



**STATE OF WASHINGTON
OFFICE OF FINANCIAL MANAGEMENT**

STATE HUMAN RESOURCES DIVISION | DIRECTOR'S REVIEW PROGRAM
P.O. Box 40911 · Olympia, WA 98504-0911 · (360) 902-9820 · FAX (360) 586-4694

May 20, 2013

TO: Becky Guyer

FROM: Teresa Parsons, SPHR
Director's Review Program Supervisor

SUBJECT: Becky Guyer v. Department of Enterprise Services (DES)
Director's Review Request RULE-13-001

On January 9, 2013, we received your request for a Director's review of alleged rule violations by DES with regard to the effective date of your position's reallocation and WAC 357-28-10 with regard to compensation (Exhibit A-1).

On January 25, 2013, Karen Wilcox, Director's Review Coordinator, provided dates for DES to respond to the alleged rule violations and for you to comment on DES's response (Exhibit C). We received DES's response from Senior Human Resource Consultant Liz Maguire on February 19, 2013 (Exhibit B) and your follow-up response on March 12, 2013 (Exhibit A-3).

The Director's review has been completed based on a review of the written documents in the record, and I have concluded that no violations have occurred.

Nature of Alleged Violations

Effective Date

You allege a violation of WAC 357-357-13-085, which states, in part, the following:

(2) The effective date of an employer-initiated reallocation is determined by the employer. . . .

Compensation

You further allege a violation of WAC 357-28-110, which states, in part, the following:

An employee who is promoted to a position in a class with a higher salary range must receive a minimum increase of two steps not to exceed the top step of the salary range. The employer may grant higher increases . . .

Director's Determination and Rationale

Effective Date

On November 26, 2012, DES's Human Resources (HR) Office received a Position Description Form (PDF) and Personnel Action Request (PAR) in which your supervisor, Budget Manager Valerie Guthrie, and appointing authority for the Finance Division, Bob Van Schoorl, requested an employer-initiated reallocation of your position (Exhibits B-b and B-c).

You indicate that the reallocation paperwork you initially signed "had an effective date of July 2012" (Exhibit A-1 and A-3-a). You further provided an email from your supervisor, Ms. Guthrie, to Ms. Maguire in DES's HR Office, which stated her disagreement with "the 2-1-12 effective date" (Exhibit A-3-b).

WAC 357-357-13-085(2) states that when a position review is initiated by the employer (agency), the employer determines the effective date. Ms. Maguire provided DES's policy regarding reallocation procedures, which states, in part, the "effective date of agency-initiated reallocations will be the date the PAR is approved by the appointing authority . . ." (Exhibit B-a).

As the appointing authority for the Finance Division, Mr. Van Schoorl signed the PAR, which shows the effective date of your position's reallocation as 12-01-2012 (Exhibit B-b). In addition, Mr. Van Schoorl signed the November 2012 PDF along with you and your supervisor, Ms. Guthrie (Exhibit B-b), and Ms. Maguire approved your position's reallocation effective 12-1-2012 (Exhibit B-c). Because the reallocation request had been employer (agency) initiated, the employer determined the effective date. Therefore, you have not met your burden of proving DES violated WAC 357-357-13-085.

Compensation

You also allege a violation regarding the step increase in pay as a result of your position's reallocation (Exhibit A-1 and A-3-c). WAC 357-13-090 provides that a reallocation to a class with a higher salary range maximum resulting from a position review occurs, in part, as follows:

Upon appointment to the higher class, the employee's base salary must be increased a minimum of a two step increase, not to exceed the top step of the range as provided in WAC [357-28-115](#).

WAC 357-28-115 provides that "[a]n employee occupying a position that is reallocated to a class with a higher salary range must receive at least two steps not to exceed the top step of the salary range in accordance with WAC [357-28-110](#).

While the rule requires a minimum of a two-step increase, it does not require an employer to go beyond a two-step increase. In this case, your supervisor, Ms. Guthrie, the appointing authority, Mr. Van Schoorl, and HR Consultant, Ms. Maguire, all signed the PAR, which identified your position as being reallocated to the Budget Analyst 3 job classification at range 54, step J, also affirmed in the agency's reallocation decision (Exhibits B-b and B-d). Therefore, you have not met your burden of proving DES violated WAC 357-28-110.

In conclusion, there have been no violations that occurred by DES.

Appeal Rights

WAC 357-49-018 provides that either party may appeal the results of the Director's review to the Personnel Resources Board (board) by filing written exceptions to the Director's determination in accordance with Chapter 357-52 WAC.

WAC 357-52-015 states that an appeal must be received in writing at the office of the board within thirty (30) calendar days after service of the Director's determination.

The mailing address for the Personnel Resources Board (PRB) is P.O. Box 40911, Olympia, Washington, 98504-0911. The PRB Office is located on the 4th floor of the Insurance Building, 302 Sid Snyder Avenue SW, Olympia, Washington. The main telephone number is (360) 902-9820, and the fax number is (360) 586-4694.

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

c: Liz Maguire, DES
Connie Goff, SHR

Enclosure: List of Exhibits

BECKY GUYER v DES
RULE-13-001

A. Becky Guyer Exhibits

1. Letter requesting Director's Review received January 9, 2013
2. December 10, 2012 DES reallocation notification letter
3. March 7, 2013 cover letter submitting exhibits
 - a. Position Description submitted for reallocation July 1, 2012
 - b. November 26, 2012 email from Valerie Guthrie, supervisor stating disagreement with effective date of reallocation
 - c. November 29, 2012 email from Valerie Guthrie requesting 10 percent increase salary increase

B. DES February 15, 2013 cover letter submitting exhibits

- a) DES position allocation procedures
- b) Personnel Action Request
- c) Position Description Form
- d) Appointment letter
- e) WAC 357-13-085

C. January 25, 2013 letter from Director's Review Program opening review case and setting due dates