



STATE OF WASHINGTON

OFFICE OF FINANCIAL MANAGEMENT

STATE HUMAN RESOURCES DIVISION | DIRECTOR'S REVIEW PROGRAM

P.O. Box 40911 · Olympia, WA 98504-0911 · (360) 407-4101 · FAX (360) 586-4694

March 30, 2018

TO: Connie Goff
Rules and Appeals Section Chief

FROM: Caroline Kirk
Director's Review Specialist

SUBJECT: Nadine Fredrickson v. Department of Social and Health Services (DSHS)
Allocation Review Request ALLO-17-070

Director's Determination

This position review is based on the work performed for the six-month period prior to August 18, 2016, the date that DSHS Human Resources (DSHS HR) received Nadine Frederickson's request for reallocation. As the Director's Review Specialist, I carefully considered all of the exhibits and information obtained during the Director's Review conference. Based on my review and analysis of Ms. Fredrickson's assigned job duties; I conclude her position should be reallocated to the Administrative Assistant (AA) 4 classification.

Background

On August 18, 2016, Ms. Fredrickson's supervisor, Ms. Roberta Kresse, submitted an updated Position Description (PD) to DSHS HR, requesting that Ms. Fredrickson's position be reallocated to the AA4 classification. (Exhibit A-2)

DSHS HR notified Ms. Fredrickson on September 14, 2017, that her position would remain allocated to the AA3 classification. (Exhibit B-1)

On October 12, 2017, the Office of Financial Management, State Human Resources (OFM-SHR) received Ms. Fredrickson's Request for Director's Review of DSHS HR's allocation determination. (Exhibit A-1)

The Director's Review conference was held on March 8, 2018, via telephone. In attendance were Ms. Fredrickson, Ms. Dorothy Hibbard, DSHS HR, and Ms. Angie Simpson, Washington Federation of State Employees.

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 (Exhibit A-3)

According to the organizational chart, this position works under the Center for Forensic Services (CFS) at Western State Hospital within DSHS. Ms. Fredrickson reports to Roberta Kresse, CFS Director.

Summary of the Center for Forensic Services (CFS)

To gain a better understanding of the CFS Department, the DSHS WSH website states:

The Center for Forensic Services (CFS) serves clients who have been committed to the hospital under the Revised Code of Washington Law (RCW) 10.77. These include defendants who are undergoing an inpatient evaluation for competency to stand trial and/or mental state at the time of the criminal offense. CFS also provides competency restoration treatment and treatment for clients who have been found Not Guilty by Reason of Insanity (NGRI). CFS contains four treatment units which primarily house clients undergoing forensic evaluation/competency restoration and four treatment units which house NGRI clients. The forensic Community Program is located on an additional treatment unit in CFS and serves NGRI clients who are ready for or have already received a Conditional Release by the Court. Additionally, Community Program staff provide treatment and case management services for a number of NGRI clients who are living in the community after being Conditionally Released.

In addition to providing inpatient forensic evaluations, CFS staff are located in two satellite offices (one on hospital grounds and one located in King County) which provide forensic evaluations to defendants in Western Washington jails and those who are residing in the community on Personal Recognizance (PR).

Position Purpose (Exhibit B-2)

As summarized in the PDF, Ms. Fredrickson's position purpose is described as:

The incumbent in this position requires independent judgment, decision-making and multi-tasking in a complex mental health support arena. This position may act on behalf of the Center Director and has delegated authority to make assignments within WSH CFS to act in the supervisor's absence in administrative areas of substance such as reviewing program policy, assuring client medical records are current and accurate, court orders are processed as required by law for inpatient treatment, completing pre-admission intake procedures, maintaining staff payroll and overtime usage within budgetary allocation and assuring all required medical documents are processed as needed to facilitate timely placement referrals. The incumbent has delegated responsibility to coordinate, schedule and make decisions regarding administrative and operational matters including sensitive personnel issues, internal issues and responsibilities involving the operation, priorities and assignments of the Center Director. The incumbent also has the responsibility to sign as the designee for the Center Director allowing patient movement out of the building.

Independently performs complex administrative duties such as data tracking and auditing of key indicators such as use of restrictive procedures, recidivism rates, length of stay and other required program self-monitoring and produces reports to monitor trends in support of and as delegated by supervisor and CEO. Provides secretarial support to a unit head or administrator; formats transcriptions, records minutes, composes, edits and types letter.

The positions scope of influence affects approximately 250 patients, 12 psychiatrists, 5 Psychologists, 300 nursing, 1 Security Director and 50 security officers, 8 Office Assistants, 20 Social Workers and 9 Psychology Associates. Incumbent has direct interactions with advocates, staff and general public, Attorney General's office, law enforcement, political and executive staff with a commitment of service essential to the hospital's mission and goals on a daily basis.

Duties and Responsibilities (Exhibit B-2)

As summarized in the PDF, Ms. Fredrickson's percentage of duties is described as:

65% Assistant keeps the Center Director informed in administrative matters which are related to all management and staff assignments, directives and/or State Local and Federal mandates. Utilizes independent judgment and delegated authority to establish, modify and prioritize workflow in decision-making and initiating actions relating to administrative matters. Independently established office procedures, standards, priorities and deadlines for the Center Director and ensures the Center Director is prepared for upcoming deadlines and commitments. Exercise signature authority on behalf of the Center Director on defined administrative correspondence. Coordinate, plan and organize meetings of a large scale. Manage Center Director's electronic calendar and all work related appointments, meetings obligations and events.

Prepares correspondence for the Director and her direct program reports as well as managing 9 clinical therapists caseloads totaling 110 patients. Provides performance measurement assistance and guidance (e.g. statistics) to the Executive Director of the Public Safety Review Panel as well as WSH Chief Executive Officer. Serves as liaison between the Center Director and other staff members transmitting assignments and requesting status information.

Has frequent contact with psychiatrists/physicians, patients, management staff and staff members from other departments. Independently performs complex secretarial duties such as : prioritizing work, compiling reports, office record keeping or filing systems and coordinates office operations. Initiates action to ensure office goals are met.

Independently assigns projects and tracks for completion. Accept delegated authority and responsibility for coordinating and accomplishing various administrative projects as assigned by the Center Director. Serves as liaison to the Risk Review Board, the Public Safety Review Panel and the AG's office, the Mental Health System, and other State, Civil and Federal agencies including the Hospital Program Specialist 3 and the Department of Corrections. Disseminate appropriate information to hospital staff via email.

30% Independently tracks and completes the preparation of payroll and timekeeping documents for the PERT Team staff and Community Program Director. Responsible

for arranging appointment interviews for new applicants, preparing interview packets, completing reference and submitting background checks.

Provides all administrative and staff support services for the 110-patient Community Program under the direction of the Program Director and Center Director that includes maintaining files and workloads for 9 professional staff. Takes notes and transcribes minutes for the CFS Management weekly meetings.

Designee to the Center Director to sign out-of-building patient movement. Maintains signature authority for purchasing program supplies and work order requests. Responsible for maintaining Center Director and Community Program Director's calendar and scheduling meetings and other appointments. Responsible for drafting letters to community stakeholders including courts, Public Safety Review Panel, families and other involved agencies.

Responsible for completing complex administrative assignments including monthly clinical audit, compiling program quality assurance data including recidivism, treatment planning and chart documentation, client length of stay, Upkeep of Program procedural manual and other required program self-monitoring.

Completes court letters in accordance with RCW 10.77 and finalizes NGRI/Civil Flip documents per RCW 71.05 for management to be forwarded to law enforcement. Transcribes psychiatric assessments. Responsible for producing reports to summarize and monitor trends and other systems analysis as required for the CEO, Risk Review Board, and the Public Safety Review Panel. Establish and follow program procedures as required by WSH policies and procedures and Community Program procedural manual. Responsible for interacting effectively with patients for the purpose of obtaining consent for treatment and other required patient care.

With delegated authority, provides all clerical and support services for the Community Program. Risk Review Board Liaison for the Center for Forensic Services scheduling presentations to be evaluated by the RRB; preparing vital packets to be reviewed by management for patient determination. Public Safety Review Panel Liaison; prepares necessary documents to be assessed by the Panel of management in Olympia to determine consideration of patient placement. Independently plans, organizes and prioritizes work, monitors and evaluates program compliance with hospital deadlines for client record keeping, identifies problems and initiates corrective action to ensure compliance and reminds support staff of required deadlines. Establishes and maintains office record keeping, assures required forms and supplies are available and up to date. Maintains office environment in an organized and efficient manner. Trains, monitors and mentors ward Office Assistant for compliance with required program and hospital audits per WSH requirements.

5% Monitors OA's response to inquiries to and from outside agencies and community RSN's regarding patient record keeping, archived records, and discharge summaries and other client treatment information. Provides assistance to Center and Program Directors and support staff regarding client information including compiling referral packets and other administrative duties needed to secure services for program participants. Coordinates with other hospital entities including court liaisons, medical records department and compliance department regarding legal and clinical paperwork required for hospital admission and continuity of care.

Uses Excel spreadsheet for monitoring deadlines in regards to tracking treatment plan completion and court letters. Reviews completion of work of professional staff to assure required timelines are met. Uses MP2 system for inputting and monitoring

work orders for the Community Program and other entities of the hospital should the need arise. Uses Microsoft Office of [sic] word programs for completions of assigned tasks and reports. Maintains monthly statistics of growth and movement of the Community Program.

Serves as a member of the Command Center staff in the event of a disaster or emergency. Independently and on behalf of the Center Director, work closely with clinical units and accountability center directors to ensure compliance with Centers for Medicare and Medicaid Services (CMS) and The Joint Commission (TJS) requirements and WSH policies and procedures governed by WAC's and RCW's.

Notary Public as requested and performs other duties as assigned.

Summary of Ms. Fredrickson's Perspective (Exhibit A-2)

In her filing for a Director's Review, Ms. Fredrickson provided a statement that outlined the additional duties she performed. She described them as:

- 1) Confidential report daily to the CFS Center Director, Psychology Services Supervisor and the CFS Social Work Manager
- 2) CFS Director position reports to the member of the Executive Leadership Team at Western State Hospital
- 3) Incumbent utilizes independent judgement, decision-making and multi-tasking skills
- 4) May act on behalf of the Center Director – [arranging executive management meetings]
- 5) Utilizes independent judgement, decision-making, multi-tasking skills in a complex mental health support arena
- 6) This position may act on behalf of the Center Director to sign Therapeutic Funding, PPA's, PAR's and Payroll
- 7) Liaison to the RRB and PSRP as directed by RCW 10.77.270 and WSH Policy 14.01/14.02/14.03
- 8) Maintaining documented spreadsheet mandated by the Public Safety Review Panel that processes all patient movement and activity
- 9) Coordinates administrative projects as assigned by the CFS Center Director ensuring component tasks are delegated and communicated to appropriate individuals
- 10) Manages Director's calendar and all work related activities, prioritizes, arranges and schedules appointments and meetings for CFS Center Director
- 11) Serves as liaison for the CFS Center Director scheduling weekly meetings, transcribing agenda (maintaining minutes)
- 12) RRB/PSRP Liaison
- 13) Works collaboratively with other Executive Administrative Assistants to ensure office operations are aligned with WSH objectives – [Office of Rehab Services Admin; Patient Accounts; Chief Financial Officer; Treatment and Recovery Center; RN4 Nurse Managers
- 14) Establish and maintains record and filing systems that support historical transparency of all administrative assignments and projects

Summary of DSHS HR's Perspective (Exhibit B-1)

In the determination letter, Ms. Hibbard compared the 2015 PD to the list of additional duties Ms. Fredrickson provided. Ms. Hibbard stated that some duties could be described as "Provides all administrative and staff support services for the 100-patient Community Program..." and other duties were already in the 2015 PD.

Ms. Hibbard reviewed the definition of the AA4 and determined that since Ms. Fredrickson's supervisor, Ms. Kresse, is not the head of a state agency or a major sub-division of an agency or major operating location as required by the definition of the AA4, Ms. Fredrickson did not meet the requirements of the AA4 class. Ms. Hibbard acknowledged that Ms. Kresse is the head of a large unit; however, Ms. Hibbard believes the unit is one of many within the major operating location, which is WSH. Ms. Hibbard concluded the AA4 class was not the appropriate allocation for Ms. Fredrickson's position.

Director's Review Telephone Conference

The conference began by receiving clarification from Ms. Fredrickson and Ms. Hibbard regarding the organizational charts submitted. The organizational chart submitted by Ms. Hibbard (Exhibit B-2) shows the CFS Department as a much smaller unit. The organizational chart submitted by Ms. Fredrickson (Exhibit A-3) shows the CFS Department as a much larger unit. Ms. Hibbard clarified the chart submitted by DSHS HR only shows the supervisors within the unit and the chart Ms. Fredrickson submitted shows the unit as a whole. Ms. Fredrickson stated the organization chart she submitted shows there are eight wards, and within each ward there is an Office Assistant (OA) who supports each ward. Ms. Fredrickson pointed out she is the only AA within the CFS Department, and the Ward Administrators or their OA's come to her if they need anything. Ms. Hibbard asked Ms. Fredrickson whom the Ward Administrators reported to and Ms. Fredrickson stated all eight Ward Administrators report to Ms. Kresse.

I asked Ms. Hibbard to explain how she determined the additional duties listed in Exhibit A-2 were included in the duties of the 2015 PD. (Exhibit B-3) Ms. Hibbard explained while the 2015 PD did not specifically list the additional duties word for word there were some duties in the PD that could be construed as the additional duties. For example, on page three of the 2015 PD (Exhibit B-3), in the 10% duties section, Ms. Hibbard quoted "Provides assistance to Program Director and support staff regarding client information including compiling referral packets..." Ms. Hibbard stated she believes that statement was part of the hiring duties Ms. Fredrickson listed as additional duties. Additionally, Ms. Hibbard explained during her interview with Ms. Fredrickson she gathered that Ms. Fredrickson had been performing the additional duties the entire time of her employment within the position. Ms. Simpson countered by asking what "referral packets" meant, if it was for staff or for patients. Ms. Hibbard replied and said it does state "client information so it is most likely related to patient care and not for staff."

I asked Ms. Hibbard if she was aware of the *Osby v. Department of Social and Health Services*, PRB Case No. R-ALLO-15-039, decision and pointed out the similarities of the Osby case to Ms. Fredrickson's case. Ms. Hibbard explained she was aware and did not agree with the Board decision. Ms. Hibbard stated during the Osby hearing, DSHS HR argued to the Board that the 75 employee requirement was for higher education and not general government. Additionally, Ms. Hibbard stated that Ms. Fredrickson's department is much smaller than the one in the Osby case and DSHS HR looks at WSH as being the major organizational unit and not the departments within WSH. Ms. Simpson disagreed with Ms. Hibbard's statement and explained Ms. Fredrickson's department is the opposite of the Osby case as the CFS department is probably the largest department within WSH. Ms. Hibbard clarified the way she performs allocation reviews. She first looks at the definition, and if the position does not meet the definition then she does not look at anything else. In this case, Ms. Hibbard believes Ms. Fredrickson does not meet the definition of the AA4 class as the CFS department is not the major organizational unit, WSH is. Ms. Hibbard stated that since Ms. Fredrickson does not meet the definition of the AA4 class, she should not look at the distinguishing characteristics of the AA4 class.

These are not the full statements made during the conference; however, any statements made have been taken under consideration.

Comparison of Duties to Class Specifications

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:

- 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.

The AA3 and AA4 classes are similar. However, each classification has different levels of duties and responsibilities. To give a better understanding of the differences between the AA3 and AA4 classes I outlined a comparison in the table below:

Administrative Assistant 3	Administrative Assistant 4
<p>Definition</p> <p>Positions perform varied administrative and secretarial support duties or positions are responsible for one or more major program activities under a second line supervisor.</p>	<p>Definition</p> <p>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. [Emphasis added]</p>
<p>Distinguishing Characteristics</p> <p>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. Only one position will be allocated to an individual second-line supervisor for those positions performing one or more major program activities.</p> <p>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</p>	<p>Distinguishing Characteristics</p> <p>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. Positions in higher education may provide direct confidential secretarial support to a unit head or administrator. For general government positions, secretarial or clerical duties are incidental to the administrative functions performed.</p> <p>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, OR in the regional</p>

<p>poorly performed. However, full delegation can't occur if the supervisor's position requires specialized licensure such as attorneys, medical doctors, and engineers.</p> <p>Higher-level administrative duties are 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. Areas may include but are not limited to, the following: budget development and/or management, expenditure control, office space management, equipment purchases, budget development and/or management, public relations, personnel administration, records management, and report preparation.</p> <p>Incumbents in these positions represent the supervisor's and/or unit's goals and interests and provide interpretation or explanation of the supervisor's policies or viewpoints.</p>	<p>universities, college and community colleges, positions serve as the sole administrative support in an organization that has institution-wide responsibilities; OR positions serve as both sole administrative support and the executive secretary reporting to the organizational head. These positions are assigned to major units, with institution-wide responsibility, that have no assistant directors, deans or managers who would share the administrative duties of the position. [Emphasis added]</p>
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There is not a Category Concept (Class Series Concept) for the AA series. Therefore, pursuant to *Norton-Nader v. Western Washington University*, PRB Case No. R-ALLO-08-020, I looked to the Definition. In comparing the AA3 and AA4 Definitions, the difference between the two is the reporting structure. The AA3 specifically states the "...administrative and secretarial support duties...are responsible for one or more major program activities under a **second line supervisor.**" The AA4 states "Positions **serve as the assistant on administrative matters to the head...of a major organizational unit such as...administrative department.**" [Emphasis added] It is clear Ms. Fredrickson is the AA on administrative matters to the head of a major organizational unit, the CFS Department. The CFS Department is a major organizational unit within WSH as it is responsible to serve clients who have been committed to WSH under RCW 10.77. Ms. Fredrickson reports to Ms. Kresse, who is the Director of the CFS Department. WSH is comprised of civil and forensic wards and Ms. Kresse is the Director and supervises the eight forensic wards within WSH. While DSHS HR believes the CFS Department is not a major organizational unit, due to the major impacts the CFS Department would have on WSH and the state of WA if it were not to function properly, I find that it is a major organizational unit.

Additionally, while DSHS disagrees with the Osby Board decision due to the reporting structure of the CFS Department, I find the reporting structure fits within the Definition of the AA4. DSHS HR believes Ms. Fredrickson's position better aligns with the AA3 class because the Definition specially states "second line supervisor" and Ms. Kresse reports to the Clinical Operations Director which DSHS HR believes makes Ms. Kresse the second level supervisor. Ms. Kresse is one of several department directors who are overseen by one manager, the Clinical Operations Director. Since the CFS Department is not the only department the Clinical Operations Director

oversees, and provided Ms. Kresse is the Director of the CFS Department, she is the first line supervisor. Therefore, Ms. Frederickson meets the Definition of the AA4 class.

Pursuant to *Norton-Nader v. Western Washington University*, PRB Case No. R-ALLO-08-020, I looked to the Distinguishing Characteristics. Ms. Fredrickson has been delegated to track and complete the preparation for payroll for the CFS Department. In addition, she is responsible for scheduling interviews, preparing interview packets, completing reference checks and submitting background checks for all new hires within the CFS Department. These duties are consistent with the first part of the Distinguishing Characteristics of the AA4 class as they are "...of a substantive nature that are appropriate to be performed by the supervisor..." If Ms. Fredrickson did not perform, or poorly performed the hiring duties, it would have major impacts on WSH, as the hiring process would come to a halt. The second part of the Distinguishing Characteristics of the AA4 class help clarify the size of an organization to be considered "major," which states, "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...**" [Emphasis added] Based on the organizational chart Ms. Fredrickson submitted (Exhibit A-3) it clearly shows there are more than "75 full-time equivalent professional and/or classified staff."

Based on PRB Case R-ALLO-15-039, *Osby v. DSHS*, and the fact that the eight forensic ward administrators report to Ms. Kresse, it is clear the CFS Department is a major organizational unit within WSH. The primary function of Ms. Fredrickson's position and the majority of her duties in their entirety fall within the scope and level of responsibility in the stated Definition and Distinguishing Characteristics for the AA4 class. Therefore, her overall level and scope of assigned duties and responsibilities are consistent with the AA4 level work.

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: Nadine Fredrickson, Appellant
Dorothy Hibbard, DSHS HR
Angie Simpson, WFSE

Enclosure: List of Exhibits

NADINE FREDRICKSON v DSHS
ALLO-17-070

LIST OF EXHIBITS

A. Nadine Fredrickson Exhibits

1. Director's Review Request dated October 9, 2017
2. Reallocation Statement of additional duties 2015-2017
3. Western State Hospital Org Chart w/Centers
4. WSH Policy 14.01
5. Risk Review Board and Public Safety Review Panel worksheet
6. Performance Evaluations 2015-2017
7. Leave Tracker – Supervisor View w/delegated timekeeping

B. DSHS Exhibits

1. Allocation Determination Letter dated September 14, 2017
2. Position Description for EX48 received in CCU August 18, 2016 (Includes org chart)
3. Position Description for EX48 received in CCU January 26, 2015
4. Notes from October 25, 2016 conversation with Nadine Fredrickson
5. Synopsis of the differences in duties provided by Nadine Fredrickson October 26, 2016
6. List of classification specifications used

C. Class Specifications

1. Administrative Assistant 2
2. Administrative Assistant 3
3. Administrative Assistant 4