



STATE OF WASHINGTON

OFFICE OF FINANCIAL MANAGEMENT

STATE HUMAN RESOURCES DIVISION | DIRECTOR'S REVIEW PROGRAM

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June 20, 2016

TO: Kristie Wilson  
Rules and Appeals Program Manager

FROM: Christa Biasi  
Director's Review Specialist

SUBJECT: Ashley Stettler v Eastern Washington University (EWU)  
Allocation Review Request ALLO-16-001

**Director's Determination**

This position review is based on the work performed for the six-month period prior to October 1, 2015 (April 1, 2015 - October 1, 2015) the date that EWU Human Resources (EWU HR) received Ashley Stettler's request for a reallocation. As the Director's Review Specialist, I carefully considered all the exhibits, any written communication provided and the information obtained during the Director's Review Conference. Based on my review and analysis of Ms. Stettler's assigned job duties; I conclude her position is properly allocated to a Program Coordinator (PC).

**Background**

On October 1, 2015, Ms. Stettler submitted a Position Review Request (PRR) to the EWU HR Office requesting reallocation from an Office Assistant 2 to Program Specialist 3 (PS 3).

On December 9, 2015, Sandra Godin, Human Resource Associate, EWU HR, notified Ms. Stettler by memorandum that her position was reallocated from an Office Assistant 2 to a Program Coordinator (Exhibit B-1, Determination Memorandum).

On January 5, 2016, the Office of Financial Management, State HR received Ms. Stettler's request for a written Director's review of EWU's allocation determination.

## **Rationale for Director's 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. *Liddle-Stamper v. Washington State University*, PAB Case No. 3722-A2 (1994).

## **Organizational Structure**

Ms. Stettler's position is within the Division of eLearning and Off Campus Programs (Extended Campus). She works under the direction of Dr. Linda Kieffer, Provost/Vice Provost of Academic Affairs. Her position performs duties that relate to the extended campus and ensures that EWU is compliant with the State Authorization Program.

## **Position Purpose**

As summarized in her PRR, Ms. Stettler states that she works with members of the campus community as well as outside organizations at the state and national level to coordinate and establish EWU's State Authorization efforts. She also advises members of the campus community on actions to be taken in establishing and maintaining goals based on required standards of education.

Based upon campus activity, she anticipates problems/compliance issues and consults with faculty and outside entities to explore solutions and resolutions to these issues so that the students can meet their educational goals and objectives. She also assists in developing and establishing procedures and policies to implement on campus to ensure that EWU remains in compliance with state and national laws; assists higher-level management in the preparation of complex comprehensive applications for State Authorization; conducts research to stay current with state and national laws and policies pertaining to State Authorization; tracks changes in legislative issues and advise members of the campus community based on these changes; and sends out campus wide information to inform staff and faculty about changes in state or national law.

## **Duties and Responsibilities**

As referenced in her PRR, Ms. Stettler's duties are summarized as follows:

45% Establish and maintain current knowledge of state activity relevant to the institutional authorization and compliance interests of EWU.

- Establish and maintain institutional authorization as it relates to State Authorization
- Interpret state and national laws and policies, then advise members of the campus community on issues of admission and academic placement based upon these interpretations.

- Maintain compliance with the national reciprocity agreement that Eastern Washington University belongs to: State Authorization Reciprocity Agreement
- Work collaboratively with staff and faculty to gather required materials needed to complete applications and maintain compliance
- Ensures timely submission of all relevant application materials including payment of fees or surety bonds
- Consult with academic departments developing new online programs or programs/courses where distance activities are required and obtain relevant information for reporting and compliance purposes, as well as gather updated information on existing courses or programs.
- Maintain detailed and precise accounting of status of licensing projects, communicate requirements and deadlines and ensure that these deadlines are met
- Establish and maintain records indicating which EWU activities occur within each state
- Conduct research and keep current on key compliance issues affecting distance education
- Drafts appropriate correspondence to state licensing agencies
- Maintains all relevant databases and paper and electronic files in a timely manner
- Monitors national websites
- Attend webinars and other training to keep current on regulations
- Maintain and create content for EWU State Authorization webpage and other mandatory postings

15% Order supplies for each department, assist in other purchasing duties

- Office Depot Purchases Purchase Orders (Banner)
- Interdepartmental Purchase Orders (IDPO)
- Department p-card
- Collect and maintain documentation as required by department and university policy, contract and any applicable grants

20% Arrange travel for each department director and their staff

- Registrations
- Flight, Hotel and Rental Car arrangements
- Allocation of per diem/advance requests
- TA and TEV forms
- TEMS system
- Non-employee travel
- International travel
- Balance CTA/CTA Report

20% Provide Customer Service

- Answer phones
- Answer general inquiries
- Schedule appointments
- Direct students, faculty and staff
- Receive, sort, and distribute mail, office supplies and other materials
- Work orders

- Serve as a liaison between the department, the university and external contacts interpret and respond to inquiries, provide advice and direction, facilitate in resolution of problems
- Plan events
- Make and update internal documents
- Advise staff on University policies, rules and regulations

### **Summary of Ms. Stettler's Perspective | Position Review Request, Employee Portion (Exhibit B-5)**

Ms. Stettler indicates in her PRR that she is:

"Doing more than "routine clerical" work. Establishing my own record keeping instead of just maintaining already established records. I respond to more than routine questions. Much of my job is done by establishing my own workflow methods and procedures as my duties have not been done in the past. The State Authorization project is a very complex project that has multiple layers to it. It requires that I stay on top of changing state and national policies, conduct research and advise students on issues that are time sensitive and could affect their educational goals. Interpret state and national laws and policies and advise members of the campus community on issues of admission and academic placements."

Additionally, Ms. Stettler believes that she is working at the level of a Program Specialist 3 (PS 3) because she works with members of the campus community and outside organizations at the state and national level to coordinate and establish EWU's State Authorization efforts. She indicates that she advises members of the campus community on actions to be taken in establishing and maintaining goals based on required standards of education; anticipates problems/compliance issues and consults with faculty and outside entities to explore solutions and resolutions in order for students to meet their educational goals and objectives; assists in developing and establishing procedures and policies to implement on campus to ensure that EWU remains in compliance with state and national laws; assists higher-level management in the preparation of complex comprehensive applications for State Authorization; conducts research to stay current with state and national laws and policies pertaining to State Authorization; tracks changes in legislative issues and advises members of the campus community based on these changes; and sends out campus wide information to inform staff and faculty about changes in state or national law. She has taken EWU from not being able to legally offer any distance education courses except to one state and one territory to almost all 50 states. She indicates that she is incredibly proud of her work and accomplishments.

### **Summary of Ms. Stettler's Perspective | Request for Director's Review (Exhibit A-1)**

Ms. Stettler describes her duties and responsibilities that she performs outside her current classification as follows:

State Authorization is a specialized "program" with specific components and tasks that are separate and distinguished from the rest of the organization, I am the only one at Eastern Washington University that ensures compliance under the State Authorization guidelines. The tasks that I perform, such as filing comprehensive applications with each state's commission on education,

track the physical location of EWU students while taking distance courses, and ensure institutional compliance, are tasks that require extensive knowledge of state authorization policies that are unique to this issue and are not able to be performed by other departments at the institution. State authorization compliance holds organization wide responsibility and being out of compliance holds organization wide consequences.

As stated in Ms. Stettler's PRR she also performs other duties as they relate to the State Authorization program and the extended campus program at EWU.

### **Summary of Ms. Stettler's Perspective | Statements From Director's Review Conference**

During the Director's Review Conference Ms. Stettler described her duties as they relate to the coordination of the State Authorization program. Ms. Stettler indicated that when she first began in her current position her duties did not encompass her being the point of contact for State Authorization, State Authorization Reciprocity Agreement or the assurance that EWU is compliant with any state licensure policies. It was not until approximately June 5, 2015, when her former supervisor abruptly left EWU that she became aware that EWU was out of compliance.

Since that time Ms. Stettler has worked diligently to bring EWU into compliance with State Authorization. She described her coordination of State Authorization as being compliant with the standards the Department of Education sets. She works with other states to complete agreements for EWU's distance education programs. The agreements are necessary for EWU because the Department of Education requires that EWU be authorized to offer distance education courses in multiple state jurisdictions. She also advised the Deans of each department on the program guidelines to ensure their compliance while offering extended campus courses. She also ensures that EWU and other agencies that have agreements for education courses are meeting the guidelines and making good faith efforts for following the guidelines set out by State Reciprocity Agreement.

While Ms. Stettler works on agreements as the point of contact for EWU and in conjunction with other state Departments of Education or Education Commissions, she does not have signature authority to formally enter into the agreements.

Ms. Stettler also described her duties as the liaison, which consist of answering phones and questions from students regarding the distance education programs.

Ms. Stettler has no authorization or budgetary authority for the program's activities and is limited in her approval of expenditures. She describes the situation as being unique because she works closely with the finance manager which allows her to let him know "these things are coming up." Ms. Stettler will complete all the processing of the expenditures after their approval.

### **Summary of EWU's Perspective | Position Review Request, Supervisory Portion (Exhibit B-6)**

In the supervisory portion of the PRR, Dr. Kieffer does agree entirely with the information contained in Ms. Stettler's PRR.

One of the key points of disagreement is whether or not Ms. Stettler's position has any supervisory or lead duties and Ms. Stettler also has not been assigned any Fiscal Responsibilities. Dr. Kieffer does indicate that Ms. Stettler works independently within the scope and context of rules, regulations and employer objectives, in other words, Ms. Stettler performs her duties with only administrative direction.

### **Summary of EWU's Perspective | Review Determination Memorandum (Exhibit B-1)**

Sandra Godin, Human Resource Associate, EWU HR agrees that Ms. Stettler's position was misallocated based on the information obtained during their audit. This information included both Ms. Stettler and Ms. Kieffer being interviewed. EWU HR found that Ms. Stettler should be classified as a Program Coordinator and based their decision on the following:

"...the Program Coordinator best represents the complexity of your duties. In addition to the number of administrative duties, you are responsible for coordinating the State Authorization process. State Authorization offers educational opportunities to students in multiple state jurisdictions through distance education. Due to the state authorization initiative, all universities offering education outside of their home state must be authorized by each state in which they offer education at a distance."

Ms. Godin goes into further detail regarding how Ms. Stettler's duties coincide with those duties of a PC by listing each duty performed by Ms. Stettler:

- Coordinate the State Authorization process.
- Responsible for contacting each state to request the authorization paperwork, complete the paperwork, by utilizing available university resources or gathering the needed information, receive approval from Executive Director, and then return the paperwork to the state to be processed. If a state has a required fee for authorization, approval is required.
- Contact and maintain communication with the State's Public and Secondary Commissions, the National Department of Education and other agencies to verify the requirements to operate in that state and gather information for the application process.
- Responsible for tracking the renewal process and maintaining compliance with state and national laws and policies. She provides reports and/ or any requested student information to each state.
- Conduct research to stay current with state and national laws and policies and track changes to legislation that can affect the authorization process.
- Review state and national laws and policies and advise campus members as appropriate. You contact NC- SARA (National Council for State Authorization Reciprocity Agreements) or the specific state for clarification of requirements.
- Advise campus members on actions to be taken to establish and maintain goals based on required standards of education.
- Provide higher-level support to each Director within the Extended Campus Division through calendar management, travel coordination, processing travel expenditures, public relations, and records management.

- Prioritize your own work based on the State Authorization process and the needs of the Department Directors, and other visitors, workload, deadlines, special issues.

The percentage breakdown of Ms. Stettler's duties, for the period of April 1, 2015 to October 1, 2015, is: 55% State Authorization and Compliance; 25% Travel Management; 20% Administrative.

### **Summary of EWU's Perspective | Statements from Director's Review Conference**

EWU does agree that Ms. Stettler was hired as an Office Assistant 2 in March 2014 and what she does is very important to the extended campus, however, EWU HR continues to feel the Program Coordinator is the best fit for Ms. Stettler. This belief is based on Ms. Stettler's responsibility and the scope of that responsibility, which is to carry-out the State Authorization program.

Ms. Stettler is responsible for carrying out a specific activity, such as coordinating, scheduling, monitoring, etc. While EWU HR does agree that Ms. Stettler does exercise independent judgment in interpreting rules and regulations as part of the State Authorization Process paperwork, EWU believes this comes with conferring regularly with representatives from off campus organizations and agencies regarding the interpretation and information and implementation of the program. EWU HR agrees that Ms. Stettler does meet and work with staff both internally and externally, to gather information she needs to complete the State Authorization paperwork. In the end, the paperwork is reviewed by the Director, who is the Vice Provost and it is the Vice Provost who is responsible for signing it and being responsible to that application. Ms. Stettler's authority is limited, she doesn't have signature authority or budget authority. Ms. Stettler does not have final approval of the program and therefore her position fits into the Program Coordinator class.

### **Comparison of Duties to Class Specifications**

I carefully reviewed the exhibits submitted by the Parties. Allocating criteria consists of the class specification's class series concept (if one exists), the definition and the distinguishing characteristics. Typical work is not an allocating criterion, but may be used to better understand the definition or distinguishing characteristics.<sup>1</sup>

At the beginning of the Director's Review Conference the parties agreed that for the purpose of this review the Office of Assistant 2 classification was not consistent with the duties performed by Ms. Stettler and therefore should not be considered.

The first consideration when allocating a position is ensuring it fits the class series concept. There is no class series concept or distinguishing characteristics within the Program Assistant Class Series and Program Specialist Class Series.

### **Comparison of Duties to Program Specialist 2 and 3 (PS 2 and PS 3)**

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<sup>1</sup> In *Norton-Nader v. Western Washington University*, PRB Case No. R-ALLO-08-020 (2008), the Personnel Resources Board (Board) stated that the following standards are the hierarchy of 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; and d) Class series concept, definition/basic function, and distinguishing characteristics of other classes in the series in question.

The Class Series Concept for the Program Specialist series states:

Positions in this series coordinate discrete, specialized programs consisting of specific components and tasks that are unique to a particular subject and are separate and distinguished from the main body of an organization. Positions coordinate program services and resources; act as a program liaison and provide consultation to program participants and outside entities regarding functions of the program; interpret, review and apply program specific policies, procedures and regulations; assess program needs; and develop courses of action to carry out program activities. Program coordination also requires performance of tasks and application of knowledge unique to the program and not transferable or applicable to other areas of the organization.

Examples of program areas may include, but are not limited to: business enterprises, fund raising, volunteer services, community resources, election administration and certification, juvenile delinquency prevention, recreational education and safety, energy education, aeronautic operations and safety, student housing, financial aid, and registration.

The Definition for the PS 2 class states:

Positions at this level work under general supervision and plan, organize, direct and coordinate operations for programs such as the business enterprise, volunteer services and community resources, elections examination/administration programs. Incumbents oversee day-to-day program operations, function as the program representative and resource, have extensive contact with program participants and outside entities, and resolve problems within a delegated area of authority. Unusual problems, probable outcomes and solutions are presented to higher levels for resolution. Incumbents may be delegated limited authority to approve budget expenditures and may assist higher-level staff with developing and coordinating statewide program activities.

Comparison of Duties to Program Specialist 3:

The Definition of the PS 3 Class states:

Positions at this level work under general direction and typically have organization-wide program responsibility. For programs with **statewide impact**, incumbents are specialists who manage one component or assist higher levels in two or more components of the program. Programs include but are not limited to voter registration programs; boating, concession, or winter recreation programs; minority and women's business enterprise programs; and aeronautics programs. Program components are comprised of specialized tasks (e.g., reservations, administration, and budget coordination) within a specialty program. Incumbents assist higher-level staff by coordinating all aspects of program services, providing technical assistance and specialized, consultation to program participants, staff and outside entities, and recommending resolution for complex problems and issues related to the program. Incumbents assess program participants' needs and develop specialized services and training unique to the program and are responsive to the needs of participants. [emphasis added]

These classes are intended to describe higher-level program positions which typically have organization-wide responsibility for managing one or more components, or assisting higher levels in managing two or more components of large state-wide programs. The overall scope of Ms. Stettler's responsibilities with respect to the State Authorization program activities does not reach this level of responsibility.

Ms. Stettler does not have organization-wide responsibility for the State Authorization program activities as required. Dr. Kieffer, Ms. Stettler's supervisor, retains overall authority for this program's function and activities. Ms. Stettler does not have the latitude to independently establish and adjust program priorities or evaluate program effectiveness at the level intended by this class.

Ms. Stettler performs specialized tasks that are unique to the Extended Campus Division of EWU by ensuring its compliance with the State Authorization program. However, State Authorization and the role it plays in the Extended Campus program is not separate and distinguished from the main body of the organization as required by the Program Specialist 2 classification. Rather, as shown on the organization chart, State Authorization and more importantly, Ms. Stettler's position are components of EWU's Extended Campus. Ms. Stettler performs tasks related to State Authorization within the Extended Campus.

The Program Specialist 3 class describes examples of work that may apply to her position such as working with program participants, resolving conflicts, and assisting higher-level staff. However, when considering the allocating factors in the class definition including the size and scope of the designated program, the scope of responsibility over the program, the level of supervision and decision-making, there are other classes which provide a better fit for her position.<sup>2</sup>

For these reasons her position should not be allocated to the Program Specialist 2 or 3 level classes.

### **Comparison of Duties to Program Coordinator**

The Definition of the Program Coordinator states:

Coordinate the operation of a specialized or technical program.

Distinguishing Characteristics:

Under general direction, perform work using knowledge and experience specific to the program. Exercise independent judgment in interpreting and applying rules and regulations. Independently advise students, staff, program participants and/or the public regarding program content,

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<sup>2</sup> The best fit concept is supported by *Salsberry v. Washington State Parks and Recreation Commission*, PRB Case No. R-ALLO-06-013 (2007), the Personnel Resources Board (the Board) addressed the concept of best fit. The Board referenced *Allegri v. Washington State University*, PAB Case No. ALLO-96-0026 (1998), in which the Personnel Appeals Board noted that while the appellant's duties and responsibilities did not encompass the full breadth of the duties and responsibilities described by the classification to which [her] position was allocated, on a best fit basis, the classification best described the level, scope and diversity of the overall duties and responsibilities of [her] position.

policies, procedures and activities; select/recommend alternative courses of action and either:

Project, monitor, maintain, initiate and/or approve expenditures on program budgets

OR

Have extensive involvement with students, staff, the public and/or agencies in carrying out program activities, and coordinate, schedule and monitor program activities to determine consistency with program goals.

Ms. Stettler's position has primary responsibility for the State Authorization program within EWU's Extended Campus Division. She coordinates and provides support to staff and students of the program and uses her specialized knowledge of the program to assist in the establishment of campus protocols as they relate to State Authorization. She follows the established guidelines set out by the Department of Education and works with Dr. Kieffer to set procedures and assist staff in the program's requirements as they relate to distance education. She also maintains contact with the State's Public and Secondary Commissions, National Department of Education and other agencies to verify the State Authorization requirements for a particular state in order for EWU to offer distance education.

Ms. Stettler independently advises staff, students and program participants regarding State Authorization and distance education processes and procedures. She also serves as program liaison to provide consultation to program participants and outside entities regarding functions of the program. Additionally, she is responsible for contacting each state to request the authorization paperwork, complete the paperwork, utilize available university resources or gather the needed information, receive approval from Executive Director, and return the paperwork to the state to be processed.

It is evident that Ms. Stettler's position performs a variety of duties related to the State Authorization program with multiple rules, policies and requirements and she possesses a solid understanding of the program. However, a position's allocation is not based on an evaluation of performance, nor does a position's allocation diminish the importance of the work performed by an incumbent. The allocation is based on the majority of duties assigned to a position and how the work best aligns with available job classes. As such, the overall scope of duties and level of responsibility assigned to Ms. Stettler's position best for the Program Coordinator classification.

### **Appeal Rights**

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

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 PO Box 40911, Olympia, Washington, 98504-0911. The PRB Office is located on the 3rd floor of the Raad Building, 128 10th Avenue SW, Olympia, Washington. The main telephone number is (360) 407-4101 and the fax number is (360) 586-4694.

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

c: Ashley Stettler, Appellant  
Saundra Godin, Human Resource Associate

Enclosure: List of Exhibits

**ASHLEY STETTLER v EWU**  
**ALLO-16-001**

**LIST OF EXHIBITS**

A. Ashley Stettler Exhibits

1. Request for Director's Review
2. Email to Sandra Godin, HR Representative
3. Oregon State Authorization Application
4. State Authorization: Field Placement Report
5. Second Email to Sandra Godin, HR Representative
6. Delaware State Authorization Application, Draft Version
7. Request for State of Texas Certificate of Approval
8. Sample correspondence with state regulators
9. Interdepartmental Purchase Order and Invoice
10. Travel Information Spreadsheet 2015
11. State Authorization Reciprocity Agreements: Policies and Standards
12. State Authorization Reciprocity Agreements (SARA) Renewal Application 2016
13. Document for the Deans, Programs that lead to professional licensure requirements Draft Version
14. Sample Spreadsheet (athletic training) for disclosure of professional licensure requirements
15. State Authorization, working document used to explain and advise campus community
16. Alaska State Exemption Application
17. Utah State Authorization Application
18. Sample Applications, currently working
19. Screenshots of State Authorization Website
20. WCET Annual State Authorization Network Coordinators Meeting Participant List

B. EWU Exhibits

1. Allocation determination letter to employee dated 12/09/2015.
2. Job description relevant to the audited period.
3. Current organizational chart.
4. Allocation determination letter to Interim Provost/Vice Provost for Academic Affairs dated 12/09/2015.
5. Position Review Request- Employee Portion received in Human Resource Services on 10/01/2015.
6. Position Review Request- Supervisor Portion filled out by supervisor, Linda Kieffer, Vice Provost-Academic Affairs 4 in Academic Affairs, received 10/05/2015.
7. Notes taken by Sandra Godin from interview with Ashley Stettler on 10/13/2015.
8. Emailed exchange with employee, Ashley Stettler, on 11/19/2015, with attachments.
9. Emailed exchange with employee, Ashley Stettler, on 10/13/2015 with attachments.

10. State of Washington Class Specifications for Program Specialist 3
11. State of Washington Class Specifications for Program Specialist 2
12. State of Washington Class Specifications for Program Coordinator
13. State of Washington Class Specifications for Office Assistant 2.

C. Class Specifications

1. Program Specialist 3
2. Program Specialist 2
3. Program Coordinator
4. Office Assistant 2