October 1, 2009

TO: Rey McGehee

FROM: Holly Platz, SPHR
Director's Review Investigator

SUBJECT: Rey McGehee v. Washington State University (WSU)
Allocation Review Request ALLO-09-011

The Director's review of WSU's allocation determination of your position has been completed. The review was based on written documentation. This review covers the six month period prior to September 2, 2008, the date that WSU's Human Resources Services office received your position questionnaire requesting reallocation of your position.

Director's Determination

As the Director's designee, I carefully reviewed all of the documentation in the file including the duties and responsibilities described in the position questionnaire and position description forms that you signed on August 22, 2008. I reviewed the Health Physicist class series and the Radiation Safety Technician class series. Based on my review of the documents, the available classifications, and my analysis of your assigned duties and responsibilities, I conclude that overall, your position is best described by the –Radiation Safety Technician 2 classification.

Background

On September 2, 2008, WSU's Human Resources Services office received your position questionnaire asking that your Radiation Safety Technician 2 position be reallocated to the Health Physicist 1 classification. WSU reviewed your position and by letter dated February 3, 2009, determined that your position was properly allocated to the Radiation Safety Technician 2 classification.

On February 23, 2009, you filed a request for a Director's review of your position. In your Director's review request, you asked that your position be reallocated to the Health Physicist 1 classification.

Summary of Mr. McGehee's Perspective

You contend that you coordinate, oversee and lead the radioactive material inventory control program, the radiation safety training program and the Radiation Safety Office (RSO) IT program. You argue that you have total oversight of all aspects of the radioactive materials inventory control program. You explain that your oversight includes monitoring

incoming and outgoing materials, improving and changing procedures for maintaining accurate records, ensuring compliance with possession limits, approving orders, conducting and assigning physical inventories, and maintaining physical inventory schedules. You also argue that you maintain operation of the radiation safety training program including preparing materials and scheduling classes, conducting lectures, developing online courses and maintaining records, and that you oversee the Radiation Safety Office IT program.

You contend that as an employee of the RSO, you are an authorized representative of the Washington State Department of Health (DOH) and that as a representative of DOH, you conduct pre-licensing inspections of laboratories on the WSU campus.

Summary of Supervisor's Comments

Your supervisor, Jean Cloran, recognizes that you have broadened your knowledge and capabilities at the RSO by assisting and receiving on-the-job training from the Health Physicist 1 (HP1) and Radiation Safety Technician 3 (RST3). However, Dr. Cloran explains that the HP1 and RST3 are the leads for various programs within the office including the radiation waste management, laboratory survey, worker radiation safety training, and radioactive materials package receipt programs. Your supervisor further explains that you are involved in database management and electronic records management for each of the programs but that you are not the lead for the programs. Your supervisor describes your position as a co-participant, support and/or backup position for several of the programs. Dr. Cloran indicates that the RSO uses a team approach to operations coverage and that you would perform many of the tasks or duties listed on your position questionnaire that are not included in your position description intermittently and not in a primary or secondary capacity. Dr. Cloran further indicates that you work under the general supervision and authority of the Director of the Radiation Safety office who is WSU's Radiation Safety Officer.

Summary of WSU's Reasoning

WSU argues that the Radiation Safety Officer has overall authority and control over program operations, modifications and compliance assurance. WSU explains that your position functions under strictly established parameters and that deviation from these standards requires higher authority approval.

WSU acknowledges that you perform complex work within the RSO programs. However, WSU argues that your work is primarily technical in nature. WSU describes your work as assisting with performing complex duties in routine radiation safety programs under the oversight of the Radiation Safety Officer. In regard to the HP1 class, WSU contends that you do not administer, develop or implement radiation safety programs, maintain program operations, or conduct licensing pre-authorization evaluations as required by the HP1 class. In regard to the RST3 class, WSU contends that you do not coordinate routine programs in support of radiation safety in research and clinical laboratories on campus as required by the RST3 class.

Rationale for Determination

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. 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 that best describes the overall duties and responsibilities of the position. See Liddle-Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

The Personnel Resources Board has determined that the following standards are primary considerations in allocating positions:

a) Category concept (if one exists).

b) Definition or basic function of the class.

c) Distinguishing characteristics of a class.

d) Class series concept, definition/basic function, and distinguishing characteristics of other classes in the series in question.

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

The Class Series Concept for the Health Physicist class series states, "[p]erform professional assignments related to the regulatory requirements at the institution to assure the safe use of radiation."

The Department of Personnel (DOP) Glossary - Classification, Compensation, & Management terms provides that professional level work typically ". . . requires consistent application of advanced knowledge usually acquired through a college degree in a recognized field, work experience, or other specialized training. Exercises discretion and independent judgment when performing assignments. Examples include, but are not limited to, social workers, psychologists, registered nurses, economists, teachers or instructors, human resource consultants, accountants, and information system analysts.

The definition for the Health Physicist 1 class states:

> Under general supervision, maintain operation of a radiation safety program unit(s) such as laboratory surveys and inspections, personnel monitoring, waste collection and disposal, radioactive material inventory control, radiation instrument calibration, etc. Advise faculty and staff concerning compliance with radiation control regulations and conditions of the institution's license to use radioactive material.

The Health Physicist 1 class is the first level in the series. The distinguishing characteristics state, ". . . [c]onduct licensing pre-authorization evaluation and inspection of radiation laboratories, instruments and work practices to ensure compliance with campus, state and federal regulations on radiation safety."

In your position description form, you indicate that your position is responsible for assisting the HP1 and RST3 positions with the waste management program, the laboratory survey program and the internal and external dosimetry program. You describe these activities as comprising 50% of your duties. As indicated by your supervisor, the HP1 and RST3 are the leads for these programs. In the areas of the waste management program, the laboratory survey program and the internal and external dosimetry program you are not responsible for

maintaining program operations; therefore, you do not exercise the level of independence and discretion described in the Health Physicist class series concept or the HP1 definition. You assist the HP1 and the RST3 positions with the operation of these programs; you do not have responsibility for maintenance of the operations of the programs. As a result, your position does not have the overall responsibility for maintenance of the operations of a radiation safety program as required for allocation to the HP1 level.

Of your remaining duties, you describe 25% as maintaining the office website, databases and computers. These duties are more technical in nature and do not rise to the level of professional assignments anticipated by the Health Physicist series. You also describe 25% of your duties as other duties which include, in part, radioactive material acquisition and inventory, preparing, scheduling and delivering training, maintaining records, and coordinating department equipment. These are technical duties performed in support of RSO operations. They are not professional in nature as anticipated by the Health Physicist series.

The DOP Glossary provides that technical work assignments require "[s]pecialized knowledge or skills gained through academic or vocational courses offered in technical and community colleges, or equivalent on-the-job training."

The RSO operates, in part, under the Washington State Department of Health (DOH) regulations and within the parameters of the Type A license that DOH issued to them. WSU's license establishes the Radiation Safety Committee that is ultimately responsible for overseeing the radioactive materials program. DOH mandates, in part, that WSU's operations have established administrative controls and provisions relating to recordkeeping and material control and accounting. WSU's license also discusses the parameters under which the RSO programs operate including the training required for staff who work with radioactive materials.

The class series concept for the Radiation Safety Technician class series states, "[m]onitor, survey, and inspect campus radiation use areas as required by state and federal regulations. Provide service support in the control and management of radioactive materials and radioactive waste and calibration of radiation instruments."

Your position fits within the Radiation Safety Technician class series.

The definition for the Radiation Safety Technician 3 class states: "[c]oordinate routine programs in support of radiation safety in research and clinical laboratories on campus."

The Radiation Safety Technician 3 class is the senior level of the series. The distinguishing characteristics state, ". . . [c]oordinate routine programs such as laboratory surveys and radiation source inventories to assure that program quality and schedules are maintained according to established protocol."

The DOP Glossary provides that at the senior level, incumbents are involved in:

> The performance of work requiring the consistent application of advanced knowledge and requiring a skilled and experienced practitioner to function independently. Senior level work includes devising methods and processes to

> resolve complex or difficult issues that have broad potential impact. These issues typically involve competing interests, multiple clients, conflicting rules or practices, a range of possible solutions, or other elements that contribute to complexity. The senior level has full authority to plan, prioritize, and handle all duties within an assigned area of responsibility. Senior level employees require little supervision and their work is not typically checked by others.

The DOP Glossary also defines the term coordinate. A position that coordinates work "[i]ndependently organizes, monitors, evaluates, and makes adjustments for a program or activity without supervisory responsibility."

You are not responsible for coordinating routine programs within the RSO as described in the RST3 class. As discussed above, you assist the HP1 and RST3 positions, but you do not have independent responsibility for maintenance of the programs. You are responsible for data entry and maintenance of databases and records systems including monitoring and tracking inventory and producing reports. These duties support RSO programs and do not constitute maintenance of a program independent of the other programs in the office. In addition, due the requirements of the Washington State Department of Health regulations that govern the activities of the RSO, the established parameters under which you work, and the overall program oversight provided by your supervisor, your position does not exercise the level of independent discretion needed to makes adjustments for a program or activity as anticipated in a senior level position. The majority of your assigned duties and responsibilities do not fit within the level and scope of the RST3 class.

The definition for the Radiation Safety Technician 2 class states, [p]erform complex duties that support radiation safety in research and clinical laboratories on campus."

The distinguishing characteristics for the Radiation Safety Technician 2 class state, "[u]nder general supervision perform complex duties requiring exercise of independent judgment for corrective action related to program deficiencies; respond to emergency calls for spills of radioactive material; investigate and observe non-routine uses of radioactive material."

The DOP Glossary defines complex work as work in which the incumbent "[i]ndependently uses a wide variety of rules, processes, materials, or equipment to complete work assignments that require specialized knowledge or skills. Decisions are made independently regarding which rules, processes, materials, or equipment to use in order to effectively accomplish work assignments."

Under the oversight of the HP1 and RST3 and the general supervision your supervisor, you perform complex duties while assisting in the maintenance and operation of the waste management program, the laboratory survey program and the internal and external dosimetry program. You also exercise independent judgment in performing your duties within the scope of your assignments within these programs. In addition, you develop and provide training in support of radiation safety, track and control the inventory of radioactive materials, and maintain recordkeeping systems in support of the RSO. Your position fits within the definition and distinguishing characteristics of the RST2 class.

Though not allocating criteria, the typical work statements of the RST2 class also describe your duties. For example, you:

- Review laboratory uses of radioactive material and schedule necessary surveys and inspections;
- Maintain schedule for radioactive waste collection and disposal; escort the transportation of radioactive waste;
- Investigate spills, high exposures, and other radiation incidents;
- Assist in non-routine uses of radiation;
- Prepare periodic reports of lab surveys;
- Perform duties of Radiation Safety Technician I.

And, as described in the typical work at RST1 level, you:

- Survey radioisotope laboratories;
- Record all survey results and initiate action;
- Receive and deliver radioactive material for campus use;
- Collect and process radioactive waste;
- Maintain files and records of program activities.

The majority of your duties and responsibilities and your level of independence best fit within the Radiation Safety Technician 2 classification.

Appeal Rights

RCW 41.06.170 governs the right to appeal. RCW 41.06.170(4) provides, in relevant part:

> An employee incumbent in a position at the time of its allocation or reallocation, or the agency utilizing the position, may appeal the allocation or reallocation to . . . the Washington personnel resources board . . . . Notice of such appeal must be filed in writing within thirty days of the action from which appeal is taken.

The mailing address for the Personnel Resources Board (PRB) is P.O. Box 40911, Olympia, Washington, 98504-0911. The PRB Office is located at 600 South Franklin, Olympia, Washington. The main telephone number is (360) 664-0388, and the fax number is (360) 753-0139.

If no further action is taken, the Director's determination becomes final.

cc: Kendra Wilkins-Fontenot, WSU
Classification & Pay Team, DOP

Rey McGehee v. Washington State University
ALLO-09-011
List of Exhibits

A. Filed by Rey McGehee February 23, 2009:
1. Request Appeal form filed
2. WSU allocation determination letter dated February 3 2009

B. Filed by Washington State University March 20, 2009
Exhibit 1 Position Questionnaire submitted by employee
Exhibit 2 Radiation Safety Technician 2 Job Spec
Exhibit 3 radiation Safety Technician 3 Job Spec
Exhibit 4 Health Physicist 1 Job Spec
Exhibit 5 Memorandum results of Classification Review of Position 80096

C. Rey McGehee Exhibits filed May 4, 2009
1. WAC 246-232-030 Pre-licensing inspection
2. WAC 246-235-020 General requirements for the issuance of specific licenses
3. WAC 246-235-090 Special requirements for specific licenses of broad scope
4. WAC 246-235-130 Appendix – General laboratory rules for safe use of unsealed sources
5. WSU's Type A Broad scope radioactive materials license
6. WSU Safety Policies and Procedures Manual S90.10, Radiation Safety Responsibility and Authority
7. WSU Radiation Policies and Procedures Manual II C Radiation Safety Office
8. WSU Safety Policies and Procedures Manual S90.15 Radiation Safety Courses
9. Radiation Safety Technician 3 Job Specification
10. Health Physicist 1 Job Specification
11. Health Physicist 2 Job Specification
12. Rey McGehee's Position Description 9/10/2008
13. Examples of procedures and forms generated by Rey McGehee
14. Handout for instructor led radiation safety course April 15 and 16 2008
15. Handout for instructor led radiation safety course June 17 and 18 2008
16. Handout for instructor led radiation safety course for Facilities Operations January 3, 2008
17. List of Links to Radiation Safety Office Webpage and on-line training
18. Contact personnel for further information or clarification

D. July 9, 2009 email to Karen Wilcox, DOP, from Kendra Wilkins-Fontenot, WSU, with WSU's July 9, 2009 response to Rey McGehee's Director's review request attached