

BEFORE THE PERSONNEL RESOURCES BOARD

STATE OF WASHINGTON

WASHINGTON STATE PARKS AND
RECREATION COMMISSION,

Appellant,

vs.

QUAN MCCOY,

Respondent.

CASE NO. R-ALLO-09-017

ORDER OF THE BOARD
FOLLOWING HEARING ON
EXCEPTIONS TO THE
DETERMINATION OF THE DIRECTOR

Hearing on Exceptions. This appeal came before the Personnel Resources Board, JOSEPH PINZONE, Chair, and DJ MARK, Member, for a hearing on Appellant's exceptions to the director's determination dated May 14, 2009. The hearing was held at the office of the Personnel Resources Board in Olympia, Washington, on September 24, 2009.

Appearances. Appellant Parks and Recreation Commission (Parks) was represented by George Price, Human Resource Consultant. Respondent Quan McCoy was present and was represented by Banks Evans, Council Representative for the Washington Federation of State Employees.

Background. Mr. McCoy's position was allocated to the class of Construction and Maintenance Project Specialist 1 (CMPS1). On April 2, 2007, he submitted a classification questionnaire to Parks' Human Resource office requesting reallocation to the Construction and Maintenance Project Specialist 2 (CMPS2) classification.

By letter dated April 23, 2008, George Price, Human Resource Consultant for Parks, notified Mr. McCoy that his request was denied. On May 19, 2008, Mr. McCoy requested a director's review of Mr. Price's decision. By letter dated May 14, 2009, the director's designee granted Mr. McCoy's request.

1 On June 11, 2009, Parks filed exceptions to the director's determination. Parks' exceptions are the
2 subject of this proceeding.

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4 Mr. McCoy's position is responsible for performing multi-skilled journey level work for building and
5 construction projects primarily at Flaming Geyser State Park. He also does work at Nolte and
6 Kanaskat/Palmer Parks, Federation Forest and the Green River Gorge area. Mr. McCoy plans,
7 coordinates and organizes maintenance and repair work. He does not have a work crew assigned to
8 him but for some projects, he is assisted other CMPS staff, park rangers, park aides, volunteers, and/or
9 private contractors. When necessary, he consults with engineers and planners.

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11 When conducting a position review, typically, we consider the work performed during the six months
12 preceding the date on which the incumbent submitted the reallocation request to the local human
13 resource office. In this case, however, because of the cyclic nature of Mr. McCoy's work, it is
14 appropriate to consider the work he performed during the twelve months preceding his request. In
15 exhibit A-5, Mr. McCoy provided information listing the projects he performed from 2005 to 2007.
16 The appropriate time period for consideration for this review is April 3, 2006 to April 2, 2007.

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18 **Summary of Parks' Arguments.** Parks argues that scheduling, organizing and implementing projects
19 and leading and directing work crews are responsibilities found at both CMPS1 and 2 levels. Parks
20 asserts that to be allocated to the CMPS2 level, the incumbent must lead two or more journey level
21 trades employees. Parks contends that Mr. McCoy is not responsible for projects that require him to
22 regularly lead two or more journey level trades employees as demonstrated by the fact that during the
23 time period of Mr. McCoy's position review, of the projects he oversaw only one required him to lead
24 a journey level employee. Parks further contends that the level of planning, organizing and coordinating
25 Mr. McCoy performs does not meet the scope and diversity anticipated by the CMPS2 level. Parks
26 acknowledges that on occasion, Mr. McCoy leads work crews comprised of park rangers, park aides
27 and volunteers and he may oversee the work contractors perform, but argues that these crew members
28 are not journey level trades employees as required for allocation to the CMPS2 class. Parks argues that
29 during the time period relevant to this review, the majority of Mr. McCoy's oversight of work crews

1 was best described as leading and directing the work of others as anticipated and encompassed in the
2 CMPS1 classification.

3
4 **Summary of Mr. McCoy's Arguments.** Mr. McCoy argues that he is responsible for leading projects
5 including planning, coordinating and organizing the projects and completing the projects with whatever
6 help he can find. Mr. McCoy contends that he would lead journey-level trade employees if they were
7 available. He argues that he should not be penalized because Parks lacks the resources to complete
8 projects with journey-level trade staff employed by Parks. He further argues that based on the Board's
9 decision in Salsberry v. Washington State Parks and Recreation Commission, PRB Case No. R-ALLO
10 06-013 (2007), leading multiple journey level trades employees is not required at the CMPS2 level. Mr.
11 McCoy also argues that the CMPS1 class does not encompass positions that lead work crews. Mr.
12 McCoy contends that the scope of planning, coordinating and organizing he performs and his
13 responsibility for leading work crews and overseeing and coordinating all the work performed on
14 projects fits within the intent and scope of the CMPS2 classification.

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16 **Primary Issue.** Whether the director's determination that Appellant's position is properly allocated to
17 the Construction and Maintenance Project Specialist 2 classification should be affirmed.

18
19 **Relevant Classifications.** Construction and Maintenance Project Specialist 1, class code 70530,
20 and Construction and Maintenance Project Specialist 2, class code 70540.

21
22 **Decision of the Board.** The purpose of a position review is to determine which classification best
23 describes the overall duties and responsibilities of a position. A position review is neither a
24 measurement of the volume of work performed, nor an evaluation of the expertise with which that
25 work is performed. A position review is a comparison of the duties and responsibilities of a
26 particular position to the available classification specifications. This review results in a
27 determination of the class that best describes the overall duties and responsibilities of the position.
28 See Liddle-Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

1 The definition for Construction and Maintenance Project Specialist 1 provides that positions
2 allocated to this class perform “multi-skilled journey level work in the building and construction
3 trades.”

4
5 The typical work statements provide further clarification of the scope of the work performed at the
6 CMPS1 level. Positions in this class typically lead or direct crews engaged in construction and repair
7 projects, schedule projects and equipment needed to complete projects, and transport materials and
8 equipment to project locations. By the nature of their work, leading and directing others, overseeing
9 projects, and planning, organizing and coordinating projects is inherent in the work at the CMPS1
10 level.

11
12 The definition for Construction and Maintenance Project Specialist 2 provides, in relevant part:
13 “[w]ithin a park area, plans, coordinates and organizes construction and maintenance projects and leads
14 two or more journey level trades employees. . . .”

15
16 The work performed at the CMPS2 level is similar in nature to the CMPS1, however, work at this
17 level encompasses larger or more complex projects requiring the incumbent lead work crews consisting
18 of two or more journey level trades employees.

19
20 The Department of Personnel (DOP) Glossary - Classification, Compensation, & Management
21 terms defines the term “lead” as: “[a]n employee who performs the same or similar duties as other
22 employees in his/her work group and has the designated responsibility to regularly assign, instruct,
23 and check the work of those employees on an ongoing basis.”

24
25 The DOP Glossary provides that directing the work of others means providing “work guidance or
26 direction but is **NOT** a ‘lead’; does **NOT** have the responsibility of assigning, instructing and
27 checking the work of others on a regular and ongoing basis.”

1 At the CMPS2 level, incumbents must have responsibility for leading two or more journey level trades
2 employees on a regular and ongoing basis.

3
4 The parties argue that Salsberry v. Washington State Parks and Recreation Commission, PRB Case
5 No. R-ALLO 06-013 (2007) is controlling in this matter. However, the guidance found in Salsberry,
6 must be considered in light of the totality of the evidence. In Salsberry, the Board stated:

7 On a project basis, [Salsberry] has designated responsibility to lead the work of others,
8 including at times, journey-level trades employees. While this may not occur for all
9 projects assigned to [Salsberry], the CMPS 2 does not require positions allocated to
10 that classification to have lead responsibilities a majority of time. Rather, the
11 classification includes lead work as a component of planning, coordinating, and
12 organizing construction and maintenance projects.

13 When interpreting and applying our decision in Salsberry, consideration must also be given to the
14 definition of terms provided in the DOP glossary. At the CMPS2 level, lead responsibilities need not
15 constitute a majority of an incumbent's time. However, based on the definition of lead and direct, at the
16 CMPS2 level, lead responsibility for two or more journey level trades employees must be a regular and
17 ongoing part of the work performed.

18 Consideration must also be given the definitions found in the civil service rules, Title 357 WAC. In
19 relevant part, WAC 357-01-140 defines an "employee" as, "[a]n individual working in the classified
20 service. . . ." Therefore, journey level trades employees are persons employed by Parks, not volunteers
21 or private contractors.

22
23 We have carefully reviewed the exhibits in this case, including the list of projects provided by Mr.
24 McCoy. We have given weight to the projects he listed that occurred during the time period relevant to
25 this review. While he was the lead for one project that included one other journey-level trade employee
26 on the work crew, there is no evidence that he led two or more journey level trades employees during
27 this time. Therefore, we conclude that Mr. McCoy does not plan, coordinate and organize construction
28 and maintenance projects that require him to lead two or more journey level trades employees on a
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1 regular and ongoing basis. The level, scope and diversity of Mr. McCoy's duties and responsibilities do
2 not meet those anticipated by the CMPS2 classification. Mr. McCoy's position is best described by the
3 Construction and Maintenance Project Specialist 1 classification.

4 In a hearing on exceptions, the Appellant has the burden of proof. WAC 357-52-110. Parks has met its
5 burden of proof. Therefore, the appeal on exceptions should be granted, and the director's
6 determination, dated May 14, 2009, should be reversed.
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8 **ORDER**

9 NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal on exceptions by Parks is granted,
10 and the position remains allocated to the Construction and Maintenance Project Specialist 1
11 classification.
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13 DATED this ____ day of _____, 2009.

14 WASHINGTON PERSONNEL RESOURCES BOARD
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17 _____
JOSEPH PINZONE, Chair

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19 _____
DJ MARK, Member
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