

July 6, 2007

Ms. Leanne Blood
Employee Relations Specialist
Washington Public Employees Association
North 4407 Division Street Suite 514
Spokane, WA 99207

RE: John Olson v. Yakima Valley Community College
Allocation Review Request ALLO-06-002

Dear Ms. Blood:

On March 27, 2007, I conducted a Director's review meeting by telephone conference call regarding the allocation of John Olson's position. Present during the telephone conference were you, Mr. Olson, Mark Rogstad, Director of Human Resource Services at Yakima Valley Community College (YVCC), Richard Milliron, Custodial Supervisor, and Mike Whelan, Director of Facilities.

Background

On April 13, 2006, Mr. Olson submitted a Position Review Request (PRR) to YVCC's Human Resource Department (Exhibit A-1). On June 12, 2006, Mr. Rogstad issued the college's allocation determination in the form of a Position Audit Findings report (Exhibit A-2). In his report, Mr. Rogstad concluded that Mr. Olson spent a majority of his work time performing routine and scheduled custodial assignments. While Mr. Rogstad acknowledged Mr. Olson occasionally performed other duties for custodial staff and acted as the designee on shift in the absence of the Custodial Manager, he determined his position appropriately fit within the Custodian 1 classification.

On July 17, 2006, the Department of Personnel (DOP) received your letter and Director's review request form, filed on behalf of Mr. Olson. In response to Mr. Olson's request, Mr. Rogstad wrote a July 18, 2006 letter to DOP, asking that Mr. Olson's request be denied. YVCC believed Mr. Olson's request stemmed from the class consolidation implemented by DOP on January 1, 2006, which was not subject to a Director's review.

In an August 11, 2006 letter, I clarified that the basis for Mr. Olson's request was the Audit Findings Report issued by Mr. Rogstad on June 12, 2006, not DOP's class consolidation plan.

Summary of Mr. Olson's Perspective

Mr. Olson asserts the majority of custodial work he performs goes beyond the Custodian 1 level. Additionally, Mr. Olson contends the level of responsibility assigned to his position supports reallocation to the Custodian 3 classification. For example, Mr. Olson states his responsibilities include radio communication, unlocking the lock box containing keys, using his judgment regarding work assignments and communicating to others more efficient and time-saving methods for improving procedures, reporting unusual occurrences, and acting as the designated lead in his supervisor's absence. Mr. Olson also states he has been on interview panels when needed.

Mr. Olson describes the majority of his work as cleaning and maintaining assigned buildings. Mr. Olson states he also makes rounds at the beginning of his shift, inspects equipment and looks for vandalism, checks doors and windows, and makes minor repairs or reports maintenance needs to his supervisor. Mr. Olson describes the repairs he performs as very minor and as an example he states he replaces vacuum cleaner bags and brushes and switches different heads on scrub machines. Mr. Olson also maintains inventory for his assigned buildings, moves furniture around, and communicates with his supervisor and other facilities supervisors through email or radio. Mr. Olson asserts he provides leadership to other custodial staff and states that others ask his advice on procedures.

Mr. Olson describes 42% of his time as spent acquiring the proper equipment for specific jobs; communicating by radio, email, in-person, or in a written report; handling multiple custodial tasks efficiently and multi-tasking; and helping other custodians with projects. Further, Mr. Olson states 6% of his time is spent resolving issues and meeting with or advising other custodians and 9% is spent making estimates, recommendations, and using innovative methods for accomplishing tasks. Mr. Olson also states that 4% of his time is spent identifying security concerns such as a broken window. Overall, Mr. Olson believes the above percentages, totaling 61% (Exhibit B), which he states also fall within the 65% identified on the PRR (Exhibit A-1), support reallocation to the Custodian 3 classification.

Summary of Yakima Valley Community College's (YVCC's) Reasoning

YVCC contends the primary purpose for Mr. Olson's position is to provide routine custodial and cleaning duties for assigned buildings on campus. As such, YVCC asserts the majority of Mr. Olson's assigned duties and responsibilities fall within the Custodian 1 classification. YVCC disagrees that the majority of Mr. Olson's custodial duties reach the Custodian 3 level. YVCC acknowledges that Mr. Olson provides leadership to other custodians and acts as a designee in his supervisor's absence. However, YVCC states

that his role in the absence of his supervisor includes 1) unlocking the key box; 2) being the "eyes and ears" for maintenance issues only by emailing Mr. Milliron or contacting Maintenance in an emergency; and 3) making sure the key box gets locked again at the end of the shift.

Additionally, YVCC contends the amount of time Mr. Olson had been designated as lead custodian in his supervisor's absence totaled only 16% of his overall time. YVCC maintains that security functions are handled by the security staff. In addition, YVCC contends that custodians are not tasked with making rounds but will ensure buildings are locked upon completion of their work. As a practice, YVCC notes that custodial staff will typically check exterior doors and windows between 1:00 and 1:30 a.m. during their shift but asserts that function takes approximately ten minutes to perform. Also, YVCC acknowledges that custodians have radios but asserts radios are issued as a safety precaution.

With regard to maintenance activities, YVCC contends Maintenance Mechanic positions are tasked with performing building maintenance, not custodial staff. Further, YVCC contends items needing repair to any extent will be reported to the Custodial Supervisor or Facilities Supervisor or Manger. YVCC acknowledges that custodial positions may occasionally make minor repairs, move furniture like desks or tables in the course of their cleaning duties, change a light bulb, or adjust a building's temperature for a comfortable work setting. YVCC acknowledges Mr. Olson's excellent work but asserts the main duties and responsibilities assigned to Mr. Olson's position relate to cleaning his assigned buildings, which YVCC believes best fit the Custodian 1 classification.

Director's Determination

This position review was based on the work performed for at least the six-month period prior to April 13, 2006, the date Mr. Olson submitted his Position Review Request to YVCC's Human Resource Services.

As the Director's designee, I carefully considered all of the documentation in the file, the exhibits presented during the Director's review meeting, and the verbal comments provided by both parties. Based on my review and analysis of Mr. Olson's assigned duties and responsibilities, I conclude his position is properly allocated to the Custodian 1 classification.

Rationale for Determination

During the Director's review meeting, both parties agreed that a current Position Description Form did not exist for Mr. Olson's position. However, Mr. Olson's supervisor, Mr. Milliron, and the Facilities Manager, Mike Whelan, both participated in the conference and described Mr. Olson's assigned duties and responsibilities as being consistent with those outlined in the Custodial Job Expectations (Exhibit A). The basic function of a custodial position, as stated in the job expectations, notes that positions

perform custodial tasks to maintain cleanliness of campus and grounds keeping services. Daily and weekly responsibilities include the following:

- Refill/stock paper and soap products;
- Clean/sanitize restrooms and fixtures;
- Sweep and vacuum floors;
- Empty wastebaskets, ashtrays, and trash containers in assigned areas;
- Clean whiteboard and erasers (weekly);
- Mop floors.

Further, the following tasks and responsibilities are preformed as needed or as assigned:

- Replace light bulbs;
- Use power and hand tools, strip, clean and buff an/or wax floors and shampoo carpet;
- Wash walls, windows, and carpets;
- May manually remove snow or debris from sidewalks, stairs, driveways, entryways, or grounds.
- Move furniture, equipment and tools (as needed);
- May operate motorized equipment;
- Set up facilities for meetings or conferences;
- Dust and wipe furniture and flat surfaces.

During the Director's review conference, Mr. Milliron explained that Mr. Olson's position was tasked with the very important function of maintaining cleanliness of the college's buildings and grounds. Mr. Milliron and Mr. Rogstad also commented on Mr. Olson's excellent work and willingness to be the "eyes and ears" in Mr. Milliron's absence, as well as his willingness to assist others and provide useful suggestions. While Mr. Olson may perform minor maintenance on the equipment he uses or occasionally make a minor repair to a window or piece of furniture, Mr. Olson described those repairs as "very minor." He also stated he would inform Mr. Milliron or Maintenance for anything other than minor repairs. Additionally, Mr. Olson stated that broken windows in need of repair happened maybe twice per year. While Mr. Olson obviously demonstrates leadership skills and is well respected and trusted by his peers and supervisors, his assigned duties, as outlined on the Custodial Job Expectations list, are consistent with the distinguishing characteristics of the Custodian 1 class, which states that positions "perform routine housekeeping and custodial duties."

Although allocation decisions are made by comparing the duties of the position to the category concept and distinguishing characteristics, the examples of work can lend support to the decision. In this case, the following examples of work are similar to the work assigned to Mr. Olson's position:

- Cleans various buildings, offices, rooms . . . ;

- Cleans and sanitizes showers, restrooms, toilet facilities; keeps them properly supplied with toilet paper, paper towels, soap, and other items;
- Sweeps, mops, scrubs, waxes and polishes floors . . .;
- Performs minor maintenance and repair work . . .;
- Empties wastebaskets, trash, and recycle containers;
- Sets up and takes down equipment and furnishings;
- Maintains inventory of equipment and products.

All of the above examples of work are consistent with the duties assigned and performed by Mr. Olson.

The distinguishing characteristics of a Custodian 2 note that in addition to performing various housekeeping and custodial tasks, positions also perform maintenance tasks that include repairing and replacing various items, including but not limited to, light fixtures, switches doors, hardware, windows, locks, etc. Mr. Olson's position does not meet the level of work envisioned at the Custodian 2 level because he makes only minor and infrequent repairs. Additionally, Mr. Olson reports any substantial repairs needed to his supervisor, Mr. Milliron.

The distinguishing characteristics of a Custodian 3 state the following:

Positions lead and/or supervise assigned personnel performing various custodial and housekeeping duties. Regularly assigns, instructs and checks the work of others. Interviews and recommends selection of applicants, conducts training, assigns and schedules work, acts upon leave requests, conducts annual performance evaluations and recommends disciplinary action.

In addition, the Washington State Classification and Pay Guide defines a lead employee as one "who performs the same or similar duties as the other employees in his/her work group and has the designated responsibility to regularly assign, instruct, and check the work of those employees."

During the conference, Mr. Olson agreed that he did not act in a supervisory capacity. Although he does occasionally act as a lead or senior custodian in the absence of Mr. Milliron, his role is limited to ensuring the key box is unlocked and locked again and reporting maintenance issues that arise. While Mr. Olson may share ideas for work improvements and assist other custodians, he has not been tasked with assigning, scheduling, or instructing work and does not approve leave requests, conduct performance evaluations, or make hiring or disciplinary recommendations. I agree Mr. Olson makes recommendations for more efficient and time-saving work methods and has participated in interview committees; however, he has not been designated as a lead custodian the majority of the time, as shown in the Custodian Manager Absences Summary (Exhibit 2).

This determination is not an evaluation of Mr. Olson's performance or his ability to perform higher-level work. Rather, an allocation determination is based on the assignment of duties and responsibilities to a position. After reviewing all of the documentation and comments from Mr. Olson, Mr. Milliron, and Mr. Whelan with regard to Mr. Olson's assigned custodial duties and responsibilities, I conclude the Custodian 1 classification best describes Mr. Olson's position.

Appeal Rights

WAC 357-49-018 provides that either party may appeal the results of the Director's review to the Personnel Resources Board (board) by filing written exceptions to the Director's determination in accordance with Chapter 357-52 WAC.

WAC 357-52-015 states that an appeal must be received in writing at the office of the board within thirty (30) calendar days after service of the Director's determination. The address for the Personnel Resources Board is 2828 Capitol Blvd., P.O. Box 40911, Olympia, Washington, 98504-0911.

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

Sincerely,

Teresa Parsons
Director's Review Supervisor
Legal Affairs Division

c: John Olson
Mark Rogstad, YVCC
Lisa Skriletz, DOP

Enclosure: List of Exhibits