

BEFORE THE PERSONNEL RESOURCES BOARD
STATE OF WASHINGTON

WASHINGTON STATE PARKS AND
RECREATION COMMISSION,

Appellant,

vs.

HAROLD HEATHER,

Respondent.

CASE NO. R-ALLO-09-018

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 Harold Heather was present and was represented by Banks Evans, Council Representative for the Washington Federation of State Employees.

Background. Mr. Heather's position was allocated to the class of Construction and Maintenance Project Specialist 1 (CMPS1). On May 21, 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 22, 2008, George Price, Human Resource Consultant for Parks, denied Mr. Heather's request. On May 23, 2008, Mr. Heather requested a director's review of Mr. Price's decision. By letter dated May 14, 2009, the director's designee granted Mr. Heather'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. Heather's position is responsible for performing multi-skilled journey level work such as carpentry,
5 painting, electric, plumbing, equipment repair, welding and masonry skills for building and construction
6 projects primarily at Saltwater and Dash Point State Parks. Mr. Heather plans, coordinates and
7 organizes maintenance and repair work. He completes his work by himself or with the assistance of
8 CMPS staff, park rangers, park aides, and/or volunteers. When necessary, he consults with engineers
9 and county planners to assure all codes are met on projects.

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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. Heather'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. Heather provided information listing the projects he performed from December 2003
16 to December 2007. The appropriate time period for consideration for this review is May 18, 2006 to
17 May 17, 2007.

18
19 **Summary of Parks' Arguments.** Parks argues that scheduling, organizing and implementing projects
20 and leading and directing work crews are responsibilities found at both CMPS1 and 2 levels. Parks
21 asserts that to be allocated to the CMPS2 level, the incumbent must lead two or more journey level
22 trades employees. Parks contends that Mr. Heather is not responsible for projects that require multiple
23 trades employees and that the planning, organizing and coordinating he performs does not meet the
24 scope and diversity anticipated by the CMPS2 level. Parks acknowledges that on occasion, Mr.
25 Heather leads work crews comprised of park rangers, park aides and volunteers but argues that these
26 crew members are not journey level trades employees as required for allocation to the CMPS2 class.
27 Parks further acknowledges that Mr. Heather is fully competent and qualified to perform his work with
28 minimal supervision and that he performs journey level work including planning, coordinating and
29 organizing projects. However, Parks argues that during the time period relevant to this review, Mr.

1 Heather's project work was on a smaller scale consistent with the CMPS1 class and his oversight of
2 work crews was best described as directing the work of others as anticipated and encompassed in the
3 CMPS1 classification.

4
5 **Summary of Mr. Heather's Arguments.** Mr. Heather argues that he is responsible for planning,
6 coordinating and organizing the projects that he leads. He further argues that based on the Board's
7 decision in Salsberry v. Washington State Parks and Recreation Commission, PRB Case No. R-ALLO
8 06-013 (2007), leading multiple journey level trades employees is not required at the CMPS2 level.
9 Nonetheless, Mr. Heather asserts that he is designated to lead others who at times are journey level
10 trades workers and who at other times are not. Mr. Heathers contends that the scope of planning,
11 coordinating and organizing he performs includes drawing plans, meeting with staff for the city of
12 Federal Way, and overseeing and coordinating all the work performed on projects which meets the
13 intent and scope of the CMPS2 classification.

14
15 **Primary Issue.** Whether the director's determination that Appellant's position is properly allocated to
16 the Construction and Maintenance Project Specialist 2 classification should be affirmed.

17
18 **Relevant Classifications.** Construction and Maintenance Project Specialist 1, class code 70530,
19 and Construction and Maintenance Project Specialist 2, class code 70540.

20
21 **Decision of the Board.** The purpose of a position review is to determine which classification best
22 describes the overall duties and responsibilities of a position. A position review is neither a
23 measurement of the volume of work performed, nor an evaluation of the expertise with which that
24 work is performed. A position review is a comparison of the duties and responsibilities of a
25 particular position to the available classification specifications. This review results in a
26 determination of the class that best describes the overall duties and responsibilities of the position.
27 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, lead
16 responsibility for two or more journey level trades employees must be a regular and ongoing part of the
17 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 Heather. We have given weight to the projects he listed that occurred during the time period relevant
25 to this review. There is no evidence that he led two or more journey level trades employees during this
26 time. Therefore, we conclude that Mr. Heather does not plan, coordinate and organize construction
27 and maintenance projects that require him to lead two or more journey level trades employees on a
28 regular and ongoing basis. The level, scope and diversity of Mr. Heather's duties and responsibilities do
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1 not meet those anticipated by the CMPS2 classification. Mr. Heather's position is best described by the
2 Construction and Maintenance Project Specialist 1 classification.

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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.

7
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.

12 DATED this _____ day of _____, 2009.

13 WASHINGTON PERSONNEL RESOURCES BOARD
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16 _____
JOSEPH PINZONE, Chair

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19 DJ MARK, Member
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