

July 27, 2011

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

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

SUBJECT: Monty Hopkins v. Washington State University
Allocation Review Request ALLO-11-006

Director's Determination

A management-initiated position review was conducted on Mr. Hopkins'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. Hopkins's assigned duties and responsibilities, I conclude his position is properly allocated to the Sheet Metal Mechanic classification.

Background

Mr. Hopkins'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. Hopkins 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. Hopkins that his position was being reallocated to the Sheet Metal Mechanic class, effective February 7, 2011 (Exhibit B-1).

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

On June 14, 2011, I conducted a Director's review telephone conference. Present during the conference were Monty Hopkins, Kandys Dygert, WFSE Counsel Representative; Kendra Wilkins-Fontenot, Assistant Director, Human Resource Services, WSU; and Lori Maricle, Senior Human Resource Assistant, WSU.

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. Hopkins'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. Hopkins as part of its position review process.

Ms. Wilkins-Fontenot explained the basis for revising Mr. Hopkins'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. Hopkins's position be reallocated to Sheet Metal Mechanic due to the removal of lead duties from his position effective February 7, 2011. As a result of that request, WSU-HR reviewed Mr. Hopkins's position based on the revised position description and determined his position should be reallocated to Sheet Metal Mechanic. Ms. Wilkins-Fontenot acknowledged that management and WSU-HR staff did not speak with Mr. Hopkins 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. Hopkins'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. Hopkins works in the Construction Services division and performs a variety of Sheet Metal Mechanic activities. He fabricates, installs, maintains, and repairs a variety of metal equipment, devices and systems on the WSU campus.

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

- 50% Fabricate, install, maintain, and repair stovepipes, grates, guards, chimney caps, conductor heads and pipes, down spouts, gutters, machine guards, dishwashing sinks, metal roofing, ventilators, small incinerators, window guards and screens, metal hoppers, radiator shields, and boiler stacks. Install, maintain, and repair galvanized metal and corrugated roofing and skylight flashing or stainless steel equipment. Use arc and acetylene welding equipment, brakes, forming rods, squaring shears, elbow machines, bar folders, emery wheels, and power punches. Repair metal windows and doors; form and weld, solder, braze, or silver solder a variety of metal objects, fixtures, equipment, and structures. Operate hand and power brakes, forming rods, squaring shears, elbow machines, emery wheels, power punches, and other power equipment. Alter, maintain, repair or install components and systems for pressurized, ducted heating and ventilation.
- 35% Interpret sheet metal designs, layout drawings and specifications to construct new sheet metal equipment, devices and systems. Inspect sheet metal systems and equipment to detect, troubleshoot, and correct faulty components of parts and for general effectiveness of operation. Adhere to safety rules and regulations. Service, install, and repair oil burners, fire boxes, heat exchangers, ventilation, and heating ducts. Operate and perform minor maintenance on air compressors, power tools and hand tools. Move furniture and place protective drop cloths; taping baseboards, glass, and other surfaces when needed. Clean tools and equipment with water, solvent, thinner or other appropriate cleaners to keep equipment and tools in a safe working condition. 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.
- 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. Hopkins's Perspective

Mr. Hopkins asserts that since February 7, 2011 he has been working on a tunnel project with another sheet metal worker building security gates. He contends that when he is in the shop he gets technical questions from other shop employees and other staff regarding previous projects or how to do a new project, which is similar to when he was a lead. For example, he receives requests such as time and material estimates for small projects. He asserts other employees within the shop ask him about making field changes and getting new materials for projects.

Summary of WSU's reasoning

WSU asserts since February 7, 2011 forward Mr. Hopkins is no longer serving in a Lead capacity. WSU contends that both the Sheet Metal Mechanic and the Sheet Metal Mechanic 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 Sheet Metal Mechanic Lead

The Definition for this class states:

Lead and work with Sheet Metal Mechanics to perform journey-level sheet metal work.

The Distinguishing Characteristics for this class states:

Positions in this class are distinguished by responsibility to assign and lead work at a project or job location, to instruct other journey sheet metal workers, to correct and specify methods, and to perform skilled sheet metal repair and fabrication work.

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. Hopkins'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-Fontenot explained that effective February 7, 2011 Mr. Hopkins no longer leads the work of the other Sheet Metal Mechanic positions in the unit. Effective that date, Mr. Richard Hull, a Plumber Lead (who became a Maintenance Mechanic 3 in the reorganization) assumed responsibility for leading Mr. Hopkins and the other Sheet Metal Mechanic positions (See organization chart - Exhibit B-3).

A review of Mr. Hopkins' revised PDF indicates his position does not have designated responsibility for leading staff. Therefore, because Mr. Hopkins's position does not have responsibility for leading other sheet metal worker positions, allocating his position to the Sheet Metal Mechanic Lead class is not appropriate.

For each of these reasons Mr. Hopkins's position should not be allocated to the Sheet Metal Mechanic Lead class.

Comparison of Duties to Sheet Metal Mechanic

The Definition for the Sheet Metal Mechanic class states:

Performs journey-level work forming, fabricating, and installing of sheet metal components.

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:

... Estimates materials and time needed to complete jobs.

Based on the changes in duties and responsibilities assigned to his position, effective February 7, 2011, the Sheet Metal Mechanic classification best describes Mr. Hopkins'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. Hopkins's position, the Sheet Metal Mechanic 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: Monty Hopkins
Kandys Dygert, WFSE
Kendra Wilkins-Fontenot, WSU
Lisa Skriletz, DOP

Enclosure: List of Exhibits

Monty Hopkins v. Washington State University

ALLO-11-006

List of Exhibits

A. Monty Hopkins exhibits

1. Cover letter from Kandys Dygert, WFSE, requesting a Director's Review for Monty Hopkins 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 memorandum from Kendra Wilkins-Fontenot to Monty Hopkins, dated January 4, 2011.
2. Position Description form for Monty Hopkins's position, #91717.
3. Construction Services Division Organization Chart.
4. DOP Class Specification for Sheet Metal Mechanic (624F).
5. DOP Class Specification for Sheet Metal Mechanic Lead (624G).