



STATE OF WASHINGTON
OFFICE OF FINANCIAL MANAGEMENT

STATE HUMAN RESOURCES DIVISION | DIRECTOR'S REVIEW PROGRAM
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March 12, 2015

TO: Connie Goff, PHR
Director's Review Program Manager

FROM: Cherie L. Willhide, SPHR
Director's Review Investigator

SUBJECT: Robin Showalter v. Eastern Washington University (EWU)
Allocation Review Request ALLO-14-038

Director's Determination

This position review is based on the work performed for the six-month period prior to January 16, 2014, the date EWU Human Resources received Ms. Showalter's request for a position review.

As the Director's designee, I carefully considered all of the documentation in the file, including the exhibits discussed during the Director's review conference and the verbal comments provided by the parties. Based on my review and analysis of Ms. Showalter's assigned duties and responsibilities, I conclude her position is properly allocated to the Program Specialist 2 classification.

Background

On January 16, 2014, EWU HR received Ms. Showalter's Position Review Request (PRR), requesting her Program Support Supervisor 1 position be reallocated. Ms. Showalter was unsure which classification was the best match for her position. (Exhibit B-3).

On March 10, 2014, EWU HR received the Supervisor Portion of Ms. Showalter's PRR from Marion Moore, Education Department Chair - Ms. Showalter's supervisor. (Exhibit B-4).

On March 24, 2014, EWU issued its allocation decision, concluding the Program Specialist 2 classification best described the duties and responsibilities assigned to Ms. Showalter's position (Exhibit B-1).

On February 19, 2015, I conducted a Director's review conference with Robin Showalter, Program Specialist 2, EWU; Kandys Dygert, Council Representative, WFSE; and Lori Livingstone, Human Resources Associate, EWU.

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

Ms. Showalter supports the Department of Education Graduate Program at Eastern Washington University. Ms. Showalter describes her major job duties as follows (Exhibit A-3) [Note: the percentages on the PRR submitted by Ms. Showalter total more than 100%. However, in the agency allocation determination letter, EWU combined the Graduate Program Operations and Support duties, and the Education Department Program Operations and Support duties. Those totals equal 100% (Exhibit B-1)]

60% - Department of Education Graduate Program Operations

- Follow university and department policies when working with graduate students. Keep current of changes and advise students and faculty.
- Troubleshoot issues and provide information and follow-up as requested by the Director of Graduate Studies
- Independently process, evaluate and make admission decisions on Education Department Graduate applicants. Recommend 10% admission exceptions to the University Graduate Director.
- Advise prospective and current graduate students on program options, courses including electives and program specialization, certification options, and discuss how choices integrate with long and short term career goals. Advise and assist with program and advisor changes.
- Work closely with ELI, the International Student Office, students and faculty advisors to insure international student documentation for immigration is correct and complete.
- Know, promote and support the Masters in Teaching Program for Dr. Liu, providing application information, program information, and assisting with registrations and program operations when Lori Reiman is not present.
- Support the Administrative PEAB for Dr. Portner by providing support for three advisory board meetings per academic year, compiling program materials as requested and support to PEAB members by answering questions/referrals.
- Promote and work closely with the Dean's Office to advertise and process Graduate Student Assistantships and NRTS Scholarships.
- Provided support and advising for students who needed to complete the Teaching with Technology Certificate since spring 2012.
- Advise faculty on completing all graduate forms, policies and procedures, international student policies and procedures and advice on correspondence structure when dealing with immigration and international student program.
- Audit forms submitted by faculty for graduate students insuring they are accurate and complete.
- Facilitate obtaining academic advisor if student has not already done so by EDUC520.
- Provide point-of-contact for Financial Aid for scholarships. Advertise opportunities to Education Department Students.
- Attend Graduate Studies Quarterly Graduate meetings and bring information back to the Department Chair and graduate faculty.
- Provide a supporting, knowledgeable, courteous and honest environment for international graduate students.

30% - Department of Education Program Administration

- Promote Department of Education graduate programs following Provost's directive to increase the number of graduate programs at EWU.
- Prepare and propose policy changes for faculty support such as application procedures

- Propose and process program and catalog changes through appropriate channels and with Department Chair and faculty support.
- Propose program changes and supporting documentation to graduate faculty such as closing new admissions to the Instructional Media & Technology area of emphasis and Teaching with Technology Certificate after our failed faculty search.
- Research and prepare new program proposals for graduate faculty approval such as the 3-Summer M. Ed. Degree for teachers in Curriculum & Instruction and future planning for a STEM Education Masters for 2015-2016.
- Chair Education Department Graduate meetings at least once per quarter. Present agenda and action items, call for input and do follow-up.
- Review quarterly scheduling proofs for graduate programs and propose changes/additions to Department Chair.

10% - Department of Education Graduate Program Promotion

- Promote Education Department graduate programs in person, by phone, via e-mail, using big screen in Williamson lobby and social media to current and prospective students.
- Represent graduate programs and department at Educator Career Fair, Graduate Fair, and other promotional events.
- Maintain ESD 101 webpage radio button promoting graduate programs.

10% - Department of Education Support

- Provide support to the Education Department Chair as requested and in the absence of the Chair's Assistant. Complete special projects as requested.
- Troubleshoot issues as requested by the Dean's Office
- Run the Williamson Hall Computer Lab. Work with University Student Computer labs to ensure equipment and operations are smooth. Recommend purchases such as new chairs and earphones. Place work orders for computer and/or facility problems.
- Supervisor for Non-student hourly employee for the MIT program who also works with Teacher of the Month and Administrative PEAB.
- Coordinate Teacher of the Month Program with KHQ. Arrange meetings with KHQ and EWU Presidents, Media Personnel and staff annually as needed. Arrange major events such as the 200th Teacher of the Month celebration.
- Schedule rooms under the control of the Education Department. Work closely with the Registrar's Office to meet the needs of instructors and students with appropriate rooms.
- Supervisor for non-student hourly employee who provides tours of the Cheney Normal School Heritage Center

Supervisors Comments

Ms. Showalter's current Supervisor, Dr. Marion Moore, Chair of the Department of Education since September 2013, confirmed that the information presented by Ms. Showalter is accurate, but clarified that while Ms. Showalter signs off on admission decisions, not all admission decisions are made independently.

Summary of Ms. Showalter's Perspective

Ms. Showalter stated she does not know what classification her position should be. She explained that this work is done by faculty members in the other departments with graduate programs. Ms. Showalter stated that

when vacancies occurred within the Education department she took on these additional duties and they have continued over the last several years.

Kandys Dygert, Council Representative for WFSE stated that the Federation feels this should be an exempt position. Ms. Dygert stated if EWU is unable to classify the position as exempt, then the Federation feels the position is entitled to special duty pay or assignment pay.

Summary of EWU's Reasoning

EWU agrees that Ms. Showalter has taken on additional duties over the last several years due to vacancies within the Education department. EWU stated that when the initial allocation evaluation was completed, it was determined that Ms. Showalter's position could not continue to be allocated as a Program Support Supervisor 1 because the position has limited responsibility for the supervisor of staff. The position supervises one part-time hourly employee and co-supervises a second part-time hourly employee. Collectively, these two staff members do not work the equivalent of one FTE.

When evaluating the proper allocation, EWU did consider an exempt allocation but the agency has limited reasons that a position can be considered exempt and the duties and responsibilities of the position did not fit within those requirements.

EWU asserts that, given the position's responsibility to plan, organize, direct and coordinate operations for the Education Department graduate program, the interaction with faculty and the English Language Institute when dealing with any issues that arise with international students, and Ms. Showalter's serving as the program representative and resource to EWU and outside entities make this position a best fit for the Program Specialist 2 position.

For each of these reasons, EWU asserts Ms. Showalter's position is properly allocated to the Program Specialist 2 level class.

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 Program Specialist series

The class series concept for the Program Specialist series includes the following:

Positions in this series coordinate discrete, specialized programs consisting of specific components and tasks that are unique to a particular subject and are separate and distinguished from the main body of an organization. Positions coordinate program services and resources, act as a program liaison and provide consultation to program participants and outside entities regarding functions of the program; interpret, review and apply program specific policies, procedures, and regulations; assess program needs; and develop courses of action to carry out program activities. Program Coordination also requires performance of tasks and application of knowledge unique to the program and not transferable to other areas of the organization.

Ms. Showalter's position falls within the Program Specialist class series by performing professional program operation functions for the Education Department Graduate program. Her position should be allocated to a class within the Program Specialist series.

Comparison to Program Support Supervisor 1.

The definition for the **Support Supervisor 1** reads as follows:

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 a liaison between the program and outside organizations.

The Distinguishing Characteristics for the Support Supervisor 1 reads, in part:

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...

The PRB has addressed the one FTE standard applied by previous Boards. The PRB agreed "there must be a threshold which can be objectively applied to each set of duties and responsibilities when determining the appropriateness of allocation to a lead or supervisory class." The PRB further concurred "the established threshold of 1.0 FTE should continue to be used as the basis for determining the appropriateness of allocation to a lead or supervisory class." Tacoma Community College v. Edward Harmon, PRB Case No. R-ALLO-08-012 (2008), citing Halcomb v. Shoreline Community College, Higher Education Personnel Board (HEPB) Case No. 3453 (1992); Baker v. University of Washington Health Services, Personnel Appeals Board (PAB), Case No. 3821-A3 (1994); and Washington State University v. Marc Anderson, PAB Case No. ALLO-04-005 (2004).

Therefore, in order to meet the definition of supervisor, an incumbent must have full supervisory responsibility and supervise a minimum of one full-time equivalent (FTE) employee.

The Department of Personnel (DOP) Glossary of terms for Classification, Compensation, & Management defines **supervisor** as follows:

An employee who is assigned responsibility by management to participate in all of the following functions with respect to their subordinate employees:

- *Selecting staff*
- *Training and development*
- *Planning and assignment of work*
- *Evaluating performance*
- *Resolving grievances*
- *Taking corrective action*

Participation in these functions is not routine and requires the exercise of individual judgment.

In a more recent decision, the PRB provided further guidance on the definition of supervision. The PRB determined that "[s]upervision of an organization typically includes setting organizational goals, developing plans to meet goals and objectives, developing policies and procedures, preparing budgets, adjusting and authorizing expenditures, controlling the allocation of program resources, and the supervision of staff." Dawson v. South Puget Sound Community College, PRB Case No. R-ALLO-08-001 (2008).

In Dawson, the Appellant argued that he performed supervisory responsibilities for contract, part-time and work-study staff. However, the PRB determined his position provided “*on-the-job work instruction*” but did not “*perform training and development at a level expected of a supervisor.*” While the PRB concluded the Appellant had oversight of the daily work, provided feedback, and responded to service complaints related to the service provided, he did not conduct formal performance evaluations or adjust formal grievances. As a result, the PRB determined the Appellant’s position was properly allocated to a lead classification.

Ms. Showalter’s duties are best described as providing on-the-job work instruction and direction to one part time hourly staff person and co-supervising another part time staff person. One employee’s duties are clerical in nature, providing clerical support to the Master’s in Teaching program and the Professional Education Advisory Board (PEAB). The other part time employee provides tours of the Chaney Normal School Heritage Center. Ms. Showalter coordinates their work schedules and leave requests to make sure there is adequate coverage. Ms. Showalter provides work guidance and direction and provides training to make sure they are able to assist customers with scheduling appointments, answering general questions, and directing students and faculty to the right contact.

While Ms. Showalter performs some of the functions of a supervisor, the overall level of responsibility of her position, and the scope of her responsibilities for hiring, evaluating and correcting performance is more in line with a lead position. Although performance evaluations may be performed in a way that differs from the Performance Development Plan (PDP) process, the evaluation process requires more in-depth assessment than assigning, training, checking the work of employees, and providing verbal feedback.

Ms. Showalter has responsibility for scheduling and assigning work, acting informally upon leave requests, providing training regarding proper office procedures and practices, and verifying timesheets for payroll purposes. However, Ms. Showalter does not have delegated supervisory authority and responsibility for conducting formal performance evaluations, adjusting formal grievances or taking formal corrective actions as required for allocation to a supervisory classification.

During the review hearing, Ms. Showalter verified that these two staff members work no more than 950 hours per year.

Based on the information provided, Ms. Showalter’s position does not perform the full scope and level of supervisory activities required for allocation to the Program Support Supervisor 1 class.

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. Incumbents assess program participants’ needs and develop specialized services and training unique to the program and are responsive to the needs of participants. (Emphasis added)

The State Human Resources (HR) Glossary of Classification Terms defines **general direction** as follows:

- Employee independently performs all assignments using knowledge of established policies and work objectives.
- Employee plans and organizes the work and assists in determining priorities and deadlines. May deviate from standard work methods, guidelines or procedures in order to meet work objectives.
- Employee exercises independent decision-making authority and discretion to decide which work methods to use, tasks to perform and procedures to follow to meet work objectives.
- Completed work is reviewed for effectiveness in producing expected results.

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 scope of the Education Department's Graduate program and the thrust of Ms. Showalter's duties as a whole do not reach this level of responsibility.

First, at EWU, department graduate programs are overseen by the Vice Provost for Graduate Education, Research, Academic Planning and Evaluation. Therefore, authority for organization-wide administration of EWU's graduate programs is retained at the University level.

For example, the Chair of the Education Department delegated authority for Ms. Showalter to sign off on 10% exception requests for admission to the education department graduate program. This delegated authority required approval from the Vice Provost for Graduate Education, Research, Academic Planning and Evaluation. (Exhibit B-7)

Second, the overall scope of Ms. Showalter's program responsibilities with respect to the Education department graduate program activities does not reach this class level.

For example, the Chair of the department retains overall authority for the Education department's graduate program's functions and activities. While Ms. Showalter was delegated authority to sign off on 10% exception requests for admission to the Education Department's graduate programs, the Chair signs off on the official letter granting admission to the program.

In addition, Ms. Showalter 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, as well as directly working with staff, faculty, and the education department's graduate students, rather than having organization-wide, program-level responsibility. Additionally, Ms. Showalter supervises assigned staff and makes decisions within established policies, procedures, and guidelines. All recommendations for program and/or policy changes are ultimately decided by the Education Department Chair and EWU's Graduate Director.

The Program Specialist 3 class describes examples of work that may apply to her position such as working with program participants, resolving conflicts, and assisting higher-level staff. However, 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 decision-making, there are other classes which provide a better fit for her position.

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

Comparison of duties to Program Specialist 2

The **Program Specialist 2** definition states, in part, the following:

Positions at this level work under general supervision and plan, organize, direct and coordinate operations for programs Incumbents oversee day-to-day program operations, function as the program representative and resource, have extensive contact with program participants and outside entities, and resolve problems within a delegated area of authority. Unusual problems, probable outcomes and solutions are presented to higher levels for resolution. Incumbents may be delegated limited authority to approve budget expenditures and may assist higher-level staff with developing and coordinating statewide program activities.

The State Human Resources (HR) Glossary of Classification Terms defines **general supervision** as follows:

- Employee performs recurring assignments without daily oversight by applying established guidelines, policies, procedures and work methods.
- Employee prioritizes day-to-day work tasks. Supervisor provides guidance and must approve deviation from established guidelines, policies, procedures and work methods.
- Decision-making is limited in context to the completion of work tasks. Completed work is consistent with established guidelines, policies, procedures and work methods.
- Work is periodically reviewed for compliance with guidelines, policies, and procedures.

The majority of Ms. Showalter's work involves counseling students with minimal oversight about the various processes and requirements, including eligibility issues and academic requirements. She also provides consultation and guidance to program participants and the general public, organizes informational events, and maintains the ESD 101 web page radio button, serving as both a program representative and resource.

Ms. Showalter plans, organizes, directs, and coordinates the daily functions and tasks related to her assigned graduate programs. As such, she functions as the primary program representative and resource for the program, promotes the program with outside organizations, and responds to inquiries. She advises students by providing program information including program content and options, available courses, electives and specializations, certification options and recommending alternatives. Ms. Showalter resolves problems within her delegated area of authority and unusual problems are presented to higher levels for resolution. In total, the Program Specialist 2 class best encompasses the overall duties and responsibilities assigned to Ms. Showalter's position.

Program Specialist 2 typical work examples that best align with Ms. Showalter's position include the following:

- Provides information and technical assistance to program participants, staff and outside entities regarding program content, policies and activities and recommends alternative courses of action; promotes the program with outside organizations and resources;
- Attends meetings and/or conferences as the program representative; develops and makes public presentations on program related topics;
- Confers regularly with staff and outside entities regarding the interpretation and implementation of program policies . . .
- Monitors program activities in relation to established program goals; within established program parameters, determines variances from program standards;

- Analyzes program participants' operations and performance to program policies, procedures, practices and conformance with rules and regulations; provides assistance, counseling and/or instruction as needed.

The Personnel Resources Board has previously determined that 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).

A position's allocation is not based on an evaluation of performance or an individual's ability to perform higher-level work. Rather, it is based on the majority of work assigned to a position and how that work best aligns with the available job classes. Overall, the scope of duties and level of responsibility assigned to Ms. Showalter's position best fit the Program Specialist 2 classification.

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.

cc: Robin Showalter, EWU
Kandys Dygert, WFSE
Lori Livingstone, EWU HR

Enclosure: List of Exhibits

A. Robin Showalter Exhibits

1. Director's Review Form received April 23, 2014
2. March 24, 2014 EWU allocation determination letter
3. Position Review Request – Employee Portion (no date stamp)

B. EWU Exhibits

1. March 24, 2014 EWU allocation determination letter
 - a. Position description
 - b. Organizational chart
2. Provost and Vice President Rex Fuller Allocation Determination Letter dated March 11, 2014
3. Position Request Review – Employee Portion
4. Position Request Review – Supervisor Response
5. Lori Livingstone audit meeting notes
6. Class specifications used for determination
7. Documentation submitted by Ms. Showalter to EWU HR

C. Class Specifications

1. Program Support Supervisor 1
2. Program Support Supervisor 1
3. Program Coordinator
4. Program Specialist 2