

BEFORE THE PERSONNEL RESOURCES BOARD
STATE OF WASHINGTON

MICHAEL LOW,

Appellant,

vs.

DEPARTMENT OF LABOR AND
INDUSTRIES,

Respondent.

CASE NO. R-ALLO-15-001

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 and SUSAN MILLER, Member, for a hearing on Appellant's exceptions to the director's determination dated December 3, 2014. The hearing was held on March 5, 2015.

Appearances. Appellant Michael Low was present and was represented by Sherri-Ann Burke, Labor Advocate with the Washington Federation of State Employees. Vicki Kamin, Classification and Compensation Coordinator, represented Respondent Department of Labor and Industries (L&I).

Background. On September 27, 2013, L&I's Office of Human Resources (HR) received Appellant's request for a position review. Appellant asked that his Information Technology Specialist 3 (ITS3) position be reallocated to the Information Technology Specialist 4 (ITS4) classification. By letter dated November 22, 2013, Respondent determined that Appellant's position was properly allocated to the ITS3 classification and denied his request.

On December 16, 2013, HR Office of the State Human Resources received Appellant's request for a director's review of L&I's allocation determination. By letter dated December 3, 2014, the director's designee determined that Appellant's position was properly allocated to the ITS3 classification.

1
2 On January 2, 2014, Appellant filed exceptions to the director's designee's determination.
3 Appellant's exceptions are the subject of this proceeding.
4

5 Typically position reviews are based on the work performed for the six-month period prior to the
6 date that an employee's HR office receives the request for a position review. In this case, HR
7 received Appellant's review request on September 27, 2013. Appellant's position description
8 indicates that his scope of responsible is for Field Services and Public Safety. However, based on a
9 preponderance of the persuasive arguments provided to the Board, during the relevant time period
10 for this review, Appellant worked independently and performed senior business analyst duties
11 including serving as a web administrator and liaison; developing protocols and position papers; and
12 planning, designing and developing web architecture and navigation to ensure functionality and
13 usability for applications spanning agency-wide and multiple divisions.
14

15 During the review period Appellant spent the majority of his time working on the "Verify" project.
16 Verify is a public-facing web application used to look up and verify the status of contractors. It is
17 the largest and second most used application in the agency. Appellant worked on the bulk of the
18 Verify project from December 2012 to December 2013. This project spanned multiple divisions
19 and interfaced with information from the Department of Revenue. In his capacity, Appellant was
20 responsible, in part, for gathering relevant data throughout the agency and the Department of
21 Revenue, gathering business requirements from multiple divisions, designing the application
22 concept, and preparing the project charter. In addition, the technology integration for this
23 application was a first for the agency because it included accessibility for users of Smartphones and
24 tablets.
25

26 **Summary of Appellant's Arguments.** Several years prior to December 2012, Appellant was an
27 Information Technology Specialist 5 (ITS5). As a result of the return of an exempt employee to
28 the ITS5 position, Appellant was bumped and placed in an ITS3 position. Appellant argues that
29 following his bump into the ITS3 position, his supervisors desired to utilize his expertise and

1 knowledge and continued to assign him work typically performed at the ITS 4 or ITS5 level.
2 Appellant asserts that his supervisors support reallocation of his position so that they can continue
3 to utilize his skills and knowledge and because they wish to recognize the level of work he is
4 assigned. Appellant contends that his work extends beyond a single function or division and asserts
5 that he has statewide responsibility. Appellant asserts that he performs higher level ITS work for a
6 large scale projects with wide impact. Appellant further asserts Verify is a complex system that is
7 widely used, crosses divisions and incorporated outside stakeholders. Appellant contends that since
8 he has been performing the higher level, technical IT work found at the ITS4 level, his should be
9 reallocated to the ITS4 classification.

10
11 **Summary of Respondent's Arguments.** Respondent agrees that Appellant was involved and
12 instrumental in the Verify project but asserts that the project was led by a project manager who had
13 responsibility for the entire project. Respondent contends that it is common for an ITS3 to develop
14 charters, gather business requirements and work on new applications within their assigned
15 programs. In addition, Respondent contends that Appellant works on a team with others who are
16 also responsible for web design and services including a web applications developer and a web
17 interface designer. Respondent further contends that the architecture office within L&I's
18 Information Services is responsible for the architecture work for all systems. Respondent asserts
19 that Appellant is a divisional web master for field services and fraud and that he provides support
20 for other web masters. Respondent argues that the scope of Appellant's position encompasses two
21 divisions and that his work does not impact organization-wide applications. Respondent further
22 argues that Appellant does not work on large scale or complex projects and that his duties and
23 responsibilities are not at the senior level. Rather, Respondent explains that Appellant applies
24 existing web policies, standards and web practices. Respondent contends that the scope of
25 Appellant's work and his level of responsibility best fit within the ITS3 classification.

26
27 **Primary Issue.** Whether the director's determination that Appellant's position is properly allocated
28 to the Information Technology Specialist 3 classification should be affirmed.

1 **Relevant Classifications.** Information Technology Specialist 3, class code 479K, and Information
2 Technology Specialist 4, class code 479I.

3
4 **Decision of the Board.** The purpose of a position review is to determine which classification
5 best describes the overall duties and responsibilities of a position. A position review is neither a
6 measurement of the volume of work performed, nor an evaluation of the expertise with which
7 that work is performed. A position review is a comparison of the duties and responsibilities of a
8 particular position to the available classification specifications. This review results in a
9 determination of the class that best describes the overall duties and responsibilities of the
10 position. See Liddle-Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

11
12 The definition for the ITS3 definition includes the following:

13 In support of information systems and users in an assigned area of responsibility,
14 independently performs consulting, designing, programming, installation,
15 maintenance, quality assurance, troubleshooting and/or technical support for
16 applications, hardware and software products, databases, database management
17 systems, support products, network infrastructure equipment, or telecommunications
18 infrastructure, software or hardware.

19 Uses established work procedures and innovative approaches to complete
20 assignments and coordinate projects such as conducting needs assessments; leading
21 projects; creating installation plans; analyzing and correcting network malfunctions;
22 serving as system administrator; monitoring or enhancing operating environments;
23 or supporting, maintaining and enhancing existing applications.

24 The majority of assignments and projects are moderate in size and impact an agency
25 division or large workgroup or single business function; or internal or satellite
26 operations, multiple users, or more than one group. Consults with higher-level
27 technical staff to resolve complex problems.

28 During the time period relevant to this review, Appellant's position was responsible for and
29 instrumental in the development of the large scale, complex, multi-divisional/agency Verify
application. This application touched on various L&I divisions, a wide variety of internal and
external customers, integrated information from Department of Revenue and devised innovative
approaches to user interfaces. During the time period relevant to this review, Appellant's duties and

1 responsibilities for the Verify application were beyond the breadth and scope of the ITS3
2 classification.

3
4 The definition for the ITS 4 class states the following:

5 Performs analysis, system design, acquisition, installation, maintenance,
6 programming, project management, quality assurance, troubleshooting, problem
7 resolution, and/or consulting tasks for complex computing system, application, data
8 access/retrieval, multi-functional databases or database management systems,
9 telecommunication, project or operational problems.

10 As a senior-level specialist in an assigned area of responsibility and/or as a team or
11 project leader, applies advanced technical knowledge and considerable discretion to
12 evaluate and resolve complex tasks such as planning and directing large-scale
13 projects; conducting capacity planning; designing multiple-server systems; directing
14 or facilitating the installation of complex systems, hardware, software, application
15 interfaces, or applications; developing and implementing quality assurance testing
16 and performance monitoring; planning, administering, and coordinating
17 organization-wide information technology training; acting as a liaison on the
18 development of applications; representing institution-wide computing and/or
19 telecommunication standards and philosophy at meetings; or developing security
20 policies and standards.

21 Incumbents understand the customer's business from the perspective of a senior
22 business person and are conversant in the customer's business language. Projects
23 assigned to this level impact geographical groupings of offices/facilities, and/or
24 regional, divisional or multiple business units with multiple functions. The majority
25 of tasks performed have wide-area impact, integrate new technology, and/or affect
26 how the mission is accomplished.

27 We agree with Appellant that during the time period relevant to this review, he was performing
28 senior level specialist work on the Verify application. The complexity of the project, the scope of
29 the application, including the integration of new technology, and Appellant's role in the design,
30 troubleshooting, problem resolution and consultation on the project are encompassed at the ITS4
31 level. Appellant's position should be reallocated to the ITS4 classification.

32 During the course of the hearing before the Board, it appeared that with the implementation of the
33 Verify application in December 2013, Appellant's role as a senior information technology specialist
34 may have changed. Therefore, Respondent should conduct a review of the current duties,

1 responsibilities, level of authority and scope of impact assigned to Appellant's position to
2 determine if he continues to perform at the ITS4 level. Following this review, Respondent should
3 allocate Appellant's position to the appropriate classification in accordance with the provisions of
4 the applicable Collective Bargaining Agreement.

5
6 In a hearing on exceptions, the Appellant has the burden of proof. WAC 357-52-110. Appellant met
7 his burden of proof.

8 **ORDER**

9 NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal on exceptions by Michael
10 Low is granted and the director's determination dated December 3, 2014 is reversed. Appellant's
11 position is reallocated to the Information Technology Specialist 4 classification.

12
13 DATED this ____ day of _____, 2015.

14 WASHINGTON PERSONNEL RESOURCES BOARD

15
16 _____
17 NANCY HOLLAND YOUNG, Chair

18
19 _____
20 SUSAN MILLER, Member