

**BEFORE THE PERSONNEL RESOURCES BOARD
STATE OF WASHINGTON**

AHMAD WEHBE,

Appellant,

vs.

DEPARTMENT OF TRANSPORTATION,

Respondent.

CASE NO. R-ALLO-09-012

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; LAURA ANDERSON, Vice Chair; and DJ MARK, Member, for a hearing on Appellant's exceptions to the director's determination dated March 20, 2009. The hearing was held at the office of the Personnel Resources Board in Olympia, Washington, on July 15, 2009.

Appearances. Appellant was present and was represented by Vincent Oliveri, union representative with IFPTE, Local 17. Respondent Department of Transportation (DOT) was represented by Niki Pavlicek, Manager of Classification, Compensation and Operations.

Background. Appellant's position was allocated to the Transportation Engineer 3 (TE3) classification. On May 17, 2007, he submitted a Classification Questionnaire (CQ) asking DOT to reallocate his position to the Transportation Engineer 4 (TE4) classification. By letter dated April 29, 2008, DOT denied Appellant's reallocation request.

On May 16, 2008, Appellant filed a request for a director's review of DOT's allocation determination. By letter dated March 20, 2009, the director's designee determined that Appellant's position was properly allocated to the TE3 classification. On April 13, 2009, Appellant filed exceptions to the director's determination. Appellant's exceptions are the subject of this proceeding.

Appellant works in the Northwest Region, Region Programs and Services Division, Utilities Office of DOT. Appellant's working title is Region Utility Accommodation Engineer. His immediate

1 supervisor is Dean Holman, the Assistant Utility/Railroad Engineer. Appellant supervises a team of
2 Utility Accommodation Engineers who are responsible for reviewing and recommending utility
3 accommodation and utility permit/franchise approvals.

4 **Summary of Appellant's Arguments.** Appellant argues that he is responsible for a highly specialized
5 technical program that requires thorough knowledge of technical engineering practices as well as
6 department policies, procedures and standards and state and federal rules and regulations. Although
7 Appellant's CQ and the region organization chart show that he reports to the Assistant Utility/Railroad
8 Engineer, Appellant asserts that the Assistant Engineer signs his time slips only and that for his project
9 work, he reports directly to the Northwest Region Utility/Railroad Engineer. Appellant contends that he
10 functions as the technical program specialist for the region, that he does the final review of the work
11 done by other utility program specialists and that he makes the final decision as to whether the
12 applications for utility permits and franchises are approved. As a result, Appellant contends that he
13 serves as the Technical Program Specialist, supervises engineers in a specialty area, acts as the final
14 design reviewer, and functions as the region Utilities Program Assistant Manager as described in the
15 TE4 classification.

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17 **Summary of Respondent's Arguments.** Respondent argues that Appellant's supervisor is the TE4
18 who functions as the assistant manager and technical program specialist for the region utility program.
19 Respondent contends that Appellant's supervisor is responsible for the utility office's planning and
20 budget and that he determines expectations for the office and guides the office on what is expected
21 during the period. Respondent argues that there is no evidence to show that Appellant reports directly
22 to the Region Engineer rather than to his supervisor, the Assistant Engineer. Respondent argues that
23 Appellant has not been delegated to act as the manager or as the assistant manager for the office and
24 that his position is properly allocated to the TE3 classification.

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26 **Primary Issue.** Whether the director's determination that Appellant's position is properly allocated to
27 the Transportation Engineer 3 classification should be affirmed.

Relevant Classifications. Transportation Engineer 3, class code 530M (formerly 66160); Transportation Engineer 4, class code 530N (formerly 66180).

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. 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. See Liddle-Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

The definition for the TE4 classification states, in relevant part, “. . . serves as a Technical Program Specialist.”

The distinguishing characteristics for the TE4 state, in part:

. . . As a Technical Program Specialist, assignments entail responsibility for a highly specialized District technical program or function of medium size and scope or serving as a Headquarters statewide specialist in an area of medium size/scope/impact. This work requires a thorough knowledge of technical engineering practices and Departmental policies, procedures, and standards. Incumbents report to a Transportation Engineer 5, Transportation Technical Engineer 5, Transportation Planning Specialist 5, or above and exercise considerable independence of action in decision making and problem solving. . .

The documentary evidence in this case supports the director’s designee’s determination that Appellant does not report to a Transportation Engineer 5 or higher level as required by the distinguishing characteristics of the TE4 classification and that his position’s responsibilities and assignments do not meet the level of technical program specialist encompassed by the TE4.

The definition of the TE3 classification states, “[p]erforms advance transportation engineering work under limited supervision.”

The distinguishing characteristics for the TE3 classification state:

At this level, incumbents . . . serve as a staff specialist in a complex area of limited scope (this may include serving as a staff specialist consultant to Local Agencies). Incumbents are expected to possess a thorough working knowledge of agency policies, standards and procedures as well as engineering principles, methods and practices. Assignments require judgments in selecting and adapting techniques to solve transportation problems. Incumbents may represent the Department at public meetings, open houses, to local agencies, contractors, consultants, etc., for specific projects. While work is occasionally spot-checked and reviewed upon completion, incumbents are responsible for planning and carrying out projects with only minimal supervision. Staff at this level are often called on to assign, train and evaluate engineers and technicians.

While the definition and distinguishing characteristics of the TE3 are germane in this case, the fact that Appellant did not have the appropriate reporting relationship, as required by the TE4 classification, is sufficient to deny his appeal. Appellant's assigned duties, scope of responsibilities, and his reporting relationship within the unit best fit the TE3 level.

In a hearing on exceptions, the appellant has the burden of proof. WAC 357-52-110. Appellant has failed to meet his burden of proof.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal on exceptions by Ahmad Wehbe is denied and the director's determination dated March 20, 2009, is affirmed.

DATED this ____ day of _____, 2009.

WASHINGTON PERSONNEL RESOURCES BOARD

JOSEPH PINZONE, Chair

LAURA ANDERSON, Vice Chair

DJ MARK, Member