



STATE OF WASHINGTON
OFFICE OF FINANCIAL MANAGEMENT

STATE HUMAN RESOURCES DIVISION | DIRECTOR REVIEW PROGRAM
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April 26, 2013

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

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

SUBJECT: John Anderson v Washington State Department of Transportation (WSDOT)
Allocation Review Request ALLO-12-027

Director's Determination

Mr. Anderson's position was reallocated effective April 16, 2012, following a management-initiated position review based upon an updated Position Description received by the DOT Human Resource Services office. 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. Anderson's assigned duties and responsibilities, I conclude his position should be reallocated to the Transportation Engineer 4.

Background

Mr. Anderson's position was reallocated in 2000 from the Transportation Engineer 3 to the Transportation Engineer 4 class. In exhibit B-4, Ms. Martin indicates that Mr. Anderson's position was reallocated on a best fit basis according to the following responsibilities assigned to his position:

- Thorough knowledge of technical engineering practices and department policies, procedures and standards.
- Relevant to the Construction Contract Information System (CCIS) determined system needs and set system maintenance priorities. Responsible for the authorization, testing and acceptance of all system improvements and modifications. Developed and provided training on the system, and managed system security authorization for all users.
- Relative to these duties, exercised considerable independence of action in decision making and problem solving, and was considered the statewide specialist in an area of medium size, scope and impact.

The last Position Description on file for his position is dated April, 2003 (exhibit A-3). As part of a departmental reorganization conducted within the Engineering Office in 2011, a revised Position Description (exhibit B-1) was completed and signed by Mr. Anderson and his supervisor, Mr. Randy Dubigk in December 2011 and submitted to the WSDOT HR office for review.

WSDOT Human Resources (WSDOT-HR) conducted a position review following submittal of the management-requested reclassification for Mr. John Anderson's position. Management requested that Mr. Anderson's position be reallocated from the Transportation Engineer 4 to the Transportation Engineer 3 classification. By memorandum dated March 23, 2012, DOT-HR notified Mr. Anderson that his position was being reallocated downward to the Transportation Engineer 3 classification, effective April 16, 2012 (Exhibit B-2).

On April 23, 2012, the Office of the State Human Resources Director received Mr. Anderson's Request for a Director's Review form appealing DOT's reallocation determination (Exhibit A-1).

On March 13, 2013, I conducted a Director's review conference. Present during the conference were John Anderson; Kristen Kussmann, Union Representative, IFPTE Local 17; Jeff Carpenter, State Construction Engineer, WSDOT; and Jennifer Martin, Human Resource Consultant, WSDOT.

During the conference Mr. Anderson entered additional exhibits. This information has been added to the record and incorporated as exhibits herein.

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

Mr. Anderson's position serves as a Construction Administration Support Engineer for the agency's State Construction Office located within the Engineering and Regional Operations Construction Division. Mr. Anderson serves as an engineering technical specialist responsible for the administration of the CCIS, a statewide mainframe computer system used statewide by WSDOT construction offices. The CCIS is the agency's centralized construction contract information system used to administer construction contracts across the state. His position is responsible for organizing, monitoring and making process adjustments to the enterprise CCIS and the Force Account (FA) mainframe application systems.

Mr. Anderson also provides administrative technical support in developing Departmental policies regarding the agency's Force Account Payments, Contract Change Orders, and the Construction Data Mart application systems.

Mr. Randy Dubigk, Transportation Supervising Engineer, is Mr. Anderson's immediate supervisor. Mr. Jeff Carpenter is the State Construction Engineer and Mr. Anderson's second-line supervisor. Mr. Dubigk and Mr. Carpenter provided comments to Ms. Martin regarding Mr. Anderson's revised duties as a result of reorganization within the Engineering Office. The information they provided to Ms. Martin during her review are noted in exhibit B-3 and are summarized in italics below in conjunction with Mr. Anderson's duties listed in the Position Description for his position:

30% This position oversees the administration of the Construction Contract Information

System (CCIS), a statewide mainframe computer system containing WSDOT construction information used [as] an aide in contract administration issues. Assists in the application of the Construction Datamart, a topic oriented reporting system for construction offices used on a statewide basis. Provide advice on the capabilities and coordinate change in contract administration with the capabilities of both systems. Work independently with WSDOT IT staff to determine system needs and initiate System Maintenance Requests (SMR). Set priorities of new and existing SMRs. Responsible for the coordination of testing and acceptance of all system improvements and modifications initiated by SMR. Develop and provide customer training for the systems discussed above, inform the users about changing requirements relating to contract administration such as proper use of CCIS system.

- 15% Manage the Force Account Application, a statewide server application used to estimate the cost of Force Account work on our highway construction projects. Determine reimbursement for contractor owned, special or unique equipment by working directly with the vendor, who provides rental rates on a national level, and the project offices in establishing these rates.

Supervisor's comments: This position coordinates the administration of the CCIS and FA mainframe applications. ...it is not responsible for 'managing' these systems anymore, but the responsibility is now more of a coordinating function. This position coordinates with IT staff on system improvements, but does not make system improvements. Some decisions are made relative to this program, but are within parameters defined by the Supervisor and/or Appointing Authority. In the past these duties accounted for approximately 85% of the time... now it's half that. These programs do require technical engineering knowledge, but is not considered a statewide specialist...and is not considered to be the statewide specialist for it. There are two other positions in the office that also participate in the coordination of the system. ...The system has been in place for many years, so now the work is more of a standard technical assistance nature with occasional additional projects associated with it. ...the scope of this position is not considered a "headquarters" statewide specialist...

- 10% Review all Final Inspection and Acceptance of Federal-Aid Contract reports, submitted statewide, for compliance of Stewardship agreements with the FHWA.

Supervisor's comments: This position does not have approval authority on Final Inspections. This is a check and balance, where this position would identify a problem and bring it to the attention of others to fix. It does require engineering knowledge and analysis of information.

- 10% Conduct documentation reviews with Region Documentation Engineers when requested. This position has the responsibility for monitoring FHWA Stewardship commitments, including analyzing and resolving deficiencies in contract documentation on WSDOT construction contracts. This position visits field offices and reviews contract records with regards to procedures used to ensure compliance with the contract and State and Federal requirements. This position resolves review exceptions/deficiencies when found and provides guidance or develops new department procedures for the correction of those exceptions/deficiencies.

Supervisor's comments: This requires visits with field offices to review contract records in

accordance with State and Federal rules. This work does require engineering knowledge, but it occurs minimally and is of a usual process in nature. It does not exercise considerable independent decision making authority and problem solving, and is not considered a specialized technical area of medium size/scope/impact.

- 18% This position provides training and guidance on application of State and Federal minimum prevailing wage laws. Receive requests for prevailing wage determinations and prepares the formal submittal to the U.S. Department of Labor and Washington State Department of Labor and Industries.

Supervisor's comments: This requires engineering knowledge and the impacts could be to recommend withholding of payment to a contractor if all proper paperwork is not in order. However, it isn't responsible for making decisions of a considerable scope. The function of these duties is of an advising nature.

- 5% Represent Headquarters Construction Office during audits by external auditors. Act as the first point of contact for questions by the auditors to avoid misunderstanding on misinterpretation of our contract specification or procedures by the auditors. Facilitate discussions between construction office staff and the auditors to answer questions or clarification of ambiguities or missing information in the contract documents.
- 5% Publish bi-annually the Stewardship Assignment Report and assign Stewardship responsibilities for new contracts.
- 5% When requested, will prepare written reports for the State Construction Engineer.

During the review conference Mr. Anderson indicated that the portion of his time representing the Construction Office during audits and providing training on wage-rate issues is actually much less than indicated on the PDF.

Summary of Mr. Anderson's Perspective

Mr. Anderson contends his duties have not significantly changed as a result of the reorganization and that his position should remain allocated to the Transportation Engineer 4 class. Mr. Anderson asserts he functions as a statewide Technical Program Specialist through his responsibility for managing and maintaining the CCIS and FA applications. Mr. Anderson asserts that his duties extend beyond coordinating to include managing two applications which meet the size requirements of the TE 4 level class of serving as a statewide specialist in an area of medium size/scope/impact.

Mr. Anderson asserts his duties include identifying issues in the systems and working independently with the IT department to resolve system modifications, corrections and changes without his supervisor's oversight. Mr. Anderson asserts that he is responsible for the authorization, testing and acceptance of all system improvements and modifications to those systems. Mr. Anderson asserts that his position continues to require considerable independence of action in decision making because he is the one involved in identifying and implementing the detailed system changes required to make business-related programmatic corrections to the application systems.

Mr. Anderson asserts he spends a majority of his time working on the CCIS and FA systems. He states that the complexity of the systems have actually grown with the acquisition of two new

tools used for contract management by the agency including the Construction Data Mart and Contract Manager applications.

Mr. Anderson asserts that he now performs some higher level duties that were taken from his supervisor and added to his position as part of the reorganization. This includes representing the construction office during audits, providing training on wage-rate issues, and conducting documentation reviews with region documentation engineers.

In total, Mr. Anderson asserts his overall level of responsibility and decision-making authority reach the TE 4 class. Mr. Anderson asserts his position should be allocated to that class.

Summary of WSDOT's Reasoning

WSDOT asserts the overall level and scope of Mr. Anderson's duties no longer reach TE 4 level of responsibility with respect to administrating the CCIS and FA mainframe applications. In her Assessment Determination note document (exhibit B-4), Ms. Martin asserts Mr. Anderson's revised duties in the revised Position Description form (exhibit B-1) do not meet the criteria of the TE 4 class on the basis of the following:

- The CCIS system is not as large a function as it used to be and no longer constitutes the majority of Mr. Anderson's duties.
- This computer system is used statewide. However, it no longer requires senior level technical support, but rather coordination with IT on system changes and system capabilities and providing technical assistance to users.
- This computer system is not considered a "program" and no longer requires a program manager to manage it (i.e. integrating or controlling activities and functions), and is not considered a specialized area of medium size or impact. There are two other positions within the same office that would also provide technical assistance to others as needed.
- The duties do not require the position to exercise considerable independence of action in decision making and problem solving. These types of decisions are made at the supervisor level and communicated to this position to carry out.
- This position does require journey-level knowledge of engineering principles and practices (fully competent and qualified level).
- The final inspection reviews, documentation reviews, and prevailing wage training are not considered programs, and do not require exercising considerable independence of action in decision making and problem solving. However, these duties do require thorough engineering knowledge, and the ability to analyze information to provide guidance and make recommendations when applicable.

For these reasons, WSDOT asserts Mr. Anderson's position was properly reallocated to the TE 3 level class.

Comparison of Duties

When comparing the assignment of work and level of responsibility to the available class specifications, the Class Series Concept (if one exists) followed by the 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.

Comparison of Duties to the Information Technology Specialist Series

The Class Series Concept for the Information Technology series states in relevant part:

“Positions in this category perform professional information technology systems and/or applications support for client applications, databases, computer hardware and software products, network infrastructure equipment, or telecommunications software or hardware.

This category broadly describes positions in one or more information technology disciplines such as: Application Development and Maintenance, Application Testing, Capacity Planning, Business Analysis and/or Process Re-Engineering...IT Project Management, Systems Software, Web Development, or Voice Communications.”

Positions which perform information technology-related work to accomplish tasks but are non-technical in nature would not be included in this occupational category.

[Emphasis added]

Incumbents in this series provide professional information technology systems, programming, installation, maintenance and/or systems support in one or more of the IT disciplines identified in the class series concept. Mr. Anderson does not have this level of responsibility assigned to his position.

The primary focus of Mr. Anderson' position is to organize, monitor and make business process adjustments to the enterprise Construction Contract Information System (CCIS) and the Force Account (FA) mainframe applications. He is also responsible for providing administrative technical support in developing departmental policies regarding the agency's Force Account Payments, Contract Change Orders, and the Construction Data Mart application systems.

His position requires knowledge of technical engineering principles and practices to perform his duties. A portion of his duties involve performing aspects of information technology-related business analysis work such as coordinating with IT staff on making system improvements, changes and modifications based on revised business practices, rules and/or regulations. However, Mr. Anderson does not perform technical IT applications development and maintenance tasks or other technical IT work on those systems. Those activities are performed by the IT department in conjunction with his technical engineering and administrative process input.

Therefore, while one aspect of his position involves performing information technology-related business analysis work to accomplish his tasks, the primary focus of his position, and the majority of his duties as a whole, are non-technical in nature and do not fall within this occupational category.

For this reason his position should not be reallocated to a class within the Information Technology Specialist series.

Comparison of Duties to Transportation Engineer Series

The Definition for the Transportation Engineer 3 class states:

Performs advance transportation engineering work under limited supervision.

The Distinguishing Characteristics for the TE 3 class state:

At this level, incumbents are generally placed in charge of a major project or functional area which is characterized by supervising several support staff (staff may include or consist of contracted consultants) or serve as a staff specialist in a complex area of limited scope (this may include serving as a staff specialist consultant to Local Agencies). Incumbents are expected to possess a thorough working knowledge of agency policies, standards and procedures as well as engineering principles, methods and practices. Assignments require judgments in selecting and adapting techniques to solve transportation problems. Incumbents may represent the Department at public meetings, open houses, to local agencies, contractors, consultants, etc., for specific projects. While work is occasionally spot-checked and reviewed upon completion, incumbents are responsible for planning and carrying out projects with only minimal supervision. Staff at this level are often called on to assign, train and evaluate engineers and technicians.

Incumbents at this level perform advanced transportation work and may serve as a staff specialist in a complex area of limited scope. Additionally, while work is occasionally spot-checked for completion, incumbents plan and carry out projects with minimal supervision.

Overall, Mr. Anderson's position exceeds this scope and level of responsibility. Mr. Anderson serves in a centralized role as the agency's statewide technical specialist for the CCIS and FA applications. Thus, his position is more accurately described as providing agency wide (i.e. Headquarters level) consultation and support in a specialized technical area of medium size, scope and impact regarding the CCIS and FA systems. Further, Mr. Anderson works fully independently, and his work is not spot-checked for completion.

In exhibit A-9, Mr. Anderson further clarified the role and function of the CCIS and FA applications. In his comments he states that the CCIS mainframe computer application is used in all 44 WSDOT Construction Offices, 6 Region Construction Offices and the HQ Construction Office. He states that hundreds of employees and consultants use CCIS to manage and track construction projects throughout the state. The CCIS tracks working days on a construction project and contractors are charged damages for taking more time to complete a project. Mr. Anderson states that all change orders are created and printed from CCIS, and all major milestone dates are also managed and tracked within CCIS.

Mr. Anderson states that the FA application is used as a tool for tracking time and materials in order to pay contractors for their work on projects. The FA system also tracks employee hours and wages, equipment hours, and cost and materials for payment to contractors. He indicates that between 2009 and 2012, WSDOT paid \$308 million to contractors using the FA system to track their work.

He indicated that both the CCIS and the FA applications are used in all WSDOT construction projects, including the Alaska Way Viaduct and SR 520 mega projects.

In total, the overall size, scope, and level of responsibility associated with these systems are more appropriately aligned with the TE 4 class.

The Definition for the Transportation Engineer 4 class states:

As a registered professional engineer, performs professional engineering work which constitutes the practice of engineering as defined by RCW 18.43, or serves as a Technical Program Specialist.

The Distinguishing Characteristics for this class state in relevant part:

...

As a Technical Program Specialist, assignments entail responsibility for a highly specialized District technical program or function of medium size and scope or serving as a Headquarters statewide specialist in an area of medium size/scope/impact. This work requires a thorough knowledge of technical engineering practices and Departmental policies, procedures, and standards. Incumbents report to a Transportation Engineer 5, Transportation Technical Engineer 5, Transportation Planning Specialist 5, or above and exercise considerable independence of action in decision making and problem solving.

Typical assignments at this level fall into one of the following categories:

1. Manager of a highly specialized District technical program or function of medium size and scope.
2. Assistant Manager of a highly specialized District program or function of major size, scope and/or impact.
3. Headquarters statewide specialist/consultant/liaison in a specialized technical area of medium size/scope/impact.
4. Headquarters final reviewer of project documents.

Typical working titles at this level which correlate with the above categories include:

Category 3

- ...
- Construction Contracts Information and Records Specialist

[Emphasis added]

The Definition for the TE 4 class states that incumbents can serve as a Technical Program Specialist. The Distinguishing Characteristics state that one option for allocation to this class involves serving as a Headquarters statewide specialist in an area of medium size, scope and impact.

Mr. Anderson's duties are consistent with these requirements.

Although management states that the CCIS is not as large a function as it used to be and no longer constitutes the majority of Mr. Anderson's duties, in reviewing and comparing the revised position description for Mr. Anderson's position, there does not appear to be a significant change in the overall scope and level of responsibility of his duties from the previous PDF on file for his position. Mr. Anderson continues to serve as the primary statewide technical specialist for the CCIS and FA applications. His position continues to require a thorough knowledge of technical engineering practices and department policies, procedures and standards related to the statewide WSDOT contract administration function. Further, the scope of these two applications meet the size requirements of the TE 4 level class of serving as a statewide technical specialist in an area of medium size, scope and impact as these applications are used extensively in construction offices throughout the agency.

Mr. Anderson continues to spend the majority of his time serving as the headquarters Construction Contracts Information Systems statewide technical specialist. He continues to have primary and independent responsibility for monitoring, maintaining and updating the CCIS and FA applications. Most significantly, as discussed during the review conference, Mr. Anderson continues to coordinate changes in contract administration within the systems, which involves working independently with WSDOT IT staff to determine system needs and initiate System Maintenance Requests (SMRs) without his supervisor's oversight. He continues to set priorities of new and existing SMRs for the CCIS system and is responsible for the coordinating the testing and acceptance of all system improvements and modifications initiated by the SMRs.

Additionally, his position continues to require considerable independence of action in decision making because he is the primary staff involved in initiating and developing detailed system changes required to make corrections to the CCIS application based on policy changes due to changes in the laws or agreements within the industry. And while it is acknowledged that two other employees provide technical assistance to others as needed regarding use of the systems, they do not have the same level of involvement as Mr. Anderson in initiating and developing required system changes to the CCIS application.

Mr. Anderson also continues to develop and provide customer training for the systems discussed above, which includes informing users about changing requirements relating to contract administration and proper use of CCIS system. Additionally, as Mr. Anderson explained during the review conference, he now performs some higher level duties that were taken from his supervisor and added to his position as part of the reorganization. This includes representing the construction office during audits, providing training on wage-rate issues, and conducting documentation reviews with region documentation engineers.

A position's allocation is limited to the duties and responsibilities assigned and how the majority of those duties best fit into the available job classifications. For these reasons, on a best fit basis, Mr. Anderson's position should be reallocated to the Transportation Engineer 4 class.

Appeal Rights

RCW 41.06.170 governs the right to appeal. RCW 41.06.170(4) provides, in relevant part, the following:

The mailing address for the Personnel Resources Board (PRB) is P.O. Box 40911, Olympia, WA 98504-0911. 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 the appeal is taken.

The PRB Office is located on the 4th floor of the Insurance Building, 302 Sid Snyder Avenue SW, Olympia, Washington, 98501-1342. The main telephone number is (360) 902-9820, and the fax number is (360) 586-4694.

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

c: John Anderson, WSDOT
Kristen Kussmann, IFPTE
Jennifer Martin, WSDOT
Lisa Skriletz, DOP

Enclosure: List of Exhibits

JOHN ANDERSON v WSDOT
ALLO-12-027

List of Exhibits

A. John Anderson Exhibits

1. Request for Director's Review (on PRB form) received April 23, 2012
2. March 23, 2012 WSDOT reallocation notification letter
3. April 2003 classification questionnaire
4. March 2003 Essential Job Functions
5. May 2005 Essential Job Knowledge and Skills
6. Classification questionnaire with no date submitted for update
7. Transportation Engineer 4 classification specification with highlights/notes
8. CPD reflecting job duties (3 pages)
9. Analysis by Mr. Anderson of WSDOT reallocation decision, plus other position information (9 pages)
10. Organization chart
11. DOP Transportation Engineer 5 class specification
12. DOP Transportation Supervising Engineer class specification
13. Email dated September 27, 2012 from John Anderson to Peter Schultz (as an example of CCIS work) (2 pages)
14. Email dated March 12, 2012 from John Anderson to Steve Toomey and Peter Schultz (as an example of CCIS work) (2 pages)
15. Email dated January 10, 2012 from John Anderson to Steve Toomey (as an example of CCIS work) (2 pages)
16. Email dated December 28, 2011 from John Anderson to Steve Toomey (as an example of CCIS work) (2 pages)

Exhibits submitted during review conference:

17. Documentation Review memo from John Anderson to Jennifer Charlebois/Josh Cheatham dated June 22, 2011 (4 pages)
18. Documentation Review memo from John Anderson to Lisa Hodgson dated August 3, 2011 (4 pages)
19. Documentation Review memo from John Anderson to Seema Jarveri dated July 30, 2012 (3 pages)
20. Documentation Review memo from John Anderson to Patrick Fuller dated December 18, 2012 (4 pages)

B. WSDOT Exhibits

1. December 2011 Position Description
2. March 23, 2012 WSDOT reallocation notification letter to John Anderson
3. Information provided by appointing authority and supervisor
4. Assessment determination notes

C. Class Specifications

1. Class Specification for Transportation Engineer 3, 530M
2. Class Specification for Transportation Engineer 4 530N