BEFORE THE PERSONNEL RESOURCES BOARD

STATE OF WASHINGTON

THERESA WRIGHT, Appellant, vs. DEPARTMENT OF TRANSPORTATION, Respondent	CASE NO. R-ALLO-17-035 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 November 14, 2017. The hearing was held on June 14, 2018, at Room 110, Capitol Court, 1110 Capitol Way, in Olympia, Washington.

Appearances. Appellant Theresa Wright was present. Respondent Department of Transportation (WSDOT) was present and represented by Nicole Juek, Human Resource Consultant (HRC) 2, and Joni Wheeler, HRC4.

Background. On August 12, 2017, Appellant submitted a Classified Position Description (CPD) to WSDOT Human Resources (HR) Office requesting reallocation from a Transportation Planning Specialist 2 2 (TPS 2) to a Transportation Engineer 3. By memorandum dated April 3, 2017, Pam Rome, WSDOT HR, notified Appellant her position was being reallocated to TE 2, denying her request for reallocation to TE 3

On May 1, 2017, Office of Financial Management, State Human Resources (OFM-SHR) received a Request for Director Review.

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The Director's Review Specialist conducted a review of Appellant's position based on written documentation. By letter dated November 14, 2017, the Director Review Specialist determined the most appropriate allocation for Appellant's position was the TE 2 classification.

On December 4, 2017, Appellant filed timely exceptions to the Director's Determination.

As summarized by the Director's Designee, Appellant works for WSDOT and is located within the Eastern Region in the Program Management Office. Appellant's position is a critical part of Program Management. The Appellant possesses a thorough knowledge of WSDOT financial and engineering computer systems/programs including TRAINS, CAPS, Ebase, Capital Program Management System (CPMS), Transportation Executive Information system (TEI S) and the Work Order Authorization system. This Apellant is responsible for authorizing project funding, monitoring and aging project expenditures, and maintaining accurate and complete project data in Capital Program Management System (CPMS) and Transportation Executive Information System (TEIS). The Appellant plays a key role in developing the Region's Capital Improvement and Preservation Program, preparing change management requests, tracking and updating project milestones, and researching and proposing solutions for complex Program Management issues.

Summary of Appellant's Arguments. Appellant asserts she works independently with limited supervision. In her current position, Appellant further argued that in her current position she is relied upon to have an understanding of the scope of projects and she is the staff specialist who is also relied on to train new staff. Appellant stated that her duties she performs has a statewide impact and that should she make mistakes, the mistakes could impact federal funding of state projects. Appellant further argued that her supervisor supports her reallocation and based these statements of support; the supervisor's opinion should be given appropriate weight. Appellant is designated in her Performance Development Plan that she is designated as the CPMS Manager.

Summary of Respondent's Arguments. Respondent agrees with the Director's Designee that the duties of Appellant meet the TE 2 classification. Respondent contends the CPMS Manager makes decisions about paying contractor, rather than manipulation of money which is the Appellant's duties. WSDOT HR continued by arguing the duties perform by the Appellant primarily require the input, monitoring, managing, processing, maneuvering, updating and documenting information provided to Appellant about the various projects as well as gathering information from the various database systems as projects and programs are in process. While knowledge of engineering practices and processes is utilized in the performance of duties, Appellant's duties are routine in nature that do not require the performance of advanced transportation engineering duties.

Primary Issue. Whether the Director's Determination should be affirmed and whether Appellant should remain allocated to the Transportation Engineer 2 classification.

Relevant Classifications. Transportation Engineer 2; Transportation Engineer 3.

Definition of TE 2

Performs transportation engineering work under general supervision.

Distinguishing Characteristics

Work at this level is characterized by the independent application of standard engineering procedures and techniques to accomplish a wide variety of work in the office, laboratory, and/or field. Incumbents generally serve as full production staff or crew leaders. Work is assigned through general instructions and the setting of deadlines by a supervisor who engages in ongoing spot-check review, provides assistance when problems are encountered and reviews completed work. This role may include the leadership of technical support staff and entry level engineers such that incumbents are called upon to direct and train staff.

WASHINGTON PERSONNEL RESOURCES BOARD
PO BOX 40911
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Definition of TE 3

Performs advance transportation engineering work under limited supervision.

Distinguishing Characteristics

At this level, incumbents are generally placed in charge of a major project or functional area which is characterized by supervising several support staff (staff may include or consist of contracted consultants) or serve as a staff specialist in a complex area of limited scope (this may include serving as a staff specialist consultant to Local Agencies). Incumbents are expected to possess a thorough working knowledge of agency policies, standards and procedures as well as engineering principles, methods and practices. Assignments require judgments in selecting and adapting techniques to solve transportation problems. Incumbents may represent the Department at public meetings, open houses, to local agencies, contractors, consultants, etc., for specific projects. While work is occasionally spot-checked and reviewed upon completion, incumbents are responsible for planning and carrying out projects with only minimal supervision. Staff at this level are often called on to assign, train and evaluate engineers and technicians.

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*

WASHINGTON PERSONNEL RESOURCES BOARD
PO BOX 40911
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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 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 carefully reviewed the documentation submitted during the Director's Review and considered the arguments presented by the parties at the hearing before the Board.

The TE 2 definition specifies incumbents of these positions Perform "transportation engineering work under general supervision incumbents." While during the hearing Appellant's supervisor indicated he provided limited supervision, and the Appellant argued the supervisor's opinion should be taken into consideration, the Board in this matter found that although the supervisor agrees with the reallocation of Appellant's position, it does not meet *Emerson vs. Department of Transportation*, PRB Case No. R-ALLO-09-010 (2009). In *Emerson* the supervisor outlined that surveying equipment is a specialized part of making sure complex issues of project delivery are accomplished. The supervisor in *Emerson* further indicated that, "Appellant functions as a staff specialist in learning, using and training for the ever-changing state-of-the-art surveying equipment utilized by DOT and that he developed the procedures and practices for the successful operation of the equipment." In this matter the Appellant does not spend a significant amount of time learning new systems, using and training in the use of state of the art equipment as did the incumbent in *Emerson*. Therefore, application of Emerson is inappropriate.

WASHINGTON PERSONNEL RESOURCES BOARD
PO BOX 40911
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The Board found the Appellant's duties are routine in nature and the performance of her duties do not meet definition of the TE 3 which incumbents must be performing duties in advance transportation engineering work. Nor does the Appellant meet the definition of Program Management contemplated by the typical work statements of the TE 3 because first Appellant must meet the preceding statement of, "Incumbents typically perform the level of work described by the tasks and specified below a majority of the time. This description is not intended to be all-inclusive but representative of the level of responsibility and level of complexity of the work performed by this class." First the Appellant does not meet the definition of the term "Project Management" because in order to meet the definition of manager or program manager, one must develop program goals and objectives, develop timetables and work plans, policies and procedures, prepare program budgets, adjust allotments, control resources, adjust program priorities and evaluate effectiveness. Appellant does not complete these tasks nor is Appellant's position located within headquarters and Appellant is not a Budget Management Specialist, rather she is responsible for programming and maintaining all projects in CPMS, monitoring Federal dollars and O-lines, working with the Project Engineering Offices (PEO) regarding their work orders.

Furthermore, pursuant to *Norton-Nader v. Western Washington University* the hierarchy of allocating criteria begins with the class series concept (should one exist) followed by the class definition and then the distinguishing characteristics of the relevant classifications. The definitions of both the TE 2 and TE 3 have limited information to assist in allocating to either of the classes. However, the TE 3 distinguishing characteristics outline that incumbents of TE 3 classification are generally in charge of a major project or functional area which is characterized by "supervising several support staff (staff may include or consist of contracted consultants) or serve as a staff specialist in a complex area of limited scope (this may include serving as a staff specialist consultant to Local Agencies)." It is true the Appellant meets the second statements of the distinguishing characteristic in which one must possess a thorough working knowledge of agency policies, standard and procedures, the statement continues by further stating, "as well as engineering principles, methods and practices. Assignments require judgments in selecting and

WASHINGTON PERSONNEL RESOURCES BOARD
PO BOX 40911
OLYMPIA, WA 98504-0911

adapting techniques to solve transportation problems." The Appellant does not meet these statements in their entirety.

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

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal on exceptions by Theresa Wright is denied and Appellant's position remains allocated to Transportation Engineer 2.

DATED this 28 day of August, 2018.

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NANCY HOLLAND YOUNG, Chair

Vicky Bowdish

VICKY BOWDISH, Vice Chair

Susan L. Miller

SUSAN MILLER, Member

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