

July 6, 2007

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

RE: Charles Cummings v. Yakima Valley Community College
Allocation Review Request ALLO-06-009

Dear Ms. Blood:

On April 10, 2007, I conducted a Director's review meeting by telephone conference call regarding the allocation of Charles Cummings' position. Present during the telephone conference were you, Mr. Cummings, 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 May 4, 2006, Mr. Cummings submitted a Position Review Request (PRR) to YVCC's Human Resource Department (Exhibit A-1). On July 3, 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. Cummings spent a majority of his work time performing routine and scheduled custodial assignments. As a result, Mr. Rogstad determined Mr. Cummings' position appropriately fit within the Custodian 1 classification.

On August 1, 2006, the Department of Personnel (DOP) received your letter and Director's review request form, filed on behalf of Mr. Cummings. In response to Mr. Cummings' request, Mr. Rogstad wrote an August 14, 2006 letter to DOP, asking that Mr. Cummings' request be denied. YVCC believed Mr. Cummings' request stemmed from the class consolidation implemented by DOP on January 1, 2006, which was not subject to a Director's review.

In an October 12, 2006 letter, I clarified that the basis for Mr. Cummings' request was the Audit Findings Report issued by Mr. Rogstad on July 3, 2006, not DOP's class consolidation plan.

Summary of Mr. Cummings' Perspective

Mr. Cummings asserts the majority of custodial work he performs best fits the Custodian 2 classification. In addition, Mr. Cummings contends the level of responsibility assigned to his position, which includes operating an assigned radio and having issued keys, supports his reallocation to the Custodian 2 classification. In particular, Mr. Cummings states that 63% of his overall duties are performed at the higher level. As such, Mr. Cummings asserts he regularly moves furniture in order to perform cleaning duties and repairs or replaces tables, chairs, and benches when necessary. For example, Mr. Cummings states he tightens or replaces screws and repairs broken or missing legs on furniture to prevent safety hazards. Mr. Cummings also states that he checks lights, replaces fixtures, and adjusts the heating and air conditioning.

Additionally, Mr. Cummings states that he regularly checks his janitorial tools and equipment for loose or broken hoses or to make sure the correct polisher/scrubber head is with the correct machine. In the course of performing his cleaning duties, Mr. Cummings also states that he comes in contact with chemical cleaners and disinfectants, as well as bio-hazardous material discarded in restrooms and biology classrooms. Mr. Cummings states that he disposes of the bio-hazardous material, which typically is in its own receptacle, with the regular garbage. Mr. Cummings, however, asserts his position requires knowledge about various Material Safety Data Sheets (MSDS), and he states he serves as a member of the emergency response team.

Mr. Cummings also states a significant portion of his time (25%) is spent making rounds prior to beginning his custodial duties, which includes walking around the building and looking for broken locks and windows and forms of vandalism. Mr. Cummings notes that others on campus also carry keys, so he contends there is a need to check windows and doors more than one time during a shift. Prior to entering a building, Mr. Cummings asserts he sweeps and removes leaves and other debris from the walkway pictured in Exhibit G, both to prevent dirt from tracking into the buildings he cleans as well as ensuring the debris will not create safety issues. In addition, Mr. Cummings states he maintains inventory for his assigned buildings and communicates with his supervisor and other facilities supervisors through email or radio. In summary, Mr. Cummings believes his assigned duties and responsibilities are best described by the Custodian 2 classification.

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

YVCC contends the primary purpose for Mr. Cummings' position is to provide routine custodial and cleaning duties for assigned buildings on campus. As such, YVCC asserts the majority of Mr. Cummings assigned duties and responsibilities (90%) fall within the

Custodian 1 classification. Although keys are assigned to custodians for entry into the buildings they clean, YVCC asserts that security functions are handled by the security staff. YVCC further asserts that custodians are not tasked with making rounds; rather, YVCC contends custodial positions ensure the buildings they work in 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 Manager. 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, however, maintains the primary duties and responsibilities assigned to Mr. Cummings' position relate to cleaning his assigned buildings rather than performing maintenance duties, which are minimal and happen only occasionally.

While YVCC acknowledges that Mr. Cummings may sweep the walkways near his assigned buildings, YVCC contends grounds keeping staff is responsible for the exterior campus. In addition, YVCC contends the walkway shown in Exhibit G is adjacent to six classrooms and asserts it takes minimal time to walk completely around the building. YVCC emphasizes the focus of Mr. Cummings' assigned work is to perform cleaning duties consistent with the Custodial Job Expectations (Exhibit A). Therefore, YVCC contends the Custodian 1 classification is the appropriate allocation for Mr. Cummings' position.

Director's Determination

This position review was based on the work performed for at least the six-month period prior to May 4, 2006, the date Mr. Cummings 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. Cummings' 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. Cummings' position. However, Mr. Cummings'

supervisor, Mr. Milliron, and the Facilities Manager, Mike Whelan, both participated in the conference and described Mr. Cummings' 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 reiterated that Mr. Cummings' position was tasked with the very important function of maintaining cleanliness of the college's buildings and grounds. In the course of his work, Mr. Cummings may perform minor maintenance on the equipment he uses. For instance, he may need to check a vacuum hose or beater bar or change the vacuum cleaner bag. Similarly, Mr. Cummings may need to sweep a walkway or pick up debris on the pathway into the building. Mr. Cummings' primary assignments, however, involve cleaning and maintaining buildings/restrooms and performing tasks like emptying wastebaskets, sweeping, and vacuuming.

When comparing Mr. Cummings' assigned duties, as described above, they 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. Cummings' 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. Cummings.

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. Cummings' position does not meet the level of work envisioned at the Custodian 2 level because he makes only minor and infrequent repairs. Additionally, Mr. Cummings reports any substantial repairs needed to his supervisor, Mr. Milliron, as shown in the email examples he provided (Exhibit F).

During the Director's review conference, Mr. Cummings also talked about the use of chemical cleaning products and the disposal of hazardous waste. Mr. Milliron explained that such issues were regularly discussed at custodial safety meetings and agreed that custodial positions should be aware of MSDS information. However, Mr. Milliron also explained that strong cleaning products had been diluted and hazardous waste materials were put in a special container prior to being disposed of by custodial staff. While it is certainly important to be aware of safety issues, these functions are consistent with the Custodian 1 duties of cleaning and waste disposal.

After reviewing all of the documentation and comments from Mr. Cummings, Mr. Milliron, and Mr. Whelan with regard to Mr. Cummings' assigned custodial duties and responsibilities, I conclude the Custodian 1 classification best describes Mr. Cummings' 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: Charles Cummings
Mark Rogstad, YVCC
Lisa Skriletz, DOP

Enclosure: List of Exhibits