

BEFORE THE PERSONNEL RESOURCES BOARD
STATE OF WASHINGTON

THE EVERGREEN STATE COLLEGE,

Appellant,

vs.

DANIEL PORRIA,

Respondent.

CASE NO. R-ALLO-11-009

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, DJ MARK, Chair, and JOSEPH PINZONE, Vice Chair, for a hearing on Appellant's exceptions to the director's determination dated May 27, 2011. The hearing was held at the office of the Personnel Resources Board in Olympia, Washington, on September 29, 2011.

Appearances. Appellant The Evergreen State College (TESC) was represented by Nancy Jacobski, Human Resource Representative. Respondent Daniel Porria was represented by Kathy Andruss, Labor Advocate for the Washington Federation of State Employees.

Background. Mr. Porria's position was allocated to the class of Maintenance Mechanic 1. On April 23, 2010, he submitted a Position Review Request to TESC's human resources office asking that his position be reallocated to the Maintenance Mechanic 2 classification.

By letter dated July 12, 2010, TESC notified Mr. Porria that his position was properly allocated. On July 22, 2010, Mr. Porria requested a director's review of TESC's decision. By letter dated May 27, 2011, the director's designee determined that Mr. Porria's position should be reallocated to the Maintenance Mechanic 2 classification.

1 On June 23, 2011, TESC filed exceptions to the director's determination. TESC's exceptions are
2 the subject of this proceeding.

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4 Mr. Porria works in TESC's Mechanical Services Department. The Mechanical Services
5 Department is primarily responsible for repairs and maintenance of campus buildings and
6 facilities. Mr. Porria performs a variety of semi-skilled and skilled activities primarily involving
7 electrical repair and maintenance on lighting fixtures and electrical systems. His duties also
8 involve plumbing and general maintenance activities, and responding to emergency repair
9 situations for fire alarms, power, and other electrical systems when called. As described in his
10 Position Review Request form, 60% of Mr. Porria's duties are comprised of electrical repair and
11 installation activities. His remaining duties consist of general maintenance, plumbing repair, and
12 emergency responses which may involve electrical systems.

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14 **Summary of TESC's Arguments.** TESC acknowledges that a portion of Mr. Porria's work
15 assignments involve skilled electrical duties; however, TESC argues that these duties do not
16 constitute a majority of Mr. Porria's work activities. TESC asserts that when analyzing the work
17 orders that encompassed Mr. Porria's assignments during the period of the review, the
18 preponderance of his work was sub-journey level. TESC further argues that Mr. Porria may have
19 the work experience to be licensed as a specialist electrician but asserts that he does not meet the
20 experience level to be considered for a journey level electrician license. TESC asserts that positions
21 allocated to the Maintenance Mechanic 2 level are fully qualified to perform journey level work and
22 do so a majority of the time. Because Mr. Porria does not perform journey level work a majority of
23 the time, TESC contends that his position is best allocated to the Maintenance Mechanic 1
24 classification.

25
26 **Summary of Mr. Porria's Arguments.** Mr. Porria argues that the majority of his duties and
27 responsibility are skilled journey level activities. Mr. Porria disputes the use of the work orders in
28 determining the level of work assigned to him. He asserts that the work orders lack the detail
29 needed to assess whether the work was at the journey level. He further asserts that he was not

1 provided copies of all of the work orders and therefore was unable to fully identify the journey level
2 work he performed during the period of the review. Mr. Porria contends that 60% of his work is
3 journey level work as described in the Maintenance Mechanic 2 classification. Mr. Porria argues
4 that working with live wires, completing the lock out/tag out process, troubleshooting electrical
5 problems, and installing lighting systems for new construction are journey level activities that
6 constitute a majority of his time. Mr. Porria further argues that the duties he performs at TESC
7 would require a journey level license if they were performed in the private sector. Mr. Porria
8 contends that after reviewing the work orders and considering the discussion during the director's
9 review meeting, the designee made the correct determination that his position should be reallocated
10 to the Maintenance Mechanic 2 classification.

11
12 **Primary Issue.** Whether the director's determination that Mr. Porria's position is properly
13 allocated to the Maintenance Mechanic 2 classification should be affirmed.

14
15 **Relevant Classifications.** Maintenance Mechanic 1, class code 626J, and Maintenance Mechanic
16 2, class code 626K.

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18 **Decision of the Board.** The purpose of a position review is to determine which classification
19 best 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
21 that 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
24 position. See Liddle-Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

25
26 The definition for the MM2 classification states:

27 This is the journey, working or occupational level of the series. Positions at this
28 level perform a variety of skilled work in the operation, maintenance, repair,
29 remodeling and construction of buildings, grounds, machinery, mechanical
facilities and equipment, and hospital facilities, systems and

1 equipment. Incumbents work independently and utilize a general knowledge of
2 several related skill fields such as plumbing, electrical, welding, carpentry, and
3 machinist work.

4 The definition for the MM1 classification states:

5 Positions perform semi-skilled and sub journey work in the maintenance, repair,
6 remodeling, alterations and construction of buildings, grounds, facilities, and
7 equipment. Positions are used as general repairers when no immediate journey
8 level tradesperson is available. General repairer positions are used when it would
9 be impractical to have several journey level tradespersons on site. Other positions
10 perform a variety of semi-skilled maintenance duties requiring a limited
11 knowledge of various trade skills. These positions work independently in routine
12 maintenance assignments or under the technical direction of a journey level
13 position.

14 The difference between these two classes is the scope and level of work performed. Most positions
15 within the civil service system occasionally perform duties that appear in more than one
16 classification. However, when determining the appropriate classification for a specific position,
17 the duties and responsibilities of that position must be considered in their entirety and the
18 position must be allocated to the classification that provides the best fit overall for the majority of
19 the position's duties and responsibilities. Dudley v. Dept. of Labor and Industries, PRB Case No.
20 R-ALLO-07-007 (2007).

21 We have carefully reviewed the documentation submitted during the director's review and
22 considered the arguments presented by the parties at the hearing before the Board. TESC provided
23 persuasive argument that the relevant work orders were considered during the review process.
24 Further, Mr. Porria's direct supervisor, Mike Drennon, provided persuasive argument that the
25 majority of work performed by Mr. Porria was sub-journey level repair and maintenance. Mr.
26 Drennon's argument is supported by the work orders included in the record. Mr. Drennon also
27 clarified that Maintenance Services is responsible for repair work for existing facilities and they do
28 not perform new work or remodel work. Mr. Drennon explained that when Mr. Porria was assigned
29 to assist the Construction Department on new construction projects, he worked under the direction
of a Maintenance Mechanic 2 assigned to the construction staff.

1
2 Therefore, based on the documentary record before the Board and the arguments presented at the
3 hearing, we find that during the time period covered by the review, a portion of Appellant's work
4 could be considered journey level assignments. However, the majority of the work he performed
5 during this time period is best described as sub-journey level, and the majority of his assignments
6 were routine electrical maintenance assignments. In addition to electrical work, he performed sub-
7 journey level plumbing and general maintenance work. During the time period covered by this
8 review, the preponderance of the work Appellant performed fit within the Maintenance Mechanic 1
9 classification.

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11 In a hearing on exceptions, the Appellant has the burden of proof. WAC 357-52-110. TESC has
12 met its burden of proof.

13 **ORDER**

14 NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal on exceptions by The Evergreen
15 State College is granted and Daniel Porria's position is properly allocated to the Maintenance
16 Mechanic 1 classification.

17
18 DATED this ____ day of _____, 2011.

19 WASHINGTON PERSONNEL RESOURCES BOARD

20
21 _____
22 DJ MARK, Chair

23
24 _____
25 JOSEPH PINZONE, Vice Chair