined disturbingly either mirrored the current duties that Anita and Jodi are performing or they were at minimum questionably borderline within the general responsibilities of a Commerce Specialist 3 classification. While I understand a review is not a comparison of work performed by employees in similar positions, there must be standards that are adhered to in order to preserve equity and fairness.

I herewith affirm and stand firmly behind my analysis of the duties as performed by Anita Granbois and Jodine (Jodi) Honeysett as those fulfilling the requirement of 51% or more within the Commerce Specialist 3 Classification.

Ms. Granbois' Comments

Ms. Granbois provides the following comments regarding the scope of her work duties in exhibit A-4:

... I negotiate, manage, and monitor complex contracts/grants; I develop and coordinate workshops related to the STOP Violence Against Women Grant Program; and I exercise budgetary responsibility for the WA State STOP Violence Against Women Program. Additionally, I do represent the agency at professional national meetings. Participation in the Office on Violence Against Women State Administrators' meetings is a requirement of receiving the funds and when the department signed my travel paperwork, they "designated in writing" me to represent the agency at these meetings.

As for the comments in the highlighted text on the bottom of page 4 and the top of page 5 that refer to legislation, testimony at hearings, and direct the work of lower level staff, I refer you to Exhibit 12 - COM SPEC 3 Classification Standards

set by Commerce – Approved PDFs. These are examples of COM SPEC 3 PDFs approved by Commerce; thereby setting the standard. These PDFs do not have authority for the referenced comments.

Summary of Commerce's Perspective

The argument presented by Commerce in exhibit B-1 is summarized as follows:

- Ms. Granbois does not:
 - negotiate complex contracts;
 - develop or coordinate workshops or seminars related to her assigned programs;
 - have complex decision making authority;
 - draft legislation;
 - prepare or provide testimony at hearings;
 - direct or oversee the daily work of lower level staff specific to the work of the program;
 - exercise budgetary responsibility;
- Her position is not designated in writing by the assistant director or equivalent to act as a spokesperson for the agency at the professional, local, state, regional, or national meetings;
- The majority of Ms. Granbois time is spent performing duties that are reflected in the CS 2 class.

Comparison of Duties

When comparing the assignment of work and level of responsibility to the available class specifications, the Class Series Concept (if one exists) followed by the 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.

Comparison of Duties to the Commerce Specialist series

The Class Series Concept for this series states:

Positions in this series perform professional level work in developing, implementing and monitoring state, federal or local community, trade and/or economic enhancement or development programs or projects impacting communities, businesses and citizens of the state.

Comparison of Duties to Commerce Specialist 3 (CS 3)

The Definition for this class states:

Positions at this level function as specialists in an assigned area and work with little or no technical oversight. Incumbents deal with complex and conflicting issues and/or portfolio management and provide specialized expertise in areas such as contract negotiation and/or execution, growth management, housing, public works, community services programs, trade and economic development, historic preservation, or archeological planning. Within their assigned area, incumbents establish program priorities, develop policies and are designated in writing by the assistant director or equivalent to act as a spokesperson for the agency.

There are no Distinguishing Characteristics for this class.

Ms. Granbois' position does not fully reach the primary allocating requirements of this class.

For example, positions in this class function as specialists within an assigned area of responsibility. They work with little or no technical oversight and deal with complex issues and/or manage portfolios within a defined area of expertise. Incumbents establish program priorities, develop policies and are designated in writing by the assistant director or equivalent to act as a spokesperson for the specialty area at the agency level.

In total, while a portion of her work reaches aspects of this class, her level of responsibility within her assigned program area and the overall focus and scope of her assigned duties as a whole do not reach the depth and breadth of responsibility for resolving complex issues and managing a portfolio at the level required by this class.

Ms. Granbois' position does not have primary responsibility for serving as a designated consultant in a specialized area of expertise. Rather, her duties more consistently align with providing independent, journey-level assistance, consultation and training to clients within a grants management program function consistent with the CS 2 level class definition.

Ms. Granbois' duties also do not include responsibility for managing a portfolio within a designated specialty area at the level anticipated by this class. Her position does not align with planning, developing and fully managing a specialized program area. Program management responsibility for Ms. Granbois' assigned program rests with her supervisor, Ms. Gipson-Collier. Ms. Granbois' duties do not include responsibility for establishing program priorities, developing policies and preparing program budgets at the level anticipated by this class.

Further, her position has not been designated in writing by the assistant director to act as a spokesperson for the agency. During the review conference Ms. Klontz clarified that positions within the agency which have written designation perform higher-level tasks including making presentations as the representative of the agency at conferences. Ms. Granbois' position does not encompass this scope of responsibility. Ms. Granbois attends conferences in her supervisor's absence, which is described at the CS 2 level. Therefore, her position does not represent the agency at the level anticipated by this class as this responsibility rests with her supervisor, Ms. Gipson-Collier.

The PRB has discussed the importance of having written designation when that designation is required in a class specification. For example, in *Eastern Washington University v. Akin*, PRB Case No. R-ALLO-09-004 (2009), the Board determined that allocation to the ITS/AS6 classification is not appropriate unless such a written designation has been given by information technology or information services management.

In total, Ms. Granbois' position does not reach the primary allocating requirements of the definition of this class.

This is further supported in the typical work statements which provide examples of work performed at this level. The scope and focus of Ms. Granbois' position duties do not include performing specialized duties as follows:

Develops and maintains cooperative relationships with government, businesses, industry, community organizations and/or government officials;

Plans, develops, coordinates and manages a specialized program or programs;

Coordinates the state's role in community, trade and economic development programs, e.g., develops, prepares, and monitors reports, proposals, grants and program budgets;

Develops, negotiates, and monitors technical aspects of complex contracts with local governments, community organizations, and public and private entities;

Assists with drafting legislation, preparing or providing testimony at hearings;

Develops policy positions related to a specialized program, service, or technical area(s);

Organizes or leads service delivery teams;

The scope of Ms. Granbois' position duties do not align with these statements.

I concur with Commerce's determination that Ms. Granbois' position does not have responsibility for performing such higher level tasks as negotiating complex contracts; developing or coordinating workshops or seminars related to her assigned programs; drafting legislation; preparing or providing testimony at hearings; directing or overseeing the daily work of lower level staff specific to the work of the program; and exercising budgetary responsibility for the program. Ms. Granbois' position does not exercise the full level of responsibility and complex decision making authority consistent with the requirements of this class.

For each of these reasons, her position should not be allocated to the CS 3 class.

Comparison of Duties to Commerce Specialist 2 (CS 2)

The Definition for this class states:

Positions at this level independently perform a wide variety of professional, journey-level work such as developing and implementing program evaluation plans, developing and maintaining program-specific data tracking systems, designing and analyzing surveys, analyzing data to measure service and impact, performing economic analysis, and integrating results into overall evaluation reports. Incumbents exercise decision-making authority, resolve issues, represent the agency within their assigned area of program responsibility and provide input into policy development. Incumbents independently provide assistance, consultation and training to clients in areas such as program planning, financing, grants management, contract development, market

development, emergency preparedness, community revitalization, or other areas necessary to the success of program(s) or portions of a program(s) or project(s).

Ms. Granbois' duties more accurately align with the primary allocating criteria of the definition of this class. Ms. Granbois performs a variety of professional, journey-level work in support of her assigned program. This includes such tasks as developing and implementing program evaluation plans, developing and maintaining program-specific data tracking systems, analyzing data to measure service and impact and integrating results into overall evaluation reports.

Ms. Granbois exercises decision-making authority, resolves issues and serves as the staff representative to program clients and stakeholders. She provides input into policy development to higher level management staff. She also provides technical assistance, consultation and training to clients within a grants management program function.

Her duties also align more closely to the examples of work performed at this level. For example, the typical work statements for this class include such duties as:

- Utilizes a variety of data pertaining to varying situations to perform analysis or evaluation of problems;

- Prepares program proposals, monthly summaries and quarterly reports;

- Conducts or oversees workshops and seminars related to programs;

- Develops and monitors contracts required to achieve program goals;

- Makes technical recommendations on projects, programs, policies, and plans;

- Provides technical assistance and consultant services to public and private clients;

- Collects data and assists in analysis and preparation of technical reports;

- Represents agency at professional local, state, and regional national meetings;

- May manage one or more state, federal or local projects or programs and provide technical consultation and training to clients and/or others;

- May coordinate the development and completion of projects and/or programs;

The scope and diversity of Ms. Granbois' duties more consistently align with the level of work described by these statements.

For example, the majority of Ms. Granbois' time is spent performing program direction and oversight functions. Ms. Granbois oversees the grant proposal process from receipt through execution. She evaluates grant applications, convenes and facilitates application review teams as needed and makes recommendations to her supervisor regarding assigned applications for program funds. She develops statements of work or work plans. She also prepares and reviews final contract documents.

Ms. Granbois monitors the ongoing status of grants to ensure the achievement of the program's goals and objectives. She provides technical assistance to grantees regarding compliance requirements. She prepares monitoring reports and keeps her supervisor and unit manager apprised of grantee compliance issues. She develops and implements training and/or technical assistance plans.

The scope of her finance and budgetary activities includes overseeing the development of financial documentation and tracking systems, conducting reviews and approving vouchers for

payment. She also implements an established system of financial documentation of expenditures. She reconciles assigned grant budgets on a monthly basis and coordinates with and responds to department accounting staff.

She also coordinates the completion of program projects and she coordinates program advisory groups, workgroups, and stakeholder meetings.

There is overlap in the description of duties for both the CS 2 and CS 3 classes. It is also acknowledged that there are aspects of Ms. Granbois' duties that reach beyond the general scope of work performed at the CS 2 level. However, when considering the two classes, Ms. Granbois' duties and level of responsibility more closely align with the CS 2 class. The CS 2 class more accurately describes the overall duties and level of decision making authority exercised by Ms. Granbois in her position.

In *Salsberry v. Washington State Parks and Recreation Commission*, PRB Case No. R-ALLO-06-013 (2007), the Personnel Resources Board addressed the concept of *best fit*. The Board referenced *Allegrì v. Washington State University*, PAB Case No. ALLO-96-0026 (1998), in which the Personnel Appeals Board noted that while the appellant's duties and responsibilities did not encompass the full breadth of the duties and responsibilities described by the classification to which his position was allocated, on a best fit basis, the classification best described the level, scope and diversity of the overall duties and responsibilities of his position.

Based on the level, scope and breadth of Ms. Granbois' assigned duties and responsibilities, her position should remain allocated to the CS 2 classification.

Appeal Rights

RCW 41.06.170 governs the right to appeal. RCW 41.06.170(4) provides, in relevant part, the following:

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: Anita Granbois, Employee
Stacie Leanos, WFSE
Amy Goodall-Rasmussen, Commerce

Enclosure: List of Exhibits

ANITA GRANBOIS v COMMERCE

ALLO-15-098

LIST OF EXHIBITS

A. Anita Granbois Exhibits

1. Request for Director's Review
2. PDF Reallocation COM SPEC 2 to 3 submitted to Commerce HR; August 10, 2015
3. Commerce HR Position Review Determination Letter; December 4, 2015
4. Response to Inaccuracies and Errors in Determination Letter
5. State of WA Class Specification for Commerce Specialist 2
6. State of WA Class Specification for Commerce Specialist 3
7. Chart of current duties within COM SPEC 2 and COM SPEC 3 Classifications
8. 2014 STOP Formula Application
9. 2014 STOP Sexual Assault Competitive Application
10. Budget Coding for 2014 STOP Grants
11. COM SPEC 2 to COM SPEC 3 – STOP VAW Revised December 2015
12. COM SPEC 3 Classification Standards set by Commerce – Approved PDF's
13. Correspondence Timeline and Determination
14. Supervisor Summary and Affirmation
15. OCVA Organization Chart Approved First Phase of Re-Structure
16. Organization Chart Community Services and Housing Division

Exhibit submitted during review conference:

17. Position Description Form dated February 11, 2016 (Note: Outside of review period)

B. Commerce Exhibits

1. Allocation Determination Letter
2. Position Description, 7/30/2012
3. Position Description, 8/10/2015
4. Notes from Position Review Meeting conducted by Amy Goodall-Rasmussen on 10/28/2015
5. Position Task Notes - submitted by Anita Granbois on 10/28/2015

6. State HR Class Specification for Commerce Specialist 2
7. State HR Class Specification for Commerce Specialist 3
8. Position Review Matrix
9. Email from Pearl Gipson 9/19/2015
10. Email from Pearl Gipson 10/7/2015
11. Email from Amy Goodall-Rasmussen 12/18/2015
12. Email/PDF Review from Theresa Burkheimer (HR)
13. Organizational Chart

Exhibit submitted following review conference:

14. Final email response from Amy Goodall-Rasmussen dated April 28, 2016, noting objection to Exhibit A-17 on the basis it is outside the allocation review period.

C. State HR Class Specifications

1. Commerce Specialist 2
2. Commerce Specialist 3