



**STATE OF WASHINGTON**  
**OFFICE OF FINANCIAL MANAGEMENT**

STATE HUMAN RESOURCES DIVISION | DIRECTOR'S REVIEW PROGRAM  
P.O. Box 40911 · Olympia, WA 98504-0911 · (360) 407-4101 · FAX (360) 586-4694

October 30, 2015

TO: Kristie Wilson  
Acting Rules and Appeals Program Manager

FROM: Kris Brophy  
Director's Review Program Investigator

SUBJECT: Raul Murcia v. Washington State Patrol (WSP)  
Allocation Review Request ALLO-15-060

**Director's Determination**

This position review was based on the work performed for the six-month period prior to January 12, 2015, the date Washington State Patrol (WSP) Human Resources (HR) received Mr. Murcia's request for a position review. As the Director's Review Investigator, I carefully considered 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. Murcia's assigned duties and responsibilities, I conclude his position should be reallocated to the Program Coordinator (PC) classification.

**Background**

On January 12, 2015, Mr. Murcia submitted a Position Review Request (PRR) to WSP HR Office, requesting that his Customer Service Specialist 2 (CSS 2) position be reallocated to the Program Specialist 3 classification. (Exhibit B-5)

WSP notified Mr. Murcia on May 20, 2015, that his position was properly allocated to the CSS 2 classification. (See Exhibit A-1 and B-4)

On May 28, 2015, Office of Financial Management (OFM) State Human Resources (SHR), received Mr. Murcia's request for a Director's review of WSP's allocation determination. (Exhibit A-1)

A Director's review conference was conducted on September 29, 2015. Present for the conference were Raul Murcia; Tony Jones, Area Representative, WFSE; Keven Zeller, SafetyNet Manager, WSP; Jacob Hursey, Transportation Planning Specialist 2, WSP; Dr. Ben Lastimado, HR Operations Manager, WSP; Melissa Rasmussen, Human Resource Consultant 1, WSP; Melodie Wulfekuhle, Human Resource Consultant, WSP; and Darlonna Vaughn, Human Resource Consultant, WSP.

During the review conference Mr. Murcia entered additional exhibits into the record. This information was reviewed by WSP HR and resubmitted to OFM SHR on October 15, 2015. This information has been incorporated into the file 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).

Positions are to be allocated to the class which best describes the majority of the work assignment. *Ramos v DOP*, PAB Case No. A85-18 (1985).

### **Duties and Responsibilities**

Mr. Murcia performs a variety of technical duties in support of the United States Department of Transportation (USDOT) commercial vehicle number identification application process. His position has primary responsibility for providing assistance to program participants, outside organizations and others wanting information or assistance regarding the USDOT number program. This includes screening and verifying application data, collecting and summarizing timely and accurate commercial vehicle data entered into national databases, providing assistance and resolving routine application and related problems with carriers and drivers, working with officers in the field in correcting inspection reports and creating data reports and spreadsheets for further analysis and reporting.

Mr. Murcia's duties and responsibilities are identified in the PRR as follows:

**55% Duty:**

Organization wide program responsibility for USDOT numbers obtainability and resolution.

**Tasks:**

Specialized and responsible for reviewing and processing commercial motor carrier applications for United State Department of Transportation (USDOT) state wide program. Verify applicant data and resolve errors or conflicts utilizing the Federal Motor Carrier Safety Administrations Portal System. Communicate with commercial motor carriers, Federal, state and local agencies on new procedures and guidelines. Provide customers with information on procedures used during the application process as well as explaining the Code of Federal Regulations. Assist with training DOL Liaisons and agents with new DOT# policy changes.

35% **Duty:**

Support CVD's mission by collecting and summarizing commercial vehicle data.

**Tasks:**

Prepare daily imports and exports of Commercial Vehicle Examination Report data to and from the SafetyNet database. Collect, classify and summarize commercial vehicle enforcement data for the commercial Vehicle Enforcement Bureau SAF presentation and for further analysis by others. Communicate effectively with commercial motor carriers, Federal, state and local agencies on new commercial vehicle procedures and guidelines. Scan reports as an image into the ILINX database, and then index for final processing.

5% **Duty:**

Translator

**Tasks:**

Assist Spanish speaking carriers in translation regarding regulations and policies.

5% **Duty:**

Work as needed

**Tasks:**

Open, sort and route mail appropriately, file and highlight information needed on documents for entry into data base and written response for resolution if needed, route to a supervisor or appropriate officers in the field.

### **Supervisor's Comments**

Mr. Hursey completed the supervisor's portion of the PRR. He indicates that Mr. Murcia's description of his assigned duties and responsibilities is accurate and complete with the exception of the following:

...Raul indicates that he assists and gives recommendations to DOL on their in-house publications which he does do, however, I review all of Raul's recommendations and rewording of any documentation prior to him responding to DOL or any other stakeholder.

Mr. Hursey stated during the review conference that Mr. Murcia independently plans, organizes and prioritizes his day-to-day work tasks and that he generally only provides guidance and assistance to Mr. Murcia if he has a specific question regarding a complex or unusual situation.

### **Summary of Mr. Murcia's Perspective**

Mr. Murcia asserts the PS 3 level class better describes his duties and responsibilities due to the depth of the specialized, technical services he provides. He asserts he has organization-wide program responsibility for managing the WSP's USDOT number program. Mr. Murcia

explains in the PRR that this is a state-funded program that assists local law enforcement, state agencies, stakeholders and carriers in either obtaining a DOT number or finding resolve to licensing requirements. Mr. Murcia asserts he is the only person within the WSP that processes USDOT numbers. He states he also collects and summarizes commercial vehicle data entered into national databases which is used to establish motor carrier safety ratings.

Mr. Murcia asserts he provides technical assistance and specialized consultation to external program participants and internal staff. He asserts he recommends solutions for complex problems and issues related to the program specialty and assesses program participants' needs and that he has developed specialized brochures and related information that are responsive to the needs of participants.

In total, Mr. Murcia asserts his position should be reallocated to the Program Specialist 3 class.

### **Summary of WSP's Perspective**

WSP asserts the majority of work Mr. Murcia performs falls within the scope of work at the CSS 2 level. WSP asserts Mr. Murcia follows prescribed procedures to assist carriers in applying for and resolving problems related to the USDOT number application process. He uses his judgment to independently respond to general inquiries and resolve client problems regarding the application process. He also reviews, enters and provides statistics and other information following established agency policies and procedures.

WSP contends the majority of Mr. Murcia's job duties are consistent with the Definition and job duties described in the CSS 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.

### **Comparison of Duties to Customer Service Specialist series**

The class series concept for the Customer Service Specialist series states:

Positions in this series provide assistance and problem resolution to agency clients/customers and are located in a designated customer service program. The intent of the series is to assist clients/customers in identifying agency processes and procedures, resolving client/customer problems related to agency programs and interpreting agency related laws, policies and procedures. Positions at all levels may be assigned lead or supervisory responsibility over lower level staff.

This series is not clerical in nature. Clerical support duties are incidental to the total work assignment (less than 10%). Clerical support, for the purposes of this series, includes tasks such as maintaining filing systems, maintaining logs, updating computer or manual data systems, office and telephone reception,

completing office forms, compiling and completing recurrent reports, performing routine typing, copy work and preparing mailings.

This occupational category is considered a technical occupational category. Positions assigned to this occupational category have authority to accept, grant or deny agency services or may mediate between the business of the agency and the client (example: Attorney General's Consumer Protection Unit). Some positions may train and provide leadership to volunteers.

## **Customer Service Specialist 2**

### **The Definition for the Customer Service Specialist 2 class states:**

Independently resolves complaints, inquiries and client/customer service problems while maintaining appropriate confidentiality. Provides agency interpretation and applies knowledge of laws, regulations, and processes in the resolution of inquiries, complaints and problems.

Mr. Murcia's duties generally relate to the class series concept for the Customer Service Specialist series. The scope of his position includes independently providing technical assistance and responding to questions for internal staff and external customers as stated in the CSS 2 level class. He also works with customers and other agency staff to resolve data errors or other technical conflicts utilizing the Federal Motor Carrier Safety Administrations Portal System. His duties require him to interpret and apply federal and state rules, regulations and processes to accomplish his tasks.

However, this series is not intended to describe positions which have a significant clerical component. For example, clerical support duties are intended to be incidental to the total work assignment and encompass less than 10% of an incumbent's overall duties. This includes performing such tasks as maintaining filing systems, maintaining logs, updating computer or manual data systems, office and telephone reception, completing office forms, compiling and completing recurrent reports, performing routine typing, copy work and preparing mailings.

Mr. Murcia's position includes performing a variety of clerical support work in excess of this requirement. For example, the PRR for his position states that approximately 35% of Mr. Murcia's time is spent preparing daily imports and exports of Commercial Vehicle Examination Report data to and from the SafetyNet database. He collects, classifies, corrects and summarizes commercial vehicle enforcement data for internal presentations and for further analysis by others. His position scans reports into the ILINX database. Another 5% of his time is spent opening, sorting and routing mail appropriately. He reviews, files and highlights ID number and other information on documents for entry into data bases or for preparing written responses, and also routing to a supervisor or use by other appropriate officers in the field.

In total, Mr. Murcia's clerical support duties constitute a regular and ongoing component of his work and not incidental to his total work assignment encompassing less than 10% of his duties. As a whole, the scope and extent of this clerical component of his work exceeds the intent of this class series.

For these reasons, Mr. Murcia's position duties are not consistent with the requirements of the class series concept of this series and his position should therefore not be allocated to a class within the Customer Service Specialist series.

### **Comparison of Duties to Program Specialist 3**

The definition for the Program Specialist 3 class states, in part, as follows:

Positions at this level work under general direction and typically have organization-wide program responsibility. For programs with statewide impact, incumbents are specialists who manage one component or assist higher levels in two or more components of the program. Programs include but are not limited to voter registration programs; boating, concession, or winter recreation programs; minority and women's business enterprise programs; and aeronautics programs. Program components are comprised of specialized tasks (e.g., reservations, administration, and budget coordination) within a specialty program. Incumbents assist higher-level staff by coordinating all aspects of program services, providing technical assistance and specialized, consultation to program participants, staff and outside entities, and recommending resolution for complex problems and issues related to the program. Incumbents assess program participants' needs and develop specialized services and are responsive to the needs of participants.

This class is intended to describe positions which typically have organization-wide responsibility for managing one component or assisting higher levels in managing two or more components of large state-wide programs. The scope of Mr. Murcia's duties does not reach this level of responsibility.

For example, Mr. Murcia does not have organization-wide program responsibility for the SafetyNet program as required. Mr. Zeller retains overall authority for the SafetyNet program for the WSP. In addition, Mr. Murcia does not have program-level responsibility for coordinating all aspects of SafetyNet program services such as recommending resolutions to complex program-level problems or assessing program participants' needs and developing specialized services responsive to the needs of the program's participants. He does not establish and adjust program priorities or evaluate the program's effectiveness at the level intended by this class. This scope of responsibility rests with his supervisor and other higher-level management staff.

The scope of Mr. Murcia's position involves coordinating the SafetyNet program's daily DOT number application process. This includes working directly with commercial carriers, internal staff, external DOL licensing agents and others, rather than having organization-wide, program-level responsibility. Additionally, program goals are established at a higher management level within WSP. Mr. Murcia provides assistance to customers and makes generally recurring and routine decisions within established guidelines and requirements.

The Program Specialist 3 class describes certain examples of work that may reach certain aspects of Mr. Murcia's duties such as providing technical assistance and specialized consultation to program participants regarding the USDOT number application process. However, when considering the primary allocating factors in the class definition including the size and scope of the designated program, the scope of responsibility over the program and the overall level of his decision-making authority, there are other classes which provide a better fit for his position.

For these reasons Mr. Murcia's position should not be allocated to the Program Specialist 3 class.

### **Comparison of Duties to Program Specialist 2**

The class series concept for the Program Specialist classes states:

Positions in this series coordinate discrete, specialized programs consisting of specific components and tasks that are unique to a particular subject and are separate and distinguished from the main body of an organization. Positions coordinate program services and resources; act as a program liaison and provide consultation to program participants and outside entities regarding functions of the program; interpret, review and apply program specific policies, procedures and regulations; assess program needs; and develop courses of action to carry out program activities. Program coordination also requires performance of tasks and application of knowledge unique to the program and not transferable or applicable to other areas of the organization.

Examples of program areas may include, but are not limited to: business enterprises, fund raising, volunteer services, community resources, election administration and certification, juvenile delinquency prevention, recreational education and safety, energy education, aeronautic operations and safety, student housing, financial aid, and registration.

The Definition for Program Specialist 2 states:

Positions at this level work under general supervision and plan, organize, direct and coordinate operations for programs such as the business enterprise, volunteer services and community resources, elections examination/administration programs. Incumbents oversee day-to-day program operations, function as the program representative and resource, have extensive contact with program participants and outside entities, and resolve problems within a delegated area of authority. Unusual problems, probable outcomes and solutions are presented to higher levels for resolution. Incumbents may be delegated limited authority to approve budget expenditures and may assist higher-level staff with developing and coordinating statewide program activities.

Mr. Murcia performs discrete, specialized tasks for the USDOT number application process which is a unique component of the agency's SafetyNet Program. However, the overall scope of these activities does not contain the depth or breadth of components and tasks encompassed by the Program Specialist class series concept.

For example, positions allocated to the Program Specialist series have independent responsibility for planning, organizing, directing and coordinating operations for specialized programs which requires a higher degree of specialized knowledge and complexity unique to a particular subject. Incumbents coordinate services and resources, assess program needs and develop courses of action to carry out program functions and activities. Mr. Murcia's position does not fully reach this overall level of responsibility. Rather, the scope of Mr. Murcia's position principally involves coordinating the day-to-day processing of USDOT number applications and performing a variety of technical and related clerical activities in support of that function within the agency's total SafetyNet program.

Therefore, while Mr. Murcia performs specific tasks in support of one programmatic component of the broader SafetyNet Program, he does not perform tasks associated with the SafetyNet program as a whole. His position is not encompassed by the Program Specialist class series concept; therefore, allocation to a class within this series is not appropriate. In addition, his overall scope and level of responsibility do not reach the Program Specialist 2 level responsibility for planning, organizing, directing and coordinating operations for the SafetyNet program at the level required.

For these reasons Mr. Murcia's position should not be reallocated to the Program Specialist 2 class.

### **Comparison of Duties to Program series**

The class series concept for this series states that positions:

Perform work requiring knowledge and experience that is specific to a program. Organize and perform work related to program operations independent of the daily administrative office needs of the supervisor. Represent the program to clients, participants and/or members of the public.

A program is a specialized area with specific complex components and discrete tasks which distinguish it from the main body of an organization. A program is specific to a particular subject. The specialized tasks involve interpretation of policies, procedures and regulations, budget coordination/administration, independent functioning and typically, public contact. Duties are not of a general support nature transferable from one program to another. Performance of clerical duties is in support of incumbent's performance of specialized tasks.

Mr. Murcia works independently to perform the scope of work he provides to motor carriers. He assists commercial carriers in obtaining USDOT numbers. This work is unique and requires knowledge specific to the FMCSA rules and regulations. He works independently of the administrative needs of his supervisor and acts as the program liaison to internal staff and external program participants. The USDOT number application process has specific components and discrete tasks that distinguish it from the main body of the organization. These tasks require Mr. Murcia to interpret policies, procedures and regulations. He applies knowledge and experience for this programmatic component of the agency's SafetyNet program and his clerical duties are in direct support of the specialized tasks he performs.

In total, Mr. Murcia's position falls within the intent of class series concept of the Program series.

### **Program Coordinator**

The Definition for Program Coordinator states:

Coordinate the operation of a specialized or technical program.

The Distinguishing Characteristics state:

Under general direction, perform work using knowledge and experience specific to the program. Exercise independent judgment in interpreting and applying

rules and regulations. Independently advise students, staff, program participants and/or the public regarding program content, policies, procedures and activities; select/recommend alternative courses of action and either:

Project, monitor, maintain, initiate and/or approve expenditures on program budgets

OR

Have extensive involvement with students, staff, the public and/or agencies in carrying out program activities, and coordinate, schedule and monitor program activities to determine consistency with program goals.

Mr. Murcia's position more accurately aligns with the Definition and Distinguishing Characteristics of the Program Coordinator classification. This class is a better overall fit for his position.

For example, Mr. Murcia works under general direction and coordinates the daily operations of the USDOT number application process. His position requires the use of specialized knowledge to independently coordinate and carry out daily activities for this portion of the program. He fully exercises independent judgment in interpreting and applying rules, policies and procedures to assist customers in obtaining USDOT numbers.

Additionally, Mr. Murcia gathers, compiles, analyzes and prepares statistical information. He prepares, enters and reviews data and other information which is submitted to the FMCSA for federal reporting purposes. He monitors and prepares information in relation to established program goals which includes gathering and preparing programmatic data and information which is reported to higher level management for presentations to the agency's senior management staff.

Mr. Murcia's overall level of responsibility and decision making authority, as well as his responsibility for coordinating daily administrative processes and reporting functions for this programmatic component of the broader SafetyNet program fits most appropriately within the Program Coordinator classification.

Additionally, 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 following typical work examples best align with the work assigned to Mr. Murcia's position:

- Provide information and advice to ...staff, program participants and/or the public regarding program content, policies and activities, recommend alternative courses of action;
- Promote the program ... with outside organizations;
- Confer regularly with representatives of off-campus organizations and agencies regarding the interpretation and implementation of program and institutional policies;

- Monitor program activities in relation to established program goals; within established program parameters . . .;

The focus and scope of Mr. Murcia's position duties align more fully with these statements.

In summary, there is overlap in the description of duties for both the Program Specialist 2 and Program Coordinator classes. In addition, the scope of his work overlaps with the Customer Service Specialist series. However, when considering all of the available classes, Mr. Murcia's duties and level of responsibility more closely align with the Program Coordinator class. Mr. Murcia independently coordinates program activities and exercises independent judgment to assure that the program's services meet federal requirements and align with the agency's requirements and standards.

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 majority of the duties assigned to Mr. Murcia's position and his level of responsibility and delegated authority are best described by the Program Coordinator class.

His 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 (PRB) is PO 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: Raul Murcia, WSP  
Tony Jones, WFSE  
Ben Lastimado, WSP

Enclosure: List of Exhibits

**RAUL MURCIA v WSP**

**ALLO-15-060**

List of Exhibits

**A. Raul Murcia Director's Review Request received May 28, 2015**

1. Email talking on Project
2. DOL Website Information and assistance email
3. Application
4. Email DOT
5. Training Material developed by Raul
6. MCMIS Website
7. Instructions – Update
8. WSP Publications
9. Agency (DOL-L&I) email
10. Budget Information Email
11. Email regarding WAC

Exhibits submitted after the review conference:

12. Tables providing statistics regarding DOT ID Number program
13. Examples of emails regarding MCS-150 forms
14. Scan Detail Billing reports for scan calls for Raul Murcia regarding DOT Number program

**B. WSP Exhibits**

1. Allocation determination letter to employee
2. Current Position Description Form dated 02/26/2014
3. Organizational Chart for the Commercial Vehicle Division dated 02/17/2015
4. Position Review Request Analysis Write-up
5. Position Review Request – Employee Portion dated 02/27/2015
6. Position Review Request – Supervisor Portion dated 02/18/2015
7. Position Review Request dated 01/12/2015
8. Desk Audit Notes – Employee Portion
9. Desk Audit Notes – Supervisor Portion
10. State of Washington Class Specification – Customer Service Specialist 2
11. State of Washington Class Specification – Program Specialist 3

Exhibits submitted after the review conference:

12. Final email response from Ben Lastimado to Kris Brophy dated October 1, 2015
13. October 15, 2015 follow-up email from Ben Lastimado to Kris Brophy referencing the October 1, 2015 email and enclosing an additional statement from Ben Lastimado to Raul Murcia dated September 30, 2015

**C. Class Specifications**

1. State of Washington Class Specification – Customer Service Specialist 2
2. State of Washington Class Specification – Program Specialist 3
3. State of Washington Class Specification – Program Specialist 2
4. State of Washington Class Specification – Program Coordinator
5. State of Washington Class Specification – Program Assistant – for Class Series Concept