STATE OF WASHINGTON
OFFICE OF FINANCIAL MANAGEMENT
STATE HUMAN RESOURCES DIVISION | DIRECTOR'S REVIEW PROGRAM
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March 17, 2016

TO: Kristie Wilson
Acting Rules and Appeals Program Manager

FROM: Kris Brophy
Director's Review Program Specialist

SUBJECT: Stephen James v. Western Washington University (WWU)
Allocation Review Request ALLO-15-083

Director's Determination

This position review was based on the work performed for the six-month period prior to May 20, 2015, the date Western Washington University Human Resources (WWU-HR) received Mr. James' request for a position review. As the Director's Review Program Specialist, 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. James' assigned duties and responsibilities, I conclude his position is properly allocated to the Engineering Technician Lead (EngTech L) class.

Background

On May 20, 2015, WWU-HR received Mr. James' Position Review Request (PRR) form, asking that his position be reallocated to the Engineering Technician Supervisor (EngTech S) class. (Exhibit B-2)

WWU-HR conducted a position review and notified Mr. James on August 21, 2015 that his position was properly allocated to the EngTech L class. (Exhibit B-1)

On September 18, 2015, State Human Resources received Mr. James' request for a Director's review of WWU's allocation determination. (Exhibit A-1)

A Director's review telephone conference was conducted with the parties on March 3, 2016. Present for the meeting were Stephen James; Elyse Maffeo, General Council, PSE; Tonya Alexander, Operations Manager, College of Science and Technology, WWU; Jeff Necomer, Chair, Engineering and Design Department, WWU; Lea Aune, Associate Director, WWU-HR, WWU; Stephanie Ludemann, Employment Administrator, WWU-HR, WWU and Thomas Knoll, Assistant Attorney General, ATG.

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).

Organization Structure

Mr. James works in the Engineering and Design department located within the College of Science and Technology on the WWU campus. Mr. James reports to Mr. Jeff Necomer, who is the Chair of the Engineering and Design Department. Mr. Newcomer reports to Catherine Clark, who is the Dean of the College of Science and Technology.

Position Purpose

Mr. James performs a variety of senior level engineer technician work in support of departmental laboratory activities, faculty research and senior projects.

Mr. James states in the PRR that his position:

> …provides the most comprehensive responsibility for the safe operation of nine diverse laboratories, including their equipment and infrastructure. It coordinates the personnel (technicians, Facilities Management staff) and management of Safety protocols, plans for future lab expansions, use changes and emerging technologies. It is center of lab equipment maintenance, estimating costs and life cycles.

Duties and Responsibilities

Mr. James describes his major job duties in the Position Review Request (PRR) form as follows:

30% **Duty**

Engineering Research and Development

Tasks

Collaborate with faculty, staff and students to design/build tooling, apparatus, workstations and learning systems for Engineering. Advise students on their Manufacturing Plans. Arrange for support from Scientific Technical Services, Physical Plant, Art Department, Chemistry, etc.

25% **Duty**

Planning

Tasks

Research lab space needs and opportunities, define infrastructure and equipment needs for new curricular activities and research projects considering safety, access, supervision and workflow. Plan for space swaps, moves and re-purposing. Partner with Purchasing Department to spec, evaluate and solicit proposals for new equipment up to $80,000. Create Emergency and other Departmental Safety and Haz-Mat plans. Develop & implement Laboratory ID Badge system and video security system. Purchase parts, supplies and equipment for Grounds, Custodial and Motor Pool.

20% **Duty**

Maintenance, repair and sourcing supplies

Tasks

Equipment maintenance, repair, sourcing of tools, supplies for curricular and research projects. Liaison with Physical Plant, city inspectors and manufacturers service technicians.

20% **Duty**

Supervise technical staff

Tasks

Advise, co-ordinate, monitor the individual and collaborative efforts of the Technical staff in the activities listed above.

5% **Duty**

Teaching

Tasks

Lecture in classes and labs regarding metrology and metalworking processes.

Supervisor's Comments

Mr. Newcomer completed the Supervisor Portion of the PRR. He indicates in Exhibit B-3 that Mr. James' description of his assigned work activities is accurate and complete.

Summary of Mr. James' Perspective

Mr. James asserts his position serves in a supervisory capacity. He believes the scope of his responsibility for directing operations and providing senior level engineering technician support for the department best fits within the EngTech S class.

Mr. James states in the PRR that:

> I am managing a department-wide program to insure a consistently safe workplace for students, faculty and staff. The Engineering & Design Faculty believe strongly in having consistent safety standards and protocols across numerous lab spaces. But because lab activities, faculty research and senior projects are continually changing, the coordination of safety is a substantial task and responsibility.
>
> I do this thru daily, detailed communication with the technicians, who are implementing and enforcing consistent safety standards in the labs. I work closely with EHS, Facilities Management, the Bellingham Fire Inspector and other entities who provide guidelines for the systems that I develop with the Chair, faculty and my team of techs. I have specifically managed the development and implementation of a Laboratory ID Badge system, Chemical Safety and other safety endorsement systems. New hazards are identified nearly every week, which require my leadership in seeking out expertise, formulating plans and involving faculty staff and students in the process.
>
> The addition of six additional technicians has required more co-ordination of work, schedules and communication with faculty. My supervisor has asked me to take on these leadership tasks: Supervise six laboratory technicians. Coordinate a very large number tasks and projects, Organize assessment of projects.
>
> I routinely advise technicians on their communications with Faculty to insure good working relationships and faculty satisfaction. I communicate regularly with faculty to insure that their requests are being heard and understood by the techs. I work with faculty and techs to insure that everyone's expectations are reasonable, and that the best possible support is provided when tech can't meet the Faculty's expectations. When these interactions break down, I am actively involved in resolving conflicts. I monitor the progress of many projects, offering resources or alternative designs where needed. I arrange for coverage when a technician can't be present for a particular task or provide additional help for two-person jobs. I lead a weekly meeting of all technicians to discuss projects, timelines and problems.

Mr. James provides the following comments in the PRR regarding his decision making authority:

> I often decide which industrial processes are appropriate for a given lab space and which are not. I will postpone any activity, by anyone, that I sense is unsafe. Frequently I will assign one technician to fill in for another for scheduling, cross-training or when one might have a more precise skill than another. I make lab equipment repair and safety expenditures without prior approval. I make most of the decisions as to the reparability of broken equipment. I make most of the decisions to surplus equipment and furniture. I solicit estimates from FM for building modification ideas.

In total, Mr. James believes the scope of his duties and the level of his decision making authority reaches the EngTech S class. Mr. James believes his position should be reallocated to that class.

Summary of WWU's Reasoning

WWU asserts the majority of Mr. James' duties are consistent with the EngTech L class specification.

In exhibit B-1, WWU states the following regarding Mr. James' assigned duties:

> Mr. James does not meet the definition of supervisor. The Distinguishing Characteristics is the primary guide for establishing class allocation. While the Chair has indicated that supervisory functions may be assigned in the future, it is required that the scope of these duties be performed for at least six (6) months.
> …
>
> The major duties and responsibilities of Mr. James fit within the description of Engineering Technician Lead. Western has recognized that the lead role for this classification includes a broad range of complex and highly specialized technical duties required to oversee project activities performed by faculty and students. The goal is to lead faculty toward developing a safer and more effective laboratory experience.
>
> …
>
> Mr. James does perform work that is similar to the Engineering Technician Lead. He consults with staff and faculty/students, monitors project progress, performs research, estimates equipment needs and submits recommendations. In lieu of supporting lab projects, he manages communications between the Chair, staff and faculty/students; oversees safety and maintenance programs and researches and develops policy and guidelines for review.

WWU further states in the determination that during the in-person interview, Mr. James described his supervisory responsibilities to include: "monitoring the technicians, leading meetings, reporting employee issues/recommendations for training improvements/needs, discussion of personnel issues and developing of safety policies and plans for the department. This does not include initiating discipline, recommending hiring or writing performance reviews."

In total, WWU asserts that Mr. James' position is properly allocated to the EngTech L class.

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 the Engineering Technician series

The Class Series Concept for Engineering Technician series states:

> Following requirements and specifications from engineers or scientists perform engineering technician work designing, developing, fabricating, modifying,

> assembling and repairing various mechanical, electro-mechanical, agricultural, hydraulic, pneumatic, or electronic instruments, apparatus and equipment within an engineering, scientific, or instructional application.
>
> This series is distinguished from the Electronics Technician series by spending a majority of time in the design, development and fabrication of specialized engineering, scientific, or instructional instruments, apparatus and equipment.
>
> This series is distinguished from the Computer Maintenance Technician series by maintaining and/or repairing computer or other microprocessor-controlled integrated digital equipment which is integrated or interfaced with specialized engineering, scientific, or instructional instruments, apparatus and equipment.

Mr. James' position meets the intent of this class series of performing a variety of specialized engineering technician design and fabrication work within an academic instructional setting. His position should be allocated to a class within this series.

Comparison of Duties to Engineering Technician Supervisor

The Definition for this class states:

> Supervise assigned personnel involved in the design, development and fabrication of various mechanical, electro-mechanical, agricultural, hydraulic, pneumatic, or electronic instruments, apparatus, or equipment. Provide technical support to professional and technical personnel within an engineering, scientific, or instructional application.

The Distinguishing Characteristics for this class state:

> Under general direction, with delegated authority, interview and recommend selection of applicants, conduct training, assign and schedule work, act upon leave requests, conduct annual performance evaluations and recommend disciplinary actions.
>
> Provide technical support to professional and technical personnel within an engineering, scientific, or instructional application such as receiving work requests and reviewing drawings and schematics; consulting with engineers, faculty and staff on the design and fabrication of general and specialized instruments, apparatus and equipment; determining or recommending the choice of materials for use in fabrication; developing and implementing preventive maintenance programs;

Mr. James' position does not reach the primary allocating factor of this class of supervising assigned personnel as required.

The State Human Resources – OFM *Glossary of Classification Terms (Glossary)* defines **supervisor** as follows:

> An employee who is assigned responsibility by management to participate in all of the following functions with respect to their subordinate employees:

- Selecting staff
- Training and development
- Planning and assignment of work
- Evaluating performance
- Resolving grievances
- Taking corrective action

Participation in these functions is not routine and requires the exercise of individual judgment.

In a more recent decision, the PRB provided further guidance on the definition of supervision. The PRB determined that "[s]upervision of an organization typically includes setting organizational goals, developing plans to meet goals and objectives, developing policies and procedures, preparing budgets, adjusting and authorizing expenditures, controlling the allocation of program resources and the supervision of staff." *Dawson v. South Puget Sound Community College,* PRB Case No. R-ALLO-08-001 (2008).

In *Dawson*, the Appellant argued that he performed supervisory responsibilities for contract, part-time and work-study staff. However, the PRB determined his position provided "on-the-job work instruction" but did not "perform training and development at a level expected of a supervisor." While the PRB concluded the Appellant had oversight of the daily work, provided feedback and responded to service complaints related to the service provided, he did not conduct formal performance evaluations or adjust formal grievances. As a result, the PRB determined the Appellant's position was properly allocated to a lead classification.

It is uncontested that a portion of Mr. James' duties involves performing higher level administrative and specialized technical duties. This includes developing a safer and more effective laboratory experience for faculty and students and coordinating the daily technical support operations for the department as well as performing specialized engineering design and fabrication work for a broad scope of laboratory and related academic activities.

However, Mr. James does not have full, independent decision-making authority for all outcomes related to the supervision of technical staff. This scope and level of responsibility rests with his supervisor.

For example, Mr. James acknowledges that the scope of his responsibilities include monitoring the technicians daily work which includes leading meetings, reporting employee issues and making recommendations for training or skill development need. Mr. James also discusses personnel issues with Mr. Newcomer. He also develops safety policies and plans and serves as the safety officer for the department. While he oversees daily work activities for the unit, his position does not include responsibility for initiating or implementing discipline, making or recommending hiring decisions or writing performance reviews. This limits the overall level of authority Mr. James has to plan, prioritize and handle all duties within his assigned area of responsibility.

In total, although Mr. James oversees the daily work activities of employees and performs several higher level administrative duties, his position does not have designated responsibility to supervise the work of others. Mr. James' position does not have responsibility for performing all of the functions of a supervisor including selecting staff, providing supervisory-level training and development, evaluating performance, resolving grievances or taking corrective action. For these reasons his position does not fully reach the requirements of serving in a supervisory capacity as required.

In total, Mr. James' position does not have responsibility for staff supervision as required. For these reasons the EngTech S class is not the best fit and Mr. James' position should not be allocated to that class.

Comparison to Duties to Engineering Technician Lead

The Definition for this class states:

> Lead assigned personnel and perform complex engineering technician work designing, developing, manufacturing, assembling, installing, calibrating, and repairing instruments, apparatus, and equipment within a scientific, instructional or engineering application.

The Distinguishing Characteristics for this class states:

> Regularly assign, instruct, and check the work of others. Under general direction, perform complex engineering technician work as a senior-level engineering technician. Determine most suitable design to achieve desired research goals. Perform complex engineering technician work such as: independently designing complete systems, peripherals, data acquisition programs, or interfaces; estimating equipment needs for shop; developing and maintaining preventive maintenance programs.

Lead

The *Glossary* further defines "lead" as follows:

> Lead. An employee who performs the same or similar duties as other employees in his/her work group and has the designated responsibility to regularly assign, instruct, and check the work of those employees on an ongoing basis.

Mr. James' position has designated responsibility to lead the work of the department's classroom support technicians and other student support staff on a regular and ongoing basis. His position fully meets the definition of Lead as required.

For example, he is responsible for working with faculty to determine the most suitable designs for requested items. He communicates regularly with faculty and the technicians to ensure requests are understood by the technicians and completed to meet the faculty instructor's needs. Mr. James is actively involved in coordinating numerous tasks and projects. He is actively involved in resolving conflicts and monitoring the progress of projects, which includes offering resources or alternative designs where needed. He arranges coverage and additional help for two-person jobs when needed. He leads a weekly meeting of all technicians to discuss projects, timelines and problems.

Further, Mr. James' works under general direction and performs complex engineering technician work as a senior-level engineering technician. I concur with WWU's assessment that Mr. James' lead responsibilities include performing a variety of complex and highly specialized technical duties in order to oversee laboratory and related project activities performed by faculty and students. His duties include assisting in determining work priorities for the unit, estimating material requirements, maintaining appropriate inventories and performing other related administrative tasks. He estimates the parts and supply needs for the department. He also

oversees preventive maintenance activities. He coordinated the development and implementation of the department's Laboratory ID Badge system, Chemical Safety and other safety endorsement systems.

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).

Based on the primary focus of Mr. James' position and in comparison of his assigned duties and responsibilities to the relevant job classes, his duties more accurately align to the requirements of the EngTech L class. His position should remain allocated to that class.

Appeal Rights

RCW 41.06.170 governs the right to appeal. RCW 41.06.170(4) provides in relevant part, the following:

> The mailing address for the Personnel Resources Board (PRB) is P.O. Box 40911, Olympia, WA 98504-0911. 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 S.W., Olympia, Washington. The main telephone number is (360) 407-4101and the fax number is (360) 586-4694.

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

c: Stephen James, WWU
Elyse Maffeo, PSE
Lea Aune, WWU

Enclosure: List of Exhibits

STEPHEN JAMES v WWU

ALLO-15-083

LIST OF EXHIBITS

A. Stephen James Exhibits

1. Request for Director's Review
2. Organization Chart
3. Job Description for Laboratory Assistant 3 Chemical Inventory Tech
4. Evidence for Director's Review
5. Notes on Various Service
6. Lab Badges for Engineering and Design Labs
7. Technical Staff Evaluation Comments
8. Drawing Guidelines for Parts to be Made by Technicians
9. Engineering Design Building Emergency Plan
10. Diagram of Tolerances for Converters and Boosters
11. Engineering and Design Department Chemical Hygiene Plan
12. Supply Air Handler Spreadsheets

B. WWU Exhibits

1. Allocation determination letter, dated August 21, 2015
2. Employee Position Review Request May 20, 2015
3. Supervisor's Portion of Employee Position Review Request
4. Classification Considered by WWU HR
5. Notes from Interview with Stephen James

C. State HR Class Specifications

1. Engineering Technician Lead, 538J
2. Engineering Technician Supervisor, 538K