

May 22, 2009

TO: Teresa Parsons, Supervisor
Director's Review Program

FROM Meredith Huff, SPHR
Director's Review Investigator

SUBJECT: Deaydra Wise v Parks and Recreation Commission (Parks)
Allocation Review No. ALLO 08-075

Directors Review Conference

Ms. Deaydra Wise requested a Director's Review of her position's allocation by letter received on October 22, 2008. On April 9, 2009 I conducted a Director's review conference by phone. Present by phone at the review conference were Ms. Wise, employee; Jose Vidales, Human Resources Consultant and George Price, Human Resource Consultant, representing Parks.

Director's Determination

The Director's review of Parks' allocation determination of Ms. Wise'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. Wise's position is properly allocated to the Administrative Assistant 3 classification.

Ms. Wise submitted several position descriptions for other Parks' employees. Although position descriptions provide information on the structure and responsibilities within the agency, they are not a criteria used in making an allocation determination.

Background

On June 12, 2008, Ms. Wise requested a review of her position by submitting a CQ to the Parks Human Resources office. Ms. Wise's position was allocated to the Administrative Assistant 3 class. Ms. Wise indicated she believed her position should be reallocated to the Program Specialist classification series. The supervisor's review section of the CQ is signed by Mr. Dale Broyles, her immediate supervisor. (Exhibit B-2) On the CQ, the work time percentages did not add up to 100%. Several e-mails were exchanged regarding the breakdown of Ms. Wise's work responsibilities and time.

By letter dated September 23, 2008, Mr. Vidales issued an allocation determination indicating Ms. Wise's position was appropriately allocated to the Administrative Assistant 3 classification. (Exhibit B-1) Ms. Wise requested a Director's Review of the findings by submitting a letter on October 22, 2008. (Exhibit A-1) Mr. Price confirmed the timeframe for this review is the six months prior to June 12, 2008, the signature date of the initial Classification Questionnaire.

During the review conference, questions arose around Ms. Wise's delegated responsibility for signing certificates and letters for operation of the ski areas. I requested additional information from Mr. Broyles regarding this issue. That information is found in Exhibits D-1 and D-2.

Summary of Ms. Wise's comments

Ms. Wise works in the Facilities Unit of the Capital Development Program at Parks as an Administrative Assistant 3. Ms. Wise described the Ski Program as one of a kind in Parks and in the State. She indicated that the Legislature had set up the ski inspection program in 1959 by law. She noted that prior to her being in this position, the inspection of the ski area equipment took place after the ski season began. She worked with her supervisor and Parks Secretary to successfully change the timing so the inspections were completed and certificates issued in the fall, prior to the ski season.

Ms. Wise stated that she administers the Ski Program for all ski areas across the state. This involves the inspection of ski areas' lifts, chairs and other equipment, by contracted inspectors. Ms. Wise stated that all ski equipment must be inspected annually and she accompanies the inspector on the inspection trip. She explained that ski equipment must pass a periodic load test; once the load test is passed, it is repeated every seven years. For new construction at ski areas, the full trials must be completed and passed. Ms. Wise confirmed that all ski area incidents must be submitted on a standard form along with the description of corrective action that was taken by the ski area. She noted that she provides any necessary follow up for incident reports. If the ski area passes all inspected items, a letter and certificate to operate are issued to the ski area.

Ms. Wise described the actions she is responsible for in keeping the Ski Program running: she issues bids for contracts and selects the ski equipment inspectors; she coordinates with the ski areas for inspections; she maintains a record of inspections and required follow up repairs or other requirements; and she completes processes for payments to contractors, billing to the ski areas, and issuing letters and certificates of operation. Ms. Wise indicated that she acts as a program liaison to the U.S. Forest Services, ski area maintenance personnel, Pacific Northwest Skiers' Association, and the Parks' fiscal unit. Ms. Wise indicated that she has signature authority for invoices and letters to ski areas, certificates for operation, and communication to ski areas and the federal Forest Service.

Ms. Wise has budget coordination responsibilities. She establishes, manages and tracks the budget for the inspectors. She noted her position is funded through a 20%

administrative fee added to the cost of each inspection. Ms. Wise commented that she researched the pay for ski inspectors and found that the contract engineers who do the ski inspections were not paid at a comparable rate. She made a successful proposal to increase the rate of pay for the contracted engineers doing the ski inspections. She stated that the assistant director approves and signs all contracts.

Ms. Wise clarified that she independently compiles an annual report for the Parks Commission and also distributes it to the ski areas. She explained that she independently annually updates a Manual that informs ski areas of Parks' compliance requirements and standards and any changes in policies and procedures. She confirmed that her supervisor or others do not review or approve the Manual prior to distribution.

Ms. Wise indicated that she also is responsible for planning and coordinating the week-long Cultural Resources Training that occurs twice a year. She remarked it is a joint effort with Departments of Transportation, Archaeology & Historic Preservation and Parks. She works with a panel to determine the program of speakers. She registers all of the Parks' staff members who attend. She organizes agendas, schedules field trips and reserves lodging. She arranges lunches, dinners, and use of the conference room and theater. She reported that she creates posters to welcome people, signs for the vans, special announcements and other needs. She processes all the invoices for training and lodging for all Parks' attendees.

Summary of Parks comments

By letter dated September 23, 2008, Mr. Joe Vidales, Parks Human Resource Consultant, completed the review of Ms. Wise's position and determined that Administrative Assistant 3 was the proper allocation and denied the request for reallocation to Program Specialist 2. Mr. Vidales confirmed that he completed a desk audit of Ms. Wise position by meeting with her and Mr. Dale Broyles, Facilities Manager.

As the CQ work time was not 100%, Mr. Vidales noted that follow-up e-mails and the additional discussions with Ms. Wise and Mr. Broyles resulted in clarifications about Ms. Wise's division of work time: 45% Recreational Conveyance (Ski Inspections Program), 15% Lift Inspection Manual, 8% Ski Program Administration, 7% Cultural resource Training, 15% Administrative and Technical support for PDSC, 5% SEPA and 5% other duties. Mr. Vidales indicated that he had used these revised percentages of work time in his analysis of the position. (Exhibit B-1)

Mr. Vidales indicated that within Parks, the Program Specialist positions are more detached from the Parks offices, such as the Boating Program and the Winter Recreation Snowpark. He noted these are larger discrete and specialized programs than the Ski Program.

Mr. Vidales emphasized that Mr. Mike Allen, the second level supervisor, clarified that the management of the Ski Program has been assigned to Mr. Broyles. Mr. Broyles has further delegated the Ski Program to Ms. Wise. Since 2006, she has facilitated the

inspections and maintained records of the ski areas compliance with required repairs and modifications in order to offer skiing to the public. Mr. Vidales recognized Ms. Wise's work knowledge, high level of administrative support and her ability to assume the delegation of the Ski Lift Inspection. He observed that Ms. Wise has a strong working knowledge of how ski inspections are conducted by the inspectors. He noted, however, that Mr. Boyles has final approval for notices and certificates to ski areas, contracting with inspectors, and other contracts. He affirmed that Ms. Wise's responsibilities as well as her administrative support duties in the Capital Development program are included in the Administrative Assistant 3 class.

Mr. Vidales and Ms. Wise disagreed about the supervisor's delegation of signature authority to Ms. Wise for the letters and certificates allowing operation of the ski areas.

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.

Glossary of Classification, Compensation and Management Terms

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

Specialist. Duties involve intensive application of knowledge and skills in a specific segment of an occupational area.

Classification Questionnaire (CQ)

Ms. Wise submitted a completed and signed Classification Questionnaire (CQ) dated June 12, 2008. (Exhibit B-2) Ms. Wise also submitted a previous CQ signed on June 12, 2007 (Exhibit A-3). The major duties/key work activities on the CQs are similar. The percent of work time on the CQs, individually do not total 100%. Mr. Vidales requested revisions and received an e-mail with corrected work time percentages. (Exhibit B-5)

The CQ dated June 12, 2008 lists the following which occupy most of Ms. Wise's time. The most responsible duty is underlined.

65% This position coordinates a discrete, specialized program consisting of specific components and tasks that are unique to the Ski Program and are separate and distinguished from the main body of an agency. Coordinates program services and resources, and acts as a program liaison and provides consultation to program participants and outside entities regarding functions of the program. Interprets, reviews and applies program specific policies, procedures and regulations; assesses program needs and develop courses of action to carry out program activities. Program coordination for both the Ski Program and the Cultural Resources Training program requires the performance of tasks and applications of knowledge unique to these programs and not transferable or applicable to other areas of the organization.

Under administrative direction, this position has agency-wide program responsibility, and is recognized as a program specialist/administrator. Manages all components of the Ski Program. Administers, oversees, and directs all program activities and advises public entities and higher level administrative staff on program components, such as inspector contract development, lift inspection and operation, lift construction or modification, incident or malfunction reports, and budget coordination within..the Program. This position also provides and coordinates program activities for the Cultural Resources Training program as well as the Ski program; which also affects essential services within the agency with statewide impact. Performs a wide scope of complex duties and responsibilities in the administration of these programs, exercises independent judgment, and has delegated decision-making and signature authority.

This position determines priorities and sets objectives, coordinates and resolves resource conflicts related to programs and activities; structures and administers activities to ensure consistent approaches are utilized within the program and agency-wide. Provides leadership and maintains a working relationship with external industries and associations; explains positions on complex program issues; recommends alternative solutions to controversial resource conflicts; anticipates potential conflicts and attempts a resolution before problems occur. Develops, revises, implements, interprets, and administers program specific policies, procedures, practices, and sets standards for existing and new program activities impacting outside entities, volunteers, industries, associations or members of the public. Prepares and maintains administrative and business reports, records, comprehensive plans, summaries and

recommendations, or directs staff engaged in these tasks. Generates strategic plans and objectives for statewide programs; responsible for annual performance reports and financial status reports. Acts as administrative liaison on cooperative projects related to the program with other state and federal agencies, cities, counties, and tribes; works with internal personnel to ensure that projects do not conflict with existing resources. May supervise lower level staff.

15% Provide administrative and technical support to the Facilities Manager, Capital Programs professional staff, and the Capital Development Program Manager. Represent Facilities Manager at meetings, keep supervisor's calendar and commit supervisor's time as required. Compile data and statistics in the development of statistical reports or presentations. Assist in the daily operations of the Facilities and Capital Development Programs, including the creation and maintenance of information storage and retrieval systems for data gathered during survey and assessment of State Park facilities. Conduct studies, research projects, compile, create and maintain statistics and databases and reports. Produce and refine system assessment reports. Supervise and train temporary/part-time clerical employees or interns. Coordinate and process documents related to travel, contracts, purchasing, payroll and budget.

5% Coordinate State Environmental Policy Act (SEPA) reviews for agency Commission agenda items; prepare and process SEPA reviews and determinations, and prepare public notices for affected parks.

5% Perform other duties as required.

Mr. Dale Broyles, Facilities Manager and immediate supervisor, agreed with the CQ statements and noted that the level of supervision he provided to Ms. Wise's position was "Little-employee responsible for devising own work methods." Mr. Mike Allen, Capital Program Manager, also signed the CQ. (Exhibit B-2)

By e-mail dated August 11 and August 12, 2008, Ms. Wise provided clarifying information to Mr. Vidales regarding her position. (Exhibits B-3 and B-8) At the request of Mr. Vidales, by e-mail dated September 16, 2008, Ms. Wise revised her work time breakdown and Mr. Broyles concurred. (Exhibit B-5)

45% Program Management
15% Lift Inspection Manual
8% Ski Program Administration
7% Cultural Resources Training
15% Administrative and Technical Support for PDSC
5% SEPA
5% Other

Program Specialist 2 (PS2) (class code1071)

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.
- d) Class series concept, definition/basic function, and distinguishing characteristics of other classes in the series in question.

The DOP *Glossary* provides that the language in the class specifications has priority when explaining or defining the language in the *Glossary*. In this situation, the Class Series Concept for the Program Specialist classes has priority over the *program* definition in the *Glossary*.

The Class Series Concept for the Program Specialist classes states: “*Positions in this series coordinate discrete, specialized programs consisting of specific components and tasks that are unique to a particular subject and are separate and distinguished from the main body of an organization. Positions coordinate program services and resources; act as a program liaison and provide consultation to program participants and outside entities regarding functions of the program; interpret, review and apply program specific policies, procedures and regulations; assess program needs; and develop courses of action to carry out program activities. Program coordination also requires performance of tasks and application of knowledge unique to the program and not transferable or applicable to other areas of the organization. Examples of program areas may include, but are not limited to: business enterprises, fund raising, volunteer services, community resources, election administration and certification, juvenile delinquency prevention, recreational education and safety, energy education, aeronautic operations and safety, student housing, financial aid, and registration.*”

The intent of the Program Specialist series is further clarified by considering the *specialist* definition found in the DOP *Glossary*. The *Glossary* provides that the duties of specialists “. . . involve intensive application of knowledge and skills in a specific segment of an occupational area.”

For 45% of her work time, Ms. Wise’s position is responsible for coordinating the Recreational Conveyance (ski lifts) Inspections located at 22 ski areas within Washington State. Ms. Wise does not do the actual ski lift inspections; contracted inspectors do the inspections. Ms. Wise’s position responsibilities include contracting with inspectors to do ski lift inspections; assigning the contractors to ski areas for inspections; reviewing the inspection reports for necessary repairs and upgrades; maintain a database of inspections and other relevant information, and preparing letters and certificates for ski areas and signing those documents in some instances. Her position’s other duties include participating in coordination of a semi-annual required Cultural Resources training program for Parks’ employees; updating and distributing a Recreational Conveyance Inspection Program Manual; and providing administrative and technical support to the Facilities Manager and the Capital Development Program Manager.

Ms. Wise’s position is not separate and distinguished from the main body of the Parks’ organization. Her position is a component of Facilities managed by her immediate supervisor, Dale Broyles, Facilities Manager. Facilities are a part of the Capital Program which is managed by Mike Allen, Ms. Wise’s second level supervisor. Ms. Wise does not

coordinate program services and resources for Facilities as a whole. In addition, Ms. Wise's responsibilities are not "unique to a particular subject"; she has many responsibilities that are similar to other positions. Ms. Wise's position does not fit within the Class Series Concept of the Program Specialist classifications.

Additionally, Ms. Wise's position does not meet the *Glossary* definition of a "specialist". Her duties and responsibilities do not require intensive application of knowledge and skills in a specific segment of an occupational area. Ms. Wise's knowledge and skills for administering contracts, completing documents for payment to contractors, reviewing application of laws and regulations, completing letters and certificates when required standards are met, participating in coordinating a training session and providing administrative and technical support to managers are important skills. However, these skills are transferable to other positions and do not meet the definition of "skills in a specific segment of an occupational area". Rather Ms. Wise may provide and apply her knowledge and skills to other components of the Facilities and Capital Program areas.

For the reasons discussed above, Ms. Wise's position does not meet the Program Specialist Class Series Concepts. Program Specialist 2 is not an appropriate class for Ms. Wise's position's allocation.

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: *"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."

The focus of Ms. Wise's position is to coordinate the ski lift inspections and, after required repairs are completed, to provide a letter and certificate for operation. Ms. Wise is responsible for seeking and selecting qualified contracted inspectors to do the inspections. In addition, Ms. Wise annually updates the *Recreational Conveyance Inspection Program Manual* and distributes the update to all ski areas and other interested clients. Ms. Wise recommends changes in the ski program. Ms. Wise participates in coordinating the inter-agency semi-annual Cultural Resources Training Program required for all Parks staff seeking to receive their Stewardship Certification.

Ms. Wise supports her supervisor by relieving him of the administrative responsibility for the ski inspection program, updating the Manual, and participating in coordinating the Cultural Resources Training. She provides administrative and technical support. Ms. Wise's responsibilities and the level of administrative support she provides are encompassed in the Definition and Distinguishing Characteristics of the Administrative Assistant 3 classification. The overall scope, level of responsibility and variety of duties assigned to Ms. Wise's position best fits within the Administrative Assistant 3 classification. Ms. Wise's position is properly classified.

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 address for the Personnel Resources Board is 2828 Capitol Blvd., P. O. Box 40911, Olympia, Washington 98504-0911.

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

Cc: Deaydra Wise, Parks
Jose Vidales, Parks
Lisa Skriletz, DOP

Enclosure: Exhibits List

EXHIBITS LIST

- A.** Filed by Deaydra Wise October 22, 2008:
- 1) Letter of Request from Employee dated October 22, 2008
 - 2) Classification Questionnaire dated June 12, 2008
 - 3) Classification Questionnaire dated June 12, 2007
 - 4) Agency Allocation Determination letter dated September 23, 2008
- B.** Letter filed by Parks December 19, 2008:
- 1) Agency Allocation Determination letter dated September 23, 2008
 - 2) Classification Questionnaire dated June 12, 2008
 - 3) Deaydra Wise August 11, 2008 email clarifying summaries of duties
 - 4) Post Desk Audit Percentages of Duties (table)
 - 5) Email Response from Deaydra Wise and Dale Broyles
 - 6) Administrative Assistant 3 classification specifications (105G)
 - 7) Program Specialist 2 classification specifications (107I)
 - 8) HR emails (4 emails)
 - a. 1 of 4 – 8/6/08 CQ confirmation of duties
 - b. 2 of 4 – 8/11/08 CQ 0043 Deaydra Wise detailed job description
 - c. 3 of 4 – 9/02/08 CQ 0043 Deaydra Wise
 - d. 4 of 4 – 9/16/08 two post Desk Audit questions from HR
 - 9) Employee's Director's Review request with attachments: Letter of request, HR acknowledgement letter from DOP Director's Review, Director's Review Exhibit list and CQ for AA3 dated October 30, 2008
- C.** Filed by Deaydra Wise December 19, 2008:
- 1) (AJ Parlan) Classification Questionnaire for position number 2007?
 - 2) (Sherry J. Sweeney) Classification Questionnaire for position number 0009
 - 3) (Vacant) Classification Questionnaire for position number 0031
 - 4) (Vacant) Classification Questionnaire for position number 1203
 - 5) (Steven G. Shively) WMS PD for position number 0861 ORG chart attached.
 - 6) (Billy Glen Russell) Classification Questionnaire for position number 0004
 - 7) (Cynthia Farr) Classification Questionnaire for position number P116
 - 8) (Dona Wulf) Classification Questionnaire for position number 0560
 - 9) (Valerie Evans) Classification Questionnaire for position number 1114
 - 10) (Laura Moxham) Classification Questionnaire for position number 1194
 - 11) (Colleen Mcguire) WMS Position Description for position number 0557
- D.** Park's e-mail follow-up responses to Director's Investigator's request
1. Dale Broyles' e-mail dated 4/21/09, regarding Ms. Wise's signature authority
 2. Mike Allen's e-mail dated 4/24/09 regarding Ms. Wise signature authority
 3. Ski Season Operation Letter and Certificate signed by Ms. Wise
 4. Invoice Vouchers forms to ski areas approved and signed by Ms. Wise; approval Request for Contracts and Amendments listing Ms. Wise as project representative