

July 13, 2009

To: Teresa Parsons, Supervisor  
Director's Review Program

FROM Meredith Huff, SPHR  
Director's Review Investigator

SUBJECT: Lori McCown v Department of Agriculture (AG)  
Allocation Review No. ALLO-09-001

### **Director's Review Conference**

On May 28, 2009, I conducted a Director's review conference at the Department of Personnel at 2828 Capital Boulevard in Olympia WA. Present at the review conference were Ms. Lori McCown, employee; Ms. Robyn Steacy, Field Representative, WFSE, representing Ms. McCown; and Ms. Linda Pentt, Human Resources Consultant representing Department of Agriculture.

### **Director's Determination**

The Director's review of AG's allocation determination of Ms. McCown's position is completed. I have carefully reviewed all of the file documentation, classifications and the information provided during the review conference. I conclude that on a best fit of her overall duties and responsibilities, Ms. McCown position is properly allocated to the class of Brand Control Specialist.

Ms. McCown provided letters of compliment and support for a position allocation upgrade from her supervisors and co-workers. While letters of support are valuable, they are not allocation criteria and during this review, were not used in making a determination.

### **Background**

Ms. Pentt indicated that about August 2008, the Division Coordinator brought her a draft position description for possible reallocation of Ms. McCown's position to an Administrative Assistant 3 (AA3) classification. Ms. Pentt conducted a formal desk audit in September 2008. On October 18, 2008, Ms. Pentt received a formal request for reallocation of Ms. McCown's position to AA3. On October 22, 2008 Ms. Pentt found Ms. McCown's position did not meet the definition and distinguishing characteristics of the AA3 and denied the request for reallocation to AA3. (Exhibit B-6)

Ms. McCown submitted a Position Description on November 21, 2008 requesting reallocation to a Program Specialist 2 (PS2). By letter dated December 23, 2008, Ms. Pentt found Ms. McCown's position did not fit the class series concept of the Program Specialist and denied the request for reallocation. (Exhibit B-5) Ms. McCown submitted a Request for Director's Review on January 20, 2009. (Exhibit A-a)

### **Summary of Ms. McCown's Comment**

Ms. McCown verified that she is the Brand Recorder for the State of Washington and works in the Animal Services Division/Livestock Brand Inspection Program at the Department of Agriculture. She noted that she is the main contact for people with questions about obtaining brands, tracebacks, ownership and movement of animals, and applicable WACs and RCWs. Ms. McCown stated she operates the computerized brand registration control system. With this system she can determine if a brand is in use, if it is issued but not currently used, and the ownership history of a brand.

Ms. McCown indicated that she often helps people design a brand as she is familiar with placement of brands, when and how hot or cold irons are used and what each iron can handle (i.e. a hot iron cannot handle a pointy capital A). She estimated that this month (May 2009) she registered 25 brands. In addition, Ms. McCown noted that she provides technical assistance to Dr. Eldridge, the USDA, and Animal Health offices. This technical assistance may take the form of tracking an animal's purchase, sale and location through sale records; tracebacks; circulating reports of missing or found animals and notice of impounds.

Ms. McCown stated that she receives application for and issues new and renewal licenses or permits for public livestock markets, feedlots, special horse sales, dairy or other animal sales and veterinarian certifications. Some licenses and permits have flat fees while others are charged based on the record of sales. Ms. McCown confirmed that she checks the organization's financial sales records and calculates the rates for those fees based on sales. Ms. McCown also confirmed that she audits certificate books and collects and posts headcounts from sale records to ensure accuracy. When she finds discrepancies, she contacts the sale yard and requests information to resolve the discrepancy.

Ms. McCown indicated that she provides assistance to Ms. Leslie Alexander, Program Manager, which may include making changes and updates to the brand inspector's forms, certificates and other forms; attend presentations on Ms. Alexander's behalf; and update different databases. Ms. McCown stated she has lead responsibilities for short-term temporary employees who provide assistance during the brand renewal process.

Ms. McCown noted that biennially she is responsible for compiling and publishing the brand book that contains approximately 6000 registered brands. In addition, she develops a monthly supplement to keep the book current. Ms. McCown indicated that the book is sold until the Department recovers its cost of publication.. Ms. McCown tracks the cost of the publication and the money received for copies so she is aware when the costs are paid. After recovering the costs, the books are dispersed for free. The last publication of the full book was summer 2008.

On behalf of Ms. McCown, Ms. Steacy noted that Ms. McCown's work is complex and she deals with unusual types of problems. She pointed out that Ms. Alexander's letter discusses the independence with which Ms. McCown works. Ms. Steacy stated that Ms. McCown's duties and responsibilities were a better fit for the Program Specialist 2.

### **Summary of AG's Comments**

Ms. Pentt noted the examples of work in the exhibits indicate that the Brand Control Specialist is the best fit for Ms. McCown's position. She acknowledged that Ms. McCown is very knowledgeable about registering and controlling brands. She pointed out that she had compared CQs from 1989 and 2008 and although some areas had evolved, the majority of the duties were unchanged. Ms. Pentt indicated that her analysis indicated the Brand Control Specialist is the best fit for Ms. McCown's position.

### **Rationale for 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).

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).

The Personnel Appeals Board (predecessor to the current Board) consistently held: "When there is a definition that specifically includes a particular assignment and there is a general classification that has a definition which could also apply to the position, the position will be allocated to the class with the definition that includes the position." Mikitik v Depts. of Wildlife and Personnel, PAB No. A88-021 (1989).

### **Position Description (PD) (Exhibit B-3)**

In describing the Position Objective, Ms. McCown, in part, stated "...serves as the main contact for the program; operates the Brand Registration Control System for the State of Washington by issuing titles for brand holds, designs and registers livestock brands, processes permits, licenses, certifications; and provides assistance to the Assist Program Manager and other staff as needed. This position also assists with animal traceability for the protection of animal health, human health, and state economics."

Ms. McCown listed and noted percentage of time assigned to work activities as:

**85%** Brand Program Specialist  
**15%** Other Duties as Assigned

Ms. McCown listed the essential functions (principal responsibilities), in part, as follows:

**1.** Serves as the main Olympia contact for the Livestock Brand Inspection Program and serves as the only Brand Control Specialist employed by the State...; provide educational

information, clarification and assistance to the livestock industry, general public, law enforcement, state agencies, field staff, and private individuals concerning the responsibilities, authority, cite WACs and RCWs that govern the Brand Inspection program...; Maintain and operate the Brand Control System for the State...issue titles of recordings; Audit applications and issue permits and licenses for certified feedlots, public livestock markets, registering agencies, special sales and veterinarian training certifications. Maintain and process the Notice of Impounds after the 30 day hold at the sale barns...handling of the non-recorded dairy impounds. Manage public records including archiving/scanning of sale records. Provide technical assistance to the State Veterinarian and Animal Identification program concerning Brand recording and inspection issues. Provide secretarial and other assistance to the Assistant Program Manager and other staff as needed.

- A. Brand Recording/Renewals/Brand Book
  - B. Licenses/Permits/Certification
  - C. Notice of Impounds
  - D. Public Records Management
  - E. Policies, Procedures and Training
  - F. Multi-Agency coordination
2. Other duties as assigned
- A. Administrative Support: Make travel arrangements for LID staff, distribute mail and coordinate office operations.
  - B. Coordinate support to other program staff as needed

On November 20, 2008, Ms. Lynn M. Brisco, Division Coordinator, signed the PD as the immediate supervisor and Dr. Leonard Eldridge, State Veterinarian, signed as the approving authority.

#### Classifications Reviewed

##### Program Specialist 2 (PS2) (class code 1071)

**Class Series Concept:** “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.” (Emphasis added.)

Ms. McCown’s position is not responsible to coordinate a discrete, specialized program 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 as required by the Class Series Concept of the Program Specialist. Ms. McCown’s position is not separate and

distinguished from the main body of the Animal Services Division. Rather, she issues and renews titles for brand holders and maintains the Brand Registration Control System for the Animal Services Division. She also issues and renews permits, licenses and certificates to feedlots, sales yards, special sales and other events where the ownership of animals is transferred. Although each brand issued is unique, Ms. McCown does not perform tasks and application of knowledge that is unique to a program. The information that Ms. McCown uses is also provided to and used by AG Brand Inspectors, veterinarians and others. She reports to the Division Coordinator, Ms. Briscoe.

Ms. McCown's position does not meet the definition of program as provided in the class series concept for the Program Specialist 2 classification. Further, although her position is focused on the specific task of issuing and recording *brands*, her tasks are not separate and distinguished from the main body of her Division. In addition, there is another class, the Brand Control Specialist that specifically addresses Ms. McCown's position's responsibilities. The Program Specialist series is not the best fit for the duties and responsibilities assigned to Ms. McCown's position.

I also reviewed the Administrative Assistant 3 and the Office Assistant 3 classes and found each are more general in describing a position's duties. As the Brand Control Specialist is more specific, particularly in the responsibilities of Ms. McCown's position, I determined the Brand Control Specialist class is the better choice for allocation.

Brand Control Specialist (BCS) (class code 566E)

**Definition:** "Operates the brand registration Control System for the State of Washington; issues titles for brand holders, designs and registers livestock brands."

Although **Typical Work** statements are not allocating criteria, they do provide insight into the scope of responsibility and breadth of impact expected of an incumbent in a position allocated to the BCS. A few of the Typical Work statements that align with Ms. McCown's responsibilities include the following:

- Maintains the central brand sequence number files and alphabetical livestock brand registration files;
- Receives and processes application and fees for brand registrations; disapproves requested registration in cases of duplication or similarity; records approved brands and issues titles;
- Designs new or revises requested livestock brands; submits scale sized patterns to applicant, made to specifications for electric manufacturer or blacksmith shop for conventional type branding iron;
- Establishes and maintains inactive brand files; approves applications for reinstatement of inactive brand; processes title transfers;
- Compiles, edits and publishes the annual supplements and monthly work supplements; coordinates the publication of the Biennial Brand Book with State Printer and data processing;
- Corresponds with owners, enforcement officials, state agencies and general public;
- Studies streamlining methods of animal marking and unalterable systems which can be computerized;

In Mikitik v Depts. Of Wildlife and Personnel, the Personnel Appeals Board determined that when there is a Definition of a class that specifically addresses the responsibilities of a

position, that position is allocated to that class rather than to a class with a more general Definition. Ms. McCown's specific responsibilities are addressed in the Definition and are supported by the Typical Work statements of the Brand Control Specialist. The Brand Control Specialist is the best fit for the overall duties and responsibilities assigned to Ms. McCown's position. Her position is properly allocated.

**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."*

**Please note telephone and address changes:**

On July 6, 2009, the offices of the Director's Review Program and Personnel Resources Board Appeals Program relocated to the Department of Personnel building located at 600 South Franklin in Olympia. The main phone number for the two programs is now **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:

<b><u>In person at:</u></b>	<b>OR</b>	<b><u>By mail at:</u></b>
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: Ms. Robyn Steacy, WFSE  
Ms. Linda Pentt, AG  
Lisa Skriletz, DOP

Enclosure: Exhibits List

## **List of Exhibits**

### **A. Lori McCown's Exhibits**

- a. Request for Director's Review Form, received January 20, 2009.
- b. AG Allocation Determination letter dated 12/23/2008

1. Supporting letters
2. C.O.O.L. Meeting minutes
3. ILIA Presentation example
4. Position Elements
5. E-mail Communication
6. 2008 Livestock Brand Book
7. Livestock Brand Application

### **B. Exhibits submitted by Department of Agriculture**

1. Dept. of Personnel Acknowledgement letter
2. Request for Director's Review
3. Position Description received by HR November 21, 2008 (signed)
4. Position Description (no name, date or signature)
5. HR allocation determination letter dated December 23, 2008
6. HR allocation determination letter dated October 22, 2008
7.
  - a. Personnel Resources Board decision (Jane Mclean)
  - b. Personnel Resources Board decision (Larry Dudley)
8. Brand Control Specialist (566E) Class
9. Program Specialist 2 (107I) Class
10. Office Assistant 3 (100J) Class
11. Administrative Assistant 3 (105G)
12. Class Position Elements
13. C.O.O.L.
14. Notes from September 2, 2008
15.
  - a. Livestock Brand Inspection
  - b. Livestock Brand Inspection
16. Organizational chart
17.
  - a. E-mail dated January 27, 2009
  - b. E-mail dated January 21, 2009
  - c. E-mail dated December 22, 2008
  - d. E-mail dated September 4, 2008
18. December 1988 CQ for Brand Control Specialist
19. Linda Pentt's background and desk audit notes with attachments #1 through #4