

**STATE OF WASHINGTON**  
**OFFICE OF FINANCIAL MANAGEMENT**

STATE HUMAN RESOURCES DIVISION | DIRECTOR'S REVIEW PROGRAM  
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November 4, 2014

TO: Franklin Plaistowe  
Rules & Appeals Section Chief

FROM: Kris Brophy  
Director's Review Program Investigator

SUBJECT: Rachel Burke v. The Evergreen State College (TESC)  
Allocation Review Request ALLO-13-081

**Director's Determination**

Ms. Burke's position remained allocated to the Program Support Supervisor 1 (PSS 1) class following a management-initiated position review request for Ms. Burke's position submitted to TESC Human Resources on July 25, 2013.

As the Director's designee, I carefully considered all of the documentation in the file, including the exhibits presented during the Director's review conference and the verbal comments provided by both parties. Based on my review and analysis of Ms. Burke's assigned duties and responsibilities, I conclude her position should be reallocated to Program Support Supervisor 2.

**Background**

On July 25, 2013, TESC-HR received a Position Review Request (PRR) from Ms. Emily Lardner, Co-Director of the Washington Center National Resource Center for Learning Communities, asking that Ms. Burke's position be reallocated to the Program Support Supervisor 2 (PSS 2) or to a class within the Communication Consultant series (exhibit B-2).

Ms. Nancy Jacobski, Human Resource Consultant, conducted the position review for TESC. By memo dated September 27, 2013, Ms. Jacobski notified Ms. Burke that her position was properly allocated to the Program Support Supervisor 1 (PSS 1) class (Exhibit B-1). Ms. Jacobski has subsequently left employment with TESC.

On October 4, 2013, State HR received Ms. Burke's request for a Director's review of TESC's allocation determination (Exhibit A-1).

A Director's review conference was conducted with the parties on September 25, 2014. Present for the meeting were Rachel Burke, PSS 1, TESC; Tamarae McLaughlin, Council Representative, WFSE; Gillies Malnarich, Co-Director, Washington Center (Center), TESC; Sarah Mealy, Human Resource Representative, TESC HR; and Sharon Storer, Assistant Director, TESC HR.

Following the review conference, the parties submitted additional information. Ms. Burke submitted a final rebuttal statement on October 22, 2014. All of this information has been added to the record and incorporated as exhibits herein.

### **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 class 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**

Ms. Burke works for the Center located on the TESC campus. Ms. Burke has responsibility for coordinating the daily operations for the Center's specialized program work. As stated in the Position Review Request (PRR) form submitted for her position, Ms. Burke's position has primary responsibility for coordinating the online presence for the Center. This includes serving as managing editor of the Center's academic journal – Learning Communities Research and Practice.

Ms. Burke also serves as the webmaster for the Center's website. She maintains the website which includes developing new content and new media, writing, editing, and design work. She also works with TESC IT staff to coordinate the development and implementation of the website's hardware and software platforms and working with outside vendors on contract development and negotiations. Her duties also include contract and event management such as planning and preparing the logistics of the Summer Institute; supervising staff and ensuring the office staff has the knowledge to answer questions from the public. She also ensures day to day operations run smoothly. She also assists with budget maintenance.

Her major job duties are described in the PRR as follows:

- 30% Website manager/webmaster
- 25% Managing editor – Learning Communities Research & Practice (includes vendor contracts)
- 15% Project/event management and client support

- 10% Discuss Center direction and strategy (in collaboration with co-directors)
- 10% Staff Management
- 5% Finance and contract management
- 5% Technology management, including database migration

Ms. Emily Lardner and Ms. Gillies Malnarich, Co-Directors for the Center, are Ms. Burke's co-supervisors. Ms. Lardner submitted the PRR regarding Ms. Burke's duties.

#### Summary of Ms. Burke's Perspective

Ms. Burke asserts her position is involved in policy development and implementation and budgeting as required by the PSS 2 level class.

First, Ms. Burke asserts the Center serves as a public service center housed at TESC and does not fit the standard definition of a department within the college. She acknowledges that while the co-directors report to the Provost and the Center contributes to campus initiatives, its clients are other academic institutions rather than students. She asserts that while it is subject to College policies, Center-specific policies do not follow the same policy development and approval process as other departments within the TESC institutional structure.

Ms. Burke states her work encompasses either working independently with subsequent review of her work by the co-directors, or working in collaboration with the co-directors in developing public policies for the Center such as the guidelines for the review and publication of articles for the academic e-journal, acceptance policies for the National Summer Institute applicants and requirements for attending teams, and principles regarding posting and crediting of published materials for the website.

In addition, Ms. Burke asserts her budgetary duties are consistent with the PSS class which includes developing information to support budgetary requests, projecting income and expenditures to maintain program activities, administering program budgets and maintaining records regarding funds. Ms. Burke asserts she develops event budgets and the overall Center's budget, and advises the co-directors on financial decisions to maintain program activities.

However, Ms. Burke also asserts that while the Communications Consultant specifications do not capture portions of her work, it is an accurate description for the majority of work she performs. Therefore, the Program Support Supervisor series which represents the smaller portion of her work is not the best fit for her position.

In total, Ms. Burke asserts her position should be reallocated to the Communications Consultant 3 or the PPS 2 level class.

### Summary of TESC's Reasoning

TESC contends Ms. Burke's position does not reach one of the primary allocating criteria of the PSS 2 class of assisting in policy development. TESC asserts that while Ms. Burke's work as a supervisor for the Center includes procedural decision making, her position is not involved in the development of Office, Division, or College-wide level policies. TESC asserts the lack of policy development responsibility renders allocation to the PSS 2 level inappropriate. TESC contends the scope of her assigned duties and the majority of her work as a whole more appropriately aligns with the PSS 1 level class.

### 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.

### Comparison of Duties to the Communications Consultant series

The Communications Consultant class series concept describes positions that write, edit and/or disseminate publications and a variety of communication and marketing materials as part of the overall public information function. This series also includes positions which are responsible for internal communications and strategic messaging and also serving as spokesperson to the news media.

The Communications Consultant 3 definition indicates that positions

At this level work independently and under general direction and typically lead or coordinate activities. Positions plan, organize, schedule, and carry out informational and/or public relations activities. Positions determine the need and most appropriate methods and techniques to publicize and promote programs, develop and implement changes for program effectiveness, and resolve complex issues or problems.

The Communications Consultant series describes positions which prepare and disseminate publications and a variety of communications and marketing materials as part of an organization's overall public information function. This series also describes positions which are responsible for internal communications and strategic messaging and serving as a spokesperson to the news media. Therefore, the overall focus of this series is to describe positions which provide communications-related functions and activities for an organization. Ms. Burke's position does not have this focus.

It is true that a portion of Ms. Burke's time is spent completing original writing and/or editing assignments to develop and prepare online materials and information for the Center. This includes performing activities such as writing drafts for review by the co-directors to post on the Center's website. Ms. Burke edits and posts approved documents to the Center's website.

However, the primary focus and scope of Ms. Burke's position is to perform specialized duties and coordinate the daily operations for the Center's specialized Learning Communities program.

This includes providing office operations oversight, supervising staff, providing finance and contract management support, providing budget oversight support, and performing related programmatic functions such as serving as the Center's webmaster which includes writing and editing materials which are posted on the website.

In addition, a portion of Ms. Burke's time is spent performing editing work for the Center's e-journal. Ms. Burke serves as the managing editor for the Center's e-journal. The focus and scope of this work is similarly addressed in the Program series classes which describes writing and editing publications and other program-specific materials.

Further, her position does not have the scope of responsibility required for allocation to the Communications Consultant 3 level class. Positions at this level plan, organize, schedule, and carry out informational and/or public relations activities. Ms. Burke's position does not have this focus. Additionally, positions at this level determine the need and most appropriate methods and techniques to publicize and promote programs, develop and implement changes for program effectiveness, and resolve complex issues or problems. Ms. Burke's position does not have this level of responsibility as this level of responsibility rests with her supervisors, the Co-Directors for the Center.

Therefore, while a portion of her work is similar in nature to the Communications Consultant series, the communications-related activities that Ms. Burke performs are done in direct support to the Center's Learning Communities programmatic activities and functions. Her position is focused on supporting the successful operation of the Center rather than performing communications functions to support the Center within the context of a centralized communications consultant providing communications support to a department as part of the College's public information function.

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. See Dudley v. Dept. of Labor and Industries, PRB Case No. R-ALLO-07-007 (2007).

Therefore, for each of the reasons stated above, Ms. Burke's position should not be reallocated to a class within the Communications Consultant series.

#### Comparison of Duties to the Program Series

The Office of the State HR Director's Glossary of Classification Terms defines a program as:

A specialized area with specific complex components and tasks that distinguish it from other programs (or the main body of an organization).  
A program is specific to a particular subject and has a specific mission, goals, and objectives. A program typically has an identifiable funding source and separate budget code.

The specific components and specialized tasks involve interpretation of policies, procedures and regulations, budget coordination/administration, and independent functioning. Typically requires public contact relating specifically to program subject matter, clients, and participants.

Duties are not of a general support nature transferable from one program to another. Performance of clerical duties is in support of an incumbent's performance of specialized tasks. Independent performance of these duties usually requires at least a six-month training period.

The nature and scope of services and activities provided by the Center on the TESC campus meets the definition of a program. The Center's policies, procedures and activities are distinct and not transferable to other departments or services at TESC. Ms. Burke's position should be allocated to a class within the Program series.

### Comparison of Duties to Program Specialist 3

The Program Specialist 3 definition reads, in part, as follows:

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. . . . Program components are comprised of specialized tasks . . . 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 specialty. Incumbents assess program participants' needs and develop specialized services and unique training unique and are responsive to the needs of participants.

This class is intended to describe positions which typically have organization-wide responsibility for managing one component, or assisting higher levels in managing two or more components of large State-wide programs. The overall scope of Ms. Burke's responsibilities does not reach this level.

For example, Ms. Burke does not have organization-wide program level responsibility for the Learning Communities program as required. The co-directors retain overall authority for this program's functions and activities. Ms. Burke does not have the latitude to independently establish and adjust program priorities or evaluate program effectiveness at the level intended by this class. Her tasks involve coordinating office operations and maintaining the program's online presence, as well as directly working with staff, faculty, and nation-wide clients regarding program services, rather than having organization-wide program level responsibility for the Center's activities.

However, the Program Specialist 3 class does describe certain aspects of work that may apply to her position such as providing technical assistance and specialized consultation to program participants regarding the e-journal's publishing activities. 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 the scope of her decision-making authority, there are other classes which provide an overall better fit for her position.

For these reasons Ms. Burke's position should not be allocated to the Program Specialist 3 class.

#### Comparison of Duties to Program Support Supervisor 1

The Definition for the Program Support Supervisor 1 class states:

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

The Distinguishing Characteristics for this class state:

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. Devise and implement new procedures and 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.

Ms. Burke's duties exceed the Definition and Distinguishing Characteristics of this class. While her duties are generally described by this class, her duties also include responsibility for providing higher level program support to the Center's management staff in the areas of policy development and budget work. She serves as a primary contact to program participants as the managing editor for the Center's e-journal which includes assisting in developing program-level policies and content for the journal. She also acts as the Center's primary liaison with outside program participants and organizations for this function.

Therefore, as a whole, the scope of Ms. Burke's position and the level of responsibility with respect to the Center's program activities exceed the Program Support Supervisor 1

classification. For these reasons her position should not be allocated to the Program Support Supervisor 1 class.

Comparison of Duties to Program Support Supervisor 2

The Definition for the Program Support Supervisor 2 class states:

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 for this class state:

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.

Ms. Burke's position meets the Definition and Distinguishing Characteristics of this class. As stated in the definition, Ms. Burke supervises one full-time Office Assistant employee and other part-time student workers who work in support of the Center's activities. She assists in the development of program policies and budgets. She also acts as a liaison between the Center and outside program participants and organizations.

For example, as stated in the Distinguishing Characteristics, Ms. Burke assists in developing, implementing and evaluating policies. She assists in the development and improvement of program level administrative policies and procedures. Ms. Burke either works independently with subsequent review by the co-directors, or she works in collaboration with the co-directors in developing public policies for the Center such as the guidelines for review and publication of articles for the academic e-journal, acceptance policies for the National Summer Institute applicants and requirements for attending teams, and principles regarding posting and crediting of published materials for the website.

During the review conference, Ms. Burke further clarified that she serves as the managing editor which included drafting editorial review policies for the department's peer-reviewed academic e-journal, *Learning Communities and Practice*. This included researching, developing and drafting the article submission guidelines and the article review process. She also assists the co-directors in evaluating the Center's projects priorities and approaches such as the Summer Institute to improve departmental program policies and practices. This also included working on the Online *Survey of Students' Experiences of Learning in Learning Communities*, and the *Assessment Tools Survey Project*, and other contract work. The overall scope of this work reaches the level of responsibility for assisting in policy development as required by this class.

In addition, Ms. Burke assists in the development of program budgets as required. For example, Ms. Burke's duties included developing and preparing budgets for projects and special events such as the Summer Institute. She also has responsibility for projecting income and expenditures to conduct program activities and special events. She also administers budget information and maintains records regarding funds. Ms. Burke also advises the co-directors on financial decisions to maintain program activities. This scope of responsibility is fully consistent with developing information to support budgetary requests and projecting income and expenditures as stated in the Distinguishing Characteristics of this class.

Additionally, Ms. Burke works under the general direction of her supervisors. She has independent responsibility for directing and coordinating office operations for the Center. Ms. Burke provides input to the co-directors regarding administrative office processes and procedures. Ms. Burke oversees the Center's technology, including database migration in collaboration with TESC IT professionals.

Positions at the Program Support Supervisor 2 level also act as the program's primary representative and resource. They serve as a liaison and provide consultation to program participants and outside entities regarding the functions and content of the program. Incumbents contact program participants and outside entities extensively and resolve problems. Ms. Burke's position reaches this level of responsibility. For example, Ms. Burke serves as the Center's primary contact and technical resource regarding the Center's electronic academic journal. These duties reach the scope and level of responsibility of serving as the initial primary representative and resource to the program for others.

The co-directors rely on Ms. Burke to act as the department's resource for coordinating the daily process flow of clerical work needed to carry out the department's daily services and project and event activities.

In total, given the full scope of her duties, Ms. Burke's position reaches the Program Support Supervisor 2 level of responsibility for planning, organizing, directing and coordinating all program operations; assisting in the development of program policies and budgets; developing information to support budgetary requests and project income and expenditures; acting as the liaison between the program and outside organizations; and developing courses of action to carry out program functions and activities.

In Salsberry v. Washington State Parks and Recreation Commission, PRB Case No. R-ALLO-06-013 (2007), the Personnel Resources 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 his position was allocated, on a best fit basis, the classification best described the level, scope and diversity of the overall duties and responsibilities of his position.

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. See Dudley v. Dept. of Labor and Industries, PRB Case No. R-ALLO-07-007 (2007).

Based on the level, scope and diversity of the overall duties and responsibilities assigned to Ms. Burke's position, her position should be reallocated to the Program Support Supervisor 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 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: Tamarae McLaughlin, WFSE  
Rachel Burke, TESC  
Sarah Mealy, TESC/HR  
Lisa Skriletz, DOP

Enclosure: List of Exhibits

**RACHEL BURKE v TESC**

**ALLO-13-081**

List of Exhibits

A. Rachel Burke Exhibits

1. Oct. 4, 2013 Request review of position determination memo p.1
  2. Rebuttal/response to Position Review Determination p.2
  3. Position Description, drawn from Sept. 2013 PDP Assessment Phase and Self-Assessment; July 2013 Position Review Request; and 2008 Position Description p.8
  4. Sept. 2013 Performance Development Plan Assessment Phase and Self-Assessment p.11
  5. Policy Exhibit: E-journal Instructions to Authors p.16
  6. Policy Exhibit: Rejection letter p.19
  7. Budget Exhibit: National Summer Institute Budget p.20
  8. Budget Exhibit: Budget-related memo 1 p.21
  9. Budget Exhibit: Budget-related memo 2 p.22
  10. Class Specification for Communications Consultant 2 p.23
  11. Class Specification for Communications Consultant 3 p.24
  12. Selected web pages written:  
Skagit Valley College  
The Evergreen State College  
Current Research
  13. *Learning Communities Research and Practice* Table of Contents p.27
  14. Editorial (co-written with Emily Lardner) p.28
  15. National Summer Institute program table of contents p.34
  16. Sample page from website usability survey I developed + sample page of data summary p.35
- Exhibits submitted during the review conference
17. Washington Center program overview document
  18. List of duties performed by Co-directors and Rachel Burke
- Exhibit submitted after the review conference
19. Screen shots of selected web pages listed in Exhibit A-12

B. TESC Exhibits

1. September 27, 2013 Position Review Determination Memorandum from Nancy Jacobski to Emily Lardner - page 1-15
  2. July 25, 2013 Position Review Request from Rachel Burke - page 16-21
  3. State of Washington Class Specification for IT Specialist 1 - page 22
  4. State of Washington Class Specification for Communications Consultant 1 - page 23
  5. State of Washington Class Specification for Program Support Supervisor 1 - page 24
  6. State of Washington Class Specification for Program Support Supervisor 2 - page 25
  7. Information provided to Nancy Jacobski by employee/supervisor during position review - page 26
  8. Information provided to Nancy Jacobski by employee/supervisor during position review - page 27-29
  9. Information provided to Nancy Jacobski by employee/supervisor during position review - page 30-35
  10. December 2008 Program Support Supervisor 1 job description - page 36-37
  11. Washington Center organizational chart as of November 2013 - page 38
- Exhibit submitted after the review conference
12. Final email response from Sarah Mealy to Kris Brophy dated October 22, 2014 regarding Rachel Burke's exhibit A-19

C. Class Specifications

1. State HR Class Specification for Communications Consultant 1
2. State HR Class Specification for Program Support Supervisor 1
3. State HR Class Specification for Program Support Supervisor 2