

April 29, 2008

TO: Kathleen Oest  
Employee Relations Specialist  
Washington Public Employees Association (WPEA)

FROM: Teresa Parsons  
Director's Review Program Supervisor

SUBJECT: Brenda McKinney v. Pierce College (PC)  
Allocation Review Request ALLO-07-025

On March 6, 2008, I conducted a Director's review meeting at the Department of Personnel, 2828 Capitol Boulevard, Olympia, Washington, concerning the allocation of Brenda McKinney's position. Both you and Ms. McKinney were present at the Director's review meeting. The following individuals from Pierce College participated by telephone conference call: Jan Bucholz, Vice-President for Human Resources; Patsy Rammel, District Benefits Manager; and Nancy Houck, Director of Student Success. Ms. Houck is Ms. McKinney's second-line supervisor.

### **Background**

On January 5, 2007, the Human Resources Office at Pierce College received Ms. McKinney's Position Review Request (PRR) asking that her Program Coordinator position be reallocated to the Program Support Supervisor II classification. On March 6, 2007, Ms. Bucholz and Ms. Rammel denied Ms. McKinney's request for reallocation. Ms. Rammel had conducted the position review. After reviewing Ms. McKinney's request in conjunction with Ms. Houck's responses to the PRR, Ms. Rammel concluded the Program Coordinator classification appropriately described Ms. McKinney's assignment of duties within the Disability Support Services Program.

On March 29, 2007, the Department of Personnel received your letter requesting a Director's review of Pierce College's allocation determination.

### **Summary of Ms. McKinney's Perspective**

Ms. McKinney asserts that she coordinates program functions for Access & Disability Services (ADS) at Fort Steilacoom, including establishing priorities and ensuring deadlines are met. Ms. McKinney asserts that in her role, she coordinates with appropriate agencies, departments, and instructors to ensure students receive accommodations. Ms. McKinney contends that she finds and hires student workers to work as classroom notetakers for students with disabilities needing assistance. Ms. McKinney contends that whether notetakers are paid with a one-time stipend or by the hour as a Report of Hourly Appointment (RHA), her duties supervising the work remain the same.

As such, Ms. McKinney contends that she initiates and completes paperwork, schedules where and when the notetakers report, instructs and trains notetakers, and evaluates the notetakers by going into classrooms and observing. Ms. McKinney states that she also advises notetakers when they perform inadequately. In addition, Ms. McKinney states that she hires and oversees work study students (office assistants and lab technicians) who provide support to ADS. Ms. McKinney also asserts that she develops information to support budget requests for special assignments or contracted vendors, such as sign language interpreters. During the time relevant to this review, Ms. McKinney contends the ADS program was short-staffed and contends she performed additional duties to keep the program operating smoothly. Ms. McKinney believes the level of responsibility assigned to her position fits the Program Support Supervisor II classification.

### **Summary of Pierce College's (PC's) Reasoning**

PC acknowledges that ADS was short one person during a portion of the time relevant to this review. However, PC contends Ms. Houck discussed options for dealing with the extra volume of work with Ms. McKinney and her supervisor at the time, Interim ADS Coordinator Bjorn Benson. PC contends Mr. Benson had not delegated higher-level duties to Ms. McKinney and asserts that she had not been assigned supervisory responsibilities. PC states that Ms. McKinney's primary responsibilities deal with the coordination of the ADS office. In that role, PC states Ms. McKinney is often the first point of contact for students seeking disability services and that she coordinates, and schedules services for students, explains procedures, assists with completing paperwork, and schedules appointments for students with the ADS Coordinator or Educational Advisor. PC states that McKinney may also schedule sign language interpreters and other contracted services.

While PC acknowledges Ms. McKinney may direct and schedule work study or RHA workers, the college asserts her position has not been assigned the supervisory responsibility of signing leave slips, conducting performance evaluations, or handling disciplinary issues. PC acknowledges that Ms. McKinney monitors program expenditures and reconciles invoices and time cards for payment. PC recognizes that Ms.

McKinney does a good job and appreciates her willingness to step in and assist during times they are dealing with interim staff issues. However, PC asserts the assigned work and duties performed by Ms. McKinney are consistent with the Program Coordinator classification.

### **Director's Determination**

This position review was based on the work performed for the six-month period prior to January 5, 2007, the date Ms. McKinney submitted her Position Review Request to Pierce College's Human Resources Office.

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 Ms. McKinney's assigned duties and responsibilities, I conclude her position is properly allocated to the Program Coordinator classification.

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

On the PRR, Ms. McKinney describes her position's purpose as follows (Exhibit B-3 and D-3):

I provide support for the ADS Office and direct service to students. I interview and recommend selection of applicants, train new employees, assign and schedule work, contract with vendors (where applicable), and supervise 3-5 Work Study, 10-15 notetaker/scribes, and 10-20 ASL Sign language interpreters. These figures change quarterly as student needs change.

The following summarizes Ms. McKinney's description of primary duties:

25% Coordinate, supervise and schedule sign language interpreters and real-time captioners for students in a wide variety of college settings, including classrooms, tutoring sessions, and school-related appointments and activities.

- 25% Serve as primary contact with students: greet students, explain procedures and assist students in completing preliminary paperwork while doing initial intake with students new to ADS. Provide information on disability services and coordinate services with other departments and outside agencies. Schedule appointments for ADS Coordinator and Assistive Technology (AT) Coordinator/Educational Advisor. Assist in planning, implementing, evaluating, and facilitating current procedures. Temporarily put needed accommodations in place, in the absence of her supervisor.
- 25% Through interviews and research obtain RHAs and Work Study in order to provide approved academic accommodations. Schedule and supervise Work Study and/or RHA in general ADS Office and AT Lab duties. Schedule and supervise notetakers/scribe services for students who are blind/deaf/learning disabled/other. Maintain schedules as needed and review and verify/reconcile time cards and invoices for payment. Process employment-related paperwork.

The remaining duties include projecting expenditures for sign language interpreters, workstudies, and notetakers; creating and updating forms used to accompany accommodated tests and explaining the process of test accommodation; creating and updating forms used for checking out ADS equipment.

On the PRR, Ms. McKinney indicates that she supervises several individuals, including hourly lab technicians, office assistants, notetakers, and sign language interpreters. Ms. McKinney's supervisor, Bjorn Benson, signed the PRR as accurate and complete and noted that Ms. McKinney had the authority to hire notetakers, interpreters and other contracted or hourly employees and had responsibility for the day to day operations of the office. During the Director's review conference, Ms. McKinney provided an example of how she selects students as notetakers. Ms. McKinney indicated that she may look at a particular class roster and/or review transcripts or consider a student's grade point average (GPA) to find possible candidates.

Mr. Benson's supervisor, Nancy Houck, Director of Student Success, disagrees that Ms. McKinney's involvement with the above individuals reaches the level of supervision required of a supervisory position. In her own Supervisor Review, Ms. Houck indicated, in part, the following (Exhibit B-4):

- This position reports to the Coordinator of Access & Disability Services at Fort Steilacoom. All main duties and job tasks are accomplished under the direct supervision and with authorization from the ADS Coordinator.

- This position does not supervise staff, as defined by the Department of Personnel.
- This position does not assume responsibilities of “in-take” with new students; all decisions related to accommodations are the responsibility of the ADS Coordinator.
- This position does not independently make decisions related to staffing or establishing policy and procedures.

While Ms. Houck acknowledged that Ms. McKinney assumed some tasks outside of her job description, she indicated Ms. McKinney assumed those tasks without the verbal or written delegation from her, as Director of Student Success, or Mr. Benson, as the Interim ADS Coordinator.

In this case, I first considered whether Ms. McKinney's supervision of notetakers, sign language interpreters, and work study or RHAs met the definition of supervisor. The Washington State Classification and Pay Administrative Guide defines supervisor as follows:

An employee assigned responsibility by management to participate in all of the following functions with respect to their subordinate employees: (1) selection of staff, (2) training and development, (3) planning and assignment of work, (4) evaluating performance, (5) adjusting grievances, and (6) taking corrective action.

The documents provided by Ms. McKinney include a calendar scheduling interpreter services and interpreter agreement contracts; emails forwarded or directed to Ms. McKinney regarding student requests for services, such as tutoring or special accommodations; lists of work study, notetakers, ASL interpreters, and captioners; and a purchase requisition for interpreter services (Exhibit D-3). In addition, Ms. McKinney included some work study authorization forms where she signed as the supervisor (Exhibit D-6).

The examples support that Ms. McKinney's duties and responsibilities involve overseeing the coordination and scheduling of services for students with disabilities. Although Ms. McKinney may select or recommend individuals to assist students needing a classroom accommodation or hire work study students or RHAs to support the ADS office, those functions do not have the depth of responsibility involving the training and development of staff, planning of work assignments, or performance evaluation envisioned by the supervisor definition. Additionally, Ms. McKinney does not have responsibility for adjusting grievances or taking corrective action.

The basic function for the Program Support Supervisor II classification reads as follows:

Supervise program support staff involved in the performance of duties associated with a highly specialized or technical program(s) and assist in the development of program policies and budgets. Act as liaison between the program and outside organizations.

The distinguishing characteristics of the Program Support Supervisor II include the following:

With delegated authority, interview and recommend selection of applicants, train new employees, assign and schedule work, act upon leave requests, conduct annual performance evaluations and recommend disciplinary action.

Under general direction, perform work using knowledge and experience specific to the program. Assist in planning, implementing, and evaluating policies; devise and implement new procedures; develop information to support budgetary requests and project income and expenditures.

The examples show Ms. McKinney's responsibility in coordinating ADS services, and I acknowledge there is a great deal of coordination and follow-up, as well as assurance that accommodation requirements are met. Although the word "supervisor" is indicated on the Campus Work Study Authorization form, the form verifies student work hours, and Ms. McKinney signs the form in the absence of her supervisor. Ms. McKinney's duties involve coordinating services, assigning and directing work, and following up to ensure students receive all necessary accommodations. However, Ms. McKinney's duties and responsibilities do not rise to the same level of supervision outlined in the Program Support II classification.

When specific accommodations are needed, Ms. McKinney looks for other students to assist, briefs those individuals on note-taking methods or various ways of capturing information needed for the student requiring services, and she coordinates and schedules the accommodation. Ms. McKinney may also observe the notetakers in the classroom or notify them when the student receiving services has a complaint.

While Ms. McKinney may need to work with an individual's schedule when assigning and scheduling work, she does not have responsibility for acting upon leave requests. Further, the sign language interpreters are generally contracted and not considered employees. The individuals change quarterly, and Ms. McKinney completes paperwork for contracting services, or may sign a form authorizing the verification of hours worked, calculate and monitor time sheets, and monitor and reconcile invoices for services or time cards. The duties and responsibilities assigned to Ms. McKinney's position are consistent with the Program Coordinator classification.

The basic function for the Program Coordinator classification states that positions "[c]oordinate the operation of a specialized or technical program." The Washington State

Glossary of Classification Terms defines coordinate as independently organizing, monitoring, evaluating, and making adjustments for a program or activity without supervisory responsibility over program or activity participants.

The distinguishing characteristics of a Program Coordinator include the following:

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, 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.

While examples of work do not form the basis for an allocation, they lend support to the work envisioned within a classification. The typical work examples of the Program Coordinator classification most in line with Ms. McKinney's assigned duties include the following:

Within the specialized program:

- Monitor budget status in line with program activities;
- Provide information and advice to students, staff, program participants and/or the public regarding program content, policies and activities, recommend alternative courses of action; promote the program on campus with outside organizations;
- Attend meetings and/or conferences as program representative;
- Confer regularly with representatives of off-campus organizations and agencies regarding the interpretation and implementation of program and institutional policies;

- Monitor program activities in relation to established program goals; within established program parameters, determine variance from program standards;
- Direct the work of others;
- May make public presentations related to program specialty.

It is clear Ms. McKinney has an important role in ensuring the day to day operations of the ADS office run well and that students' needs for disability services and accommodations are met. It is also apparent from the letters of support that Ms. McKinney's work is highly valued (Exhibit D-5). A position's allocation is not an evaluation of an individual's performance or ability to perform higher-level duties. Rather, an allocation is based on the assigned duties and responsibilities to the position. Based on the overall assignment of work to Ms. McKinney's position, the Program Coordinator classification best describes her position.

### **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 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.

c: Brenda McKinney  
Jan Bucholz, PC

Enclosure: List of Exhibits