BEFORE THE PERSONNEL APPEALS BOARD

STATE OF WASHINGTON

LARRY VEDEN, Appellant, v. DEPARTMENT OF TRANSPORTATION, Respondent.	Case No. ALLO-00-0012 ORDER OF THE BOARD FOLLOWING HEARING ON EXCEPTIONS TO THE DETERMINATION OF THE DIRECTOR

Hearing on Exceptions. Pursuant to RCW 41.64.060 and WAC 358-01-040, this matter came on for a hearing before the Personnel Appeals Board, GERALD L. MORGEN, Vice Chair, on Appellant's exceptions to the Director's determination dated April 13, 2000. The hearing was held on February 7, 2001, in the Personnel Appeals Board hearing room in Olympia, Washington. LEANA D. LAMB, Member, reviewed the record and participated in the decision in this matter. WALTER T. HUBBARD, Chair, did not participate in the hearing or in the decision in this matter.

Appearances. Appellant Larry Veden was present and appeared *pro se*. Respondent Department of Transportation (DOT) was represented by Richard Shea, Human Resource Consultant for the Department of Personnel and Joni Wheeler, Human Resource Consultant for DOT.

Background. Appellant requested a reallocation of his position by submitting a classification questionnaire (CQ) to the DOT Office of Human Resources on March 16, 1999. Joni Wheeler, requested that an independent audit be conducted by the Department of Personnel (DOP). Richard Shea conducted a review of Appellant's position and determined that Appellant's position was properly allocated to the Transportation Engineer 2 classification.

On December 15, 1999, Appellant appealed Mr. Shea's decision to the Director of the Department of Personnel. The Director's designee, Paul Peterson, conducted an allocation review of Appellant's position. By letter dated April 13, 2000, Mr. Peterson determined that Appellant's position was properly allocated. On May 12, 2000, Appellant filed timely exceptions to the Director's determination with the Personnel Appeals Board. Appellant's exceptions are the subject of this proceeding.

Appellant is the technical program specialist for the Washington State Bridge Inventory System/State of Washington Inventory of Bridges and Structures (SWIBS/WSBIS) system. Appellant works under the limited supervision of a Bridge Engineer 4. His duties and responsibilities include, in part, monitoring system code requirements, monitoring the gathering and inputting of inventory and inspection data, resolving problems and errors in the system, checking for accuracy and completeness of data, preparing reports, and responding to requests for information. Appellant is not registered as a professional engineer.

Summary of Appellant's Argument. Appellant argues that the Director's designee failed to base his determination on the level of responsibility and the type of work he performs. Appellant alleges that his request was denied because he was not licensed and because he did not report to a Transportation Engineer 5 or higher. Appellant contends that his duties and responsibilities are comparable to those found in the Transportation Engineer (TE) 4 classification and that his position should be reallocated.

Summary of Respondent's Argument. Respondent argues that Appellant's position does not meet the allocating criteria of the TE 4 classification. Respondent contends that the TE 4 classification requires incumbents to report to a TE 5 or above, which Appellant does not do. Respondent further contends that Appellant's supervisor is the bridge inventory systems manager for the SWIBS/

WSBIS system, that he is responsible for modifications to the software, and that he is responsible for the program budget. Because Appellant's supervisor maintains oversight and control of the system, Respondent contends that Appellant's position does not meet either the definition or the distinguishing characteristics of the TE 4 classification.

Primary Issue. Whether the Director's determination that Appellant's position was properly allocated to the Transportation Engineer 2 classification should be affirmed.

Relevant Classifications. Transportation Engineer 2, class code 66140; Transportation Engineer 3, class code 66160; and Transportation Engineer 4, class code 66180.

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).

If class specifications become outdated as functions of positions evolve, the Personnel Appeals Board is not the proper entity to rewrite class specifications. Sorenson v. Dep't of Social and Health Services, PAB No. A94-020 (1995).

Before Appellant's position can be reallocated to the TE 4 classification, it must meet the requirement of the definition and distinguishing characteristics for the class. Appellant's position

functions as the technical program specialist for the SWIBS/WSBIS system and therefore, meets the second portion of the definition of the class. However, Appellant's position does not meet the requirements of the distinguishing characteristics (DCs) for this class. The DCs require registration as a professional engineer and supervision by a TE 5 or above. Appellant is not a registered professional engineer and he does not report to a TE 5 or above. Allocation to the TE 4 classification is not appropriate.

The TE 2 classification encompasses positions that work independently applying standard engineering procedures and techniques. TE 2s are given general instructions, their work is reviewed on a spot-check basis, their supervisors provide assistance when problems are encountered, and their supervisors review their completed work. The TE2 classification specifically addresses positions within the Bridges and Structures division. Appellant's position is encompassed in this general description, however, his level of responsibility goes beyond the scope of duties and responsibilities described by this class.

The TE 3 classification encompasses positions that function as supervisors in charge of a major project or function area. This classification also encompasses positions which function as staff specialists, work under limited supervision, plan and carry out specialized projects, and perform advance transportation engineering in a complex area of limited scope. In addition, incumbents at the TE 3 level represent the agency at meetings with other agencies and often assist in training other agency staff. While the TE 3 classification does not specifically address positions in the Bridges and Structures division, the level of work and the scope of responsibility described by the classification is comparable to the level and scope of Appellant's duties and responsibilities. Appellant is a staff specialist. He works under limited supervision, is assigned to a complex area of limited scope, represents the agency internally and with outside entities, and assists in training

others. Therefore, on a best fit basis, Appellant's position meets the definition and distinguishing characteristics of the TE 3 classification.

Conclusion. Appellant's appeal on exceptions should be granted in part and his position should be reallocated to the Transportation Engineer 3 classification. The determination of the Director, dated April 13, 2000, should be reversed.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal of Larry Veden is granted, in part, the determination of the Director, dated April 13, 2000, is reversed, and Appellant's position is reallocated to the Transportation Engineer 3 classification.

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