



STATE OF WASHINGTON
OFFICE OF FINANCIAL MANAGEMENT

STATE HUMAN RESOURCES DIVISION | DIRECTOR'S REVIEW PROGRAM
P.O. Box 40911 · Olympia, WA 98504-0911 · (360) 407-4101 · FAX (360) 586-4694

January 14, 2016

TO: Kristie Wilson
Acting Rules and Appeals Manager

FROM: Kris Brophy
Director's Review Program Investigator

SUBJECT: David Mueller v. Washington State Department of Transportation (WSDOT)
Allocation Review Request ALLO-15-062

Director's Determination

This position review was based on the work performed for the six-month period prior to August 16, 2014, the date WSDOT Human Resources (WSDOT-HR) received Mr. Mueller's request for a position review. As the Director's Review Program Investigator, I carefully considered all of the documentation in the file, the exhibits and the verbal comments provided by both parties during the review telephone conference. Based on my review and analysis of Mr. Mueller's assigned duties and responsibilities, I conclude his position is properly allocated to the Maintenance Specialist 4 class.

Background

On August 16, 2014, WSDOT-HR received Mr. Mueller's updated Position Description form (PDF), asking that his position be reallocated to the Maintenance Specialist 5 (MS 5) class (Exhibit B-2).

WSDOT-HR conducted a position review and notified Mr. Mueller on May 11, 2015 that his position was being reallocated to the Maintenance Specialist 4 (MS 4) class (Exhibit B-1).

On June 9, 2015, OFM - State Human Resources received Mr. Mueller's request for a Director's review of WSDOT's allocation determination (Exhibit A-1).

A Director's review telephone conference was conducted with the parties on December 1, 2015. Present for the meeting were David Mueller; Joan Gallagher, Council Representative, WFSE; and Rafeeah Sok, Classification and Compensation Specialist, WSDOT-HR.

Following the review telephone conference WSDOT-HR submitted an additional exhibit to OFM State HR. This information was received on December 1, 2015. Ms. Gallagher submitted a final response email on January 7, 2016. This information has been added to the record and incorporated to the file as an exhibit.

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

Mr. Mueller's position is located in the WSDOT Southwest Region (SWR) Facilities Maintenance department. His position supervises five facilities maintenance employees who work out of the Main Street duty station and perform a variety of maintenance activities for facilities located throughout the SWR.

Mr. Mueller describes his major job duties in the updated PDF for his position as follows:

55% Supervises 5 facilities maintenance positions that work out of the Main St. duty station in the maintenance, new construction and remodeling of state owned facilities throughout the Southwest Region. Responsible for training and instructing employees in various skilled trade tasks; overseeing and reviewing the work being completed to ensure projects are in compliance with industry and quality standards; and ensuring safe work habits, regulations and procedures are followed. Conducts meetings, coaches and mentors employees, conducts performance evaluations and recommends corrective action as appropriate.

Reviews and approves time cards and purchasing cards to ensure they are accurate and reflect the work completed. Manages the facility department's vacation calendar and review/respond to leave requests. Performs safety inspections, completes and reviews pre-activity safety plan, fall protection and confined space entry forms. Follows up on customer comments on work conducted to regions facilities. Be available for callout on weekends and evenings.

In the Facilities CMMS system - manages data and equipment inventory, writes corrective and preventative service requests and draws reports. Participates in the Statewide CMMS team, writing and revising equipment maintenance procedures and frequencies.

Reviews conditions in the field to identify the corrective or preventative maintenance required. Reads and interprets projects utilizing blueprints, plans, and sketches. Develops and maintains 4 month and weekly schedule. Prepares cost estimates for facility projects assigned and daily diary of crew work operations as required. Coordinates estimates and procurement of materials, supplies and equipment for large facility upgrades and remodels. Works closely with department manager to ensure SWR Facilities maintenance activities are operating within budget.

35% Performs preventive maintenance, troubleshooting and corrective maintenance on HVAC, mechanical, plumbing, heating, cooling, electrical, water, sewer, physical plant machinery and equipment, carpentry, cabinetry, painting, excavating and roofing in the field.

- 5% Oversees radio tower maintenance, climbs, inspections, preventative and corrective maintenance on Region-wide radio towers and State-wide on guyed towers. Completes inspection reports and makes recommendations of corrective maintenance needs.
- 5% Other duties as assigned.

Supervisor's Comments

Mr. Rick Hazen, Transportation Engineer 4, is Mr. Mueller's immediate supervisor. Mr. Hazen completed the supervisor's portion of the PDF and indicates that Mr. Mueller's description of his assigned duties and responsibilities is accurate and complete.

Summary of Mr. Mueller's Perspective

Mr. Mueller believes the duties he performs cumulatively over the large SWR geographic area with multiple locations meets the complexity requirement of the MS 5 class of assisting in the coordination and direction of total plant construction and maintenance activities of a large institution.

As indicated in the WSDOT determination and discussed during the review telephone conference, Mr. Mueller states that he works very closely with his supervisor, Rick Hazen and performs as his back-up when he is out of the office.

Mr. Mueller states his higher level duties also include planning and organizing the Facilities Crew schedule. He uses the CMMS system to manage corrective maintenance (CM) and preventative maintenance (PM) requests. He gathers and collects information in the system to develop and establish the crew's weekly schedule and four-month facilities maintenance plan. Mr. Mueller states that he sets critical priorities and proactively evaluates staff workload and work hours to ensure that the office is staying within budget and scheduled work time is spent efficiently.

Mr. Mueller inputs preventative maintenance and corrective maintenance requests into the CMMS system for future facilities maintenance planning and scheduling activities.

Mr. Mueller makes decisions concerning daily operations. This includes providing guidance and direction to staff concerning facility maintenance issues, adjusting and prioritizing workflow for emergent needs and analyzing the progression of projects and approving staff overtime when needed.

He states that although he is not accountable for the SWR Headquarters building, if there is a maintenance staff shortage at this facility, he ensures his crew members are available to fill in and assist with maintenance activities as needed.

Mr. Mueller asserts he is responsible for training new employees and working closely with staff to cross train in different trade specialties.

Mr. Mueller asserts the scope of his duties is consistent with other WSDOT supervisor positions in the state which have region-wide responsibility and are allocated to the MS 5 class.

For each of these reasons, Mr. Mueller believes his position should be reallocated to the MS 5 class.

In *Byrnes v. Dept's of Personnel and Corrections*, PRB No. R-ALLO-06-005 (2006), the Board held that "[w]hile a comparison of one position to another similar position may be useful in gaining a better understanding of the duties performed by and the level of responsibility assigned to an incumbent, allocation of a position must be based on the overall duties and responsibilities assigned to an individual position compared to the existing classifications. The allocation or misallocation of a similar position is not a determining factor in the appropriate allocation of a position." Citing to *Flahaut v. Dept's of Personnel and Labor and Industries*, PAB No. ALLO 96-0009 (1996).

Summary of WSDOT's Perspective

WSDOT asserts the scope of Mr. Mueller's position does not reach the complexity of assisting in the coordination and direction of the total physical plant construction and maintenance activities of a large institution as required by the MS 5 class.

WSDOT asserts Mr. Mueller's position does not have the level of depth in planning, analysis and decision making authority regarding establishing workflow priorities and coordinating construction and maintenance activities for the entire SWR, but rather has primary responsibility for the supervision and daily oversight and work direction of his assigned maintenance crew.

WSDOT asserts Mr. Mueller's duties fall more closely within the Maintenance Specialist 4 class, specifically with regard to his role as a supervisor in developing, implementing and monitoring training, implementing and evaluating workflow priorities and developing and disseminating instructions and information to unit personnel.

WSDOT acknowledges Mr. Mueller is a valued employee and performs his duties well. However, based on the scope of his duties and overall level of responsibility assigned to his position, WSDOT states the MS 4 class is the proper allocation for Mr. Mueller's position.

Comparison of Duties to Class Specifications

When comparing the assignment of work and level of responsibility to the available class specifications, the class series concept (if one exists) followed by definition and distinguishing characteristics are primary considerations.

Comparison of Duties to Maintenance Mechanic 4 (MM 4)

The Definition for this class states:

This is the supervisory or expert level of the series. Positions at this level are responsible for shop administration and supervising maintenance personnel, equipment mechanics or others performing skilled maintenance, repair and modification of plant machinery and mechanical equipment involved with buildings, special apparatus, utilities and facilities. This level also includes positions which erect construction or communication towers around 300 feet high.

Mr. Mueller's position exceeds the scope of this class of administering a facilities maintenance shop by having a region-wide scope of responsibility for supervising the facilities maintenance work for the SWR (with the exception of the SWR HQ facility). In addition, the breadth of his position duties and supervisory role for the SWR exceeds the scope of responsibility anticipated by this class. For these reasons his position should not be allocated to the Maintenance Mechanic 4 class.

Comparison of Duties to Maintenance Specialist 5 (MS 5)

The Definition for a Maintenance Specialist 5 states:

This is the supervisory or expert level of the series. Assists in the coordination and direction of total physical plant construction and maintenance activities of a large institution. Develop, implement and monitor training. Implements and evaluates workflow priorities. Develops and disseminates instructions and information to unit personnel. Organizes, conducts and facilitates staff meetings.

There are no Distinguishing Characteristics for this class.

The OFM - State Human Resources, *Glossary of Classification Terms*, defines expert as:

Within the context of the class series, has the highest level of responsibility and extensive knowledge based on research and experience in a specific area. Resolves the most complex, critical or precedent-setting issues that arise. Positions act as a resource and provide guidance on specialized technical issues. Although an employee may be considered by their peers as an expert or "go-to" person at any level, for purposes of allocation, the term is typically applied to an employee in a higher class level who has gained expertise through progression in the series.

Although it is acknowledged that the SWR geographic area with its multiple facility locations is equivalent in size and complexity to a large institution; in total, the overall scope of Mr. Mueller's position does not include primary responsibility for assisting in the coordination and direction of the total construction and maintenance activities of the SWR as required.

Mr. Mueller's position does not have primary responsibility for assisting in the coordination and direction of all construction and maintenance activities for all of the facilities located within the WSDOT's SWR. This scope of responsibility rests with Mr. Mueller's supervisor, Mr. Hazen.

For example, Mr. Hazen retains MS 5 level responsibility for assisting the Assistant Maintenance and Operation Engineer and Superintendents with initiating and prioritizing all of the building maintenance needs for the total SW-Region, which includes the SWR Headquarters (HQ) building. Mr. Mueller supports Mr. Hazen by supervising the maintenance activities of the SWRs region-wide facility maintenance crew. However, there is another employee reporting to Mr. Hazen who supervises the maintenance activities of the SWR-HQ facility maintenance crew. Therefore, Mr. Mueller is not accountable for the SWR HQ facility, even though there may be a maintenance staff shortage at the HQ facility in which case Mr. Mueller will ensure his crew members are available to fill in and assist with maintenance activities as needed. However, Mr. Hazen retains overall responsibility for the supervising activities for both the Region-wide Facilities crew and the SWR-HQ Facility crew.

Additionally, because this class does not contain distinguishing characteristics we can look to the typical work statements for guidance regarding examples of work performed at this level:

...reviews daily reports of superintendents and foremen and discusses field problems and progress with supervisor; recommends changes or other remedial action to accomplish more workable installations; inspects projects for conformance to plans and specifications and assists project foremen or superintendents with construction or maintenance problems;

Mr. Mueller does not have equivalent level responsibility for reviewing daily reports of superintendents and foremen and discussing field problems and progress with higher level management staff. Mr. Mueller's position does not have the level of complexity of inspecting all SWR projects for conformance to plans and specifications and assisting project foremen or superintendents with construction or maintenance problems. This level of responsibility is retained by Mr. Hazen. For example, during the review conference Mr. Mueller stated that Mr. Hazen conducts all facility site condition assessments to establish priorities for maintenance renovation or replacement activities for SWR facilities.

Further, Mr. Mueller does not have primary responsibility for assisting in the coordination and direction of all construction activities for all of the facilities located within the WSDOT's SWR. This scope of responsibility rests with Mr. Hazen.

Mr. Mueller's position does not meet the definition of expert within the context of this class series of having the highest level of independent responsibility for resolving the SWR's most complex or critical facilities construction and maintenance issues that arise. For example, Mr. Hazen retains responsibility for performing expert level maintenance specialist tasks for construction projects such as serving as the inspector for most SWR-level contracts. Mr. Hazen also retains responsibility for performing comprehensive research to analyze and forecast future facility needs and establishing project budgets for capital expansion or modifications. He provides construction management and inspection during construction including assessing architectural and structural elements, material, textures, color and finishes. He also assists with planning, designing and conducting construction progress and close-out and warranty compliance reviews for WSDOT Headquarters-delivered projects.

In total, this limits the scope of Mr. Mueller's overall level of responsibility in assisting in the coordination and direction of the total construction and maintenance activities for the SWR.

Therefore, the level of responsibility Mr. Mueller has for supervising these activities does not fully reach supervisory or expert-level responsibility for assisting in the coordination and direction of the total physical plant construction and maintenance activities of a large institution as required. While Mr. Mueller performs a variety of supervisory level maintenance specialist tasks, overall responsibility for assisting in the coordination of all construction and maintenance activities for the entire SWR rests with his supervisor, Mr. Hazen.

Mr. Mueller's position does not encompass the full breadth of responsibility and decision making authority required for allocation to the Maintenance Specialist 5 class. His position should not be allocated to that class.

Comparison of Duties to Maintenance Specialist 4 (MS 4)

The definition for this class states:

This is the supervisory level of the series. Supervises a variety of journey-level trades workers or general maintenance mechanics performing work on physical plant, campus buildings, grounds or equipment; or manages the Department of Transportation Central Sign Shop and supervises the fabrication and distribution of all types of transportation signing throughout the state. Some positions supervise field operations on construction and maintenance projects either state-wide or for a specified program. Develop, implement and monitor training. Implements and evaluates workflow priorities. Develops and disseminates instructions and information to unit personnel. Organizes, conducts and facilitates staff meetings.

There is a significant degree of overlap between the duties stated for the MS 4 and MS 5 level classes. However, on a best fit basis, the overall level of complexity and decision making authority of Mr. Mueller's position more closely aligns with the definition of the MS 4 class.

Mr. Mueller's position has a region-wide scope of responsibility. His position supervises and provides oversight and administration of the daily facility maintenance activities for the large SWR with the exception of the SWR HQ facility. This scope of responsibility generally aligns with the definition's statement of supervising field operations on construction and maintenance projects at either a state-wide level or for a specified program. Mr. Mueller schedules and assigns work, procures materials and equipment and directs crews to completion of their maintenance and repair work within his assigned area of responsibility.

Mr. Mueller does not have full, independent responsibility for approving major deviations to major work assignments or projects and he does not have independent decision-making authority to affect those outcomes. During the review conference Mr. Mueller indicated he consults with his supervisor to seek approval for unforeseen costing issues or other factors affecting the completion of maintenance activities or projects. As a whole, the overall scope of Mr. Mueller's assigned duties and the level of decision making authority fall within the requirements of this class.

The following typical work statements provide examples of work performed at this level:

Supervise full-time journey and/or lead workers in installation, repair, maintenance and alteration of plant facilities and equipment; read plans and blueprints; determine scope of work, materials needed, their cost and availability;

Assist in the development of the departmental budget; select, train and evaluate employees; participate in employee discipline; order materials and maintain an adequate inventory of required materials to carry on shop or maintenance work; supervise preventative maintenance on buildings and facilities; enforce safety rules and regulations; maintain records on work performed; write reports as required;

Assist in overseeing craft supervisors in construction and maintenance activities; follow up on departmental inquiries and complaints to effect remedial actions and timely project completions; collaborate with physical plant management personnel to coordinate engineering functions with construction and maintenance activities; review, write and schedule work orders and maintenance requests for all crafts and balance manpower requirements with manpower availability; assist in building inspections and data collecting to determine necessary repairs and project costs, assist in budget preparation for physical plant operations; conduct surveys, analyze systems and prepare reports on maintenance, construction, planning and estimating, utility production, motor pool, budgetary and related activities; prepare and maintain physical plant operational, property inventory and space inventory records;

Manages inventory levels to assure adequate supply within budget restraints;
Conducts periodic employee safety and training meetings;

Mr. Mueller's duties align and fall more appropriately within the scope of work described by these statements.

For example, Mr. Mueller supervises journey workers in the installation, repair, maintenance and alteration of facilities and equipment for the SWR, which at times includes the SWR HQ facility. He reviews conditions in the field with the maintenance staff to identify additional corrective or preventative maintenance actions as needed.

Mr. Mueller develops and maintains the unit's four month and weekly work schedules. He prepares cost estimates for facility maintenance projects. He is responsible for reading plans and blueprints, determining scope of work, materials needed, cost and availability. He develops options and cost estimates for facility work orders at the level anticipated by this class.

In addition, as stated in the updated Position Description for his position, Mr. Mueller is responsible for training and instructing employees in various skilled trade tasks. He oversees and reviews work to ensure work orders and projects comply with industry and quality standards. Mr. Mueller supervises assigned SWR facility maintenance staff and assists them in diagnosing and completing SWR facility maintenance work orders and repair problems. He ensures safe work habits, regulations and procedures are followed. He conducts meetings, coaches and mentors employees, conducts performance evaluations and recommends corrective action as appropriate.

Mr. Mueller uses agency's CMMS system to manage data and equipment inventory. He writes corrective and preventative service requests and draws reports. He works closely with Mr. Hazen to ensure SWR Facilities maintenance activities are operating within budget.

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).

It is very clear that Mr. Mueller is a valued employee. A position's allocation is not based on an evaluation of performance or an individual's ability to perform higher-level work. Rather, it is based on the majority of work assigned to a position and how that work best aligns with the available job classes.

Based on the primary focus of Mr. Mueller's position and a review of his assigned duties and responsibilities to the relevant job classes, his position is more accurately aligned with the requirements of the MS 4 class.

Mr. Mueller's position should remain allocated to the MS 4 class.

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: David Mueller, WSDOT
Joan Gallagher, WFSE
Rafeeah Sok, WSDOT

Enclosure: List of Exhibits

DAVID MUELLER v DOT

ALLO-15-062

List of Exhibits

A. David Mueller Exhibits

1. Request for Director's Review - Date Stamped by Director's Review Program (P.1 – 2)
2. May 11, 2015 DOT Position Review Determination #40386 (P. 3-7)
3. Position Description, employee submitted, signed 12/17/14 by Employee, Supervisor and Appointing Authority (Pages 8-10)
4. Current Position Description, 5/7/08 on file. (Pages 11-13)
5. State HR Class Specification for Maintenance Mechanic 4, (Pages 14-15)
6. State HR Class Specification for Maintenance Specialist 4 (Pages 16-17)
7. State HR Class Specification for Maintenance Specialist 5 (Pages 18-19)
8. WA DOT Position Action Form (Pages 20-22)
9. DOT SW Region Facilities Management Organizational Chart (Page 23)
10. DOT South Central Region Facilities Management Organizational Chart (page 24)
11. DOT North Central Facilities Organizational Chart (Page 25)
12. DOT ARA Facilities Maintenance Organizational Chart (Page 26)
13. DOT Northwest Region Facilities Maintenance Organizational Chart (Page 27)
14. Classified Position Description Northwest Region Maintenance Specialist 5 – Annie Morris (Pages 28-30)
15. WA DOT Building and Structure Inventory as of March 2015 (Page 31)
16. Email Jim Hurst WADOT building count and square footage. Dave Mueller is responsible for SW Region. (Page 32)
17. Southwest Region Major Building List (Pages 33-35)
18. Budget Summary for WADOT – Page 8 is SWR (Pages 36-50)
19. WADOT Southwest Region list of systems employee is responsible for.(Pages 51-66)
20. WADOT CMMG Overview – Responsibilities and processes for Maintenance Tracking and Management (Pages 67-73)
21. Facilities work schedules managed by employee (Pages 74-85)
22. Monthly Preventative Maintenance Schedule managed by employee (Pages 86-89)
23. Staff and equipment scheduling managed by employee (Page 90)

Exhibit submitted following the review conference

24. Final response email from Joan Gallagher to Kris Brophy dated January 7, 2016.

B. DOT Exhibits

1. Assessment Determination Memo
2. Position Description, employee submitted, signed 12/17/14
3. Position Description on file, signed 5/7/08
4. State HR Class Specification for Maintenance Mechanic 1
5. State HR Class Specification for Maintenance Mechanic 4
6. State HR Class Specification for Maintenance Specialist 4
7. State HR Class Specification for Maintenance Specialist 5
8. An email dated February 17, 2015 by Mr. Mueller's supervisor Rick Hazen to Beth Winstead, HR Consultant
9. Rafeaah Sok Desk Audit Notes
10. Jan Smallwood Desk Audit Notes

Exhibit submitted following the review conference

11. Position Description form for Rick Hazen