BEFORE THE PERSONNEL APPEALS BOARD

STATE OF WASHINGTON

DAVID HAMACHER, Appellant, v. DEPARTMENT OF TRANSPORTATION, Respondent.	Case No. ALLO-03-0017 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, GERALD L. MORGEN, Vice Chair, and BUSSE NUTLEY, Member, on Appellant's exceptions to the Director's determination dated April 1, 2003. The hearing was held at the office of the Personnel Appeals Board in Olympia, Washington, on September 19, 2003. WALTER T. HUBBARD, Chair, did not participate in the hearing or in the decision in this matter.

Appearances. Appellant David Hamacher was present and appeared *pro se*. Respondent Department of Transportation was represented by Carol Bogue, Classification and Compensation Manager, and Marlene Lopp, Human Resource Consultant.

Background. Appellant submitted a Classification Questionnaire signed on September 17, 2002, requesting that his Industrial Hygienist 3 (IH3) position be reallocated to a Transportation Planning Specialist 4 (TPS4) classification. Marlene Lopp, Human Resource Consultant, and Carol Bogue, Classification and Compensation Manager for the Department of Transportation, reviewed

Appellant's request. On October 31, 2002, Ms. Bogue issued a written decision denying Appellant's reallocation request.

On November 13, 2002, Appellant filed for a review to the Director of Personnel asserting that his position should have been reallocated to the Transportation Planning Specialist 4 classification.

On March 12, 2003, David Cahill, Director's Designee, conducted an allocation review. By letter dated April 1, 2003, Mr. Cahill informed Appellant that his position was properly allocated to the Industrial Hygienist 3 classification.

On April 23, 2003, Appellant filed exceptions with the Personnel Appeals Board to the determination of the Department of Personnel.

Appellant's position is located within the Department of Transportation's (WSDOT) Safety Office of the Maintenance and Operations Division. The Safety Office is responsible for WSDOT's Safety and Health Services, Industrial Hygiene, and Worker's Compensation. Appellant's position is responsible for the Industrial Hygiene Program.

Summary of Appellant's Argument. Appellant disagrees with the determination that his position is properly allocated to the IH3 classification. Appellant argues that the allocation determination made by the Director's Designee was not factual, contained information taken out of context, was missing critical exhibits, and did not take into consideration the policy/practice/methodology used by WSDOT for allocating positions to the TPS class series. Appellant asserts that he performs TPS professional level duties well in excess of 51 percent of his time on the job. Appellant contends that he is responsible for project planning; site reconnaissance; water quality analysis work; expert, advanced, and technical transportation field investigations and studies; work with hazardous

materials; and critical program evaluation. Appellant claims the agency failed to conduct a desk audit of his position. Appellant asserts that his position is a best fit to the TPS4 and should be reallocated to that classification.

Summary of Respondent's Argument. Respondent argues that Appellant's position has been a long-standing one within the agency and was created to ensure compliance with federal and state requirements relating to industrial hygiene. Respondent asserts that some components of Appellant's position could possibly be interpreted to belong in the TPS4; however, the focus of the position is not for planning transportation activities. Respondent contends that the IH3 is the ideal fit because the crux of the position's duties deal with occupational hazards hygiene for WSDOT. Respondent argues that the IH3 assesses existing and potential health hazards and determines compliance with safety and health hazards standards, and that is exactly what Appellant's job is designed to do. Respondent asserts that Appellant's work can and does impact transportation projects, but from a safety and health perspective. Respondent contends that Appellant's position is properly allocated to the IH3 job classification.

Primary Issue. Whether the director's determination that Appellant's position is properly allocated to the Industrial Hygienist 3 classification should be affirmed.

Relevant Classifications. Industrial Hygienist 3, Class Code 53770; Transportation Planning Specialist 4, Class Code 67860.

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).

Because a current and accurate description of a position's duties and responsibilities is documented in an approved classification questionnaire, the classification questionnaire becomes the basis for allocation of a position. An allocation determination must be based on the overall duties and responsibilities as documented in the classification questionnaire. Lawrence v. Dept of Social and Health Services, PAB No. ALLO-99-0027 (2000).

For a position to be allocated to the Transportation Planning Specialist 4 job classification, incumbents conduct transportation studies or investigations as a project leader. The Definition and Distinguishing Characteristics for the classification state:

> Definition: As a project leader, plans and conducts advanced transportation studies or investigations which require direction of project teams charged with analyses and recommendations for one or more problem areas, involving one or more transportation modes, and usually involving more than one discipline; or performs critical program evaluations; or supervises transportation planning data collection, analysis and summarization operations.
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> Distinguishing Characteristics: This level develops and evaluates plans, study methodology and criteria for a variety of assigned problems and projects;
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> Problems, modes and disciplines are enumerated in the Transportation Planning Specialist 3 specification;
>
> Supervises an organizational segment responsible for transportation field data collection and summarization and reduction in the office, for example, road data, traffic survey.
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> Critical program evaluation is defined as a highly specialized evaluation of a program – multi-modal, total system impact. The evaluation requires the use of sophisticated application techniques with system-wide analysis.

Appellant's classification questionnaire and exhibits show that the Director's Designee properly concluded that:

- Appellant's position does not lead projects or other personnel.
- Appellant's role is to assess the safety, health, environmental, and occupational practices of any existing or potential health hazards. Appellant is not involved in any WSDOT projects that do not encounter these types of issues.
- Appellant provides Industrial Hygiene expertise encountered on transportation studies; however, Appellant does not conduct transportation studies.
- Appellant's duties regarding investigations, analysis and recommendations, and discovering and resolving complex problems are all within the Industrial Hygienist-Safety specialty area.

Appellant has not met his burden of proving that the duties of his position meet the definition or distinguishing characteristics required for the TPS4 job classification.

The Definition for the Industrial Hygienist 3 states:

> Definition: Independently conducts enforcement inspections and investigations of any size employer's workplace including those which are complex, highly technical or large scale, to assess existing and potential health hazards and determines compliance with standards for safety and health hazards. Exercises compliance authority in issuing citations including orders and notices of immediate restraint. Directs other industrial hygienists in inspections/ investigations requiring more than one hygienist; or, at the request of an employer, performs consultation inspections of any size employer's workplace to detect and eliminate any existing and potential health hazards; or, acts as a Training Development Specialist in the development of training programs in the area of occupational health hazards.

Appellant's classification questionnaire and exhibits show that the Director's Designee properly concluded that:

- Appellant performs consultation inspections to detect and eliminate any existing and potential health hazards.
- Appellant assesses existing and potential health hazards and determines compliance with standards for safety and health hazards.
- Appellant's work can and does impact transportation projects, but from a safety and health perspective.

Because Appellant's position is specifically encompassed by the IH3 classification, the record supports the decision by the Director's designee.

Conclusion. Appellant's position is best described by the Industrial Hygienist 3 classification. The appeal on exceptions should be denied and the Director's determination dated April 1, 2003, should be affirmed.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal on exceptions by Appellant is denied and the Director's determination dated April 1, 2003, is affirmed. A copy is attached.

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