BEFORE THE PERSONNEL APPEALS BOARD

STATE OF WASHINGTON

RANDY DAVIS, Appellant, v. DEPARTMENT OF ECOLOGY, Respondent.	Case No. ALLO-02-0033 ORDER OF THE BOARD FOLLOWING HEARING ON EXCEPTIONS TO THE DETERMINATION OF THE DIRECTOR

Hearing on Exceptions. This appeal came on for hearing before the Personnel Appeals Board, BUSSE NUTLEY, Member, on Appellant's exceptions to the director's determination dated November 11, 2002. The hearing was held in the Personnel Appeals Board Hearing Room, 2828 Capitol Boulevard, Olympia, Washington, on August 13, 2003. GERALD L. MORGEN, Vice Chair, reviewed the record and participated in this decision.

Appearances. Appellant Randy Davis appeared *pro se*. Jill Schwenke, Human Resource Consultant, represented Respondent Department of Ecology (ECY).

Background. Appellant requested a reallocation of his position by submitting a classification questionnaire (CQ) that he signed on February 11, 2002. Appellant's supervisor, Gale Blomstrom, disagreed with Appellant's description of his duties. Jill Schwenke, Human Resource Consultant, completed a review of Appellant's request for reallocation from his Environmental Planner 3 classification to the Environmental Planner 4 level. On August 5, 2002, Ms. Schwenke issued her determination that Appellant's position was appropriately classified to the Environmental Planner 3 level.

Appellant appealed to the Director of the Department of Personnel. The Director's designee, Mitch Baker, conducted an allocation review of Appellant's position on October 22, 2002. By letter dated November 4, 2002, Mr. Baker determined that Appellant's position was properly allocated to the Environmental Planner 3 classification. On November 20, 2002, Appellant filed timely exceptions to the Director's determination.

Summary of Appellant's Argument. Appellant argues that he is the sole planner responsible for managing certain Growth Management Act (GMA) and Shoreline Management Act (SMA) related planning for the Southwest Regional Office (SRO). Appellant contends that his duties include directing local governments' comprehensive planning to develop shoreline master program plans. Appellant contends that he provides Growth Management Act and Shoreline Management Act related technical assistance to state agencies and local governments and that his responsibilities require that he possess expert knowledge and skills relative to natural resource and land use planning. Appellant asserts that he has been delegated authority by the department to negotiate specific terms and conditions of plan approval, and that he is expected to manage multiple planning projects while working region wide.

Summary of Respondent's Argument. Respondent argues that Appellant's classification questionnaire does not accurately reflect his duties and responsibilities and that Appellant has not been designated in writing by a program manager as a senior level environment planner. Respondent asserts that Appellant does serve as a lead planner of significant new policies initiatives, but that his responsibilities require that he implement already established policies. Respondent further argues that Appellant does not serve as a senior planner for significant program initiatives that require coordination with other local governments. Respondent argues that Appellant's duties are consistent with the definition and distinguishing characteristics of the

Environmental Planner 3 classification and that the Department of Personnel's determination should be affirmed.

Relevant Classifications. Environmental Planner 3, class code 67420; Environmental Planner 4, class code 67421.

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. Also, a position review is not a comparison of work performed by employees in similar positions. 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 which best describes the overall duties and responsibilities of the position. Liddle-Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

This appeal involves a long-standing disagreement between Appellant and the department concerning Appellant's duties, including whether Appellant is a senior shoreline management planner or whether he performs lead work as shoreline management planner.

An Environmental Planner 4 "[s]erves as a senior level environmental planner responsible for a specifically defined program need as designated in writing by a program manager, equivalent or above." The distinguishing characteristics for Environmental Planner 4 state:

> This class requires written designation by a program manager, equivalent or above, and the majority of work involves dealing with individuals/groups outside of the agency regarding major new initiatives/or major modification to existing laws, policies or program planning needs. The senior planner reports to an Ecology Supervisor 3A, equivalent or above. May supervise staff, but not as a majority of the duties assigned.

(emphasis added)

Appellant claims that he is a senior level planner responsible for certain Growth Management Act and Shoreline Management Act related planning for the Southwest Regional Office. However, Appellant does not have a document from management that specifically designates him as a senior level environmental planner responsible for a specifically defined program. Consistent with our decisions in Griffith v. Dep't of Ecology, PAB Case No. ALLO-00-0016 (2000) and Stash v. Dep't of Ecology, PAB Case No. ALLO-00-0001 (1999), when a classification specification requires written designation, we must look for a document that confers such a designation upon the position in question. This written documentation can be a formal agency designation form, an approved CQ or other written documentation.

Appellant relies on numerous documents to support his contention that he has the necessary written designation to substantiate that he performs work at the Environmental Planner 4 level. However, the documents in the record do not support that he is a "senior-level planner." Rather, the documentation reflects that Appellant has been assigned as a lead planner of state shoreline master SMP programs responsible for managing shorelines planning functions. Furthermore, Appellant has failed to show that his work involves creating "major new initiatives" or making "major modifications to existing laws, policies or program planning needs." Appellant is not responsible for developing significant new policy initiatives. Moreover, the record supports that Appellant implements policy initiatives and guidelines that have been developed by others.

Appellant has failed to meet his burden of proving that the majority of his work is at the Environmental Planner 4 level. Therefore, the allocation of Appellant's position to the Environmental Planner 4 classification is not appropriate.

An Environmental Planner 3 "[s]erves as an independent project manager responsible for guiding the development of environmental resource plans, programs, policies or regulations" (emphasis added). The distinguishing characteristics for Environmental Planner 3 state:

> The associate planner level provides expertise and consultation to staff of various environmental programs; or provides planning or policy development assistance to staff from other state agencies, levels of government, or concerned organizations.

Appellant's duty as an "SMP lead planner" responsible for "managing the SMP planning function at the SEA/SWRO" is consistent with the definition of the Environmental Planner 3 classification. Appellant's position provides assistance and guidance to other state agencies and various levels of government. Appellant is responsible for providing technical assistance, support and direction to local governments in order to ensure they are developing their policy initiatives in compliance with any new, existing or changing policies. Appellant negotiates the terms and conditions of SMP approval, and he has the authority to negotiate policies and regulations with local governments and prepare final recommendations. However, Appellant's recommendations are subject to approval by management.

Appellant's duties and responsibilities not only meet the definition and distinguishing characteristics for the Environmental Planner 3 classification but are outlined in the typical work statements as well. Appellant's position is appropriately allocated to the Environmental Planner 3 level.

Conclusion. The appeal on exceptions is denied and the Director's determination, dated November 4, 2002, should be affirmed and adopted.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal on exceptions by Randy Davis is denied and the attached Director's determination, dated November 4, 2002, is affirmed and adopted.

DATED this _____ day of _____, 2003.

WASHINGTON STATE PERSONNEL APPEALS BOARD

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Gerald L. Morgen, Vice Chair

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Busse Nutley, Member