



STATE OF WASHINGTON
OFFICE OF FINANCIAL MANAGEMENT
STATE HUMAN RESOURCES | DIRECTOR'S REVIEW PROGRAM
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February 5, 2015

TO: Paul Martin

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

SUBJECT: Paul Martin v. Department of Enterprise Services (DES)
Allocation Review Request ALLO-14-093

The Director's review of DES's allocation determination of your position has been completed. The review was based on written documentation provided by you and by DES. A list of the documents reviewed is attached.

As the Director's Review Investigator, I carefully considered all of the documentation submitted by you and by DES in this matter. In addition, I considered the guidance provided in Personnel Resources Board appeal decisions. Based on my review and analysis of your assigned duties and responsibilities, I conclude your position is properly allocated to the Heating, Ventilation, and Air Conditioning Technician classification.

Background

On May 27, 2014, DES Human Resources (HR) received your Position Review Request (PRR), asking that your Heating, Ventilation, and Air Conditioning (HVAC) Technician position be reallocated to the Telemetry Systems Specialist classification. (Exhibit B-5) In your PRR, you state that that you are "performing the same job duties as the other agency HVAC System Control Telemetry System Specialists."

DES HR conducted a position review and notified you by letter dated August 26, 2014 that your position was properly allocated to the HVAC Technician class. (Exhibits A-3 and B-1)

On September 19, 2014, the State Human Resources office received your request for a Director's review of DES's allocation determination. (Exhibit A-2)

This position review was based on the work performed for the six-month period prior to May 27, 2014, the date DES HR received your request for a position review. I note that in Exhibit A-9 you indicate that you submitted your original request over 2 years ago. You also include a PRR that you state is from October 2012. (Exhibit A-11) However, the PRR allegedly from October 2012 is undated and unsigned and it does not appear that this request was submitted to DES HR for processing. Therefore, this review is based on the date stamped PRR submitted to DES HR on May 27, 2014.

Duties and Responsibilities

Your position is assigned to Buildings and Grounds within the Facilities Division of DES. Your work location is the West Capital Campus, DES's Zone 1. At the time of your review request, you reported to Dave Boyer, Construction and Maintenance Superintendent 2 for the West Campus.

Your position is described in your Position Description form (Exhibit B-2), however, you dispute the accuracy of the duties include in the form. You contend that the description of your duties in your PRR is accurate. In the PRR Supervisor Portion, your supervisor agreed that your description of your duties was accurate. While I reviewed the Position Description form, my decision is based on the duties you described in your PRR.

Your major job duties are described in detail in your PRR (Exhibit B-5). In addition, the duties you perform that you feel are outside of the HVAC Technician classification are described in your PRR. In your PRR, you categorized your duties as follows:

- 65% Program, troubleshoot, repair, installs, operates, engineers, and maintains twelve different Washington State Capital Campus building telemetry HVAC control systems.
- 35% Responsible for heating, ventilation, and air conditioning equipment (HVAC) systems for assigned multi-locations which include the performance of skilled work in diagnostic testing, repair, and maintenance of HVAC and steam distribution systems. Installation, maintenance, diagnosis, and repair of air handlers, air flow dampers, V belts, sheaves, pulleys, and bearing; maintains and repairs commercial refrigeration equipment used in air conditioning, ventilation, and chilled water systems. Analyzes specification and bids on materials and equipment to be purchased for construction projects.

As stated in your PRR, the duties you perform that you feel are outside of your current classification are:

- Program, troubleshoot, repair, installs, operates, engineers, and maintains three different newly installed Washington State Capital Campus building telemetry HVAC control systems.

Summary of Your Perspective

In summary, the thrust of your arguments contained in Exhibit A-1 revolve around the denial of the reallocation of your position while similar positions in the Building Automation Group who are assigned to the East Capital Campus were reallocated for retention purposes. You contend that the duties of your position are the same as those performed by Randy Snell who was reallocated to the Telemetry Systems Specialist class. You argue that you have been providing 100% of management of the control system in the Legislative Building since 2004 and that your workload is at or in excess of other HVAC Technicians. You assert that you receive no support from the Building Automation Group. You contend that there is a lot of friction between the Building Automation Group and staff assigned to the West Campus and that you believe management provided inaccurate information to HR that misrepresented the work you do, was factually untrue or was biased against your reallocation request. You assert that you have been performing duties that are not part of the HVAC Technician classification for several years and that this work which constitutes approximately 60% of your time is the same as the work

performed by staff allocated to the Telemetry Systems Specialist class. You argue that your position should also be reallocated to the Telemetry Systems Specialist class.

Summary of DES's reasoning

DES contends that your position does not perform duties similar to those performed by Randy Snell and asserts that Mr. Snell is responsible for 28 state owned facilities working at the integration and management levels of their control systems. DES argues that the difference between the Telemetry Systems Specialist and HVAC Technician classes is that the work of a Telemetry Systems Specialist is done at the integration and management levels. DES asserts that your position does not include integration level responsibilities which would include administrative rights. DES argues that 35% of your work is clearly within the HVAC Technician class and that of the 65% that you identified as higher level work, 20% were performed at the field control level leaving only 45% at the management level. DES asserts that the majority of duties you described as management level duties, were functions performed as a normal part of an HVAC Technician's daily work. DES explains that several platforms are used to control HVACs systems throughout the campus including Johnson Controls, Lonworks and others, and each uses their own proprietary software. DES further explains the Telemetry Systems Specialists are responsible for making all of the systems communicate with the Master Level of the system. DES argues that you are responsible for a stand-alone system that does not communicate with any other system. (See Exhibit B-13) DES acknowledges that some of your duties fit into the Telemetry Systems Specialist class but asserts that the majority of your duties fit within the HVAC Technician class which includes both HVAC and control work. (Exhibits A-3 and B-1) DES contends that your position is properly allocated.

Rationale for Director's Determination

In your letter addressing the reasons for your appeal (Exhibit A-1), you raise concerns of discrimination based on your work location and harassment by a member of your management team. Neither of these issues is within the scope or purpose of a Director's allocation review. In addition, you assert that your workload is at or in excess of other HVAC Technicians at DES. However, 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).

In addition, in Exhibit A-1 as well as in your PRR, you argue that the work you perform is the same as the work performed by other staff whose positions were reallocated to the Telemetry Systems Specialist classification. The Personnel Resources Board has addressed this argument 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 allocation or misallocation of other positions is not a determining factor in the appropriate allocation of your position.

When comparing the assignment of work and level of responsibility assigned to a position to the available class specifications, the Class Series Concept (if one exists) followed by the Definition and Distinguishing Characteristics are primary considerations. While examples of typical work identified in a class specification do not form the basis for an allocation, they lend support to the work envisioned within a classification.

Comparison of Duties to the Control Technician classification

I agree with DES HR that the Control Technician class is not the best fit for your position. The Control Technician class encompasses positions that are responsible for installing, inspecting, testing, servicing, maintaining and repairing various mechanical, electronic, pneumatic, and electrical control systems. An incumbent in the Control Technician class would have responsibility for various systems such as HVAC systems, uninterruptible power systems, fire alarm systems, clock systems, low voltage lighting, and irrigation systems. The scope of your position is primarily HVAC systems. Your position is not assigned the breadth of duties envisioned by the Control Technician classification. (Emphasis added.)

This is further supported by the Personnel Resources Board's decision finding that "[m]ost 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).

Comparison of Duties to the Telemetry Systems Specialist classification

The definition for the Telemetry Systems Specialist class states, "[i]n the Department of Ecology, installs, operates and maintains a statewide air monitoring telemetry system." (Emphasis added.)

Telemetry is the automated communications process by which measurements are made and other data collected at remote or inaccessible points and transmitted to receiving equipment for monitoring. The HVAC class also encompasses using automated monitoring and control systems with local or remote computer control which is consistent with the definition of a telemetry process. However, while your work may utilize telemetry systems, your work is limited in scope to buildings on the West Capital Campus. Your position is not responsible for a statewide air monitoring telemetry system. Therefore, your position does not fit within the definition of the Telemetry Systems Specialist class.

Comparison of Duties to the HVAC Technician classification

The definition for the Heating, Ventilation, and Air Condition Technician states:

Responsible for heating, ventilation, and air conditioning equipment (HVAC) systems for assigned multi-locations which include the performance of skilled work in diagnostic testing, repair, and maintenance of HVAC and steam distribution systems.

The distinguishing characteristics for the HVAC Technician state:

Positions allocated to this class will be limited to designated HVAC units having the responsibility for multiple institutions, such as Consolidated Support Services in the Department of Social and Health Services.

Your position fits within the definition and distinguishing characteristics of the HVAC Technician class. You are responsible for HVAC systems in multiple locations on the West Capital Campus. You perform diagnostic testing, repair and maintenance of the systems. In addition, the typical work statements for the HVAC class describe your responsibility for analyzing and maintaining control systems for heating and ventilation systems and monitoring and adjusting systems using automated monitoring and control systems. The scope of the duties and responsibilities of your position best fit within the HVAC Technician classification.

The Heating, Ventilation, and Air Conditioning Technician classification accurately describes your position and is the best fit for the majority of your duties and responsibilities. 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.

c: Lloyd Hoage, DES
Lisa Skriletz, OFM

Enclosure: List of Exhibits

A. Paul Martin Exhibits

1. Letter of reason for appeal (page 1,2,3)
2. Directors review form received Sept. 19, 2014 (page 4,5)
3. DES allocation determination letter, August 26, 2014 (page 6,7,8,9)
4. Standard DDC control system architecture drawing (page 10)
5. Legislative building LonWorks control system architecture drawing (page 11-14)
6. Project drawing of Legislative building control system (page 15,16,17,18)
7. Email from Building Automation manager April 5, 2012 (page 19)
8. Email May 16, 2014 (page 20)
9. Email October 24, 2014 (page 21,22)
10. House Bill 2765, part6, Sec 6001 (10)(B) April 6, 2009 (page 23,24)
11. Application for position review October 2012 (page 25,26,27,28,29)
12. PDP dated 9/17/2013 (page 30,31,32,33,34)
13. Details of exhibits

B. DES Exhibits

1. DES allocation determination letter. (page 1-4)
2. WGS PDF for position allocation at the time of the employee request for review. (page 5-10)
3. Org Chart at the time of the employee request for review. (page 11)
4. Org Chart of the DES Building Controls unit. (page 12)
5. Employee Review Request Employee Portion. (page 13-17)
6. Position Review Request Supervisor Portion. (page 18-19)
7. Employee Review Request Employee Portion with hi-lited language from typical work in the TS job specifications. (page 20)
8. Diagram of a typical DDC Control System Architecture. (page21)
9. Job Class Specifications for Heating, Ventilation, and Air Conditioning Tech. (page 22-23)
10. Job Class Specifications for Control Tech. (page24-25)
11. Job Class Specifications for Telemetry System Specialist. (page26)
12. Email message string with Mr. Martin describing HVAC and DDC devices he is responsible for. (page 27-30)
13. DES final argument

C. Class Specifications

1. HVAC Technician
2. Control Technician
3. Telemetry System Specialist