

October 12, 2007

RE: Jason Greer v. Department of Transportation (DOT)
Allocation Review No. ALLO-06-026

Dear Mr. Greer:

The Director's review of DOT's allocation determination of your position has been completed. The review was based on written documentation and on information provided during the October 2, 2007, Director's review meeting. Present at the Director's review meeting were you; your co-workers, Steve Hughes and Mark Ensley; Rob Molohon, State Materials Documentation Engineer; Tom Baker, State Materials Engineer; and Niki Pavlicek, Classification and Compensation Manager for DOT.

Background

You requested a reallocation of your Transportation Engineer (TE) 2 position to the Transportation Engineer (TE) 3 classification by submitting a Classification Questionnaire (CQ) to DOT's Human Resources office on June 23, 2005. By letter dated September 21, 2006, DOT determined that your position was properly allocated and denied your request. On October 11, 2006, you requested a Director's review of DOT's determination.

Summary of Mr. Greer's Perspective

You argue that you function as the statewide staff specialist for the Request for Approval of Materials (RAM) program. You assert that you utilized the Standard Specifications, Standard Plans, Construction Manual, Design Manual, Materials Manual, and most other DOT publications in the performance of your duties. You assert that your duties required the application of material acceptance specifications for standard materials and in addition, you must be knowledgeable, aware of, and able to recognize materials that are non-standard. For the non-standard materials, you argue that you facilitate the approval and acceptance of those materials and that to determine whether the materials can be approved and accepted, you utilize a wide range of manuals, books, the computer, and Subject Matter Experts (SMEs). In addition, you code the RAM for sources of acceptance that will be performed at the project level. You assert that you perform advanced engineering to determine how material will be used at the project. You argue that your position fits the TE 3 classification.

Summary of DOT's Reasoning

DOT acknowledges that you do some higher level work, but argues that the majority of your work is not at the higher level. DOT argues that the majority of your work is accomplished by utilizing standard engineering techniques consistent with the TE 2 level. DOT asserts that the advanced engineering work required for RAM is performed by the SME's with whom you consult. In DOT's allocation determination letter, DOT acknowledged that you are the liaison with local agencies but asserted that you compare submittals to a prescribed set of agency documents and if the submittals meet the criteria, you have the responsibility to accept them. DOT stated that you do not have authority to make judgments in selecting and adapting techniques to solve transportation problems as described at the TE 3 level. DOT asserts that your responsibilities and assignments fit within the TE 2 classification.

Director's Determination

As the Director's designee, I carefully reviewed all of the documentation in the file and the information provided during the Director's review meeting. Based on my review of the documents, the information provided during the Director's review meeting, the available classifications, and my analysis of your assigned duties and responsibilities, I conclude that your position should be reallocated to the TE 3 classification.

Rationale for 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. See Liddle-Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

Your position is located in the Environmental and Engineering Programs Division Materials Laboratory. Your position is the state-wide program specialist for the RAM.

In summary, as described in your CQ, your position:

65% Independently determines appropriate approval action based on W.S.D.O.T. Standards for materials documentation submittals such as RAMs that are not approvable at the project engineer's level impacting DOT and local agencies' construction projects for adherence to DOT/Federal Highway Administration (FHWA) stewardship agreement.

Responsible for the entire RAM program including consulting with SMEs and Material Lab staff to determine approval, acceptance criteria and documentation requirements for non-standard materials not governed by existing standards.

Acts as liaison with local agencies for approval of construction materials.

Recommends inclusion of new or non-standard materials in the Qualified Products List. Verifies the RAMS align with the DOT Qualified Products List and Record of Materials (ROM) and adhere to the DOT/FHWA stewardship agreement.

In summary, your position also:

30% Assists the ROM program; distributes PS&E reviews to SMEs and assists in performing PS&E reviews; assists in conducting compliance reviews, reviews and monitors the RAM/Catalog Cut program; charge sheets, labor summary sheets and phone charges. Tracks the number of RAMs and Catalog Cuts processed and the amount charged and generates a computerized monthly billing report.

The definition for the TE 2 classification states: “[p]erforms transportation engineering work under general supervision.”

The Glossary of Terms found in the Department of Personnel Classification and Pay Administrative Guide defines “general supervision” as: “Recurring assignments are carried out within established guidelines without specific instructions. Deviation from normal policies, procedures and work methods requires supervisory approval, and supervisory guidance is provided in new or unusual situations. Employees work is periodically reviewed to verify compliance with policies and procedures.” Your position does not fit within the general supervision definition. You work independently and are responsible for devising your own work methods. Your position does not fit within the definition of the TE 2 classification.

The distinguishing characteristics for TE 2 state:

Work at this level is characterized by the independent application of standard engineering procedures and techniques to accomplish a wide variety of work in the office, laboratory, and/or field. Incumbents generally serve as full production staff or crew leaders. Work is assigned through general instructions and the setting of deadlines by a supervisor who engages in ongoing spot-check review, provides assistance when problems are encountered and reviews completed work. This role may include the leadership of technical support staff and entry level engineers such that incumbents are called upon to direct and train staff.

You are responsible for independently dealing with acceptance issues and documentation of standard and non-standard materials used in construction projects after the project has been approved. You routinely work on with DOT's and local agencies' projects. You determine, in conjunction with the SME, the criteria to apply for acceptance and documentation of non-standard materials. The non-standard materials require more complex work and more time for processing. This is higher level work than applying the established standards for materials. The TE 2 classification does not encompass your higher level responsibilities.

The typical work statements for the TE 2 classification provide guidance on the level of work, scope of responsibility and complexity of work performed at this level. Your work occurs when RAMs are submitted to DOT for approval. Your work is not directly referenced in the typical work for this class. However, statement that best describes your work actually describes positions that review standard specifications at the district level rather than positions with statewide technical responsibilities. For example, preliminary engineering positions at this level conduct “in-depth District-level review of standard contract plans, specifications and estimates; reviews PS&E work done by consultants; coordinates review by specialists throughout the District; acts as liaison between District and Headquarters final reviewers; participates in writing specifications and special provisions; participates in preparing plans for District-level contracts.”

Your position has statewide responsibility for conducting reviews of materials used during construction projects including non-standard materials for which no state-wide standards have been established. You work with SMEs to establish state-wide criteria for acceptance and documentation of non-standard materials. The statewide scope of your duties and responsibilities is broader than the typical duties and responsibilities described at the TE 2 level.

The definition for the TE 3 classification states “[p]erforms advance transportation engineering work under limited supervision.”

Your position works under limited supervision. You work independently and are responsible for devising your own work methods. Your position fits within the level of supervision addressed in the definition of the TE 3 classification.

The distinguishing characteristics for TE 3 state:

At this level, incumbents are generally placed in charge of a major project or functional area which is characterized by supervising several support staff (staff may include or consist of contracted consultants) or serve as a staff specialist in a complex area of limited scope (this may include serving as a staff specialist consultant to Local Agencies). Incumbents are expected to possess a thorough working knowledge of agency policies, standards and procedures as well as engineering principles, methods and practices. Assignments require judgments in selecting and adapting techniques to solve transportation problems. Incumbents may represent the Department at public meetings, open houses, to local agencies, contractors, consultants, etc., for specific projects. While work is occasionally spot-checked and reviewed upon completion, incumbents are responsible for planning and carrying out projects with only minimal supervision. Staff at this level are often called on to assign, train and evaluate engineers and technicians.

The typical work statements for the TE 3 classification provide guidance on the level of work, scope of responsibility and complexity of work performed at this level. In part, the typical work encompasses positions that function as specialists or are responsible for complex technical areas or projects.

The Glossary of Terms found in the Department of Personnel Classification and Pay Administrative Guide defines the duties of a “specialist” as involving “intensive application of knowledge and skills in a specific segment of an occupational area.” You are the staff specialist and apply specialized knowledge in the RAM program.

The Glossary of Terms found in the Department of Personnel Classification and Pay Administrative Guide defines “complex” as requiring “the use of a wide variety of rules, processes, materials, or equipment that require an application of specialized knowledge or skills. Decisions must be made independently regarding which rules, processes, materials or equipment to use in order to effectively accomplish work assignments.” Your work with non-standard materials can be complex and with the evolution of water quality and environmental concerns, the complexity of your work has increased. You employ a thorough working knowledge of agency policies, standards and procedures but you rely on SMEs for their knowledge of

engineering principles. You make independent judgments and decisions and resolve problems pertaining to the acceptance and documentation of non-standard materials.

In addition, you are the point of contact for DOT staff and local agencies for the RAM program. You represent DOT to local agencies and you plan and carry out your work with minimal supervision.

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.

Overall, the level and scope of your duties and responsibilities best fit the within the definition and distinguishing characteristics of the TE 3 classification. Your position should be reallocated.

Appeal Rights

WAC 357-49-018 provides that either party may appeal the results of the Director's review to the Personnel Resources Board by filing written exceptions to the Directors' determination in accordance with Chapter 357-52 WAC.

WAC 357-52-015 states that an appeal must be received in writing at the office of the Board within thirty (30) calendar days after service of the Directors' determination. The address for the Personnel Resources Board is 2828 Capitol Blvd., P.O. Box 40911, Olympia, Washington, 98504-0911.

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

Sincerely,

Holly Platz, SPHR
Director's Review Investigator

cc: Niki Pavlicek, DOT
Lisa Skriletz, DOP