



STATE OF WASHINGTON
OFFICE OF FINANCIAL MANAGEMENT

STATE HUMAN RESOURCES DIVISION | DIRECTOR'S REVIEW PROGRAM
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October 31, 2013

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

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

SUBJECT: Robert Mallgren v. Eastern Washington University (EWU)
Allocation Review Request ALLO-13-029

This position review was based on the work performed for the six-month period prior to January 9, 2013, the date EWU Human Resources received Mr. Mallgren's 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 written comments provided by both parties. Based on my review and analysis of Mr. Mallgren's assigned duties and responsibilities, I conclude his position is properly allocated to the Sign Painter Lead (SP Lead) classification.

Background

On January 9, 2013, EWU HR received Mr. Mallgren's Position Review Request (PRR), requesting his Sign Painter position be reallocated to Maintenance Specialist 3 (MS 3) (Exhibit B-3).

EWU HR conducted a position review and notified Mr. Mallgren on March 7, 2013 that his position was being reallocated from Sign Painter to the SP Lead class (Exhibit B-1).

On April 4, 2013, the State Human Resources Division, OFM received Mr. Mallgren's request for a Director's review of EWU's allocation determination (Exhibit A-1).

On October 8, 2013, I conducted a Director's review telephone conference with Robert Mallgren, Jesse Dasovich, Painter Supervisor, and Kim Davies, Human Resources Associate, EWU.

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. Mallgren is a professional sign painter working in the Paint Shop at EWU main campus. He reports to Mr. Jesse Dasovich, Paint Supervisor.

Mr. Mallgren describes his major job duties in the PRR as follows:

- 40% **Duty** – Design/layout and fabricate interior and exterior signs and a variety of materials and equipment.
- Create layouts and designs using computer aided software.
 - Apply pressure sensitive vinyls to various substrates or backgrounds.
 - Paint various surfaces by means of brush, roller or spray equipment.
 - Engrave various substrates and materials.
 - Print vinyl surfaces using thermal resin printers.
 - Prepare, cut to size, router, sand and prime various materials for painting.
 - Interpret or convert files of graphic images for feasibility and compatibility.
 - Operate shop equipment such as vinyl plotters, computerized engraving and router tables, thermal resin printers, heat press, panel saw, table saw, drill press, various spray equipment, hand tools and power tools.
 - Research various materials for durability, compatibility, feasibility and cost.
 - Create pounce patterns.
 - Silk screening.
 - Proper solvent disposal and safety standards.
 - Provide daily documentation of work completed.
- 38% **Duty** – Layout and Maintain pavement markings and curbing.
- Measuring and temporarily marking parking spaces, crosswalks, ADA handicap parking spaces and fire lanes.
 - Lay down chalk lines for future painting.
 - Coordinate with other departments the cleaning of pavement by means of street sweeper, brooms, blowers, scrapers and shovels.
 - Shaking and straining traffic paint to ensure proper application, operation and durability.
 - Paint parking lot lines with line striper.
 - Create stencils for crosswalk and ADA handicap parking spaces in compliance to state and federal regulations.
 - Paint crosswalks and ADA handicap parking spaces with paint sprayer in compliance to state and federal regulations.
 - Direct traffic flow to allow for painting and dry time.
 - Perform daily maintenance to striping machine to ensure proper operation.

- Prep curbing to ensure proper adhesion of new material.
 - Proper disposal of used solvents and materials.
- 12% **Duty** – Coordinate, plan, and schedule within the campus community in regards to signage.
- Research the request, (ask myself the 5 w's, who, what, why, where, and when).
 - Meet with the customer, provide information and answer questions on design, placement, specifications and use of signs.
 - Survey the site location, take measurements.
 - Consider different installation methods.
 - Develop preliminary layouts.
 - Research materials and provide preliminary cost estimates.
 - Provide final layouts.
 - Schedule work to meet customer deadlines.
- 6% **Duty** - Layout, fabricate and install ADA informational signage throughout the campus interiors and exteriors in compliance to ADA specifications and master sign program.
- Layout and fabricate interior ADA informational Braille signage. (only "in-house" state shop that does this).
 - Interpret blue prints.
 - Survey site locations, take measurements.
 - Consult, plan and schedule task with construction and planning departments.
 - Install signs to codes and regulations.
- 4% **Duty** – Assist painters as requested.
- Minor repairs to wall surfaces.
 - Prepare and clean surfaces.
 - Tint paints to match existing colors.
 - Remove graffiti from campus building and structures.
 - Clean equipment and tools.
 - Prime, paint and apply finishes to various surfaces.

Supervisor's Comments

Mr. Dasovich completed the supervisor's portion of the PRR and indicates that Mr. Mallgren's description of his assigned duties and responsibilities is accurate and complete. He states that the services that are provided by the sign shop such as dye sublimation and large format thermal resin printing reach beyond the realm of traditional sign painting. He states that the work Mr. Mallgren performs reaches beyond the Sign Painter class specification.

In his comments Mr. Dasovich states that Mr. Mallgren utilizes a variety of equipment and

processes to produce signage. He indicates that Mr. Mallgren performs a large amount of traffic-related work including pavement marking and regulatory signage. During the review telephone conference Mr. Dasovich stated that an emphasis was placed on re-stripping the majority of the University's parking lots during the review time period and that Mr. Mallgren was called upon to complete that work.

In his comments, Mr. Dasovich states that Mr. Mallgren is authorized to make the following decisions without his prior review:

- Prioritize routine work orders for sign shop, schedule as needed, and complete.
- Redirect other sign painter as needed when work priorities require it.
- Provide preliminary cost estimates to customers and other shops.
- Coordinate lot stripping and pavement markings with parking services.
- Make minor purchases for materials and parts.

Summary of Mr. Mallgren's Perspective

Mr. Mallgren asserts his duties substantially exceed the requirements of the Sign Painter class. Mr. Mallgren contends the higher level duties he performs include leading another co-worker which includes coordinating work and meeting with clients to estimate, coordinate, and develop and complete sign work orders and other projects. Mr. Mallgren asserts he is performing the duties of at least two separate trades including sign painting and painting which indicates his position should at a minimum be reallocated to the Maintenance Mechanic 2 class.

Mr. Mallgren asserts his position is best described by the MS 3 class because it:

... addresses primarily sign related tasks and vehicular traffic related tasks, examples of my work would be a variety of traffic signs throughout campus, the amount of lot striping and pavement markings such as crosswalks, ADA parking spaces and fire lanes on an increasingly larger amount each year. The original intent of the series may be highway related but the majority of my tasks are the same whether I am providing signage or pavement markings on a highway or throughout the campus. If I was told the maintenance specialist series is for highway related activities I would ask why do we have 3 Maintenance 4's in various shops within the physical plant.

For these reasons Mr. Mallgren asserts his position should be reallocated to the MS 3 class.

In Byrnes v. Department 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).

Summary of EWU's reasoning

Ms. Davis asserts the level and scope of duties and responsibilities assigned to Mr. Mallgren's position do not meet the requirements of the MS 3 class. Ms. Davis asserts this classification is specific to the Department of Transportation and Mr. Mallgren's position does not meet the primary allocating requirements of this class of serving as a district or area sign installer reporting to the District Traffic Engineer, Operations-Maintenance Superintendent or designee. Ms. Davis acknowledges Mr. Mallgren leads the other permanent sign painter position in the Paint Shop; however, she asserts that he does not lead more than one employee which would constitute a "crew" of sign fabricators as indicated in MS 3 class.

In addition, Ms. Davis asserts the scope of Mr. Mallgren's position does not meet the MS 3 and MS 2 level classes because he does not have responsibility to assemble, erect, maintain and make minor repairs to highway signs, sign supports, pavement markings and traffic control devices in a field or shop as the primary focus of his position.

Ms. Davis contends the majority of Mr. Mallgren's job duties are consistent with Definition and job duties described in the Sign Painter Lead class. Ms. Davis asserts Mr. Mallgren leads the other sign painter in the Paint Shop. This includes providing training, planning and assigning work for complex projects and checking finished products for completion. In total, Ms. Davis asserts Mr. Mallgren's position is properly allocated to the Sign Painter Lead 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 Maintenance Specialist series

The Definition for the Maintenance Specialist 2 class states:

This is the journey level of the series. Assembles, erects, maintains and makes minor repairs to highway signs, sign supports, pavement markings and traffic control devices in field or shop; Work is typically reviewed on a spot check basis after decisions have been made. Unusual problems that may occur are brought to a higher level supervisor with probable outcomes and solutions. May supervise and train lower level technicians.

The Definition for the Maintenance Specialist 3 class states:

This is the senior, specialist, or leadworker level of the series. Serves as district or area sign installer reporting to the District Traffic Engineer, Operations-Maintenance Superintendent or designee and assembles, erects, maintains and makes minor repairs to highway signs, sign supports, pavement markings and traffic control devices in field or shop. Some positions lead a crew of sign fabricators in a central sign shop and fabricates and repairs signs. Regularly assigns, instructs and checks the work of others. May supervise and train lower technicians.

There are no Distinguishing Characteristics for these classes.

The primary focus of positions at the MS 2 level is to perform journey-level work assembling, erecting, maintaining and making minor repairs to highway signs, sign supports, pavement markings and traffic control devices in the field or within a shop setting.

The MS 3 class further describes senior, specialist, or lead worker positions which serve as sign installers working on highway signs within a district or area reporting to a District Traffic Engineer, Operations - Maintenance Superintendent of designee. The scope of Mr. Mallgren's position does not meet this intent.

First, Mr. Mallgren does not perform a variety of sign installation tasks including assembling, erecting, maintaining and repairing highway signs, sign supports, pavement markings and traffic control within a transportation setting as the primary focus of his position. While at times certain aspects of Mr. Mallgren's sign painting duties involves performing tasks that are similar to the work described by this class such as assembling and installing campus traffic signs and also re-painting pavement markings in parking lots, his position does not specifically focus on performing general highway sign assembly, maintenance and repair work as a sign installer within the context of the MS 3 class definition.

For example, the primary purpose of Mr. Mallgren's position is to produce and supply signage to the University as a professional sign painter. The majority of his duties involve the design, layout, fabrication and general installation of a variety of interior and exterior signage for use across the EWU campus and occasionally to offsite campus and other non-University companies and organizations. The overall scope and focus of this work is more appropriately aligned within the Sign Painter series.

In addition, during the review period Mr. Mallgren spent a minority of his time assisting the University's Paint Shop in painting campus parking lots using the department's paint striping machine and also painting crosswalks and ADA handicap parking spaces across campus. This work is also addressed within the scope of duties described by the Painter job class.

Further, while Mr. Mallgren leads a permanent sign painter position in the Paint Shop, his duties do not reach the scale of leading a crew of sign fabricators performing sign installation and maintenance work in a transportation setting as indicated in MS 3 class.

In Cerna v. Employment Security Dept., PAB No. ALLO-03-0014 (2003), the board stated that "[i]t is not intended for a more generic classification to be used to allocate a position where the duties and responsibilities of the position are more precisely described by a more specific classification." [See also Nance v. Eastern Washington University, PAB No. 3769-A2 (1995)].

Thus, while a portion of Mr. Mallgren's work involves performing certain related aspects of this class, the thrust of his position is more narrowly focused on performing professional sign painting work within the scope of the sign painting trade. Therefore, because the majority of his work does not meet the intent of this class, Mr. Mallgren's position should not be reallocated to the MS 3 class.

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. . . .

The focus of Mr. Mallgren's position does not involve performing a variety of general maintenance, repair, and construction remodeling activities. His position does not have responsibility for inspecting, repairing, installing and maintaining physical facilities, locks and maintaining and repairing machinery and equipment. While the painting portion of Mr. Mallgren's position reaches one aspect of work described by this series, the overall scope and focus of his responsibility as a sign painter is more appropriately aligned within the Sign Painter series.

In addition to Cerna, the PAB has held that when 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).

Further, the PRB concluded that while one class appeared to cover the scope of a position, there was another classification that not only encompassed the scope of the position, but specifically encompassed the unique functions performed. Alvarez v. Olympic College, PRB No. R-ALLO-08-013 (2008).

For these reasons Mr. Mallgren's position should not be reallocated to a class within the Maintenance Mechanic series.

Comparison of Duties to Sign Painter Lead

The Definition for the Sign Painter Lead (SPL) class states:

Leads sign painters and others. Performs skilled sign painting work. Responsible for the coordination of requirements, design, and development of signs, posters, show cards, and graphic visual aids.

This class does not contain distinguishing characteristics; therefore we can look to the typical work statements for guidance. The typical work for this class states:

Regularly assign, instruct and check the work of others;

Coordinate with college staff and physical plant on proper design, placement, and use of signs on or near campus buildings and facilities;

Prepare preliminary cost estimates, plan, and design signs and sign systems;

Plan and coordinate work of a sign shop;

Perform duties of Sign Painter;

May operate motor vehicle and transport materials;

The majority of Mr. Mallgren's job duties are fully consistent with Definition and job duties described in the Sign Painter Lead class.

As stated in the PRR for his position, approximately 58% of Mr. Mallgren's time is spent performing professional skilled sign painting work for the University.

Mr. Mallgren is responsible for coordinating, planning and scheduling signage work with University departments. Mr. Mallgren also assists his supervisor in planning high volume or large scale sign projects. For example, he coordinates, plans, and schedules ADA informational signage throughout the campus interiors and exteriors in compliance with ADA specifications and the University's designated master sign program.

Mr. Mallgren leads the work of the other sign painter in the Paint Shop. Mr. Mallgren provides training, and plans and regularly assigns signage projects and other work assignments. He checks the sign painter's finished products for completion.

Mr. Mallgren independently develops design requirements with customers, designs and fabricates a variety of signs and sign systems for the University. Mr. Mallgren meets with customers and prepares preliminary cost estimates. He designs signs and completes the layout and fabrication of interior and exterior signs using a variety of materials and equipment.

Mr. Mallgren also coordinates with college staff and the physical plant's maintenance staff regarding the proper placement and installation of signs on campus buildings and facilities. Mr. Mallgren installs signs and is assisted by the building maintenance staff for large-scale or complex installations requiring foundational and other mounting requirements.

During the review period Mr. Mallgren spent approximately 38% of this time assisting the University's Paint Shop in painting campus parking lots using the department's paint striping machine and also painting crosswalks and ADA handicap parking spaces across campus. The scope of this work is addressed in the typical work statement of the Painter class, "...Lay out and stripe parking lots and crosswalks using striping machine..." Mr. Mallgren also spent approximately 4% of his time performing a variety of painting tasks in direct support of Paint shop activities. However, while the scope of this work is addressed within the Painter job class, this portion of work accounted for a minority of the total time spent by Mr. Mallgren during the review time period.

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).

In total, the primary purpose of Mr. Mallgren's position is to produce and supply signage to the University as a professional sign painter. The majority of his duties involve the design, layout, fabrication and general installation of a variety of interior and exterior signage for use across the EWU campus and occasionally to offsite campus and other non-University companies and organizations. The overall scope and focus of this work is appropriately aligned within the Sign Painter series and his duties are best described by the Sign Painter Lead class.

Mr. Mallgren's position is properly allocated to the Sign Painter Lead 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 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: Robert Mallgren, EWU
Kim Davis, EWU
Lisa Skriletz, SHR

Enclosure: List of Exhibits

ROBERT MALLGREN v EWU

ALLO-13-029

List of Exhibits

A. Robert Mallgren Exhibits

1. Director's Review Form for Robert Mallgren received April 4, 2013
2. EWU allocation determination memo from Kim Davis to Robert Mallgren dated March 7, 2013
3. Copy of MUTCD Definition of Traffic control devices
4. Copy of WAC 468-95-010 MUTCD adopted by the Washington State Secretary of Transportation
5. Director's Review determination for Osberg v Dept. of General Administration ALLO-06-020

B. EWU Exhibits

Cover letter from Kim Davis to Karen Wilcox dated May 6, 2013 enclosing the following exhibits:

1. EWU allocation determination memo from Kim Davis to Robert Mallgren dated March 7, 2013
2. EWU allocation determination from Kim Davis to Mary Voves, VP for Business and Finance dated March 7, 2013
3. Position Review Request – Employee Portion completed by Robert Mallgren, received January 9, 2013 by EWU HR with attached documents:
 - a) Job Description titled, "Sign Painter – Plant Maintenance", undated
 - b) Job Description titled, "Sign Painter", undated
 - c) Job Description titled, "General Expectations – Journeyman Sign Painter", undated
 - d) Performance Evaluation for Robert Mallgren dated 9/19/05
 - e) State of Washington Class Specification for Sign Painter, 619G
 - f) State of Washington Class Specification for Sign Painter Lead, 619I
 - g) State of Washington Class Specification for Maintenance Specialist 3, 596J
 - h) State of Washington Class Specification for Maintenance Mechanic 2, 626k
 - i) Document titled, "Work Orders", dated 6/612
 - j) Facilities Maintenance Organization Chart, dated 7/11/2012
 - k) Paint Shop Organization chart dated 10/24/2012
 - l) Paint Shop Organization chart, dated 10/24/2012 (duplicate)

4. Position Review Request – Supervisor Portion filled out by Jesse Dasovich, Painter Supervisor, received January 18, 2013
5. Kim Davis notes taken from interview with Robert Mallgren February 5, 2013
6. Kim Davis notes taken from interview with Jesse Dasovich, supervisor, February 5, 2013
7. Email with additional information from Robert Mallgren, March 1, 2013
8. Email to Marisa McKay, HR Consultant from OSHRD asking for information on Maintenance Specialist 2 and 3 classifications March 4, 2013
9. Notes on post-it regarding information provided by Marisa McKay, OSHRD, March 5, 2013
10. State of Washington Class specifications with notes for Sign Painter, Sign Painter Lead, Maintenance Specialist 2 and Maintenance Specialist 3
11. Side by side analysis of Sign Painter, Sign Painter Lead, Maintenance Specialist 2 and Maintenance Specialist 3 with notes completed by Kim Davis
12. Exhibit packet titled "Work Completed, Maintenance Items and Equipment" Mr. Mallgren provided to EWU for HR review

C. Class Specifications

1. State of Washington Class Specification for Maintenance Specialist 2, 596I