

July 27, 2011

TO: Teresa Parsons, SPHR
Director's Review Program Supervisor

FROM: Kris Brophy, SPHR
Director's Review Program Investigator

SUBJECT: Bradley Bollman v. Washington State University
Allocation Review Request ALLO-11-005

Director's Determination

A management-initiated position review was conducted on Mr. Bollman's position based upon an updated Position Description form (PDF) received by the WSU Human Resource Services office (WSU-HR) effective February 7, 2011 (Exhibit B-2). As the Director's designee, I carefully considered all of the documentation in the file, including the exhibits presented during the Director's review conference, and the verbal comments provided by both parties. Based on my review and analysis of Mr. Bollman's assigned duties and responsibilities, I conclude his position is properly allocated to the Floorlayer classification.

Background

Mr. Bollman's position is assigned to the Facilities Operations department within the Construction Services division at Washington State University (WSU). This position review was based on a management-initiated request to review the work performed by Mr. Bollman and other co-workers as part of a reorganization process conducted by WSU management personnel.

By memorandum dated January 4, 2011, WSU-HR notified Mr. Bollman that his position was being reallocated to the Floorlayer class, effective February 7, 2011 (Exhibit B-1).

By fax received February 2, 2011, the Department of Personnel received Mr. Bollman's request for a Director's review of WSU's allocation determination (Exhibit A-1). In his letter, Mr. Bollman asked that his position remain allocated to the Floorlayer Lead classification.

On June 7, 2011, I conducted a Director's review telephone conference. Present during the conference were Bradley Bollman, Kandys Dygert, WFSE Counsel Representative; Kendra Wilkins-Fontenot, Assistant Director, Human Resource Services, WSU; and Rob Corchoran, Executive Director Facilities Operations.

During the telephone review conference, Ms. Dygert asserted the University had a contractual obligation under the collective bargaining agreement to work with the union prior to the start of the reorganization process and subsequent reallocation of Mr. Bollman's position. Ms. Dygert asserted this reallocation effort has been part of an ongoing effort by the University to circumvent working with the union regarding the University's classification process. In addition, Ms. Dygert stated WSU did not talk with Mr. Bollman as part of its position review process.

Ms. Wilkins-Fontenot explained the basis for revising Mr. Bollman's PDF was due to a reorganization effort within the Construction Services division. Prior to the reallocation leading to this Director's review, WSU management submitted an online PDF to WSU's Human Resource Services office, requesting that Mr. Bollman's position be reallocated to Floorlayer due to the removal of lead duties from his position effective February 7, 2011. As a result of that request, WSU-HR reviewed Mr. Bollman's position based on the revised position description and determined his position should be reallocated to Floorlayer. Ms. Wilkins-Fontenot acknowledged that management and WSU-HR staff did not speak with Mr. Bollman during this management-initiated position review process.

Ms. Wilkins-Fontenot further stated that under the University's collective bargaining agreement, the appeal process is the only way to review a reallocation action taken by the University. She stated the Director's Review process is limited in scope to a review of the position's assigned duties and responsibilities. She stated issues concerning contractual obligations regarding the classification process between the union and the University fall outside the scope of the allocation review process and are issues separate and apart from this appeal proceeding.

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. The scope of this Director's review is limited to a comparison of the duties and responsibilities of a particular position to the available classification specifications. The purpose of this review is to make 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). Therefore issues raised regarding the contractual obligations between the parties concerning the collective bargaining agreement pertaining to the University's classification process are outside the scope of this Director's Review process and will not be addressed here.

Further, in this case WSU management personnel revised Mr. Bollman's position description but did not seek his input. While input from the position's incumbent is recommended, it is not required. Both the Personnel Appeals Board and the Personnel Resources Board have 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). The position description that is now in use serves the same purpose as the former classification questionnaire and thus serves as the basis for making a position's allocation determination.

Duties and Responsibilities

Mr. Bollman works in the Construction Services division and performs a variety of floor layer activities for the WSU campus. He applies coverings to floors and other surfaces, operates and maintains associated power equipment; prepares estimates; follows appropriate safety and hazardous materials procedures, and performs related duties as required.

His assigned duties and responsibilities summarized from the Position Description form are as follows:

- 50% Prepare floors and other surfaces to accept a variety of decorative materials by scraping, sanding, washing, or otherwise removing dirt, grease, old finishes and rust scale. Remove existing finishes from surfaces by using power and hand scrapers, sanders and wire brushes. Remove, repair, and replace all types of floor coverings, including asbestos tile. Make minor repairs in plaster, sheetrock, metal, wood, concrete and masonry surfaces by filling with putty, caulks, fiberglass, resin, cement mortars, etc. Apply primers, sealers, grouts, adhesives, sub floor layers, and under coatings. Lay sheet carpet, carpet tile, vinyl tile, linoleum, rubber cove base and floor coverings made of various other types of material. Lay, set, and grout ceramic tile and other gauged stone in exterior locations, showers, bathrooms, pool areas, etc...
- 20% Operate and perform minor maintenance on air compressors, power tools and hand tools. Move furniture and place protective drop clothes; taping baseboards, glass, and other surfaces when needed. Move furniture and place protective drop cloths; tape baseboards, glass, and other surfaces when needed. Clean tools and equipment... Install, work from and remove scaffolds, stages, planks, ladders, jacks, spider stages and other elevated work platforms. Operate ladder and boom trucks and forklift. Drive service truck as required. Load and unload materials and supplies.
- 15% Adhere to regulations related to asbestos containing material abatement for employee and public safety. Use abatement means and methods. Arrange for proper handling of hazardous waste materials.
- 10% Prepare preliminary labor, material and equipment cost estimate. Make material requests. Prepare time card report.
- 5% May perform work in other trades. Perform other duties as required.

Summary of Mr. Bollman's Perspective

Mr. Bollman asserts he was acting as a Floorlayer Lead from January 4 to February 7, 2011. Since February 7, 2011, Mr. Bollman asserts there has been a slow escalation of work that he previously performed as a lead involving developing preliminary estimates and providing technical information and expertise regarding previous and ongoing work assignments and projects.

Summary of WSU's Reasoning

WSU acknowledges Mr. Bollman was absent from work during most of January and thus the date of the reallocation for his position was made effective February 7, 2011. WSU does not contest that Mr. Bollman retained lead status from January to February 7, 2011 as the effective date of the reallocation was February 7, 2011. WSU asserts since February 7, 2011 forward he was no longer serving in a Lead capacity. WSU contends that both the Floorlayer and the Floorlayer Lead classes provide for developing preliminary estimates and ordering materials and supplies as part of the regularly assigned duties.

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 Floorlayer Lead

The Definition for this class states:

Lead and work with floorlayers to perform journey-level floorlaying or floorcovering work.

The Distinguishing Characteristics for this class states:

Regularly assign, instruct, and check the work of others at a project or job location.
Perform journey-level work in applying a variety of decorative and functional covering to floors, walls, and countertops.

The Department of Personnel's Glossary of Classification Terms defines "lead" as: "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. Bollman's position does not include designated lead responsibility for other employees in his work unit as required by the definition for this class. During the telephone review conference Ms. Wilkins explained that effective February 7, 2011 Mr. Bollman no longer leads the work of the other Floorlayer position in the unit. Effective that date, Mr. Dan Ackerman, a Maintenance Mechanic 3 assumed responsibility for leading Mr. Bollman and the other Floorlayer position in the unit (See organization chart - Exhibit B-3).

A review of his revised PDF indicates his position does not have designated responsibility for leading staff. Therefore, because Mr. Bollman's position does not have responsibility for leading the other floor layer position as of February 7, 2011, allocating his position to the Floorlayer Lead class is not appropriate for his position.

For each of these reasons Mr. Bollman's position should not be allocated to the Floorlayer Lead class.

Comparison of Duties to Floorlayer

The Definition for the Floorlayer class states:

Perform journey-level floor-laying or floor-covering work.

The Distinguishing Characteristics state:

Positions in this class perform journey-level work in applying a variety of decorative and functional covering to floors, walls, and countertops.

Although the Typical Work examples do not form the basis for an allocation, they lend support to the level and scope of work performed by that class. The typical work statements provide for the inspection of work surfaces and the estimation of time and materials for repair as follows:

... Inspect surfaces for damages; estimate time and materials for repair...

Based on the changes in duties and responsibilities assigned to his position, effective February 7, 2011, the Floorlayer classification best describes Mr. Bollman's position.

A position's allocation is not a reflection 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 classifications. Based on the level and scope of the overall duties and responsibilities assigned to Mr. Bollman's position, the Floorlayer classification is the best fit.

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 P.O. Box 40911, Olympia, Washington, 98504-0911.

You may file in person at 521 Capitol Way South, Olympia, Washington. Fax number (360) 586-4694.

For questions, please call (360) 664-0388.

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

c: Bradley Bollman
Kandys Dygert, WFSE
Kendra Wilkins-Fontenot, WSU
Lisa Skriletz, DOP

Enclosure: List of Exhibits

Bradley Bollman v. Washington State University

ALLO-11-005

List of Exhibits

A. Bradley Bollman exhibits

1. Cover letter from Kandys Dygert, WFSE, requesting a Director's Review for Bradley Bollman with attached Director's Review Form, received February 2, 2011.
2. Cover letter from Kandys Dygert to Kendra Wilkins-Fontenot dated March 9, 2011 with attachments:
 - 1) WSU Allocation Determination letter dated January 4, 2011 (pages 1-2).
 - 2) Draft Facilities Operation Proposal-Supporting Documents, Emails, Memos, and Budget Documentation (pages 3-22).

B. WSU Exhibits

1. Allocation Determination letter from Kendra Wilkins-Fontenot to Bradley Bollman, dated January 4, 2011.
2. Position Description form for Bradley Bollman's position, #91717.
3. Construction Services Division Organization Chart.
4. DOP Class Specification for Floor Layer (611E).
5. DOP Class Specification for Floor Layer Lead (611F).