



THE STATE  
of **ALASKA**  
GOVERNOR BILL WALKER

## Department of Administration

DIVISION OF PERSONNEL AND LABOR RELATIONS

10<sup>th</sup> Fl. State Office Building  
PO Box 110201  
Juneau, AK 99811-0201  
Main: 907.465.4430  
Fax: 907.465.3415  
[www.doa.alaska.gov/dop](http://www.doa.alaska.gov/dop)

# Memorandum

To: Kate Sheehan  
Director

Thru: Pam Day  
Classification Manager

From: Keith Murry   
Class Studies Supervisor

Date: August 10, 2016

Subject: Port Engineers Service Change

### **Introduction:**

Port Engineers were previously represented by the Marine Engineer's Beneficial Association (MEBA) and included in the exempt service under AS 39.25.110(16), as Alaska Marine Highway System (AMHS) "masters and members of the crews of vessels" who are covered by a Collective Bargaining Agreement (CBA) between the Commissioner of DOT&PF and bargaining agents of state ferry system employees. The recently negotiated terms with MEBA excludes each Port Engineer position from the union when it is vacated by its incumbent. Their exclusion from the CBA, and the fact the work is a shore side duty and not vessel crew, precludes the positions from being placed in the exempt service. Their defaulting to the classified service requires establishing their placement in the Classification and Pay Plans.

### **Scope:**

The positions impacted are PCNs 2997024, 2997018, and 2997025. PCN 2997025 is vacant and is being converted to PCN 253826 through a new position action in OPD. The remaining positions will be converted when their current incumbent vacates.

### **Class Analysis:**

Port Engineers coordinate the engineering operations for assigned AMHS vessels. This includes working directly and through subordinate marine engineering staff to plan, budget, schedule, and accomplish the ongoing maintenance and repair of mechanical systems; supervising vessel Chief Engineers; and coordinating with other AMHS management staff to maintain maximum operational readiness within AMHS. Each Port Engineer is assigned responsibility for specific vessels. The positions are supervised by the Marine Engineering Assistant Manager (PCN 253821).

Kate Sheehan, Director

August 10, 2016

Page 2

The positions' work is alike, albeit with different vessels and subordinate Chief Engineers, and they are appropriately grouped into a single job class. The work requires specialized knowledge in marine engineering obtained through post-secondary education in a limited number of naval, maritime, or engineering degree fields and professional experience in vessel construction, repair, or conversion; ship systems and marine equipment design; or shipyard management. The work includes regulated duties whose performance requires possession of a marine engineering license.

The positions' duties and responsibilities, with their required qualifications, do not fit into another existing job class in the Classification Plan. A new job class defined and distinguished by these positions' characteristics is being established.

Class Title and Code:

The positions have historically been identified as Port Engineer. This title is recognized in the industry, accurately identifies the scope and level of duties and responsibilities, is sufficiently unique to avoid confusion with other State class titles, and is retained for the new job class.

The Ferry Administration job family (PD06) and Vessel Construction job family (PK06) were evaluated to determine placement in the Class Outline. The narrow focus of the latter family on vessel construction projects rather than ongoing servicing, repair, and upgrade supports aggregating the class to the broader Ferry Administration job family and assigning code PD0655.

Fair Labor Standards Act

Port Engineer employees are shore side rather than vessel crews and as such are not exempt from the overtime requirements of the FLSA under Section 13(b)(6), which provides an exemption from overtime pay for "any employee employed as a seaman".

The employees' primary duty requires advanced knowledge in marine engineering customarily acquired through a bachelor's degree program and meets the regulatory criteria for exercise of discretion and judgment. When compensated on a salary basis above the regulatory threshold the employees are exempt from the FLSA's overtime requirement as Professional Employees.

The employees' work includes activities the regulations identify as directly related to management or general business operations, including budgeting, procurement, regulatory compliance, and quality control; however, examination shows these are integral to and in support of their primary duty rather than a primary duty themselves. The employees do not meet the regulatory criteria for exemption from the FLSA as Administrative Employees.

The employees' duties meet the Executive Employee's criteria for subordinates and authority over the status of other employees, but each is assigned multiple vessels and the specific vessel assignments may vary with the needs of the organization. As the assigned authority is not over a customarily recognized subdivision the employees are not exempt from the FLSA as Executive Employees.

**Salary Analysis:**

The salary range of a job class is determined based on internal consistency within the state’s pay plans. In evaluating internal consistency, the difficulty, responsibility, knowledge, skills, and other characteristics of a class are aligned with job classes of a similar nature, kind, and level in the same job family or related job families.

The Port Engineer’s salary range is based on alignment with the job classes in the Ferry Administration job family. The professional/managerial classes in the family are:

Class Title	Range	Primary Duty
Passenger Services Inspector	17	Ensures quality of AMHS shipboard services
Vessel Scheduling Coordinator	17	Develops statewide AMHS vessel schedules
Ferry Terminal Operations Manager	18	Manages all AMHS ferry terminals
AMHS Safety Management Coordinator	19	Manages maritime and shore-side policy, procedures, and staff preparedness compliance with Internat’l Safety Mgmt Code and Occ Hlth & Sfty regulations
AMHS Security Officer	19	Manages security plans for AMHS vessels and shore side facilities
Marine Pilot Coordinator	20	Assists the Board with administering and enforcing the Marine Pilotage Act
Ship Services Manager/Port Steward	21	Manages all AMHS shipboard passenger service activities
Marine Engineering Assistant Manager	23	Manages the Marine Engineering section and subordinate Port Engineers
Marine Traffic Manager	23	Manages one or more major segments of AMHS with significant impact on operations, costs, and the public
Port Captain	23	Manages operation, safety, general maintenance (except engine room and machinery), and annual dry-docking, repair and modification of State operated ferries
Marine Transportation Services Manager	24	Deputy Director and in-line manager of one of three branches of AMHS

To ensure full consideration of the specialized knowledge and skills required of Port Engineers alignment within the Vessel Construction job family was also evaluated. The professional/managerial classes in the family are:

Class Title	Range	Purpose
Vessel Construction Manager I	21	Manages small to medium vessel engineering and construction projects
Vessel Construction Manager II	22	Manages medium to large vessel engineering and construction projects
Vessel Construction Manager III	24	Manages the vessel design, engineering, and construction program

Port Engineers are the counterpart to Port Captains with similar responsibility for operation, safety, general maintenance, and repair and modification of State operated ferries. The distinction between the two classes is the traditional maritime separation of deck officers and engineering officers, where engineering officers are responsible for the engine room and ship's machinery and deck officers are responsible for the ship itself and all its operations. The two job classes have similar training, career paths, and licensing requirements.

Another distinction between the State's Port Engineers and Port Captains is their organizational hierarchies. Port Captains are subdivision managers reporting directly to the Operations Manager (Marine Transportation Services Manager, Rg 24). The Marine Engineering Manager (Marine Transportation Services Manager, Rg 24) has placed a managerial level between himself and the Port Engineers. This Marine Engineering Assistant Manager (Rg 23) serves as the subdivision manager and retains administrative functions of management that would otherwise be assigned the Port Engineers.

The Port Engineers are properly inserted into the job family ranges between their supervisor, the Marine Engineering Assistant Manager, and the Ship Services Manager/Port Steward's narrower scope and level of responsibility, which would place them at range 22.

Comparison with the Vessel Construction job family supported the range determined by the Port Engineer's placement in the Ferry Administration job family. The Port Engineer duties have significant similarity with the large vessel engineering projects that distinguish the Vessel Construction Manager II. The lack of program responsibility similar to the Vessel Construction Manager III precludes alignment with its higher range.

**Conclusions:**

Port Engineers that are not covered by the CBA with MEBA do not meet the statutory criteria for inclusion in the Exempt Service and default to the Classified Service.

The Port Engineer class is established at salary range 22, class code PD0655 (AKPAY K0168).

Kate Sheehan, Director  
August 10, 2016  
Page 5

PCN 253826 is established to replace PCN 2997025. The position is allocated to Port Engineer, PD0655/Rg22. The position is assigned supervisory authority over State employees and is placed in the SU Bargaining Unit. The position is Strike Class 3. An employee in the position is exempt from the FLSA overtime requirement as a Professional Employee.

The above actions are effective August 10, 2016.

Attachment:  
Final class specification

cc: Michael Neussl, Deputy Commissioner  
Transportation & Public Facilities

Amanda Holland, Director  
Administrative Services Division  
Transportation & Public Facilities

Dana Phillips, Human Resource Manager  
Administrative Services Division  
Transportation & Public Facilities