BEFORE THE PERSONNEL RESOURCES BOARD

STATE OF WASHINGTON

ANDREW CUMMINS, Appellant, vs. MILITARY DEPARTMENT, Respondent.	CASE NO. R-ALLO-18-012 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, NANCY HOLLAND YOUNG, Chair, and VICKY BOWDISH, Vice Chair; and SUSAN MILLER, Member, for a hearing on Appellant's exceptions to the Director's Determination dated August 10, 2018. The hearing was held on November 14, 2018, at Room 110, Capitol Court, 1110 Capitol Way, in Olympia, Washington.

Appearances. Appellant, Andrew Cummins was present and represented himself. Respondent, the Military Department, was present and represented by Byron Maples, Human Resources. Also, present for the Military Department were Mark Glenn, Jennifer Connelly, and Robert Warrett.

Background. On October 10, 2017, Mr. Cummins submitted a Position Review Request to Military Department Human Resources, requesting that his position be reallocated to the Information Technology Specialist 6 classification. By letter dated January 11, 2018, Mr. Maples, Human Resources, notified Appellant the request to reallocate the positon was denied and the position remained allocated to an Information Technology Specialist 4.

On February 9, 2018, the Office of Financial Management, State Human Resources received Appellant's Request for Director's Review.

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The Director's Review Specialist conducted a review of Appellant's position based on written documentation and information obtained during a telephone conference on June 14, 2018. By letter dated August 10, 2018, the Director's Review Specialist determined the most appropriate allocation for Appellant's position was the Information Technology Specialist 4.

On August 21, 2018, Appellant filed timely exceptions to the Director's Determination.

As summarized by the Director's Designee, Appellant's position supports the mission of the Military Department by ensuring the availability of all Telecommunications and Data Networking systems and technologies to over 6,500 Washington Military Department and Army National Guard personnel statewide at over 40 geographically separated locations.

Summary of Appellant's Arguments. Appellant takes exception to the Director's Determination in that the Director's Review Specialist did not give full weight to the experience and knowledge of Appellant. Appellant believes that his supervisor supports reallocation to the Information Technology Specialist 6 and indicated Appellant is the most knowledgeable employee within the department. Appellant believes that should the Board use the best-fit concept for the duties performed, the Information Technology Specialist 6 is appropriate.

Appellant argued he is the expert of the telecommunications systems throughout the department. The duties are mission critical, and IT staff contact him if there are issues. Appellant stated that during the relevant timeframe he responded to over 600 tickets, and that alone should show his experience within the telecommunications field. Appellant also outlined that he trains staff on new implementations and is considered the Department's expert.

Summary of Respondent's Arguments. Respondent argued that although the Appellant is considered an experienced employee, the projects the Appellant is citing to obtain the higher allocation were actually contracted with a vendor. Although the Appellant did some training on the

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new system, he received training from the vendor. Respondent further stated the decision maker, and person ultimately responsible for the telecommunication systems, is the Deputy Chief Information Officer or the Chief Information Officer; both of these positions are federal government positions.

Respondent further stated during the hearing that upon implementation of the new Information Technology Structure Appellant would not be considered a high-level information technology employee. Respondent further argued that although irrelevant, the duties of the Appellant have changed since the hire of another Information Technology Specialist 4.

Primary Issue. Whether the Director's Determination should be affirmed and whether Appellant should remain allocated to the Information Technology Specialist 4.

Relevant Classifications. Information Technology Specialist 4 and Information Technology Application Specialist 4.

Class Series Concept Information Technology Specialist Series

> Positions in this category perform professional information technology systems and/or applications support for client applications, databases, computer hardware and software products, network infrastructure equipment, or telecommunications software or hardware.
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> This category broadly describes positions in one or more information technology disciplines such as: Application Development And Maintenance, Application Testing, Capacity Planning, Business Analysis and/or Process Re-Engineering, Data Base Design And Maintenance, Data Communications, Disaster Recovery/Data Security, Distributed Systems/LAN/WAN/PC, Hardware Management And Support, Network Operations, Production Control, Quality

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Assurance, IT Project Management, Systems Software, Web Development, or Voice Communications.

Positions which perform information technology-related work to accomplish tasks but are non-technical in nature would not be included in this occupational category.

Definition of Information Technology Specialist 4

Performs analysis, system design, acquisition, installation, maintenance, programming, project management, quality assurance, troubleshooting, problem resolution, and/or consulting tasks for complex computing system, application, data access/retrieval, multi-functional databases or database management systems, telecommunication, project or operational problems.

As a senior-level specialist in an assigned area of responsibility and/or as a team or project leader, applies advanced technical knowledge and considerable discretion to evaluate and resolve complex tasks such as planning and directing large-scale projects; conducting capacity planning; designing multiple-server systems; directing or facilitating the installation of complex systems, hardware, software, application interfaces, or applications; developing and implementing quality assurance testing and performance monitoring; planning, administering, and coordinating organization-wide information technology training; acting as a liaison on the development of applications; representing institution-wide computing and/or telecommunication standards and philosophy at meetings; or developing security policies and standards.

Incumbents understand the customer's business from the perspective of a senior business person and are conversant in the customer's business language. Projects

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assigned to this level impact geographical groupings of offices/facilities, and/or regional, divisional, or multiple business units with multiple functions. The majority of tasks performed have wide-area impact, integrate new technology, and/or affect how the mission is accomplished.

Definition of Information Technology Application Specialist 6

Serves as the highest level authority for an agency or in a major subdivision of DSHS in an information technology specialty area such as, but not limited to: operating system architecture, network architecture, applications development, applications support and enhancement, desktop/server operating systems, data architecture/administration, security architecture/administration, project management methodology or telephony systems architecture.

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))

Allocating criteria consists of the class specification's class series concept (if one exists), the definition and the distinguishing characteristics. (See *Norton-Nader v. Western Washington University*, PRB Case No. R-ALLO-08-020 (2008)) typical work is not an allocating criterion, but may be used to better understand the definition or distinguishing characteristics. (See *Kristin Mansfield vs. Department of Fish and Wildlife,* PRB Case No. R-ALLO-11-014 (2011))

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

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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. (See *Dudley v. Dept. of Labor and Industries,* PRB Case No. R-ALLO-07-007 (2007))

The Board's jurisdiction is limited to that jurisdiction outlined in RCW 41.06.170, and although Respondent argued that prior to the revision of class specifications, the union should have been contacted, this is outside the Board's jurisdiction. Therefore, although Respondent presented these facts, they have not been considered by this Board and did not weigh into its decision.

It is important, prior to the Board making its final determination, to address an issue that arose during the hearing on exceptions. Mr. Maples for the Military Department stated that upon implementation of the new Information Technology Structure the Appellant would not be considered high level because he has seen the results of the committee determinations. There is a significant amount of unease among the information technology community and to discuss at this Board hearing any decisions prior to notification to the affected parties is unacceptable, inappropriate, and irrelevant to this proceeding.

The Board carefully reviewed the documentation submitted during the Director's Review and considered the arguments presented by the parties at the hearing before the Board.

Although the Appellant argued that the Information Technology Application Specialist 6 met the overall scope of his duties, the Board disagrees. The first allocation criterion for the Information Technology Application Specialist 6 states, "Serves as the highest level authority for an agency…," and testimony clearly showed the highest level of authority is that of the Chief Information Officer. Therefore, the Board finds the Information Technology Application Specialist 6 to exceed the level of responsibility of the Appellant.

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The definition of the Information Technology Application Specialist 6 makes it clear that incumbents of these positions perform at either the supervisor or expert level. There was no evidence presented that would support the Appellant is in a supervisory role. The next qualifier is that of an expert. The Board agrees with the analysis of the Director's Review Specialist in that all documents support the Appellant is looked upon as the senior specialist for the communications systems.

The aforementioned is supported by testimony whereby the Respondent outlined that although the Appellant did work closely with the vendor when upgrades and changes were made to the system, it was the vendor who made the changes, including implementing any new requirements, and, in turn, the vendor would then train the Appellant. The Appellant holds the designation of "specialist," and therefore the Board finds the appropriate allocation to be the Information Technology Specialist 4.

In a hearing on exceptions, the Appellant has the burden of proof (WAC 357-52-110). Appellant has not met the burden of proof.

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ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal on exceptions by the Appellant is denied and Appellant's position should remain allocated to the Information Technology Specialist 4 classification.

DATED this 10 day of January, 2019.

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Nancy Holland Young

NANCY HOLLAND YOUNG, Chair

Vicky Bowdish

VICKY BOWDISH, Vice Chair

Susan L. Miller

SUSAN MILLER, Member

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