

October 4, 2006

Ms. Sally Farrar, Classification Director
Washington Federation of State Employees
1212 Jefferson Street SE, Suite 300
Olympia, Washington 98501

RE: Roy Salsberry v. Washington State Parks & Recreation Commission (P&R)
Allocation Review Request 06AL0027

Dear Ms. Farrar,

On August 18, 2006, I conducted a Director's review meeting at the Department of Personnel, 2828 Capitol Boulevard, Olympia, Washington, concerning the allocation of Mr. Salsberry's position. Present at the Director's review meeting were you and Mr. Salsberry; Kurt Spiegel, Senior Field Representative for the Washington Federation of State Employees; Steve Kendall, Park Manager, P&R – Illahee State Park; Ed Johanson, Park Ranger, P&R – Kitsap Memorial State Park; Greg Kennedy, Construction and Project Specialist 1, P&R – Blake Island State Park; George Price, Human Resource Consultant, P&R; Christy Sterling, Human Resource Manager, P&R; and Alan Wolslegel, Assistant Region Manager, P&R – Puget Sound Region.

Background

On July 21, 2005, Mr. Salsberry submitted a Classification Questionnaire (CQ) to the Parks and Recreation Commission's Human Resources Office (also date stamped August 17, 2005) requesting that his position #1260 be reallocated from a Construction and Maintenance Project Specialist 1 (CMPS 1) to a Construction and Maintenance Project Specialist 2 (CMPS 2). Mr. Salsberry's supervisor, Illahee State Park Manager Steve Kendall, also signed the CQ, indicating that he agreed with Mr. Salsberry's statements. On August 15, 2005, Assistant Region Manager Alan Wolslegel signed the CQ; however, he also attached a Post-it note to the first page, questioning Mr. Salsberry's lead responsibilities and the functions of installation, maintenance, and repair of plumbing and electrical (Exhibit A-1).

Human Resource Consultant George Price met with Mr. Salsberry and Mr. Kendall at Illahee State Park and reviewed a more descriptive CQ that had been prepared by Mr. Kendall (Exhibit G), which Mr. Salsberry then condensed into the CQ he submitted on July 21, 2005. For further clarification, Mr. Price asked Mr. Salsberry to complete a questionnaire describing his duties, which was an addendum to the original CQ on file at Illahee State Park (Exhibit E).

On October 27, 2005, Mr. Price sent an email to Mr. Wolslegel and Maintenance and Preservation Manager Dave Johnson, requesting clarification on Mr. Salsberry's lead status. On October 31, 2005, Mr. Wolslegel and Mr. Johnson each responded by email and indicated Mr. Salsberry's position had not been designated to lead two or more journey level or journey level trades employees (Exhibits B & C).

By letter dated November 1, 2005, Mr. Price notified Mr. Salsberry he had denied his reallocation request of position #1260 from a CMPS 1 to a CMPS 2. While Mr. Price noted that Mr. Salsberry's duties included leading and directing a crew engaged in construction and repair of buildings and other structures, roads, pathways, walks, fences, and related facilities in a State Park or other facility, he concluded Mr. Salsberry did not "lead two or more journey level trades employees." Therefore, Mr. Price determined Mr. Salsberry's position was properly allocated at the CMPS 1 level.

Summary of Mr. Salsberry's Perspective

Mr. Salsberry believes the level of work he performs goes beyond performing multi-skilled journey level work, as stated in the definition for the CMPS 1 classification. Instead, Mr. Salsberry asserts his position meets the definition for the CMPS 2 classification because his primary function is to plan, coordinate, and organize construction and maintenance projects within a park area. Mr. Salsberry contends his park area consists of at least four different state parks and satellites, and he states he is responsible for the daily maintenance operations, as well as leading and directing a crew on assigned projects, in each of those parks. Mr. Salsberry asserts he leads and trains journey and non-journey level individuals assigned to a project, including park rangers, park aides, volunteers, and other CMPS 1 and 2 employees, who are considered journey level trades employees. Mr. Salsberry further asserts he leads journey level trades workers when he leads individuals working on electrical and plumbing, due to the nature of the work. Mr. Salsberry contends he also acts as the lead outside of his assigned area when asked.

Mr. Salsberry asserts he acts as the on-site project director and contends his duties and responsibilities are more in line with the CMPS 3 classification, though he acknowledges he is not a supervisor. Mr. Salsberry asserts he coordinates all aspects of the job, including the necessary permits, scheduling of equipment arrival, contacting and scheduling a work crew, as well as being aware of all county codes and regulations to identify problems with site selection, recognize when soil analysis is required, understand protocols for confined spaces, and other safety regulations. Mr. Salsberry further asserts he draws plans when necessary and performs functions typically done by planners and

engineers. As an example, Mr. Salsberry contends he performs engineering and planning work on buildings fewer than 4,000 square feet in Kitsap County, which does not require the work of a professional engineer.

In addition, Mr. Salsberry asserts he acts as a liaison when dealing with contractors on specific jobs in the absence of the Park Manager. While Mr. Salsberry acknowledges the CMPS 3 and Park Manager are ultimately responsible for certain functions, he asserts he has their approval to plan and organize the scope of projects, coordinate the scheduling processes, and deal with contractors in the absence of the Park Manager. Mr. Salsberry contends he spends a significant amount of time performing higher-level duties and asserts his position should be elevated.

Summary of Parks and Recreation Commission's (P&R) Reasoning

P&R assert the definition for the CMPS 2 classification is very stringent and requires the incumbent to lead two or more journey level trades employees. P&R contends that the journey level trades employees within the agency include other Construction and Maintenance Project Specialist staff. P&R acknowledges that Mr. Salsberry leads on jobs in his assigned park area but contends there is only one other CMPS 1 employee in his assigned area. P&R further contends that the individuals Mr. Salsberry leads on a maintenance project include volunteers, park aides, and park rangers, who are considered journey level but not trades employees.

During the Director's review meeting, P&R referenced the unsigned CQ as a rebuttal to the duties stated by Mr. Salsberry (Exhibit H). P&R contends many of the duties listed are generalized and do not specifically convey the work Mr. Salsberry performs. P&R asserts that many of the functions identified, such as site selection, property line set backs, and soil analysis functions are performed by engineering and planning staff. P&R asserts the CMPS 3 in the region is responsible for tracking and final approval of project information and equipment. P&R acknowledges that a professional engineer is not required for certain buildings in Kitsap County but asserts planning and engineering staff are ultimately responsible for meeting requirements. P&R asserts more clarification is needed in the description of Mr. Salsberry's duties, and Mr. Wolslegel did not agree to sign the lengthier CQ.

Director's Determination

This position review was based on the work performed for the six-month period prior to July 21, 2005.

As the Director's designee, I carefully considered all of the documentation in the file, the exhibits presented during the Director's review meeting, and the verbal comments provided by both parties. Based on my review and analysis of Mr. Salsberry's assigned duties and responsibilities, I conclude his position is properly allocated to the Construction and Maintenance Project Specialist 1 classification, based on the available class specifications.

While I agree Mr. Salsberry performs duties that go beyond the level of performing multi-skilled journey level duties, the definition for the CMPS 2 classification is very narrow and includes the requirement to lead two or more journey level trades employees. The definition for the CMPS 3 level requires the incumbent to supervise employees, which is not one of Mr. Salsberry's assigned responsibilities.

Rationale for Determination

The CQ submitted for reallocation describes 80% of the duties assigned to Mr. Salsberry's position, #1260, as follows:

Lead and direct a crew engaged in construction and repair of buildings and other structures, roads, pathways, walks, fences and related facilities in a State Park or other facility as needed.

Perform work in installation, maintenance and repair of plumbing, electrical, steam, heating, domestic and irrigation water pump systems, sewage and other systems and equipment.

Acts as on-site project coordinator, heads, directs and trains work crews and park staff in construction and maintenance projects.

Prepare reports, schedules maintenance, assists in developing projects, including determining materials, equipment and work force needs.

The remaining 20% as stated on the CQ includes inspecting buildings, grounds, equipment and fixtures to determine repair and maintenance needs; operating and maintaining or overseeing the maintenance of construction tools and equipment, including class A and B equipment; and transporting materials and equipment to project locations.

The duties as described above are consistent with the typical work listed in both the CMPS 1 and 2 classifications. In fact, the typical duties are nearly identical in both classifications. The distinction between the two classifications is found in the definitions.

The definition for the CMPS 1 class states, "[p]erforms multi-skilled journey level work in the building and construction trades."

The definition for the CMPS 2 class states:

Within a park area, plans, coordinates and organizes construction and maintenance projects and leads two or more journey level trades employees; performs multi-skilled journey level work in plant maintenance; or serves on the marine crew performing

construction, renovation, and maintenance of marine park facilities on a statewide basis.

There is no question that Mr. Salsberry performs multi-skilled journey level work, which is also encompassed in the CMPS 2 definition. Additionally, Mr. Salsberry's supervisor, Mr. Kendall, stated he also plans, organizes, and coordinates maintenance projects in his assigned parks when performing the duties listed as 80% on the CQ.

During the Director's review meeting, Mr. Salsberry went over the handwritten document (Exhibit E) that he prepared to further explain his duties. Although the percentages do not specifically correlate with the CQ, Mr. Kendall agreed the duties represented the majority of Mr. Salsberry's work as it related to planning, coordinating, and organizing maintenance projects and leading a crew. For example, Mr. Salsberry wrote that he develops a project from start to completion; decides the scope of a project and what materials, equipment, and permits are needed, reviewing time and cost guidelines and finding suppliers and outside engineers needed for particular projects. Mr. Salsberry also addressed the rebuttal statements by Mr. Wolslegel by clarifying, for example, that he does not select a construction site or analyze soil; rather, he identifies potential problems and ensures the proper permits are obtained and regulations followed, consulting with county planners when necessary.

Both Mr. Kendall and Mr. Johanson, a former supervisor, agreed that once a project is started, Mr. Salsberry assigns work to individuals, determines capabilities, and instructs workers. Mr. Wolslegel also acknowledged that Mr. Salsberry performs onsite training and leads on projects in his area. The determining factor, however, is the amount of time he spends leading journey level employees who are also trades employees, essentially other CMPS employees. While the Park Ranger 2 classification is considered a journey level class with regard to Park Ranger duties, the classification does not require the incumbent to also be a trades employee. Park aides are not considered journey level employees, and the remaining individuals Mr. Salsberry leads include volunteers and possibly private operators who are not employees of P&R. Mr. Salsberry indicated that he does not keep records verifying every employee or worker on projects.

The results of the position review by Mr. Price were based on the fact Mr. Salsberry's position did not lead two or more journey level trades employees, as required in the definition of the CMPS 2 class. Without any supporting documentation to show Mr. Salsberry spent a majority of his work time leading a crew of other CMPS staff, the Construction and Maintenance Project Specialist 1 classification best describes the overall duties and responsibilities assigned to Mr. Salsberry's position #1260 for the six-month period prior to July 21, 2005.

During the Director's review meeting, Mr. Salsberry presented an email dated March 23, 2006, in which Mr. Kendall expressed his continued support of Mr. Salsberry's reallocation to Maintenance and Preservation Manager Dave Johnson. In a response email also dated March 23, 2006, Mr. Johnson wrote, "Steve [Kendall] thanks for your evaluation and recognition of Roy's performance and job responsibilities. I agree with

your assessment and support this request.” (Exhibit K). The relevant time period for this Director's review, however, is the six-month period prior to July 21, 2005. At that time, Mr. Johnson indicated that Mr. Salsberry did not lead two or more journey level trades employees. In light of Mr. Johnson's subsequent support for reallocation, I encourage the parties to continue discussing and evaluating the duties and responsibilities assigned to position #1260 to ensure Mr. Salsberry's position is properly allocated, based on his present duties.

Appeal Rights

WAC 357-49-018 provides that either party may appeal the results of the Director's review to the Personnel Resources Board (board) by filing written exceptions to the Director's determination in accordance with Chapter 357-52 WAC.

WAC 357-52-015 states that an appeal must be received in writing at the office of the board within thirty (30) calendar days after service of the Director's determination. The address for the Personnel Resources Board is 2828 Capitol Blvd., P.O. Box 40911, Olympia, Washington, 98504-0911.

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

Sincerely,

Teresa Parsons
Director's Review Supervisor

c: Roy Salsberry
George Price, P&R

Enclosure: List of Exhibits