

June 11, 2009

TO: Teresa Parsons,
Director's Review Program Supervisor

FROM Meredith Huff, SPHR
Director's Review Investigator

SUBJECT: Deborah Miller v Parks and Recreation Commission (Parks)
Allocation Review No. ALLO 08-033

Directors Review Conference

Ms. Deborah Miller requested a Director's Review of Park's allocation of her position by letter received on June 9, 2008. On April 2, 2009, I conducted a Director's review conference by phone. Present by phone were Ms. Deborah Miller, employee; Mr. Banks Evans, Senior Field Representative for WFSE, representing Ms. Miller; Mr. Scott Griffith, Human and Finance Resources Manager; and Mr. George Price, Human Resources Consultant, representing Parks.

Director's Determination

The Director's review of Parks' allocation determination of Ms. Miller's position is complete. The review was based on written documentation, classifications and the information obtained during the review conference. As the Director's investigator, I have carefully reviewed all of the information. I conclude that on a best fit of overall duties and responsibilities, Ms. Miller's position is properly allocated to the Administrative Assistant 3 classification.

Background

On March 17, 2008, Ms. Miller requested a review of her position by submitting a Classification Questionnaire (CQ) to the Parks Human Resources office. Ms. Miller indicated she believed her position should be reallocated to the Administrative Assistant 5 (AA5) classification. The supervisor's review section of the CQ is signed by Mr. Ed Gianini, General Services (WMS) Manager. Mr. Scott Griffith, Human and Finance Resources Manager signed as the department head designee. (Exhibit C-2)

By letter dated May 21, 2008, Mr. Price issued an allocation determination indicating Ms. Miller's position was appropriately allocated to the Administrative Assistant 3 classification and her request for reallocation to Administrative Assistant 5 was denied. (Exhibit 3) Ms. Miller requested a Director's Review of the determination by submitting a letter on June 9, 2008 and a Request for Director's Review form on July 31, 2008. (Exhibit A 1 and B-1) Mr. Price confirmed the review period is at least six months prior to February 25, 2008.

Summary of Ms. Miller's Comments

Ms. Miller works in the Parks' Maintenance Shops/Marine Services (Shops). Her current classification is Administrative Assistant 3 (AA3), position #0617. Her position is located in Issaquah, WA. Ms. Miller stated she reports to Ed Gianini, General Services Manager.

Ms. Miller indicated that the Maintenance Shops/Marine Services serve all parks and regions of the agency, except Cornett Bay and Oak Harbor which have their own maintenance shops. The shop includes such activities as vehicle and equipment maintenance, sign manufacture (entry signs at parks and display boards,), carpentry (desks, kiosks,), welding, radio repair and marine services. Ms. Miller noted that for Marine Services, work crews and divers are scheduled to provide assistance to Parks if they have a project such as installing or repairing a dock. She has responsibilities for coordinating the planning and scheduling among the Parks needing services. She confirmed that she is authorized to approve proposed expenditures, requisitions and purchase authorizations. Ms. Miller emphasized that she is the principal assistant for administrative matters responsible for serving all parks and regions in the agency and external customers with the various services offered through the Shops.

Ms. Miller emphasized that Mr. Gianini is the Parks' Emergency Management (EM) Applicant Agent and in Mr. Gianini's absence she is designated the EM Alternate Applicant Agent to the State Emergency Management Division. (Exhibits E-6 and E-7) Ms. Miller emphasized that she has authority to speak on her supervisor's behalf when he is absent and this may include her attendance at Emergency Management meetings. Ms. Miller indicated that Mr. Gianini goes to the State Parks with the FEMA representatives to assess damages. She stated that during Mr. Gianini's absence, she signs off on all the FEMA paperwork that goes through Shops. Ms. Miller verified that she is responsible for coordinating FEMA project worksheets, payment requests and project completion reports. She noted that FEMA has supplied funding for 180 projects in the Parks. Ms. Miller indicated that she has provided training to Puget Sound Region staff on filling out the necessary papers for recovery for the Emergency Management Program. During an emergency situation, Ms. Miller noted she would assist in notification of other agencies although that situation has not yet occurred.

Ms. Miller described the Apprenticeship program. She indicated that candidates for the program are selected by the immediate supervisor. Ms. Miller coordinates the program with the Department of Labor and Industries (LNI). She sets up the needed classes for

each apprentice through Bates Technical College. She tracks and prepares reports of the employment and training hours of the three apprentice employees.

Ms. Miller emphasized that she believes Shops is a major subdivision of Parks. Ms. Miller reported that the Shops budget is separate from the Region budget and is developed and submitted just like the Region budgets. She indicated that Mr. Gianini reports directly to the Deputy Director, Ms. Johnson.

Ms. Miller clarified that she is authorized to speak on Mr. Gianini's behalf, to commit Shops' resources and provide information on Shops and Marine Services' programs. She noted that Shops provides revenue-generating services to outside agencies such as community colleges and private companies. She is authorized to bill these customers for services. Ms. Miller stated that as requested by her supervisor, she independently conducts research and prepares projects or reports such as a time/labor study or operating procedures research.

On behalf of Ms. Miller, Mr. Evans stated that Mr. Gianini reports to Deputy Director Johnson at least 51% of his work time. He noted this reporting line and Mr. Gianini's agency-wide FEMA responsibilities were justification for Mr. Gianini's upgrade to General Service Manager in 2005. Mr. Evans emphasized that the Administrative Assistant 5 class would be the best fit for the level of responsibility and overall job duties assigned to Ms. Miller.

Following the review conference, Ms. Miller submitted on April 6, 2009, several additional exhibits, Exhibits E-1 through E-7.

Parks' Comments

Mr. Price identified the major subdivisions on the May 5, 2008 organizational chart as the four geographical Regions, Parks Development, and Business Development. (Exhibit C-6). He noted that the Shops are not self-sufficient or operating away from Headquarters like the state parks do. He estimated the budget allotted to Shops is approximately \$2.6 million. Mr. Price noted that the Shops is not a major subdivision as required by the AA5 class.

Mr. Price reviewed reporting relationships: Mr. Gianini reports to Mr. Jim Harris, Eastern Region Director. Mr. Harris reports to Ms. Judy Johnson, Deputy Director of Parks. Ms. Johnson reports to Rex Derr, Parks' Director.

Mr. Griffith, Eastern Region Human and Finance Resources Manager, stated the Shops & Marine Crew budget is rolled into the Eastern Region budget; the Shops does not directly develop its own budget.

Mr. Price observed that the allocation decision is not a question of the quality of Ms. Miller's work, but rather looks at the assigned duties. Mr. Price pointed out that he found Ms. Miller's position to be properly allocated to the Administrative Assistant 3 class.

Following the review conference, and in response to Ms. Miller's additional exhibits, Mr. Price submitted additional materials and detailed explanation of responsibilities, Parks' definitions of major divisions and operating locations, and reporting relationships for Ms. Miller's and her supervisor, Mr. Gianini's, positions. (Exhibits F-1 through F-7)

Rationale for Director's Determination

A position review is neither a measurement of the volume of work performed, nor an evaluation of the expertise with which the 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. See Liddle-Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

The Personnel Resources Board (PRB) has held the following: "... because a current and accurate description of a position's duties and responsibilities is documented in an approved classification questionnaire, the classification questionnaire becomes the basis for allocation of a position. An allocation determination must be based on the overall duties and responsibilities as documented in the classification questionnaire." Lawrence v. Dept of Social and Health Services, PAB No. ALLO-99-0027 (2000).

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.

"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." Dudley v. Dept. of Labor and Industries, PRB Case No. R-ALLO-07-007 (2007). Also see Alvarez v. Olympic College, PRB No. R-ALLO-08-013 (2008).

Glossary of Classification, Compensation and Management Terms (Glossary)

In reviewing this position, I considered the following terms defined by the Department of Personnel's (DOP) Glossary of Classification, Compensation and Management Terms. <http://www.dop.wa.gov/CompClass/CompAndClassServices/Pages/HRProfessionalTools.aspx>

Independent. Authority to make decisions without supervisory approval regarding the work processes and methods which will be used; Individuals can modify procedures as

long as changes conform to agency/institutional and departmental policies and regulations.

Nature of Work. Basic types of work assignments performed by a class:

Clerical – Work that supports office operations.

Administrative – Determines or participates in making policy, formulates long-range objectives and programs, and reviews the implementation of programs for conformance to policies and objectives.

Classification Questionnaire (CQ)

Ms. Miller submitted a completed and signed Classification Questionnaire dated February 25, 2008. (Exhibit C-2) The duties that occupy most of her work time are copied here, in part. The most responsible duty is underlined.

55% **Manage** delegated administrative functions for the WMS Manager. Administrative functions include, but are not limited to: provide direct management assistance to the Manager in the planning and implementation of programs.

- FEMA – Coordinate agency disaster assistance with FEMA such as project worksheets, disaster assistance payment requests, and project completion report. Keep Manager informed of deadlines and items requiring immediate attention. State Parks Emergency Management support of Park's State Agency Liaison (SAL) including continuous record update to Camp Murray, knowledge of SAL duties and organization contacts. Assist in notification to all branches of government during emergency callouts including statewide oil spill response tracking and disaster recovery. Notification of emergency training opportunities to agency staff as directed by Manager.
- Marine Services – Assist Manager in implementing Shop's and Marine Service's programs including planning, organizing, resource estimating, establishing work procedures, coordinating and developing methods to achieve our goals. Discuss and promote ... services with outside agency customers. Approve proposed expenditures, requisitions and purchase authorizations. Independently act as an intermediary between Manager and Managers and their staff. Responsibility requires total confidentiality of all personnel and sensitive issues affecting employees.
- Apprenticeship Program – Enroll Apprentice staff in training classes in compliance with L&I through Bates Technical College. Ensure compliance and prepare reports of employment and training hours ... Confer with L&I representative and submit reports as required through the program.
- Provide a range of duties in support of the Manager including funds management, personnel and project administration. In his absence, make decisions and take action for Manager with full responsibility and signature authority for programs /projects under this position's control with authority to speak on his behalf, to commit resources and provide information on Shop's and Marine Services' programs and administrative matters. Perform confidential personnel action documentation as requested by the Manager. Delegate work to multiple disciplines and oversee routine clerical functions performed by other staff. Participate in personnel decisions

regarding permanent and non-permanent staff and assist manager with testing, interviewing, evaluation and confidential corrective actions.

15% Responsible for operating and training personnel to use Shop's work order software (Micro Main) Assign commodity codes to all inventoried parts to monitor their purchase and use. Report repair order parts, material, and labor to customers for cost reimbursement. Monitor charge backs

10% Draft reports for Manager such as personnel actions, outside revenue billings, equipment purchase proposals....Independently conduct and prepare projects ...

10% Advise, monitor and ensure compliance of [staff] performance evaluations and position descriptions ... monitor all staff training needs ...Ensure hiring paperwork and timesheets are timely and accurate. Manage mailroom office space and...equipment. Exercise signature authority on correspondence, timesheets...Authorize petty cash expenditures. Operate computer systems. Perform incidental secretarial duties...

5% Ensure materials and services purchases follow contract compliance. Use WEBS program for purchases \$5000 and over ...Track Maintenance Shop's and statewide Master Equipment Plan (MEP)

4% Answer inquires regarding departmental matters. Meet with representatives of others for Manager ...Assist Lake Sammamish State Park staff...Meet with staff from other agencies or groups regarding revenue generating services ...

1% Other related duties as required.

Mr. Gianini, General Services Manager and immediate supervisor, agreed with the CQ statements and noted that the level of supervision he provides to Ms. Miller's position was "*Little – Employee responsible for devising own work methods*". Mr. Scott Griffith, Human and Finance Resources Manager, also signed the CQ.

Classifications Reviewed

Administrative Assistant 5 (AA5) (class code 105I)

The **Definition** of the AA5 states: "*Principal assistant for administrative matters to a departmental head, agency director, or the head of a major subdivision of a major State agency. Accomplishes varied and complex projects; makes decisions and acts for supervisor in administrative matters.*"

Administrative Assistant 4 (AA4) (class code 105H)

The **Definition** of the AA4 states: "*Positions serve as the assistant on administrative matters to the head of a state agency, the head of a major sub-division or major operating location of an agency, or to the chief administrator or head of a major organizational unit such as a school, college, or major academic/administrative department.*"

The Glossary has defined “*administrative*” as participating in policy making, formulating long-range objectives and programs, and reviewing implementation of programs for conformance to policies and objectives. Although Ms. Miller independently accomplishes some high-level responsibilities, Ms. Miller’s position’s overall assigned responsibilities do not reach the level of *administrative* matters as defined in the DOP Glossary.

Mr. Price and Mr. Griffith have indicated that the Shops where Ms. Miller works is not considered a major department, major subdivision or major operating location of Parks. Using the organization chart, Mr. Price identified the Eastern, Southwest, Northwest and Puget Sound Regions, as well as, Parks Development and Business Development as major subdivisions. Ms. Miller works in the Maintenance Shops/Marine Services which is part of the Eastern Region. (Exhibit C-5)

Ms. Miller does not serve as principal assistant for administrative matters to a departmental head, agency director, or the head of a major subdivision of a major State agency as required by the Definition of the Administrative Assistant 5 class. Ms. Miller’s position’s duties do not reach the organizational level or the reporting level and the scope of responsibility and breadth of impact required by the Definition of the AA5 class. The Administrative Assistant 5 is not the best fit for the overall duties and responsibilities assigned to Ms. Miller’s position.

Ms. Miller does not serve as the assistant on administrative matters to the head of a state agency, the head of a major sub-division or major operating location of an agency, or to the chief administrator or head of a major organizational unit as required by the Definition of Administrative Assistant 4 class. Ms. Miller’s position’s duties do not reach the organizational level or the reporting level and the scope of responsibility and breadth of impact required by the Definition of the AA4 class. The Administrative Assistant 4 is not the best fit for the overall duties and responsibilities of Ms. Miller’s position.

Administrative Assistant 3 (AA3) (class code 105G)

The **Definition** of the AA3 states: “*Positions perform varied administrative and secretarial support duties or positions are responsible for one or more major program activities under a second line supervisor.*”

The **Distinguishing Characteristics** of the AA3 state, in part: “*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. A major program activity is defined as a function that is a major element of the supervisor’s job. The duty must stand alone and would create significant adverse consequences if poorly performed. However, full delegation can’t occur if the supervisor’s position requires specialized licensure such as attorneys,*

medical doctors, and engineers. 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. 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."

Ms. Miller supports her supervisor during his absence by making delegated decisions and taking actions on his behalf in the Shops' and Marine Services' programs and services. She keeps her supervisor informed of FEMA deadlines, project worksheets, payment requests and project completion reports. She assists her supervisor in implementing Shops' and Marine Services' programs, including planning, organizing and establishing work procedures; discussing and promoting services with external customers to generate revenue; overseeing the enrollment of apprentices in appropriate classes and providing information to and ensuring compliance with L&I standards; preparing confidential personnel action documentation; drafting reports for the Manager, ensuring hiring paperwork and timesheets are timely and accurate; managing mailroom office space and equipment; ensuring purchases follow contracts, and during supervisor's absence making decisions and taking action for the Manager with full responsibility and signature authority for programs/projects under this position's control.

Ms. Miller independently interprets and applies policies and procedures for repairs and maintenance services performed by the Shops staff. She collects and records data on FEMA damage cost payments, and in her supervisor's absence signs FEMA paperwork and attends Emergency Management meetings. She oversees the Apprenticeship Program by assisting apprentice employees in enrollment in classes, coordinating information with Labor & Industries, and maintaining records of progress for the apprentices. In performing her duties, she exercises delegated signature authority, a high level of independent decision-making authority and raises issues to a higher level only when further clarification is needed.

Ms. Miller's overall responsibilities fall within the higher-level administrative support duties anticipated in the Definition and Distinguishing Characteristics of the AA 3 classification. Ms. Miller's position's scope and level of responsibility and variety of duties are encompassed by the Administrative Assistant 3 classification. Her position is correctly allocated to the AA3.

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*

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reallocation, or the agency utilizing the position, may appeal the allocation or reallocation to . . . the Washington personnel resources boardNotice of such appeal must be filed in writing within thirty days of the action from which appeal is taken.”

Please note telephone and address changes:

June 26 through July 3, 2009, the offices of the Director’s Review Program and Personnel Resources Board Appeals Program will be moving to the Department of Personnel building located at 600 South Franklin in Olympia. Starting June 26, 2009, the main phone number for the two programs will be **360-664-0388**. The fax number remains the same - **360-753-0139**.

All requests for Director’s Reviews and appeals to the Personnel Resources Board must be filed:

<u>In person at:</u>	OR	<u>By mail at: (unchanged)</u>
600 South Franklin		Mail Stop 40911
Olympia, WA 98504-7530		Olympia, WA 98504-0911

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

cc: Banks Evans, WFSE
George Price, Parks
Lisa Skriletz, DOP

Enclosure: Exhibits List

EXHIBITS LIST

- A.** Filed by employee June 9, 2008:
1. Letter of request to Eva Santos, DOP, dated June 6, 2008.
 2. Parks' allocation determination letter dated May 21, 2008.
- B.** Filed by employee July 31, 2008:
1. Director's Review Form dated July 30, 2008.
 2. Ed Gianini Memo to Joe Vidales dated February 25, 2008.
 3. CQ Position #0617, Deborah Miller signature only, February 2008.
 4. Org chart
 5. Parks' allocation determination letter dated May 21, 2008.
 6. Letter of review request to Eva Santos, DOP, dated June 6, 2008.
- C.** August 14, 2008 letter and exhibit list filed by Parks August 19, 2008:
1. Parks' allocation determination letter dated May 21, 2008 Classification Questionnaire dated & signed March 2008.
 2. Memo from: Scott Griffith to Joe Vidales, submitted with the reallocation request.
 3. Memo from: Ed Gianini to Joe Vidales, submitted with the reallocation request
 4. Issaquah Shops and Marine Crew organizational chart dated 2/7/2008, submitted with the reallocation request.
 5. Agency organizational chart dated May 5, 2008
 6. Eastern Region HQ organizational chart dated 8/12/2008
 7. Issaquah shops and Marine Crew organizational chart dated 8/12/2008
 8. Summary chart of agency FTE and budget.
 9. Monthly Management Reports provided by our Budget Office
 10. Fastrack report for capital funding and FTE provided by our Budget Office.
- D.** August 4, 2008 letter and Exhibit list filed by Deborah Miller August 19, 2008:
1. Denial of Reallocation Letter dated May 21st, 2008 from Mr. George Price.
 2. Letter from Teri Thompson, DOP, to Debbie Miller, Parks. Definition of major subdivision. dated June 4, 2008
 3. Ed Gianini's Position Description.
 4. Allotment Expenditures status by Sub Activity. Shows the safety Service Center's budget.
 5. Allotment Expenditures Status by sub activity. Shows Fort Worden's budget.
 6. Employee Roster dated 7/9/2008
 7. Administrative Assistant 5 Class Specs (class code 105I)
 8. Administrative Assistant 4 Class Specs (class code 105H)
 9. Deborah Miller's Classification Questionnaire.
 10. Policy/Procedure 70-25. Definition of WMS Manager.
- E.** Exhibits submitted by Deborah Miller April 6, 2009:
1. Rebuttal Cover letter for Denial Reasons
 2. Email from Judy Johnson dated February 9, 2006 Regarding- Emergency management Issues

3. Fax to Ed Gianini from George Price with attachments:
 - 3a - WMS request for change/upgrade
 - 3b - WMS Management Position description for Ed Gianini
4. FEMA Disaster Data spreadsheet of areas and dollar amounts
5. Applicant and Applicant Agent Responsibilities
6. Letter from Judy Johnson to Gary Urbas dated January 8, 2009 regarding Designation of Applicant Agent for December Storm 2008 ... Number 1825
7. Letter from Judy Johnson to Gary Urbas dated January 8, 2009 regarding Designation of Applicant Agent for December Storm 2009 ... Number 1817

F. Parks Human Resource Exhibits submitted April 21, 2009

1. Cover letter from George Price with explanation dated April 20, 2009
2. Performance and Development Plan (PDP) for Ed Gianini 2/1/07 to 1/31/08
3. Performance and Development Plan (PDP) for Ed Gianini 2/1/08 to 1/31/09
4. Washington Management Service (WMS) Position Description for Ed Gianini dated May 28, 2008
5. Employee Time Sheets for Ed Gianini
6. Jim Harris Email dated April 8, 2009 to George Price regarding appeal
7. Letter to Ed Gianini from George Price dated January 2, 2009 regarding WMS Banding Evaluation and Salary review of Position Number 0072