BEFORE THE PERSONNEL RESOURCES BOARD

STATE OF WASHINGTON

DEPARTMENT OF CORRECTIONS, Appellant, vs. WORLDY VAN MILLARD, Respondent.	CASE NO. R-ALLO-13-007 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, JOSEPH PINZONE, Chair; DJ MARK, Vice Chair; and NANCY HOLLAND YOUNG, Member, for a hearing on Appellant's exceptions to the director's determination dated March 6, 2013. The hearing was held on July 10, 2013.

Appearances. Appellant Department of Corrections (DOC) was represented by Tina Cooley, Human Resource Consultant. Respondent Van Millard was represented by Mark Manning, Business Representative with Teamsters Local 117.

Background. Mr. Millard submitted a request for a position review in November 2007 asking that his Stationary Engineer 3 position be reallocated to the Chief Engineer classification. The request was received by DOC's Classification Unit at DOC's headquarters in 2011. By letter dated December 9, 2011, DOC determined that Mr. Millard's position was properly allocated to the Stationary Engineer 3 classification.

On January 9, 2012, the Office of the State Human Resources Director received Mr. Millard's request for a director's review of DOC's allocation determination. By letter dated March 6, 2013, the director's designee determined that Appellant's request should be granted and his position should be reallocated to the Chief Engineer classification.

On February 21, 2013, DOC filed exceptions to the Board. DOC's exceptions are the subject of this proceeding.

Mr. Millard is responsible for the central steam plant at the Monroe Correctional Complex (MCC). The steam plant supplies high-pressure steam to all MCC institutions and provides emergency electrical power to the power house. He supervises the operation of a central heating steam/power plant and auxiliary systems within the power plant which includes supervising six Stationary Engineer 2's and up to six inmates who operate and maintain multiple power (high-pressure) boilers and other plant equipment.

Summary of DOC's Arguments. DOC agrees that Mr. Millard supervises the operation of the central steam plant but argues that he does not supervise all auxiliary systems. DOC asserts that running the plant is distinct from running the auxiliary systems/stations. DOC contends that at the Chief Engineer level, auxiliary systems include all of the equipment in the entire facility that is used to generate, distribute/return and utilize steam. DOC argues that 60% of equipment within the total operation at MCC is outside of the steam plant and that Mr. Millard is not responsible for equipment outside of steam plant. DOC also contends that MCC has a total of 20 generators throughout the complex and that Mr. Millard is responsible for only 2 of them. DOC further argues that while Mr. Millard does make budget recommendations, he does not have control of the budget and that while Mr. Millard has day-to-day oversight of staff and makes recommendations regarding hiring, firing and discipline, final authority for decisions regarding staff rests with the Superintendent of MCC. Additionally, DOC contends that the steam plant at MCC is large but it is not complex. DOC explains that the steam plant at MCC has a very basic boiler control system and does not include superheat, economizers, variable frequency drive controlled pumps, heat recovery systems, power generation stack scrubbers or electrostatic precipitators. Finally, DOC argues that final authority and responsibility for the steam plant and systems outside of the steam plant rest with the Plant Manager and the Superintendent of MCC. Because Mr. Millard's position is limited in scope to the central steam plant, DOC asserts that his position does not meet the scope, level or diversity of duties and responsibilities found in the Chief Engineer classification.

Summary of Mr. Millard's Arguments. Mr. Millard argues that in the context of the Stationary Engineer classification series, he is responsible for the total operation of the steam plant and auxiliary equipment. Mr. Millard acknowledges that he is not responsible for the entire Monroe Correctional Complex. Mr. Millard explains that the MCC steam plant is the largest plant in the correctional facilities and that while it may not be the most modern plant, keeping the plant running safely and efficiently is more challenging. Mr. Millard further explains that his responsibilities include transfer switches, diesel generators, and the auxiliary systems within the plant that allow the steam to be delivered to the various MCC facilities. Mr. Millard contends that he is responsible for the total operation of the steam plant and the supervision of staff assigned to the plant. Mr. Millard argues that he position fits the Chief Engineer classification.

Primary Issue. Whether the director's determination that Mr. Millard's position should be reallocated to the Chief Engineer classification should be affirmed.

Relevant Classifications. Stationary Engineer 3, class code 602L, and Chief Engineer, class code 602N.

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).

The definition for Stationary Engineer 3 states: "[a]s a senior-level specialist, applies advanced technical knowledge in the overall operation and maintenance of high pressure heating plant consisting of two or more boilers over 150 h.p. each."

Mr. Millard's duties and responsibilities fit the definition of the Stationary Engineer 3 class. In addition, the typical work statements for this class encompass the duties of Mr. Millard's position. For example, he oversees staff in the operation, maintenance and repair of the MCC central steam plant and auxiliary equipment, directs analysis of plant operations and determines corrective actions, keeps records and prepares reports on plant operations and instructs others in operation and maintenance methods and procedures. However, we agree with the determination of director's designee that the Stationary Engineer 3 class does not encompass Mr. Millard's responsibility for the total operation of the steam plant.

The definition for Chief Engineer states "[s]upervise the total operation of a central heating steam plant and all auxiliary systems."

The distinguishing characteristics for the Chief Engineer state: "[p]ositions within this class are responsible for large and complex steam plant operations with final responsibility and authority for safety, welfare, and maintenance within all operations."

There is no dispute that Mr. Millard is responsible for the total operation of MCC's central steam plant and that the plant is large and complex, due to its age. The primary question is whether Mr. Millard is responsible for "all auxiliary systems" as intended for allocation to the Chief Engineer classification.

The Board has carefully considered the arguments presented at the hearing and reviewed the exhibits, including Mr. Millard's Position Review Request form, the comments from his supervisor at the time of the request and the entire stationary engineer classification series as well as the director's determination. There is no dispute that Mr. Millard has responsibility for the total operation of the central steam plant and the auxiliary systems directly related to the steam plant. As stated above, we agree with the director's designee that Mr. Millard's total responsibility for the steam plant operations and its auxiliary systems extends beyond the Stationary Engineer 3 level. We

also agree with the designee's determination that the term "all auxiliary systems" in the Chief Engineer definition directly relates to the steam plant. Therefore, the scope of Mr. Millard's duties and responsibilities for the total operation of central steam plant and its auxiliary systems at MCC best fit within the intent of the Chief Engineer classification.

In a hearing on exceptions, the Appellant has the burden of proof. WAC 357-52-110. Appellant DOC has failed to meet its burden of proof.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal on exceptions is denied and the director's determination dated March 6, 2013, is affirmed.

DATED this _____ day of _____, 2013.

WASHINGTON PERSONNEL RESOURCES BOARD

_____
DJ MARK, Vice Chair

_____
NANCY HOLLAND YOUNG, Member

I DISSENT.

The consensus of the Board was that to qualify for the position of Chief Engineer Mr. Millard had to have responsibility for the steam plant and all auxiliary systems. The majority of the Board felt Mr. Millard made his case for reallocation to Chief Engineer. I dissent.

DOC consistently maintained that Mr. Millard's responsibility was basically confined to the steam plant operations and established that major repairs often were done by outside contractors. Further, Mr. Millard was not responsible for any of the distribution system beyond the steam plant. Mr. Millard went to great lengths that he was a major player in the whole process and was occasionally asked to help with repairs on the entire system. Yet, at the hearing he confirmed that between only five and twenty percent of his time was spent in assisting with work beyond the confines of the steam plant.

Exhibits A-19 and B-2 (PRR dated 11/13/07) became suspect when crucial words alleging that final authority for MCC power operations rested with Mr. Millard were crossed out with commentary indicating they were incorrect. While there were no initials at the commentary, it was submitted by both DOC and Mr. Millard as an exhibit.

Finally Mr. Millard acknowledged that the final responsibility and authority for the overall power house operation for the entire complex rested with the MCC's Superintendent (see page 3 of the director's determination).

The director's designee erred in finding Mr. Millard's responsibility went beyond the steam plant.

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JOSEPH PINZONE, Chair