



STATE OF WASHINGTON

OFFICE OF FINANCIAL MANAGEMENT

STATE HUMAN RESOURCES DIVISION | DIRECTOR'S REVIEW PROGRAM

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September 12, 2017

TO: Connie Goff
Rules and Appeals Program Section Chief

FROM: Christa Biasi
Director's Review Specialist

SUBJECT: Adam Evans v. Department of Transportation (WSDOT)
Allocation Review Request ALLO-17-019

DIRECTOR'S DETERMINATION

This position review is based on the work performed for the six-month period prior to November 8, 2016, the date that WSDOT Human Resources (WSDOT HR) received Adam Evans's Classified Position Description (CPD, Exhibit B-2) requesting his position be allocated Bridge Engineer (BE) 3. As the Director's Review Specialist, I carefully considered all the exhibits. Based on my review and analysis of Mr. Evan's assigned job duties; I conclude his position is properly allocated to a BE 1.

BACKGROUND

On November 8, 2016, Mr. Evans's CPD was received by WSDOT HR stating that he believes his position should be allocated to a BE 3. (Exhibit B-2)

By memorandum dated February 23, 2017, Alana Neal, Human Resource Consultant (HRC), notified Mr. Evans that his request to be allocated from BE 1 to BE 3 had been denied. (Exhibit B-1)

On March 1, 2017, Office of Financial Management State Human Resources (OFM SHR) received Mr. Evans's request for a Director's Review of WSDOT HR's allocation determination (Exhibit A-1).

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).

ORGANIZATIONAL STRUCTURE

Mr. Evans's position works within the Bridge and Structure Office and reports to George Comstock.

POSITION OBJECTIVE

According to the CPD (Exhibit B-2) the position purpose is stated in part as follows:

This position directly supports the WSDOT mission that "provides and supports safe reliable, and cost effective transportation" This position is responsible for the maintenance of the bridge records as federally mandated by Title 23 CFR Part 650 Subpart C-National Bridge Inspection Standards, and in accordance with WSDOT Policy. This position also serves as backup support for new bridge inventories and tracking bridge contract information. This position plays a key role in providing bridge information that supports the operations of the state's transportation system.

SUMMARY OF MS. LIDDELL'S PERSPECTIVE

Duties and Responsibilities Classified Position Description (CPD, Exhibit B-2)

The CPD submitted for reallocation by Mr. Evans outlines his duties as processing completed inspection reports that also includes processing all local and other state agency inspection reports; creating new and updating existing bridge inventory records while utilizing the Washington State Bridge Inspection Manual (i.e. coding of crossing records, design coding, and elements of the structure and quantity calculations).

Mr. Evans addresses issues found on the "BEIS website, including loading missing plants, replacing plans or other files that are not legible, and generally correcting mistakes..." He also assists with compiling records for Public Records Requests, serves as co-inspector, which requires him to remain compliant and BCIF and BCIT and continue with training classes as needed.

Request for a Director's Review (Exhibit A-1)

In this Request for Director's Review, Mr. Evans stated, "I am requesting a director's review of my reallocation request based on my understanding of equivalent jobs within the Bridge and Structures Office that have a higher level than my Bridge Engineer 1 position. I am also performing work that is more complex than other Bridge Engineer 1 positions within the Bridge and Structures Office." He also stated he believes his position to be that of BE 3.

SUMMARY OF WSDOT'S PERSPECTIVE

Determination Memorandum (Exhibit B-1)

Ms. Neal, HRC provided a memorandum explaining her reasoning for the allocation determination of Mr. Evans position. In her review, Ms. Neal examined the BE 1-3 class and used the following the documents:

- CPD submitted for reallocation on November 8, 2016
- CPD on file at the time of the request dated February 11, 2016
- Desk audit information from January 3, 2017
- Class specification
- Information provided by supervisor and management
- CPD of three BE 3s

In her comparison of Mr. Evans's duties to that of a BE 2, she found that he did not meet the class because he did not prepare structural plans even though he utilized CAD, his responsibilities are limited to copying sketched into CAD based on the original drawing. She further stated that, "You do not perform structural detailing and do not have project drawing coordination or limited management responsibilities. You do not produce structural drawing from bridge engineer calculations." While the foregoing is not a full detail of Ms. Neal's reasoning for not allocating Mr. Evans to BE 2, she found the duties being performed by Mr. Evans did not meet the duties and distinguishing characteristics of the class.

Ms. Neal also compared Mr. Evans duties to those of the BE 3 class. In doing so she found that Mr. Evans does not provide major project plan coordination, nor does he assist with employee development and performance plans or provide informal structural detail training for lower level employees. She continued by outlining Mr. Evans also does not perform duties such as technical lead designer/structural detailer and project coordinator for secondary bridge structural elements and he is not assigned responsibility for electronic bridge design documentation. Again, the aforementioned are only some of the reasons for Ms. Neal's allocation determination. Ms. Neal took detailed notes of her conversations with Mr. Evans and the information provided by Mr. Evans supervisor and management. These notes are contained in Exhibits B-7 and B-8.

COMPARISON OF DUTIES TO CLASS SPECIFICATIONS

I carefully reviewed the exhibits submitted by the Parties. Allocating criteria consists of the class specification's class series concept (if one exists), the definition and the distinguishing characteristics.¹ Typical work is not an allocating criterion, but may be used to better understand the definition or distinguishing characteristics.

Prior to outlining my comparison of duties to the available class specifications, I feel it is important to note some information contained in WSDOT HRs determination memorandum

¹ In *Norton-Nader v. Western Washington University*, PRB Case No. R-ALLO-08-020 (2008), the Personnel Resources Board (Board) stated that the following standards are the hierarchy of primary considerations in allocating positions: a) Category concept (if one exists); b) Definition or basic function of the class; c) Distinguishing characteristics of a class; and d) Class series concept, definition/basic function, and distinguishing characteristics of other classes in the series in question.

(Exhibit B-1) that is inconsistent with current Personnel Resources Board (PRB) precedent. As an example, Exhibit B-1, page 2 states:

Although WSDOT has been delegated authority to allocate positions, we have to follow the same restrictions as State Human Resources (SHR) or any other agency with such authority. The Personnel Resources Board (PRB) required SHR to establish uniform criteria for consideration in determining the correct allocation. The criteria, in order of importance, are:

- A. Class series intent (if adopted by the PRB)
- B. The definition of the class
- C. The distinguishing characteristics of the class
- D. The definitions and distinguishing characteristics of other classes in the series in question
- E. Allocating factors, instruments or processes for determining allocation given in the specification or in supplementary documents
- F. The indication of the intent of the Personnel Resources Board as shown by explanations on Board agendas and meeting minutes
- G. The typical work or examples of work listed for the class; and
- H. The typical work or examples of work listed for other classes in the series in question

First, the PRB no longer directs OFM SHR to establish uniform criteria for allocation. While this may have been true several years ago, WAC 357-04-065 outlines the duties of the PRB. The PRB does however hear allocation appeals and often times their decisions may set 'precedent.' Precedent is defined by an "earlier event or action that is regarded as an example or guide to be considered in subsequent similar circumstances." As an example, in *Norton-Nader v. Western Washington University*, PRB Case No. R-ALLO-08-020 (2008), the PRB set standard for the hierarchy of consideration in allocating positions. These are:

- a) Category concept (if one exists) [Class Series Concept];
- b) Definition or basic function of the class;
- c) Distinguishing characteristics of a class; and
- d) Class series concept, definition/basic function, and distinguishing characteristics of other classes in the series in question.

Internal processes or allocating instruments used by agencies are not taken into consideration, nor do we rely on the intent of the PRB as outlined in the agendas and meeting minutes, as the PRB no longer takes minutes or creates an agenda regularly. Furthermore, the PRB has set very clear precedent on the use of typical work statements (See *Kristin Mansfield vs. Department of Fish and Wildlife*, PRB Case No. R-ALLO-11-014 (2014)).

Furthermore, WSDOT HR continued by stating:

WAC requires all classified positions be allocated to an existing job class. While the PRB sets the specification criteria and establishes personnel policies they also retain final jurisdiction. It is through their determinations that we receive class allocation criteria interpretation.

While it is true that classified positions must be allocated to existing job classes, the PRB does not set the specification criteria and establish personnel policies. Rather these responsibilities lie with the Director of OFM SHR. It is important to note that although some of the information outlined in WSDOT HR determination memorandum has remained, albeit through new case precedent, it is equally as important to note the allocating criteria and the duties of the PRB outlined are not current. I would therefore suggest, WSDOT HR update their memoranda to reflect the most current case precedent and information.

Bridge Engineer 1

Definition

In the Washington State Department of Transportation, Bridge and Structures Office or Washington State Ferries:

- Performs as a skilled bridge technician, or
- Performs entry-level professional bridge engineering tasks.

Bridge Engineer 2

Definition

In the Washington State Department of Transportation, Bridge and Structures Office or Washington State Ferries:

- Performs routine bridge analysis tasks, or
- Performs advanced technical bridge engineering tasks.

Bridge Engineer 3

Definition

In the Washington State Department of Transportation, Bridge and Structures Office or Washington State Ferries:

- Serves as a lead bridge technician performing advanced technical bridge engineering tasks or
- Performs professional level bridge engineering tasks.

As stated in *Norton-Nader v. Western Washington University*, PRB Case No. R-ALLO-08-020 (2008), the PRB set out the hierarchy for position allocations. The first allocating criteria is the Category Concept (Class Series Concept). In this matter the Bridge Engineer class does not contain a class series concept. I therefore look to the definitions of BE 1-3 to determine which class best describes the duties performed by Mr. Evans.

In this matter, although Mr. Evans seeks reallocation to BE 3, I find the scope and level of duties performed by Mr. Evans do not meet the definition. Mr. Evans does not serve as lead bridge technician performing advanced technical bridge engineering tasks, nor is he performing professional level bridge design. Rather, Mr. Evans creates new and updates bridge inventory

records using Washington State Bridge Inspection Manuals. This includes coding of crossing records, design coding and elements of the structure and quantity calculations. These duties are in support of the lead bridge technician and also do not encompass "professional level bridge engineering tasks" or in support of the professional level bridge engineer.

Looking even further at the distinguishing characteristics of the BE 3, I agree with WSDOT HR in that when comparing the duties performed by Mr. Evans to the distinguishing characteristics, his duties do not rise to the level of the BE 3 class. With the foregoing in mind, Mr. Evans does not meet the level and intent of the BE 3 class and it is therefore not an appropriate fit.

In focusing on the definitions of the BE 1 and 2 classes, I note the differences between the two. As an example, the BE 1 definition outlines that incumbent must perform either as a skilled bridge technician or be performing entry-level professional bridge engineering tasks. Whereas the BE 2 definition states incumbent must perform bridge analysis tasks or perform advance technical engineering tasks. While both definition require technical and engineering knowledge, a further look at the distinguishing characteristics of the classes provides greater detail about the intent of the classes.

As an example, the distinguishing characteristics for the BE 1 specifically states, "Bridge geometry calculations." This statement reflects at least 50% of Mr. Evans's duties. While the full scope of his duties are not completely within calculations, the main function of his position fits within this statement. It is true that Mr. Evans uses CAD and other software to develop his calculations, you are not preparing structural plans utilizing such software. Rather, he is using the already prepared plans to enter data and to perform geometry calculations. These are very significant differences between the BE 1 and 2. However, as Ms. Neal pointed out, BE 1 and 2 differ in that BE 1s do not generally have the responsibility for making independent engineering decisions. As Mr. Evans stated during the desk audit, his supervisor reviews his work for mistakes and passes it along. Whether or not changes are made to that work is inconsequential to the allocation, rather the fact that Mr. Evans is not independently making engineering decisions is of consequence.

Furthermore, as the distinguishing characteristics for the BE 1 further state, "While the responsibility and technical requirements of a Bridge Engineer 1 position may be equivalent to those of a Bridge Engineer 2 in some situations, a Bridge Engineer 1 will not be expected to display the adaptability and capacity to apply professional knowledge to new situations that are expected of a Bridge Engineer 2." Mr. Evans is expected to enter data appropriately using already established tools and guidelines. If a situation falls outside the scope of his knowledge or is "new" to him, he must first speak with his supervisor before taking any action.

All of this is not to say that at least some of Mr. Evans's duties do not reach the level of the BE 2, however, when looking at his duties and overall functions, I find the majority of his duties clearly fit within the BE 1 class.

Based on the foregoing information and after careful review of the information contained in the file, I have determined the primary function of Mr. Evans's position and the majority of his duties in their entirety fall within the scope and level of responsibility stated in the Definition and Distinguishing Characteristics for the BE 1 class. Therefore, his overall level and scope of assigned duties and responsibilities are consistent with Bridge Engineer 1 level work.

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 PO Box 40911, Olympia, Washington, 98504-0911. The PRB Office is located on the 3rd floor of the Raad Building, 128 10th Avenue SW, Olympia, Washington. The main telephone number is (360) 407-4101 and the fax number is (360) 586-4694.

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

c: Adam Evans, Appellant
Alana Neal, Human Resource Consultant

Enclosure: List of Exhibits

ADAM EVANS v DOT
ALLO-17-019
LIST OF EXHIBITS

A. Adam Evans Exhibits

1. Date-stamped request for a Director's review
2. My explanation of the lead position I hold for Maureen Hartsell and the QC work I do for Dave Lemcke.
3. Example email of QC check for Dave Lemcke
4. Example email of QC check for Dave Lemcke
5. Example email of QC check for Dave Lemcke
6. Example email of QC check for Dave Lemcke
7. Example email of QC check for Dave Lemcke
8. Example email of QC check for Maureen Hartsell
9. Example email of QC check for Maureen Hartsell
10. Example email of QC check for Maureen Hartsell
11. Example email of training for Neil Foote and Maureen Hartsell (Sheet 1 of 2)
12. Example email of training for Neil Foote and Maureen Hartsell (Sheet 2 of 2)
13. Example email of training for Jason Parent and Kevin Perkins
14. Example training meeting for Jason Parent and Kevin Perkins for coding new Inventory
15. Example training meeting for Neil Foote and Maureen Hartsell for coding new Inventory

B. DOT Exhibits

1. Employer Allocation Determination
2. Position Description Form
3. Signed and dated Supervisor Review/Position Description on file at time of request
4. Organizational Chart
5. Other documents considered during review (email correspondence)
6. List of classification specifications considered
7. Interview notes
8. Interview notes cont.
9. Bridge Engineer position description for comparison
10. Bridge Engineer position description for comparison
11. Bridge Engineer position description for comparison
12. Bridge Engineer position description for comparison
13. Bridge Engineer position description for comparison

C. Class Specifications

1. Bridge Engineer 1
2. Bridge Engineer 2
3. Bridge Engineer 3