BEFORE THE PERSONNEL APPEALS BOARD

STATE OF WASHINGTON

UNIVERSITY OF WASHINGTON, Appellant, v. RICHARD BRATTAIN, Respondent.	Case No. ALLO-01-0010 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 Appeals Board, GERALD L. MORGEN, Vice Chair, and LEANA D. LAMB, Member, on the University of Washington's exceptions to the director's determination dated May 24, 2001. The hearing was held on October 26, 2001 at the South Campus Center at the University of Washington, Seattle, Washington. WALTER T. HUBBARD, Chair, did not participate in the hearing or in the decision in this matter.

Appearances. Appellant University of Washington was represented by Jeffrey W. Davis, Assistant Attorney General. Employee Richard Brattain was represented by Tom Whisenant, Union Representative with the Seattle Building & Construction Trades Council.

Background. Employee Richard Brattain submitted a Position Questionnaire (PQ) dated July 13, 2000, requesting that his position as a Plumber/Pipefitter/Steamfitter Lead be reallocated to the class of Plumber/Pipefitter/Steamfitter Supervisor. When he did not receive an allocation decision within 60 days, Mr. Brattain submitted an appeal to the Personnel Appeals Board. However, Mr.

Brattain subsequently filed his appeal with the Department of Personnel. Amy Hawkins and Carline Currin, Human Resource Consultants for the University of Washington, subsequently conducted a classification review of Mr. Brattain's position and on January 22, 2001, issued a memo in which they concluded that Mr. Brattain's position was correctly allocated to the class of Plumber/Pipefitter/Steamfitter Lead.

On January 25, 2001, Tammy Tee, Human Resource Consultant for the Department of Personnel, held a verification interview and by memo dated March 14, 2001, informed Mr. Brattain that his position should be reallocated to the Plumber/Pipefitter/Steamfitter Supervisor classification. On April 12, 2001, the University of Washington (University) filed exceptions to the determination of the Department of Personnel.

Mr. Brattain is employed by the University in the Alterations Department. Mike Strong, Electrician Maintenance Supervisor, is Mr. Brattain's supervisor.

Summary of the University of Washington's Argument. The University takes exceptions to the designee's conclusion that Mr. Brattain performs supervisory work. The University asserts that Mr. Brattain's responsibilities do not meet the definition of a supervisor and that his responsibilities are not consistent with the definition and distinguishing characteristics of the Plumber/Pipefitter/Steamfitter Supervisor classification. The University asserts that Mr. Brattain does not have, and never had, the authority to hire, transfer, promote, discipline, or layoff other employees or to independently recommend such action. The University further argues that Mr. Brattain does not have the authority to adjust the grievances of employees. The University acknowledges that while Mr. Brattain has a role in candidate interview panels and participates in making a recommendation for hiring as a part of the panel, he does not have the authority to make

the hiring decision or to solely recommend a decision. The University contends that Mr. Brattain has the responsibility to bring employee performance issues to the attention of the supervisor, but he does not have the authority to take disciplinary action. The University argues that Mr. Brattain conducted several employee performance evaluations without the knowledge or consent of his supervisor but asserts that he did not have authority to do so. Furthermore, the University contends that the evaluations Mr. Brattain completed were on the incorrect form, were not submitted through the chain of command, and never became a part of the employees' records.

The University also takes exceptions to the designee's conclusion that Mr. Brattain's cost estimating duties are a critical allocating criteria. The University asserts that cost estimating is irrelevant and asserts that whether a lead or supervisor does costs estimating is not at issue in either the definition or distinguishing characteristics of a Plumber/Pipefitter/Steamfitter Supervisor specification or the definition of a supervisor in WAC 251-01-395. Therefore, the University contends that the Plumber/Pipefitter/Steamfitter Supervisor is not the appropriate classification.

Summary of Employee Richard Brattain's Argument. Mr. Brattain asserts that he meets the definition of a supervisor and that he performs the typical work of a supervisor. Mr. Brattain asserts that he recommends corrective action and participates in informal counseling and instruction of employees. Mr. Brattain contends that he serves as an interview panel member, because he has the necessary knowledge to evaluate a candidate's experience and knowledge in the plumbing and steam fitting trade. Mr. Brattain argues that he recommends qualified candidates and he asserts that his participation and role on interview panels supports that he has authority to recommend the hiring of employees. Mr. Brattain asserts that he was instructed to conduct performance evaluations and that he conducted a total of six evaluations with management's knowledge. Mr. Brattain asserts

that he recommended disciplinary action on at least two occasions. Mr. Brattain further asserts that he performs "hard" cost fixed estimates, a supervisor-level duty, rather than preliminary estimates as done by leads. Therefore, Mr. Brattain asserts that he meets the definition of a supervisor and performs the typical work of a supervisor, including reading plans and blueprints, determining scope of work, materials needed, and costs and availability for projects; and that he selects, trains and evaluates employees, participates in employee discipline, orders materials and maintains adequate inventory of required materials.

Primary Issue. Whether the director's determination that Mr. Brattain's position is properly allocated to the Plumber/Pipefitter/Steamfitter Supervisor classification should be affirmed.

Relevant Classifications. Plumber/Pipefitter/Steamfitter Lead; class code 5426; and Plumber/Pipefitter/Steamfitter Supervisor, class code 5427.

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. Also, a position review is not a comparison of work performed by employees in similar positions. 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 which best describes the overall duties and responsibilities of the position. Liddle-Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

The question here is whether Mr. Brattain performs the duties of a supervisor. The specification for the class of a Plumber/Pipefitter/Steamfitter Supervisor states the incumbent in the position

"[supervises] journey plumbers and other maintenance employees performing maintenance and alterations on campus buildings, grounds, equipment, and other facilities."

WAC 251-01-395 defines a supervisor as follows:

> Any individual having authority, in the interest of the employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them or adjust their grievances, or effectively to recommend such action if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

There is no evidence to support that Mr. Brattain can transfer, layoff, recall, promote, assign, or reward employees or that he can adjust their grievances. Furthermore, Mr. Brattain does not have the authority to suspend, discharge, or discipline other employees.

Mr. Brattain urges the Board to view his participation on interview panels as a supervisory responsibility. An interview panel involves several individuals coming together with the common goal of hiring the best candidate for the job. Mr. Brattain participates in these interview panels along with other employees. The panel subsequently comes to an agreement on the best candidate for the job and, as a group, makes a recommendation. There is no evidence to support that Mr. Brattain has the authority or sole responsibility to make a final recommendation of a candidate or that his participation on interview panels gives him the authority to "hire" employees. Mr. Brattain does not "hire" employees in the interest of his employer as defined by WAC 251-01-395.

Mr. Brattain further urges the Board to view the performance evaluations he completed as supervisory responsibilities. Mr. Brattain completed University of Washington Employee

Performance Evaluation forms for a total of three employees. WAC 251-01-395 does not specifically identify the evaluation process as part of the definition of a supervisor. However, the merit system rules address employee performance evaluations and WAC 251-20-010(2) specifically requires that supervisors "conduct annual performance evaluations to record and inform employees regarding how well they have contributed to the fulfillment of the institution and job objectives." Mr. Brattain evaluated each employee a total of two times; the evaluations are checked off as "special reviews;" and are signed by the employees and Mr. Brattain. The form clearly requires the signature of the "Senior Supervisor/Assistant Director." However, none of the evaluations contain either signature and they were not placed in the files of the affected employees. Mr. Brattain believed that he was supposed to be performing those evaluations and the process he employed, while not complete, did rate the performance of other employees. However, we do not find that these six evaluations warrant reallocation to the Plumber/Pipefitter/Steamfitter Supervisor specification.

The Plumber/Pipefitter/Steamfitter Lead is defined as "Lead and perform journey-level plumbing, steamfitting, and pipefitting work.

WAC 251-01-255, in pertinent part, defines a lead as follows:

> An employee who, in addition to his/her other duties, has responsibility to regularly assign, instruct and check the work of others as a significant part of his/her work responsibilities. . . .

Mr. Brattain's duties and responsibilities include assigning, instructing and checking the work of his crew on a regular basis; approving and signing leave slips for other employees; and reviewing and signing time slips. These are typical leadwork responsibilities as defined in WAC 251-01-255. Mr. Brattain's other duties include making labor and materials cost estimates on projects, entering the information into the cost estimating program and submitting the estimates for approval and funding. Mr. Brattain also reads plans and blueprints, inspects projects to ensure compliance with local and state codes; and he enforces safety rules and regulations. Mr. Brattain's position meets not only the definition of the Lead specification, but the majority of the work he performs are tasks which are described in the typical work statements of a lead position.

We disagree that Mr. Brattain's position is consistent with the distinguishing characteristics of the Plumber/Pipefitter/Steamfitter Supervisor classification. We conclude that the Plumber/Pipefitter/Steamfitter Lead classification best describes the overall duties and responsibilities of Mr. Brattain's position.

Conclusion. The appeal on exceptions by the University should be granted; the position held by Mr. Brattain should be allocated to the Plumber/Pipefitter/Steamfitter Lead classification; and the director's determination dated March 14, 2001, should be reversed.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal on exceptions by the University is granted; the position held by Mr. Brattain is reallocated to the class of Plumber/Pipefitter/Steamfitter Lead; and the Director's determination dated March 14, 2001, is reversed.

DATED this _____ day of _____, 2001.

WASHINGTON STATE PERSONNEL APPEALS BOARD

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Gerald L. Morgen, Vice Chair

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Leana D. Lamb, Member