



STATE OF WASHINGTON  
OFFICE OF FINANCIAL MANAGEMENT

STATE HUMAN RESOURCES DIVISION | DIRECTOR'S REVIEW PROGRAM  
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June 8, 2015

TO: Franklin Plaistowe,  
Rules & Appeals Section Chief

FROM: Kris Brophy  
Director's Review Program Investigator

SUBJECT: Mary Nichols v. Western Washington University (WWU)  
Allocation Review Request ALLO-14-084

This position review was based on the work performed for the six-month period prior to May 19, 2014, the date WWU Human Resources (WWU HR) received Ms. Nichols's 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 written comments provided by both parties. Based on my review and analysis of Ms. Nichols's assigned duties and responsibilities, I conclude her position is properly allocated to the Program Specialist 2 classification.

### **Background**

On May 19, 2014, WWU HR received Ms. Nichols's Position Questionnaire (PQ), requesting that her Program Specialist 2 position be reallocated to the Program Specialist 4 class (Exhibit B-1).

WWU HR conducted a position review and notified Ms. Nichols on July 22, 2014 that her position was properly allocated to the Program Specialist 2 class (Exhibit B-1).

On August 19, 2014, State Human Resources, OFM received Ms. Nichols's request for a Director's review of WWU's allocation determination (Exhibit A-1).

On May 5, 2015, I conducted a Director's review conference with Ms. Nichols. Also present for the conference were Elyse Maffeo, PSE, SEIU; Teresa Hart, Director, Financial Services; Bob Putich, Manager, Student Business Office; Emily Glaser, Intern, WWU HR; Danna Fritz, Class & Compensation Administrative Manager, WWU HR; and Doug Adelstein, Associate Director, WWU HR.

### **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. Nichols works in the Loans & Collections unit located within the Student Business Office (SBO) at WWU. As the Collections Lead Specialist, her position oversees the day-to-day collections operations for University accounts receivables with primary emphasis on supporting program processes and collections activities for the Perkins Loan program. This includes providing technical and specialized information and guidance to program participants. She applies specific policies and procedures to ensure conformance with rules, regulations and program guidelines. She performs a variety of direct collections activities. She also provides direct customer service assistance and serves as a liaison to other campus departments and provides consultation to students and outside entities regarding debt collection.

Ms. Nichols's major job duties are summarized from the PQ (exhibit B-1) as follows: (Note: Work totals exceed 100%)

40% **Duty**

Process Implementation

**Tasks**

Develop, implement and administer program processes for the servicing of the Federal Perkins Loan program and University accounts receivables while developing procedures and tasks for new and established program activities. This would also include the Noyce Scholarship/Stipend and Joy Stokes Loan. Facilitate data clean up and training staff on the changes to the program. Directing and setting objectives for staff to meet deadlines and anticipate conflicts. Collaborate with other departments on resolution strategies to anticipate future and ongoing conflicts.

40% **Duty**

Department Reporting

**Tasks**

Plan, prepare and facilitate reports to monitor disbursements, benefits and collection activity to track performance of the Federal Perkins Program and the University Accounts Receivables. Collaborate with outside agencies on changes to the Federal and State regulations.

20% **Duty**

NSLDS [National Student Loan Data System] Reporting.

**Tasks**

Act as a liaison between our university and the Department of Education's NLDS. Generate a monthly report to communicate status changes to our Federal Perkins Loan borrower accounts. Administer and reconcile reports from NSLDS to update our loan service program to remain in compliance with federal regulations. Resolve any errors that might occur during processing. Identify and return

corrected file. Check NSLDS daily on an individual basis for borrower's accounts status to answer questions from students exiting the university. Counsel the students on the different benefits associated with their Direct student loans and recommend them to their servicers.

20% **Duty**

National Student Clearinghouse Reporting.

**Tasks**

Act as a liaison between our university and the National Student Clearinghouse. Generate monthly report to communicate Federal loan portfolio changes for status and benefit updates to be in compliance with federal regulations. Administer and reconcile weekly reports from the National Student Clearinghouse to update to our borrower status and benefit changes in our loan servicer program system. This allows us to keep the loans in the correct status for the borrower and regulatory compliance.

20% **Duty**

Supervisor Duties.

**Tasks**

Involved in the hiring of staff in our department. I also take corrective action if performance is not acceptable for two full time staff and two work study students. Direct staff on preparing business reports to establish a tracking mechanism for quick review of completed assigned tasks.

10% **Duty**

Department Trainer.

**Tasks**

Responsible training all staff in our department by planning and sending out notifications for upcoming webinars or conferences that I have scheduled through outside sources. Developed and implemented a training tracker which tracks and compiles the training activity in our department. I also have developed and online training module that can train our staff on important material without having to meet collectively.

Supervisor's Comments

Mr. Bob Putich, Manager, Student Business Office completed the Supervisor's Portion of the PQ (Exhibit B-1). Mr. Putich disagrees with Ms. Nichols's description of her assigned duties and responsibilities as being fully accurate and complete.

In his comments, Mr. Putich indicates that Ms. Nichols does not have management level responsibility. He states he is the on-site manager and supervisor for the unit. He approves all tasks and procedures for the SBO. He approves all budget related transactions, leave requests, timesheets, overrides and check requests for the office. In addition, he processes all employee performance evaluations and makes all corrective actions. He also states:

While Mary does not "manage" the A/R Collections or Perkins Loan programs, she is Western's

sole collector for debts owed to the university. Perkins Loan collections is processed by a Fiscal Specialist 1 in our office, Mary is responsible for monitoring her workflow, as well as that of 2 work-study student staff and 1 project staff hired to implement the new software. Mary does not "evaluate job performance" but she does assign tasks and train staff in her unit who need direction.

In addition Mr. Putich states that:

Mary's responsibilities are best defined as "lead". Mary does not "establish job performance standards" or "evaluate job performance". She does not "take corrective action for unacceptable performance" although she may reassign a task or re-train staff on a task based on the manager's direction. While Mary may train staff on a specific task and assign or schedule work for her unit, she does not "act upon leave requests" or approve time.

Mr. Putich's comments are fully described in the, "Part III Management and Personnel Officer Statement" portion of Exhibit B1.

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

Ms. Nichols asserts her position serves as the administrator for the Perkins Loan Program and has independent responsibility for planning, organizing, directing and coordinating operations and performing other duties consistent with the Program Specialist 2 class. This includes having sole responsibility for providing consultation to program participants, serving as the program's liaison, exercising independent judgment in interpreting and applying program specific policies and procedures and resolving problems.

Ms. Nichols indicates in her appeal letter that her higher level duties include:

- Identifying and resolving software system issues;
- Developing and maintaining systems to track Federal Perkins Loan Program status reviews;
- Decision making authority to adjust accounts;
- Determining Perkins borrower cancellation qualification;
- Adopting procedures and tasks related to Perkins Loan and collections;
- Acting on behalf of supervisor in response to questions from customers;
- Developing and administering status reports to federal agencies.

In total, Ms. Nichols asserts her position should be reallocated to the Program Specialist 4 class.

### **Summary of WWU's reasoning**

WWU asserts Ms. Nichols' position does not perform the essential functions of the Program Specialist 3 or 4 classes.

WWU states in its determination that Ms. Nichols does not work administrative direction as required at the PS 4 level. WWU believes administrative direction involves working independently at the highest level within the scope and context of rules, regulations and employer objectives. WWU states that positions at this level independently plan, design and carry out programs, projects in accordance with

broad policy statements, and exercise decision-making authority for determining work objectives and goals to be accomplished. WWU asserts this level of responsibility falls within the director's level within the Financial Services department.

WWU acknowledges in the determination that Ms. Nichols works under general direction; however she does not have organization-wide program responsibility as required at the PS 3 level. WWU asserts this level of responsibility rests with the Director. Ms. Nichols assists in providing program services and has assigned areas of responsibilities, such as day-to-day administration of specific services, but does not have responsibility for overall program planning, goals and services consistent with PS 3 level responsibility. Further, Ms. Nichols does not develop, implement or administer program processes for the Federal Perkins Loan program as this is a federal program with established processes and procedures.

For these reasons, WWU asserts the PS 2 level class is the proper allocation for her position.

### Comparison of Duties

When comparing the assignment of work and level of responsibility to the available class specifications, the Class Series Concept (if one exists) followed by the 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 3 & 4

The Class Series Concept for the Program Specialist series states:

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 or applicable to other areas of the organization.

Examples of program areas may include, but are not limited to: business enterprises, fund raising, volunteer services, community resources, election administration and certification, juvenile delinquency prevention, recreational education and safety, energy education, aeronautic operations and safety, student housing, financial aid, and registration.

The Definition for the Program Specialist 4 class states:

Positions at this level work under administrative direction, and have organization-wide program management responsibilities, and are recognized as program specialists. For programs with statewide impact, incumbents are specialists who manage two or more components of the program. Incumbents administer, oversee, and direct all program activities and advise public entities and higher level administrative staff on the program components. Program components are comprised of specialized tasks (e.g., reservations, administration, and budget coordination) within a specialty program.

Incumbents provide and coordinate program activities affecting an essential service within the organization or activities with statewide impact. Incumbents perform a wide scope of complex duties and responsibilities in the management of a program, exercise independent judgment, and have delegated decision-making authority. Programs include but are not limited to, salmon, marine and shell fish enhancement programs; boating, concession, or winter recreation programs; missing children's clearinghouse; and fund-raising programs which include prospect identification, endowment campaigns, annual funds, direct mail marketing and membership development.

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.

These classes are intended to describe higher-level program positions which typically have organization-wide responsibility for managing one or more components, or assisting higher levels in managing two or more components of large State-wide programs. The overall scope of her responsibilities with respect to the SBO's collection program activities does not reach this level of responsibility.

Ms. Nichols does not have organization-wide responsibility for the SBO Collections activities as required. Mr. Putich retains overall authority for this program's functions and activities. Ms. Nichols does not have the latitude to independently establish and adjust program priorities or evaluate program effectiveness at the level intended by this class.

Mr. Putich states in his comments that he functions as the on-site manager for the program. He approves all tasks and procedures for the SBO which includes the unit's collection activities. He approves all budget related transactions, leave requests, timesheets, overrides and check requests for the office. He processes all performance evaluations and related personnel matters.

He states her tasks involve coordinating day-to-day office operations, as well as directly working with students, faculty, and staff, rather than having organization-wide, program-level responsibility. Additionally, Ms. Nichols leads assigned staff and makes decisions within established policies, procedures, and guidelines.

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 her position should not be allocated to the Program Specialist 3 or 4 level classes.

Comparison of Duties to Program Coordinator & Program Specialist 2

The Definition for Program Coordinator states:

Coordinate the operation of a specialized or technical program.

The Distinguishing Characteristics state:

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.

The Definition for Program Specialist 2 states:

Positions at this level work under general supervision and plan, organize, direct and coordinate operations for programs such as the business enterprise, volunteer services and community resources, elections examination/administration 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.

There is overlap in the description of duties for both the Program Specialist 2 and Program Coordinator classes. However, when considering the two classes, Ms. Nichol's duties and level of responsibility more closely align with the Program Specialist 2 class.

First, the scope of the SBO's collections program activities reaches the organizational size and scope of operations anticipated by this class. The collections function located within the SBO provides centralized services to the campus community and outside agencies for Accounts Receivables and Perkins Loan programs. As such, the A/R collections and Perkins loan processing functions constitute a discrete, specialized program consisting of specific components and tasks that are unique to a particular subject and are separate and distinguished from the main body of the organization.

Second, positions allocated to the Program Specialist series have independent responsibility for planning, organizing, directing and coordinating operations for specialized programs which requires a higher degree of specialized knowledge and complexity unique to a particular subject. Incumbents coordinate services and resources, assess program needs, and develop courses of action to carry out program functions and activities. Mr. Putich indicates in his comments that Ms. Nichols serves as the

sole collector of debts owed to the university. She serves as the subject area specialist for collections and is the key contact person for that area. This includes processing and advising students on student account related activities and providing training to those who use those services. Also, as stated in the allocation determination, Ms. Nichols has the role of providing technical and specialized customer service to clients. She is also responsible for coordinating all collections processes and procedures, reviewing reports for accuracy, participating on teams to explore new business/customer service opportunities, acting as a liaison with campus departments as the unit's representative, and resolving day to day fiscal, regulatory and customer service problems.

In total, her position is consistent with the scope of responsibility of this class for overseeing day-to-day program operations, functioning as the program's representative and resource, having extensive contact with program participants and outside entities, and resolving problems within her delegated area of authority. She takes unusual problems to higher levels for resolution.

In summary, the duties Ms. Nichols performs are technical and supportive in nature to the university's collections program services. However, her position does not have full, independent responsibility for reviewing and applying program specific policies, procedures and regulations, assessing program needs and developing courses of action or resolving problems in order to carry out program activities. Mr. Putich indicated he has ultimate responsibility for addressing and resolving programmatic issues and problems that arise. Ms. Nichols exercises independent judgment to address situations with students and others. The decisions Ms. Nichols makes about the collections and Perkins servicing are done following prescribed standards.

Therefore, Ms. Nichols has responsibility for performing a variety of specialized technical collections and clerical support activities for the Loans and Collections unit. The overall scope of the activities and functions she performs reach and more accurately align with the Program Specialist 2 level responsibility.

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).

In this case, the majority of the duties assigned to Ms. Nichols's position and her level of responsibility and delegated authority are best described by the Program Specialist 2 classification. Her position should remain allocated to that 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 10<sup>th</sup>

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: Mary Nichols, WWU  
Elyse Maffeo, PSE  
Doug Adelstein, WWU

Enclosure: List of Exhibits

## **MARY NICHOLS v WWU**

### **ALLO-14-084**

#### List of Exhibits

#### **A. Mary Nichols Exhibits**

1. Director's Review Form received November 13, 2013 (2 pages)
  - PRR Employee Portion
  - October 25, 2013 WWU allocation determination memo
2. Perkins Loan information
3. Examples of Perkins Loan emails Processing such as promissory notes
4. Examples of Veterans' disability discharge and discharging of loan
5. Examples of more Veterans' loan issues
6. Documentation of increasing number of accounts/loans
7. Examples of financial services office emails

#### **B. WWU Exhibits**

1. Allocation determination letter to employee dated October 25, 2013.
2. Job description relevant to the audit period.
3. Current organizational chart.
4. Allocation determination letter to Vice President for Business and Finance dated October 25, 2013.
5. Position Review Request- Employee Portion with attached documents received in Human Resource Services on 8/28/13.
6. Position Review Request- Supervisor Portion filled out by supervisor, Bob Putich, Associate Director for Student Financial Services, received 9/13/13.
7. Notes taken by Kim Davis from interview with Mary Nichols on 9/24/13.
8. Email from Mary Nichols with additional information to consider received on 10/9/13.
9. Notes taken from interview with supervisor, Bob Putich, on 10/10/13.
10. State of Washington Class Specifications for Program Coordinator and Program Specialist 2.
11. Allocation determination letter to Mary Nichols dated 3/27/13 [Included because it is referenced in the body of the 10/25/13 allocation determination letter.]
12. Position Review Request- Employee Portion with attached documents received in Human Resource Services on 1/29/13. [Included because it is referenced in the body of the 10/25/13 allocation determination letter.]