

October 24, 2008

TO: Teresa Parsons  
Director's Review Program Supervisor

FROM: Kristie Wilson  
Director's Review Investigator

RE: **David Rey v Department of Transportation (DOT)  
Allocation Review Request No. ALLO-07-074**

On July 10, 2008, a Director's Review meeting took place by telephone conference call concerning the allocation of David Rey's position. Present during the telephone conference call were David Rey, DOT; Amy Murphy, WFSE; Niki Pavlicek, DOT Manager of Classification, Compensation, and Operations; and myself.

### **Investigator Finding**

My review finds that Mr. Rey's position is properly allocated as a Maintenance Mechanic 1 (MM 1).

### **Background**

On May 25, 2007, Mr. Rey submitted a Classification Questionnaire (CQ) to DOT HR Office requesting that his position be reallocated to a Transportation Systems Technician B (TST B). Ms. Graybill, DOT Human Resource Office, reviewed his request and issued her decision by letter dated July 31, 2007 (Exhibit A-6). In her letter Ms. Graybill outlined the reasons and basis for her denial. On August 22, 2007, Ms. Murphy, WFSE, on behalf of Mr. Rey filed a request for a Director's review.

### **Summary of Mr. Rey's perspective**

Mr. Rey asserts that his timesheets dated from May 2006 through May 2007 (exhibit C-8) prove that 90% of his time was performing electrical work. Mr. Rey feels that once his allocation request was received his electrical duties were contracted out to other sources.

Mr. Rey states that he is assigned all electrical work which includes:

- Testing electrical and amp meters on panels
- Cleaning electrical devices to ensure conductors are working properly
- Replacing breakers
- Leading electrical jobs
- Troubleshooting to ensure the integrity of the ground fault circuit interceptor
- Diagnosing and fixing electrical problems
- Purchasing electrical equipment and supplies
- Installing meter base and running wires
- Designing electric work (placement of panels and outlets)
- Tightening connections and looking for damage

Mr. Rey stated that he follows the National Electrical Code (NEC) to ensure electrical components are installed correctly and are up to code. Mr. Rey confirms that he does not possess a journey level license, which he does not believe to be an issue because the qualification of a TST B does not require journey level.

Although Mr. Rey handles other maintenance issues, he feels that the majority of his job duties are spent performing electrical work, which he asserts does not fit into the MM 1 job class. Therefore, Mr. Rey believes his position should be allocated to a TST B.

### **Comments from Amy Murphy (WFSE)**

Ms. Murphy pointed out that Mr. Rey took two tests for the TST B position. He passed the test for facilities and failed the test for roadways. Ms. Murphy stated that based on desirable qualifications and experience, Mr. Rey qualifies as a TST B and that he has been consistently performing those duties.

Ms. Murphy explained that Mr. Rey is independently responsible for purchasing, installing, checking, and maintaining electrical equipment. Ms. Murphy believes that Mr. Rey has been performing the higher class duties for a long time.

### **DOT's Rationale**

DOT states that Mr. Rey's classification questionnaire (CQ), signed April 26, 2007 (Exhibit D), is accurate. Mr. Rey's supervisor agrees that the April 26, 2007 CQ is a reflection of Mr. Rey's actual duties performed and the percentages are accurate. Mr. Rey's supervisor stated in the CQ that the electrical work Mr. Rey performs is not beyond the type of work expected from an MM 1. Mr. Rey's supervisor contends that Mr. Rey has been assigned a portion of the electrical work for a number of reasons:

1. Mr. Rey expressed an interest in improving electrical skills.
2. Electrical work is periodically the dominate work needing to be accomplished (the entire crew may be working electrical in this period).
3. The facilities crew has a working relationship with a journey level electrician in another program who agrees to oversee the more difficult electrical work.
4. Mr. Rey's facility-related electrical skills are good, and a benefit to the crew's accomplishment of all their work.

DOT asserts that Mr. Rey works for facilities which cover radio sites, rest area, headquarters, and the main section. DOT states that Mr. Rey does not perform roadway electrical work in the signal shop with the majority of TST staff.

DOT asserts that the TST job class is one class with different levels. The intent of this class series is to start at level A and move up from there. DOT explained that the TST B distinguishing characteristics (Exhibit F) state, in part, that these positions "work independently within specific instruction installing, maintaining, and testing in one or more areas listed in the definition. Work is subject to quality control review by higher level Transportation Systems Technicians".

DOT feels that Mr. Rey's position clearly falls in line with his current job classification of MM 1. In addition, Mr. Rey's supervisor confirmed that the majority of work assigned continues to meet the distinguishing characteristics and types of work identified as MM 1 work.

### **Reason and Basis for Finding**

The class series intent for TST positions states:

This class is designed for the Transportation Systems Technician to advance within the job class after satisfactory service, successfully completing a specific training program, and passing the appropriate exams for each level within the job class.

The definition for the TST class series states:

The Transportation Systems Technician will work the majority of their time in one or more of the following functions within WSDOT:

- Traffic Signals.
- Highway and other lighting systems owned and/or operated by WSDOT.
- Intelligent Transportation Systems (ITS).
- Electrical and/or electronic systems associated with tunnel operations.

- Fire control system for the Washington State Trade and Convention Center and tunnel structures.
- Electrical and/or electronic systems associated with operable and floating bridges.
- Fixed bridges with navigation lights, aviation lights, foghorns, and weather information.
- Communication systems and associated equipment within WSDOT.
- Perform electrical and electronic work pertaining to WSDOT to the codes and standards set by National Electrical Code (NEC) and/or Chapter 296-46 WAC, Chapter 296-401A WAC and Chapter 296-403 WAC.

The TST series is more related to highway signals and lighting systems which are unique and different from facilities related electrical work.

Mr. Rey states that 90% of his work performed is electrical. He included timesheets for May 2006 through May 2007. I have reviewed these time sheets and determined that Mr. Rey performed 985.90 hours of electrical work in this time period. The total hours available for the work year was 2,088. By taking the total electrical hours worked (985.90) and dividing by total hours in the work year (2,088) the percentage of time spent on electrical work is 47%. This calculation was determined by using the "Calculating Percentages Guide" found on DOP's website: <http://www.dop.wa.gov/Resources/Forms/>.

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).

Although, Mr. Rey's facilities related electrical skills are good and a benefit to the crew's accomplishments, I feel that Mr. Rey does not perform the duties intended for the TST B classification.

The definition for MM 1 states:

Positions perform semi-skilled and sub journey work in the maintenance, repair, remodeling, alterations and construction of buildings, grounds, facilities, and equipment. Positions are used as general repairers when no immediate journey level tradesperson is available. General repairer positions are used when it would be impractical to have several journey level tradespersons on site. Other positions

perform a variety of semi-skilled maintenance duties requiring a limited knowledge of various trade skills. These positions work independently in routine maintenance assignments or under the technical direction of a journey level position.

Although electrical work is periodically the dominate work needing to be accomplished by Mr. Rey's position, I believe his position still falls within the MM 1 classification. Mr. Rey has a working relationship with a journey level electrician who agreed to oversee more difficult electrical work. Mr. Rey's position is intended to cover a broad range of sub-journey level trades' work, including plumbing, mechanical and carpentry, in addition to electrical. Mr. Rey's position can perform journey level trades work with the oversight of a journeyman in that trade. Mr. Rey's duties do not reach the level of complexity envisioned in the TSTS 3 job classification.

As previously noted by the Personnel Resources Board (PRB), the guidance provided in the Department of Personnel's Classification and Pay Administrative Guide establishes that the following standards are 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.
- d) Class series concept, definition/basic function, and distinguishing characteristics of other classes in the series in question.

After reviewing the documentation and comments from all parties with regard to Mr. Rey's assigned duties and responsibilities, I conclude the MM 1 classification best describes Mr. Rey's position.

### **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 address for the Personnel Resources Board is 2828 Capitol Blvd., P.O. Box 40911, Olympia, Washington, 98504-0911.

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

c: David Rey, DOT

Amy Murphy, WFSE

Niki Pavlicek, DOT Manager of Classification, Compensation, and Operations

Lisa Skriletz, DOP Classification and Pay Manager

Enclosure: Exhibit List