BEFORE THE PERSONNEL APPEALS BOARD

STATE OF WASHINGTON

STEPHEN FAIRCHILD, Appellant, v. DEPARTMENT OF TRANSPORTATION, Respondent.	Case No. ALLO-02-0021 ORDER OF THE BOARD FOLLOWING HEARING ON EXCEPTIONS TO THE DETERMINATION OF THE DIRECTOR

Hearing on Exceptions. This appeal came on for hearing before the Personnel Appeals Board, WALTER T. HUBBARD, Chair, and GERALD L. MORGEN, Vice Chair, on Appellant's exceptions to the Director's determination dated June 21, 2002. The hearing was held at the office of the Personnel Appeals Board in Olympia, Washington, on January 23, 2003.

Appearances. Appellant Stephen Fairchild was present and appeared *pro se*. Richard Shea, Human Resource Consultant for the Department of Personnel, and Joni Wheeler, Human Resource Consultant for the Department of Transportation, represented Respondent Department of Transportation.

Background. As a result of a class study, the Washington State Personnel Resources Board adopted revisions to the specifications for all classes in the Bridge Engineer series. Richard Shea, Human Resource Consultant for the Department of Personnel, conducted a review of all Bridge Engineer positions within the Department of Transportation. By letter dated November 21, 2001,

Mr. Shea informed Appellant that his position would remain allocated to the Bridge Engineer 4 job classification effective November 8, 2001.

By letter dated December 26, 2001, Appellant filed a request for review to the Director of the Department of Personnel. In his letter of appeal, Appellant requested that his position be reallocated to the Bridge Engineer 5 classification.

On April 3, 2002, the Department of Personnel director's designee, Paul Peterson, Personnel Hearings Officer, conducted an allocation review of Appellant's position. By letter dated June 21, 2002, Mr. Peterson determined that Appellant's position was properly allocated to the Bridge Engineer 4 classification. On July 22, 2002, Appellant filed exceptions with the Personnel Appeals Board to the determination of the Department of Personnel.

Appellant is a registered civil engineer employed within the Department of Transportation's Bridge and Structures office and is responsible for performing detailed structural design of bridges and structures. Appellant provides technical and leadership skills as a bridge technical advisor on various projects and is responsible for the design of structures of major size.

Summary of Appellant's Argument. Appellant asserts that he has been performing successfully at the Bridge Engineer 5 level by planning and designing complex bridge projects and structures, and by taking on the responsibilities of project manager for several large, interdependent bridge projects. Appellant argues that the allocation decision was inappropriately based on a definition of "project manager" which the Department of Transportation provided to the director's designee a month after the informal review hearing. Appellant contends this definition should have no bearing on the allocation decision. Appellant argues that he was assigned the project manager role by his supervisor, Karl Kirker, on July 21, 2000. Further, Appellant asserts that his classification

questionnaire does not reflect the nature of the work he was doing at the time of the reallocation. Therefore, Appellant asserts that his position should be allocated to the Bridge Engineer 5 classification.

Summary of Respondent's Argument. Respondent asserts that Appellant's position allocation was properly based on the October 5, 2001 classification questionnaire, the job specification, the recommendation of the agency's personnel manager, and information gained in the course of the class study. Respondent argues that the work assigned to Appellant's position does not meet the distinguishing characteristics of the Bridge Engineer 5 class. Appellant's position does not have independent responsibility for the entire range of technical bridge engineering functions for all types of bridges and for the design of other related structures a majority of the time. Respondent further argues that Appellant does not serve as a project manager for all phases of the project, but rather that he serves as a lead. Respondent asserts that the major portion of Appellant's work fits the definition and distinguishing characteristics of the class of Bridge Engineer 4.

Primary Issue. Whether the director's determination that Appellant's position is properly allocated to the Bridge Engineer 4 classification should be affirmed.

Relevant Classifications. Bridge Engineer 4, Class Code 66430; and Bridge Engineer 5, Class Code 66440.

Decision of the Board. 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. Also, a position review is not a comparison of work performed by employees in similar positions. 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 which best describes the overall duties and responsibilities of the position. Liddle-Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

Appellant argues that his classification questionnaire did not reflect the work he was doing at the time of review following the class reallocation; however, appellant approved the classification questionnaire reflected by his signature on October 5, 2001. Furthermore, the classification questionnaire is clearly marked to indicate that it was submitted for the class study.

Because a current and accurate description of a position's duties and responsibilities is documented in an approved classification questionnaire, the classification questionnaire becomes the basis for allocation of a position. An allocation determination must be based on the overall duties and responsibilities as documented in the classification questionnaire. Lawrence v. Dept of Social and Health Services, PAB No. ALLO-99-0027 (2000).

Under the definition of a Bridge Engineer 5, Appellant must be a "registered professional engineer in the branch of mechanical, electrical, civil or structural engineering" and meet one of nine criteria. Appellant asserts that he meets the following first two criteria in the definition: 1) Performs intricate structural design for complex structures (such as, curved steel plate girder bridges, segmental bridges, floating bridges or for major bridge rehabilitation or retrofit; and 2) Performs as a project manager for a complex, large, or multiple bridge project.

Performs intricate structural design for complex structures (such as, curved steel plate girder bridges, segmental bridges, floating bridges or for major bridge rehabilitation or retrofit.

The new Bridge Engineer class series adopted November 8, 2001 specified the types of structures and bridges to be designed by the various Bridge Engineer levels. Under the definition of the

Bridge Engineer 5, complex structures are defined as "curved steel plate girder bridges, segmental bridges, floating bridges or for major bridge rehabilitation or retrofit." Appellant's classification questionnaire and the exhibits show that Appellant designs structures that do not fall under the definition of complex. Therefore, the record supports the decision by the director's designee that Appellant's assignments do not include work on "complex structures."

Appellant's classification questionnaire states that he is "responsible for performing detailed structural design of bridges and structures, for the entire range of technical bridge engineering functions for all types of bridges and structures, with assistance on the most complex bridges." Because the Appellant's classification questionnaire indicates that he receives assistance from a higher level engineer on the most complex bridges, we find the determination of the director's designee is correct on allocating Appellant's position to the Bridge Engineer 4 classification.

Performs as a project manager for a complex, large, or multiple bridge project.

During the allocation review of Appellant's position, the director's designee requested a definition of "project manager" from the Department of Transportation to assist him in his review, and he used this definition as part of his decision. Appellant argues that the definition of a project manager should have no bearing on his reallocation because it was received a month after the informal appeal hearing. Pursuant to WAC 356-10-060(4), the Department of Personnel or the director's designee may investigate and obtain such information as may be deemed necessary. Therefore, the Board concludes that the director's designee acted within his discretion to request or consider the Department of Transportation's definition of a project manager. The project manager definition states:

> The Project Manager (PM) is the Design Unit Supervisor unless otherwise assigned by the Supervisor. The PM provides leadership and management skills to deliver the **final design of projects** within scope, schedule, and budget by performing six major responsibilities during the course of a project.

The record shows that Appellant does not have responsibility as a project lead or manager during the entire phase of the assigned projects. The director's designee properly concluded that Appellant's involvement is limited to preliminary work and he does not have responsibility over the final design phase.

Conclusion. Appellant's position is best described by the Bridge Engineer 4 classification. Appellant's appeal on exceptions should be denied and the director's determination dated November 8, 2001, should be affirmed.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal of Stephen Fairchild is denied and the director's determination dated June 21, 2002, is affirmed, and a copy is attached.

DATED this _____ day of _____, 2003.

WASHINGTON STATE PERSONNEL APPEALS BOARD

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Walter T. Hubbard, Chair

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Gerald L. Morgen, Vice Chair