

August 9, 2010

TO: Teresa Parsons, SPHR
Director's Review Program Supervisor

FROM: Kris Brophy, SPHR
Director's Review Investigator

SUBJECT: Michael Van Cleave v. Olympic College (OCC)
Allocation Review Request ALLO-09-059

Director's Determination

This position review was based on the work performed for the six-month period prior to April 14, 2009, the date Mr. Van Cleave submitted his request for a position review. As the Director's Review Investigator, I carefully considered all of the documentation in the file, the exhibits, and the verbal comments provided by both parties during the telephone review conference. Based on my review and analysis of Mr. Van Cleave's assigned duties and responsibilities, I conclude his position is properly allocated to the Instruction & Classroom Support Technician 2 (ICST2) classification.

Background

On April 14, 2009, OCC Human Resources received Mr. Van Cleave's Position Review Request (PRR), requesting his ICST 2 position be reallocated to the class Information & Classroom Support Technician 3 (ICST3) (Exhibit B-2). On September 25, 2009, Jacquie Curry, Human Resource Consultant, notified Mr. Van Cleave that his position was properly allocated as an ICST 2. Ms. Curry concluded the majority of duties assigned to the position met the ICST 2 classification (Exhibit B-1).

On October 7, 2009, the Department of Personnel (DOP) received his request for a Director's review of WSDOT's allocation decision (Exhibit A-1).

On July 7, 2010, I conducted a Director's review telephone conference regarding the position allocation of Michael Van Cleave. Present during the call were Michael Van Cleave; James Grimsey, Employee Relations Specialist, WPEA / UFCW Local 365; Jacquie

Curry, Human Resource Consultant, OCC; and Dr. Judy Brown, Dean of Math, Engineering, Science & Health.

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).

Duties and Responsibilities

I reviewed the Position Review Request (PRR) completed by Mr. Van Cleave and approved by his supervisor, Dr. Judy Brown, dated April 14, 2009 (Exhibit B-2).

In the PRR submitted for reallocation, Mr. Van Cleave states the purpose of his Position is to coordinate and provide primary instructional technology support services for the college's chemistry laboratory faculty and staff. He inspects, tests, and performs maintenance on scientific laboratory support equipment. He oversees and prepares all chemicals used for demonstrations and laboratory procedures. He maintains the laboratory store room and computerized inventory. He is responsible for coordinating the proper handling and disposal of hazardous wastes. He describes his duties as follows (summarized from Exhibit B-2):

- 30% Coordinate instructional support in a science teaching program. Coordinate and oversee all preparations for classroom demonstrations and lab experiments. Survey upcoming needs and order materials. Design and test apparatus or set-ups for new experiments and provide demonstration models. Train and direct laboratory workers in safe and timely preparations, testing and mixing reagents, clean up of daily experiments and safety arrangements. Meet with and communicate with new instructors to explain laboratory supply and chemical arrangement, details of experiments and safety arrangements.

- 25% Design and maintain a computerized chemistry inventory. Research and decide which chemical inventory program to buy and create a computerized inventory. Make a complete inventory of all chemicals in the stockroom. Transfer all information into the new computerized inventory. Use professional knowledge to assign correct NFPA code to each chemical to meet the right to know standards. Evaluate MSDS sheets and other hazard descriptions to assign the correct hazard and chemical category for each chemical and assign safe storage locations. Maintain inventory and enter amount on hand regularly. Update and make available a spreadsheet of locations and hazards and make available a copy in the stockroom.

- 20% Act as chemical hygiene officer for chemistry lab. Promote and maintain laboratory safety during experiments. Before a lab, check that all hazardous chemicals are in the fume hoods. Provide and label appropriate dispensing containers. Remove hazardous chemicals and waste chemicals before next scheduled lab. Advise instructors and students of potential problems or hazards. Assess chemical properties and make independent decisions regarding collection and disposal of lab wastes.
- 15% Coordinate chemical and supply storeroom operations. Independently plan and order chemicals and supplies. Maintain computerized prep list, directions and a list of chemicals for each course. Keep and make available MSDS sheets.
- 10% Assist instructors in the laboratory when appropriate. Assist students with equipment and lab apparatus. Supervise students when in the lab when an instructor is not present. Supervise students doing make-up labs or preparing demonstrations for class presentations.

Mr. Van Cleave's supervisor, Dr. Judy Brown, does not support Mr. Van Cleave in his reallocation request. In the PRR, Dr. Brown states Mr. Van Cleave's position does not perform senior-level instructional support. She asserts he provides laboratory support for entry-level chemistry classes developed by faculty. He is not required to design or develop instructional support programs or construct equipment at the level of complexity required at the ICST 3 level. She believes that Mr. Van Cleave's level of responsibility for providing oversight of chemical safety/hazardous chemical disposal in the Chemistry stockroom falls within the ICST 2 class. She also clarified that while Mr. Van Cleave has oversight of student workers and makes sure there is proper coverage in the chemistry labs, the administrative assistant for the Division has supervisory responsibility for student workers.

Summary of Mr. Van Cleave's Perspective

Mr. Van Cleave asserts the ICST 2 class is written to describe positions which plan and conduct experiments and demonstrations in a nonscientific or science-related undergraduate course, whereas the ICST 3 level is written to describe positions which specifically coordinate basic or applied science teaching functions. Mr. Van Cleave asserts that chemistry and biology are real science programs and therefore reach beyond the "non-scientific" or "science-related" programs described at the ICST 2 level. Mr. Van Cleave asserts he performs ICST 3 level work by inspecting, testing, adjusting and repairing complex scientific and laboratory support equipment, coordinating the scientific preparation for lab programs requiring safety procedures regarding the use of hazardous materials, and that he maintains a computerized inventory of over 740 different chemicals.

Summary of OCC's Reasoning

OCC asserts that the portion of Mr. Van Cleave's responsibilities involving coordinating the preparation of laboratory programs requiring the use of safety procedures related to hazardous materials, maintaining the computerized inventory of chemicals and reagents, reaches the requirements of the ICST 3 class. However, OCC asserts these duties

comprise approximately 30% - 40% of Mr. Van Cleave's duties and therefore do not constitute a majority of time performing at the ICST 3 level.

Comparison of Duties to Class Specifications

When comparing the assignment of work and level of responsibility to the available class specifications, the class series concept (if one exists) followed by definition and distinguishing characteristics are primary considerations. While examples of typical work identified in a class specification do not form the basis for an allocation, they lend support to the work envisioned within a classification.

Comparison of Duties to Instruction & Classroom Support Technician 3

The Definition for Instruction & Classroom Support Technician 3 states:

Coordinates instructional support activities in a basic or applied science teaching program. Coordinates support services for a variety of courses; provides professional/technical support requiring knowledge of a scientific discipline, electronics and/or engineering.

The Distinguishing Characteristics for ICST 3 state:

Senior-level class responsible for coordinating instructional support activities, designing/developing instructional support programs or designing and constructing equipment. Under general direction, provides support to courses requiring an emphasis in complex design and development tasks such as developing experiments/demonstrations where only general theoretical concepts are identified, designing instructional support applications based on current research findings.
[Emphasis added]

Mr. Van Cleave's position does not fully meet the requirements of the Definition and Distinguishing Characteristics for this class.

A portion of Mr. Van Cleave's work meets the requirements of the Definition of this class by the level of work he performs coordinating the scientific instructional support activities for the chemistry laboratory. He is responsible for coordinating hazardous waste materials handling and disposal, he coordinates laboratory support, maintenance, and store room functions, and he controls laboratory equipment, chemicals and use of space. He maintains a computerized inventory. These duties are consistent with the level of responsibility reflected in the ICST 3 class description. Mr. Van Cleave also inspects, tests, adjusts and repairs scientific and laboratory support equipment. However, Mr. Van Cleave stated during the conference that the majority of maintenance and repair work he performs is routine. He is generally not responsible for conducting major repairs of the equipment as required at the ICST 3 level, although he has on occasion completed more complex repairs to keep the equipment functioning properly. During the telephone review conference, Dr. Brown stated that Mr. Van Cleave performs mostly routine repairs and maintenance, and that major

maintenance and complex repairs are budgeted to be performed by the equipment vendors due to the complexity of the scientific equipment which requires expensive tools and other equipment to perform the necessary repairs or maintenance.

However, while Mr. Van Cleave performs certain scientific instructional support coordination activities for a basic science (i.e. Chemistry) teaching program, his position does not support courses which require an emphasis on complex design and development tasks as required by Distinguishing Characteristics of this class.

The majority of the instructional support work Mr. Van Cleave performs is prescribed. During the telephone review conference, Mr. Van Cleave stated that he provides scientific instructional support for first year and second year science experiments. He receives a syllabus for each class from the faculty instructor at the beginning of the quarter. (See example of a syllabus – Exhibit A-5(4)). The syllabus outlines the various labs to prepare for the course. Mr. Van Cleave uses a checklist which explains what is needed for each experiment. This includes a list of the mixing reagents, the set up of equipment, giving appropriate warnings to students, and taking care of wastes by that lab after it is completed. Mr. Van Cleave performs all the set up and tear down functions.

Mr. Van Cleave assists second-year chemistry majors in developing and conducting individual year-end experiments utilizing specialized test equipment. As an example, Mr. Van Cleave stated that he prepared a scientific instrument to properly graph results so that the students could create specific compounds. This involved setting the parameters of the equipment to obtain the necessary results. Mr. Van Cleave also stated that he does on occasion work with faculty to develop new experiments for classes. Because of his experience he is asked to help with the set up, and testing of the experiment ahead of time to make sure it works properly.

In total, this level of work does not require an emphasis on complex design. The scope of his work is more accurately described as modifying and/or adapting existing experiments and demonstrations, or implementing new experiments using standard techniques and procedures. This level of responsibility is more accurately reflected in the Distinguishing Characteristics for the ICST 2 level class.

Comparison of Duties to Instruction & Classroom Support Technician 2

The ICST 2 Definition states:

Performs professional/technical instructional support involving the use of scientific, technical, and/or academic knowledge, materials, and techniques. Positions plan and conduct experiments and demonstrations in a formal course work setting in a non-scientific discipline such as arts, humanities, social sciences, vocational programs, etc.; or provide instructional support to science-related undergraduate courses requiring knowledge of a scientific discipline, electronics, and/or engineering; or serve as a field program assistant including planning and conducting programs, meetings, seminars, and other activities associated with a cooperative extension or research program (such as in the areas of meal planning, food buying,

family budgeting, sanitation procedures, food preservation, clothing construction, family communications, consumer education, or 4-H youth and community development). Responsibilities typically include assisting faculty in the development of programs of instruction. Duties require limited design/development work such as modifying and/or adapting existing experiments and demonstrations, or implementing new experiments or demonstrations using standard techniques and procedures. [Emphasis added]

This class broadly describes positions which provide instructional and classroom support across academic, vocational, educational, and non-science or science-related instructional programs. Mr. Van Cleave's position performs professional scientific instructional support services for the Chemistry laboratory. This involves providing instructional support to science-related undergraduate (chemistry) courses requiring knowledge of a specific scientific discipline. His position fits within the overall scope of the Definition for this class.

The overall scope and level of responsibility of Mr. Van Cleave's position matches the Definition for this class. Mr. Van Cleave provides scientific instructional support to faculty. His duties require limited design/development work such as modifying and/or adapting existing experiments and demonstrations, or implementing new experiments or demonstrations using standard techniques and procedures.

Although Typical Work examples do not form the basis for an allocation, they lend support to the work envisioned within this classification as there are no Distinguishing Characteristics for this class. The following provides examples of the level of work assigned to the ICST 2 class, as stated on the class specification (Exhibit B-5):

- Prepares equipment, materials, and solutions for class work projects; prepares demonstrations as requested by instructors; assists instructor with lecture and laboratory material; conducts laboratory or lecture demonstrations; confers with instructor in establishing and developing assignments;
- Plans laboratory assignments and schedules;
- Assists and advises students in laboratory assignments or in discipline subject matter; writes, edits or modifies laboratory handouts or manuals; modifies experiments; advises instructors of potential problems with existing programs;
- Operates and performs routine maintenance and repairs on laboratory and demonstration instruments and equipment; instructs students, teaching assistants and faculty in the use of equipment;
- Monitors laboratories to ensure compliance with safety policy; assists in the development of safe laboratory procedures;

- Estimates quantity and quality of supplies and materials needed; orders equipment and supplies for the course; follows through with purchasing department or procurement of supplies; maintains adequate stock levels;

The examples listed above are consistent with the level of instructional support work Mr. Van Cleave performs as stated in the PRR regarding his assigned job duties.

Most positions within the civil service system occasionally perform duties that appear in more than one classification. However, when determining the appropriate classification for a specific position, the duties and responsibilities of that position must be considered in their entirety and the position must be allocated to the classification that provides the best fit overall for the majority of the position's duties and responsibilities. Dudley v. Dept. of Labor and Industries, PRB Case No. R-ALLO-07-007 (2007).

Although a portion of Mr. Van Cleave's work involves coordinating the scientific instructional support activities for the chemistry laboratory, his position does not support courses which require an emphasis on complex design and development tasks as required by Distinguishing Characteristics of ICST 3 class. Mr. Van Cleave's allocation is not a measurement of his performance. Rather, a position's allocation is limited to the duties and responsibilities assigned and how the majority of those duties best fit into the available job classifications. For these reasons, on a best fit basis, his position should remain allocated to the Instruction and Classroom Support Technician 2 class.

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 P.O. Box 40911, Olympia, Washington, 98504-0911. The PRB Office is located at 600 South Franklin, Olympia, Washington. The main telephone number is (360) 664-0388, and the fax number is (360) 753-0139.

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

c: Michael Van Cleave
James Grimsey, (Employee Relations Specialist) WPEA / UFCW Local 365
Jacquie Curry, Human Resource Consultant, OCC
Lisa Skriletz, DOP

Enclosure: List of Exhibits

Michael Van Cleave v. Olympic Community College
ALLO-09-059

List of Exhibits

A. Michael Van Cleave Exhibits

1. WPEA letter of Request for a Director's Review, dated October 23, 2009.
2. Request for Director's Review for Michael Van Cleave, received by fax on October 7, 2009.
3. Statement from Michael Van Cleave regarding the denial of desk audit, dated October 20, 2009.
4. Notebook of Exhibits for Michael Van Cleave from WPEA containing:
 1. Class Specifications: Instruction & Classroom Support Technician 2 & 3
 2. Statement from Mick Van Cleave, dated December 14, 2009.
 3. Equipment Manual; Pictures of equipment; and Postrun Data Analysis.
 4. Syllabi from teacher; Mike Van Cleave set up of list of equipment and reagents needed for the class.
 5. Requests for supplies and equipment.
 6. Certificate of Completion.
 7. Performance and Development Plan (PDP) Expectations (07/31/09 to 07/01/2010), dated August 11, 2009.

B. Olympic Community College Exhibits

1. Allocation determination letter from Jacquie Curry to Michael Van Cleave dated August 25, 2008 and received by MESH, September 25, 2009.
2. Copy of Position Review Request for Michael Van Cleave, dated April 2009.
3. Performance and Development Plan Expectations (PDP) (07/31/09 to 07/01/2010), dated August 11, 2009.
4. Performance and Development Plan Evaluation (PDP) (07/31/08 to 07/01/2009), dated August 11, 2009.
5. DOP Class Specification for Instruction & Classroom Support Technician 2 (255N).
6. DOP Class Specification for Instruction and Classroom Support Technician 3 (2550).
7. Copy of Personnel Resources Board decision: Dudley v. Dept. of Labor and Industries, PRB Case No. R-ALLO-07-007 (2007).