



STATE OF WASHINGTON
OFFICE OF FINANCIAL MANAGEMENT

STATE HUMAN RESOURCES DIVISION | DIRECTOR'S REVIEW PROGRAM
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December 22, 2014

TO: Lloyd Chase

FROM: Holly Platz, SPHR
Director's Review Program Investigator

SUBJECT: Lloyd Chase v. Department of Transportation (DOT)
Allocation Review Request ALLO-14-035

The Director's review of DOT's allocation determination of your position has been completed. The review was based on written documentation provided by you and by DOT. A list of the documents reviewed is attached. In addition, I considered the guidance provided in Personnel Resources Board appeal decisions and the State Human Resources Glossary of Classification Terms.

Background

You requested a reallocation of your Transportation Technician 3 (TT3) position to the Transportation Engineer 2 (TE2) classification by submitting the employee portion of the Position Review Request form to DOT's Human Resources (HR) office on September 24, 2013. On October 17, 2013, you submitted an updated Classified Position Description to DOT's HR office.

By memorandum dated March 31, 2014, DOT determined that your position was properly allocated and denied your request. (Exhibit B-1)

On April 17, 2014, you requested a Director's review of DOT's determination. (Exhibit A-1)

Your position is located in DOT's Northwest Region in the Mount Vernon Project Office Design/Construction. You report to the Office Engineering Leader. Your working title is Assistant Office Engineer. In addition to your work team, the office also contains a Construction Team, a Survey Party team and a Design Team.

As described in your Position Review Request form, the majority (80%) of your duties and responsibilities are to:

- Transmit appropriate material approvals to the project inspectors to coordinate proper material documentation in the field.
- Maintain the Record of Material (ROM) utilizing the Material Tracking Program (MTP).

- Submit Requests for Material Sources approvals, shop drawing, catalog cuts, etc. to OSC and their subsequent approvals/disapprovals of Requests Approval of Material (RAM) from the contractor through the Project Engineer and back to the contractor.
- Review and Input Asphalt Mix designs into MATS program for HQ approval. Review concrete mix design for PE approval.
- Obtain appropriate asphalt paving documentation from field inspectors, determine the Composite Pay Factor (CPF) for asphalt concrete pavement quality and compaction, and transmits all CPF results to the contractor in a timely manner as required by the Standard Specifications.
- Initiate and coordinates payment deferrals for insufficient or incorrect documentation from the contractor.

The remainder of your duties and responsibilities are described on page 2 of the Position Review Request form. (Exhibit B-7)

In the Classified Position Description form that you signed on October 17, 2013 (Exhibit B-2), you indicate that the objective of your position is to monitor and maintain the Record of Materials (ROM) on all contracts to assure the proper approvals are being achieved. You describe the majority of your duties (80%) as follows:

Reviews, analyze, evaluates and track material documentation and submittals. Process the contract submitted RAM and QPL's to the project inspectors to coordinate proper material documentation in the field. Maintain the Record of Material (ROM) by entering the contractor submitted RAM and QPL's into the Material Tracking Program (MTP). Submits RAM, shop drawing, catalog cuts, etc. . . . to OSC/HQ if required for their subsequent approvals/disapprovals of the material back through the Project Engineers office and to the contractor. Review and input the contractor submitted Asphalt Mix Design into MATS program for HQ approval. Review the contract submitted concrete mix designs for approval/disapproval and return for correction if required or forward on to Project Engineer for approval. Help to obtain appropriate asphalt paving documentation from field inspectors, determines the Composite Pay Factor (CPF) for asphalt concrete pavement quality and compaction, and transmits all CPF results to the contractor in a timely manner as required by the Standard Specifications. Initiate and coordinates payment deferrals for insufficient or incorrect material documentation from the contractor. Create and maintain the Materials Deficiency list by using the MTP. Maintains the Submittal Log in Contract Manager and inputting submittals into the Electronic Project files.

DOT's determination letter (Exhibit B-1) also includes a description of the majority of your work. Your direct supervisor confirmed that your work was accurately described. DOT's determination summarized the majority of your work as follows:

. . . the bulk of your duties were related to reviewing of contractor submittals for correct materials codes and that these codes can be verified in the Qualified Products List, a central database for acceptable construction materials per state and federal regulations and guidelines. You indicated that you serve as the point of contact with contractors for new and existing construction projects in the Mount Vernon Project Office, and send incomplete or incorrect materials submittals directly back to contractors for resolution, or if complete, you provide notification of approval. Additionally you have indicated that you work collaboratively with the TE-2

in the Project Office responsible for initiating payments to contractors; you double check the TE-2's data entry in the Contract Administration and Payment System (CAPS) and verify which individual contractors have submitted complete materials documentation packages, thus enabling or preventing them from receiving payment. You create deficiency lists to track which documents are missing for construction materials for each project. Furthermore, you are responsible for initial preparation of contract materials checklists, which require justification for the delay or absence of materials documents; these are then reviewed by the Project Engineer, Dave Crisman, before distribution to the Mount Baker office, Headquarters, and the project file.

You provided further clarification of DOT's summarization in Exhibit A-3. You clarified that contractors are encouraged to use the QPL but that you check the specification that is on the QPL page to see that it meets or exceeds the minimum requirements set by the contract specific requirements. You confirmed that you are the contact person for all material submittals including RAM. You review and code submittals, sign the RAM on behalf of the Project Engineer, or forward it to headquarters for approval, and return incomplete or incorrect submittals to the contractor for further action. You then process the additional submittals. You clarified that you do not work with the TE-2 on materials or material documentation. You further clarified that you prepare contract materials checklists which are forwarded to the Project Engineer for signature. The checklist is then sent to the Mount Baker area headquarters for the Manager's signature and then to the State Construction Engineer.

Summary of Mr. Chase's Perspective

You argue that your position should be allocated to the TE2 classification because your duties and responsibilities are almost identical to the duties of the previous incumbent in your position and at that time, the position was allocated to the TE2 class. You assert that the allocation determination should be based on the tasks performed rather than a comparison of your position to the distinguishing characteristics of the class. You also argue that other Materials Documentation positions at DOT are allocated to the TE2 class and that you have the support of your direct supervisor and the local Human Resources Consultant for reallocation.

You contend that as a member of the Documentation Team you work independently under general supervision as a full production staff member approving and processing all material submittals for projects in the Mount Vernon Project Engineer office. You assert that your responsibilities are above the TT3 level and that you independently apply standard engineering procedures to process materials submittals. You explain that your supervisor provides assistance when problems arise that you are unable to deal with at your level. You also explain that you check the Qualified Products List (QPL) to determine if materials listed in project materials submittals (RAM) are listed on the QPL and you return incomplete or incorrect material submittals to contractors as needed with notes stating what further action is required. You explain that when the additional documents are received you process them by independently applying standard engineering procedures. You also process Manufacture Certificates of Compliance, Mill Test Reports, Independent Test Reports, Wood Treatment Certs, Lumber Grading Certs, Concrete Pipe Acceptance Reports, Asphalt Mix Designs, Concrete Mix Designs, Certificates of Material Origin and Catalog Cuts. You assert that there are no established lists for how to process these submittals; therefore you apply standard engineering procedures to process the documents. You contend that when documents are inadequate or unacceptable, you have the authority to defer payment to the contractor until the required document(s) has been received and set requirements have been satisfied. You contend that there are no established checks and balances for your work regarding initiating and coordinating payment deferrals.

You assert that the responsibility for documenting and dating submittals and additional approval submittals to keep Federal Funding for projects is extremely important, is above the level of work found in the TT3 classification and requires more than following established policies, procedures and standards to complete processing of the documents. In summary, you contend that most of what you do on a daily basis requires an independent application of standard engineering procedures and techniques.

Finally, you assert that your direct supervisor did not complete the supervisor's portion of the Position Review Request and that your supervisor would have supported your reallocation request and provided completely different comments on the form. Exhibit A-5 contains the comments of your immediate supervisor. You disagree with the comments provided by the Assistant Project Engineer in Exhibit B-11.

Summary of DOT's Reasoning

DOT argues that while you work with relative independence and exercise initiative and judgment as to when it is appropriate to request assistance from others, the reviewing and tracking of materials documentation and comparison of materials documentation codes to the QPL qualifies as skilled technical tasks in support of an engineering project or program. DOT contends that the majority of your work depends largely upon established guidelines, resources and standards and does not require independent application of standard engineering procedures and techniques. In addition, DOT determined that your position does not bear responsibility or authority to defer or rescind contactor payments. DOT asserts that your duties and responsibilities fall clearly within the definition and distinguishing characteristics for the TT3 classification and that your position is properly allocated.

Director's Determination

As the Director's designee, I carefully reviewed all of the documentation in the file and considered your written arguments. Based on my review of the documents, the available classifications, and my analysis of your assigned duties and responsibilities, I conclude that your position is properly allocated to the TT3 classification.

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

One of your arguments goes to the former allocation of your position and the allocation of similar positions at DOT. The Personnel Resources Board has addressed this issue on numerous occasions. For example, in Byrnes v. Dept's of Personnel and Corrections, PRB No. R-ALLO-06-005 (2006), the Personnel Resources 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). Therefore, the former allocation of your position as well as the allocation or misallocation of other Materials

Documentation positions at DOT are not determining factors in the appropriate allocation of your current position.

The Personnel Resources Board has also established that the following classification standards, in descending order, are the primary considerations in allocating positions:

- a) Category concept (if one exists).
- b) Definition or basic function of the class.
- c) Distinguishing characteristics of a class.
- d) Class series concept, definition/basic function, and distinguishing characteristics of other classes in the series in question.

In addition, the Glossary of Classification Terms provides guidance for interpreting the language used in the class specifications and while not allocating criteria, the typical work or examples of work statements provide support to the duties typically performed at each level within the class series.

The first criterion for allocation to the TE2 classification is the definition. The definition for the TE2 classification states: “[p]erforms transportation engineering work under general supervision.”

The Glossary of Classification Terms defines “general supervision” as:

- Employee performs recurring assignments without daily oversight by applying established guidelines, policies, procedures, and work methods.
- Employee prioritizes day-to-day work tasks. Supervisor provides guidance and must approve deviation from established guidelines, policies, procedures, and work methods.
- Decision-making is limited in context to the completion of work tasks. Completed work is consistent with established guidelines, policies, procedures and work methods. Supervisory guidance is provided in new or unusual situations.
- Work is periodically reviewed for compliance with guidelines, policies and procedures.

The level of supervision you receive is consistent with the definition of “general supervision.”

The next consideration for allocation to the TE2 class is the distinguishing characteristics. The distinguishing characteristics for TE2 state:

Work at this level is characterized by the independent application of standard engineering procedures and techniques to accomplish a wide variety of work in the office, laboratory, and/or field. Incumbents generally serve as full production staff or crew leaders. Work is assigned through general instructions and the setting of deadlines by a supervisor who engages in ongoing spot-check review, provides assistance when problems are encountered and reviews completed work. This role may include the leadership of technical support staff and entry level engineers such that incumbents are called upon to direct and train staff.

Though not allocating criteria, the typical work statements for the TE2 classification provide guidance on the level of work, scope of responsibility and complexity of work typically performed at this level. You argue that your position meets the second typical work description under the Construction heading which states:

As assistant to the Office Engineer: checks plan continuity, quantities, grades and alignment using mainframe and personal computer; reduces contract design data into working drawings and sketches for field use; independently evaluates and processes all types of contractor submittals and drawings; monitors construction schedule and prepares reports; directs the review of calculations, methods of measurement and payment, field notes and field records; oversees maintenance of the computerized ledger system, the preparation of estimates and contract payments; reviews and directs the processing of force account records; researches and prepares documentation for change orders, prepares change order checklist and funds request and drafts justification letter; oversees the preparation of final records and "as-builts."

The majority of your work involves independently reviewing and processing contractor submittals using established policies and standards and monitoring and maintaining records of submittals. Your position is not assigned the scope of work encompassed in the TE2 classification. The TE2 classification is not the best fit for the majority of the duties and responsibilities of your 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).

The definition for the TT3 classification states "[t]his is the skilled journey level within the Transportation Technician series."

The 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. Individuals can complete work assignments to standard under general supervision. Also referred to as the working or fully-qualified level.

Your position meets the description of performing journey level work. You are fully competent and qualified in all aspects of Materials Documentation and you work under broad/general guidance. In addition, your position meets the level of general supervision included in the Glossary of Classification Terms and found in the definition of "journey level."

The distinguishing characteristics for TT3 state:

In the office, laboratory and/or field, incumbents perform skilled technical tasks in support of engineering projects and programs. Incumbents typically receive instructions about the work to be done including scheduling and priorities, but work with relative independence in selecting methods and resolving routine problems. Employees at this level are expected to exercise initiative and judgment in independently carrying out assignments according to established policies, procedures and standards. When solutions are not readily attainable, the employee refers the problem to the supervisor. Leadership responsibility is normally limited to on-the-job training of other technical staff. May act as crew leader on specific assignments that do not require ongoing direction from a supervisor.

Your position is described by the distinguishing characteristics of the TT3 classification. You independently perform skilled technical tasks in support of engineering projects. You independently resolve problems and refer problems that you are unable to resolve to your supervisor. You perform the majority of your work according to established policies, procedures and standards. You occasionally provided on-the-job training to other staff.

In addition, while construction is not specifically called out in the typical work statements, work within the Office Engineering team and the work assigned to you and your position fits within the Office section of the TT3 class. The relevant portion states:

Independently performs a variety of skilled construction office engineering tasks such as: checks calculations including elevations, grades, earthwork, etc., and uses computer to resolve engineering problems; checks field notes submitted by inspectors and compiles information; enters information into the computerized ledger system; checks and corrects entries made by others; checks inspector's daily force account sheets, calculates equipment and wage rates and enters into computer; runs pre-estimates and monthly estimates; compiles and calculates final quantities and final estimate; monitors and processes submittals such as requests to sublet, approval of sources and materials documentation; compiles information and prepares the interim, twelve-year and permanent final records; trains and leads others in preparation of the above materials. (Emphasis added.)

The majority of your duties require you to perform skilled technical tasks to review, process, track, approve and disapprove materials documentation. Overall, the level and scope of the majority of your duties and responsibilities best fit the within the definition and distinguishing characteristics of the TT3 classification. Your position is properly allocated.

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 3rd floor of the RAAD Building, 128 10th Avenue SW, Olympia, Washington. The main telephone number is (360) 407-4101, and the fax number is (360) 586-4694.

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

cc: Niki Pavlicek, DOT
Lisa Skriletz, SHR

LLOYD CHASE v WSDOT
ALLO-14-035

A. Lloyd Chase Exhibits

1. Washington State Personnel Resources Board Appeal submission from Lloyd Chase, faxed on April 17, 2014 (Allocation Decision Memo removed to avoid redundancy), 7 pages
2. Statement and justifications from Lloyd Chase, 2 pages
3. Copy of Request for Reallocation decision with responses from Lloyd Chase, 6 pages
4. TT3 and TE2 Distinguishing Characteristics and comparison of class specs for Construction (80% of my job) and duties as outlined on my CPD, 2 pages
5. Email from employee's immediate supervisor, Joanne Walker, in support of Lloyd's reallocation from T3 to E2 (with highlights)
6. Lloyd Chase incoming CPD dated 4/30/2010 (his first CPD in the position) (with notes), 2 pages
 - a. Dave Sparks' CPD dated 3/5/2010, directly before Lloyd Chase moved into the position (with notes), 2 pages
7. Table of Organization dated August 2009
8. Table of Organization Dated October 2009
9. Email response from Lloyd Chase to Union dated May 21, 2014 and referenced email dated September 12, 2013, 2 pages
10. Partial list of projects compiled by Lloyd Chase with details about the cost and complexity of the projects, 4 pages
11. Lloyd Chase PMP dated 5/8/14 (with highlights), 3 pages
12. Field Note Record examples detailing payment deferrals and project complexity, 6 pages
13. Recent Materials Engineer TE2 job posting, 2 pages
14. Final Employee Argument dated November 19, 2014 with listing of Acceptance Codes

B. DOT Exhibits

1. Allocation Decision Memo (dated 03-31-2014)
2. Employee Submitted Position Description – (date stamped 10-17-2013)
3. Table of Organization (TO) dated 08-22-2013
4. Table of Organization (TO) dated 10-21-2009
5. Table of Organization (TO) dated 08-13-2009
6. Previous General Classified Position Description on file signed 07-31-2013;
7. Position Review Request Employee Portion – date stamped 09-24-2013;
8. Teleconference desk audit notes taken from 01-10-2014 call with Lloyd Chase;
9. Desk Audit notes taken from meeting 02-13-2014;
10. Assistant Project Engineer's written feedback to employee's Position Review Request Employee Portion statement dated 09-25-2013;
11. Assistant Project Engineer's completed Position Review Request Supervisor Portion dated via email 09-25-2013;

12. Local Human Resource Consultant summary of background and analysis of employee's request dated 10-23-2013;
13. Class Specification – Transportation Technician 3
14. Class Specification – Transportation Engineer 2

B. Class Specifications

1. Transportation Technician 3
2. Transportation Engineer 2