



**STATE OF WASHINGTON  
OFFICE OF FINANCIAL MANAGEMENT**

STATE HUMAN RESOURCES DIVISION | DIRECTOR'S REVIEW PROGRAM  
P.O. Box 40911 · Olympia, WA 98504-0911 · (360) 902-9820 · FAX (360) 586-4694

January 30, 2014

TO: Teresa Parsons  
Director's Review Program Supervisor

FROM: Kris Brophy  
Director's Review Program Investigator

SUBJECT: Tim Devlin v. The Evergreen State College (TESC)  
Allocation Review Request ALLO-13-028

**Director's Determination**

This position review was based on the work performed for the six-month period prior to January 17, 2013, the date TESC Human Resources (TESC-HR) received the request for a position review. 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 conference. Based on my review and analysis of Mr. Devlin's assigned duties and responsibilities, I conclude his position is properly allocated to the Maintenance Mechanic 2 classification.

**Background**

On January 17, 2013, Mr. Devlin submitted a Position Review Request (PRR) with TESC-HR, asking that his position be reallocated to the Maintenance Mechanic 2 (MM2) classification (exhibit B-14).

Ms. Nancy Jacobski, Human Resource Consultant, originally conducted the position review for TESC. By letter dated March 18, 2013, Ms. Jacobski notified Mr. Devlin that his position was properly allocated to the Maintenance Mechanic 2 class (Exhibit A-2). Ms. Jacobski has subsequently left employment with TESC.

On March 28, 2013, State HR received Mr. Devlin's request for a Director's review of TESC's allocation determination (Exhibit A-1).

A Director's review conference was conducted with the parties on December 4, 2013. Present for the meeting were Tim Devlin, Amy Jenkins, Trades Helper, TESC; Jeremiah Dickenson, (by phone), Richard Miles, Construction & Maintenance Project Supervisor, TESC; and Laurel Uznanski, Associate V.P. Human Resources, TESC.

### **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 class 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. Devlin works in the Construction Services department within the Facilities Services organization at the TESC campus. He performs a variety of skilled finish carpentry and cabinetmaker duties in the construction, maintenance, inspection, installation and repair of campus facilities. His duties also include performing other skilled concrete, masonry, painting, plumbing, electrical, and metal fabrication work.

In the PRR, Mr. Devlin describes the duties and tasks he is assigned. Rather than completing the PRR form, he submitted a letter summarizing his work. In the letter, he provided a breakdown of his work hours into the following percentages from June 6, 2012 through January 6, 2013: (Note: Percentages exceed 100%)

26.53%	Concrete work.
16.02%	Estimating
12.48%	Steel frame/Sheetrock/Paint.
9.75%	Cabinets.
7.02%	Electrical
4.68%	Asbestos
5.46%	Submittals/Leadwork
13.38%	Meetings/Inspections/Plan Review
4.68%	Plumbing
60%	Leading Crews

Mr. Richard Miles, Construction & Maintenance Project Supervisor, is Mr. Devlin's supervisor. Mr. Miles is the unit's supervisor and oversees all construction or maintenance projects for the department. He assigns all work orders and projects for staff to complete. This includes both single trade and multiple trade work assignments. Assignments vary by the nature of the project, and in many cases the work orders require more than one staff member. Mr. Miles typically assigns two or three Maintenance Mechanics and/or Trades Helpers to perform larger work orders or projects. Mr. Miles decides which MM2 is assigned to direct each project and

which maintenance staff employees will be assigned to assist. When Mr. Devlin is assigned to direct a project he is responsible to check in with Mr. Miles every two or three days. At these meetings, Mr. Miles is briefed by Mr. Devlin on the progress of the job. Mr. Miles stated that he approves or denies any deviations from standard procedures.

Mr. Miles acknowledges the duties performed by Mr. Devlin during the review period directing a complex Lab-1 restroom remodel project reached senior-level responsibility. However, Mr. Miles stated that he supervises the overall completion of all work orders assigned to Mr. Devlin and believes the majority of his work assignments are performed at the journey level.

#### Summary of Mr. Devlin's Perspective

Mr. Devlin asserts he is performing work at the MM3 level. Mr. Devlin contends his specialized, senior-level knowledge, skills, and level of independence in leading construction projects and troubleshooting and making repairs fit the MM3 level of responsibility.

In the PRR, Mr. Devlin indicates his position exists to conduct all large projects for the department and to perform custom cabinet making in the wood shop. Mr. Devlin asserts that he spent 60% of his time over the review time period supervising and leading crews on projects.

Mr. Devin contends he performed senior-level work for these projects including making labor and material estimates and purchases; producing material take-offs; interpreting and implementing plans and blue prints and specifications to complete the project; making purchase requests for parts and materials; meeting with project managers, clients, building officials, architects, engineers, and inspectors; supervising assigned employees to complete the projects, and tracking material and labor costs for the projects. Mr. Devlin asserts he also operates heavy equipment including loaders, backhoes, forklifts, excavators, dump trucks, and person lifts. He states he has been called in for snow removal and work with heavy loaders.

In total, Mr. Devlin asserts his position should be reallocated to the MM3 class.

#### Summary of TESC's Reasoning

TESC asserts Mr. Devlin does not have designated lead responsibility to regularly assign, instruct, and check the work of others on a regular and ongoing basis. TESC asserts he was not given responsibility to lead a designated work group on an ongoing basis. TESC asserts this responsibility rests with Mr. Miles. TESC asserts Mr. Devlin periodically directs projects with various staff that are assigned by Mr. Miles which is more in line with directing the work of others.

TESC contends Mr. Devlin performs skilled finish carpentry and concrete work and other skilled trades work to complete work orders and projects of varying size and complexity. TESC acknowledges the Lab-1 remodel project involved performing senior-level project leadership and construction work. However, TESC contends its review of the work orders and assigned projects completed by Mr. Devlin over the course of the review period indicates the majority of his time involved performing journey level work consistent with the MM2 class specification.

Further, TESC asserts Mr. Devlin does not have full authority to plan, prioritize, and handle all duties within his assigned area of responsibility. This limits the level of responsibility he has for resolving complex or difficult issues which could have broad potential impact. TESC asserts Mr.

Miles retains responsibility for outcome of the work performed and making decisions that could carry high consequences if errors are made.

TESC states Mr. Devlin works under general supervision and the majority of his duties involve performing assignments within established standards and guidelines and without specific instruction consistent with the MM2 class specification.

TESC acknowledges Mr. Devlin is a valued employee and performs his duties well. However, based on the overall duties and responsibilities assigned to Mr. Devlin's position, TESC believes the Maintenance Mechanic 2 classification is the proper allocation for his position.

#### Comparison of Duties to 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 the Maintenance Mechanic series

The Class Series Concept for Maintenance Mechanic positions includes performance of the following:

. . . general maintenance, repair, remodeling and construction duties utilizing working knowledge of several related skill fields such as electrical, plumbing, carpentry, welding, painting and machinist work. Incumbents inspect, repair, install and maintain physical facilities, locks and maintain and repair machinery and equipment. . . .

Mr. Devlin's performs a variety of skilled finish carpentry work along with other general construction, maintenance, and repair activities. His duties require a working knowledge of a variety of skilled trades including cabinet making, concrete and other skilled trade areas. His position should therefore be allocated to a class within the Maintenance Mechanic series.

#### Comparison of Duties to Maintenance Mechanic 3

The Definition for the Maintenance Mechanic 3 class states:

This is the senior, specialist or leadworker level of the series. Positions at this level perform skilled work in more than one trade or craft. Incumbents typically specialize in one trade or craft but perform journey-level and semi-skilled work in a variety of disciplines. Incumbents perform construction, maintenance, repair and modification of buildings, facilities, mechanical equipment, machinery and specific apparatus and utilize a working knowledge of several related skill fields such as plumbing, electrical, welding, carpentry, and machinist work.

The "Glossary of Terms" defines "lead" as follows:

**Lead.** 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. Miles oversees all building and maintenance work orders and projects. Mr. Miles assigns work orders to Mr. Devlin and to the other Maintenance Mechanic 2's within the department. Mr. Miles determines which Maintenance Mechanics and Trades Helpers are available to assist Mr. Devlin when he is assigned a particular work order or project. Staffing assignments vary according to the skill sets and trades needed to complete each job. Mr. Miles assigns one or more workers to assist Mr. Devlin for a project if more than one worker is needed. Mr. Miles retains authority to reassign staff working with Mr. Devlin to other projects or assignments for unforeseen issues or needs that arise. Mr. Miles also authorizes and approves leave and overtime for workers assigned to assist Mr. Devlin on a particular project. In addition, in the allocation determination, Ms. Jacobski states that Mr. Devlin worked alone rather than working with other employees on many of his assigned work orders during the review period. Each of these factors limits the degree to which Mr. Devlin had designated lead responsibility over other employees in his work unit.

The *Glossary of Classification Terms* defines "Direct the Work of Others" as follows:

**Direct the Work of Others.** Provides work guidance or direction but is NOT a "lead"; does NOT have the responsibility of assigning, instructing and checking the work of others on a regular and ongoing basis.

Mr. Devlin's position is more accurately described as directing the work of others. Mr. Devlin provides work guidance and direction to various staff assigned to him on a particular work order or project. This included responsibility for understanding the scope of the work assigned, the standard construction plans, blueprints or other technical documents and materials needed to complete the project. Mr. Devlin was also responsible for checking in with Mr. Miles to brief him on the progress of the job. Mr. Miles retained authority to approve or deny any deviations from standard construction processes and procedures. The scope and nature of Mr. Devlin's work is fully consistent with directing the work of others as a journey level Maintenance Mechanic.

Therefore, although Mr. Devlin was assigned responsibility to direct the work of other employees assisting him on work orders or projects, his position does not have designated responsibility to lead the work of others on an ongoing basis.

The *Glossary of Classification Terms* defines "senior" as:

**Senior** - The performance of work requiring the consistent application of advanced knowledge and requiring a skilled and experienced practitioner to function independently. Senior-level work includes devising methods and processes to resolve complex or difficult issues that have broad potential impact. These issues typically involve competing interests, multiple clients, conflicting rules or practices, a range of possible solutions, or other elements that contribute to complexity. The senior-level has full authority to plan, prioritize, and handle all duties within an assigned area of responsibility. Senior-level employees require little supervision and their work is not typically checked by others.

While a portion of Mr. Devlin's time involved performing senior-level work, the majority of his assigned duties and responsibilities do not fully reach senior-level responsibility as required.

First, the overall scope and complexity of Mr. Devlin's assigned duties with respect to his decision making authority do not fully reach senior level responsibility. It is uncontested that Mr. Devlin is a skilled trades person. He independently devises methods and processes to resolve issues or situations. His skills in several trades areas allows him to develop solutions to resolve

problems while working alone or while directing projects with other staff. However, the majority of work orders that Mr. Devlin completed during the review period did not require him to independently devise methods and processes to resolve complex or difficult issues that had broad potential impact. Mr. Miles retained responsibility regarding the outcomes of making decisions that carried high consequences of error relative to the department's larger construction projects.

Additionally, Mr. Devlin's position does not have senior-level responsibility to plan, prioritize, and handle all duties within his assigned area of responsibility. For example, Mr. Miles retained authority to approve or deny Mr. Devlin's recommendations on preliminary cost estimates. He also approves or denies Mr. Devlin's recommendations with respect with changes to the scope of work regarding his assigned projects. Mr. Miles also assigns and reassigns employees to various projects and is responsible for the outcome of each of Mr. Devlin's assigned projects.

Further, Mr. Devlin's work is regularly reviewed and he meets with Mr. Miles on a regular basis. Mr. Miles acknowledged during the review conference that Mr. Devlin's knowledge and skills allow him to recommend excellent solutions that are most often approved. Mr. Miles acknowledges that he often gives verbal approvals to Mr. Devlin's recommendations; however, Mr. Devlin does not have responsibility for approving deviations and does not have independent decision-making authority for those outcomes. This limits the overall level of authority Mr. Devlin has to plan, prioritize, and handle all duties within his assigned area of responsibility.

Mr. Devlin performs skilled finish carpentry and concrete work and other skilled trades work to complete work orders and projects of varying size and complexity. It is uncontested that the scope of the Lab-1 remodel project Mr. Devlin worked on during the review period involved performing senior-level project leadership and construction work. However, Mr. Devlin's position does not have designated responsibility to lead other employees in his work group. In addition, the scope of the work performed for the majority of his work assignments during the review period and the level of his decision making authority did not fully reach senior level responsibility. Further, Mr. Devlin works under general supervision and the majority of his work involves performing assignments within established guidelines and construction standards and without specific instruction consistent with the MM2 class specification. This limits the degree to which he has responsibility for planning, prioritizing, and handling all duties within his assigned area of responsibility.

For each of these reasons Mr. Devlin's position does not reach the requirements of the MM3 level class.

#### Comparison of Duties to Maintenance Mechanic 2

The Definition for the Maintenance Mechanic 2 class states:

This is the journey, working or occupational level of the series. Positions at this level perform a variety of skilled work in the operation, maintenance, repair, remodeling and construction of buildings, grounds, machinery, mechanical facilities and equipment, and hospital facilities, systems and equipment. Incumbents work independently and utilize a general knowledge of several related skill fields such as plumbing, electrical, welding, carpentry, and machinist work.

The Department of Personnel's Glossary of Classification Terms defines "journey-level" as:

...Fully competent and qualified in all aspects of a body of work and given broad/general guidance, can complete work assignments to standard under

minimal supervision. Also referred to as the working or fully qualified occupational level.

When comparing the totality of Mr. Devlin's assigned duties and responsibilities to the job classifications, the MM2 class provides a better fit. The majority of work assigned to his position involves performing journey-level construction, maintenance and repair, skilled finish carpentry and concrete work and other skilled trades work to complete work orders and projects of varying size and complexity. Mr. Devlin works under general supervision and the majority of his duties involve completing assignments within established guidelines and without specific instruction consistent with the MM2 class specification. Any deviation from normal policies, procedures and work methods requires his supervisor's approval. Mr. Miles approves his suggestions when deviating from standard procedures, and he provides supervisory guidance to Mr. Devlin for new and unusual situations. Mr. Miles indicates that his work is periodically reviewed to verify compliance with policies and procedures. Mr. Devlin therefore works under general supervision and performs assignments within established guidelines without specific instruction.

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 majority of work assigned to Mr. Devlin's position is at the journey level. The typical work identified in the MM2 class specification includes:

- Performs preventative maintenance and repairs on all types of mechanical equipment such as electrical drive motors, laundry, kitchen, hospital, laboratory and air-conditioning equipment; changes oil, greases, changes or cleans filters, drive belts, sprockets, shafts, and bearings to ensure proper operation;
- Performs preventative maintenance such as oil change, lubrication, fix flats, repair lights, replace fan belts, etc., on shop equipment, vehicles and construction equipment;
- Performs maintenance, operation, and repair of electrical, mechanical and structural systems of buildings and utility distribution;
- Monitor safety, fire protection and environmental control equipment to ensure the building systems and equipment are operating in a satisfactory condition; respond to service request and secure necessary assistance; take preventative and emergency action to control malfunctions;
- Operates hand tools, power tools and other shop equipment; performs welding and metal fabrication; fabricates materials and equipment;
- Remodels and constructs facilities in accordance with project requirements; assists in the preparation of engineering data under the direction of an engineer;
- Repairs windows, doors, screens, floors, floor coverings, and painted surfaces;

The majority of Mr. Devlin's duties are consistent with these statements. Mr. Devlin is fully competent and qualified in all aspects of his work. His assignments require him to employ a variety of skills in finish carpentry, remodeling construction of buildings, concrete work, and other skilled trades work at TESC. The scope of Mr. Devlin's project estimation work is consistent with the statement, "Remodels and constructs facilities in accordance with project requirements; assists in the preparation of engineering data under the direction of an engineer." Therefore, the majority of Mr. Devlin's duties and level of responsibility for preparing estimates for his assigned projects meets the definition of journey-level work and falls within the scope of the MM2 level class.

In Salsberry v. Washington State Parks and Recreation Commission, PRB Case No. R-ALLO-06-013 (2007), the Personnel Resources Board addressed the concept of *best fit*. The Board referenced Allegrì v. Washington State University, PAB Case No. ALLO-96-0026 (1998), in which the Personnel Appeals Board noted that while the appellant's duties and responsibilities did not encompass the full breadth of the duties and responsibilities described by the classification to which his position was allocated, on a best fit basis, the classification best described the level, scope and diversity of the overall duties and responsibilities of his position.

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

Based on the level, scope and diversity of the overall duties and responsibilities assigned to Mr. Devlin's position, his position should remain allocated to the MM2 classification.

### **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 on the 4<sup>th</sup> floor of the Insurance Building, 302 Sid Snyder Avenue SW, Olympia, Washington. 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: Tim Devlin  
Laurel Uznanski, TESC  
Lisa Skriletz, SHR

Enclosure: List of Exhibits

**TIM DEVLIN v TESC**  
**ALLO-13-028**

A. Tim Devlin Exhibits

1. Letter from Tim Devlin to Office of State HR requesting a Position Review received by State HR March 28, 2013
2. Position Review Determination memo from Nancy Jacobski to Tim Devlin, dated March 18, 2013
3. State HR Class Specification for Maintenance Mechanic 1, 626J
4. State HR Class Specification for Maintenance Mechanic 2, 626K
5. State HR Class Specification for Maintenance Mechanic 3, 626L
6. Recruitment Bulletin for Maintenance Mechanic 2-Carpenter/Cabinetmaker, dated Feb 22, 2008
7. Letter from TESC Human Resources to Tim Devlin dated May 1, 2008 regarding employment
8. Letter of Recommendation from Paul F. Smith dated October 21, 2010
9. Letter of Recommendation from Richard L. Miles dated October 20, 2010
10. March 27, 2013 – Letter of Recommendation from Richard Miles
11. Position Review Request – Letter from Tim Devlin to TESC dated January 16, 2013
12. Estimate/Work Order 3550 – F1-2-045 Restroom Renovations
13. Email from Timothy Devlin to Richard Miles dated June 28, 2012 containing and estimate for Stamp Crete Concrete job
14. Document titled, "Critical Path Lab-1 Restrooms dated 9-12-12
15. Document titled, "Shops Time Sheet" for August 2012 (8/20 – 8/24)
16. Document titled, "Shops Time Sheet" for October 2012 (10/15-10/19)
17. Document titled, "Shops Time Sheet" for October 2012 (10/29-11/2)
18. Document titled, "Material Order Form" for Work Order 3477 - Cement/Concrete Date 7/18/12
19. Hertz Equipment Rental - Job 3477 Stamp Concrete
20. Price Quote – Statewide Rent A Fence Inc Job 3477 Stamp Concrete
21. Email from Richard Miles to Thomas Mercado regarding an Estimate for Gallery Shadow Box/Moveable Walls, April 7-15, 2011
22. Emailed from Robyn Bradshaw enclosing five documents titled, "Work Request In Process – Shop
23. Email from Paul Smith to Laurel Uznanski regarding Tim Devlin's position review request, dated January 18, 2013
24. Email from Richard Miles to Nancy Jacobski regarding updating Tim Devin's position review dated January 25, 2013

25. Email from Nancy Jacobski to Richard Miles dated January 25, 2013
  26. Email from Nancy Jacobski to Richard Miles with attached Position Description for Tim Devlin's position dated Jan 31, 2013
  27. Email from Nancy Jacobski to Richard Miles regarding Tim Devlin's position review dated January 31, 2013
  28. Email from Paul Smith to Laurel Uznanski dated January 18, 2013
  29. Copy of TESC interview notes with Richard Miles dated February 22, 2013
  30. Emails regarding work orders (9 pages)
  31. Emails regarding work orders and other documentation pertaining to Tim Devlin's position review (18 pages)
- Exhibit added during review conference:
32. Technical specifications – "Framing Layout" for Sustainable Agriculture Lab Deck

#### B. TESC Exhibits

1. Printout from DOP website titled, "Step 3 – Understanding Allocating Criteria"
2. State HR Class Specification for Maintenance Mechanic 3, 626L
3. State HR Class Specification for Maintenance Mechanic 2, 626K
4. State HR, "Glossary of Classification Terms"
5. Nancy Jacobski's interview notes with Tim Devlin
6. Nancy Jacobski's interview notes with Richard Miles
7. Spreadsheet listing work requests assigned to Tim Devlin covering July through November 2012.
8. Work orders assigned to Tim Devlin July 2012 to January 2013
9. Email from Nancy Jacobski to Richard Miles dated March 6 2013 regarding asbestos remedial project
10. Email from Nancy Jacobski to Richard Miles regarding lead responsibility for specific work orders
11. Copy of PRB decision for Richard Porter v. WWU PRB Case no. R-ALLO-08-007 (2008)
12. Organizational Chart for Facilities Services Organization
13. Position Description for Tim Devlin's position dated February 2008

Exhibit added during review conference:

14. Position Review Request Form for Tim Devlin's position received by TESC HR on January 17, 2013, with attachments. (Includes Supervisor's comments)