

1 **BEFORE THE PERSONNEL RESOURCES BOARD**

2 **STATE OF WASHINGTON**

3 GEORGE RAPOZO,) CASE NO. R-ALLO-08-021
4 Appellant,)
5 vs.) ORDER OF THE BOARD
6 WASHINGTON STATE PARKS AND) FOLLOWING HEARING ON
7 RECREATION COMMISSION,) EXCEPTIONS TO THE
8 Respondent.) DETERMINATION OF THE DIRECTOR

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10 **Hearing on Exceptions.** This appeal came before the Personnel Resources Board, JOSEPH
11 PINZONE, Vice Chair; LAURA ANDERSON, Member; and DJ MARK, Member, for a hearing on
12 Appellant’s exceptions to the director’s determination dated August 28, 2008. The hearing was held at
13 the office of the Personnel Resources Board in Olympia, Washington, on February 4, 2009.

14 **Appearances.** Appellant George Rapozo was present and represented himself. Respondent Washington
15 State Parks and Recreation Commission (Parks) was represented by George Price, Human Resource
16 Consultant.

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18 **Background.** Appellant’s position was allocated to the Environmental Engineer 3A (EE 3A)
19 classification. On April 16, 2007, he submitted a Classification Questionnaire (CQ) asking Parks to
20 reallocate his position to the Environmental Engineer 4 (EE 4) classification. By letter dated June 13,
21 2007, Parks denied his request.

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23 On July 10, 2007, Appellant filed a request for a director’s review of Park’s allocation
24 determination. By letter dated August 28, 2008, the director’s designee determined that
25 Appellant’s position was properly allocated to the EE 3A classification.

26 On September 12, 2008, Appellant filed exceptions to the director’s determination. Appellant’s
27 exceptions are the subject of this proceeding.
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1 Appellant works as a licensed Professional Engineer in the Park Development Service Center in the
2 Eastern Region of the state. In addition, he sometimes performs work in the Western Region based on
3 workload demands. At the time of his allocation review, he managed the activities of five staff which
4 included licensed and non-licensed environmental engineering staff. Appellant's duties included:

- 5 • overseeing the public works contract administration function for the Eastern Region
- 6 • developing and managing capital projects scheduling and budgets for assigned projects
- 7 • performing quality assurance and control for various levels of engineering design and contract
8 documents, and
- 9 • managing A&E consultant selection and contracts for a majority of work.

10 **Summary of Appellant's Arguments.** Appellant argues that he directs an independent environmental
11 engineering section for the Eastern Region and that he represents the agency as a professional engineer.
12 Appellant asserts that he is the top decision-maker for engineering approaches and practices for his
13 section and that he reviews and signs off on engineering work done by staff and directly supervises the
14 work performed by non-licensed staff. Appellant contends that he functions as a technical expert above
15 the senior professional level and that he oversees work performed in engineering specialties such as
16 potable water systems; sewage systems; storm water collection, treatment, and disposal; cleanup of
17 polluted sites; and for some projects, stream restoration. Appellant argues that he applies his knowledge
18 of engineering specialties and does not rely on the expertise of others. As a result, Appellant asserts that
19 the EE 4 classification provides the best fit for his overall duties and responsibilities. Appellant further
20 argues that reallocating his position to the EE 4 classification would provide an organizational structure
21 similar to other agencies such as the Department of Fish and Wildlife.
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23 **Summary of Respondent's Arguments.** Respondent explains that Parks has four regional offices and
24 that each office functions as a section containing multiple units. Respondent asserts that
25 Appellant's unit is one of the multiple units within the Eastern Region. Respondent contends that
26 Appellant's unit is a medium-sized unit, based on the scope of work and number of people
27 supervised. Therefore Respondent argues that Appellant does not meet the first or second option
28 of the distinguishing characteristics of the EE 4 classification. In addition, Respondent argues that
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1 Appellant has not been designated as a specialist in a technical specialty as required by the third
2 option in the EE 4 classification. Therefore, Respondent asserts that Appellant's position best fits
3 the EE 3A classification.

4 **Primary Issue.** Whether the director's determination that Appellant's position is properly allocated to
5 the Environmental Engineer 3A classification should be affirmed.

6 **Relevant Classifications.** Environmental Engineer 3A, class code 62521 (currently class code 536H);
7 Environmental Engineer 4, class code 62540 (currently class code 536I).

8 **Decision of the Board.** The purpose of a position review is to determine which classification best
9 describes the overall duties and responsibilities of a position. A position review is neither a measurement
10 of the volume of work performed, nor an evaluation of the expertise with which that work is performed.
11 A position review is a comparison of the duties and responsibilities of a particular position to the
12 available classification specifications. This review results in a determination of the class that best
13 describes the overall duties and responsibilities of the position. See Liddle-Stamper v. Washington State
14 University, PAB Case No. 3722-A2 (1994).
15

16 Most positions within the civil service system occasionally perform duties that appear in more than
17 one classification. However, when determining the appropriate classification for a specific position,
18 the duties and responsibilities of that position must be considered in their entirety and the position
19 must be allocated to the classification that provides the best fit overall for the majority of the
20 position's duties and responsibilities. Dudley v. Dept. of Labor and Industries, PRB Case No. R-
21 ALLO-07-007 (2007).
22

23 Some of Appellant's duties, as described in his CQ, may appear to fit within the typical work statements
24 of the EE 4 classification and Appellant may exceed the minimum qualifications for the EE 4
25 classification. However, in accordance with the guidance provided in the Department of Personnel
26 Classification and Pay Administrative Guide, typical work statements and minimum qualifications are
27 not allocating criteria. Rather they provide guidance on the level of work typically found in the various
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1 classes within a series. The guidance provided in Classification and Pay Administrative Guide establishes
2 that the following standards are primary considerations in allocating positions:

- 3 a) Category concept (if one exists).
- 4 b) Definition or basic function of the class.
- 5 c) Distinguishing characteristics of a class.
- 6 d) Class series concept, definition/basic function, and distinguishing characteristics of other classes
7 in the series in question.

8 Jurgensen v. DOC, PRB Case No. R-ALLO-07-016 (2008).

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10 In this case, we must first consider the definition of the EE 4 classification which states:

11 Directs an environmental or public health section and represents the department as a
12 registered professional engineer performing environmental engineering duties involving
13 the protection of public health and/or the protection or restoration of the environment.

14 OR

15 In the Department of Ecology, directs a large environmental unit and supervises nine or
16 more staff which includes at least three environmental engineers performing
17 environmental engineering duties. Represents the Department as a registered
18 professional engineer.

19 OR

20 As a senior environmental engineering specialist, plans, and conducts investigations of,
21 and proposes solutions to environmental engineering problems that require the research
22 and application of environmental engineering techniques and principles within a specialty
23 field. Positions are recognized and designated in writing by a program manager (in
24 Ecology), Assistant Secretary (in Health) or equivalent as a section's authority in an
25 environmental engineering technical specialty, type of facility, or equipment.

26 Appellant does not direct an environmental health section or supervise nine or more staff. Rather,
27 he directs an environmental engineering unit and supervises 5 staff. Appellant's position does fit
28 the first or second option of the EE4 classification.

29 The issue of written designation has been addressed in many decisions by the Personnel Appeals
Board (predecessor to this Board.) The Personnel Appeals Board consistently held that when a
classification specification requires written designation, there must be a document that confers such
a designation upon the position in question. This written documentation can be a formal agency

1 designation form, an approved CQ [or Position Description form] or other written documentation.
2 [See for example, Griffith v. Dep't of Ecology, PAB Case No. ALLO-00-0016 (2000) and Stash v.
3 Dep't of Ecology, PAB Case No. ALLO-00-0001 (1999)].

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5 In this case, Appellant claims that he functions as an authority and technical expert. However,
6 Appellant does not have a document from management that specifically designates him as such.
7 Appellant is not designated in writing as an authority in an environmental engineering technical
8 specialty, type of facility or equipment. Therefore, consistent with the long standing precedent
9 requiring written designation, Appellant does not meet the third option of the EE 4 classification.

10 Appellant also argues that in other agencies, positions similar to his are allocated to the EE 4
11 classification. However, in Byrnes v. Dept's of Personnel and Corrections, PRB No. R-ALLO-06-
12 005 (2006), the Board held that “[w]hile a comparison of one position to another similar position
13 may be useful in gaining a better understanding of the duties performed by and the level of
14 responsibility assigned to an incumbent, allocation of a position must be based on the overall duties
15 and responsibilities assigned to an individual position compared to the existing classifications. The
16 allocation or misallocation of a similar position is not a determining factor in the appropriate
17 allocation of a position.” Citing to Flahaut v. Dept's of Personnel and Labor and Industries, PAB
18 No. ALLO 96-0009 (1996). Therefore, the allocation or misallocation of positions at other
19 agencies is not a determining factor in the appropriate allocation of Appellant's positions.

20
21 The definition of the Environmental Engineer 3A classification states:

22 In the Department of Ecology, directs a medium-sized environmental unit and
23 supervises five or more staff which includes at least two environmental engineers
24 performing environmental engineering duties. Represents the department as a registered
professional engineer.

25 OR

26 In the Department of Health, directs a medium-sized environmental or public health unit
27 and supervises five or more technical staff performing environmental engineering or
28 public health duties. Represents the department as a registered professional engineer.

1 Appellant directs a medium-sized environmental engineering unit. He supervises five or more staff
2 including three environmental engineers. In addition, Appellant represents the department as a
3 registered professional engineer. He provides overall direction for all activities of his unit and
4 provides the final quality assurance review for work done by his staff. Appellant's position meets
5 the intent and scope of the EE 3A classification.

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7 In a hearing on exceptions, the Appellant has the burden of proof. WAC 357-52-110. Appellant has
8 failed to meet his burden of proof. The Environmental Engineer 3A classification best describes the
9 overall duties and responsibilities of Appellant's position.

10 **ORDER**

11 NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal on exceptions by George Rapozo is
12 denied and the director's determination dated August 28, 2008, is affirmed.

13 DATED this _____ day of _____, 2009.

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15 WASHINGTON PERSONNEL RESOURCES BOARD

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17 _____
18 JOSEPH PINZONE, Chair

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20 _____
21 LAURA ANDERSON, Member

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23 _____
24 DJ MARK, Member