

May 14, 2009

TO: Ms. Teresa Parsons, Supervisor
Director's Review Program

FROM: Meredith Huff, SPHR
Director's Investigator

RE: Harold Heather v. Parks & Recreation Commission (Parks)
Director's Review ALLO-08-032

Mr. Harold Heather submitted a director's review request on May 23, 2008 through his representative, Mr. Banks Evans, WFSE Senior Field Representative. Mr. Heather is employed by Parks at SeaTac Area which includes Saltwater and Dash Point State Parks.

On March 24, 2009, I conducted a Director's review conference by phone. Present at the Director's review conference were Mr. Heather, employee; Mr. Banks Evans, WFSE Senior Field Representative representing Mr. Heather; Mr. Alan Wolslegel, Puget Sound Human and Finance Resources Manager; Mr. Joe Vidales, Human Resource Consultant, and Mr. George Price, Human Resource Consultant, representing Parks. Mr. Price confirmed that he reviewed Mr. Heather's work for at least the twelve months prior to May 21, 2007.

Mr. Price noted during the review conference that Mr. Heather discussed several projects that occurred or were started in late 2006 and early 2007 as a result of the December 2006 storm. I asked Mr. Heather to write a description of those projects, submit it to his supervisor for comment, and then forward to Mr. Price for comment. Mr. Price forwarded the description with comments on April 10, 2009. Exhibits C-1, C-2 and C-3 are the result of the request.

Director's Determination

As the Director's investigator, I carefully considered the written documentation and exhibits in the file, the information provided by the parties during the review

conference, and the classifications. In addition, I reviewed the guidance provided by the Personnel Resources Board in the *Salsberry v Parks* determination, Allo-06-013 (2007). Based on my review and analysis of all the information, I conclude Mr. Heather's position's overall responsibilities and duties are best described by the CAMPS2 classification. Mr. Heather's position should be reallocated.

Background

On May 21, 2007, Mr. Heather submitted a classification questionnaire (CQ) to Parks Human Resources Office, requesting that his Construction and Maintenance Project Specialist 1 (CAMPS1), position, #1159, be reallocated to a CAMPS2. The CQ was signed by Mr. Heather's supervisor, Mr. Johnny Johns, Park Ranger 4, Area Manager and by Mr. Wolslegel. (Exhibit B-2)

Mr. Price requested additional information on the CAMPS2 Definition Expansion Statements dated August 24, 2007 and March 31, 2008. (Exhibits B-4 and B-8) By letter dated April 22, 2008, Mr. Price informed Mr. Heather that his position was properly allocated as a CAMPS1 and denied the request for reallocation to CAMPS2. (Exhibit A-3) Mr. Heather's request for a Director's Review was received on May 23, 2008.

Summary of Employee's Comments

Mr. Heather works as a CAMPS1 at Dash Point and Saltwater State Parks. Mr. Heather emphasized that the purpose of his job is to take care of all construction projects in the two parks. He plans projects to beautify the parks and evaluates maintenance and repair projects to determine what must be done now and what can be deferred. He explained that in doing his work, he uses his journey-level carpentry, painting, electric, plumbing, equipment repair, welding and masonry skills. He emphasized that it is important that he plan and coordinate arrangements with staff from parks within the region and volunteers to help with maintenance and repair work that he cannot accomplish by himself.

Mr. Heather stated he has authority to use a credit card to purchase up to \$5000.00 of needed materials for projects such as lighting fixtures, restroom partitions or roofing materials. Depending on the project, it occasionally may be necessary to go above the \$5000 limit but normally he will stay within the guideline.

Using a project to turn a former shop into an office as an example, Mr. Heather talked about the need to obtain construction permits. He completes and signs applications for the permits. Mr. Heather confirmed that he also creates plans, drawings and blue prints that are necessary to obtain permits. He noted that he includes ADA accessibility in the plans. He meets with the city and county officials to discuss the plans and answer questions.

Examples of Mr. Heather's projects' planning, organizing, coordination and leading work crews, included remodeling of the Saltwater and other public restrooms, roofing the Ranger's residence, fence building, and remodeling the Ranger's office at Dash Point. On some projects Mr. Heather works with contractors to pour cement, reconnect downed power lines, installation and use of propane gas, and maintain heating and cooling systems in the office and residence. He noted that he also provides direction and oversight to contractors.

During the review conference, Mr. Heather discussed the December 2006 storm which resulted in considerable damage and over 400 fallen trees at Dash Point and Saltwater Parks. His work projects resulting from the storm included replacement of two storage sheds due to fallen trees; repairing damage to the Ranger's residence from a fallen tree; clearing trails and roads of fallen trees; repairing fences from wind and tree damage; repairing electrical panels in flooded bathrooms; repairing a pump as a result of a flooded sewer pump vault; and obtaining permits to replace and replacing an electrical panel prior to the power company restoring electricity. Mr. Heather verified that he reviewed and discussed storm damage with FEMA representatives in an effort to obtain federal funds for storm damage in the parks.

Mr. Heather emphasized that for many projects he must coordinate with other parks' staff so they can assist in his park's projects. In return, as approved by his supervisor, he will go to other parks and help in their projects. He indicated that in his projects he leads CAMPS1, CAMPS2, and Park Ranger employees and volunteers.

Mr. Evans, on behalf of Mr. Heather, indicated that Mr. Heather has responsibilities toward contractors to check that their work is satisfactory. He noted that the CAMPS2 classification defines journey-level as fully competent. He stated that many of the volunteers meet the definition of journey-level trades people; specifically, he pointed out that Mr. Leroy Willis and Mr. Anderson are retired construction workers and Mr. Spriggs is a retired carpenter. He further noted that no certification is needed for journey level – it is demonstrated through completing projects. He clarified that CAMPS employees and Park Rangers are journey level employees.

Mr. Evans emphasized that Mr. Heather is the only CAMPS1 at both Saltwater and Dash Point State Parks. It is Mr. Heather's responsibility to plan, organize, coordinate and carry out every park project for both parks. To accomplish this, Mr. Heather leads work crews of journey-level Parks' employees and volunteers. He confirmed that he believes Mr. Heather is working at the CAMPS2 level.

Summary of Parks' Comments

Mr. Price explained that his determination letter of April 22, 2008 provided his reasoning for not reallocating Mr. Heather's position to CAMPS2. (Exhibit B-1) Mr. Price noted that in his review process he had made several requests for

clarification of Mr. Heather's duties and it was difficult to obtain that information. He observed that although Mr. Heather had discussed several storm damage projects, those are not described on the CQ. Mr. Price noted that Mr. Heather does not lead contractors and the parks' volunteers are not considered to be journey level employees. He further noted that Park Rangers are journey level law enforcement employees rather than trades employees. Mr. Price explained that his review indicated that the majority of Mr. Heather's responsibilities fall within the CAMPS1 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).

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).

In Allegri v. Washington State University, PAB Case No. ALLO-96-0026(1998), the Personnel Appeals Board (PAB) (predecessor to this Board) addressed the concept of best fit. The PAB 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.

The Personnel Resources Board has found “. . . the CMPS 2 does not require positions allocated to that classification to have lead responsibilities a majority of time. Rather, the classification includes lead work as a component of planning, coordinating, and organizing construction and maintenance projects.” Salsberry vs. Washington State Parks and Recreation Commission, PRB Case no. R-ALLO 06-013 (2007)

Classification Questionnaire

Mr. Heather submitted a CQ for his position on May 21, 2007 requesting a reallocation to CAMPS2. He described his duties, in part, as follows:

55% “Under supervision, as a C&MPS1, I primarily assist the area manager with planned maintenance projects. My duties also include planning, coordinating, purchasing materials, and equipment operation. On these projects,

I work as the lead. In addition I assist other region C&M's when the region Maintenance and Preservation Program Manager schedules me through my supervisor. The SeaTac Area State parks are my responsibility...Dash Point and Saltwater State Parks. Skills requiring journey level performance include but are not limited to the following trade areas: carpentry, plumbing, masonry, electrical, welding and equipment operation.

- Planning duties...site selection, design and obtaining permits for a variety of construction and maintenance projects....
- Organizing includes determining the skills and budget needed then scheduling crews and equipment...
- Coordinating the timing of the multiple steps needed for certain projects i.e. site preparation before forming and pouring concrete....
- Project lead...with park rangers and other region C&M staff...

- 10% Carpentry...
- 5% Painting
- 5% Electrical
- 5% Plumbing
- 5% Equipment repair and operation
- 5% Welding
- 5% Masonry
- 5% Other duties"

Mr. Johnny Johns, immediate supervisor and Park Ranger 4, Area Manager, signed the May 21, 2007 CQ and noted that he agreed with Mr. Heather's statements. Mr. Johns' described the level of supervision he provided to Mr. Heather's position as, "Other – Intermittent by chain of command."

Mr. Price requested CAMPS2 Definition Expansion Statements which were completed August 21, 2007 by Mr. Heather and Mr. Johns, and another Statement that was submitted by e-mail on March 31, 2008 from Mr. Lem Pratt. (Exhibits B-4 and B-8) The March 31, 2008 Statement provides the same 55% work time breakdown and includes examples of work as follows, in part:

- **55%** "Under supervision, as a C&MPS1, I primarily assist the area manager with planned maintenance projects."
 - 30% Plan
 - 5% Coordinate
 - 10% Organize
 - 10% Lead
- 45% remainder of Mr. Heather's work time was not broken down further.

At my request, Mr. Heather submitted additional information about his planning, organizing and coordinating projects and the employees he led as a result of the December 2006 storm. Information about leading journey level parks' trades employees, volunteers, and other parks' employees involved in projects, is provided on Exhibits A-6, B-4, C-2).

Classifications Considered

Construction & Maintenance Project Specialist 1 (CAMPS1) (class code 70530)

The **Definition** of the CAMPS1 states: *“Performs multi-skilled journey level work in the building and construction trades.”*

Mr. Heather’s position is responsible for performing multi-skilled journey level work using building and construction trades as emphasized in the Definition above. However, the CAMPS1 does not address Mr. Heather’s position’s purpose and responsibilities for planning, coordinating and organizing projects and leading other employees with journey-level trades skills in completing those projects. The CAMPS1 class is not the best fit for the described purpose and the overall duties and responsibilities assigned to Mr. Heather’s position.

Construction & Maintenance Project Specialist 2 (CAMPS2) (class code 70540)

The **Definition** 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.”*

Although not used as allocation criteria, **Typical Work** statements provide understanding of the level of responsibility and scope of impact of the CAMPS2 position. The Typical Work states, in part:

- Leads and directs a crew engaged in construction and repair of buildings and other structures, roads, pathways, walks, fences and related facilities in a park
- Performs work in installation, maintenance, and repair of plumbing, electrical,... water pump systems, sewage and other systems and equipment;
- Inspects buildings ... and fixtures to determine...maintenance or repair;...
- Operates and maintains ... construction tools and equipment,...
- Acts as on-site project coordinator; heads, directs, and trains work crews and park staff in construction and maintenance projects;...

The approved Classification Questionnaire establishes that the purpose of Mr. Heather’s position is to assist the area manager with planned maintenance projects which include responsibilities for planning, coordinating, purchasing materials and equipment operation in his assigned state parks. Mr. Heather is responsible for projects of various size and complexity. As a lead, he works with park rangers, other region C&M staff and volunteers taking responsibility for completing projects as required. Mr. Johnny Jones, immediate supervisor, agreed with Mr. Heather’s position’s duties and responsibilities as described in the CQ. (B-2 and A-6)

Mr. Heather provided a listing of examples of projects that he has done, including the names of employees and volunteers that he led in doing those projects. Mr. Heather identified putting a roof on the ranger’s residence as an example of a project he planned, organized, coordinated and completed leading other CMPS employees during the review time period. During the review conference, Mr. Price

identified Roy Salsberry, Gordon Schroeder, and Fred Meyer as CAMPS journey-level trades employees. Mr. Price noted that Park Rangers are journey level law enforcement employees rather than trades, Park Aides are not journey level trades workers and volunteers and contractors are not employees. (Exhibit B-4 and A-6)

I am aware of Mr. Price's argument that Mr. Heather does not lead "*two or more journey level trades employees*" as anticipated by the Definition of the CAMPS2. Mr. Heather has stated and his supervisor has agreed that to accomplish the necessary work projects, Mr. Heather does lead other parks' employees, some at the CAMPS1 and 2 levels, and volunteers. I have reviewed the Board's decision of *Salsberry vs. Parks*, which found that a position allocated to Construction and Maintenance Project Specialist 2 is not required to have lead responsibilities a majority of time. The Board found that lead work was a component of planning, coordinating, and organizing construction and maintenance projects. I also reviewed the PAB's *Allegrì v. Washington State University* determination which provided guidance on using the "best fit" concept in matching the employee's assigned responsibilities and duties to a classification.

Mr. Heather does plan, coordinate and organize construction and maintenance projects in his assigned parks. For those projects which he cannot accomplish alone, he leads work crews made up of other CAMPS1 and 2 employees, volunteers, Park Rangers, and park aides. Using the determinations of *Salsberry vs. Parks* and *Allegrì vs WSU*, for guidance, and after reviewing all of the information, I find that the CAMPS2 is the "best fit" for Mr. Heather's position's overall duties and responsibilities, including his lead duties. Mr. Heather's position should be reallocated to Construction and Maintenance Project Specialist 2.

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 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.

cc: George Price, Parks
Banks Evans, WFSE
Lisa Skriletz, DOP
Enclosure: Exhibits List

Exhibits List

A. Filed by employee May 23, 2008:

1. Director's Review Form.
2. Banks Evans, WFSE, Letter of review request, dated May 20, 2008.
3. Parks' allocation determination dated April 22, 2008.
4. Classification Questionnaire (CQ) dated August 2007
5. Email by Lem Pratt to George Price with CQ attachment, March 31, 2008
6. Hal Heather's Project List – handwritten document, 3 pages
7. Hanukkah eve windstorm article, 5 pages

B. Filed by George Price (Parks) September 26th, 2008:

1. Allocation determination letter to Mr. Heather dated April 22, 2008.
2. Classification Questionnaire received by Human Resources, 5/ 21/ 2007.
3. E-mail between Lem Pratt and George Price ending April 15, 2008
4. CAMPS2 Definition Expansion Statement remitted with e-mail from Lem Pratt on March 31, 2008
5. E-mail chain between Lem Pratt and George Price ending March 25, 2008
6. E-mail between Lem Pratt and George Price ending January 7, 2008
7. E-mail chain between George Price and Lem Pratt ending October 29th, 2007
8. CAMPS2 Definition Expansion statement received in Human Resources on August 24, 2007
9. CAMPS2 Class Specification (class code 70540)
10. CAMPS1 Class Specification (class code 70530)
11. PRB Decision, Salsberry v Parks, No. R-ALLO-06-013

C. Information requested at review conference by Director's Investigator:

1. Letter from Johnny Johnson March 27, 2009
2. Hal Heather's Statement of duties dated March 30, 2009.
3. Parks' April 14, 2009 response to March 30, 2009 statement of duties.