



**STATE OF WASHINGTON
DEPARTMENT OF PERSONNEL**

DIRECTOR'S REVIEW PROGRAM
521 Capitol Way South, P.O. Box 40911, Olympia, WA 98504-0911
(360) 664-0388 · FAX (360) 586-4694

September 20, 2011

TO: John Grady

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

SUBJECT: John Grady v. Washington State Department of Transportation (WSDOT)
Allocation Review Request ALLO-11-007

On August 16, 2011, I conducted a Director's review conference at the Department of Personnel, 521, Capitol Way South, Olympia, Washington, regarding the allocation of your position. You were present for the Director's review conference. Classification and Compensation Manager Niki Pavlicek and Human Resources Consultant Stephanie Price represented WSDOT.

Director's Determination

This position review was based on the work performed for the six-month period prior to September 13, 2010, the date WSDOT's Human Resources (HR) Office received your request for a position review. As the Director's designee, I carefully considered all of the documentation in the file, the exhibits presented during the Director's review conference, and the verbal comments provided by both parties. Based on my review and analysis of your assigned duties and responsibilities, I conclude your position is properly allocated to the Maintenance Specialist 5 classification.

Background

At the time relevant to this review, you had been assigned to WSDOT's Materials Laboratory facility, which is part of the Environmental and Engineering (E & E) Programs Division. You reported to Business Manager Steve Strauss, a Washington Management Service (WMS) Band 2 position, who reported to the State Materials Engineer Tom Baker, a WMS 4 position.

On August 23, 2010, you completed and signed a Classified Position Description (CPD) form requesting that your position be reallocated from a Maintenance Specialist 5 (class code 596L) to the Maintenance Supervisor 3 classification (class code 598E). WSDOT's HR Office received your request on September 13, 2010, but returned the form to your supervisor and

manager for review and signature. On October 14, 2010, WSDOT's HR Office received the CPD with Mr. Strauss's and Mr. Baker's signatures. However, Mr. Strauss and Mr. Baker disagreed your position should be reallocated to the Maintenance Supervisor 3 class. They attached a Management Review of Employee Reallocation Request document to the CPD clarifying their disagreement.

On January 26, 2011, HRC Stephanie Price denied your request for reallocation. While she acknowledged you supervise a team of trades personnel, Ms. Price noted "[t]he positions you supervise [were] not trades or maintenance supervisors themselves" (Exhibit B-1). Therefore, Ms. Price determined you did not meet the threshold required of the Maintenance Supervisor 3 classification.

Summary of Mr. Grady's Perspective

You assert your position has responsibility for coordinating and directing total physical plant construction and maintenance activities at the State Materials Lab. You note the Lab is a production and research facility and assert your position requires 24/7/365 on-call emergency status without compensation. You contend your position supervises trades workers and is responsible for security, fire, DDC/HVAC, and has the responsibility for working with outside construction contractors. As such, you contend your position should be upgraded to a classification that better suits the duties, responsibilities, and accountability required of the position. You point out that your position makes 5.2% more than the Maintenance Specialist 4 (MS 4) position you supervise and note the MS 4 position is overtime eligible, while your position is overtime exempt. You believe your position should be reallocated to the Maintenance Supervisor 3 class to compensate for on-call and supervisory duties and to receive fair and equitable treatment.

Summary of WSDOT's Reasoning

WSDOT contends your duties and responsibilities have not changed since your position was reallocated to the Maintenance Specialist 4 in October 2006. WSDOT acknowledges your position has responsibility for the day to day maintenance operations at the Materials Lab facility and that you supervise positions performing trades work, maintenance and construction of facilities and grounds, as well as maintenance of the equipment used to test materials used on highway construction projects. However, WSDOT asserts the positions you supervise do not supervise other positions. Therefore, WSDOT contends allocation to the Maintenance Supervisor 3 classification is not appropriate for your position.

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

Duties and Responsibilities

During the Director's review conference, WSDOT agreed the key work activities described on the CPD were largely accurate and complete (Exhibit B-3). However, as noted in the comments by management, WSDOT indicated your position did not have responsibility for the planning or development of new testing equipment. Rather, your position had responsibility for overseeing the installation, maintenance and repair of the equipment. Additionally, your supervisor and manager noted your position did not have responsibility for supervising other supervisory positions or contracted trade workers (Exhibit B-5).

Your supervisor and manager clarified your position's objective as follows (Exhibit B-5):

The State Materials Laboratory Maintenance Supervisor is responsible for all aspects of improvement, maintenance and repair of the facility, systems, grounds, appurtenances, and for a wide range of mission-critical lab equipment and machinery.

Additionally, your supervisor and manager agreed the following duties and responsibilities could be added to describe your key work activities (Exhibit B-5):

Plan, direct, and supervise physical plant maintenance activities. Maintain buildings and mechanical support systems, laboratory apparatuses and equipment. Oversee security and grounds keeping activities. Develop plans to and/or coordinate installation of new equipment. Assist in planning for modifications/renovations for the entire facility: offices and labs. Assign work.

Further, the key work activities described on the CPD include the following (Exhibit B-3):

- 30% Coordinate and direct total physical plant construction and maintenance activities at the State Materials lab, a multiple structure, 70,000+ square foot complex containing twelve independent testing labs and over three thousand pieces of test equipment. Supervise a team of trades personnel. Develop, implement, and monitor training. Implement and evaluate workflow priorities. Develop and disseminate instructions and information to unit personnel. Organize, conduct and facilitate staff meetings.
- 25% Assist in the development of facilities budget; select, train, and evaluate employees; participate in employee discipline; order materials and maintain adequate inventory of required materials to carry on shop or maintenance work; supervise preventative maintenance on buildings and facilities, maintain and repair lab equipment to ASTM/ASHTO specifications. Develop and implement safety plans; inspect for compliance with safety and health rules and regulations for all departments of the lab; maintain records on work performed; write reports as required.
- 25% Oversee trade personnel and outside contractors in construction and maintenance activities; follow up on department inquires and complaints to effect remedial actions and timely project completions; collaborate with physical plant management personnel to coordinate laboratory testing and geological/engineering functions with construction and maintenance activities; review, write and schedule work orders and maintenance requests for all crafts and balance manpower requirements with manpower availability; assist in building inspections and data collecting to determine necessary repairs and

projects costs, assist in budget preparation for physical plant operations and major modifications; conduct surveys, analyze systems and prepare reports on maintenance, construction, planning and estimating, utility production, motor pool, budgetary, and related activities; prepare and maintain physical plant operational, property inventory, and space inventory records.

- 20% Coordinates use of equipment, materials, and crews to accomplish efficient and early completion of work assignments; analyzes specifications and bids on materials and equipment to be purchased for construction; prepares preliminary and final cost estimates, from plans and specifications, for supplies, equipment, and personnel necessary to complete projects; reviews daily reports and discusses problems pertaining to the Material Lab complex and progress with supervisor; recommends changes or other remedial action to accomplish more workable installations; inspects projects for conformance to plans and specifications and code.

The prior position description for your position, dated March 2009, also supports the work described on the CPD you submitted for reallocation (Exhibit D-1-a).

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. 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 Maintenance Supervisor 3 definition states that positions “[p]lan, direct, and supervise the activities of a major functional unit in the physical plant maintenance department.” Further, the distinguishing characteristics indicate positions in this class supervise departments such as “campus repair, preventative maintenance, residence hall maintenance, housing maintenance, etc. . . . found at the largest institutions.” In addition, the distinguishing characteristics note that “positions normally report to a Maintenance Superintendent, or equivalent” and that responsibility includes “*supervision over trades or maintenance supervisors*” (emphasis added).

In this case, WSDOT indicates your position does not have the scope of responsibility consistent with maintenance supervisors at larger institutions, such as a college campus. In addition, during the Director's review conference, you clarified that while you supervise a Maintenance Specialist 4 (MS 4) position, the MS 4 position does not have supervisory responsibility for other maintenance positions. Instead, you indicated that you retain supervisory responsibility for the Maintenance Mechanic positions as well as the Maintenance Specialist 4 (Exhibit B-4). Therefore, your position does not meet the distinguishing characteristic of supervision over other trades or maintenance supervisor positions.

The Maintenance Specialist 5 (MS 5) definition reads as follows:

This is the supervisory or expert level of the series. Assists in the coordination and direction of total physical plant construction and maintenance activities of a large institution. Develop, implement, and monitor training. Implements and evaluates

workflow priorities. Develops and disseminates instructions and information to unit personnel. Organizes, conducts and facilitates staff meetings.

The MS 5 definition is consistent with your duties and responsibilities as described on the CPD and affirmed by your supervisor and manager. You serve as the maintenance supervisor at the State Materials Laboratory, where all materials used in highway construction projects are tested and evaluated. You supervise a Maintenance Specialist 4 position and two Maintenance Mechanic positions performing trades work, construction and maintenance activities, and installation, repair, and maintenance of testing equipment. In addition, some of the typical work statements at the MS 5 level consistent with the work described on the CPD include the following:

- Assist in the development of the departmental budget;
- Select, train, and evaluate employees;
- Order materials and maintain an adequate inventory of required materials to carry on . . . maintenance work;
- Supervise preventative maintenance on buildings and facilities;
- Enforce safety rules and regulations;
- Maintain records on work performed; write reports as required;
- Assist in overseeing . . . construction and maintenance activities;
- Coordinate use of equipment, materials, and crews to accomplish . . . work assignments;
- Analyze specifications and bids on materials and equipment to be purchased for construction.

Overall, the Maintenance Specialist 5 classification best describes the duties, scope, and level of responsibility assigned to your 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 mailing address for the Personnel Resources Board (PRB) is P.O. Box 40911, Olympia, Washington, 98504-0911. The PRB Office is located at 521 Capitol Way South, Olympia, Washington. The main telephone number is (360) 664-0388, and the fax number is (360) 586-4694.

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

c: Niki Pavlicek, WSDOT
Lisa Skriletz, DOP

Enclosure: List of Exhibits

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ALLO-11-007

A. John Grady's Exhibits

1. Request for Director's Review form, received February 23, 2011
2. Attachment to Director's Review form – detail of appeal
3. Classified Position Description submitted for reallocation to HR from John Grady August 23, 2010 (without manager's signatures)
4. Classified Position Description submitted for reallocation to HR from John Grady August 23, 2010 (with supervisor and manager signatures in disagreement)
5. Supervisor's and manager's comments to Classified Position Description
6. Salary schedule Range 50-73
7. September 30, 2010 email to/from Stephanie Price -status of John Grady reallocation request
8. January/February 2011 email to/from Stephanie Price -sending supervisor comment attachment to John Grady
9. Handwritten note to John from Steve about how to submit reallocation request
10. List of Duties-Responsibilities-Accountability from John Grady

B. WSDOT's Exhibits

1. Allocation Decision Memo dated January 26, 2011
2. Employee-submitted Classified Position Description August 23, 2010 (same as exhibit A-3)
3. Classified Position Description submitted for reallocation from John Grady, with supervisor and manager signatures in disagreement, date stamped October 14, 2010 (same as exhibit A-4)
4. Environmental and Engineering Programs Division Organizational Chart
5. Analysis provided by supervisor October 7, 2010 and appointing authority October 13, 2010 (same as exhibit A-5)

C. Class Specifications

1. Maintenance Specialist 5 (596L)
2. Maintenance Supervisor 3 (598E)

D. Additional Exhibits

1. August 17, 2011 email from Niki Pavlicek, WSDOT's Classification & Compensation Manager, to Teresa Parsons with attached exhibits:
 - a. Classified Position Description for Mr. Grady's position, dated March 2009
 - b. Organizational chart from October 2008