



STATE OF WASHINGTON

OFFICE OF FINANCIAL MANAGEMENT

STATE HUMAN RESOURCES DIVISION | DIRECTOR'S REVIEW PROGRAM

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June 9, 2017

TO: Connie Goff
Rules and Appeals Program Section Chief

FROM: Christa Biasi
Director's Review Specialist

SUBJECT: Amanda Robinett v. Washington Department of Fish and Wildlife (DFW)
Allocation Review Request ALLO-16-091

DIRECTOR'S DETERMINATION

This position review is based on the work performed for the six-month period prior to November 2, 2016, the date that DFW Human Resources (DFW HR) received Alison Kycek's (Ms. Robinett's supervisor) request for reallocation. As the Director's Review Specialist, I carefully considered all the exhibits. Based on my review and analysis of Ms. Robinett's assigned job duties; I conclude her position should be allocated to a Communication Consultant 3 (CC 3).

BACKGROUND

On November 17, 2016, Ms. Robinett's supervisor, Ms. Kycek submitted a Human Resources Action Form (HRAF, Exhibit B-4) to DFW HR requesting reallocation of Ms. Robinett's position from Commerce Specialist 1 (CS 1) to CC 3.

By letter dated November 17, 2016, Yolanda Geolingo, Human Resource Consultant, notified Ms. Robinett that her supervisor's request to reallocate her position had been denied. (Exhibit B-5).

On November 28, 2016, Office of Financial Management State Human Resources (OFM SHR) received Ms. Robinett's request for a Director's Review of DFW HR's allocation determination (Exhibit A-1).

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. Robinett's position is located in the Licensing Division at headquarters in Olympia. Ms. Robinett reports to Ms. Alison Kycek, Marketing Specialist.

POSITION PURPOSE

According to the Position Description Form (PDF, Exhibit B-3) the position purpose is stated in part as follows:

The Communications Consultant 3 serves as a graphic design specialist in business development activities by researching marketing opportunities, leveraging knowledge of marketing and sales strategies to develop impactful POS displays and materials, and produces graphics communications and marketing materials in consultation with senior-level staff.

The position objectives are:

- Expanding dealer networks, revenues and business.
- Development of new product and promotional initiatives.
- Completes required Dealer training and development objectives within the assigned timeframe.

Duties and Responsibilities PDF (Exhibits B-3)

10% Contractor/Dealer Recruitment, Consulting, Development, and Support

- Primary support to the dealer advisory committee, sets agenda, researches issues and opportunities, makes recommendations, captures and memorializes committee meetings (minutes) and action items.
- Trains and supports dealers by educating them on marketing programs and promotions.
- Responds to dealer inquiries as the point of contact in Olympia.
- Instructs dealers, sales clerks, and managers on proper operation and use of sophisticated equipment and systems.
- Trains dealers, sales clerks, loss prevention personal, etc., on how to fix issues that may arise with equipment.
- Performs maintenance and updating of dealer accounts, including contact names for future sales.
- Assists in dealer performance assessments using a variety of data, including yearover-year sales, sales per capita, average sale, geographic considerations for potential traffic and proximity to recreational destinations and other relevant information.
- Investigates issues the dealers have between them and our customers finding solutions that benefits all parties involved.
- Responsible for reporting and documenting system or equipment related issues, dealer and customer concerns. Provides suggestions and solutions, identifies challenges, promotes innovation, and assists with identifying system and application functionality that enhances both customer and staff experience.
- Assists in developing and monitoring contracts with dealers.

- Interpret and applies basic knowledge of the laws, rules, policies, and procedures affecting recreational/commercial licensing. Works with dealer Account Reps in the field to assist two-way communication that finds best practices and solutions to dealer issues.
- Assists higher-level staff in the preparation of complex comprehensive plans, summaries, recommendations, progress or special reports.
- Conducts investigations, recommends corrective action or testifies at administrative hearings on behalf of the organization. Conducts investigations into accounting procedures of our dealers, recommends corrective actions in managing the contract between WDFW and the dealers, and testifies on behalf of the agency concerning sales history and system issues.

10% Sales and Marketing Analysis

- Assists in planning, developing, implementing, and evaluating advertising, merchandising, and trade promotion programs.
- Performs preliminary analysis of individual dealer information and trends in the areas of sales and marketing.
- Conducts data analysis, identifies trends, and product gaps in support of new product development or service enhancements development that improve customer satisfaction and sales potential.
- Identifies trends in dealer satisfaction or dissatisfaction.
- Monitors dealers' sales for compliance with sales goals; identifies sales barriers and recommends corrective action/solutions.
- Recommends cancelling dealerships based on sales trends and performance; provides proper documentation when the removal of an on-line machine is necessary.
- Prepares professional presentations to dealers, civic, and community organizations using sophisticated sales and marketing data.
- Periodically conducts information-only presentations, such as seminars, trade show demonstrations, and other efforts.
- Conducts, research, and analyzes data to identify program needs and participant eligibility for continued program participation.

75% Multimedia & Graphic Design

- Leverages knowledge of marketing and sales strategies to develop impactful POS displays and materials.
- Produces graphics communications and marketing materials.
- Works with external resources/vendors in support of marketing projects and deliverables.
- Develops graphics and messaging for e-campaigns.
- Conceptualizes, designs and produces graphic projects such as publications, logos, advertisements, maps, Internet materials, drawings displays, slideshows, and other illustrative materials.
- Consults with managers and staff on graphic projects, programs and events involving aggressive marketing, high visibility, large distribution, and budget factors.
- Conceives, designs, edits, and produces agency-wide informational materials, taking into account intended use, audience, budget and the project's and department's goals and objectives.

- Produces complex, computer-generated multi-page photomechanical art or separations for black and white, and color reproduction, using graphic design software for page layout, illustration, and photo manipulation (not word processing software).
- Accomplishes typographic compositions, conversions and manipulations of photographs and illustrations, using a variety of reprographic techniques, computer software, and materials.

5% Other duties as assigned.

- Remains current on product and industry knowledge by attending sales meetings, vendor training, trade shows, or reading trade journals.
- Gives input on writing and editing publications, reports, pamphlets, or newsletters for internal and external distribution.

SUMMARY OF MS. ROBINETT'S PERSPECTIVE

Request for a Director's Review (Exhibit A-2)

Ms. Robinett stated in her Request for Director's Review that in the DFW HR's determination letter it stated in part, "The HR Allocation team examined the Commerce Specialist 1 and Communication Consultant 3 classifications. Based on our review of these classes, information in your position description has been determined the Commerce Specialist position appropriately describes the overall duties and responsibilities of your position." Ms. Robinett continued by outlining that upon her review of her most recent and relevant PDF, which was signed on October 28, 2016, the CC 3 job class is much more relevant for the job duties she is performing.

Ms. Robinett further stated that there seems to be one statement in her PDF (Exhibit B-6) which DFW HR saw as a significant factor in their decision to not reallocate her position. The statement is as follows:

The multi-state dealer program is separated into two categories administrative (e.g. program support and tier 1 systems support and sales/strategic initiatives). The program support function is a coordinator and facilitator between field and dealers. They will provide document management, point of sale materials phone/accounting/dealer setup and various other functions in support of the sales and marketing plan for the territory manager.

However, in response to the statement, Ms. Robinett outlined that she serves as the Marketing Team's Graphic Designer as well as the designer for the agency. She further outlined that she actively participates in a project management and content development role, which also includes being a vital member in organizing, developing and executing statewide marketing campaigns. Ms. Robinett continued by stating that she is the only person on the marketing team that can develop professional-level graphics and she therefore is given general direction and also leads and coordinates all activities independently. Ms. Robinett also stated that she only serves as backup for dealer support activities approximately 20% of the time and this only occurs when the CS 1 is out of the office.

Ms. Robinett further outlined in her request for review that in her previous PDF graphic design outlined only 15% of her job duties. She outlined that 75% of her job duties are working

independently and under general direction with multi-media and graphic design. There are very few guidelines given and she leads the completion of marketing materials, including point of sale material (POS) such as flyers, brochures, rack cards, email campaigns, display designs, etc. Ms. Robinett stated that she determines the appropriate methods and techniques to promote the program.

In closing her request for director's review, Ms. Robinett outlined the typical work statements for both the CS 1 and CC 3. This information is contained in its entirety in Exhibit B-2.

SUMMARY OF DFW'S PERSPECTIVE

Determination Letter (Exhibit B-1)

In the determination letter, Ms. Geolingo, Human Resource Consultant, outlined the CS 1 and CC 3 job classes. Ms. Geolingo stated, "I am not approving the request to reallocate your position number 70068921, from Commerce Specialist 1 to Communication Consultant 3."

Ms. Geolingo continued by stating that the HR Allocation Team (HRAT) examined the CS 1 and CC 3 classifications and based on their review and analyses of the classes and information in the PDF it has been determined the CS 1 position appropriately describes the overall duties and responsibilities of Ms. Robinett's position.

Ms. Geolingo stated:

In the Position Objective of the PD dated October 28, 2016, the statement, "The multi-state dealer program is separated into two categories administrative (e.g. program support and tier 1 systems support and sales/strategic initiatives). The program support function is a coordinator and facilitator between field and dealers. They will provide document management, point of sale materials phone/accounting/dealer setup and various other functions in support of the sales and marketing plan for the territory manager" which is a significant factor for you to be aware of.

Our analysis included determining the Communication Consultant 3 definition, "Positions at this level work independently and under general direction and typically lead or coordinate activities. Positions plan, organize, schedule, and carry out informational and/or public relations activities. Positions determine the need and most appropriate methods and techniques to publicize and promote programs, develop and implement changes for program effectiveness, and resolve complex issues or problems". Additionally, we looked for position distinguishing characteristics in the PD that aligned with the Communication Consultant 3 characteristics as defined by your PD, "Serves as a graphic design specialist in business development activities by researching marketing opportunities, leveraging knowledge of marketing and sales strategies to develop impactful POS and materials, and produces graphics communications and marketing materials in consultation with senior-level staff: This statement supports a Graphic Designer definition as it states, "Designs and produces a variety of graphic projects including printed publications, video, slideshows,

three-dimensional exhibits, and illustrative materials, using roots such as computers and their associated peripherals". We did not find many tasks you performed independently at the Communication Consultant 3 classification level. As I stated before the PD, provided by your supervisor did not provide evidence that your position is misallocated or rather should be allocated different from your current Commerce Specialist 1 position.

It is for the reasons outlined in Ms. Geolingo's determination letter and the comparison of duties outlined in Ms. Robinett's PDF to the CS 1 and CC 3 classifications that it was determined Ms. Robinett's position should remain allocated to the CS 1 class.

COMPARISON OF DUTIES TO CLASS SPECIFICATIONS

I carefully reviewed the exhibits submitted by the Parties. Allocating criteria consists of the class specification's class series concept (if one exists), the definition and the distinguishing characteristics.¹ Typical work is not an allocating criterion, but may be used to better understand the definition or distinguishing characteristics.

It is important to note that during this review I did review the CC 1, 2 and Graphic Designer classes. Based on my review of the duties being performed by Ms. Robinett and the scope of her position, these classes are inappropriate for allocation. First and foremost, I believe Ms. Robinett is performing duties above the journey level which is noted in the Graphic Designer class and her duties are more for providing informational services. Secondly, the Definition for the CC 1 states, "Duties performed at this level include assisting in developing, editing, and/or coordinating production and distribution of materials or drafts of publications such as announcements, catalogs, program brochures, and illustrative materials. Positions typically work under **direct or close supervision** and work is subject to regular review. Work tasks are often repetitive or routine. Positions have limited latitude to resolve problems outside of written guidelines," Ms. Robinett's supervisor stated in her request to reallocate Ms. Robinett's position that she works under general supervision. General supervision is not working "under direct or close supervision," rather OFM-SHR has defined "general supervision" as:

General supervision

- Employee performs recurring assignments without daily oversight by applying established guidelines, policies, procedures, and work methods.
- Employee prioritizes day-to-day work tasks. Supervisor provides guidance and must approve deviation from established guidelines, policies, procedures, and work methods.

¹ In *Norton-Nader v. Western Washington University*, PRB Case No. R-ALLO-08-020 (2008), the Personnel Resources Board (Board) stated that the following standards are the hierarchy of primary considerations in allocating positions: a) Category concept (if one exists); b) Definition or basic function of the class; c) Distinguishing characteristics of a class; and d) Class series concept, definition/basic function, and distinguishing characteristics of other classes in the series in question.

- Decision-making is limited in context to the completion of work tasks. Completed work is consistent with established guidelines, policies, procedures and work methods. Supervisory guidance is provided in new or unusual situations.
- Work is periodically reviewed for compliance with guidelines, policies and procedures.

I found that Ms. Robinett's duties exceeded that of the CC 1 and her level of supervision was less than that required by the CC 1 class. Throughout all of her PDFs, the level of supervision noted for Ms. Robinett is 'General Direction.' She therefore exceed the intent of the CC 1 class.

Additionally, I think it is important to note that the allocation determination letter is confusing as to the reasoning for the denial of reallocation. The author notes a specific paragraph under the heading "Position Objection" of the PDF (Exhibit B-6), which states in part, "The multi-state dealer program is separated into two categories administrative (e.g. program support and tier 1 systems support and sales/strategic initiatives). The program support function is a coordinator and facilitator between the field and dealers..." The Position Objective simply outlines the objective of the position as it relates to the division or section in which the incumbent is located and does not serve as a basis for allocation. See *Norton-Nader v. Western Washington University*, PRB Case No. R-ALLO-08-020 (2008) which outlines the hierarchy of allocating criteria. Even more to the point, if the paragraph truly had a significant impact on the allocation determination, the next paragraph within the same section further outlines the objective of Ms. Robinett's position by stating, "The Communications Consultant 3 serves as a graphic design specialist in business development activities by researching marketing opportunities, leveraging knowledge of marketing and sales strategies to develop impactful POS displays and materials, and produces graphics communications and marketing materials in consultation with senior-level staff." This statement reflects the intent of Ms. Robinett's position within the program, however, again this is not allocating criteria. As stated in *Dudley v. Dept. of Labor and Industries*, PRB Case No. R-ALLO-07-007 (2007), the hierarchy of allocation determination are made based on four factors, class series concept, definition or basic function, distinguishing characteristics and all three factors of other classifications. Nowhere within *Dudley v. Dept. of Labor and Industries* does it state the position purpose should be construed as an allocating criterion.

Commerce Specialist Class Series Concept

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.

Commerce Specialist 1

Positions at this level work under the direction of a higher level program manager, perform professional-level work, and assist in program development, research and implementation of state, federal and local programs.

Communication Consultant Class Series Concept

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

Communication Consultant 3

Definition

Positions at this level work independently and under general direction and typically lead or coordinate activities. Positions plan, organize, schedule, and carry out informational and/or public relations activities. Positions determine the need and most appropriate methods and techniques to publicize and promote programs, develop and implement changes for program effectiveness, and resolve complex issues or problems.

As stated in *Norton-Nader v. Western Washington University*, PRB Case No. R-ALLO-08-020 (2008), the Personnel Resources Board (PRB) set out the hierarchy for position allocations. The first allocating criteria is the Category Concept (Class Series Concept). In this matter the majority of Ms. Robinett's duties clearly meet the class series concept for the CC series.

In the Class Series Concept for the CC, incumbents 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." At least 75% of Ms. Robinett's duties are found within this series concept. Only a small percentage of Ms. Robinett's duties can be found in the CS series where she is performing professional level work in "developing, implementing and monitoring state ...local community trade and/or economic enhancement or development programs or projects impacting communities, businesses and citizens of the state."

For example, the scope of Ms. Robinett's duties are related more to the development and design of marketing materials, she does not spend a majority of her time assisting in program development or working on projects that have a community impact or businesses and citizens of the state. However, as stated previously, Ms. Robinett spends 75% of her time in the development, editing and dissemination of communication and marketing materials for DFW. While it is true that at least some of Ms. Robinett's duties meet the distinguishing characteristics of the CS series, as stated in *Dudley v. Dept. of Labor and Industries*, PRB Case No. R-ALLO-07-007 (2007), most positions within the civil services perform duties that appear in more than one classification. However, when determining the appropriate classification for a specific position, the duties and responsibilities must be considered in their entirety. In this case, Ms. Robinett's duties in their entirety meet CC series.

As stated in *Norton-Nader v. Western Washington University*, PRB Case No. R-ALLO-08-020 (2008), the second consideration for allocating into a class is the Definition. In comparing the definitions to both the CS 1 and CC 3, I find that Ms. Robinett's duties meet both definitions. However, I must look to the scope and the intent of Ms. Robinett's duties. She serves as the Marketing Team's Graphic Designer as well as the designer for the agency. She participates in project management and content development and works with a team that organizes, develops and executes statewide marketing campaigns. She also researches marketing opportunities, uses her knowledge of marketing and sales strategies to develop POS displays and materials

and produces graphics communications and marketing materials in consultation with senior level staff. The definition for the CC 3 states in part, "Positions at this level work independently and under general direction and typically lead or coordinate activities ... plan, organize, schedule, and carry out informational and/or public relations activities ... determine the need and most appropriate methods and techniques to publicize and promote programs, develop and implement changes for program effectiveness, and resolve complex issues or problems." The definition closely aligns with the duties performed by Ms. Robinett a majority of time.

In contrast, the definition for the CS 1 states that positions allocated to this classification "perform professional-level work, and assist in program development, research and implementation of federal and local programs." There is nothing in this definition that outlines the graphic design duties that Ms. Robinett performs a majority of her time. Even more to the point, although typical work statements are not allocating criteria, they can be used to better understand some of the duties performed by a specific class, in this matter there is not one typical work statement within the CS 1 classification that suggests graphic design to be a duty performed within this classification. Some of Ms. Robinett's duties do fit within this classification, however, they are minimal at best.

Furthermore, it appears as though DFW HR compared the duties outlined on Ms. Robinett's PDF (Exhibit B-6) to distinguishing characteristics or "... looked for position distinguishing characteristics in the PD that aligned with the Communication Consultant 3 characteristics as defined by your PD..." The paragraph goes on to say at least one of the statements in Ms. Robinett's PDF are consistent with that of the CC 3 by stating, "Serves as a graphic design specialist in business development activities by researching marketing opportunities, leveraging knowledge of marketing and sales strategies to develop impactful POS and materials, and produces graphics communications and marketing materials In consultation with senior-level staff... This statement supports a Graphic Designer definition as it states, Designs and produces a variety of graphic projects including printed publications, video, slideshows, three-dimensional exhibits, and illustrative materials, using roots such as computers and their associated peripherals." DFW HR concludes this paragraph by stating, "As I stated before the PD, provided by your supervisor did not provide evidence that your position is misallocated or rather should be allocated different from your current Commerce Specialist 1 position." When in fact, as evidenced by prior PDFs and statements from Ms. Robinett's supervisor, there has been a significant change in Ms. Robinett's duties. Particularly, her graphic design duties have increased from 15% to 75%. It is also an important fact that neither the CS 1 nor the CC 3 classes have any distinguishing characteristics.

Based on the foregoing information and after careful review of the information contained in the file, I have determined the primary function of Ms. Robinett's position and the majority of her duties in their entirety fall within the scope and level of responsibility in the stated Definition for the CC 3 class. Therefore, her overall level and scope of assigned duties and responsibilities are consistent with Communication Consultant 3 level work and therefore the best fit.

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: Amanda Robinett, Appellant
Yolanda Geolingo, Human Resource Consultant
Lisa Goldschmidt, Washington Federation of State Employees

Enclosure: List of Exhibits

Amanda Robinett v DFW
ALLO-16-091

LIST OF EXHIBITS

- A. Amanda Robinett Exhibits
 - 1. Date Stamped Request for Director's Review
 - 2. Position Reallocation Request and Appointment Status Decision Appeal Letter
 - 3. Position Reallocation Request and Appointment Status Decision Letter
 - 4. Reallocation Request Decision Email
 - 5. HR Action Form and Position Description Dated October 28, 2016

6. Commerce Specialist 1 State of Washington Class Specification
7. Communications Consultant 3 State of Washington Class Specification
8. Position Description Dated October 28, 2016
9. Original Position Description Dated July 17, 2016
10. Communications Consultant 3 – Graphic Design Specialist for State of Washington Department of Health Job Description

B. DFW Exhibits

1. Director's Review Request
2. Position Reallocation Request and Appointment Status Decision Appeal
3. Position Description for Reallocation CS1 to CC3
4. HR Action Form dated 11/2/2016
5. Reallocation Request and Appointment Status Decision
6. Position Description for Commerce Specialist dated 7/29/2016
7. Position Description for Commerce Specialist dated 12/22/2014
8. Commerce Specialist 1 Specifications
9. Communications Consultant 3 Specifications
10. Graphic Design Specifications
11. Organizational Chart - Licensing
12. Performance & Development Plan Expectations 07/29/2016
13. Performance & Development Plan Evaluation 07/29/2016
14. Marketing Coordinator (Commerce Specialist 1) Posting
15. Commerce Specialist 1 Application
16. HR Recruitment/Hire Action Form, effective 9/15/2015

C. Class Specifications

1. Commerce Specialist 1
2. Communications Consultant 3
3. Graphic Designer