

MEMORANDUM

DATE: December 21, 2022

TO: Personnel Officers

FROM: /s/ LORI GILLIHAN
Lori Gillihan
Chief, Policy Division

**SUBJECT: INTERIM GUIDANCE FOR INTERPRETING MINIMUM
QUALIFICATIONS FOR THE MAINTENANCE MECHANIC
CLASSIFICATIONS**

In *Anthony Palacios v. California Department of Corrections and Rehabilitation*, SPB Case No. 21-1079N, dated December 8, 2022, the Board interpreted the minimum qualifications (MQ's) for the Maintenance Mechanic, Correctional Facility (CF) (6941) classification. Specifically, the Board clarified an ambiguity in the experience requirement in Pattern III, which states:

"Four years of varied experience in the Mechanical Trades which must have included experience working in at least three of the following areas: electrical, plumbing, heating, water and sewer systems; repairing various mechanical and automotive equipment; and performing minor building construction, repair and painting."

Because the areas listed are separated by both commas and semicolons, the appointing authority interpreted the semicolons to separate the list into the following three "areas": 1) electrical, plumbing, heating, water and sewer systems; 2) repairing various mechanical and automotive equipment; and 3) performing minor building construction, repair and painting. The pattern, however, refers to "at least three" of the listed areas, suggesting that the applicant has *more* than three areas to choose from. The Maintenance Mechanic classification is meant to be a "jack-of-all trades" position in which individuals perform a variety of duties in the Mechanical Trades. Therefore, interpreting the pattern broadly allows for a wider variety of experience, which will allow for the qualifications of the applicant pool to be more aligned with the requirements needed for the classification. Consequently, the pattern is correctly read as:

"Four years of varied experience in the Mechanical Trades which must have included experience working in at least three of the following areas: 1) electrical systems, 2) plumbing systems, 3) heating systems, 4) water systems, 5) sewer

Interim Guidance for Interpreting Minimum Qualifications for the Maintenance Mechanic Classifications

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systems, 6) repairing various mechanical and automotive equipment, 7) performing minor building construction, 8) repairing building construction, and 9) painting building construction.”

Under this interpretation, individuals may meet Pattern III by possessing any combination of three areas, with any amount of experience in each area, as long as the total amount of time adds up to the required number of years.

The practice of treating semicolons as commas should also be applied to Pattern II of the Maintenance Mechanic (CF) MQ's, in addition to Patterns II and III of the Maintenance Mechanic (6940) MQ's.

The California Department of Human Resources will revise the class specifications consistent with the Board's decision in *Anthony Palacios*. In the meantime, departments should keep this guidance in mind when evaluating examination applications for these classifications.



ANTHONY PALACIOS
v.
CALIFORNIA DEPARTMENT OF
CORRECTIONS AND REHABILITATION

Appeal of Examination
(Minimum Qualifications)

Case No. 21-1079N

**BOARD RESOLUTION
AND ORDER**

The State Personnel Board (Board) on December 8, 2022, carefully considered the Proposed Decision filed by the Appeals Division (AD) staff in the appeal by Appellant, Anthony Palacios, Case No. 21-1079N from an appeal of Examination, by the California Department of Corrections and Rehabilitation (Respondent).

IT IS RESOLVED AND ORDERED THAT the findings of fact, determination of issues, and Proposed Decision of the AD staff are adopted by the Board as its Decision in the case on the date set forth below. A true copy of the Proposed Decision shall be attached to this Board Resolution and Order for delivery to the parties in accordance with the law, and that adoption of the Board Resolution and Order shall be reflected in the record of the meeting and the Board's minutes.

The foregoing Board Resolution and Order was made and adopted by the Board in Case No. 21-1079N during its meeting on December 8, 2022, as reflected in the record of the meeting and Board minutes.

/s/ SUZANNE M. AMBROSE
SUZANNE M. AMBROSE
Executive Officer

ANTHONY PALACIOS v. CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION Appeal of Examination (Minimum Qualifications)	Case No. 21-1079N Proposed Decision
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STATEMENT OF CASE

On June 19, 2021, Anthony Palacios (Appellant) submitted an application for the Maintenance Mechanic, Correctional Facility (CF) examination, administered by Respondent, the California Department of Corrections and Rehabilitation (CDCR). On September 7, 2021, the CDCR rejected Appellant's application, determining they did not meet the minimum qualifications (MQ's) to participate in the Maintenance Mechanic, CF examination. Appellant appealed the rejection of their application to the State Personnel Board (SPB), Appeals Division (AD) on October 7, 2021.

APPELLANT'S POSITION

On September 7, 2021, Appellant was notified by the CDCR that they did not have sufficient experience to participate in the Maintenance Mechanic, CF examination.

Appellant asserts that "some of the requirements that are asked for in [the] classification in the testing phase, do not actually get performed by the Maintenance mechanics at the institutions." (*Sic*) Specifically, automotive repair is performed by Garage Auto Mechanics, Equipment Maintenance Supervisors, or other fleet staff. Additionally, painting staff perform painting; carpenters perform roofing and concrete duties; and plumbing staff perform plumbing system repairs. Whereas maintenance staff is responsible for performing switches and repairs; door alignments; window repair;

tower inspection and repairs; fabrication; “ADA” shower bench repairs; and assisting locksmiths with lock devices.

Appellant’s states their experience includes hydrostatic testing; wiring and installing solar panels; performing preventative maintenance and repairs; and performing building maintenance and painting.

Appellant contends based on their experience, they meet the knowledge and experience for the Maintenance Mechanic, CF examination.

RESPONDENT’S POSITION

Appellant’s experience for the Maintenance Mechanic, CF MQ’s was assessed as follows:¹

Pattern I

Regarding Pattern I, Appellant did not show completion of a recognized apprenticeship in a mechanical trade. Therefore, Appellant did not meet Pattern I.

Pattern II

For the experience portion of Pattern II, Appellant did not demonstrate three years of varied experience as a Building Maintenance Worker in California state service. Therefore, Appellant did not meet the experience portion of Pattern II.

Pertaining to the education component of Pattern II, a review of Appellant’s application showed a completion of 30 semester units from West Hills College in Coalinga, California. However, Appellant’s education did not include completion of 576 hours of formalized technical instruction relating to Maintenance Mechanic offered

¹ In the CDCR’s Response to the AD, it is indicated that June 1, 2021, was used as the cut-off date for its MQ’s evaluation. However, in an email sent July 28, 2022, the CDCR advised that “June” was a typo and that July 1, 2022, was the date used as the cut-off date for evaluating Appellant’s qualifications.

by such established programs as: Job Corps; Skill Centers; ROP; Trades Schools; Military; and JTPA (Joint Training Partnership Act). Additional review of Appellant's application did not show that they acquired an associate degree/certificate of completion in Mechanical Technology from a California Community College, which must have included at least 12 semester units of instruction in mechanical trades courses to substitute for the required 576 hours of technical instruction. Therefore, Appellant did not meet the education component. Although Appellant did not meet the education component, Pattern II allows two additional qualifying years of experience to be substituted for the required education. Therefore, Appellant would need approximately six years of qualifying experience to meet Pattern II in its entirety.

Pattern III

For the Pattern III experience requirement, Appellant contends they possessed plumbing, heating, and water and sewer systems experience; however, their experience only included various electrical, mechanical and automotive equipment, and hydrostatic testing. As such, Appellant's experience was considered non-qualifying.

For the education component of Pattern III, as mentioned above, Appellant did not have 576 hours of formalized technical instruction relating to Maintenance Mechanic offered by such established programs as: Job Corps; Skill Centers; ROP; Trades Schools; Military; and JTPA; or an associate degree/certificate of completion in Mechanical Technology from a California Community College. Therefore, Appellant did not meet the education component of Pattern III.

Lastly, Appellant's additional documents provided with their appeal were reviewed. Appellant noted they performed experience in the areas of plumbing, heating,

water systems, electrical, mechanical equipment, and building maintenance. However, based on the documents provided, Appellant did not perform work in all three of the required areas. Rather, Appellant repaired various mechanical and automotive equipment, and performed some electrical work.

Based on this determination, the CDCR recommends Appellant's disqualification be sustained.

PRINCIPLES OF LAW AND ANALYSIS

Pursuant to Government Code section 18931,² the SPB established MQ's for each classification. After careful evaluation and review, MQ's are established to specify the education and experience necessary to qualify for a classification in the state civil service. The MQ's are designed to be related to the job and to help ensure that people who possess them have a strong likelihood of being successful. The MQ's are contained within the classification specification, which is adopted by the SPB's five-member Board and thereafter becomes the legal requirement that must be met to qualify for a state classification.

The MQ's for the Maintenance Mechanic, CF are:

Either (Pattern) I

Completion of a recognized apprenticeship in a mechanical trade. (Apprentices who are within six months of completing their apprenticeship program may be admitted to the examination but must present evidence of completion prior to appointment.)

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² All further statutory references are to the Government Code and are referred to as "Section," unless otherwise indicated.

Or (Pattern) II

Three years of varied experience as a Building Maintenance Worker in California state service, which must have included experience working in at least three of the following areas: electrical, plumbing, heating, water and power systems; repairing various mechanical and automotive equipment; and performing minor building construction, repair and painting.

and

Education

Completion of 576 hours of formalized technical instruction relating to Maintenance Mechanic offered by such established programs as: Job Corps; Skill Centers; ROP; Trades Schools; Military; and JTPA (Joint Training Partnership Act). (An Associate of Arts Degree or Certificate of Completion in Mechanical Technology from a California Community College, which must have included at least 12 semester units of instruction in mechanical trades courses may be substituted for the 576 hours of the technical instruction.) Students who are within six months of completing their degree will be admitted to the examination but they must present evidence of completion prior to appointment. (Two additional qualifying years of experience may be substituted for required education.)

Or (Pattern) III

Four years of varied experience in the Mechanical Trades³ which must have included experience working in at least three of the following areas: electrical, plumbing, heating, water and sewer systems; repairing various mechanical and automotive equipment; and performing minor building construction, repair and painting.

and

Education

Completion of 576 hours of formalized technical instruction relating to Maintenance Mechanic offered by such established programs as: Job Corps; Skill Centers; ROP; Trades Schools; Military; and JTPA (Joint Training Partnership Act). (An Associate of Arts Degree or Certificate of Completion in Mechanical Technology from a California Community College, which must have included at least 12 semester units of instruction in mechanical trades courses

³ As defined by the Maintenance Mechanic, CF classification specification, the Mechanical Trades includes, but is not limited to, the following: plumbing, heating, water, sewer, electrical, or other building and mechanical systems.)

may be substituted for the 576 hours of the technical instruction.) Students who are within six months of completing their degree will be admitted to the examination but they must present evidence of completion prior to appointment. (Two additional qualifying years of experience may be substituted for required education.)

For the purposes of evaluating MQ's, the cut-off date is the final filing date specified on the examination bulletin. Any education and/or experience gained after the cut-off date will not be considered. In the case at hand, Appellant's cut-off date is **July 1, 2021.**

Pattern I

With regard to Pattern I, Appellant does not possess completion of a recognized apprenticeship in a mechanical trade. Therefore, Appellant does not meet the Pattern I requirement.

Pattern II

Pertaining to the experience component of Pattern II, Appellant does not possess three years of varied experience as a Building Maintenance Worker in California state service. Therefore, Appellant does not meet the experience component of Pattern II.

Regarding the education component of Pattern II, Appellant has not shown completion of 576 hours of formalized technical instruction relating to Maintenance Mechanic offered by such established programs as: Job Corps; Skill Centers; ROP; Trades Schools; Military; and JTPA. Appellant has not shown completion of 576 hours of formalized technical instruction relating to Maintenance Mechanic. Therefore, Appellant does not meet this requirement.

The education component of Pattern II allows an associate degree or certificate of completion in Mechanical Technology from a California Community College to be

substituted for the 576 hours of the technical instruction; however, the associate degree or certificate must have included at least 12 semester units of instruction in mechanical trades courses. A review of Appellant's transcripts from West Hills Community College in Coalinga, California show Appellant has acquired 45 semester units. However, Appellant does not possess an associate degree. Appellant also does not possess a certificate of completion in Mechanical Technology from a California Community College. Therefore, Appellant does not meet the education component of Pattern II.

Pattern III

The experience component of Pattern III, requires "Four years of varied experience in the Mechanical Trades which must have included experience working in at least three of the following areas: electrical, plumbing, heating, water and sewer systems; repairing various mechanical and automotive equipment; and performing minor building construction, repair and painting." The pattern states "at least three of the following areas," suggesting the applicant has in excess of three areas to choose from; however, upon inspection, the pattern itself only offers a total of three areas to choose from. These three areas are 1) electrical, plumbing, heating, water and sewer systems; 2) repairing various mechanical and automotive equipment; and 3) performing minor building construction, repair and painting. Each area choice in the pattern is separated by a semicolon. As written, the intent of "at least three of the following areas" is not clear because the language implies there should be more than three areas so that an applicant may possess any three of the provided areas and meet the requirements of

the pattern.⁴ However, this is not the case. In attempt to gain clarification, the AD requested and reviewed the Board Item for the Maintenance Mechanic, CF classification.

The Board Item is the information the SPB's five-member Board relied upon when approving the job classification for creation or modification. The information contained in the Board Item includes but is not limited to the following: MQ's; definition of the classification; typical tasks performed; knowledge and abilities; special characteristics. Therefore, at minimum, the Board Item will provide the MQ's of the classification. However, the Board Item may also provide information that addresses the intent behind the MQ's. Having reviewed the Board Item, the AD finds no evidence of misspelling or grammatical error. Pattern III in the Board Item is exactly as it appears in the classification specification. Further, the AD finds no explanation in the Board Item to clarify what is intended by "at least three in the following areas." As such, the Board Item provided little guidance regarding the intent of the language in question.

The lack of clear guidance regarding the underlying intent of the Pattern III experience language notwithstanding, it is reasonable to conclude that a strict interpretation of that ambiguous language will lead to unnecessarily restrictive requirements being imposed on applicants. As the Maintenance Mechanic, CF classification is meant to be a "jack-of-all trades" position in which individuals perform a variety of duties in the Mechanical Trades, interpreting and applying the pattern as is, with semi-colons, would in fact conflict with the intent of the classification and

⁴ For example, if the pattern provided five areas, an applicant would need to possess any three of the five areas in order to meet the requirements of the pattern.

needlessly limit the applicant pool. For that reason, the semicolons should be treated as commas for Pattern III, thus, allowing for the qualifications of the applicant pool to be more aligned with the requirements needed for the classification. The result being the following:

Four years of varied experience in the Mechanical Trades which must have included experience working in at least three of the following areas: 1) electrical systems, 2) plumbing systems, 3) heating systems, 4) water systems, 5) sewer systems, 6) repairing various mechanical and automotive equipment, 7) performing minor building construction, 8) repairing building construction, and 9) painting building construction.

Under this interpretation, individuals may meet the Pattern III by possessing any combination of three areas, with any amount of experience in each area – provided that the total amount of time is three years.

Appellant's experience as a Solar Technician with On-Q Solar Services, from April 1, 2019, through August 2020,⁵ was assessed. Appellant's experience involved performing preventative maintenance and quality control; performing solar installations; mounting solar equipment; wiring panels; reading blueprints; wiring; assembling and disassembling scaffolds; operating, maintaining, and repairing gradall; utilizing forklift and excavator equipment; painting and labeling tools and cabinets; installing anchors for safety ropes; running conduits; telescoping; maintaining tool inventory; filling out/submitting checkouts for jobs; performing mechanical and electrical installation; performing jobsite housekeeping; and pulling wire inserts. This experience involved performing mechanical and electrical installation. While Appellant installed mechanical solar equipment, the evidence does not support that they repaired the equipment;

⁵ Appellant did not include the "day" that their employment ended, only the month, and year. On July 25, 2022, the AD contacted Appellant and requested the "day" employment concluded; however, they did not provide a response.

therefore, this is not qualifying mechanical experience. The electrical installation duties are qualifying electrical experience. Therefore, Appellant is credited with approximately one year, four months, and one day of electrical experience.

Appellant's experience as an Independent Contractor with BPI, from July 16, 2018, through April 1, 2019, included performing commercial solar installations; performing roof mounting installations; wiring panels and wiring management; pulling wires; reading blueprints; assembling and disassembling scaffolds; repairing gradall; utilizing forklift and excavator equipment; filling out/submitting checkouts for jobs; bending pipes; coordinating duties for work crews; maintaining tool inventory; and performing mechanical and electrical installation. While Appellant's experience involved performing mechanical and electrical installation, this experience primarily involved installing mechanical and electrical solar equipment. While Appellant installed mechanical solar equipment, the evidence does not support that they repaired the equipment; therefore, this is not qualifying mechanical experience. The electrical installation duties are qualifying electrical experience. Therefore, Appellant is credit with approximately 8 months and 17 days of electrical experience.

As a Crew Lead with Cal Solar, from September 4, 2017, through June 27, 2018, Appellant's experience encompassed performing commercial solar installations and roof mounting installations; performing electrical wiring; reading blueprints; prepping parts for roofs; performing panel installations; assembling and disassembling scaffolding; operating, maintaining, and maintaining heavy equipment gradall; telescoping forklifts and excavators; painting and labeling tools; installing anchors and safety ropes; mounting; filling out/submitting checkouts for jobs; bending pipes; coordinating work for

crews; maintaining tool inventory; and performing mechanical and electrical installation. Appellant's experience primarily involved mechanical and electrical installation. For the mechanical duties associated with installing solar equipment, the evidence does not support that they repaired the solar equipment; therefore, this job duty is non-qualifying. Appellant's experience maintaining heavy equipment gradall presumably involved repairing the equipment when necessary. As such, this is qualifying mechanical repair experience. The electrical installation duties are qualifying electrical experience. Thus, Appellant is credit with approximately 9 months and 24 days of qualifying mechanical repair and electrical experience.

As an Installer with Dobbs Renewables, Inc., from June 5, 2017, through July 28, 2017, Appellant's duties encompassed performing commercial solar installation; mounting solar equipment on roofs; reading and following blueprints; laying out panels; performing electrical wiring; performing conduit work; assembling and disassembling scaffolds; filling out/submitting checkouts for jobs; operating, maintaining, and repairing gradall; performing housekeeping for job sites; installing safety ropes; bending pipes; and setting up diagrams. For the mechanical duties associated with installing solar equipment, the evidence does not support that they repaired the solar equipment; therefore, this job duty is non-qualifying. Appellant's experience maintaining and repairing heavy equipment gradall is qualifying mechanical repair experience. The electrical installation duties are qualifying electrical experience. As such, Appellant is credited with approximately 1 month and 24 days of mechanical repair and electrical experience.

Appellant's experience as a Skilled Trades Journeyman (Casual Employment) (Laborer) with the California Department of Corrections and Rehabilitation, from September 9, 2016, through December 8, 2016, was assessed.⁶ According to the classification specification, incumbents work on projects with employment duration for less than six months with no permanent employment. A skilled trades journeyman has successfully completed an apprenticeship program in a recognized craft or trade and performs skilled work in a craft or trade on short-term projects. As this experience may be considered qualifying, the AD contacted Appellant on August 23, 2022, and requested a duty statement and/or letter from human resources to verify the experience performed. However, Appellant did not provide a response to the AD's request. As such, Appellant's experience will be assessed according to the information previously provided.

According to Appellant's job application, Appellant's responsibilities involved performing demolition and reconstruction of roofs, housing units, buildings, and kitchens; operating, maintaining, and repairing forklifts, gradall telehandler, dump trucks and skyjack scissor lifts; supervising inmates and wards; maintaining tool inventory; uploading freight deliveries; and maintaining a clean worksite. Although Appellant's experience did involve performing demolition and reconstruction of roofs, this experience did not include repair and painting. Appellant's experience also included operating, maintaining, and repairing forklifts, gradall telehandler, dump trucks and skyjack scissor lifts. Appellant's primary duties involved repairing mechanical

⁶ Dates of employment obtained from Appellant's state civil service employment history.

equipment. Therefore, Appellant is awarded approximately three months of qualifying mechanical repair experience.

Appellant's experience as an Installer I with Solar City, from August 3, 2015, through June 6, 2016, included performing solar installations; reading blueprints; preparing panels and parts for roofs; performing wire management; running conduits; installing anchors for safety ropes; setting up/taking down safety exclusion zones; setting up line diagrams; and filling out/submitting job items for checkout. Appellant's experience primarily involved installing solar equipment. For the mechanical duties associated with installing solar equipment, the evidence does not support that they repaired the solar equipment; therefore, this job duty is non-qualifying. The electrical installation duties are qualifying electrical experience. Therefore, Appellant is credit with approximately 10 months and 4 days of qualifying electrical experience.

Appellant's experience as a Crew Lead with Pro Services Hawaii for Clean Power Construction, from September 20, 2014, through December 23, 2014, included working on solar projects; supervising crew members; pulling cables, running wires, and dispersing daily itinerary; performing solar installations; operating, maintaining, and repairing forklifts, excavators, and heavy equipment; installing piers and pillars for solar structures; and laid concrete. Appellant's experience involved qualifying repairing mechanical equipment and electrical experience. Therefore, Appellant is credit with approximately three months and four days of mechanical repair and electrical experience.

As a Solar Installer with Triad Staffing for American Helios, from April 2, 2013, through August 10, 2014, involved pulling cables, running wire harnesses, and

dispersing daily itinerary; performing solar panel construction; coordinating with crews/operators; and operating, maintaining, and repairing backhoe, forklift, excavator, and heavy equipment. Appellant's experience involved qualifying mechanical repair and electrical experience. Therefore, Appellant is credited with approximately one year, four months, and nine days of mechanical repair and electrical experience.

As a Person Leading Work/Pusher with Brinderson Construction Inc. from January 2, 2012, through December 28, 2012, Appellant's duties consisted of supervising crew members; conducting hydrostatic tests for pipes and plumbing systems; operating, maintaining, and repairing forklift equipment; coordinating with crew members/personnel; and preparing concrete for water wells, footing, curbing, and ballards. Appellant's experience did include working with plumbing systems, and repairing mechanical equipment. Therefore, Appellant is credited with approximately 11 months and 27 days of mechanical repair and plumbing experience.

Appellant's experience as a Person Leading Work/Pusher with Jacobs Engineering, from February 17, 2011, through December 15, 2011, consisted of supervising crew members; conducting hydrostatic tests for pipes and plumbing systems; operating, maintaining, and repairing forklift equipment; coordinating with crew members/personnel; and preparing concrete for water wells, footing, curbing, and ballards. Appellant's experience did include working with plumbing systems, and repairing mechanical equipment. Therefore, Appellant is granted approximately 9 months, and 29 days of qualifying mechanical repair and plumbing experience.

Appellant's experience as an Installer with Aerotek Energy Services/Ryan Company Inc., from January 10, 2011, through February 16, 2011, included working on

solar projects; pulling cables; running wire harnesses; dispersing daily itinerary, performing solar construction; coordinating with crews/operators. Appellant's duties included qualifying electrical experience. Therefore, Appellant is credited with approximately one month and seven days of electrical experience.

As a Crew Lead with Labor Max/Guinn Construction, from June 23, 2010, through December 14, 2010, Appellant's duties involved working on solar projects; working in the maintenance building performing cabinet installations and "painting for materials and supplies;"⁷ gathering tools; operating, maintaining, and repairing dalmec cranes, and rivet guns for construction sites; operating, maintaining, and repairing bridge cranes, and solar reflectors for construction assembly lines; pulling electric cables, shading and backfilling; repairing heliostat reflectors; completing job safety analysis; training new employees; and conducting meet and greets. Appellant's experience involved painting building construction, repairing mechanical equipment, and electrical. Therefore, Appellant is credited with approximately 5 months and 22 days of painting, mechanical repair, and electrical experience.

Appellant's experience as an Office Assistant (Typing) with the California Department of Corrections and Rehabilitation, from January 2, 2008, through May 14, 2009, was assessed. As defined in the classification specification, incumbents in this class perform a variety of general office work such as typing, dictating, and transcribing; handling and mailing documents; filing and managing records; composing correspondences; keeping records; cashiering; and ordering and maintaining supplies and equipment. Appellant's experience did not include working in the Mechanical

⁷ Presumably, Appellant means they painted cabinets and other household items, furniture, etc.

Trades including experience working in at least three of the following areas: electrical systems, plumbing systems, heating systems, water systems, sewer systems, repairing various mechanical and automotive equipment, performing minor building construction, repairing building construction, or in painting building construction. Therefore, Appellant's experience as an Office Assistant (Typing) is not considered qualifying experience.

As a Customer Service Representative with Ace Hardware, from July 19, 2007, through December 31, 2007, included performing cashiering duties; balancing cash drawers; stocking shelves; cleaning shelves; performing inventory; cleaning inventory products; cutting keys; threading pipes; providing customer service; mixing paint; installing glass for window frames; painting when needed; preparing screen doors (metal mesh); and answering telephone calls. Although Appellant did perform some painting duties, this experience did not encompass painting building construction within a Mechanical Trade. In addition, Appellant's primary responsibilities involved providing customer service, and conducting inventory. Therefore, Appellant's experience as a Customer Service Representative is not considered qualifying experience.

As a Maintenance Worker/Bartender with Rosy's Tavern, from August 1, 2005, through November 1, 2006, involved priming and painting cabinets, bathroom stalls, and walls as needed; pouring concrete on patios; finishing drywall; painting and adding windows; cleaning and stocking the bar; providing customer service; performing cashiering duties; and serving drinks. Appellant's primary experience consisted of cashiering, and providing customer service in a bar environment. While the experience did include painting cabinets, in accordance to California Code of Regulations, title 2,

section 171.1 subdivision (d), this job duty is incidental; therefore, no credit will be awarded. As such, Appellant's experience as a Maintenance Worker/Bartender is not considered qualifying.

As a Server/Bartender with Cambridge Inn Restaurant, from December 1, 2004, through August 1, 2005, Appellant's experience involved stocking the bar; serving drinks; performing cashiering duties; cleaning the restaurant; providing customer service; serving food; and painting restroom stalls that contained graffiti. Appellant's primary responsibilities were to perform cashiering duties, and to provide customer service. While Appellant's experience did include painting cabinets, in accordance to California Code of Regulations, title 2, section 171.1 subdivision (d), this job duty is incidental; therefore, no credit will be awarded. Therefore, Appellant's experience as a Server/Bartender is not considered qualifying experience.

As a Busser with Harris Ranch Restaurant, from June 1, 2003, through December 1, 2004, involved bussing tables; serving drinks; cleaning the restaurant; cleaning dishes; and hosting. Appellant's duties did not include experience in the Mechanical Trades with experience in at least three of the following areas: electrical systems, plumbing systems, heating systems, water systems, sewer systems, repairing various mechanical and automotive equipment, performing minor building construction, repairing building construction, or in painting building construction. Therefore, Appellant's experience as a Busser is not considered qualifying experience.

In sum, Appellant possesses a total of approximately 8 years, 1 month, and 18 days of qualifying electrical, plumbing, mechanical repair, and painting experience towards Pattern III's experience requirement.

Regarding the education component of Pattern III, as mentioned above, Appellant has not shown completion of 576 hours of formalized technical instruction relating to Maintenance Mechanic offered by such established programs as: Job Corps; Skill Centers; ROP; Trades Schools; Military; and JTPA. Additionally, Appellant has not acquired an associate degree or certificate of completion in Mechanical Technology from a California Community College, which must have included at least 12 semester units of instruction in mechanical trades courses to substitute the required 576 hours of the technical instruction. Therefore, Appellant does not meet the education component of Pattern III. However, Pattern III allows two additional qualifying years to substitute for the required education. Appellant possesses approximately four years and one month of additional qualifying experience; therefore, Appellant may use two of those years to substitute for the required education. As a result, Appellant meets the education requirement for Pattern III.

Based on the AD's assessment of Appellant's overall experience and education, Appellant does not meet Pattern I or Pattern II. However, Appellant meets the experience and education requirement of Pattern III.

As such, Appellant does meet the MQ's for the Maintenance Mechanic, CF classification. Therefore, Appellant is eligible to compete in the Maintenance Mechanic, CF examination.

CONCLUSION OF LAW

Appellant has shown they meet the Maintenance Mechanic, CF MQ's as mandated by Sections 18931; therefore, they may participate in the Maintenance Mechanic, CF examination.

RECOMMENDATION

That the findings and conclusions of the AD, regarding the appeal of Anthony Palacios, Case No. 21-1079N, should be adopted and the appeal be **GRANTED**.

Pertaining to the Maintenance Mechanic, CF classification, the AD recommends that the California Department of Human Resources revise the Maintenance Mechanic, CF classification (and the Maintenance Mechanic classification, which has similar MQ's) to align with the jack-of-all trades intent of the classification by replacing the semi-colons with commas as illustrated above.



Danielle Scott
Appeals Division
State Personnel Board

Anthony Palacios
P.O. Box 1202
193 Tyler Street
Coalinga, CA 93210

PROOF OF SERVICE BY FIRST-CLASS MAIL

Re: Appeal/Complaint - Minimum Qualification
Anthony Palacios; SPB Case No.: 21-1079N

I, Aileen Achacoso, declare:

I am over the age of 18 years and not a party to this action. I declare that I am employed by the California State Personnel Board, 801 Capitol Mall, Sacramento, California 95814.

On December 14, 2022, I caused the following document(s) to be served on the addressee:

BOARD RESOLUTION & ORDER/PROPOSED DECISION

I served the above document(s) by enclosing them in an envelope and placing the envelope for collection and mailing following our ordinary business practices. I am readily familiar with the State Personnel Board's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business, in the United States Postal Service in a sealed envelope with postage fully prepaid.

Appellant: Anthony Palacios P.O. Box 1202 193 Tyler Street Coalinga, CA 93210	Respondent: Corrections/Directorate - Merit Attn: Deputy Director of Human Resources 1515 S Street - Room 101 North Sacramento, CA 95811
Involved Party 1: CalHR - Personnel Management Division 1515 S Street, North Bldg., Suite 400 Sacramento, CA 95811	

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on December 14, 2022, at Sacramento, California.



Aileen Achacoso
Merit Appeals Division

Corrections/Directorate - Merit
Attn: Deputy Director of Human Resources
1515 S Street - Room 101 North
Sacramento, CA 95811

PROOF OF SERVICE BY FIRST-CLASS MAIL

Re: Appeal/Complaint - Minimum Qualification
Anthony Palacios; SPB Case No.: 21-1079N

I, Aileen Achacoso, declare:

I am over the age of 18 years and not a party to this action. I declare that I am employed by the California State Personnel Board, 801 Capitol Mall, Sacramento, California 95814.

On December 14, 2022, I caused the following document(s) to be served on the addressee:

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<u>Appellant:</u> Anthony Palacios P.O. Box 1202 193 Tyler Street Coalinga, CA 93210	<u>Respondent:</u> Corrections/Directorate - Merit Attn: Deputy Director of Human Resources 1515 S Street - Room 101 North Sacramento, CA 95811
<u>Involved Party 1:</u> CalHR - Personnel Management Division 1515 S Street, North Bldg., Suite 400 Sacramento, CA 95811	

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on December 14, 2022, at Sacramento, California.



Aileen Achacoso
Merit Appeals Division

PERSONAL & CONFIDENTIAL

CalHR - Personnel Management Division
1515 S Street, North Bldg., Suite 400
Sacramento, CA 95811

PROOF OF SERVICE BY FIRST-CLASS MAIL

Re: Appeal/Complaint - Minimum Qualification
Anthony Palacios; SPB Case No.: 21-1079N

I, Aileen Achacoso, declare:

I am over the age of 18 years and not a party to this action. I declare that I am employed by the California State Personnel Board, 801 Capitol Mall, Sacramento, California 95814.

On December 14, 2022, I caused the following document(s) to be served on the addressee:

BOARD RESOLUTION & ORDER/PROPOSED DECISION

I served the above document(s) by enclosing them in an envelope and placing the envelope for collection and mailing following our ordinary business practices. I am readily familiar with the State Personnel Board's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business, in the United States Postal Service in a sealed envelope with postage fully prepaid.

<u>Appellant:</u> Anthony Palacios P.O. Box 1202 193 Tyler Street Coalinga, CA 93210	<u>Respondent:</u> Corrections/Directorate - Merit Attn: Deputy Director of Human Resources 1515 S Street - Room 101 North Sacramento, CA 95811
<u>Involved Party 1:</u> CalHR - Personnel Management Division 1515 S Street, North Bldg., Suite 400 Sacramento, CA 95811	

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on December 14, 2022, at Sacramento, California.



Aileen Achacoso
Merit Appeals Division