BEFORE THE PERSONNEL RESOURCES BOARD

STATE OF WASHINGTON

NICK HERNDON Appellant vs. DEPARTMENT OF CORRECTIONS, Respondent.	)	CASE NO. R-ALLO-17-008 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, VICKY BOWDISH, Vice Chair, and SUSAN MILLER, Member, for a hearing on Appellant's exceptions to the director's determination dated April 10, 2017. The hearing was held on June 24, 2017, via teleconference.

Appearances. Appellant Nick Herndon was present and represented by Tawny Humbert, Representative for Teamsters Local 117. Respondent Department of Corrections (DOC) was present and represented by Mindy Portschy, HR Consultant.

Background. On March 17, 2017, Appellant submitted a Position Review Request (PRR) to DOC's Human Resources (HR) Office requesting reallocation from Electrician Supervisor to Maintenance Specialist 4 (MS 4) or Construction and Maintenance Project Supervisor (CMPS).

By letter dated May 3, 2016, Respondent notified Appellant that his position remained allocated to an Electrician Supervisor.

On May 31, 2016, Appellant submitted a request to OFM State HR requesting a written Director's review of DOC's allocation determination, contending his position should be reallocated to MS 4.

By letter dated April 10, 2017, the Director's Review Specialist notified Respondent that his position is properly allocated to Electrician Supervisor.

On May 8, 2017, Board staff received Appellant's Appeal Request. However, Appellant did not state specific exceptions to the Director's Determination, so by letter dated May 9, 2017, Appellant was directed to submit specific exceptions within twenty-on (21) days of the date of the letter. WAC 357-52-020(3). On May 22, 2017, Board staff received Appellant's specific exceptions.

Summary of Appellant's Duties and Responsibilities.

Appellant serves as an Electrician Supervisor (ES) in Plant Maintenance at the Washington State Penitentiary in Walla Walla. He reports to Steve Birdwell, Plant Manager 3. According to the Position Review Request (PRR) signed by Mr. Birdwell on March 4, 2016, Appellant installs new electrical systems and is responsible for designing, planning and building all electrical systems in a safe and efficient manner. Appellant supervises and trains up to three inmate trainees in electrical work.

The review period for this allocation request was twelve (12) months prior to March 17, 2016.

Summary of Appellant's Arguments.

Appellant asserts he should be reallocated to the MS 4 job class, or the CMPS job class. According to Appellant's appeal request and information gathered at the hearing, Appellant contends Electrician Supervisors are working out of their job class because their specialty has stringent requirements unlike other trades. He further contends that supervising and training electrical trainee inmates is more responsibility than supervising staff, as he is required to not only supervise, but train, document work hours and have hours notarized for trainees performing electrical work.

Appellant argues he is responsible for errors and held accountable to the Department of Labor and Industries (L&I) as a licensed EL01 journeyman electrician. Appellant asserts the time spent obtaining this level of licensure is comparable to a four-year degree and, in

light of the requirements of his position, Appellant further asserts should be paid a higher salary.

Summary of Respondent's Arguments.

Respondent DOC maintains Appellant does not fit the class specification for MS 4 or CMPS. They further maintain the definition for MS 4 indicates incumbents in this job class supervise a variety of journey-level trade workers. Respondent contends Appellant does not supervise a variety of journey-level trades, rather he supervises and trains non-journey level inmatess who are earning hours towards their electrician's license.

Respondent contends Appellant cannot request from the PRB an increase in pay for the Electrician Supervisor job class, as this is out of the Board's jurisdiction.

Primary Issue. Whether the director's determination should be affirmed and whether Respondent should remain allocated to the Electrician Supervisor Classification.

Relevant Classifications. Electrician Supervisor; Maintenance Specialist 4; Construction Maintenance Supervisor.

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).

In *Norton-Nader v. Western Washington University*, PRB Case No. R-ALLO-08-020 (2008), the Personnel Resources Board (Board) stated the following standards are the hierarchy of primary considerations in allocating positions:

a) Category concept (if one exists).

b) Definition or basic function of the class.

c) Distinguishing characteristics of a class.

d) Class series concept, definition/basic function, and distinguishing characteristics of other classes in the series in question.

Construction and Maintenance Project Supervisor Definition

This is the supervisory level of the series. Positions at this level supervise journey-level workers performing skilled work in at least two skilled trades. These workers fabricate a variety of components using materials such as, wood, metal or concrete and/or construct, remodel, repair, and maintain buildings, facilities, utilities, machinery, and equipment. Incumbents supervise construction, repair and production activities and work crews within a region or at work sites in remote locations.

A class series concept and distinguishing characteristics are not included in the class specification.

Maintenance Specialist 4 Definition

This is the supervisory level of the series. Supervises a variety of journey-level tradesworkers or general maintenance mechanics performing work on physical plant, campus buildings, grounds, or equipment; or manages the Department of Transportation Central Sign Shop and supervises the fabrication and distribution of all types of transportation signing throughout the state. Some positions supervise field operations on construction and maintenance projects either state-wide or for a specified program. Develop, implement, and monitor training. Implements and evaluates

workflow priorities. Develops and disseminates instructions and information to unit personnel. Organizes, conducts and facilitates staff meetings.

A class series concept and distinguishing characteristics are not included the class specification.

Electrician Supervisor Definition

This is the supervisory level. Positions supervise electricians, and other assigned personnel such as laborers, crews of inmates, or helpers engaged in installation, modification, maintenance and repair of electrical equipment and systems. Positions function as a recognized expert who is sought out by others to complete major projects or resolve highly complex problems. Plans, lays out and directs shop activities. Positions may supervise electricians engaged in skilled high voltage electrical work.

A class series concept and distinguishing characteristics are not included the class specification.

Decision of the Board

Appellant performs and oversees electrical work only; and supervises and trains non-journey level inmates. Unlike the definition of CMPS, Appellant does not supervise journey-level workers performing skilled work in at least two skilled trades. Rather, he supervises and trains one or two inmates who are earning work hours to become journey-level electricians through L&I. Appellant also does not supervise construction, repair and production activities as the definition of CMPS describes, rather supervises electrical work. The Board finds Appellant's assigned duties do not meet the definition of Construction and Maintenance Project Supervisor.

Appellant does not supervise a variety of journey-level trades or general maintenance mechanics performing work on various facilities and grounds, as the definition of MS 4 indicates. Rather,

Appellant trains inmates in electrical work only. Therefore, Appellant's assigned duties do not meet the definition of Maintenance Specialist 4.

The Electrician Supervisor definition matches the responsibilities of Appellant. The definition specifies incumbents supervise inmates engaged in the installation, modification, maintenance and repair of electrical equipment and systems. This job class does not point to the supervision of journey-level workers and a variety of journey-level workers in multiple trades, as the definition illustrates. Rather, Appellant performs and oversees electrical work only and supervises and trains non-journey level inmates.

Concerning the requirement for an EL01 Electrician's License, the class specification for Electrician Supervisor states under "Legal Requirements," "There may be instances where individual positions must have additional licenses or certification…" Therefore, Appellant's requirement to maintain a license does not affect the allocation of his position.

One of the exceptions Appellant stated was that his salary was not in line with the level of skill, accountability and licensing required of Electrician Supervisor. Classification revisions, including salary changes, are outside the Board's jurisdiction. However, Classification and Compensation staff at OFM State HR review requested class specification changes during the biennial classification proposal process if they meet the criteria laid out in RCW:

RCW 41.06.152

> **Job classification revisions, class studies, salary adjustments—Limitations.**
>
> (1) The director shall adopt only those job classification revisions, class studies, and salary adjustments under RCW 41.06.157 that:
>
> (a) As defined by the director, are due to documented recruitment or retention difficulties, salary compression or inversion, classification plan maintenance, higher level duties and responsibilities, or inequities; and

> (b) Are such that the office of financial management has reviewed the affected agency's fiscal impact statement and has concurred that the affected agency can absorb the biennialized cost of the reclassification, class study, or salary adjustment within the agency's current authorized level of funding for the current fiscal biennium and subsequent fiscal biennia.
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> …

The Board has considered all Appellant's exceptions to the director's determination and finds the duties of this position best fit the definition of the Electrician Supervisor.

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

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal on exceptions by Nick Herndon is denied and the director's determination dated April 10, 2017, is upheld. Appellant remains allocated to Electrician Supervisor.

DATED this _____ day of _____, 2017.

WASHINGTON PERSONNEL RESOURCES BOARD

_____
NANCY HOLLAND YOUNG, CHAIR

_____
VICKY BOWDISH, VICE-CHAIR

_____
SUSAN MILLER, MEMBER