

June 9, 2009

TO: Teresa Parsons, Supervisor  
Director's Review Program

FROM: Meredith Huff, SPHR  
Director's Review Investigator

RE: Charles Lush v. Dept. of Social and Health Services (DSHS)  
Allocation Review ALLO 08-059

**Director's Review Conference**

Mr. Charles Lush, Mr. Efren Gonzales and Mr. Randall Erickson individually requested a Director's Review through their representative, Ms. Amy Achilles, WFSE Field Representative. On April 21, 2009, the review conference was held by phone. In attendance by phone were Mr. Gonzales, Mr. Erickson and Mr. Lush, employees; Mr. Gary Hill and Ms. Amy Achilles, WFSE Council Staff representing Mr. Gonzales, Mr. Erickson and Mr. Lush; and Mr. Robert Swanson, Classification and Compensation Specialist, representing DSHS.

The Director's Review conference included all three employees and the employees' comments were applicable to all of the positions, with the exception that only Mr. Lush performs lead duties.

Mr. Hill objected to the arrival of the DSHS' exhibits package a few minutes prior to the phone conference and cited WAC 357-49-025 as providing instruction for the exchange of exhibit materials.

**Director's Determination**

As the Director's review investigator, I carefully reviewed all of the documentation in the file, the class specifications and the information provided during the Director's Review conference. Based on my review and analysis of Mr. Lush's overall assigned duties

and responsibilities, I determined that his position is properly allocated to the Maintenance Mechanic 3 class.

### **Background**

Mr. Efren Gonzales, position #MB56, Mr. Randall Erickson, position #FY49, and Mr. Charles Lush, position #FZ12, work at the Frances Haddon Morgan Center (Center) of DSHS. Mr. Charles Lush is the lead person for Mr. Gonzales and Mr. Erickson. Mr. Gonzales' and Mr. Erickson's positions were classified as Stationary Engineer 2 and Mr. Lush's position was allocated to Stationary Engineer 3.

During the review conference, Mr. Swanson indicated that Ms. Carol Kirk, Superintendent of the Center, requested that position reviews be completed for these employees' positions. Mr. Swanson pointed out that he provided a training session for the employees explaining the position review process, possible outcomes and appeal rights. Position Description Forms (PDF) for these positions, signed by Mr. Ken Neubauer, immediate supervisor, and Ms. Kirk, were submitted July 23, 2008 to the DSHS Classification/Compensation Unit. Mr. Gonzales, Mr. Erickson and Mr. Lush, each acknowledged by individually signing the form, that he received a copy of the PDF.

By letter dated August 5, 2008, Ms. Pamela Pelton, DSHS Classification and Compensation Manager, determined that Mr. Gonzales' and Mr. Erickson's positions should be reallocated downward from Stationary Engineer 2 to Maintenance Mechanic 2 effective July 23, 2008. (Exhibit A-2) Ms. Pelton determined that Mr. Lush's position should be reallocated downward from Stationary Engineer 3 to Maintenance Mechanic 3 effective July 23, 2008. (Exhibit A-2) On September 2, 2008, Ms. Achilles submitted requests for a Director's Review of DSHS' decisions on behalf of Mr. Gonzales, Mr. Erickson and Mr. Lush. (Exhibit A-1) Mr. Swanson confirmed the time period for the review is at least the six months prior to August 4, 2008.

### **Summary of employees' comments**

On behalf of the employees, Mr. Hill and Ms. Achilles, individually stated that the Maintenance Mechanic classes were not the best fit for these employees' positions, as there are no provisions in those specifications describing responsibilities for the boilers and hot water heaters in the plant. Ms. Achilles noted that the PDF forms were completed by management without any input from the employees.

Mr. Lush explained that during the winter the temperatures in the buildings must be maintained and the heating plant is constantly operational. He noted that the majority of the maintenance for the plant and the inspections are completed during the summer. He confirmed that in getting ready for inspections the auxiliary systems (pumps, pipes, valves, etc.) are checked and repaired. Everything that the Inspector finds that is not right must be fixed either by the employees or by contracted services.

Mr. Lush verified that basically during an eight-hour shift there are many stations and all the equipment to check in the plant. During the night shift, he commented, there is

additional checking for leaks, the gauges, and generally keeping the system going. He noted that the boiler has been automated. He observed that when the old boilers are used, readings are done every hour and recorded on the logs. The purpose of the shift log is to document what the employee did during the shift and what is observed to be broken or abnormal. Mr. Hill pointed out the exhibits of the logs for the plant that the employees are required to complete during each shift. (Exhibit B-12)

Mr. Lush emphasized that he, Mr. Gonzales and Mr. Erickson are boiler operators rather than maintenance personnel; however, they are qualified to repair plant items, in addition to their other duties. He noted that if plant repairs require two people, that is more difficult as they work alone on different shifts. When possible, he stated that he moves his shift an hour or two to overlap with Mr. Gonzales or Mr. Erickson so together they can complete the two-person repairs. When there is no time for doing the repair in-house, it is contracted out. Mr. Lush detailed work and repairs in the boilers as punching tubes in the boilers (cleaning); major repairs on the circulation pump such as ordering and installing parts; replacing failing hot water heaters; repairing furnaces by replacing and fixing parts; performing preventive maintenance on the boiler; and testing boiler water for conductivity and chemical limits to prevent corrosion/ breaks and eruptions. He noted that each shift has a certain amount of preventive maintenance and security checks in the five buildings at the Center.

Mr. Lush explained that he, Mr. Gonzales and Mr. Erickson are responsible to ensure fire safety and security. They do so by making sure the sprinkler system is in working condition, checking the fire extinguishers once a month, and making fire safety/security rounds in the Center's buildings. They carry a cell phone from the monitoring company. He noted that the graveyard shift, in addition to plant responsibilities, ensures all the Center's doors are closed, occasionally provides an escort for an employee going to the parking lot, and observes and reports any incidents that are unsafe or unsecured. He mentioned that Mr. Erickson has the additional responsibility of cutting grass and maintaining mowing equipment.

Mr. Lush noted there are ten vehicles in the car pool. The drivers identify a problem by writing it in a book. Mr. Erickson reviews the book and lists the problems. As necessary, Mr. Lush completes the paperwork to have the vehicle inspected, repaired and the oil changed by an outside company.

Mr. Lush, Mr. Erickson and Mr. Gonzales individually stated that outside of the plant operations, they did not utilize a general knowledge of plumbing, electrical, welding, carpentry and machinist work in performing duties. They noted that they do change light bulbs, switches and ballasts. Occasionally they may be asked to unplug a toilet using a plunger; however, they do not use pipe snakes to clear drains. Mr. Gonzales noted that for safety reasons in an emergency situation, he may fix a fence or temporarily repair a hole in a wall by covering it with plywood. He explained he does not do finish work such as plastering and painting walls. He emphasized that other staff at the Center are responsible for doing the work that requires trade skills.

Mr. Hill noted the Stationary Engineer class talks about boilers and the Maintenance Mechanic classes do not. Mr. Hill and Ms. Achilles each observed that the duties and responsibilities from the current and the 2004 position descriptions have not significantly changed. Ms. Achilles emphasized that for 100% of their shifts, each employee is responsible for the safe operation of the boilers – not 51% of his work time. She further observed that the Maintenance Mechanic class does not have the qualifications for the safe operation of the boilers. Because the Stationary Engineer series is more specific for the plant responsibilities of Mr. Gonzales, Mr. Erickson and Mr. Lush, Mr. Hill and Ms. Achilles stressed it is the best fit class for these positions.

### **Summary of DSHS's comments**

Mr. Swanson noted that in October 2007, management started reallocations as part of Ms. Kirk's reorganization of the Center. He noted that he spent two to three hours talking with the maintenance crew and explaining the allocation process. He stated that previously employees had to be licensed or certified to touch the boilers; however, that requirement has changed. He pointed out that the goal is to find the class that is the best fit for a position's duties and responsibilities. He observed that for a position reallocation, the incumbent must perform the work for a majority of the time. He indicated that on the PDF, 15% to 20% of the work time is spent in the steam plant. He further noted that although the majority of work does not reach the Stationary Engineer level, that does not mean the employees are not qualified to do the work. On a best fit basis and considering the percentages of time spent in each assigned work function, Mr. Swanson stated the Maintenance Mechanic series is the best fit for these employees' jobs.

### **Rationale for determination**

A position review is neither a measurement of the volume of work performed, nor an evaluation of the expertise with which the 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. See Liddle-Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

The Personnel Resources Board (PRB) has held that: "...because a current and accurate description of a position's duties and responsibilities is documented in an approved classification questionnaire, the classification questionnaire becomes the basis for allocation of a position. An allocation determination must be based on the overall duties and responsibilities as documented in the classification questionnaire." Lawrence v. Dept of Social and Health Services, PAB No. ALLO-99-0027 (2000). In Salsberry v. Washington State Parks and Recreation Commission, PRB Case No. R-ALLO-06-013 (2007), the Personnel Resources Board addressed the concept of best fit. The Board referenced Allegrì 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.

In addition the PRB found that 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. Dudley v. Dept. of Labor and Industries, PRB Case No. R-ALLO-07-007 (2007).

Glossary of Classification, Compensation and Management Terms (Glossary)

In reviewing this position, I have considered the following terms which are defined in the Department of Personnel's (DOP) *Glossary of Classification, Compensation and Management Terms*. The website link is:

<http://www.dop.wa.gov/CompClass/CompAndClassServices/Pages/HRProfessionalTools.aspx>

**Journey-Level.** 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 minimal supervision. Also referred to as the working or fully qualified level.

**Nature of Work.** Basic types of work assignments performed by a class:

Trades – Duties require specialized manual or mechanical skills and a comprehensive knowledge of work processes, normally acquired through an apprenticeship or other training program.

Position Description Form

Mr. Lush works the day shift. The assigned responsibilities and duties of Mr. Lush's position are described on the Position Description Form, in part, as follows:

**Section III.** General Description/Position Objective.... *"Insures broilers, furnaces, HVAC, pumps, communication equipment, motors, life safety systems and motor vehicles are maintained and operating safely and efficiently. Lead worker to others and schedules shift coverage for operations personnel insuring all shifts are covered 24/7 with minimal overtime. Responds to facility emergencies including security, client emergency needs, hazards and disasters."*

**Section IV** describes the level of supervision provided to Mr. Lush's position as *"Little, employee responsible for devising own work methods."*

3. Additional clarification states:

- *"Under the supervision of the Plant Manager acts as Lead worker for the overall operation and maintenance of a high pressure heating plant consisting of (1) high pressure steam boiler 174. h.p., two low pressure hot water boilers, ventilating and air conditioning (HVAC), 400 KW generator; all fire suppression and fire alarm*

*systems. Is lead worker to 2 full time Stationary Engineer 2 positions, 1 on call Stationary Engineer 2 and 1 Maintenance Mechanic 1. This position works dayshift, swing shift, night shift and weekends and may incur mandatory overtime.*

- *Provides supervision to volunteers, community service workers and contract vendors.*
- *Provides on the job training to plant staff relative to all aspects of facility operations and other boiler operational responsibilities.*
- *Ensures optimal operations coverage during vacation and other staff absences and on other shifts/days as necessary.”*

**Section V.** Assigned Duties and Responsibilities. (copied in part) “Underline indicates the essential functions of the position. ....”

- **15% HVAC & Other Mechanical & Environmental Controls:** Responsible to maintain, and repair heating, ventilating and air conditioning (HVAC) functions and related equipment for safety and efficient operation.... Ensures optimal operations coverage during vacation and other staff absences and on other shifts/days as necessary. Ensures that all domestic hot water temperatures are maintained between 100 and 110F and that room temperatures fall between 65 and 75F.
- **20% Fire Safety:** Monitor safety and fire protection equipment to ensure the building systems are operating in a satisfactory condition; this includes initiating, suppression, notifying equipment; and emergency generator. Arrange annual life safety equipment certifications and repairs.
- **15% Security:** Responsible to lead campus personnel as an Incident Commander in the event of a natural or man made disaster. Acts as lead person during client searches and responds to all response team and code red calls. Assists staff and others with personal safety concerns. Performs security rounds, reports illegal entry to law enforcement. Insure all public areas are locked after hours. ...
- **20% Lead Worker:** Conveys information to Operations staff relative to HVAC operations and security responsibilities. Confers with vendors to arrange for work services and materials delivery. Operates computers and telephones for online training and receiving and sending emails ... Completes all paperwork associated with the operations shift including logs, reports, inspection forms, etc.
- **10% Grounds** ...As grounds keeping coordinator, insures campus grounds maintenance is performed. Coordinates grounds keeping work with grounds crew...
- **15% Motor Pool** As Motor pool coordinator issues and receives vehicles. Coordinate vehicle reservations, motor vehicle inspections and repairs.
- **5%** Other duties as assigned. (Exhibit B-2, pg 2-3)

#### Classifications Reviewed

The Maintenance Mechanic classes are included in the Trades Helpers class series concept (class code 6261), which describes positions in the series, in part, as performing general maintenance and repair, utilizing working knowledge of several related skill fields, including electrical, plumbing, and machinist work. As such, incumbents inspect, repair, install and maintain facilities, machinery and equipment. Mr. Lush’s position fits within this description.

The **MM3** (class code 626L) **Definition** is the *senior, specialist or leadworker level of the series. Positions at this level perform skilled work in more than one trade or craft. Incumbents typically specialize in one trade or craft but perform journey-level and semi-skilled work in a variety of disciplines. Incumbents perform construction, maintenance, repair and modification of buildings, facilities, mechanical equipment, machinery and specific apparatus and utilize a working knowledge of several related skill fields such as plumbing, electrical, welding, carpentry, and machinist work.*

Mr. Lush is performing skilled work in a variety of areas. In addition, the level of HVAC/steam plant and other maintenance work often extends to journey level. While examples of **Typical Work** identified in a class specification do not form the basis for an allocation, they lend support to the work envisioned within a classification. The Typical Work identified in the MM3 class specification most in line with Mr. Lush's assignments includes:

- Installs and maintains plumbing, electrical and mechanical fixtures; installs, maintains, and repairs pipes, valves, drains, basins, faucets, lavatories, air conditioning, ...;
- Performs preventative maintenance and repairs on all types of mechanical equipment . . .to ensure proper operation;
- May perform preventative maintenance and repair of motor vehicles ...
- Performs the work of a MM 2 and is assigned... to lead the work of others;
- Develops preliminary cost estimates of repairs, maintenance or alteration projects;
- Assures adherence to safety rules and precautions by assigned personnel;
- Develops solutions to repair and maintenance problems;
- Develops methods and procedures to be followed by assigned personnel;
- Reads and interprets plans, blueprints and sketches;

Mr. Lush works the day shift. During his shift, Mr. Lush is responsible for leading steam plant employees in the operations and maintenance of the steam plant; monitoring the safety and fire protection equipment; coordinating grounds keeping work, providing security rounds and responding to emergency situations as the Incident Commander. His responsibilities also include coordinating motor pool vehicle use, repair, and maintenance.

When comparing the totality of Mr. Lush's assigned duties and responsibilities to the job classifications, the Maintenance Mechanic 3 class provides the best fit. While Mr. Lush has specialized knowledge and may perform higher-level skilled duties in the operations and safety activities of the steam plant, the majority of work assigned to his position requires a general knowledge and application in several related skill fields. The responsibilities assigned to his position encompasses a variety of work ranging from responsibility for the operations and maintenance of the steam plant, to coordinating grounds keeping, to monitoring fire system maintenance and ensuring security. Mr. Lush performs lead responsibilities for two full time Stationary Engineer 2 [reallocated recently to Maintenance Mechanic 2] positions, an on call Stationary Engineer 2, one Maintenance Mechanic 1 and volunteers. Mr. Lush's responsibilities for leading

employees and skilled maintenance and repair work are consistent with the level of work anticipated by the Maintenance Mechanic 3 class.

Mr. Lush's supervisors indicated on the Position Description that his work involves a variety of working level trades work. While I realize these trades are also encompassed to some extent within the Stationary Engineer 3 classification, the time that Mr. Lush spends doing HVAC and steam plant work does not constitute a majority of his work time. The Stationary Engineer 3 class does not fit the configuration of Mr. Lush's position's assigned work. The Maintenance Mechanic 3 classification is a better fit for Mr. Lush's position's overall responsibilities than the specific trade classes of Stationary Engineer 3 (class code 602K), Electrician (class code 608F) Heating, Ventilation and Air Conditioning Technician (class code 621J), Facilities Operations Maintenance Specialist (class code 596M) and Plumber/Pipefitter/ Steamfitter (class code 621F).

A position's allocation is based on the majority of work assigned to a position. On a best fit basis, the overall work assigned to Mr. Lush's position best fits within the Maintenance Mechanic 3 classification. Mr. Lush's position is appropriately allocated to the MM3 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."*

### **Please note telephone and address changes:**

June 26 through July 3, 2009, the offices of the Director's Review Program and Personnel Resources Board Appeals Program will be moving to the Department of Personnel building located at 600 South Franklin in Olympia. Starting June 26, 2009, the main phone number for the two programs will be **360-664-0388**. The fax number remains the same - **360-753-0139**.

All requests for Director's Reviews and appeals to the Personnel Resources Board must be filed:

<b><u>In person at:</u></b>	<b>OR</b>	<b><u>By mail at: (unchanged)</u></b>
600 South Franklin		Mail Stop 40911
Olympia, WA 98504-7530		Olympia, WA 98504-0911

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

cc: Gary Hill and Amy Achilles, WFSE  
Robert Swanson, DSHS  
Lisa Skriflet, DOP

Charles Lush v. DSHS  
Allocation Review ALLO 08-059

Enclosure: Exhibits List

Exhibits List

**A. Filed by employee September 2, 2008:**

1. Director's Review Request form.
2. DSHS allocation determination August 5, 2008.
3. Position Description unsigned and undated.
4. Position Description form signed and dated July 2008.
5. Org chart

**B. Filed on behalf of Mr. Lush by Amy Achilles (WFSE) November 3, 2008:**

1. Notification dated 8/5/08 of downward reallocation to Maintenance Mechanic 3
2. PDF dated 7/23/08
3. Organizational Chart for plant at Frances Haddon Morgan Center
4. PDF in place for Mr. Lush prior to 7/23/08
5. Classification Specs for Stationary Engineer 3 (class code 602L)
6. Classification Specs for Maintenance Mechanic 3 (class code 626L)
7. Evaluation (Phase 1 only) for period of 9/11/07 – 6/30/08
8. Evaluation documents for period 2/17/07 – 9/11/07
9. Evaluation for period 10/9/06 – 2/16/07
10. Notice of promotion to Stationary Engineer 3 effective 10/1/06
11. Evaluation for period 6/17/04 – 6/17/05
12. PDF for Mr. Lush dated 4/1/05
13. Evaluation for period 6/17/02 – 6/9/04
14. Notification dated 5/28/04 of upward reallocation to Stationary Engineer 2
15. Evaluation for period 6/17/02 – 6/17/03
16. Memo from supervisor to engineers regarding expansion tank in boiler room dated 10/13/99
17. Plant employee expectations dated 8/24/98
18. Evaluation for period 6/17/97 – 6/17/98
19. CQ for Mr. Lush dated 12/27/96
20. Evaluation for period 6/17/96 – 6/17/97
21. Evaluation for period 6/17/95 – 6/17/96
22. CQ for Mr. Lush dated 10/16/95
23. Evaluation for period 6/17/94 – 6/17/95
24. Notification of appointment as a Stationary Engineer 1 dated 6/17/92
25. CQ for Mr. Lush dated 1/28/92
26. Employee log of work orders from 12/27/07 – 8/5/08
27. Plant operations log from 6/1/08 – 8/1/08

(continued)

C. DSHS Exhibits submitted April 21, 2009 – see list below

**ALLOCATION APPEAL**  
**#ALLO-08-057 R. Erickson**  
**#ALLO-08-058 E. Gonzales**  
**#ALLO-08-059 C. Lush**

**POSITION STATEMENT-EXHIBITS**

- Exhibit 1 Position Review Requests (PRR) dated July 23, 2008:  
FY49 R. Erickson MB56 E. Gonzales FZ12 C. Lush  
Maintenance Mechanic 2 Maintenance Mechanic 2 Maintenance Mechanic 3
- Exhibit 2 Previous Position Description Form for positions:  
FY49 R. Erickson, MM2 MB56 E. Gonzales, MM2 FZ12 C. Lush, MM3  
Signed 12/8/05 Signed 4/15/05 Unsigned
- Exhibit 3 Allocation Review Decision Memos dated August 5, 2008 on all positions
- Exhibit 4 Organizational Chart
- Exhibit 5 Assessment of Observed Job Performance for positions FY49, MB56, & FZ12
- Exhibit 6 Stationary Engineer 2 Class Specs
- Exhibit 7 Stationary Engineer 3 Class Specs
- Exhibit 8 Maintenance Mechanic 1 Class Series Concept
- Exhibit 9 Maintenance Mechanic 2 Class Specs
- Exhibit 10 Maintenance Mechanic 3 Class Specs