

BEFORE THE PERSONNEL RESOURCES BOARD  
STATE OF WASHINGTON

DEPARTMENT OF CORRECTIONS,

Appellant,

vs.

GARY O'BRIEN,

Respondent.

CASE NO. R-ALLO-09-036

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 September 16, 2009. The hearing was held at the office of the Personnel Resources Board in Olympia, Washington, on December 10, 2009.

**Appearances.** Appellant Department of Corrections (DOC) was represented by Tina Cooley, Human Resource Consultant. Respondent Gary O'Brien appeared by telephone and represented himself, *pro se*.

**Background.** Mr. O'Brien works at Clallam Bay Correctional Center (CBCC). His position was allocated to the class of Automotive Mechanic Supervisor. On January 4, 2007, he submitted a Position Review Request to DOC's Human Resource office requesting reallocation to the Equipment Technician 5 classification. On January 30, 2007, Mr. O'Brien's supervisor, Jack Brandt, and CBCC's Superintendent, Karen Brunson, signed a Position Description Form for Mr. O'Brien's position which also requested reallocation of Mr. O'Brien's position to the Equipment Technician 5 classification.

1 By letter dated September 24, 2008, DOC determined that Mr. O'Brien's position best fit within  
2 the Equipment Technician 4 classification. On October 14, 2008, Mr. O'Brien filed a request for  
3 a Director's review of DOC's allocation determination.

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5 By letter dated September 16, 2009, the director's designee determined that Mr. O'Brien's position  
6 best fit the Equipment Technician 5 level. On October 15, 2009, DOC filed exceptions to the  
7 director's determination. DOC's exceptions are the subject of this proceeding.

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9 Mr. O'Brien's position is responsible for CBCC's motorized fleet of vehicles, heavy equipment  
10 and small motored equipment. He supervises one Truck Driver 2 position and while he does not  
11 supervisor journey level technicians or mechanics, he does oversee and is responsible for the  
12 work performed by the inmate crew assigned to the shop. He oversees and is responsible for  
13 preventative and routine maintenance for the CBCC fleet, fuel procurement and inventory, and  
14 surplus vehicles and equipment. In addition, he is responsible for justifying the procurement  
15 of new vehicles in accordance with state contracts. He is also responsible for emissions testing on  
16 all vehicles and assuring that the vehicles comply with state laws.

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18 **Summary of DOC's Arguments.** DOC argues that the majority of Mr. O'Brien's duties and level  
19 of responsibility are at the Equipment Technician 4 level. DOC asserts that Mr. O'Brien does not  
20 supervise equipment mechanics, shop assistants or other journey-level technicians as required by  
21 the Equipment Technician 5 level. DOC further asserts that in this case, by applying an allocating  
22 criterion written exclusively for the Department of Natural Resources, the director's designee  
23 inappropriately expanded the scope of the Equipment Technician 5 class.

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25 DOC argues that Mr. O'Brien's position does not function as an expert as encompassed at the  
26 Equipment Technician 5 level. DOC acknowledges the Mr. O'Brien functions as an expert  
27 within the limited scope of CBCC but asserts that he does not handle the agency's most complex,  
28 sensitive, critical or precedent setting issues or issues with broad impact as required for  
29 allocation to the Equipment Technician 5 level. Rather DOC argues that Mr. O'Brien functions

1 as a senior specialist with lead duties for offenders working at the CBCC and that CBCC is a  
2 major operating location of DOC. In addition, DOC argues that Mr. O'Brien's work is spot  
3 checked, unusual problems are brought to his supervisor's attention, and he supervises one Truck  
4 Driver 2 which is consistent with the scope of responsibilities and duties found at the Equipment  
5 Technician 4 level. DOC asserts that Mr. O'Brien's position best fits within the Equipment  
6 Technician 4 classification.

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8 **Summary of Mr. O'Brien's Arguments.** Mr. O'Brien argues that he functions as the  
9 administrator for fleet services and as the expert for all types of motorized equipment used at  
10 CBCC including diesel generators. He asserts that he uses independent judgment and supervises  
11 offenders working in the shop. Mr. O'Brien explains that the offenders are from Olympic  
12 Corrections Center, not CBCC, and that while they are formally under the supervision of an  
13 Olympic Corrections Center officer, in the absence of the officer, he provides on-site supervision  
14 for the offenders assigned to his shop. He further explains that while most of the offenders are  
15 "backyard mechanics," some meet the journey-level. He contends that the work the offenders  
16 perform is journey-level work. He further contends that he checks every bit of work performed by  
17 the offenders, provides them instruction, and shows them how to complete the work. Mr. O'Brien  
18 asserts that he supervises offenders very similar to those supervised by DNR employees, that he is  
19 the subject matter expert and makes all the decisions for CBCC's shop, and that he performs all of  
20 the administrative functions for the shop. Therefore, Mr. O'Brien contends that his position should  
21 be allocated to the Equipment Technician 5 level.

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23 **Primary Issue.** Whether the director's determination that Appellant's position is properly  
24 allocated to the Equipment Technician 5 classification should be affirmed.

25  
26 **Relevant Classifications.** Equipment Technician 4, class code 600L, and Equipment Technician 5,  
27 class code 600M.

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

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9 In addition to the language cited below, the Equipment Technician 5 class includes language  
10 specific to positions within the Department of Natural Resources (DNR). Because Mr. O'Brien's  
11 position is with DOC, the language specific to DNR is not relevant to his position. The definition  
12 for the Equipment Technician 5 class states, in relevant part:

13 This is the supervisory or expert level of the series. Supervises equipment  
14 mechanics, shop assistants or other journey-level technicians involved in  
15 performing preventative maintenance and repairs on equipment; . . . Some  
16 positions perform agency-wide analytical and administrative responsibilities for  
17 motorized fleet or commercial/industrial equipment operations and fleet related  
18 logistical support functions. Administrative responsibilities include elements such  
19 as strategic planning and implementation of Unit Business Plans, formulating  
20 budgets, and developing replacement plans. Develop, implement, and monitor  
21 training. Implements and evaluates workflow priorities. Develops and  
22 disseminates instructions and information to unit personnel. Organizes, conducts  
23 and facilitates staff meetings.

24 Mr. O'Brien is a supervisor for one Truck Driver 2 position. He does not supervise other DOC  
25 employees functioning as equipment mechanics, shop assistants or journey-level technicians. He  
26 provides day-to-day oversight and work guidance to offenders working the shop, but he is not  
27 assigned supervisory responsibility for them and he is not their supervisor as required for allocation  
28 to the Equipment Technician 5 level. Mr. O'Brien does not have agency-wide authority for agency-  
29 level analytical and administrative responsibilities. Rather his scope of responsibility is limited to  
CBCC. Mr. O'Brien's position does not meet the level, scope or breadth of authority or  
responsibility encompassed by the Equipment Technician 5 classification.

1 In addition to the language cited below, the Equipment Technician 4 class includes language  
2 specific to positions within DNR, the Department of Transportation (DOT) and the Department  
3 of General Administration (GA). Because Mr. O'Brien's position is with DOC, the language  
4 specific to DNR, DOT and GA is not relevant to his position. The definition for the Equipment  
5 Technician 4 class states, in relevant part:

6 This is the senior, specialist, or leadworker level of the series. Lead mechanic in  
7 an equipment and repair shop, leads other lower level staff, inspects, diagnoses  
8 and makes major and minor mechanical repairs of all types of heavy and/or  
9 industrial/commercial equipment; or,

10 . . . Some positions analyze agency-wide vehicle, industrial/commercial and  
11 specialized equipment needs, uses, and cost effectiveness or within a region,  
12 performs analytical and administrative responsibilities for motorized fleet, or  
13 commercial/industrial equipment operations, and fleet related logistical support  
14 functions for a major operating location of an agency. Some positions coordinate  
15 all statewide fleet operations within an agency or coordinate a major equipment  
16 fleet which exceeds 75 pieces of major equipment and/or vehicles and are  
17 responsible for acquisition, maintenance, transport, and surplus operations of  
18 agency vehicles and/or equipment; participates in the formulation of policies and  
19 procedures governing the use of automotive, heavy and/or industrial commercial  
20 vehicles or equipment.

21 Work is typically reviewed on a spot check basis after decisions have been made.  
22 Unusual problems that may occur are brought to a higher level supervisor with  
23 probable outcomes and solutions. Regularly assigns, instructs and checks the work  
24 of others. May supervise and train custodian, and other staff.

25 Specialist "[d]uties involve intensive application of knowledge and skills in a specific segment of  
26 an occupation area." (See the Department of Personnel Glossary of Classification, Compensation,  
27 and Management terms).

28 Mr. O'Brien functions as the motorized fleet specialist at CBCC. He coordinates operations for a  
29 motorized fleet of vehicles, heavy equipment and small motored equipment including acquisition,  
maintenance, transport, and surplus operations of vehicles and/or equipment. He also oversees  
and leads the work of offenders assigned to the shop and supervises one CBCC employee. He  
receives little supervision and exercises administrative responsibility for the shop at CBCC. He

1 does not have agency-wide responsibility, but he does have full responsibility for fleet operations at  
2 CBCC, which is a major operating location of DOC. Mr. O'Brien's scope of duties and level of  
3 authority fit within the Equipment Technician 4 classification.

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5 In a hearing on exceptions, the Appellant has the burden of proof. WAC 357-52-110. DOC has met  
6 its burden of proof. Therefore, the appeal on exceptions should be granted, and the director's  
7 determination, dated September 16, 2009, should be reversed.

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9 **ORDER**

10 NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal on exceptions by DOC is  
11 granted, and the position remains allocated to the Equipment Technician 4 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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20 DJ MARK, Member

21 **I DISSENT:**

22 I would find that when applying a best fit analysis, Mr. O'Brien functions as an expert as described  
23 at the Equipment Technician 5 level and that his position should be reallocated.

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26 LAURA ANDERSON, Vice Chair