

Appellant works as a licensed Professional Engineer in the Park Development Service Center in the Eastern Region of the state. In addition, he sometimes performs work in the Western Region based on workload demands. At the time of his allocation review, he managed the activities of five staff which included licensed and non-licensed environmental engineering staff. Appellant's duties included:

- overseeing the public works contract administration function for the Eastern Region
- developing and managing capital projects scheduling and budgets for assigned projects
- performing quality assurance and control for various levels of engineering design and contract documents, and
- managing A&E consultant selection and contracts for a majority of work.

Summary of Appellant's Arguments. Appellant argues that he directs an independent environmental engineering section for the Eastern Region and that he represents the agency as a professional engineer. Appellant asserts that he is the top decision-maker for engineering approaches and practices for his section and that he reviews and signs off on engineering work done by staff and directly supervises the work performed by non-licensed staff. Appellant contends that he functions as a technical expert above the senior professional level and that he oversees work performed in engineering specialties such as potable water systems; sewage systems; storm water collection, treatment, and disposal; cleanup of polluted sites; and for some projects, stream restoration. Appellant argues that he applies his knowledge of engineering specialties and does not rely on the expertise of others. As a result, Appellant asserts that the EE 4 classification provides the best fit for his overall duties and responsibilities. Appellant further argues that reallocating his position to the EE 4 classification would provide an organizational structure similar to other agencies such as the Department of Fish and Wildlife.

Summary of Respondent's Arguments. Respondent explains that Parks has four regional offices and that each office functions as a section containing multiple units. Respondent asserts that Appellant's unit is one of the multiple units within the Eastern Region. Respondent contends that Appellant's unit is a medium-sized unit, based on the scope of work and number of people supervised. Therefore Respondent argues that Appellant does not meet the first or second option of the distinguishing characteristics of the EE 4 classification. In addition, Respondent argues that

Appellant has not been designated as a specialist in a technical specialty as required by the third option in the EE 4 classification. Therefore, Respondent asserts that Appellant's position best fits the EE 3A classification.

Primary Issue. Whether the director's determination that Appellant's position is properly allocated to the Environmental Engineer 3A classification should be affirmed.

Relevant Classifications. Environmental Engineer 3A, class code 62521 (currently class code 536H); Environmental Engineer 4, class code 62540 (currently class code 536I).

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).

Most positions within the civil service system occasionally perform duties that appear in more than one classification. However, when determining the appropriate classification for a specific position, the duties and responsibilities of that position must be considered in their entirety and the position must be allocated to the classification that provides the best fit overall for the majority of the position's duties and responsibilities. Dudley v. Dept. of Labor and Industries, PRB Case No. R-ALLO-07-007 (2007).

Some of Appellant's duties, as described in his CQ, may appear to fit within the typical work statements of the EE 4 classification and Appellant may exceed the minimum qualifications for the EE 4 classification. However, in accordance with the guidance provided in the Department of Personnel Classification and Pay Administrative Guide, typical work statements and minimum qualifications are not allocating criteria. Rather they provide guidance on the level of work typically found in the various

1 classes within a series. The guidance provided in Classification and Pay Administrative Guide establishes
2 that the following standards are primary considerations in allocating positions:

- 3 a) Category concept (if one exists).
- 4 b) Definition or basic function of the class.
- 5 c) Distinguishing characteristics of a class.
- 6 d) Class series concept, definition/basic function, and distinguishing characteristics of other classes
7 in the series in question.

8 Jurgensen v. DOC, PRB Case No. R-ALLO-07-016 (2008).

9
10 In this case, we must first consider the definition of the EE 4 classification which states:

11 Directs an environmental or public health section and represents the department as a
12 registered professional engineer performing environmental engineering duties involving
the protection of public health and/or the protection or restoration of the environment.

13 OR

14 In the Department of Ecology, directs a large environmental unit and supervises nine or
15 more staff which includes at least three environmental engineers performing
16 environmental engineering duties. Represents the Department as a registered
professional engineer.

17 OR

18 As a senior environmental engineering specialist, plans, and conducts investigations of,
19 and proposes solutions to environmental engineering problems that require the research
20 and application of environmental engineering techniques and principles within a specialty
21 field. Positions are recognized and designated in writing by a program manager (in
Ecology), Assistant Secretary (in Health) or equivalent as a section's authority in an
environmental engineering technical specialty, type of facility, or equipment.

22 Appellant does not direct an environmental health section or supervise nine or more staff. Rather,
23 he directs an environmental engineering unit and supervises 5 staff. Appellant's position does fit
24 the first or second option of the EE4 classification.

25
26 The issue of written designation has been addressed in many decisions by the Personnel Appeals
27 Board (predecessor to this Board.) The Personnel Appeals Board consistently held that when a
28 classification specification requires written designation, there must be a document that confers such
29 a designation upon the position in question. This written documentation can be a formal agency

1 designation form, an approved CQ [or Position Description form] or other written documentation.
2 [See for example, Griffith v. Dep't of Ecology, PAB Case No. ALLO-00-0016 (2000) and Stash v.
3 Dep't of Ecology, PAB Case No. ALLO-00-0001 (1999)].

4 In this case, Appellant claims that he functions as an authority and technical expert. However,
5 Appellant does not have a document from management that specifically designates him as such.
6 Appellant is not designated in writing as an authority in an environmental engineering technical
7 specialty, type of facility or equipment. Therefore, consistent with the long standing precedent
8 requiring written designation, Appellant does not meet the third option of the EE 4 classification.
9

10 Appellant also argues that in other agencies, positions similar to his are allocated to the EE 4
11 classification. However, in Byrnes v. Dept's of Personnel and Corrections, PRB No. R-ALLO-06-
12 005 (2006), the Board held that "[w]hile a comparison of one position to another similar position
13 may be useful in gaining a better understanding of the duties performed by and the level of
14 responsibility assigned to an incumbent, allocation of a position must be based on the overall duties
15 and responsibilities assigned to an individual position compared to the existing classifications. The
16 allocation or misallocation of a similar position is not a determining factor in the appropriate
17 allocation of a position." Citing to Flahaut v. Dept's of Personnel and Labor and Industries, PAB
18 No. ALLO 96-0009 (1996). Therefore, the allocation or misallocation of positions at other
19 agencies is not a determining factor in the appropriate allocation of Appellant's positions.
20

21 The definition of the Environmental Engineer 3A classification states:

22 In the Department of Ecology, directs a medium-sized environmental unit and
23 supervises five or more staff which includes at least two environmental engineers
24 performing environmental engineering duties. Represents the department as a registered
professional engineer.

25 OR

26 In the Department of Health, directs a medium-sized environmental or public health unit
27 and supervises five or more technical staff performing environmental engineering or
28 public health duties. Represents the department as a registered professional engineer.
29

Appellant directs a medium-sized environmental engineering unit. He supervises five or more staff including three environmental engineers. In addition, Appellant represents the department as a registered professional engineer. He provides overall direction for all activities of his unit and provides the final quality assurance review for work done by his staff. Appellant's position meets the intent and scope of the EE 3A classification.

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. The Environmental Engineer 3A classification best describes the overall duties and responsibilities of Appellant's position.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal on exceptions by George Rapozo is denied and the director's determination dated August 28, 2008, is affirmed.

DATED this ____ day of _____, 2009.

WASHINGTON PERSONNEL RESOURCES BOARD

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