



STATE OF WASHINGTON
OFFICE OF FINANCIAL MANAGEMENT

STATE HUMAN RESOURCES DIVISION | DIRECTOR'S REVIEW PROGRAM
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September 21, 2015

TO: Connie Goff, Acting Section Chief
WPPR&A

FROM: Cherie L. Willhide, SPHR
Director's Review Investigator

SUBJECT: Gemmericia Osby v. Department of Social and Health Services (DSHS)
Allocation Review Request ALLO-15-033

Director's Determination

On April 15, 2015, the Director's Review Program received Ms. Osby's request of DSHS's allocation determination. A Director's Review hearing was held with all parties on September 10, 2015.

As the Director's designee, I carefully considered all of the documentation in the file, including the exhibits discussed during the Director's review conference and the verbal comments provided by the parties. Based on my review and analysis of Ms. Osby's assigned duties and responsibilities, and her reporting relationship at DSHS, I conclude her position is properly allocated to the Administrative Assistant 3 classification.

Background

On October 6, 2014, Ms. Osby's position was reassigned to the Director of Psychology & Rehabilitative Services and the Center Director of the Psychiatric and Treatment Center South/Central. As a result, Ms. Osby's position description was updated and submitted to the DSHS Classification and Compensation Unit (Exhibit B-3).

After DSHS Classification and Compensation Unit held several meetings with Ms. Osby's supervisor as well as Ms. Osby, a second updated position description was submitted dated December 10, 2014 (Exhibit B-8).

On March 26, 2015, DSHS issued its allocation decision, concluding the Administrative Assistant 3 classification best described the duties and responsibilities assigned to Ms. Osby's position (Exhibit B-2).

On September 10, 2015, I conducted a Director's review conference with Gemmericia Osby, Administrative Assistant 3, DSHS; Dr. Michael Rogers, Center Director, Psychiatric and

Treatment Center South/Central, DSHS; and Dorothy Hibbard, Classification & Compensation Specialist, DSHS

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).

Duties and Responsibilities

Ms. Osby supports the Director of Psychology & Rehabilitative Services and the Center Director of the Psychiatric and Treatment Center (PTRC) South/Central at the Department of Social and Health Services Western State Hospital. Ms. Osby major job duties are listed as follows (Exhibit B-8).

65% - Principle assistant for the Director of Psychology & Rehabilitative Services and the Center Director for the Psychiatric and Treatment Center (PTRC) South/Central for Western State Hospital

- The incumbent manages the Director of Psychology & Rehabilitative Services and the Center Director PTRC's electronic calendar and all work related appointments, meetings, obligations and events.
- Provides technical assistance and consultation to participants, staff and outside agencies and entities as needed. The incumbent recommends resolution for problems and issues related to the program. The incumbent conducts research, prepares data, and organizes it for review.
- Utilizes independent judgement and delegated authority to establish, modify, and prioritize workflow in decision-making and initiating action related to administrative matters. Independently establishes office procedures, standards, priorities, and deadlines for the Director of Psychology & Rehabilitative Services and the Center Director for PTRC, and ensures the Director of Psychology & Rehabilitative Services and the Center Director for PTRC is prepared for upcoming deadlines and commitments.
- The incumbent exercises signature authority for the Director of Psychology & Rehabilitative Services and the Center Director – PTRC on defined administrative correspondence. Coordinates, plans, and organizes meetings of a large scale.
- Independently tracks and completes the preparation of payroll and timekeeping documents for the Director of Psychology & Rehabilitative Services subordinates.
- Serves as a liaison with the Court regarding filing of civil commitment documents; tracking court ordered civil commitments; court calendars, and disseminating appropriate information to the hospital via email.

30% - Project Management and Staff Supervision

- Independently conducts and supervises projects within the hospital, which includes managing the Treatment and Recovery Center (PTRC) administrative support staff,
- Frequent contact with psychology staff, rehabilitative staff, management staff and staff members from other departments. Independently performs complex admin duties such as: prioritizing work, compiling reports, office record keeping or filing systems and coordinates office operations.
- Independently assigns projects and tracks for completion. Accepts delegated authority and responsibility for coordinating and accomplishing various ad projects as assigned by the Director of Psychology & Rehabilitative Services and the Center Director PTRC.
- Manage all aspects of programs, which includes managing PTRC administrative support staff, for four functional areas (Administrative unit, Medical transcription unit, Medical/Psychological Services Unit, and the Court Liaison Office), and monitoring and maintaining the programs budget. Western State Hospital is a major subdivision and mental health operational facility within DSHS.
- The incumbent supervises, delegates, and assigns duties to the PTRC administrative support staff. The incumbent maintains monitors, receives, researches, recommends, and approves/disapproves personnel actions for PTRC administrative support staff, and on behalf of the Director of Psychology & Rehabilitative Services and the Center Director PTRC, as needed.

5% - Other duties as assigned.

Summary of Ms. Osby's Perspective

Ms. Osby stated that her position transitioned from the Chief Administrative Officer at Western State Hospital to the newly established Center Director for the Psychiatric and Treatment Center – South/Central in October 2014. Her supervisor, Dr. Rogers, updated the Position Description for her position. At that time, Dr. Roger's was determining the appropriate duties to be delegated to this position and, after several conversations with the Classification and Compensation unit, Dr. Roger's submitted a second updated position description in December 2014. Ms. Osby asserts that she provides direct professional assistance of a substantive nature to her supervisor, Dr. Rogers. She further asserts that the duties she performs are appropriate to be performed by her supervisor but that Dr. Rogers has delegated the duties to her. Ms. Osby explained the scope of her position impacts approximately 327 patients, 81 Psychology staff, 70 Rehabilitation staff, 26 Social Work staff and 2 RN4's. She further explained that work in the unit funnels through her to her supervisor and that she performs duties such as running Security Incident Reports and Administrative Incident Reports for Dr. Rogers on a daily basis. Ms. Osby stated she is also responsible for assigning, routing and coordinating work and special projects; acting as a liaison between Dr. Rogers and unit staff; coordinating and scheduling a variety of mid-level/upper-level management meetings for Dr. Rogers with DSHS staff and outside entities; acting on behalf of her supervisor; and exercising signature authority delegated from Dr. Rogers. In addition, Ms. Osby takes action on all day-to-day office matters. Ms.

Osby contends that 65% of her duties are higher-level Administrative Assistant 4 (AA4) duties and that the secretarial or clerical duties she performs are incidental to her higher level administrative duties. She further contends that she reports to the Director of Psychology & Rehabilitative Services and the Center Director for PTRC who is the head of a major sub-division at Western State Hospital and that the Director of Psychology & Rehabilitative Services and the Center Director for PTRC reports to the CEO of Western State hospital. Ms. Osby stated she feels that meets the duties as required by the AA4 level.

Summary of DSHS's Reasoning

DSHS agrees that Ms. Osby reports to the Director of Psychology & Rehabilitative Services and the Center Director for PTRC but argues that the Director of Psychology & Rehabilitative Services and the Center Director for PTRC is not the head of a major sub-division. Rather DSHS argues that the Director of Psychology & Rehabilitative Services and the Center Director for PTRC reports to the Chief Executive Officer of Western State Hospital in the Behavioral Health & Service Integration Administration which is a sub-division of DSHS. DSHS further argues that the duties assigned to Ms. Osby's position do not meet the criteria found in the distinguishing characteristics of the AA4, specifically that she does not perform higher-level administrative duties of a substantive nature that are appropriate to be performed by her supervisor and secretarial or clerical duties are not incidental to the administrative functions performed. DSHS asserts that the majority of Ms. Osby's duties are found at the Administrative Assistant 3 (AA3) level. These include:

- Serving as a liaison between Dr. Rogers and other staff members, relaying assignments and requesting status information
- Performing complex secretarial duties such as typing, compiling reports, studies, developing, modifying and/or maintaining policy and procedure information, office record keeping or filing system(s) and coordinating office operations
- Representing Dr. Rogers and serving as the primary contact in assigned program areas.
- Modifying workflow processes to achieve efficient use of space, equipment, and personnel
- Initiating action to ensure office goals are met and having frequent contacts with clients, the public and staff members from other departments
- Establishing procedures and interpreting and applying administrative policies to the work of the unit, including assisting in devising unit standards/procedures to ensure adherence to policies regarding tasks such as budgeting, purchasing and contract administration
- Coordinating personnel issues such as recruitment, selection, appointment, promotion and corrective action.

DSHS contends that the majority of Ms. Osby's duties fall within day-to-day administrative and secretarial functions that relieve her supervisor of coordination and processing, tracking

deadlines, database input and updates, etc.; and that Ms. Osby's position is not delegated any final authority in substantive decision-making areas. DSHS asserts that Ms. Osby's position should remain allocated to the AA3 classification.

Rationale for Determination

It is clear from the support Dr. Roger's gives to Ms. Osby's reallocation request that her work is highly valued and that the Director of Psychology & Rehabilitative Services and the Center Director for PTRC relies on Ms. Osby's abilities and expertise to relieve him of day-to-day administrative support functions. However, 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. See *Liddle-Stamper v. Washington State University*, PAB Case No. 3722-A2 (1994).

The Administrative Assistant 4 (AA4) definition reads as follows:

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 Personnel Resources Board recently addressed the reporting structure required for allocation to the AA4 classification. In *Norton-Nader v. Western Washington University*, PRB Case No. R-ALLO-08-002 (2009), the Board recognized that the appellant's duties appeared to meet the level of work described in the typical work statements of the AA4 classification but determined that her work unit, the Faculty Senate, was not a major organizational unit. The Faculty Senate was described as "an integral partner in the shared governance of the entire University." The appellant reported to the Faculty Senate President, advised, instructed, and assisted the senate president in accomplishing the goals of the Faculty Senate and provided administrative support to the various Faculty Senate committees. However, because the Faculty Senate was not a major organization, the Board determined that the appellant did not meet the definition of the AA4 class or meet the threshold for considering the distinguishing characteristics of the AA4 class.

Ms. Osby's position reports to the Director of Psychology & Rehabilitative Services and the Center Director for PTRC. The Director of Psychology & Rehabilitative Services and the Center Director for PTRC reports to the Chief Executive Officer of Western State Hospital. The Psychiatric and Treatment Center South/Central unit is one of the units/offices within Western State Hospital. The Chief Executive Officer of Western State Hospital reports to the Assistant Secretary for Behavioral Health & Service Integration Administration who reports to the Secretary of DSHS.

Within the Behavioral Health & Service Integration Administration, the Western State Hospital is a major sub-division or a major organizational unit.



Ms. Osby's position does not fit within the reporting structure required for allocation to the AA4 class.

Although Ms. Osby's position does not meet the threshold for allocation to the AA4 classification, I considered the distinguishing characteristics of the class in relation to her duties and level of responsibility. The AA4 distinguishing characteristics indicate, in relevant part:

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. . . For general government positions, secretarial or clerical duties are incidental to the administrative functions performed.

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 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 has no assistant directors, deans or managers who would share the administrative duties of the position.

At the AA4 level, sub-division level administrative duties typically include high-level, substantive work of a strategic nature such as participating in establishing financial and performance goals and short and long-term plans and participating in strategic and quality planning processes. Here, as in *Norton-Nader*, Ms. Osby's position performs some of the administrative work found in the typical work of the AA4 level. However, her position does not perform this work on a subdivision level nor does Ms. Osby's position participate in subdivision level strategic planning and goal setting.

Ms. Osby performs administrative support duties that relieve Dr. Rogers of day-to-day functions and administrative details/activities of the office. The majority of Ms. Osby's work is best described as providing assistance to her supervisor by:

- Receiving, assessing, assigning and monitoring staff assignments and special projects; routing information to staff; collecting and compiling data; drafting responses, resolving issues, and completing assignments as delegated by her supervisor
- Serving as a liaison between her supervisor and other staff and taking action within her assigned scope of responsibility
- Handling confidential personnel matters by researching, coordinating and tracking actions for her supervisor
- Exercising delegated signature authority for correspondence on behalf of her supervisor
- Representing her supervisor at meetings and appointments where Ms. Osby speaks on behalf of the office and her supervisor.

While Ms. Osby's assigned duties and responsibilities and delegated authority are important to the overall operation of the office, the actual scope of her work does not rise to the level of higher-level administrative duties of a substantive nature. Ms. Osby's work requires a high level of coordination and understanding of her supervisor's work, but her work is supportive in nature and is not at the level envisioned at the AA4 level.

The definition of an Administrative Assistant 3 (AA3) states, "[p]ositions 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.

Ms. Osby performs varied higher-level administrative support duties and some secretarial duties for her supervisor. Ms. Osby's supervisor is a second-line supervisor, i.e., he supervises other supervisors. Ms. Osby's higher-level duties include project management, staff supervision, public relations/liaison activities, researching, coordinating and tracking personnel actions, records management, and report preparation. Her position meets the definition and distinguishing characteristics of the AA3 classification. Ms. Osby's 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.

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: Gemmerrica Osby, DSHS
Dr. W. Michael Rogers, Psy. D. DSHS
Dorothy Hibbard, DSHS/Class & Comp

A. Gemmerricia Osby Exhibits

1. Director's Review request on PRB appeal form received April 15, 2015
2. March 26, 2016 DSHS allocation determination letter
3. April 6, 2015 letter from Dr. Michael Rogers to OFM State HR requesting appeal of DSHS decision

B. DSHS Exhibits

1. DSHS allocation determination letter 1 (Original version)
2. DSHS allocation determination letter 2 (Corrected version)
3. OSBY Position Description dated 10/17/14
4. 10/24/14 Notes of phone conversation with Dr. Rogers
5. Osby Position Description revised with 10/27/14 e-mail from Dr. Rogers
6. Osby Position Description revised with 11/3/14 e-mail from Dr. Rogers
7. 12/10/14 notes from meeting with Dr. Rogers
8. Osby Position Description dated 12/10/14
9. 2/3/15 email from Dr. Rogers
10. 2/6/15 notes from conversation with Ms. Osby
11. 2/9/15 follow-up email from Ms. Osby
12. Administrative Assistant Point Paper
13. Western State Hospital Organization Chart

C. Class Specifications

1. Administrative Assistant 3
2. Administrative Assistant 4