BEFORE THE PERSONNEL APPEALS BOARD

STATE OF WASHINGTON

MOSEN JANKA, Appellant, v. DEPARTMENT OF TRANSPORTATION, Respondent.	Case No. ALLO-05-0004 FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER OF THE BOARD

I. INTRODUCTION

Hearing on Exceptions. This appeal came on for hearing before the Personnel Appeals Board, WALTER T. HUBBARD, Chair, and GERALD L. MORGEN, Member, on Appellant's exceptions to the director's determination dated February 3, 2005. The hearing was held at the office of the Personnel Appeals Board in Olympia, Washington, on July 29, 2005.

Appearances. Appellant Mosen Janka was present and was represented by Vincent Oliveri of the International Federation of Professional and Technical Engineers (IFPTE) Local 17. Human Resource Consultant Niki Pavlicek represented Respondent Department of Transportation (DOT).

Background. In May 2004, Appellant submitted a classification questionnaire (CQ) dated September 25, 2003, to DOT's Human Resources Department requesting that his Transportation Engineer 3 (TE3) position #1-1719 in the Northwest Region Traffic Division be reallocated to a Transportation Engineer 4 (TE4). On June 15, 2004, Classification and Compensation Manger Carol Bogue denied Appellant's request for reallocation because he is not a registered professional

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engineer and his position does not require the level of responsibility assigned at the TE4 level. Although Ms. Bogue noted Appellant's technical expertise, she determined that Appellant had not been designated as the agency's statewide expert for the Intelligent Transportation systems (ITS).

Appellant appealed Ms. Bogue's decision to the Department of Personnel, and on November 18, 2004, Paul L. Peterson, Personnel Hearings Officer, held an allocation review. By letter dated February 3, 2005, Mr. Peterson informed Appellant that he did not meet the requirements of the TE4 classification because he did not have official designation as a Manager or Assistant Manger of the ITS project. Mr. Peterson determined Appellant's position was properly allocated as a TE3.

Summary of Appellant's Argument. Appellant asserts that he was denied reallocation to the TE4 level because his position lacked the typical job title assigned to TE4's. Appellant argues he performs work at the TE4 level as a technical program specialist and contends the body of work he performs should determine his position allocation rather than his working title. Appellant asserts DOT recognizes the Northwest Region as the state standard for ITS design practice and state standards and that various program directors acknowledge Appellant as a statewide technical expert. Appellant further asserts that he has served as the ITS design trainer for the past three years. In addition, Appellant asserts he prepares ITS details for standard details; provides information for the new ITS design manual; reviews special provisions for ITS; and acts as the statewide ITS design engineer for reviewing and recommendation of bridge attachment conduit, column seismic retrofit with existing conduits and the VMS maintenance walkway to all electronic signs. Appellant argues several of his colleagues and his supervisor support his reallocation request and asserts he should be reallocated to the TE4 level.

Summary of Respondent's Argument. Respondent asserts the work performed by Appellant does not meet the criteria for the TE4 position. Respondent argues Appellant does not meet the criterion

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of being a registered professional technical engineer and in assessing the technical program specialist criterion, Respondent argues Appellant's work does not reflect the typical assignments of a TE4. Respondent argues Appellant does not manage an ITS program and does not work in headquarters as a statewide specialist. Respondent argues Appellant reports to a TE5 for technical supervision and that while a small percentage of Appellant's duties provides statewide technical support, his supervisor serves as the statewide technical expert and ultimately approves ITS final plans. Respondent acknowledges that Appellant provided oversight to junior designers during the vacancy of the ITS Design Team Leader position but contends Appellant's position reports to the team leader position for administrative supervision. While Respondent recognizes Appellant's valuable contributions to the ITS program, the department asserts Appellant's duties are best described in the Traffic – Surveillance Control and Driver Information section of the TE3 class specification.

Primary Issue. Whether the director's determination that Appellant's positions is properly allocated to the Transportation Engineer 3 classification should be affirmed.

Relevant Classifications. Transportation Engineer 3, class code 66160; Transportation Engineer 4, class code 66180.

The definition for the class of Transportation Engineer 3 states, "[p]erforms advance transportation engineering work under limited supervision." Typical duties listed under Traffic – Surveillance Control and Driver Information include "[c]reative design of specialized systems including complex elements such as mainline conduit and communications, closed circuit television, variable message signing, gate controls and highway advisory radio equipment."

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The definition for the class of Transportation Engineer 4 states, "[a]s a registered professional engineer, performs professional engineering work which constitutes the practice of engineering as defined by RCW 18.43, or serves as a Technical Program Specialist." Typical assignments at this level fall into one of the following categories:

1. Manager of a highly specialized District technical program or function of medium size and scope.
2. Assistant Manager of a highly specialized District program or function of major size, scope and/or impact.
3. Headquarters statewide specialist/consultant/liaison in a specialized technical area of medium size/scope/impact.
4. Headquarters final reviewer of project documents.

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).

The majority of Appellant's duties as reflected on his CQ are consistent with the typical duties listed under the Traffic section of the TE3 class specification. For example, Appellant's CQ indicates he is responsible for design and development of ITS infrastructure such as communication network, closed circuit television, variable message signs, highway advisory radio, traffic data accumulation and ramp metering. The issue, however, is the level of responsibly assigned to Appellant's position. Appellant's CQ indicates that Traffic Design Engineer James Sims disagreed

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with Appellant's assessment that he serves as the region's ITS engineer. Rather, Mr. Sims characterized Appellant's role in the ITS communication network as supportive rather than developmental and noted that Appellant received support from his technical supervisor who does serve as the Northwest Region's ITS Engineer and Program Manager. Although Appellant possesses valuable, specialized knowledge and expertise in the ITS program, he does not serve as the Northwest Region's ITS Engineer and has not been designated as the statewide expert, which is mandatory for TE4 incumbents who are not registered professional engineers. Therefore, Appellant's position is properly allocated at the TE3 level.

Conclusion. The appeal on exceptions by Appellant should be denied, and the Director's determination dated February 3, 2005, should be affirmed and adopted.

V. ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal on exceptions by Mosen Janka is denied, and the attached Director's determination, dated February 3, 2005, is affirmed and adopted.

DATED this _____ day of _____, 2005.

WASHINGTON STATE PERSONNEL APPEALS BOARD

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Walter T. Hubbard, Chair

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Gerald L. Morgen, Member

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