



STATE OF WASHINGTON
OFFICE OF FINANCIAL MANAGEMENT

STATE HUMAN RESOURCES DIVISION | DIRECTOR'S REVIEW PROGRAM
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June 9, 2015

TO: Franklin Plaistowe,
Rules & Appeals Section Chief

FROM: Kris Brophy
Director's Review Investigator

SUBJECT: Nancy Guinn v. Department of Transportation (WSDOT)
Allocation Review Request ALLO-14-087

Director's Determination

This position review was based on the work performed for the six-month period prior to March 31, 2014, the date WSDOT Human Resources 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 Ms. Guinn's assigned duties and responsibilities, I conclude her position should be reallocated to the Transportation Engineer 3 (TE 3) classification.

Background

On March 31, 2014, WSDOT's Office of Human Resources (OHR) received Ms. Guinn's updated Position Description form (PDF), requesting her TE 2 position be reallocated to Transportation Engineer 3 (TE 3). On August 6, 2014, Jennifer Wagner, Human Resource Consultant, notified Ms. Guinn that her position was properly allocated to the TE 2 class (Exhibit B-1).

On September 3, 2014, State Human Resources, OFM, received Ms. Quinn's request for a Director's review of WSDOT's allocation decision (Exhibit A-1).

On April 30, 2015, I conducted a Director's review telephone conference with the parties. This included Nancy Guinn; Karen Estevenin, Union Representative, PTE Local 17, Teamsters; and Jennifer Wagner, HRC, WSDOT.

Ms. Guinn submitted additional information following the review conference. This information has been incorporated into the record as exhibits.

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

Ms. Guinn works for the Northwest Region (NWR) Design-Build Program and I-405 / SR 167 Design-Build (D-B) Office located in Bellevue. She serves as the Materials Documentation Engineer for the NWR. She conducts documentation reviews and audits for all Design-Build contracts within the NWR. This includes projects on I-405, SR 167 and SR 509, in addition to other smaller projects.

Ms. Guinn describes her duties in the position description form (PDF) submitted for reallocation (Exhibit B-2). Her duties are described in the PDF as follows:

60% Performs and coordinates the interim and final reviews of the field office's construction documentation files (including both temporary and permanent records) for the region's Design-Build projects. This includes schedules, payrolls, sublet requests, (QMP) [Quality Management Plan], materials, change orders, final records, etc.

Determine whether that documentation is comprehensive, accurate, and if it meets the relevant Request for Proposal (RFP) requirements standards. Presents the findings of the documentation review to the Project Engineer's Office and Design-Builder's Quality Assurance Team at the 25 (as needed), 75 and 100 percent level of construction completion. Recommends documentation approval to the Engineering Manager and/or Headquarters.

Verifies that the materials documentation performed by the Design-Builder (DB) conforms to the plans and specifications as outlined in the RFP. Reviews the Certified Materials documentation prepared and submitted by the DB to verify that the submitted by the DB to verify that the submittals meet WSDOT criteria prior to entering them into final records. Reviews the DB's materials database to determine if the data is input properly and if it is correct, complete and up to date. Confers with various people as needed to answer material documentation concerns.

25% Reviews contract documentation for compliance with State and Federal requirements. Prepares and distributes summary report of findings.

Provides technical assistance to project offices, field testers and the DB's Quality Assurance personnel regarding proper acceptance of materials. Assists in maintaining effective communication with the contractors, work groups within DOT, and other agencies. Coordinates with Headquarters Materials for their project documentation compliance reviews.

10% Assists in developing specifications for upcoming contracts. Performs Quality Control checks of future Design-Build contracts verifying the applicability and completeness of relevant RFP sections. Participates in the NWR Construction Documentation meetings to improve consistency and the efficiency of the construction documentation processes.

5% Performs other duties as assigned

Supervisor's Comments

Ms. Guinn reports to Mr. Robert Kutrich, Transportation Technical Engineer. Mr. Stephens signed the PDF and indicated that Ms. Guinn's description of her duties and responsibilities is accurate and complete.

Ms. Lesly Chan, Business & Engineering Services Manager, is Ms. Guinn's second-level supervisor. She fully supports Ms. Guinn in her reallocation request and stated in exhibit A-10 that:

Nancy is the only Regional expert in this area of expertise...for Design-Build projects. ...she has been instrumental in assisting the project offices in successful closeout of five Design-Build projects with another five projects and one Design-Bid-Build project in the process. Many of these high-profiled projects (ranging from \$4M to \$200M have federal requirements...

She acts as the liaison between the project offices and HQ to complete and gain approval of the project's construction documentation for project closeout. She is the authority in this area of expertise to ensure successful documentation processes are followed to close out projects. ...she has stepped up to fill some of the responsibilities of the construction documentation review on her own. Her close working relationship with HQ shows their confidence in her review and compliance with the documentation process. She works independently with minimal supervisory support or guidance and directly reports out to Project Engineers [PE] and Engineering Managers [EM] on their projects. She also represents WSDOT when coordinating with Design/Builder/Contractors on the review of the material documentations.

Summary of Ms. Guinn's Perspective

Ms. Guinn asserts her position performs advanced transportation work consistent with the TE 3 class level. For example, she serves as a staff specialist in a complex area of limited scope as the NWR Design-Build construction materials documentation reviewer for all projects in the NWR. She states she independently makes recommendations to PE's and EM's regarding the acceptance of final certified material documentation. She also reviews various administrative and material documentation and contract documentation for compliance with RFP, QMP, Released for Construction Plans, and other standards as needed. She provides technical assistance to project offices, field testers and the DB's Quality Assurance personnel regarding proper acceptance of materials. She also coordinates with Headquarters Materials staff regarding project documentation compliance reviews.

Ms. Guinn states she works under limited supervision consistent with the TE 3 level class. For example, she states that TE 2 positions work under general supervision and instructions and deadlines are set by the supervisor. She states that she does not receive general instructions but rather sets her own schedule. She also indicates that her supervisor is not engaged on a daily basis and that she sets her own deadlines based on the nature of documentation projects she receives. She asserts that she is also called on to train other staff regarding materials documentation processing and requirements to ensure proper processes are followed.

Ms. Guinn believes her duties closely align with the Construction Materials Documentation Engineer listed in the typical work statements for the TE 3 level class. In addition, Ms. Guinn

believes her position is similar to other regional materials documentation reviewer positions that are allocated to the TE 3 level class.

In total, Ms. Guinn asserts the majority of her work assignments, as well as her level of responsibility, reaches the TPS 3 level class.

Summary of WSDOT's Reasoning

WSDOT states in its determination that Ms. Guinn's duties do not meet the level of advanced transportation work performed by a TE 3. WSDOT states that Ms. Guinn works with relative independence; however she follows established methods and standardized practices to complete her work. Her position does not require her to select or adapt techniques to solve transportation problems. She applies standard engineering procedures and techniques in reviewing and compiling construction documentation files for multiple contractors and projects, and recommending documentation approval to EM's, PE's and Headquarters staff.

WSDOT states that her duties expanded within the same focus area due to the departure of her supervisor, but the essential nature of the work she performs has not changed significantly.

In total, WSDOT asserts Ms. Guinn's position is properly allocated to the TE 2 class.

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. 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.

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

Comparison of Duties to Transportation Engineer 2

The Transportation Engineer 2 Definition states:

Performs transportation engineering work under general supervision.

The Distinguishing Characteristics for this class state in relevant part:

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

This class generally describes a portion of Ms. Guinn's position. For example, a portion of Ms. Guinn's documentation review work involves independently applying standard engineering procedures and techniques to review construction documentation files for routine Design-Build projects.

However, this level does not fully address the overall scope and level of complexity of work Ms. Guinn performs as the materials documentation review specialist for the NWR. Ms. Guinn's duties extend beyond the scope of this class by conducting complex construction project documentation reviews for WSDOT mega projects. She acts as the liaison between the project offices and HQ to complete and gain approval of the project's construction documentation for project closeout, and as stated by Ms. Chan, is the authority in this area of expertise to ensure successful documentation processes are followed to close out all projects for the NWR.

In addition, her position extends beyond the TE 2 level of working under general supervision and receiving instructions and deadlines which are set by the supervisor. Ms. Guinn sets her own schedule and deadlines based on the nature of documentation projects she receives. As Ms. Chan indicates, she works independently with minimal supervisory support or guidance and directly reports out to Project Engineers and Engineering Managers on their projects. She also represents WSDOT when coordinating with Design/Builder/Contractors regarding documentation reviews.

While certain aspects of Ms. Guinn's work performed during the review period reaches aspects of the work performed at the TE 2 level, her duties extend beyond the requirements of the Definition and Distinguishing Characteristics of this class. As a whole, the TE 2 class is not the best fit for her position. For these reasons, her position should not be allocated to the TE 2 class.

Transportation Engineer 3

The Transportation Engineer 3 Definition states:

Performs advance[d] transportation engineering work under limited supervision.

The Distinguishing Characteristics for the Transportation Engineer 3 class state in relevant part:

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.

The overall scope and level of responsibility of Ms. Guinn's position reaches the allocating requirements of the definition of this class of performing advanced transportation engineering work under limited supervision.

First, the Distinguishing Characteristics describe positions that serve as staff specialists in a complex area of limited scope. The scope of this work is further supported by typical work statements that describe the level of duties and responsibilities encompassed at this level. The typical work statements provide multiple examples of working titles for positions working in various analyst, coordinator, or reviewer roles. The typical work section states:

Incumbents typically perform the level of work described by the tasks and working titles specified below a majority of the time. This description is not intended to be all-inclusive but representative of the level of responsibility and level of complexity of the work performed by this class.

...

Construction

- District Documentation Reviewer

As a whole, Ms. Guinn's position meets the focus and scope of this class by serving in a staff specialist capacity as the Design-Build and Design-Bid-Build construction materials documentation reviewer for all projects in the NWR. This includes reviewing documentation for the Design-Build mega projects and independently making recommendations to PE's and EM's regarding the acceptance of final certified material documentation for all projects in the Region. She also reviews various administrative and material documentation and contract documentation for compliance with RFP, QMP, Released for Construction Plans, and other standards as needed.

The scope of this work also requires Ms. Guinn to use her judgment in interpreting information such as shop drawings, construction manuals and specifications in order to solve documentation issues for larger, more complex projects. The overall focus and scope of this work requires her to perform advanced transportation engineering work as a staff specialist for the NWR.

In addition, Ms. Guinn works under limited supervision at a level consistent with the TE 3 level by setting her own schedule and deadlines based on the nature of documentation projects she receives. Ms. Guinn has full responsibility for independently completing her materials documentation review and related work assignments. Ms. Guinn performs her work under the limited supervision of her supervisor, Mr. Kutrich. In her letter of appeal, Ms. Guinn stated that her supervisor reviews her work at the completion of the documentation review process. This is consistent with the Distinguishing Characteristics statement, "While work is occasionally spot-

checked and reviewed upon completion, incumbents are responsible for planning and carrying out projects with only minimal supervision.”

Further, Ms. Guinn is also called on to train other staff regarding materials documentation processing and requirements to ensure proper processes are followed. Ms. Chan stated she serves as the materials documentation specialist for the NWR. Ms. Guinn's responsibilities include training other engineering and management staff regarding the materials documentation process. This is consistent with the level of responsibility anticipated by this class as stated in the definition, “Assignments may involve supervising and training lower level personnel and/or performing as a project team leader on assigned projects.”

The best fit concept is used when for lack of a better fit, the duties and responsibilities of a position do not encompass the full breadth of the duties and responsibilities described by the classification but the classification best describes the level, scope and diversity of the overall duties and responsibilities of the position.

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.

Additionally, most positions within the civil service system occasionally perform duties that appear in more than one classification. However, when determining the appropriate classification for a specific position, the duties and responsibilities of that position must be considered in their entirety and the position must be allocated to the classification that provides the best fit overall for the majority of the position's duties and responsibilities. Dudley v. Dept. of Labor and Industries, PRB Case No. R-ALLO-07-007 (2007).

In this case, the scope of Ms. Guinn's work, and the majority of her work assignments as a whole, more closely align with the requirements of the TE 3 class. Therefore, Ms. Guinn's position should be reallocated to that class.

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 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.

c: Nancy Guinn, WSDOT
Karen Estevenin, PTE Local 17
Jennifer Wagner, WSDOT.

Enclosure: List of Exhibits

NANCY GUINN v DOT

ALLO-14-087

List of Exhibits

A. Nancy Guinn Exhibits

1. Nancy Guinn Request for Director's Review date stamped 9.3.14
2. Position statement and summary dated today, 11.3.14
3. CPD for position number 11886 as mentioned in employee exhibit 2
4. CPD for position number 11888 as mentioned in employee exhibit 2
5. Table of Organization dated July 2014 with highlights
6. Original reallocation denial letter dated 8.6.14 with rebuttal by Nancy Guinn (highlighted)
7. Rebuttal to employer exhibit number 6. Original remarks in black with my responses highlighted
8. Previous Classified Position Description signed 4.14.10 by all parties
9. Email from Nancy Guinn to Local 17 plus attachments dated 10.10.14
10. Email from Lesly Chan to Local 17 dated 10.10.14 indicating support for Ms. Guinn's reallocation
11. Email thread from Nancy Guinn to Local 17 dated 10.10.14
12. Email from Nancy Guinn to Local 17 dated 10.8.14. Ms. Guinn's responses to Local 17 questions highlighted
13. Letter to Nancy Guinn from Lorena Eng dated 7.23.13 (highlight and note mine)
14. Email from Bruce Dibert to Nancy Guinn dated 12.9.11

Exhibits submitted after the review conference

15. Comments document with attached email letters of support from Randy Mawdsley and Patrick Norton.

B. DOT Exhibits

1. Allocation Decision Memo (dated 08-06-2014)
2. Employee Submitted Position Description – (no date stamp; signed by employee on 03-31-2014)
3. Previous General Classified Position Description on file (date stamped 04-14-2011);
4. Letter from Nancy Guinn to regional HR Consultant dated 03-31-2014;

5. Desk Audit questions and answers via email with three attachments provided by Nancy Guinn, email dated 07-11-2014;
6. Notes taken during review of position and desk audit questions (no date)
7. State HR Class Specification – Transportation Engineer 2
8. State HR Class Specification – Transportation Engineer 3

C. Director's Exhibits

1. State HR Class Specification – Transportation Engineer 2
2. State HR Class Specification – Transportation Engineer 3