



STATE OF WASHINGTON

OFFICE OF FINANCIAL MANAGEMENT

STATE HUMAN RESOURCES DIVISION | DIRECTOR'S REVIEW PROGRAM

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May 1, 2017

TO: Connie Goff
Rules and Appeals Section Chief

FROM: Caroline Kirk
Director's Review Specialist

SUBJECT: Matthew Ping v. Office of Administrative Hearings (OAH)
Allocation Review Request ALLO-16-102

Director's Determination

This position review is based on the work performed for the six-month period prior to November 22, 2016, the date that OAH Human Resources (OAH HR) received Matthew Ping's request for reallocation. As the Director's Review Specialist, I carefully considered all of the exhibits and any closing arguments submitted by the parties. Based on my review and analysis of Mr. Ping's assigned job duties, I conclude his position is properly allocated to the Management Analyst 3 (MA3) class.

Background

On November 22, 2016, Mr. Ping's supervisor, Mr. Larry Dzieza, submitted an updated Position Description Form (PDF) for Mr. Ping (Exhibit B-3) to OAH HR. Mr. Dzieza met with HR Consultant, Ms. Melton, and explained that he would like Mr. Ping's job to be reallocated to the Management Analyst class series, but he did not specify what level in the series.

Based upon the updated position description, speaking with the supervisor, and understanding the goal of the new duties assigned to Mr. Ping, the position was reallocated to a MA3, effective January 1, 2017.

On December 30, 2016, the Office of Financial Management, State Human Resources (OFM SHR) received Mr. Ping's request for a Director's Review of OAH HR's allocation determination (Exhibit A-7).

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

This position is located in the Headquarters office within OAH. According to the organization chart (Exhibit B-4) Mr. Ping reports to Larry Dzieza, Finance/Facility Manager.

Position Purpose

Mr. Dzieza describes Mr. Ping's position purpose as:

The mission of the Office of Administrative Hearings (OAH) is to resolve administrative disputes through accessible, fair, prompt processes and issue sound decisions. Reporting to the Finance and Facilities Manager, this position supports the agency's mission by conducting research, improving and analyzing data, coordinating with agency staff and external agency counterparts in State government and vendors doing business with the agency. This position contributes and assists in developing and implementing strategies related to the agency's business processes, fiscal, and facilities activities.

This position works closely with employees and leadership at OAH Headquarters and field offices to present data, analysis and recommendations to describe and improve business processes and procedures to improve agency efficiency and effectiveness. This position also works with external vendors and stakeholders in defining processes and assessing the need for process improvement or standardization.

This position also requires detailed understanding of agency financial processes and analysis of fiscal data, grants or contracts in accordance with Generally Accepted Accounting Principles (GAAP). This is also a key position for all purchasing practices and optimizing the benefits to the agency. It requires a deep understanding of the complex, interrelationships between state agency systems and data and how to utilize them to deliver and enhance the agency's mission. It is essential that the position identify and present the tradeoffs between issues in a clear manner to management decision makers.

The position requires the ability to organize and prioritize a wide variety of tasks involving day-to-day financial duties, facilities activities as well as developing and implementing strategic initiatives.

Duties and Responsibilities (Exhibit B-2)

As summarized in the PDF (Exhibit B-3), Mr. Dzieza described Mr. Ping's percentage of duties performed as:

50% Financial:

- Analyze financial data to create complex reports, charts, graphs or memos which provide background, document an issue, spot trends or develop forecasts

in agency spending that accomplish financial goals and support the needs of the agency while maintaining compliance with state regulated budget and financial guidelines. Report findings to high level executive management.

- Work directly with the Finance and Facilities Director and the Employment Security Department (ESD) on the Resource Justification Model (RJM) annual report.
- Compose, maintain and update policies related to finance activities. Ensure that policies are aligned with needs of the agency and help support the agency mission.
- Represent the agency at stakeholder meetings and finance related workgroups.
- Perform the day-to-day processing of financial transactions to ensure agency finances are maintained in an effective and up-to-date manner. Financial transactions include all accounts payable, accounts receivable, cash receipt and journal voucher entries.
- Verify that transactions comply with agency financial policies and procedures.
- Code invoices according to agency master index and object coding requirements.
- Review and process all travel expense reimbursement requests submitted through the Travel and Expense management System (TEMS).
- Prepare, verify and process transactions in Agency Financial Reporting System (AFRS). Items processed will be released for payment by alternate finance employees.
- Process monthly receivable accruals.
- Distribute monthly billing invoices to client agencies.
- Serve as the point of contact for questions related to monthly billing.

Purchasing:

- Serve as the point of contact for any purchase that is not information not explicitly Technology related. This includes all office supplies, office equipment, office furniture, ergonomic and safety related items.
- Serve as the point of contact and custodian of the agency purchasing card, including the development and maintenance of security procedures for use of the card.
- Review purchase requisitions, clarifying items as needed and recommending alternatives. Once requisitions are approved, coordinate purchase.
- Determine the appropriate contract for each purchasing activity according to state regulated purchasing guidelines.
- Using analyzed data, create reports, charts, graphs or memos which provide background, document an issue, and propose recommendations on cost saving strategies that accomplish purchasing goals and support the needs of the agency while maintaining compliance with state regulated purchasing guidelines. Present report findings to agency executive management.
- Manage relationships with agency staff, vendors, suppliers, contractors and staff from other agencies to maintain quality of goods, timely delivery and compliance with state regulated purchasing guidelines.
- Compose, maintain and update policies related to purchasing with direction from the Finance and Facilities Director. Ensure that policies are aligned with the needs of the agency and help support the agency mission.

Travel:

- Serve as the point of contact for agency related travel. This includes arrangements needed for airline, rental car and hotel stays.
- Review travel requests, clarifying items as needed and recommending alternatives.
- Ensure that all employees follow the guidelines as outlined in the agency travel policy. This includes ensuring employees have prior approval for all travel activity and exercise care while incurring expenses on behalf of the agency.
- Determine the appropriate contract for each travel related activity according to state regulated travel guidelines.
- Analyze travel data to create reports, charts, graphs or memos which provide background, document an issue, spot trends or develop forecasts in agency travel that support the needs of the agency while maintaining compliance with state regulated travel guidelines. Present report findings to agency executive management.
- Compose, maintain and update policies related to travel. Ensure that policies are aligned with needs of the agency and help support the agency mission.
- Manage relationships with agency staff, vendors, suppliers, contractors and staff from other agencies to maintain quality of goods, timely delivery and compliance with state regulated travel guidelines.

35% Facilities

- Using both facility and financial data, work directly with agency Finance and Facilities Director to develop six-year facility plans, alteration requests and interagency agreements relating to agency facilities and facility projects.
- Analyze facility data to create reports, charts, graphs or memos which provide background, document an issue, spot trends or develop forecasts that accomplish facility goals and support the needs of the agency while maintaining compliance with state regulated facility guidelines. Present report findings to agency executive management.
- Manage relationships with agency staff, building owners and management to maintain positive tenant/landlord relationships.
- Work with the Department of Ecology on the Greenhouse Gas Emissions annual report.
- Review surplus disposal requests, clarifying items as needed. Work with the Department of Enterprise Services (DES) to submit, tag, and coordinate disposal of surplus items.
- Serve as the point of contact for facility related complaints, modifications and safety concerns.
- Review facility related complaints, clarifying items as needed. Work with building owners and management to resolve complaints in a safe and timely manner.
- Serve as the point of contact for all surplus disposal requests.
- Serve as the point of contact for all agency related office, furniture and equipment moves.
- Review move requests, clarifying items as need. Work with appropriate staff to coordinate timely moves of furniture and IT equipment. As needed, contract with outside vendors for more detailed moves.
- Compose, maintain and update policies related to facilities. Ensure that policies are aligned with needs of the agency and help support the agency mission.
- Represent the agency at stakeholder meetings and facility related workgroups.

15% • Other duties as assigned.

Summary of Mr. Ping's Perspective

Mr. Ping submitted his request for a Director's Review on December 30, 2016 (Exhibit A-7). Mr. Ping stated he researches, analyzes, evaluates and makes recommendations regarding multi-dimensional problems. He has helped develop policies and procedures. He has helped formulate goals and objectives and presents research findings and recommendations to executive management. He analyzes data to create reports, charts, graphs and memos which provide background, document issues, and proposes recommendations on cost saving strategies that accomplish goals and support the needs of the agency. He also represents the agency at stakeholder meetings and facility related work groups.

Mr. Ping acknowledged that the OAH is a small agency and his position must often perform duties that fall outside of any specific classification. He indicates not all positions within the same classification perform the same duties and that allocations are not based on desired salary, volume or quantity of work or the ability to perform higher-level duties.

Mr. Ping further stated the specifications of a MA3 are very close to the specifications of a MA4 and the variance is left to interpretation of duties. Mr. Ping feels no matter what level of work he performs the agency will always determine it to be at a lower level because they do not have anything to compare it with.

In addition, Mr. Ping identified the typical work section of the MA4 class specification directly relating to the assigned duties section of the position description. He pointed out that it states the position will analyze financial data to create complex reports, charts, graphs or memos which provide background, document an issue, spot trends, or develop forecasts in agency spending that accomplish financial goals and support the needs of the agency. He further pointed out that the position will use analyzed data, create reports, charts, graphs or memos which provide background, document an issue and propose recommendations on cost saving strategies that accomplish purchasing goals and support the needs of the agency.

In his closing statement Mr. Ping described himself as the project manager who works with DES representatives to coordinate office closures and office moves. He works with contractors who perform work in their field offices. He has written policies and procedures which have been adopted by management. He works independently and must be strategic in every function he performs. Mr. Ping further states that his Supervisor, Mr. Dzieza, has delegated all facilities-related responsibilities for the agency to his position and that alone separates him from other MA3 positions within the agency.

Lastly, Mr. Ping asserted in the desirable qualifications section of the MA4 class specification, it states that positions typically require a Bachelor's degree. Mr. Ping stated he has a Bachelor's Degree in Business Administration and that justifies that he meets the criteria for the MA4 classification.

Summary of OAH HR's Perspective

OAH HR determined Mr. Ping's duties did not fit clearly within the Management Analyst series; however, the determination was made to allocate his position at the highest level of duties that are expected and needed by executive management, which they determined to be a MA3.

In her January 26, 2017, letter, HR Manager, Ms. Hodge, acknowledged Mr. Dzieza has delegated all facilities-related responsibilities for the agency to Mr. Ping's position. The position analyzes data and performs research to make recommendations to executive management. The position uses fiscal data from a variety of sources to recommend cost-saving strategies for effectiveness and efficiencies which contribute to the successful completion of the agency's mission.

Ms. Hodge further stated the position will lead and serve as the point of contact for facilities and finance projects agency-wide. As a project leader, the position will effectively communicate and coordinate timelines and resources across the agency for successful outcomes.

Ms. Hodge also added examples of work assigned which included:

- Completing and submitting the agency's six-year facilities plan to the Department of Enterprise Services (DES)
- Selection of a new vendor for the agency's varied printing, copying, scanning and faxing needs, and coordinating with the information technology section and field office management to complete the project
- Gathering feedback regarding financial policies and making recommendations for policy language updates and streamlined procedures

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. Typical work is not an allocating criterion, but may be used to better understand the definition or distinguishing characteristics. There are two ways to allocate, majority¹ of time or best fit concept.² In this case there is not a specific job class series that fits the majority of duties of this position; therefore, the best fit concept must be used.

¹ Most 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. See *Dudley v. Dept. of Labor and Industries*, PRB Case No. R-ALLO-07-007 (2007).

² 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.

As stated in the Personnel Resources Board (PRB) case *Norton-Nader v. Western Washington University*, PRB Case No. R-ALLO-08-020 (2008), the hierarchy of primary considerations in allocating positions is as follows:

Category concept (if one exists);

- a) Definition or basic function of the class;
- b) Distinguishing characteristics of a class; and
- c) Class series concept, definition/basic function, and distinguishing characteristics of other classes in the series in question.

Fiscal Analyst Series

Class Series Concept

Positions in this occupational group conduct a variety of financial reviews and analysis of fiscal, grants, contracts or other financial data in accordance with Generally Accepted Accounting Principles (GAAP).

These are professional positions which analyze and interpret what the fiscal information means to draw conclusions and trends based upon that data.

Positions determine what is the relationship between fiscal variables by generating items, choosing analysis, translating, or explaining their results and taking appropriate action based upon the analysis and interpretation of the financial data.

The majority of work assigned to professional positions does not involve verifying the accuracy of the fiscal data or the routine collection, reviewing and posting of fiscal record keeping tasks according to established procedures as contained in the office, fiscal or budget support group.

Positions throughout this occupational group often lead or supervise office, fiscal or budget support staff. However, leadworker or supervisory positions at the 3, 4 or 5 levels must perform these functions over fiscal related professional staff.

There is a Category Concept or Class Series Concept, which states in part, "Positions in this occupational group conduct a variety of financial reviews and analysis of fiscal, grants, contracts or other financial data in accordance with GAAP....." While Mr. Ping's duties do consist of a variety of financial activities, the duties and responsibilities of the position do not encompass the full breadth of the duties and responsibilities described by the classification. It is common for small agencies to face challenges when allocating positions that perform a wide variety of duties; however, it is clear the duties and responsibilities do not encompass the full breadth of the duties and responsibilities of the Fiscal Analyst series.

Management Analyst

Class Series Concept

Positions in this series analyze management problems, provide consultation, develop strategies, conduct research, formulate recommendations, and coordinate implementation of strategic and long-range planning activities in areas such as business

and organizational planning, budgeting, operations, policy issues, and proposed legislation. Incumbents develop and implement processes for monitoring and measuring outcomes of activities.

There is a Category Concept or Class Series Concept, which states in part, "Positions in this series analyze management problems, provide consultation...conduct research, formulate recommendations, and coordinate implementation of strategic and long-range planning activities in areas such as...organizational planning..." The scope and level of duties performed by Mr. Ping best fit within this class series.

Mr. Ping completes and submits the agency's six-year facilities plan to DES. He analyzes data in finance/facility and provides background, documents any issues, develops forecasts that support the needs of the agency and maintains compliance with state regulated facility guidelines. He presents report findings to agency executive management and works with the Department of Ecology on the Greenhouse Gas Emissions annual report.

These statements encompass a position which analyzes management problems, provides consultation/recommendations, conducts research and coordinates implementation of activities in areas such as organizational planning. Based on the best fit concept, the overall function and duties envisioned by this position fit best within the MA series.

Management Analyst 4

Definition

Positions at this level work under administrative direction and serve as consultants to executive management, lead agency process improvement teams, and/or supervise management analysts in management analysis sections. Incumbents research, analyze, evaluate and make recommendations regarding multidimensional problems which cross departmental lines, such as: agency and/or institution reorganization, implementing legislative directives, developing policies and procedures, developing and implementing systems, implementing long-range strategic plans, formulating goals and objectives, resolving customer complaints, and meeting customer requirements.

The Definition states in part, "Positions at this level work under administrative direction and serve as consultants to executive management.....supervise management analysts in management analysis sections.....implementing legislative directives." These statements are not the best fit for the duties being performed by Mr. Ping. As outlined in the PDF, positions at this level work under general direction not under administrative direction as provided in the definition for the MA4.

The State Human Resources Director's Glossary of Classification Terms defines administrative direction as follows:

- Employee works independently within the scope and context of rules, regulations, and employer objectives.
- Employee independently plans, designs and carries out programs, projects and studies in accordance with broad policy statements or legal requirements.

- Employee exercises independent decision-making authority for determining work objectives and goals to be accomplished.
- Completed work is reviewed for compliance with laws and regulations and adherence to program goals, objectives, budgetary limitations, and general employer policies.

In reviewing the assigned work activities section of the PDF, the duties encompass a variety of tasks, which is common in small agencies. These duties entail analyzing finance and facility data and reporting findings/recommendations to management. Mr. Ping processes all travel expense reimbursement requests submitted through the Travel and Expense Management System (TEMS). He also verifies and processes transactions in the Agency Financial Reporting System (AFRS). He serves as the point of contact for many facility related matters to include: complaints, safety issues, surplus disposal and office furniture and equipment moves.

These statements are not consistent with those of someone working under administrative direction. Mr. Ping does not exercise independent decision-making authority for determining work objectives and goals. He also does not independently plan, design and carry out programs, projects and studies in accordance with broad policy statements or legal requirements. While Mr. Ping analyzes financial/fiscal data and spots trends and develops forecasts to management, these duties would be expected of someone within a financial/fiscal role. This is routine and ongoing research, which is not consistent with planning or designing a program, project or study.

The PDF was marked that the position is a lead that plans work, instructs work and checks others' work. In an email dated March 10, 2017, Ms. Hodge explained the lead box was checked in error. The duties described were examples of how this position interacts with others to perform the duties and there are no positions within the OAH that report to this position. These statements do not meet the definition of a lead worker. The definition of lead in the SHR Glossary of Classification Terms states, "an employee who performs the same or similar duties as other employees in his/her work group and has the designated responsibility to regularly assign, instruct, and check the work of those employees on an ongoing basis."

Furthermore, Mr. Ping argues that he performs some of the typical work described in the MA4 class and since the MA4 class desires a Bachelor's Degree in Business Administration and the fact that he meets those criterias makes him qualified to be at the MA4 class. Typical work statements are not allocating criteria. Rather they provide guidance on the level of work typically found in the various classes within the series. In addition, desirable qualifications are not allocating criteria as stated in the Personnel Resources Board (PRB) case *Andrew Caveness v. Central Washington University*, PRB Case No. R-ALLO-13-010 (2013).

Management Analyst 3

Definition

Positions at this level work under limited supervision, exercise independent judgment, and are responsible for conducting complex, multi-dimensional research and analysis, formulating recommendations, and coordinating implementation and ongoing evaluation of programs and strategic and long-range planning activities. Incumbents provide consultation to management,

resolve complex management problems, and function as a specialist and/or lead for projects impacting multiple programs, departments, and/or jurisdictions.

This statement encompasses the best fit for the duties performed by Mr. Ping as they were outlined in his PDF (Exhibit B-3). Under limited supervision Mr. Ping exercises independent judgment while researching, analyzing, evaluating and providing recommendations regarding multi-dimensional problems. An example of these responsibilities are working with DES representatives to coordinate office closures and office moves.

Mr. Ping resolves complex management problems and functions as a specialist who leads projects that impact multiple departments. Mr. Ping develops forecasts in OAH spending that accomplish financial goals and support the needs of multiple departments within the agency. He works with external vendors and stakeholders in defining processes and assessing the need for process improvement or standardization which impact multiple departments within the agency.

It must also be noted that while Mr. Ping states Mr. Dzieza has delegated all facility related responsibility for the agency to his position, those duties have been incorporated into his PDF and are no longer delegated duties. Those are the duties of his position, which ultimately rendered his position being reallocated to the MA3 classification. Position allocations are not based on an incumbent's competence; rather position allocations are based on the duties and responsibilities assigned to the position and how that work best aligns with the available job classes. The duties more closely align with the duties and responsibilities described by the MA3 classification.

In *Allegrì v. Washington State University*, PAB Case No. ALLO-96-0026 (1998), the Personnel Appeals Board (PAB) addressed the concept of best fit. The PAB 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 the position.

Furthermore, 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. The typical work statements that most closely align with the employees' duties and responsibilities include:

Provides professional and technical advice to management and/or others regarding complex, multi-dimensional issues impacting diverse departments, programs, policies, organizations, and/or jurisdictions;

Organizes, trains, and leads project teams conducting complex research and analysis, formulating recommendations, and coordinating implementation of strategic and long-range planning activities;

The primary function of the position and the best fit for the overall scope of the position in their entirety fall within level of responsibility in the stated Definition for the Management Analyst class. Therefore, the overall level and scope of assigned duties and responsibilities are consistent with the Management Analyst 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.

cc: Matthew Ping, Appellant
Angie Hodge, OAH HR Manager

Enclosure: List of Exhibits

Matthew Ping v OAH
ALLO-16-102

LIST OF EXHIBITS

A. Matthew Ping Exhibits -Director's Review Form received December 30, 2016

1. February 9, 2017 written statement for Director's review
2. Management Analyst 4 position description date-stamped October 16, 2013
3. Position description submitted for reallocation date-stamped November 22, 2016
4. Performance evaluation date-stamped December 13, 2016
5. Work sample of a policy Mr. Ping wrote: Policy/Procedure No. 309
6. Work sample of a memo written to agency director

B. OAH Exhibits

1. January 26, 2017 memo of response to Director's review request
2. Classification worksheet
3. Current Position Description date-stamped November 22, 2016
4. Organizational Chart

C. Class Series considered by OAH

1. Fiscal Analyst Series
2. Management Analyst Series
3. Administrative Assistant Series