



STATE OF WASHINGTON
OFFICE OF THE STATE HUMAN RESOURCES DIRECTOR

DIRECTOR'S REVIEW PROGRAM

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June 26, 2012

TO: Sandi Stewart, Assistant Director
Office of the State Human Resources Director

FROM: Kris Brophy, SPHR
Director's Review Investigator

SUBJECT: Bruce Weech v. Labor and Industries (LNI)
Allocation Review Request ALLO-11-116

Director's Determination

As the Director's designee, I carefully considered all of the documentation in the file, including the exhibits presented during the Director's review conference and the verbal comments provided by both parties. Based on my review and analysis of Mr. Weech's assigned duties and responsibilities, I conclude his position is properly allocated to the Compliance Specialist Supervisor classification.

Background

On October 25, 2011, LNI Human Resources (LNI-HR) received Mr. Weech's Position Review Request (PRR) form, requesting that his position be reallocated to the Pressure Vessel Inspector 3 classification (Exhibit B-1).

Ms. Tracey Aiona, LNI-HR conducted a position review and by letter dated November 22, 2011, notified Mr. Weech that his position was properly allocated to the Compliance Specialist Supervisor classification (Exhibit A-2).

On December 7, 2011, the Office Of State Human Resources Director received Mr. Weech's request for a Director's review of LNI's allocation determination (Exhibit A-1).

On June 14, 2012, I conducted a Director's review conference. Present for the conference was Bruce Weech, Tracey Aiona, LNI Human Resource Consultant, and Debbie Yantis, LNI Human Resources Consultant.

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

Mr. Weech supervises the activities of eleven pressure vessel inspectors working in the agency's statewide Boiler/Vessel Pressure Program. This program is responsible for the inspection of approximately 112,000 boiler and pressure vessels located throughout the State. Mr. Weech's position supervises the administrative and operational functions of the eleven inspection staff consisting of Pressure Vessel Inspectors 1 and 2's. He works in conjunction with the Technical Specialist, Mr. Michael Carlson (Vessel Pressure Inspector 3), and reports to Mr. Tony Oda, Chief Boiler Inspector.

Mr. Weech states in the PRR that the majority of his duties involve supervising the activities of the eleven field boiler/pressure vessel inspectors. He states that he handles all administrative duties and oversees the operational functions of the inspection staff who are located in Bellingham, Everett, Bellevue, Tukwila, Bremerton, Tacoma, Tumwater, Vancouver, East Wenatchee, Kennewick and Spokane LNI offices. He states he has primary authority in implementation of policies and procedures of the boiler program and is accountable for the performance of the Inspectors. He makes assignments and ensures quality of service to stakeholders statewide. He maintains communication between regions, and the central office. He observes field inspection activities of the inspectors to ensure uniform inspection activities. He conducts accompanied visits with inspection staff. Mr. Weech coordinates with the Chief and staff as necessary to ensure consistency, accountability, good service and productivity. He evaluates employee performance, develops and prepares training plans, and provides coaching and mentoring to staff. He manages scorecard performance measures.

During the review telephone conference Mr. Weech stated that he manages the equipment and safety budget. He also stated that he recruits and makes hiring recommendations for new hires. He manages all vehicle-related maintenance and other issues for the unit.

Summary of Mr. Weech's Perspective

Mr. Weech states in his appeal letter that he filed his appeal on the basis of the compensation level assigned to his position rather than his position classification as a Compliance Specialist Supervisor (Exhibit A-1). Mr. Weech asserts that every other Compliance Specialist Supervisor other than himself, and all Electrical Supervisors in LNI receive the same compensation rate as the Technical Specialists in their respective programs. Mr. Weech asserts he receives 5% less pay than the Technical Specialist (i.e. PVI 3) in his program, and that four of the positions he supervises receives equivalent pay which is not equitable or fair given the level of supervisory and administrative duties he performs.

Mr. Weech stated during the review telephone conference that he does not have the American Society of Mechanical Engineers (ASME) certification and acknowledged that his position does not meet the requirements of the PVI 3 class. Mr. Weech acknowledged that certification is required in order to conduct inspections, and to perform as team lead for reviews of ASME certified boiler and pressure vessel manufacturer's National Board audits. Mr. Weech acknowledges that while he does not have the necessary certification to conduct inspections, he asserts that his position requires technical knowledge and experience in order to participate in the audits and review inspection reports for correctness and accuracy.

In Sorensen v. Dept's Of Social and Health Services and Personnel, PAB Case No. A94-020 (1995), the Board held that salary inequity is not an allocating criterion and should not be considered when determining the appropriate allocation of position.

Summary of LNI's Reasoning

LNI contends Mr. Weech's position does not meet the requirements of the PVI 3 class on the basis that he does not possess the necessary certification to perform inspections, serve as a technical consultant for assigned inspectors, or serve as a team leader to perform reviews of audits performed by ASME certified boiler and pressure vessel manufacturers.

LNI asserts Mr. Weech's position is properly allocated to the Compliance Specialist Supervisor 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 Pressure Vessel Inspector 3

The Definition for the Pressure Vessel Inspector 3 class states:

Inspects in-service and repairs of boilers and unfired pressure vessels which may include nuclear vessels and piping systems, in assigned area, to ensure compliance with state laws and regulations. Trains and serves as the designated technical consultant for assigned Pressure Vessel Inspectors as required by the American Society of Mechanical Engineers Code (ASME). Performs reviews of ASME certified boiler and pressure vessel manufacturers and National Board audits as applicable.

Mr. Weech's position does not meet the requirements of the Pressure Vessel Inspector 3 class. Mr. Weech does not conduct inspections of boilers and unfired pressure vessels. Mr. Weech does not serve as the designated technical consultant for assigned Pressure Vessel Inspectors. Mr. Michael Carlson (Vessel Pressure Inspector 3) serves as the technical consultant for the unit.

While Mr. Weech participates in audits, he acknowledged that he does not have the necessary certification to conduct inspections or to serve as team lead for reviews of ASME certified boiler and pressure vessel manufacturers and National Board audits as required.

Mr. Weech's technical knowledge and experience is secondary to the primary focus of his position which is to provide administrative and operational supervision of assigned staff. Mr. Weech works in conjunction with the Technical Specialist on technical issues related to boiler and pressure vessel inspections, etc.

The primary focus of Mr. Weech's position is to plan, organize, schedule and direct the administrative and operational aspects of the agency's statewide Boiler/Vessel Pressure Program. There is another class which more accurately aligns with the duties performed by Mr. Weech.

Therefore, because the overall focus and majority of duties performed by Mr. Weech in his position do not meet the requirements of the PVI 3 class, his position should not be allocated to that class.

This is further supported by a Personnel Resources Board (PRB) decision. In Alvarez v. Olympic, PRB No. R-ALLO-08-013 (2008), the Board held that "[w]hen there is a definition that specifically includes a particular assignment and there is a general classification that has a definition which could also apply to the position, the position will be allocated to the class that specifically includes the position. [See Mikitik v Depts. of Wildlife and Personnel, PAB No. A88-021 (1989)."

Comparison of Duties to Compliance Specialist Supervisor

The Definition for this class states:

In the Department of Labor and Industries, supervises and coordinates the activities of regional inspectors and Industrial Relations Agent(s).

The Compliance Specialist Supervisor class fully describes the primary focus and overall level of responsibility assigned to Mr. Weech's position. The majority of Mr. Weech's time is spent supervising and coordinating the administrative and operational activities of eleven pressure vessel inspectors working in the agency's boiler and vessel pressure inspection program.

Although the typical work examples do not form the basis for an allocation, they lend support to the work envisioned within a classification. The following provides an example of the level of work assigned to the Compliance Specialist Supervisor class, as stated in the class specification:

Facilitates regional and cross regional teaming within technical disciplines;

Coordinates training of inspectors and agents in the technical aspects and in licensing, certification and legal compliance requirements;

Maintains lines of communication between regional and technical resources, and across regional boundaries, to ensure consistency and minimize duplication of service;

Interacts with unions, local government, area industry, and public interest representatives;

Provides guidance/assistance in areas of non-technical training, time management, human resource issues, customer service, and other related subjects;

Resolves problems for all programs, cross regional lines and works with technical support;

Mr. Weech's duties are consistent with these statements. Mr. Weech supervises the administrative and operational activities of eleven Pressure Vessel Inspectors. Mr. Weech has primary authority for the implementation of policies and procedures of the program and is accountable for the unit's performance. He oversees work assignments. He provides direction, guidance and assistance in training, workload and time management, human resource issues, customer service, and other related subjects. He resolves problems and works with Technical Specialist, Mr. Michael Carlson.

Mr. Weech coordinates training of inspectors in the technical aspects and in licensing, certification and legal compliance requirements. Mr. Weech stated during the review conference that he conducts two accompanied field inspections annually with each Inspector to ensure uniform inspection activities. Mr. Weech coordinates with the Chief and staff, evaluates employee performance, develops and prepares training plans, and provides coaching and mentoring to staff. He manages scorecard performance measures.

It is clear that Mr. Weech uses his knowledge and experience in the technical aspects of boiler and vessel pressure inspection to review the work of the pressure vessel inspectors. However, the primary focus of his position, and the majority of his duties as a whole, is more accurately and fully described by the Compliance Specialist Supervisor classification.

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 the majority of work assigned to a position and how that work best aligns with the available job classifications. Based on the level and scope of the overall duties and responsibilities assigned to Mr. Weech's position, the Compliance Specialist Supervisor classification is the best fit.

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).

Further, 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).

In this case, the majority of the duties assigned to Mr. Weech's position and his level of responsibility are best described by the Compliance Specialist Supervisor classification. Mr. Weech's position should remain allocated 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 P.O. Box 40911, Olympia, Washington, 98504-0911. The PRB Office is located at 521 Capitol Way South, Olympia, Washington. The main telephone number is (360) 664-0388, and the fax number is (360) 586-4694.

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

c: Bruce Weech
Tracy Aiona, LNI
Lisa Skriletz, OSHRD

Enclosure: List of Exhibits

Bruce Weech v. LNI (ALLO-11-116)

List of Exhibits

A. Bruce Weech Exhibits

1. Letter requesting a Director's Review from Bruce Weech, received by the Office of the State HR Director on December 7, 2011.
2. Allocation determination letter from Tracy Aiona to Bruce Weech dated June 22, 2011.
3. A copy of the Position Review Request Form for Bruce Weech (without supervisor's signature and date stamp by LNI HR).

B. LNI Exhibits

1. Position Review Request form for Bruce Weech, received by LNI HR on October 25, 2011.
2. Position Description form on file for Bruce Weech, date stamped September 20, 2010 by LNI HR.
3. Tracey Aiona audit notes from interview with Tony Oda dated November 4, 2011.
4. Specialty Compliance Services organization charts.

C. Director's Exhibits

1. DOP Class Specification for Compliance Specialist Supervisor (391Q).
2. DOP Class Specification for Pressure Vessel Inspector 3 (391H)