



STATE OF WASHINGTON
OFFICE OF THE STATE HUMAN RESOURCES DIRECTOR

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

February 28, 2011

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

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

SUBJECT: Christopher Perez v. Department of Corrections (DOC)
Allocation Review Request ALLO-11-014

This position review was based on the work performed for the twelve-month period prior to October 18, 2010, the date the McNeil island Corrections Center (MICC) HR office received the request for a position review submitted by Mr. Perez's supervisor, Mr. James McGinnis. As the Director's Review Investigator, I carefully considered all of the documentation in the file, the exhibits, and the verbal comments provided by both parties during the review telephone conference. Based on my review and analysis of Mr. Perez's assigned duties and responsibilities, I conclude his position is properly allocated to the Electronics Technician 4 classification.

Background

At the time relevant to this request, Mr. Perez was assigned to the McNeil island Corrections Center (MICC), which has subsequently closed. DOC HR Classification unit conducted a position allocation review following submittal of a management-initiated request for a position review of Mr. Christopher Perez's position to MICC HR on October 18, 2010 (Exhibit B-1). In its submitted Position Review Request form, Mr. James McGinnis, MICC Plant Manager 3 and Mr. Perez's supervisor, requested Mr. Perez's position be reallocated from the Electronics Technician class to the Senior Telecommunications Specialist classification. By memorandum dated April 15, 2011, DOC HR notified Mr. Perez that his position was being reallocated to the Electronics Technician 4 classification, effective October 20, 2010 (i.e. the date the request was received by the DOC HR Classification unit. (See exhibit A-2)

On April 21, 2011, the Department of Personnel received Mr. Perez's Request for a Director's Review form appealing DOC's reallocation determination (Exhibit A-1).

This matter was originally scheduled for review on September 12, 2011. Following several unavoidable delays, I conducted a Director's review telephone conference with the parties on February 14, 2012. Present during the conference were Christopher Perez; Mr. Lu Murkowski, ITS 3, DOC; John Kessler, Facilities - WCC for Women; Nicole Baker, HR - DOC; Tina Cooley, HR - DOC, and Melissa Bovenkamp, HR - DOC.

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

The purpose of Mr. Perez's position is to install, maintain, repair and test electronic and telecommunication systems and equipment at MICC. The majority of Mr. Perez's time is spent performing complex installation, maintenance, testing and repair of electronic and low voltage electrical systems and sub-systems used in and around the MICC facility. This includes relay controls used in facility security, intercom/paging system, alarm and closed circuit and cable television surveillance systems, fire/smoke detection and suppression systems, HVAC systems radio communication equipment, intercom, and microwave communications systems.

Mr. Perez also has responsibility for maintaining the MICC telecommunications system infrastructure and telephone equipment. Mr. Perez installs and maintains the fiber optic and copper cabling network and administers the PBX.

The management-submitted Position Review Request form describes Mr. Perez's duties and responsibilities as follows:

- 20% Installing, troubleshooting, testing, repairing, evaluating or replacing video monitoring equipment, security alarm systems and fire alarm systems.
- 35% Installing, troubleshooting, testing, repairing, evaluating or replacing electronic locking devices, cable television systems, environmental controls, Programmable Logic Controller systems, radio communication systems, intercom communication systems, Microwave and various other sophisticated communication devices and systems. Telecommunications infrastructure administration.
- 30% Telephone and Data line placement or moves including both copper and fiber optic systems, working on touch screen computer systems and associated networks. Coordinates or consult with staff on proper operation of electronic communications equipment. Coordinate with vendors and contractors on new construction, remodeling or repairs of electronic and digital communications equipment.
- 10% Coordinate or consult with staff on proper operation of electronic equipment. Coordinate with vendors and contractors on new construction, remodeling or repairs for electronic security equipment. Maintain a proper inventory of all necessary parts and replacement equipment, tools and supplies. Complete documents as required.
- 5% Other duties as required.

In her allocation determination letter, Ms. Baker stated the position objective listed in the PDF submitted for reallocation was nearly a verbatim list of the typical work statements for the Senior

Telecommunications Specialist job classification. Additionally, the position objective section listed ITS 3 definition under the title, "Distinguishing Characteristics. Also, the essential functions section of the PDF lists verbatim the typical work statements from the ITS 3 class specification.

When considering the duties and responsibilities assigned to Mr. Perez's position, I reviewed the PRR, the PDF, and Ms. Baker's desk audit notes. In her allocation determination letter (Exhibit A-2), Ms. Baker stated that during her desk audit with Mr. Perez, Mr. Perez indicated and later confirmed that approximately 30% of his time is spent working on the MICC telephone system in accordance with Telecommunications Distribution Infrastructure Standards (TDIS) Mr. Perez also indicated that he spends approximately 55% of his time working on low voltage electrical systems.

Summary of Mr. Perez's Perspective

Mr. McGinnis asserts that Mr. Perez's work on the telecommunication infrastructure and other systems work at MICC, Cedar Creek Correctional Center (CCCC), and the DSHS Special Commitment Center (SCC) meet the requirements of the Senior Telecommunications Specialist class. Mr. McGinnis asserts Mr. Perez has been factory certified to maintain and install the fiber optic and copper cabling network, and administration of the PBX. Mr. McGinnis asserts Mr. Perez supports several other facilities and assumed additional information technology duties when another co-worker relocated to a different facility. Mr. McGinnis asserts Mr. Perez's position should be reallocated to a higher level class. Mr. McGinnis asserts that with the converging of information technology, electronic security, and telecommunications, the overall complexity of Mr. Perez's work has and will continue to increase; thereby warranting reallocation to a higher level class.

Mr. Perez asserts his position meets the requirements of the ITS 3 class. Mr. Perez asserts he assumed additional ITS telecommunications duties from another employee when that individual left the maintenance department. Mr. Perez asserts he performs many of the tasks described by the ITS 3 class including conducting needs assessments, requirements analysis, and evaluating products, etc. for required updates and moves. Mr. Perez asserts he performs telecommunications fiber optic and other infrastructure support work at MICC. Mr. Perez asserts the ET 4 class is not appropriate because the language within the class specification is not specific to prisons.

Summary of DOC's reasoning

DOC asserts the purpose of Mr. Perez's position is to perform technical tasks in support of the island's electrical, electronic and telecommunications systems. DOC contends the purpose of Mr. Perez's position is not to perform IT duties but rather to support the layout, construction and installation of electronic and safety equipment using low voltage systems and telecommunications cabling systems. DOC asserts Mr. Perez's knowledge and use of information technology is secondary to his primary knowledge, skills, and application of the electronics technology occupational field. Similarly, DOC contends Mr. Perez's use of telecommunications technology is to provide a common cabling distribution system which supports and integrates low voltage electrical systems within the MICC facility.

DOC contends Mr. Perez's position exists to support safety and security systems using electronic locking devices, security alarm systems, telephones, two way radios, microwave communications, closed circuit television and fire alarm VPNS. DOC contends the majority of Mr. Perez's time is spent performing senior-level Electronics Technician 4 work, which includes

installing, maintaining, testing and repairing a variety of complex electrical and electronic systems used in security and alarm surveillance.

DOC contends Mr. Perez's position does not meet the intent of the Senior Telecommunications Specialist class requirements of working on statewide telecommunication systems with responsibility for an assigned geographic area. DOC asserts that while Mr. Perez occasionally provides assistance at other DOC correctional facilities and locations, he is not assigned to regularly perform work over a designated geographical area. DOC asserts Mr. Perez's position does not meet the Electronic Communications Systems Technician – Shop class because he does not work in a central maintenance facility nor assist a field technician.

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.

In Byrnes v. Dept. of Corrections, PRB No. R-ALLO-06-005 (2006), the Board held that “[w]hile a comparison of one position to another similar position may be useful in gaining a better understanding of the duties performed by and the level of responsibility assigned to an incumbent, allocation of a position must be based on the overall duties and responsibilities assigned to an individual position compared to the existing classifications. The allocation or misallocation of a similar position is not a determining factor in the appropriate allocation of a position.” Citing to Flahaut v. Dept's of Personnel and Labor and Industries, PAB No. ALLO 96-0009 (1996).

Comparison of Duties to Senior Telecommunications Specialist (STS)

The Definition for this class states:

Responsible for digital and analog telecommunication equipment and networks for an assigned geographic area. Coordinates field activities and assists telecommunication engineers in the overall operation of statewide telecommunication systems. Provides training to agency personnel and user customers. Performs the duties of an Electronic Communications Systems Technician – Field. May supervise or lead technical staff.

This class describes positions which coordinate field operations for an assigned geographic area and assist telecommunication engineers in the operation of statewide telecommunication systems. While a portion of Mr. Perez's work reaches aspects of this class, the primary focus of his position, and the overall scope and level of responsibility of his position as a whole, does not meet the requirements of this class.

Mr. Perez is not responsible for supporting digital and analog telecommunication equipment and networks for an assigned geographic area. The primary focus of Mr. Perez's position is to provide technical support to MICC safety and security electrical, electronic, and telecommunications systems. While he is occasionally asked to provide telecommunications infrastructure assistance to other DOC correctional facilities, this is not the primary focus of his position. Additionally, the scope of Mr. Perez's work does not including coordinating field activities and assisting telecommunication engineers in the overall operation of a statewide telecommunication system.

Further, this class does not address Mr. Perez's primary focus of providing support to the MICC electronic safety and security systems. In total, Mr. Perez's position does not meet the requirements of the definition and his position should not be reallocated to the STS class.

Comparison of Duties to Electronic Communication Systems Technician - Field (ECST-F)

The Definition for this class states:

Serves as the electronic communications field technician for an assigned geographic area. Independently performs skilled work in installing, maintaining, and repairing sophisticated electronic communications systems equipment. May act as lead worker over other skilled communications personnel assigned to assist them in their area of responsibility

The ECST-F class describes positions which serve as an electronic communications field technician for an assigned geographical area. A portion of Mr. Perez's work reaches the intent of this class. There is a microwave tower located on McNeil Island which serves as the main receiver for the MICC facility. Signals from the tower run to the PBX trunks, and EPN branches feed different parts of the facility. In addition, approximately 1/3 of the city of Tacoma's phone connectivity runs through the MICC tower.

In her desk audit notes, Ms. Baker notes Mr. Perez's duties includes scheduling and facilitating contracted maintenance with Day Wireless, and providing access for the City of Tacoma to work on their telephone communication systems which reside on the MICC microwave tower. During the review conference, Mr. Perez stated given the remote location of the tower, he performs preventive and non-scheduled maintenance and repairs on the tower's communications equipment as needed.

While this portion of work reaches the requirements of this class, this class does not address the broader scope of Mr. Perez's position of providing support to the MICC electronic safety and security systems. Further, Mr. Perez's position does not meet the primary requirement of this class of serving as an electronic communications field technician for an assigned geographic area.

Comparison of Duties to Electronic Communication Systems Technician - Shop (ECST-S)

The Definition for this class states:

Performs skilled work in installing, maintaining, and repairing sophisticated electronic communications systems equipment in a central maintenance facility, or may assist a field technician.

Mr. Perez's position does not involve installing, maintaining, and repairing sophisticated communications systems equipment in a central maintenance facility or assisting a field technician as required.

Comparison of Duties to Information Technology Specialist 3 (ITS3)

The Definition for this class states:

In support of information systems and users in an assigned area of responsibility, independently performs consulting, designing, programming, installation, maintenance, quality assurance, troubleshooting and/or technical support for applications, hardware and software products, databases, database management systems, support products, network infrastructure equipment, or telecommunications infrastructure, software or hardware. [Emphasis added]

The majority of assignments and projects are moderate in size and impact an agency division or large workgroup or single business function; or internal or satellite operations, multiple users, or more than one group. Consults with higher-level technical staff to resolve complex problems.

The portion of Mr. Perez's work providing technical support to the MICC telecommunication system infrastructure and associated telephone equipment meets the definition of this class. Approximately thirty percent of Mr. Perez's duties involve working on the MICC telephone system. Mr. Perez independently conducts needs assessments, consults, designs, installs, maintains, troubleshoots and provides technical support for the MICC telecommunications infrastructure, the PBX, and other associated telecommunications software and hardware. Mr. Perez independently performs a variety of telecommunications technical support activities. He pulls wires, installs jacks, links and tests connections, and makes other additions, moves or other telecommunication changes as required. He coordinates telecommunication system needs with vendors and contractors on new construction or remodeling projects, serves as the telecommunications systems administrator, and monitors and enhances the operating environment as needed.

However, while this portion of work is addressed in the definition of this class, the information technology series, and the ITS 3 class specifically, does not address the primary focus of his position, and the majority of his duties as a whole, which is to provide technical support to a variety of MICC electronic safety and security systems. Mr. Perez's information technology work is secondary to his primary focus of working within the electronics technology occupational field. Additionally, the telecommunications infrastructure work Mr. Perez performs also provides a common cabling distribution system which supports and integrates the low voltage electrical systems used within the MICC facility.

Comparison of Duties to the Electronics Technician (ET) series

The Definition for the Electronics Technician class states:

Installs, maintains, repairs and tests electrical and electronic systems used in security and alarm surveillance and instructs personnel in the proper operation and minor maintenance of this equipment. [Emphasis added]

The primary focus of Mr. Perez's position falls within the scope of the Electronics Technician series as stated by the Definition of the ET class which specifically addresses installing, maintaining, repairing and testing electrical and electronic systems used in security and alarm surveillance.

In addition, a previous decision by the Personnel Appeals Board supports the type of work assigned to these positions. The PAB decision provided guidance as to the type of work performed by positions allocated to the Electronics Technician by concluding the following:

The specification for the Electronics Technician classification states that incumbents perform skilled journey level work which includes installing, maintaining, repairing and testing electrical and electronic systems used in security and alarm surveillance and instructing personnel in the proper operation and minor maintenance of this equipment. The typical work for this class includes the installation and maintenance of internal security systems, including electronic surveillance systems, and conducting inspections and tests to ensure the security systems are functional. The typical work also includes recommending purchases of security devices, consulting with contractors, and instructing employees in the use and repair of security systems. This class specifically addresses the maintenance and repair of electrical and electronic systems used in security and alarm surveillance such as those used at Fircrest School. Hafzalla v. Dep't. of Social and Health Services, PAB No. ALLO-00-0025 (2001).

This is further supported in the Electronics Technician 2 class specification which is defined in part as performing journey-level work in the "layout, construction and installation of radio communications, electronic and safety equipment," which includes maintaining digital electronic equipment and delivering, installing, and calibrating test equipment. [Emphasis added]

In total, Mr. Perez installs, configures, maintains, and repairs systems used for security and alarm surveillance at MICC, as envisioned by the Electronics Technician classes.

Comparison of Duties to the Electronics Technician 4 (ET4)

The Definition for this class states:

Serves as Lead or senior level technician and performs work in [the] layout, construction and installation of electronic and safety equipment. Troubleshoots, maintains, repairs and tests, analog, and/or digital electronic equipment. Delivers and installs equipment, calibrate test equipment. Assembles scientific instruments or electronic air monitoring systems. Implements and evaluates workflow priorities. Develops and disseminates instructions and information to unit personnel. [Emphasis added]

The Electronics Technician 4 class accurately describes the overall scope and level of responsibility assigned to Mr. Perez's position. Mr. Perez serves as a senior-level technician performing a variety of specialized technical support in the layout, construction, and installation of complex electronic and safety equipment. Mr. Perez's overall level of responsibility fits the highest level of the series as an ET 4. Mr. Perez independently plans and executes the installation, configuration, maintenance and repair of closed circuit and cable television and fire alarm VPNs. He consults with management personnel on the acquisition of two way radio communication products and delivery. He installs, troubleshoots, maintains and repairs complex low voltage electrical systems and sub-systems including relay controls used in MICC security, along with a variety of other electronic security and surveillance systems.

Although a portion of Mr. Perez's work meets the ITS 3 class, the majority of work assigned to his position is more accurately described by the Electronics Technician 4 classification. In determining which class provided the best fit, it is also noted that Mr. Perez's position fits within the MICC organizational structure by reporting to the MICC Facilities Manager (Exhibit B-4).

Additionally, 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. Dudley v. Dept. of Labor and Industries, PRB Case No. R-ALLO-07-007 (2007).

Further, the PRB has previously determined that while one class appeared to cover the scope of a position, there was another classification that not only encompasses the scope of the position, but specifically encompassed the unique functions performed. Alvarez v. Olympic College, PRB No. R-ALLO-08-013 (2008). Further, the Board has consistently held that "[w]hen there is a definition that specifically includes a particular assignment and there is a general classification that has a definition which could also apply to the position, the position will be allocated to the class with the definition that includes the position" Mikitik v Depts. of Wildlife and Personnel, PAB No. A88-021 (1989).

Finally, positions are to be allocated to the class which best describes the majority of the work assignment. Ramos v DOP, PAB Case No. A85-18 (1985).

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. Perez's position, the Electronic Technician 4 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: Christopher Perez, DOC
Nicole Baker, DOC
Lisa Skriletz, DOP

Enclosure: List of Exhibits

CHRISTOPHER PEREZ v DOC

ALLO-11-014

List of Exhibits

A. Christopher Perez Exhibits

1. Request for Director's Review form received April 21, 2011(page 1-2)
2. Allocation determination letter dated April 15, 2011(page 1-6)
3. Exhibit Charter (page 1-3)
4. March 2011 email from Nicole Baker updating Mr. Perez on allocation process and explaining she will be doing additional interviewing (1page)
5. December 2008 email from Jim McGinnis regarding the end of the Inter-agency agreement between DSHS and SCC (1 page)
6. Position Description for John Olsen submitted for successful reallocation to ITS3 (page 1-8)
7. Position Description for Lou Murkowski ITS3 whose duties Mr. Perez acquired after his retirement (page 1-7)
8. Memo from William Huston, plant manager at WCC regarding justification for Electronic Technicians upgrade to ITS3 (1 page)
9. Position Description for Christopher Perez for reallocation from Electronics Technician to Senior Telecommunications Specialist (page 1-8)
10. Position Description for Christopher Perez for reallocation from Electronics Technician to ITS3 (page 1-8)
11. December 2008 email from Jim McGinnis regarding review of DOC policy, illustrates typical duties for Christopher Perez (page 1-2)
12. January 2009 email from Jim McGinnis regarding recertification training for Systemax (page 1-2)
13. November 2008 email from Charlie Ryman regarding incident at MICC; illustrating responsibility for infrastructure (page 1-2)
14. List of recertifications due for techs throughout the state to maintain Systemax self maintainer status (page 1-2)
15. July 2008 email from Steve Ramsey regarding a decision to have DVR software installed and integrated; illustrating IT duties assigned (page 1-2)
16. Drawing of Network that Mr. Perez maintains and integrates (1page)
17. Work order illustrating infrastructure maintenance
18. October 2010 email from Jim McGinnis demonstrating that the phone system was Christopher Perez's responsibility (page 1-2)
19. Copy of DOC Policy 820.200: procedures not followed: IV A.2, IV A.3, IV A.4, and IV A.5 (page 1-6)

B. DOC Exhibits

1. PRR requesting reallocation signed by incumbent and supervisor October 20, 2010 (page 1-6)
2. PDF submitted for reallocation signed by incumbent and supervisor October 20, 2010 (page 1-8)
3. Current Position Description Form dated December 2006 (page 1-5)
4. McNeil Island Corrections Center Plant Manager Organizational Chart (1 page)
5. Interview notes from desk audit performed December 22, 2010 with Christopher Perez (page 1-9)
6. Interview notes from desk audit performed December 22, 2010 with supervisor Jim McGinnis (page 1-2)
7. Letter of support from Superintendent Ron Van Boening dated October 15, 2010 submitted to HR in request packet (1 page)
8. Letter of appreciation from Captain David Flynn dated October 12, 2010 submitted to HR in request packet (1 page)

C. Class Specifications

1. Class Specification for Senior Telecommunications Specialist (594H)
2. Class Specification for Electronic Communications Systems Technician - shop (594E)
3. Class Specification for Electronic Communications Systems Technician - field (594F)
4. Class Specification for Information Technology Specialist 3 (479K)
5. Class Specification for Electronics Technician (592W)
6. Class Specification for Electronics Technician 4 (592M)