

BEFORE THE PERSONNEL RESOURCES BOARD
STATE OF WASHINGTON

RICHARD PORTER,

Appellant,

vs.

WESTERN WASHINGTON UNIVERSITY,

Respondent.

CASE NO. R-ALLO-08-007

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 Resources Board, MARSHA TADANO LONG, Chair, and JOSEPH PINZONE, Vice Chair, on Appellant's exceptions to the director's determination dated April 30, 2008. The hearing was held at the office of the Personnel Resources Board in Olympia, Washington, on July 17, 2008.

Appearances. Appellant Richard Porter was present and was represented by Phyllis Naiad, Senior Field Representative with the Washington Federation of State Employees. Respondent Western Washington University (WWU) was represented by Holly Karpstein, Classification and Compensation Manager.

Background. Appellant's position was allocated to the class of Maintenance Mechanic 3 (MM3). He requested reallocation to the Maintenance Mechanic 4 (MM4) classification. On December 15, 2006, Respondent informed Appellant that his position was properly allocated. On January 12, 2007, Appellant requested a director's review of his position.

On December 20, 2007, Teresa Parsons, the director's designee, conducted a review of Appellant's position. By letter dated April 2, 2008, Ms. Parsons determined that Appellant's position was properly allocated to the MM3 classification.

1 On April 30, 2008, Appellant filed exceptions to director's determination. Appellant's exceptions
2 are the subject of this proceeding.

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4 Appellant works for Facility Maintenance and leads staff who perform general building
5 maintenance for housing, dining and the recreation center. Appellant plans, directs and checks
6 the work of staff, consults with others as needed, reviews plans and determines materials and
7 staff needed to complete the work, makes estimates, monitors and maintains a preventive
8 maintenance program, maintains records, and prepares reports. During the time period under
9 review, Appellant was assigned higher level duties during the absence of his supervisor and he
10 was compensated for that work at the MM4 level.

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12 **Summary of Appellant's Arguments.** Appellant argues that he was assigned higher level duties for
13 three months, from January 19 through the end of March 2006 and that subsequently he continued to
14 perform the same duties. Appellant asserts that he does very little hands-on maintenance work and
15 that the majority of his work falls within the typical work of a MM4. Appellant contends that during
16 the period under review, he signed purchase orders, approved overtime, approved time and leave
17 slips and was on call for emergencies. Appellant asserts that these are higher level duties typically
18 performed by supervisory positions. Therefore, Appellant contends that his position should be
19 reallocated.

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21 **Summary of Respondent's Arguments.** Respondent acknowledges that after his temporary
22 appointment, Appellant continued to sign purchase orders but argues that as a lead, Appellant did
23 not have authority to do so. Respondent explained that management has since removed this duty
24 from Appellant. Respondent argues that Appellant's supervisor is ultimately responsible for
25 purchase orders, leave requests and approval of time slips. Respondent further argues that Appellant
26 does not have authority to approve overtime, though he does have authority to call out staff in
27 emergency situations which might result in overtime. Respondent contends that Appellant is not
28 responsible for administration of the shop and he is not assigned supervisory responsibilities as a
29

1 regular part of his duties. Respondent asserts that a majority of Appellant's assigned duties and
2 responsibilities fit within the MM3 classification.

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4 **Primary Issue.** Whether the director's determination that Appellant's position is properly allocated
5 to the Maintenance Mechanic 3 classification should be affirmed.

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7 **Relevant Classification.** Maintenance Mechanic 3, class code 626L, and Maintenance Mechanic 4,
8 class code 626M.

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10 **Decision of the Board.** For represented employees, the issue of pay for temporary or intermittent
11 higher level duties is addressed in the collective bargaining agreement. Appellant is a represented
12 employee; therefore, this matter is not properly before the Board. The matter that can be decided by
13 the Board is whether the majority of the duties and responsibilities regularly assigned to Appellant's
14 position are best described by the MM3 classification. Furthermore, when the employer recognizes
15 and compensates an employee for a temporary or intermittent assignment of higher level duties,
16 those duties do not form the basis for reallocation of the employee's primary position to a
17 higher level classification.

18
19 The purpose of a position review is to determine which classification best describes the overall
20 duties and responsibilities of a position. A position review is neither a measurement of the
21 volume of work performed, nor an evaluation of the expertise with which that work is
22 performed. A position review is a comparison of the duties and responsibilities of a particular
23 position to the available classification specifications. This review results in a determination of
24 the class that best describes the overall duties and responsibilities of the position. See Liddle-
25 Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

26
27 The definition of the Maintenance Mechanic 4 classification states:

28 This is the supervisory or expert level of the series. Positions at this level are
29 responsible for shop administration and supervising maintenance personnel,

1 equipment mechanics or others performing skilled maintenance, repair and
2 modification of plant machinery and mechanical equipment involved with
3 buildings, special apparatus, utilities and facilities. This level also includes
4 positions which erect construction or communication towers around 300 feet
5 high.

6 The glossary of classification terms found in the Department of Personnel Classification and Pay
7 Administrative Guide defines a supervisor as:

8 An employee assigned responsibility by management to participate in all the
9 following functions with respect to their subordinate employees: (1) selection of
10 staff, (2) training and development, (3) planning and assignment of work, (4)
11 evaluating performance, (5) adjusting grievances, and (6) taking corrective action.
12 Participation in these functions must not be of a merely routine nature but
13 requires the exercise of individual judgment.

14 (Emphasis added).

15 Appellant does not perform, nor has he been assigned, regular and ongoing responsibility for the full
16 scope of supervisory duties. And, he is not responsible for administration of the shop. Appellants'
17 position does not fit within the definition of the MM4 classification.

18 The definition of the Maintenance Mechanic 3 classification states:

19 This is the senior, specialist or leadworker level of the series. Positions at this
20 level perform skilled work in more than one trade or craft. Incumbents typically
21 specialize in one trade or craft but perform journey-level and semi-skilled work in
22 a variety of disciplines. Incumbents perform construction, maintenance, repair
23 and modification of buildings, facilities, mechanical equipment, machinery and
24 specific apparatus and utilize a working knowledge of several related skill fields
25 such as plumbing, electrical, welding, carpentry, and machinist work.

26 Appellant's position fits with the definition of the MM3 classification. For example, he is
27 responsible for assigning, instructing and checking the work of staff performing journey-level
28 and semi-skilled work. He uses his knowledge of several skill fields to lead staff and coordinate
29 projects. While the primary focus of his position is leading the work of others, he does perform
30 skilled work as needed.

1 While not allocating criteria, the examples of work for the MM3 class describe the level of work
2 typically performed by positions allocated to the class. The classification indicates that positions
3 allocated to this level may lead or supervise lower level staff. While Appellant performs some
4 duties that may be performed by supervisory positions, these duties do not constitute a majority
5 of his work and are not outside the scope of work encompassed in the MM3 classification.

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7 Furthermore, the examples of work found in the MM3 classification encompass the majority of
8 Appellant's duties and level of authority. For instance, he develops cost estimates, assures safety
9 rules are followed, develops solutions to problems, develops methods and procedures to be
10 followed by his staff, and reads and interprets plans and blueprints. Determining the materials
11 and equipment needed for projects is inherent in the performance of these duties. Reviewing and
12 approving leave requests are part of leading and coordinating the work of maintenance crews.
13 Calling staff to respond to emergency situations is part of Appellant's responsibility for
14 assigning work to others. Following the University's call out procedure does not equate to
15 authorizing overtime compensation.

16
17 Most positions within the civil service system occasionally perform duties that appear in more
18 than one classification. However, when determining the appropriate classification for a specific
19 position, the duties and responsibilities of that position must be considered in their entirety and
20 the position must be allocated to the classification that provides the best fit overall for the
21 majority of the position's duties and responsibilities. Dudley v Dept. of Labor and Industries, R-
22 ALLO-07-007 (2007).

23
24 In this case, the Maintenance Mechanic 3 classification best encompasses the majority of the duties
25 and the level of responsibility assigned to Appellant's position.

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27 In a hearing on exceptions, the appellant has the burden of proof. WAC 357-52-110. Appellant has
28 not met his burden of proof.

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ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal on exceptions by Richard Porter is denied and the director’s determination dated April 2, 2008, is affirmed and adopted.

DATED this ____ day of _____, 2008.

WASHINGTON PERSONNEL RESOURCES BOARD

MARSHA TADANO LONG, Chair

JOSEPH PINZONE, Vice Chair