

November 1, 2010

TO: Kyle Manning

FROM: Teresa Parsons, SPHR
Director's Review Program Supervisor

SUBJECT: Kyle Manning v. Washington State Parks & Recreation Commission
Allocation Review Request ALLO-10-006

On August 26, 2010, I conducted a Director's review telephone conference regarding the allocation of your position. In addition to you, the following individuals participated in the conference on behalf of Washington State Parks & Recreation Commission (PARKS): Human Resource Consultants Jose Vidales, George Price, Tammy Gordon, and Emily Boehm; and Eastern Region Operations Managers Scott Griffith and Tom Ernsberger.

Director's Determination

This position review was based on the work performed for the six-month period prior to April 1, 2009, the date PARKS' Human Resources (HR) Office received your request for a position review. As the Director's designee, I carefully considered all of the documentation in the file, the exhibits presented during the Director's review conference, and the verbal comments provided by both parties. Based on my review and analysis of your assigned duties and responsibilities, I conclude your position is properly allocated to the Construction and Maintenance Project Specialist (C&MPS) classification.

Background

On April 1, 2009, you submitted a Classification Questionnaire (CQ) to PARKS' HR Office requesting that your Construction and Maintenance Project Specialist (C&MPS) position be reallocated to the Construction and Maintenance Project Lead (C&MPL) classification. During the Director's review conference, you indicated that you and your supervisor, Park Ranger 3 Mark Truitt, completed the CQ in March 2009. Mr. Griffith also signed the CQ in March 2009. Mr. Vidales explained that your CQ had initially been considered as an update. After HR learned that you intended to submit the CQ as a reallocation request, Mr. Griffith added a notation to the CQ, which he subsequently signed and resubmitted to HR on October 29, 2009. Mr. Truitt subsequently signed the CQ again on September 29, 2009. On December 29, 2009, Mr. Vidales determined the C&MPS classification best fit the duties of your position.

On February 2, 2010, you requested a Director's Review of PARKS' allocation determination. I determined your request for a Director's Review had been timely filed because PARKS delivered your allocation determination via alternate method, which you received on January 5, 2010 (reference WAC 357-04-105(2) and WAC 357-13-080(1)).

Summary of Mr. Manning's Perspective

You assert your position is responsible for construction and maintenance of over 220 miles of trail and that you perform a diverse set of duties for a large area consisting of over 150 miles. You contend your position performs work on the trails and park area, as well as electrical, plumbing, and maintenance on domestic water and irrigation systems. You also operate heavy equipment to maintain trails, including rock removal. You describe the majority of your maintenance duties as plant maintenance rather than maintenance of buildings and structures. You assert that several C&MPL positions within PARKS perform similar duties without lead responsibilities. As a result, you assert there is inequitable treatment, and you believe your position should be reallocated to the C&MPL classification.

Summary of PARKS' Reasoning

PARKS asserts the focus of your position involves construction and maintenance of trails and roads in your park area, which the agency agrees is a vast area. PARKS contends the multi-skilled, journey-level duties you perform are consistent with the C&MPS classification. PARKS acknowledges you perform work on domestic water and irrigation systems, which the agency agrees may be considered plant maintenance; however, PARKS contends it is not the primary focus of your position. Further, PARKS acknowledges you may take the lead on a project in your area when working with other C&MPS positions; however, PARKS contends your position has not been assigned the responsibility for leading two or more journey level trades employees on a regular and ongoing basis. Therefore, PARKS asserts the C&MPS is the appropriate classification for your position.

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

During the Director's review conference, you stated that you and your supervisor completed the CQ (Exhibit B-2). On the CQ, you describe your position as a Construction & Maintenance Project Specialist for a level 3 Park Area, the Columbia

Plateau Trail, a rail bank corridor of 132 miles and satellite parks that include John Wayne Pioneer Trail (103 miles), Palouse Falls, and Steptoe Butte and Steptoe Battlefield State Parks. The Columbia Plateau Trail covers five counties: Spokane, Lincoln, Whitman, Adams, and Franklin (Exhibit A-4). The shop you work from is based in Cheney.

In summary, the CQ indicates that you perform, direct, and coordinates new construction, remodels, repairs, and maintenance for buildings, facilities, equipment, utility systems and grounds. The CQ also states that you develop materials lists for projects, obtain quotes and prices for materials, acquire tools and equipment for the job, and assist in the review of planned maintenance projects, which includes projecting future maintenance and construction requests.

On the CQ, you categorized your duties as follows (Exhibit B-2):

25%	Vehicle and Equipment Operation/Repairs
25%	Domestic Water and Irrigation Systems
20%	Facility Maintenance and Construction
15%	Electrical
5%	Administrative
5%	Personnel, Supervision and Training
5%	Other duties as assigned

During the Director's review conference, both parties indicated that the majority of your work involves construction and maintenance of the trails in your park area, which spans a large area. Examples of trail maintenance include removal of rock slides, trees, other obstructions, clearing waterways, creating ditches, working on culverts, and filling surface depressions (Exhibit A-5). As such, the duties described in the *Vehicle and Equipment Operation/Repairs* and *Facility Maintenance and Construction* sections are central to your position. The duties described under vehicles and equipment include operating, maintaining, and repairing heavy equipment and trucks such as a backhoe, dump truck, tractor, and lowboy trailer, as well as light pickups, ¾ ton and 1-ton trucks, tractors, and Gator. Maintenance includes engine troubleshooting and repairs, and all aspects of mechanical and hydraulic repairs to equipment.

The duties described under facility maintenance and construction include operating, maintaining, and repairing powered equipment such as mowers, tractors, fire pumpers, chain saws, weed eaters, compressors, and welders. You operate the equipment identified to maintain and repair the trails and other sites within the park area. Your work on park facilities includes maintaining, repairing, and renovating trestles, gates, railways, fencing, floors, walkways, ceilings, doors, windows, cabinets, closets and roofs on park buildings. You also construct and repair fences, signs, posts, highway markers, and forms for pouring and finishing concrete footings and foundations, as well as floors and concrete slabs. You also prepare and paint wood and masonry surfaces of park buildings and shelters. In addition, your position

assists other region staff in repairing and maintaining marine facilities such as docks and ramps.

Your work with domestic water and irrigation systems includes maintaining and servicing the water lines, pumps, valves, and chlorine injection system at Palouse Falls State Park. Your position is also responsible for maintaining the septic system for the volunteer's residence at the park; however, you indicated that the septic tank had not yet been pumped during the time relevant to this review. You further indicated that you had performed some electrical work in the pump house along with other regional C&MPS positions. You agreed that 25% of your overall work was devoted to the water systems. Your electrical duties, as described on the CQ (15%), include troubleshooting, installing, replacing, and repairing light fixtures, switches, outlets, photo electric cells, water heaters, campsite utility hook-ups, irrigation controllers and relays, solenoid operated electrical valves, pump start relays, breaker service panels, ground faults, and automotive circuitry.

Some of the projects that you worked on during the time relevant to this review include work constructing a wall structure (Washtucna); work with a C&MPL position to install a water meter at Palouse Falls; work on spring house renovation and campground improvement at Palouse Falls; ongoing rock removal (Fish Lake); and preliminary planning for upcoming projects (Exhibits A-3 and B-8). You described your role in planning as discussing various options about how to accomplish goals with the Park Manager, including discussion about the most cost effective method for completing a project. You stated that you research options for constructing or reinstalling structures, such as the best way to secure a fence, and determine the materials needed to complete the projects. You also stated that you schedule times for other C&MPS positions to assist you in completing projects.

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.

The **Construction and Maintenance Project Lead** (C&MPL) definition states, in relevant part, “[w]ithin a state 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 . . .”

The **Construction and Maintenance Project Specialist** (C&MPS) definition states, in relevant part, that the position “[p]erforms journey-level work in at least two skilled trades areas constructing, remodeling, repairing, and maintaining of buildings, facilities, utilities, machinery, and equipment . . .”

For both classes, the construction activities include erecting buildings and facilities such as greenhouses, screen houses, storage facilities, pump houses, animal waste handling facilities, barrier-free facilities, with complete mechanical and electrical systems. Further, positions conduct major remodels with space utilization changes involving lowering ceilings, removing and installing walls and installing all associated mechanical and electrical systems and fixtures.

While there are similarities in the work performed, C&MPL positions work under general direction and develop work methods and procedures. As such, they have greater responsibility in planning, coordinating, and organizing the work. At the C&MPS level, positions work under general supervision and perform construction, maintenance and repair work on facilities and equipment. While positions in both classes may lead and direct a work crew, positions in the C&MPL class regularly lead two or more journey level trades employees as part of their regular and ongoing assignment of work. Washington State Parks and Recreation Commission v. McCoy & Heather, PRB Case Nos. R-ALLO-09-017 and R-ALLO-09-018 (2009) (Exhibits B-4 and B-5).

During the Director's review conference, Mr. Griffith explained that a C&MPS position may take the lead on a project based on the incumbent's area of expertise, special skill set, licensure, or knowledge of the project, park area, and project history. Mr. Griffith noted that the C&MPS position leading a project will vary in each case, depending on the circumstances. However, he emphasized that taking the lead on a project differs from regularly leading other C&MPS positions as part of the ongoing assignment of work. You acknowledged that your position does not regularly lead other C&MPS positions.

Both parties also discussed "plant maintenance" during the Director's review conference. You indicated that you understood plant maintenance to mean "all maintenance that does not involve work on buildings or structures defined as facilities." However, you indicated that you learned the plant maintenance interpretation from another employee and acknowledged it may have a different meaning. PARKS disagreed with the above interpretation. PARKS described multi-skilled journey level work in plant maintenance as work in two or more trade fields such as carpentry and electrical with "plant" functions referring to work in areas such as a power plant or sewage and wastewater treatment.

PARKS referenced a prior Director's determination in which the determination referenced the definition of plant maintenance (Dahlke v. PARKS, ALLO-06-036). In Dahlke, the reference was in the context of an agreement between PARKS and the Washington Federation of State Employees (WFSE). The Department of Personnel's Glossary of Classification, Compensation & Management terms does not specifically address plant maintenance. In this case, I relied on the definitions and distinguishing characteristics of the C&MPL and C&MPS class specifications as a whole, as well as the examples of work that help clarify the duties performed by a given class.

In this case, the work you perform fits the C&MPS class definition and distinguishing characteristics and is in line with the typical work examples. The majority of your time is spent maintaining trails and roads, which involves removal of rock slides, trees and debris. You also clear waterways, construct ditches, work on culverts, and install gates and fences.

Some of your work involves repair and maintenance to buildings, shelters, and campsites at park facilities. In addition, 25% of your work involves maintenance of domestic water and irrigation systems, and 15% of your work involves electrical work related to these systems, as well as fixtures, switches, and pumps. You also operate and maintain the equipment and tools used to accomplish your construction and maintenance tasks.

Although you raise issues regarding the allocation of positions performing similar work, the Board has consistently held that "the allocation or misallocation of a similar position is not a determining factor in the appropriate allocation of a position." Flahaut v. Dept's of Personnel and Labor and Industries, PAB No. ALLO 96-0009 (1996). This concept has been further emphasized in more recent decisions, in which 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." Byrnes v. Dept's of Personnel and Corrections, PRB No. R-ALLO-06-005 (2006).

It is clear the work you perform is highly valued by PARKS. A position's allocation is not a reflection of performance or an individual's ability to perform higher-level work. Rather, it is based on a comparison of duties and responsibilities to the available job classifications. Overall, the duties and responsibilities assigned to your position best fit the Construction and Maintenance Project Specialist (C&MPS) classification.

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 at 600 South Franklin, Olympia, Washington. The main telephone number is (360) 664-0388, and the fax number is (360) 753-0139.

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

c: Jose Vidales, PARKS
Lisa Skriletz, DOP

Enclosure: List of Exhibits

Kyle Manning v. Parks and Recreation Commission
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A. Kyle Manning Exhibits

1. Letter of Request
2. List of Construction and Maintenance professionals who are classified as Lead
3. Project Examples
4. Area of responsibility and Water Treatment
5. Plant v. Facility Maintenance

B. Parks and Recreation Exhibits

1. Allocation determination letter 12-29-2009
2. Classification Questionnaire (position # 2016) April 1, 2009
3. Email January 7, 2009 from Joe Vidales to Kyle Manning Re: C&MPS and C&MPL classifications
4. PRB Decision – Case # R-Allo-09-017
5. PRB Decision – Case # R-Allo-09-018
6. Position Comparison Citations – PAB No. ALLO-96-0009 and PAB No. 3722-A2 (1994)
7. HR- Response Statements
8. HR-Email from Kyle Manning re: project dates
9. Organizational Chart

C. Class Specifications

1. Construction and Maintenance Project Specialist (627E)
2. Construction and Maintenance Project Specialist Lead (627F)

D. Correspondence between Director's Review Program and the parties regarding the timeliness of Mr. Manning's request.