

**BEFORE THE PERSONNEL RESOURCES BOARD**  
**STATE OF WASHINGTON**

DAVID MUELLER

Appellant,

vs.

DEPARTMENT OF TRANSPORTATION

Respondent

CASE NO. R-ALLO-16-002

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 VICKY BOWDISH, Member. The hearing was held on July 20, 2016, at Capitol Court, Olympia, WA.

**Appearances.** Appellant David Mueller was present and was represented by Teresa Parsons, Human Resource Specialist, Washington Federation of State Employees. Respondent Department of Transportation (DOT) was present and represented by Rafeeah Sok, Human Resource Consultant, Department of Corrections (DOC).

**Background.** On August 16, 2014, Appellant submitted a Position Review Request (PRR) to DOT's HR Office requesting reallocation from a Maintenance Mechanic 4 (MM 4) to a Maintenance Specialist 5 (MS 5). By letter dated May 11, 2015, DOT HR notified Appellant his position would be reallocated to a MS 4.

On June 9, 2015, OFM State HR received a request for a director's review. By letter dated January 14, 2016, the director's designee notified Appellant his position was properly allocated to MS 4.

1 On February 12, 2016, Appellant filed timely exceptions to the director’s determination. In his  
2 exceptions, Appellant indicated the duties and responsibilities of his position best fit the MS 5  
3 job class.

4  
5 As summarized in the director’s review, Appellant supervises five facilities maintenance employees  
6 who work out of the Main Street duty station and perform a variety of maintenance activities for  
7 facilities located throughout the southwest region (SWR). Appellant reports to a Transportation  
8 Engineer 4 (TE 4), Rick Hazen.

9  
10 **Summary of Appellant’s Arguments.** Appellant states his supervisor, Mr. Hazen, was a MS 5  
11 prior to his promotion to a TE 4. After Mr. Hazen’s promotion, Appellant asserts he started picking  
12 up the MS 5 work Mr. Hazen left behind when promoted. Appellant contends Mr. Hazen relies on  
13 him to manage a biennial budget of 3.2 million dollars. Appellant states he determines the number  
14 of hours needed to finish certain tasks on preventative maintenance; conducts preventative  
15 maintenance inspections and repair on radio towers for the entire state; and supervises five  
16 maintenance staff in multiple trades and projects throughout the SWR. Appellant contends the size  
17 of the SWR is equivalent to a “large institution,” as stated in the MS 5 definition. Appellant  
18 maintains the duties, combined with his scope of responsibility for the entire SWR, rise to the level  
19 of MS 5.

20  
21 Appellant argues the law requires an onsite supervisor at the Ace Building and, while he does not  
22 directly supervise the MM 4 in the Ace Building at headquarters, he assigns him work and is kept  
23 apprised of the MM 4’s progress so he in turn can report out to Mr. Hazen.

24  
25 Appellant asserts the MS 5 definition is not meant to be the top layer, rather the definition states the  
26 positions “...assist[s] in the coordination and direction of total physical plant construction and  
27 maintenance activities...” As such, Appellant contends he serves as an assistant in areas of  
28 responsibility to Mr. Hazen.

1 **Summary of Respondent’s Arguments.**

2 Respondent argues Appellant does not oversee the work of the Ace Building, evident in his lack of  
3 supervisory responsibility over the MM 4, and further argues that Appellant is not responsible for  
4 the budget. Instead, states Respondent, Appellant is responsible to make budget recommendations  
5 to Mr. Hazen who in turn passes them on to a Washington Management Specialist 3 (WMS 3)  
6 manager.

7  
8 Respondent contends Mr. Hazen, although a TE 4, is comparable to a Facilities Manager in other  
9 regions and is ultimately responsible for the work of the SWR. Respondent further contends  
10 Appellant does not have the authority to deviate from standard procedures, but must consult with  
11 Mr. Hazen for approval.

12  
13 **Primary Issue.** Whether the director’s determination should be affirmed in that Appellant’s  
14 position should remain at the MS 4 job class.

15  
16 **Relevant Classifications.** Maintenance Specialist 4; Maintenance Specialist 5.

17  
18 **Decision of the Board.** The purpose of a position review is to determine which classification best  
19 describes the overall duties and responsibilities of a position. A position review is neither a  
20 measurement of the volume of work performed, nor an evaluation of the expertise with which that  
21 work is performed. A position review is a comparison of the duties and responsibilities of a  
22 particular position to the available classification specifications. This review results in a  
23 determination of the class that best describes the overall duties and responsibilities of the position.  
24 See *Liddle-Stamper v. Washington State University*, PAB Case No. 3722-A2 (1994).

25  
26 The Board carefully reviewed the documentation submitted during the director’s review and  
27 considered the arguments presented by the parties at the hearing before the Board. Allocating  
28 criteria consists of the class specification’s class series concept (if one exists), the definition and  
29

1 the distinguishing characteristics. Typical work is not an allocating criterion, but may be used to  
2 better understand the definition or distinguishing characteristics.

3 **Definition of Maintenance Specialist 4:**  
4

5 This is the supervisory level of the series. Supervises a variety of journey-level  
6 tradesworkers or general maintenance mechanics performing work on physical  
7 plant, campus buildings, grounds, or equipment; or manages the Department of  
8 Transportation Central Sign Shop and supervises the fabrication and distribution  
9 of all types of transportation signing throughout the state. Some positions  
10 supervise field operations on construction and maintenance projects either state-  
11 wide or for a specified program. Develop, implement, and monitor training.  
12 Implements and evaluates workflow priorities. Develops and disseminates  
13 instructions and information to unit personnel. Organizes, conducts and facilitates  
14 staff meetings

15  
16 There is no class series concept for the MS series, or distinguishing characteristics for  
17 the MS 4.

18  
19 **Definition of Maintenance Specialist 5:**  
20

21 This is the supervisory or expert level of the series. Assists in the coordination  
22 and direction of total physical plant construction and maintenance activities of a  
23 large institution. Develop, implement, and monitor training. Implements and  
24 evaluates workflow priorities. Develops and disseminates instructions and  
25 information to unit personnel. Organizes, conducts and facilitates staff meetings.

26 There are no distinguishing characteristics for the MS 5.  
27  
28  
29

1 A primary difference between the MS 4 and MS 5 is that while both job classes may  
2 supervise, the MS 5 is considered an expert. According to the *Glossary of Classification*  
3 *Terms*, “expert” is defined as:

4           Within the context of the class series, has the highest level of responsibility and  
5 extensive knowledge based on research and experience in a specific area.  
6 Resolves the most complex, critical, or precedent-setting issues that arise.  
7 Positions act as a resource and provide guidance on specialized technical issues.  
8 Although an employee may be considered by their peers as an expert or “go-to”  
9 person at any level, for purposes of allocation, the term is typically applied to an  
10 employee in a higher class level who has gained expertise through progression in  
11 the series.

12  
13 Since the duties in both job class specifications overlap and since both job classes lack  
14 distinguishing characteristics, the Board looked to typical work as a guideline. In *Kristin*  
15 *Mansfield vs. Department of Fish and Wildlife*, PRB Case No. R-ALLO-11-014 (2014),  
16 the Board determined the Natural Resource Scientist 4 did not contain distinguishing  
17 characteristics and therefore, they could look to the typical work for guidance.

18  
19 The typical work in the MS 5 class specification lists duties that illustrate the expertise  
20 needed for a larger scope of work:

- 21           • Assist in overseeing craft supervisors in construction and maintenance  
22 activities;
- 23           • Reviews daily reports of superintendents and foremen and discusses field  
24 problems and progress with supervisor.

25  
26 The typical work gives examples of the MS 5 overseeing supervisors and foremen and  
27 thus, has more than one level in the chain of command. These typical work statements  
28  
29

1 point to a higher level of expertise and responsibility and are not present in the MS 4  
2 class specification.

3  
4 The MM 4 in the Ace Building supervises two lower level maintenance staff and,  
5 although Appellant influences the work of the Ace Building, he does not supervise the  
6 MM 4, as one would expect from an MS 5.

7 The typical work statements in the MS 4 class specification cover much of Appellant's  
8 scope of responsibility:

- 9
- 10 • Supervise full-time journey and/or lead workers in installation, repair,  
11 maintenance, and alteration of plant facilities and equipment; read plans and  
12 blueprints; determine scope of work, materials needed, their cost, and  
13 availability; reads plans and blueprints, inspects projects to ensure compliance  
14 with local codes, determines scope of work, materials needed, estimated cost and  
15 availability;
  - 16 • Assist in the development of the departmental budget; select, train, and evaluate  
17 employees; participate in employee discipline; order materials and maintain an  
18 adequate inventory of required materials to carry on shop or maintenance work;  
19 supervise preventative maintenance on buildings and facilities; enforce safety  
20 rules and regulations; maintain records on work performed; write reports as  
21 required;
  - 22 • Manages inventory levels to assure adequate supply within budget restraints.

23 Appellant supervises journey-level staff, assists in developing the departmental budget  
24 and manages inventory, consistent with the typical work of the MS 4. Mr. Hazen, not  
25 Appellant, serves as the expert in resolving the most complex critical, or precedent-  
26 setting issues that arise for the SWR and the Ace Building. Appellant does not oversee  
27 total physical plant construction, as he does not supervise the MM 4 responsible for the  
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29

1 Ace Building at headquarters. Additionally, the typical work of the MS 5, which points  
2 to a higher level of complexity not included in the MS 4, suggests positions may  
3 supervise subordinates.

4 Most positions within the civil service system occasionally perform duties that appear in  
5 more than one classification. However, when determining the appropriate classification  
6 for a specific position, the duties and responsibilities of that position must be considered  
7 in their entirety and the position must be allocated to the classification that provides **the**  
8 **best fit overall for the majority of the position's duties and responsibilities.** *Dudley*  
9 *v. Dept. of Labor and Industries*, PRB Case No. R-ALLO-07-007 (2007) (emphasis  
10 added).

11  
12 Contrary to the definition of MS 5, Appellant does not oversee total physical plant  
13 construction and does not serve as the expert for the SWR. Inconsistent with some  
14 typical work examples in the MS 5 class specification, Appellant does not supervise  
15 more than one level of maintenance staff. Maintenance Specialist 5 is not the best fit  
16 and the Board agrees with the director's designee that the overall duties of Appellant's  
17 position best fit the MS 4 classification.

18  
19 DOT may work with State HR Classification and Compensation (C&C) on needed  
20 changes to class specifications. Class specification proposals are submitted to C&C on a  
21 biennial basis (or the interim for urgent changes). Certain criteria must be met in order to  
22 propose changes to class specifications, per WAC 357-13-025:

23  
24 (1) The following criteria must be met for the director to adopt revisions or salary  
25 adjustments to the classification plan:

26 (a) The office of financial management has reviewed the fiscal impact  
27 statement of the affected employer and concurs that the biennial cost of the  
28 revision or salary adjustment is absorbable within the employer's current  
29

1 authorized level of funding for the current fiscal biennium and subsequent fiscal  
2 biennia; and

3 (b) The revision or salary adjustment is due to one of the following causes,  
4 as defined by the director in the classification and pay guidelines:

- 5 (i) Documented recruitment or retention difficulties;
- 6 (ii) Salary compression or inversion;
- 7 (iii) Classification plan maintenance;
- 8 (iv) Higher level duties and responsibilities; or
- 9 (v) Inequities.

10 (2) The provisions of subsection (1) of this section do not apply to the higher  
11 education hospital special pay plan or to any adjustments to the classification plan  
12 that are due to emergency conditions requiring the establishment of positions  
13 necessary for the preservation of the public health, safety, or general welfare.

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



**ORDER**

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal on exceptions by David Mueller is denied and Appellant's position remains allocated to Maintenance Specialist 4.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2016.

**WASHINGTON PERSONNEL RESOURCES BOARD**

\_\_\_\_\_  
NANCY HOLLAND YOUNG, Chair

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VICKY BOWDISH, Member