STATE OF WASHINGTON

OFFICE OF FINANCIAL MANAGEMENT

STATE HUMAN RESOURCES DIVISION | DIRECTOR'S REVIEW PROGRAM

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August 10, 2016

TO: Connie Goff
WPPRA Section Chief

FROM: Christa Biasi
Director's Review Specialist

SUBJECT: Richard Engelhardt v. Department of Fish and Wildlife (DFW)
Allocation Review Request ALLO-16-033

Director's Determination

This position review is based on the work performed for the six-month period prior to June 1, 2015, the date the Department of Fish and Wildlife Human Resources (DFW HR) received Richard Engelhardt's request for a reallocation. As the Director's Review Specialist, I carefully considered all the exhibits, any written communication provided and the information obtained during the Director's Review Conference. Based on my review and analysis of Mr. Engelhardt's assigned job duties; I conclude his position is properly allocated to an Engineering Aide 3.

Background

On June 1, 2015, Mr. Engelhardt submitted a Position Review Request (PRR) (Exhibit B-2) to DFW HR.

By letter dated April 21, 2016, Cindy Colvin, DFW Human Resource Director informed Mr. Engelhardt that his position would remain allocated to an Engineering Aide 3.

On May 19, 2016, Office of Financial Management, State Human Resources received Mr. Engelhardt's request for a written Director's Review of DFW allocation determination (Exhibit A-1).

The Director's Review Conference was held by telephone conference on July 28, 2016. Present at the conference were Mr. Engelhardt, Tony Jones, Washington Federation of State Employees (WFSE), Kristen Kiekendall, Supervisor and Cindy Colvin, DFW HR.

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).

Organizational Structure

Mr. Engelhardt's position is located in the Camp/Engineering unit of DFW. He reports to Dennis Smith who is the Engineering Technician Supervisor.

Position Purpose

As summarized in the PDF (Exhibit B-5), Mr. Engelhardt's purpose is as follows:

The Capital and Asset Management Program mission is to serve the Department programs by delivering technical and professional services creating and maintaining the assets under Department care. Performance of the job duties and responsibilities result in assisting the customer programs in their efforts to accomplish Department goals.

The incumbent in this position provides Computer-Aided Design (CAD) and drafting of preliminary functional and final contract drawings by using general knowledge of construction standards and techniques. The incumbent uses available reference material and knowledge of CAD techniques with periodic supervision by the Project Engineer. The incumbent assists engineers in the design of projects by completing CAD drawings and details from design sketches and existing drawings. The Engineering Aide 3 prepares drawings generated from topographical maps developed from survey information and prepares detailed construction plans developed from rough sketches or verbal instructions supplied by engineers.

Duties and Responsibilities/ Position Review Request (Exhibit B-6)

50% Drafting

Prepares original drawings utilizing CAD programs.

Prepares architectural, civil, electrical, mechanical, and structural drawings.

Performs computing tasks such as quantities of areas and volumes in complex shapes.

Details and plans from old drawings, and fairly complete sketches, as assigned.

Computes yardages and other quantities subject to check.

Drafts rudimentary maps
Traces finished maps

Calculates and plots graphs, profiles, and other statistical mathematical or engineering-type graphic illustrations

Revises construction plans with "as built" corrections

20% Architectural, Civil, Mechanical, Structural, and Hydraulic Design

Prepares minor calculations and partial designs of structures for review and use in drafting above or by other employees.

Prepares water velocity, head loss, and weir height calculations for pump, weir, dam, screen, trash rack, ditch etc. requirements for use in drafting the above projects or for use by other.

10% Instruction

Instructs other Engineering Aides in the interpretation and use of design, calculations, drawings, and drawing procedures; May instruct other engineering Aides on specific portions of these projects assignments; computes yardages and other earth moving quantities; computes construction costs; computes water quantity requirements and friction losses in water supply systems; designs, details, and estimates costs of such systems and their component parts; designs simple buildings.

5% Office Duties

Orders drafting and technical materials for office.

Solicits bids for materials and tools for various minor projects.

Inspects all phases of construction projects on an occasional basis.

Writes technical specification in the CSI format with correct spelling and punctuation.

Issue Informal Conference Notes, Notices to Comply, Stop Work Orders, and Civil Penalties.

5% Inspection

Inspects construction and document compliance with construction plans

5% Survey

Coordinates with Survey Crew for property and project surveys. Obtains data for project control and prepares calculations for field staking of coordinates for construction layout and control.

5% Miscellaneous

Participates in meetings, in-service training, workshops, etc. for the purpose of gathering information required to perform job functions. Other duties as assigned.

Summary of Mr. Engelhardt's Perspective | Request for Director's Review (Exhibit A-1)

Mr. Engelhardt states the following:

> My duties and responsibilities when working independently or as a team member include using the advanced knowledge and skills in the preplanning, development, design and drafting of complete plan sets of major and minor projects with periodical direction of professional engineers, project managers and supervisor. Projects such as fish hatcheries, lake access areas, wildlife access areas, roads, bridges, steel, concrete and wood structures, habitat and wildlife areas. Develop innovative solutions to problems that may arise during development of the project design, use computer – Aided design program at a high skilled level in the development of the design of projects. Execute calculation throughout the design of the projects as needed. Perform research, data collection and provide project documentation of products for implementation into projects. Design draft and review environmental plans to the regulatory orders, develop, modify filling practices, modify software templates and design standards as required to complete the project and future projects, instruct other engineers' Aides and other employees of DFW in the interpretation and use of CAD design software, calculations, design and drafting procedures.
>
> I have been working on the Soos Creek hatchery project from its inception in 2012 and was assigned as the lead engineering aide in October, 2014, on the Soos Creek hatchery project 23 million. In this assignment I have been and will be working with professional engineers, consultants and the project manager in the design and development of this project from its conception to its completion (est. 2018).
>
> I have been working as this level off and on since 2010 and consistently for at least 3 ½ years.

Position Review Request | June 1, 2015

In addition to restating the foregoing statements in his request for a position review, Mr. Engelhardt states his position purpose is the following:

> To integrate and preform all technical drafting services for the complete design of WDFW projects with the design team and to provide guidance and mentorship to less experienced engineering aides. To provide complete technical reviews for quality, accuracy, constructability and cost savings. To create cost estimates, hydraulic or structural preliminary calculations for projects.

Director's Review Conference | July 28, 2016

During the course of the Director's Review Conference, Mr. Engelhardt further explained his duties and how he believes they relate to the higher classification of Engineering Aide 4. In the regional area where Mr. Engelhardt's division is located there are approximately 280 buildings. While Mr. Engelhardt was not responsible for the engineering on the majority of these buildings, his position is the current lead on the Soos Creek project. Mr. Engelhardt indicated this was the largeest capital project of DFW's history.

Furthermore, Mr. Engelhardt explained he is the lead engineer on the Soos Creek project even though the project was a "bidder engineered project." Because the original plans for the Soos Creek project did not meet the initial design or specs originally contracted with the bidder, DFW has since had to complete some re-design and engineering of the project. According to Mr. Engelhardt, he designs and engineers major changes to the project using CAD software. These changes can include buildings, slopes, etc. Mr. Engelhardt stated that after he has made his changes, the final "sign off" is done by the chief engineer, architect or project manager, this can also include any recalculations of design. Mr. Engelhardt does need the final approval of any design changes from his supervisor.

Mr. Engelhardt stated some of the duties he performs as the Engineering Aide 4 are:

- Develop solutions and concepts for design changes
- Lead engineering team on Soos Creek project
- Preparation of working drawings
- Permit drawings (final signature authority is Permit Biologist)
- Recalculations of slopes, building specifications, etc.

Lastly, Mr. Engelhardt spoke to the fact that he believes the difference between the Engineering Aide 3 and 4 is more about the quality of work versus the type of work.

Summary of Closing Statement:

Mr. Engelhardt indicated during his closing remarks he has been told multiple times by his supervisor that he has worked outside his current position on multiple occasions, yet he cannot get anything on paper. Tony Jones, WFSE representative, also indicated the Soos Creek project is the largest in DFW history and nobody within DFW has "designed anything on this type of scale." He further stated that naturally the chief engineer has all of the signing authority and ultimate responsibility regardless if it is an Engineering Aide 3 or 4 doing the work. However, with the scope of the Soos Creek project and the fact the Mr. Engelhardt is the assigned lead for the engineering team; Mr. Jones believes that Mr. Engelhardt matches the specification for the Engineering Aide 4 classification.

Summary of DFW HR's Perspective | Determination Letter (Exhibit B-1) and April 21, 2016

In DFW HR's determination letter, Ms. Colvin began her comparison of duties by stating the following:

> In determining the appropriate classification, I reviewed your position description with the classification specifications for both the Engineering Aide 3 and Engineering Aide 4.

<u>Engineering Aide 3</u>

> *Definition: Performs skilled sub-professional engineering work infield or office.*
>
> *Distinguishing Characteristics: This is the full journeyman level of work in this series. Assignments are often complex and general in nature with occasional spot-check or conference-type supervision. Incumbents in these positions work under the supervision of a professional engineer, architect, or land surveyor.*

Engineering Aide 4

Definition: Performs highly-skilled sub-professional engineering work infield and office.

Distinguishing Characteristics: Employees in this class are assigned major projects requiring the skills and judgment of the finest Engineering Technicians. Under general direction of professional engineers, they develop major projects from initial concept to completed working drawings and specifications. One of the hallmarks of this class is the development of innovations for solutions to specific local problems, new program concepts and/or limited funds. These positions are comparable to those of the "independent professional" engineering level in every way except theory. Promotion to this level is normally by competitive examination.

Engineering Aide 3	Engineering Aide 4
Skilled, sub-professional engineering work	*Highly-skilled, sub-professional engineering work*
Journey level; Assignments are complex and general in nature with occasional spot check or conference type supervision	*[Senior level]; Assignment of major project [highly/most complex] under general direction of professional engineers* *Develops major projects from initial concept to completed working drawings and specifications* *Development of innovations for solutions to specific local problems, new program concepts and/or limited funds*

Ms. Colvin goes on to describe the level of work for each job class. She describes the Engineering Aide 3 as the "Journey Level" and the Engineering Aide 4 as the "Senior Level." Pursuant to State HR Glossary of Term, Journey Level is described in part as being "fully competent and qualified in all aspects of a body of work." Whereas the Senior level is described in part as "The performance of work requiring the consistent application of advanced knowledge."

Ms. Colvin continues by then looking at the Complexity of Work, which refers to "the scope, variety and difficulty of the duties, responsibilities and skills required to perform the work." As seen below, DFW HR compares the terms "Complex" and "Highly Complex" as:

- ***Complex*** *- Independently uses a wide variety of rules, processes, materials and equipment to complete work assignments that require specialized knowledge or skills. Decisions are made independently regarding which rules, processes, materials, and equipment to use in order to effectively accomplish work assignments.*

- ***Highly/Most Complex*** *- Responsibilities include extensive research and analysis of systems, facts, figures, or similar information to determine the nature and scope of problems that need to be solved. Develops new policies, procedures, or techniques to address problems not covered by existing written procedures or manuals.*

Ms. Colvin then compared the job duties of Mr. Engelhardt's current position by comparing his duties to that of an Engineering Aide 4 by first looking at the Distinguishing Characteristics as follows:

> *Employees in this class are assigned major projects requiring the skills and judgment of the finest Engineering Technicians.*

Ms. Colvin stated the majority of Mr. Engelhardt's work is "not of a highly complex nature performing skilled work at the journeyman level, completing components of both major and minor scope projects, under the general direction of a professional engineer." DFW HR agrees that Mr. Engelhardt worked as part of a team on a variety of major projects, however, he only had the responsibility for drafting "components" of those major projects and he has not been "individually assigned" the development of major projects from initial concept to completed working drawing and specifications.

Ms. Colvin continued her review of the classes by comparing Mr. Engelhardt's duties to the Distinguishing Characteristics of the Engineering Aide 4. In conclusion to the comparison, DFW HR states:

> The design calculation for the projects you have been assigned are done in the CAD software you are provided, there is no requirement for you to calculate design specifications. Your supervisor reported that the building projects you are involved with are either code prescriptive or done by bidder design and they are responsible for ensuring building code compliance.

After the comparison of duties that Mr. Engelhardt performed during the review period to that of the Engineering Aid 4 Definition and Distinguishing Characteristics, Ms. Colvin concluded Mr. Engelhardt is working at the Engineering Aide 3 level.

Summary of Director's Review July 28, 2016

During the Director's Review Conference, DFW HR stated many of the aforementioned reasons for denying Mr. Engelhardt's reallocation request. Furthermore, when asked if DFW HR agreed with Mr. Engelhardt's assessment that the difference between the Engineering Aide 3 and 4 was merely the "quality of work" and not the "level" of work, DFW HR stated "no, in fact the difference between the two classes is the level of work and responsibility." DFW HR defined these differences as journey versus senior level of work and complex versus highly complex/most complex work.

During closing remarks, Ms. Colvin stated that Mr. Engelhardt is a valued member of DFW and his classification is not about performance or the skill level of the employee, it is about the job requirements and the complexity and authority that person is given. She continued by saying "we have to look at the job requirements and what level authority he is assigned on these projects and that is what we based our classification decision on."

Comparison of Duties to Class Specifications

I carefully reviewed the exhibits submitted by the parties. Allocating criteria consists of the class specification's class series concept (if one exists), the definition and the distinguishing characteristics. Typical work is not an allocating criterion, but may be used to better understand the definition or distinguishing characteristics.[1]

The Engineering Aide class does not contain a Class series concept. I therefore looked to the Definition and Distinguishing Characteristics.

Engineering Aide 4

Definition

> Performs ***highly-skilled*** sub-professional engineering work in field and office.

Distinguishing Characteristics

> Employees in this class are assigned major projects requiring the skills and judgment of the finest Engineering Technicians. Under ***general direction*** of professional engineers, they develop major projects from ***initial concept*** to completed working drawings and specifications***.*** One of the hallmarks of this class is the ***development of innovations for solutions*** to specific local problems, ***new program concepts*** and/or limited funds. These positions are comparable to those of the ***"independent professional"*** engineering level in every way except theory. Promotion to this level is normally by competitive examination. [Emphasis added]

As stated in the job specification, incumbents of these positions work under the "general direction of professional engineers," they develop major projects from "initial concept" to completed working drawings and specification, develop "innovations for solutions" to specific problems, develop "new program concepts" and are comparable to those of the "independent professional." Beginning with working under "general direction," the Glossary of terms defines that statement as:

> **General direction**
>
> - *Employee* ***independently performs*** all assignments using knowledge of established policies and work objectives.
> - Employee ***plans and organizes*** the work and assists in ***determining priorities*** and ***deadlines***. May deviate from standard work methods, guidelines or procedures in order to meet work objectives.
> - Employee exercises ***independent decision-making authority and discretion*** to decide which work methods to use, ***tasks to perform*** and procedures to follow to meet work objectives.

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

- Completed work is reviewed for effectiveness in producing expected results. [Emphasis added]

Over the course of the Director's Review Conference, Mr. Engelhardt indicated that he works within a team and is the lead of that team. He stated that if a problem arises with a project, the chief engineer, architect or project manager will bring the team together to discuss the issue and possible solutions. Once a solution has been identified, Mr. Engelhardt, at the direction of the chief engineer, architect or project manager will begin working with his team on engineering and drafting permit drawings using the CAD software. After Mr. Engelhardt and his team have completed the task of engineering the solution, the chief engineer, architect or project manager will either approve the changes or request additional changes to the design. Mr. Engelhardt is not working independently, rather he works at the direction of the chief engineer, architect or project manager. It is also the chief engineer, architect or project manager that determine, the priorities and sets the deadlines for each project.

Furthermore, it does not appear that Mr. Engelhardt exercises "independent decision-making authority and discretion" to decide which work methods to use. Again, Mr. Engelhardt works at the direction of the Chief Engineer and/or supervisor who directs the tasks to perform in order to meet the objectives of the team. The chief engineer, architect or project manager sets the timeline in which any modifications to the project shall be completed. This is also evidenced in Mr. Engelhardt's Performance and Development Plan (Exhibit A-7), which states in part "Over the past year we have discussed that he needs to work on his … time management."

Mr. Engelhardt does not "develop major projects from ***initial concept*** to completed working drawings and specifications." Rather, he is responsible for drafting components of major projects. As a point of reference, Mr. Engelhardt stated during the review conference that an issue had been encountered with the placement of a building and in the original drawings for the Soos Creek project "the building had not even been there." The placement of the building is a "component" of the project as whole. The project is the development or re-development of the Soos Creek Hatchery, this included ponds, roads, structures, etc. all of which are components of the entire project. Mr. Engelhardt did not engineer and/or draft permit drawings of the entire project from its inception, rather when an issue arises within the project, Mr. Engelhardt can be tasked with engineering and drafting permit drawings for its solution.

The Engineering Aide 4 class specification also outlines that incumbents of this class are "independent professional" engineering level in every way except theory. The Glossary of Terms defines "Professional" as follows:

> **Professional** – Performs work that requires consistent application of advanced knowledge usually acquired through a college degree in a recognized field, work experience, or other specialized training. Exercises discretion and ***independent judgment*** when performing assignments. Examples include, but are not limited to, social workers, psychologists, registered nurses, economists, teachers or instructors, human resource consultants, accountants, and information system analysts.

Mr. Engelhardt, while the lead engineer on the project does not exercise "independent judgement" when design changes are needed. As stated above, the chief engineer, architect or project manager identifies the issues of the project and brings a team together to develop a resolution to the issue. Mr. Engelhardt does not identify the issues and make independent judgment calls on the design or re-design of major projects.

In total, Mr. Engelhardt's position does not meet the level of the Engineering Aide 4 and therefore, this is not best fit for his duties and his position should not be allocated to this class.

Engineering Aide 3

Definition

> Performs skilled sub-professional engineering work in field or office.

Distinguishing Characteristics

> This is the ***full journeyman*** level of work in this series. Assignments are often complex and general in nature with occasional spot-check or conference-type supervision. Incumbents in these positions work under the supervision of a professional engineer, architect, or land surveyor. [Emphasis added]

The Glossary of Terms defines "Journeyman" as"

> Fully competent and qualified in all aspects of a body of work and given broad/general guidance. Individuals can complete work assignments to standard under general supervision. Also referred to as the working or fully-qualified level.

Mr. Engelhardt is performing his duties under the "full journeyman" level and he works under the supervision of a professional engineer.

Although the Typical Work examples do not form the basis for an allocation, they lend support to the work envisioned within a classification. The following provides an example of the level of work assigned to the Engineering Aide 3 class, as stated on the class specification:

> Under the direct supervision of a professional engineer, performs skilled drafting and computation work; works up detailed plans of special engineering projects, engineering report illustrations, instruction plans, and other complex drafting jobs, using own field notes, sketches, old tracings, and information prepared or suggested by professional engineers; may supervise other engineering aides on specific portions of these project assignments; computes yardages and other earth moving quantities; computes construction costs; computes water quantity requirements and friction losses in water supply systems; designs, details, and estimates costs of such systems and their component parts; designs simple buildings;
>
> Mr. Engelhardt works under the direction of a professional engineer. In fact, as Mr. Engelhardt stated during the review conference, his work in general needs either a licensed engineer or the Permit Biologist to "sign off" on his drawings and calculations.

It is the chief engineer, architect or project manager that identifies the issues and problems within the project and then tasks a team to finds solutions to the issues.

Furthermore, as stated in Mr. Engelhardt's PRR (Exhibit A-3), he states, "assemble details and plans from old drawing to be used in new drawing." He computes quantities of areas, yardages and volumes in complex shapes and he acts as the lead on the Soos Creek project. His supervisor indicated that Mr. Engelhardt provides guidance to engineering technicians. All of these duties meet the definition and overall scope and intent of the Engineering Aide 3 class specification.

The primary function of his position and the majority of his duties in their entirety, fall within the scope and level of responsibility as stated in the Definition for the Engineering Aide 3 class. Therefore, the overall level and scope of his assigned duties and responsibilities are aligned with the Engineering Aide 3 class and are consistent with Engineering Aide 3 level work and therefore the best fit.[2]

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.

c: Richard Engelhardt, Appellant
Cindy Colvin, WDFW Human Resource Director
Tony Jones, WFSE

[2] The best fit concept is supported by *Salsberry v. Washington State Parks and Recreation Commission*, PRB Case No. R-ALLO-06-013 (2007), the Personnel Resources Board (the Board) addressed the concept of best fit. The Board referenced *Allegri 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.

<u>RICHARD ENGELHARDT v DFW</u>
ALLO-16-033

LIST OF EXHIBITS

A. Richard Engelhardt Exhibits

1. Request for Director's Review
2. DFW HR Exhibit packet (26 pages)
3. Position Review Request/Employee Portion
4. Position Description/Camp EA4 2015
5. Washington State Requirements for EA4
6. 2014 PDP Documents and Camp Request
7. 2015 PDP Documents
8. Reallocation Request to Camp
9. Support Letters
10. Assignment Chart
11. Organization Chart 0 Camp Engineers
12. Work Document (11pages)

B. DFW Exhibits

1. Allocation Determination Letter, dated April 21, 2016
2. Reallocation Request from Richard Engelhardt
3. Position Review Request / Employee Portion
4. Position Review Request / Supervisor Portion
5. Position Description / Current EA3
6. Organization Chart / Current Position
7. State of Washington Class Specification / Current EA3
8. State of Washington Class Specification / Request EA4

C. Class Specifications

1. Engineering Aide 3
2. Engineering Aide 4