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CHARLES OLIVER  
Appellant  
V.

DEPARTMENT OF INFORMATION TECHNOLOGY  
City of Seattle  
Respondent

MODIFIED  
DECISION ON HEARING  
CSC No. 09-03-006

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3  
4 I. INTRODUCTION

5 In this appeal, Appellant Charles Oliver alleges violations of various personnel rules related to the  
6 classification compensation process. Specifically, he challenges the denial of his request for  
7 reclassification into a higher job classification and the process surrounding his request for reclassification.  
8

9 The Respondent argues that the Commission has no jurisdiction over classification determinations, which  
10 are governed by the City's central Personnel Department and is limited here to reviewing whether there  
11 were violations of personnel rules. Respondent also argues that any irregularities in the process at the  
12 home department level did not constitute violations of personnel rules and had no bearing on the  
13 classification determination.  
14

15 II. BACKGROUND

16 Oliver is employed as a Management Systems Analyst with the City of Seattle in the Department of  
17 Information and Technology (DoIT). The City's Personnel Department denied Oliver's application for  
18 reclassification, and a committee in that department denied his request in a subsequent reconsideration  
19 hearing.  
20

21 Oliver argues DoIT failed to support his reclassification effort, provided false information in response to his  
22 Position Description Questionnaire (PDQ), and unreasonably delayed its response to his PDQ. As a  
23 remedy, Oliver requests that the Civil Service Commission reclassify him from MSA to a higher  
24 classification.  
25

26 The Respondent DoIT moved for dismissal of the appeal on May 28, 2009, arguing that Appellant did not  
27 state violations of personnel rules. The motion was denied.  
28

29 On July 17, 2009, after the pre-hearing conference, where appellant renewed a similar motion to dismiss,  
30 Respondent filed a motion requesting clarification of the scope of the hearing and requesting related  
31 limitations on evidence.  
32

33 On July 27, 2009, the Hearing Officer ordered that in accordance with the discussion at the pre-hearing  
34 conference, evidence would be limited to the issue of whether a personnel rule was violated in the  
35 classification process.  
36

37 The hearing in this matter was held July 29 and 30, 2009. Appellant requested that he be permitted to add  
38 an exhibit after the record was closed (a workplace expectation). That request was denied.  
39  
40

ORIGINAL



### III. EVIDENCE PRESENTED

#### A. Appellant's Case

Oliver is a Management Systems Analyst (MSA) in the Department of Information Technology (DoIT) for the City of Seattle. Oliver has been actively taking on extra assignments he considers "higher level work" with the goal to reclassify his position to a higher classification. In June 2007 Oliver took on leadership of the "Change Management" (CM) committee.

Oliver took the opportunity to develop his CM assignment into a larger leadership role with more complex duties. He said attendance improved under his leadership because he reached out to non-represented departments and made the meetings more productive. He took on the review, research and prioritization of changes. He required that departments bring changes to this committee before implementing them.

The following committee members testified on behalf of Oliver, supporting his argument that he had more than an administrative role on the CM: Julie Rennick, ITPB, City Light, Mel Williams, ITB, SPU, Preston Hampton, Project Manager, ITSD, City Light, Dan Armigo, ITA, Planning and Development, and Timothy Pingerey, ITB, City Light. These witnesses testified that Oliver had substantially improved the function and attendance of this group. Universally, these witnesses were surprised that Oliver's job was not in a higher classification, some saying they were "shocked" Oliver was only an MSA. They consistently expressed high praise for Oliver's performance, and affirmed that he had substantially improved the effectiveness of the CM committee, crediting him with averting serious service disruptions at the City.

Oliver asked his witnesses whether they considered his leadership of the committee as "administrative" or more like oversight or project management. Williams testified he felt Oliver had the "final say" in CM decisions, while all parties gave input. Pingerey said while the job was in part administrative, it had expanded to include establishing protocols and policies. Armigo said he would call Oliver the CM "manager."

Oliver applied for a reclassification on March 10, 2008. City Personnel's assigned analyst, Jimmy Woo, made several requests for the Department's response to Oliver's PDQ-- 4/4, 4/29, 5/29, and 11/10. Exhibit A-45. DoIT filed its response December 10, 2008, nine months after the PDQ was filed. Exhibit A-37. Hampton testified that the 9-month delay in the department's response to the PDQ was an "exceptionally long time," and "disturbing."

Oliver said he did not receive a copy of his Department's response until he requested discovery to prepare for this hearing in June 2009, after both the initial denial and the reconsideration hearing was held. The crux of Oliver's case against his home department is that his supervisor, Namba, included inaccurate information in the department's response to Oliver's PDQ.

Oliver argues that the department via Namba misrepresented his job to the City's Personnel Department, the authority for determining job classifications. The areas of contention are percentages given to various job assignments, the level of supervision Oliver received from Namba, and the description of his CM duties as facilitator, instead of leader. Oliver also asserts that the department's 9-month delay (March to December) in responding was excessive.

Oliver said he was surprised at his supervisor's responses as to how he spent his time (percentages applied to different tasks) and the level of supervision, "continuing" and "This position has no autonomous authority." In addition, Namba described Oliver's role on the change management team as "facilitator" not a leader.

Some of these same committee members testified at Oliver's reconsideration hearing. They reported their testimony was positive about Oliver's job performance and the substantial improvement of the committee's work, but did not focus as much as it could have on his leadership. Oliver asserted that had he known that



1 his supervisor represented the CM assignment as "administrative," he would have asked his witnesses  
2 about his leadership role on the committee.  
3

4 Oliver said Namba downplayed the higher level tasks and overstated the time spent on his lower level  
5 tasks. Exhibit 37. Oliver took issue with this because the evidence demonstrated that Namba never  
6 attended a CM meeting that Oliver led, nor did he ask Oliver about his work.  
7

8 Oliver demonstrated that Namba did not talk to him about the PDQ and did not consult him when  
9 formulating his responses. Neither did any of the other human resources personnel or manager(s) who  
10 worked on preparing the response. Namba said the delay was caused by schedule conflicts with human  
11 resources, him making sure he talked to the right folks, and doing research to make sure he understood  
12 the body of work. When asked why he did not talk to Oliver, he testified he "didn't know."  
13

14 Oliver said he kept records of how he spent his time for 2/3 weeks and used that information to fill out his  
15 PDQ. Exhibit A-51. Oliver argues that Namba should have looked at Oliver's actual work, instead of  
16 making the answers match the current specifications, which looked to Oliver like an effort to justify the  
17 current classification even if that were not the proper classification.  
18

19 Despite outstanding reviews by many committee members, Namba rated Oliver as "Meets Standards," on  
20 the category that includes this job assignment in his 2008 evaluation and did not include positive comments  
21 about his performance on this task. Exh.J-2. As a result, Oliver testified he felt he was not appreciated or  
22 supported by his supervisor, and that upper management, who did not support the reclass, knew only what  
23 the supervisor represented to them, which Oliver felt was inaccurate.  
24

#### 25 Respondent's Case 26

27 The respondent DoIT argues that Civil Service Commission's jurisdiction is limited to violations of  
28 personnel rules, and has no authority to review classification decisions or alter the Personnel Director's  
29 classification determinations.  
30

31 DoIT also argues that even if its response to the PDQ was inaccurate and untimely, these had no bearing  
32 on Oliver's classification. The department explained the lengthy time in responding to the PDQ by saying  
33 they were down one employee in human resources, (Shawn Abernethy, Human Resources Manager, was  
34 hired in September 2008) and there was a large backlog.  
35

36 The department also stressed through testimony that it already had input from Oliver through his PDQ and  
37 were not required by any personnel rule to consult with him before formulating its response. In addition,  
38 DoIT noted that there is no personnel rule requiring them to share their response or provide a copy of it  
39 with the applicant. DoIT demonstrated that Oliver had never requested the department's response.  
40

41 Jimmy Woo, the Senior Personnel Analyst who made the initial determination, said his decision that Oliver  
42 was properly classified was based upon Oliver's own descriptions. He said he had reached that  
43 preliminary determination even before receiving the Department's response. The additional information  
44 about leadership was insufficient to alter his analysis because it was his opinion Oliver's position was still  
45 largely administrative.  
46

47 Woo testified that he found the percentages assigned to the various tasks immaterial because they did not  
48 impact his "read of the job," which involved an examination of the whole job, not a limited focus on the CM  
49 committee or Audit Management tasks. He found the CM committee work to be more administrative than  
50 technical, but even if it were higher level work, the job as a whole justified the MSA classification.  
51

52 The reconsideration decision was provided in a written report, Exhibit 31. The reconsideration panel was  
53 comprised of Sandra Philbrook, Classification/Compensation Supervisor, Joan Matheson, Classification  
54 Compensation Director, and Mark McDermott, Personnel Director.  
55



1 The report addressed the differences in time allocations provided by Oliver versus his supervisor.  
2 Accepting Oliver's numbers, he spends 55% of his time on CM (DoIT put 15%), 25% on Patch Manager  
3 Auditor (DoIT put 15%), Reports for management 20% (DoIT put 50%). Exhibit 31, p. 32.

4  
5 The committee determined that the CM tasks were more administrative, noting that although the persons  
6 holding the chairing position before had been in higher classifications and oversight of the committee was  
7 just a small percentage of their job duties.

8  
9 Even if the CM duties were comparable to project management, the "preponderance of duties" is still within  
10 CMA classification, according to the committee. Id. pp. 32, 35. The committee also found the Patch  
11 Management work to be more administrative than technical.

## 12 13 V. FINDINGS

14  
15 In June 2007 Oliver took on leadership of the "Change Management" (CM) committee. Brian Namba,  
16 Oliver's supervisor, testified he assigned this to Oliver because he was too busy to do it himself. A month  
17 later, in July 2007, Oliver took on Patch Management Auditor, where he tracked software upgrades and did  
18 regular "safety" reviews.

19  
20 Everyone who had headed up the CM committee before Oliver held positions in higher classifications, and  
21 all committee members were in higher classifications. The CM committee was made up of IT professionals  
22 from a wide-range of City departments.

23  
24 Oliver applied for a reclassification on March 10, 2008. City Personnel assigned analyst, Jimmy Woo. DoIT  
25 filed its response December 10, 2008, nine months after the PDQ was filed. Oliver's supervisor, Namba,  
26 responded with different time percentage allocations for all of the tasks included in Oliver's job duties.

27  
28 Namba testified he made his determinations about these percentages and his other responses by  
29 consulting the MSA specification and DoIT's human resources personnel. The specifications outline the  
30 parameters for the MSA classification, Oliver's current classification.

31  
32 In the PDQ, Namba stated Oliver was provided "Continuing Supervision." According to the PDQ form, this  
33 means: "You provide continuing or individual assignments by indicating generally what is to be done . . .  
34 You give additional, specific instructions for new, difficult or unusual assignments. The employee uses  
35 initiative in carrying out recurring assignments . . ." Exhibit 37. Namba testified he had not met with Oliver  
36 for at least 3 months, and generally the testimony demonstrated there was very little communication  
37 between Namba and Oliver and that Namba did not provide regular direction to Oliver.

38  
39 This Hearing Officer finds that Namba's percentage allocation with regard to the CM work was inaccurate,  
40 and his description of the level of supervision he was providing Oliver as "continuing" was also inaccurate.

41  
42 Namba's representations were based on discussions with folks who "had been" in CM (likely they no longer  
43 were involved or Namba would have received a more accurate picture of Oliver's role). Namba had never  
44 attended a meeting Oliver led, nor did he ask Oliver about the meetings.

45  
46 Namba's personal testimony confirms that he has little involvement or oversight of the Appellant's actual  
47 work duties and his PDQ documentation was not directly based on the Appellant's job.



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2  
VI. CONCLUSION

Per Personnel Rule (PR) 2.1.4 A, Review of Position Classification

4 A. A classification review is required when:

- 5 2. A position incumbent accretes, over a period of at least 6 months, additional tasks and  
6 responsibilities such that the current allocation no longer applies to the body of work  
7 performed.

8 Evidence and testimony indicate that there have been changes in the Appellant's work responsibilities and  
9 that the information presented in the reclassification process by the Department was inaccurate and did not  
10 reflect changes in the work or scope of work performed by the Appellant.

11 The Personnel Department's reclassification process is dependent upon receipt of accurate information  
12 from the department in order make an appropriate classification determination. Evidence and testimony  
13 presented in this appeal clearly show that the information presented to City Personnel by the Department  
14 was not based on an actual review of the Appellant's work.

15 Evidence and testimony show:

- 16 • The supervisor relied on the Appellant's current position specifications to make his assessment.  
17 • The supervisor did not assess or review the Appellant's actual work.  
18 • Level of supervision is a factor in making a classification determination. The Supervisor stated in  
19 the Appellant's PDQ that he provided "continuing supervision". Yet his own testimony demonstrates  
20 that he does not.  
21 • Although the Department claims the responsibility associated with the Appellant's CM  
22 responsibilities are "administrative" and consistent with the level of his position, the work has always  
23 been assigned to higher level employees within the Department, including the Appellant's  
24 Supervisor and several committee members testified that the Appellant's role was more than  
25 administrative.  
26 • Employees who attend the CM meetings are all at a higher level than the Appellant and they  
27 indicated that they were surprised by the description of the work associated with the Appellant's  
28 committee work.  
29 • Major discrepancies between the Appellant's assessment and the Supervisor's regarding the  
30 amount of time spent on various work tasks.  
31 • The supervisor did not rely on appropriate or current data or information to make his  
32 determinations.  
33 • The leadership role for the CM meeting has evolved and that the Appellant has taken on greater  
34 and additional responsibilities than his predecessors.  
35 • The Appellant's supervisor made an assessment of the work and time associated with the CM  
36 meetings yet he had never attended a meeting nor did he communicate with the Appellant about  
37 the meetings. The complexity and responsibility associated with this task could affect the position's  
38 classification.

39 PR 2.1.4, B. "The appointing authority shall timely submit a request for classification review, including a  
40 signed and dated position description questionnaire, to the Personnel Director."  
41

- 42 • Oliver applied for a reclassification on March 10, 2008. Jimmy Woo, City Personnel's analyst  
43 assigned to conduct the review made several requests for the Department's response to Oliver's  
44 PDQ-- 4/4, 4/29, 5/29, and 11/10. DoIT filed its response December 10, 2008. Nine months after  
45 the PDQ was filed.

1 PR 2.3.3, "the reconsideration process is an opportunity to provide additional information about a position's  
2 assigned duties and responsibilities before a classification determination is finalized and implemented."  
3

- 4 • The reconsideration process would have been more meaningful had Oliver understood the disparity  
5 between his comments and his supervisor's descriptions of his work.
- 6 • Witnesses stated that their testimony at the Appellant's reconsideration hearing did not focus on the  
7 leadership responsibilities associated with the Appellant's work.  
8

9 Applying a substantial evidence standard to the Hearing Officer's factual findings, the Civil Service  
10 Commission concludes that the timeliness of Appellant's PDQ combined with inaccuracies in the  
11 classification review process, resulted in an ineffective classification review of the Appellant's position in  
12 violation of the spirit of the personnel rules. The following is hereby ordered:  
13

#### 14 VII. ORDER

15  
16 The Department is to submit a new PDQ to the Personnel Department that accurately assesses the  
17 Appellant's work.  
18

19 The Appellant's work responsibilities associated with this appeal are not to change as a result of filing an  
20 appeal with this Commission.  
21

22 In addition, it is the recommendation, but not the order, that the parties seek to repair the employment  
23 relationship via mediation or other means so they can move forward in a productive relationship.  
24  
25

26  
27  
28 On this 21<sup>st</sup> day of January 2010  
29

30 FOR THE CITY OF SEATTLE CIVIL SERVICE COMMISSION

31  
32 

33 Glenda J. Graham-Walton, Executive Director