STATE OF WASHINGTON
OFFICE OF THE STATE HUMAN RESOURCES DIRECTOR
DIRECTOR'S REVIEW PROGRAM
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March 6, 2013

TO: Mark Manning, Business Representative
Teamsters Local Union No. 117

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

SUBJECT: Worldly Van Millard v. Department of Corrections (DOC)
Allocation Review Request ALLO-12-002

On November 7, 2012, I conducted a Director's review telephone conference regarding the allocation of Mr. Millard's position. Both you and Mr. Millard participated in the conference. Human Resources Consultant Tina Cooley represented DOC. In addition, Mr. Millard's current supervisor, Sherman Smith, Environmental Specialist 5, and Mike Heue, Consolidated Plant Manager, also participated in the conference.

After the Director's review conference, the parties followed up with additional email correspondence from November 16, 2011, through January 26, 2013 (Exhibit D).

Director's Determination

This position review was based on the work performed for the twelve-month period prior to November 13, 2007, the date DOC's Human Resources (HR) Office indicated receipt of Mr. Millard's request for a position review (Exhibits A-19 and B-2). 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 Mr. Millard's assigned duties and responsibilities, I conclude his position should be reallocated to the Chief Engineer classification.

Background

Mr. Millard's position is assigned to the Steam Plant at the Monroe Correctional Complex (MCC). Mr. Millard stated that he submitted an initial request for a position review to MCC's HR Office in 2006, but that request was never processed. In November 2007, he completed a Position Review Request Form (PRR), which he and his supervisor at the time, Consolidated Plant Manager 3 Paddy Hescock, both signed. In his request, Mr. Millard asked that his Stationary Engineer 3 position be reallocated to the Chief Engineer classification.

Although Mr. Millard submitted his PRR in November 2007 (confirmed by the written notation of Personnel 11/13/07), DOC's Classification Unit in the Headquarters Office did not receive it until 2011. Subsequently, in June 2011, Ms. Cooley had a meeting with Mr. Millard and a separate meeting with Mr. Millard's supervisor in 2011, Sherman Smith, and the Consolidated Plant Manager at the time, Kevin Loresch. While Mr. Smith and Mr. Loresch provided input to the duties assigned to Mr. Millard's position, their input occurred nearly four years after the time period relevant to this review, and neither one supervised his position back in 2007. Instead, MCC's Consolidated Plant Manager, Paddy Hescock, was Mr. Millard's supervisor at the time relevant to this review.

On December 9, 2011, Ms. Cooley issued an allocation determination, concluding the majority of Mr. Millard's duties fit within the definition of the Stationary Engineer 3, as a senior-level specialist applying advanced technical knowledge in the overall operation and maintenance of a high pressure heating plant.

On January 9, 2012, Mr. Millard requested a Director's review of DOC's allocation determination.

Summary of Mr. Millard's Perspective

Mr. Millard asserts his position has been assigned the responsibility for supervising the total operation of the central heating steam/power plant and its auxiliary systems at MCC. He contends he is the most senior and qualified operator and the only supervisor with the knowledge and experience concerning boilers and the operational status of the steam plant. Mr. Millard contends he is the individual who makes daily decisions in the plant, plans and provides direction on any maintenance and operational problems, and determines the corrective actions necessary to resolve issues. Further, Mr. Millard contends that decisions by the Superintendent with regard to the steam plant are normally based on his recommendation. Mr. Millard asserts he maintains and manages the overall operation of the steam plant with no assistance. As such, he contends he has the responsibility for maintaining the continuous operations of the plant and its auxiliary equipment, monitoring the effects of the distribution and returns systems, and taking or initiating corrective action as it relates to the continued, safe, and efficient operations of the steam plant.

When looking at the Stationary Engineer class series, Mr. Millard points out that each level represents a progression of duties and responsibilities. He emphasizes there is no position above him that oversees the day to day operations of the boiler plant, yet the Stationary Engineer 4 definition states that positions at the Stationary Engineer 4 level assist in the day to day operations of the boiler plant. Because his position supervises the day to day operations of the plant, Mr. Millard contends he performs work at a level of responsibility above the Stationary Engineer 4 level as written in the definition. In addition, Mr. Millard contends the Chief Engineer definition, as the top level in the class series, references the total operation of a central heating steam plant with the auxiliary systems referring to the steam plant, not the auxiliary systems of the entire MCC complex. Therefore, Mr. Millard asserts the Chief Engineer classification best encompasses the overall duties and level of responsibility assigned to his position.

Summary of DOC's Reasoning

DOC acknowledges Mr. Millard is in charge of operating the steam plant at MCC. However, DOC asserts his position is not responsible for the MCC power house operation and does not have final responsibility and authority for the overall monitoring, operations, maintenance, repair, safety and welfare of the equipment and personnel within the steam distribution and emergency power systems for the entire complex. Further, DOC contends Mr. Millard has not been assigned responsibility for

making operational decisions to ensure continuous, uninterrupted generation of steam and electrical power of the entire complex. DOC asserts Mr. Millard's level of responsibility does not extend to the entire distribution system. For example, DOC indicates that his position does not have responsibility for supervising steamfitters, maintenance mechanics or plumbers that work on the distribution system equipment within the individual buildings on the complex.

Instead, DOC contends Mr. Millard has responsibility for the systems within his assigned geographic area, the steam plant. In that capacity, DOC agrees Mr. Millard manages and supervises the operations, maintenance, and repairs of power (high-pressure) boilers and other plant equipment to supply high-pressure steam to all institutions located at the complex. DOC states Mr. Millard's responsibilities for emergency generators involves checking fuel levels, taking delivery, and starting them periodically to ensure they are working correctly. However, DOC contends mechanical and electrical work on the generators is forwarded to the supervisor, who has one of the maintenance staff or an outside contract perform the repairs. DOC asserts Mr. Millard applies advanced technical knowledge in the overall operation and maintenance of a higher pressure heating plant consisting of two or more boilers over 1500 h.p. each. Therefore, DOC contends the duties assigned to his position fit the senior-level specialist definition of the Stationary Engineer 3 job class.

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

On November 6, 2007, Mr. Millard completed a Position Review Request form (PRR). His supervisor at the time, Consolidated Plant Manager 3 Paddy Hescock, made some adjustments, completed the supervisory section, and signed the PRR on the same date, indicating the information on the PRR was accurate and complete (page 7 of Exhibits A-19 and B-2).

The Position Purpose states, in part, the following:

> The Stationary Engineer 3 (SE-3) [referencing Mr. Millard's position] supervises the total operation of a central heating steam/power plant and all auxiliary systems. This position is responsible for the Monroe Correctional complex large and complex steam plant operations with final responsibility and authority for safety, welfare, and maintenance within all operations. The SE-3 supervises (6) Stationary Engineer 2's . . . and up to (6) inmates in performing the primary mission of the power house which is to operate and maintain multiple power (high-pressure) boilers and other plant equipment to supply high-pressure steam to all institutions located at the complex and to provide emergency electrical power to the power house.

During the Director's review conference, Mr. Millard clarified that the final responsibility and authority for the overall power house operation for the entire complex rests with MCC's Superintendent.

The following summarizes the majority of work, described as 75%.

- Manage/supervise the total operation of a central heating steam/power plant and all auxiliary systems. Responsible for the safety, welfare, and maintenance within all operations.

During the Director's review conference, both parties clarified that the total operation referred to the steam plant, not the entire Monroe Correctional Complex.

- Supervise six Stationary Engineer 2 positions, (four full-time employees and two intermittent positions) and up to six inmates.

- Manage/supervise the operation/maintenance and repair of power (high-pressure) boilers and other plant equipment to supply high-pressure steam to all institutions located at the complex and to provide emergency electrical power to the power house . . .

- Responsible for monitoring, operations, maintenance and repair of the emergency power systems (generators).

- Responsible for making operational decisions to ensure continuous, uninterrupted generation of steam and electrical power (generators) for the entire complex.

Mr. Millard clarified that his reference to electrical power for the entire complex was in relation to the use of generators. In the event of an emergency, Mr. Millard has responsibility to ensure emergency power is supplied to the entire complex.

- Responsible for managing, implementation, and data collection for Safety, Confined Space, HAZMAT, Lock-Out/Tag-Out and Tool Control Programs.

- Management and implantation of boiler chemical testing and treatment program.

- Responsible for hiring, training and performance evaluation, scheduling an attendance of powerhouse inmate and staff personnel.

- Responsible for preventative and repair maintenance on plant equipment, downtime, and maintenance procedures, and assign appropriate crews for follow- through action.

- Maintain all budget and cost control devices necessary for efficient and economical production of steam electricity and clean air.

Mr. Millard clarified that he does not have overall budget responsibility, but he does apply cost control measures as a best practice to maintain all devices necessary for economical production of steam. In response to questions from his supervisor about electricity and clean air, Mr. Millard clarified he is responsible for maintaining air quality, for example the proper calibration of boilers to limit smoke.

- Establish and monitor appropriate housekeeping procedures and safety standards of all assigned areas.

- Monitor daily log of power plants and prepare monthly production and performance reports.

- Recommend and assist in planning for expansion and improvement of power plant facilities and equipment.

- Management and distribution of powerhouse preventative and repair parts, emergency generator fuel supply and back up fuel (Propane) supply, janitorial and all other supplies required for plant operations.

In addition, 20% of Mr. Millard's work has been identified as operation and maintenance of all power house equipment, including backup generators.

In the supervisor section of the PRR, Mr. Millard's supervisor at the time, Mr. Hescock wrote the following (Exhibit A-19 and B-2, page 7):

> The Monroe Correctional Complex Steam Plant is the largest most complex plant in the Dept. of Corrections. The Chief Engineer is Critical to the Safe, Continuous and Efficient operations of this plant by the use of his Experience and Management decisions.

Mr. Hescock further provided examples of decision making authority assigned to Mr. Millard's position as follows:

- Designs and schedules steam plant repair and Preventative Maintenance Program.
- Schedules Attendance, Annual Leave, Sick leave and Authorizes Over time for plant regular and intermittent staff.
- Contracts with outside vendors for maintenance, repairs and operational supplies for continuous plant operation.

Additionally, in an email dated May 3, 2007, Mr. Hesock wrote, "[Mr. Millard's] position is responsible for overall maintenance and operation of a high pressure heating plant consisting of 1 – 800 HP High Pressure Boiler, 2 – 1150 High Pressure Boilers" (emphasis added) (Exhibit D-3-a). This is further supported by Mr. Heue's agreement that Mr. Millard has total responsibility for steam plant operations.

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.

To gain a greater understanding of the Stationary Engineer class series, I reviewed all class levels within the series. The **Stationary Engineer 1** class definition is the entry level of the series and describes the intent of the series as "the overall operation and maintenance of low-pressure steam or hot water heating and auxiliary boiler room equipment or tends high-pressure power boiler system consisting of one or more boilers up to 150 h.p. each." This may also involve work "with the operation of water chillers, air compressors and allied equipment" (emphasis added).

During the Director's review conference the parties indicated that a high-pressure boiler system is also referred to as a "steam plant." Mr. Millard has daily oversight and responsibility for the steam plant and the auxiliary systems directly connected to the steam plant.

The **Stationary Engineer 2** describes work performed in the steam plant at the journey level, including the ability to "exercise independent judgment and decisions concerning operations and safety activities of the steam heating plant."

At the **Stationary Engineer 3 level**, positions are described as "a senior-level specialist" applying advanced technical knowledge in the over all operation and maintenance of high pressure heating plant consisting of two or more boilers over 150 h.p. each.

The duties and responsibilities assigned to Mr. Millard's position are encompassed in the Stationary Engineer 3 class definition because he does apply advanced technical knowledge in overseeing the steam plant operations. However, the definition does not extend to his overall responsibility for maintenance and operation of the steam plant.

There are no specific distinguishing characteristics identified for this class. While the Stationary Engineer 3 typical work examples also include duties similar to Mr. Millard's performs, his level of responsibility extends beyond the Stationary Engineer 3 level because of his overall responsibility for maintenance and operational issues within the steam plant and its auxiliary systems. The Stationary Engineer 3 typical work statements include the following:

- Directs analysis of boiler feed water samples and determines feed water treatment;
- Confers with supervisor regarding maintenance and operational problems and recommends corrective action.
- Keeps or directs keeping of charts and records; prepares reports on heating plant operations;
- Instructs operating personnel in proper operating and maintenance methods and procedures.

Although Mr. Millard provides input to his supervisor about steam plant operations, there is no other higher level position housed within the steam plant. Therefore, Mr. Millard has responsibility for managing the daily operations and dealing with any critical issues that may arise, including consideration for safety-related issues. With regard to the steam plant, Mr. Millard has responsibility for ensuring emergency generators remain operational, which impacts power provided to other areas of the institution in an emergency situation.

The **Stationary Engineer 4** denotes lead responsibility and assistance to the Chief Engineer in the operation and maintenance of a large, complex central steam plant facility and related auxiliary stations. Although this work identifies a higher education institution facility, the class level within the series is described as a lead and assistant to a higher level position.

It is undisputed Mr. Millard oversees the maintenance and operation of MCC's steam plant, which his supervisor at the time, Paddy Hescock, described as "the largest most complex plant in the Dept. of Corrections" (Exhibits A-19 and B-2, page 7). Therefore, it is logical that Mr. Millard's position be allocated at a level higher than a position that leads and assists a position at his own level within a

steam plant. Mr. Millard has oversight of all maintenance and operations within the steam plant, and he supervises DOC staff and inmate workers.

The **Chief Engineer** definition states that incumbents "[s]upervise the total operation of a central heating steam plant and all auxiliary systems."

The Chief Engineer distinguishing characteristics provide further guidance**.**

> Positions within this class are responsible for large and complex steam plant operations with final responsibility and authority for safety, welfare, and maintenance within all operations.

There is no dispute that Mr. Millard supervises and manages the total operation of the steam plant. The crux of the issue is whether the total operation includes all auxiliary systems in relation to the steam plant or MCC as a whole

In reviewing the class series in its entirety, the work described relates to a steam plant and its associated auxiliary systems. Therefore, when reading the Chief Engineer definition the term "auxiliary system" directly relates to the steam plant. While I recognize that other trades staff such as electricians and plumbers work on ancillary plumbing, heating, and electrical systems for buildings or other facilities located throughout the complex, Mr. Millard's scope of responsibility includes final responsibility and authority for the safety, welfare, and maintenance for all steam plant operations and its auxiliary systems.

It is understood that the Superintendent retains overall budget and hiring decisions for the institution and that Mr. Millard keeps his supervisor (Consolidate Plant manager at the time) informed of the decisions he makes.

Further, 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 Chief Engineer typical work examples align with Mr. Millard's position:

- Plan the work of shift personnel and hire, discipline, and evaluate performance therein;
- Evaluate operating and organizational difficulties and institute corrective measures;
- Plan equipment downtime for maintenance procedures and assign appropriate crews for follow-through action;
- Maintain all budget and cost control devices necessary for efficient and economical production of steam, electricity, clean air, and chilled water;
- Recommend and assist in planning for expansion and improvements of power plant facilities and equipment.

As supported by Mr. Heue, Mr. Millard has total responsibility for supervising the operations of the steam plant. Mr. Millard is the only supervisor within the MCC facility with the knowledge and experience to supervise the total operation of the steam plant and its auxiliary systems. Mr. Millard supervises and manages the operation of the steam plant with no assistance. Mr. Millard is the

individual who makes daily decisions in the plant, plans and provides direction on any maintenance and operational problems, and determines the corrective actions necessary to resolve issues. Further, the decisions made by the Superintendent with regard to the steam plant are normally based on his recommendation. As such, Mr. Millard is the individual within MCC who has the responsibility for maintaining the continuous operations of the plant and its auxiliary equipment, monitoring the effects of the distribution and returns systems, and taking or initiating corrective action as it relates to the continued, safe, and efficient operations of the steam plant.

As a whole, the Chief Engineer class best fits the overall scope and level of responsibility of Mr. Millard's position.

In Salsberry v. Washington State Parks and Recreation Commission, PRB Case No. R-ALLO-06-013 (2007), the Personnel Resources Board addressed the concept of best fit. The Board concurred with the former Personnel Appeals Board's conclusion 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. Allegri v. Washington State University, PAB Case No. ALLO-96-0026 (1998).

In totality, the level, scope and diversity of the overall duties and responsibilities of Mr. Millard's position best fit the Chief Engineer classification, and his position should be reallocated accordingly.

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 on the 4th floor of the Insurance Building, 302 Sid Snyder Avenue SW, Olympia, Washington. The main telephone number is (360) 902-9820, and the fax number is (360) 586-4694.

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

c: Worldly Van Millard
Tina Cooley, DOC
Lisa Skriletz, OSHRD

Enclosure: List of Exhibits

WORLDLY VAN MILLARD v. DOC
ALLO-12-002

A. Van Millard Exhibits

1. Request for Director's Review January 9, 2012 (page 1-2)
2. Definitions and terms generated by Mr. Millard (page 1-17)
3. Stationary Engineer 1 (602J)
4. Chief Engineer class code 5610 (abolished)
5. Stationary Engineer 3 (602L) (modified)
6. Chief Engineer (602N) (modified)
7. Stationary Engineer 4 (602M) (modified)
8. Stationary Engineer 3 class code 75140 (abolished)
9. July 11, 2011 email chain discussing condensate leaks
10. November 7, 2011 email re WWTP porters
11. October 6, 2011 email to Sherman Smith re: position duties
12. Stationary Engineer 1 class code 75100 (abolished)
13. September 2010 Position Description for Sherman Smith, ES5 (page 1-5)
14. DOC allocation determination (page 1-4)
15. Stationary Engineer 2 (602K)
16. Stationary Engineer 3 (602L)
17. Stationary Engineer 4 (602M)
18. Chief Engineer (602N)
19. Position Review Request November 2007 (page 1-7)
20. March 2012 email to DOC HR and Director's Review Program with attached March 2012 unsigned PDF (page 1-6)
21. Plant Manager 3 (595U)
22. Stationary Engineer 2 classification 75120 (abolished)
23. Steam Engineer classification 5620 (abolished)
24. Opinion information sheet for Schroll lawsuit (page 1-10)

B. DOC Exhibits

1. DOC allocation determination letter December 9, 2011 (page 1-4)
2. Position Review Request November 2007 (page 1-7)
3. Supervisor's 2010 Position Description (page 1-5)

C. Class Specifications

1. Stationary Engineer 2 (602K)
2. Stationary Engineer 3 (602L)
3. Stationary Engineer 4 (602M)
4. Chief Engineer (602N)

D. Additional email correspondence with attachments received after the Director's review conference.

1. November 16, 2012 email from Mark Manning Teamsters with additional written statement (Mr. Millard's argument).

    a. November 15, 2012 letter from Mark Manning, Teamsters, with added points in Mr. Millard's argument.

2. November 19, 2012 email from Teresa Parsons indicating the above document would be part of Mr. Millard's argument and providing opportunity for DOC to respond.

3. November 19, 2012 email from Mr. Millard with attached email correspondence.

    a. May 3, 2007 email correspondence between Paddy Hescock and Robert Riorden, MCC.

4. December 28, 2012 email response from Tina Cooley, DOC (DOC's argument).

5. January 26, 2013 final email correspondence from Mr. Millard, reiterating his argument.

6. January 31, 2013 email from Teresa Parsons acknowledging Mr. Millard's January 26, 2013 email and stating that she would let the parties know if anything further was needed.