

November 26, 2008

TO: Teresa Parsons
Director's Review Program Supervisor

FROM: Meredith Huff, SPHR
Director's Review Investigator

SUBJECT: Rebecca Thompson v. Central Washington University (CWU)
Allocation Review Request ALLO-07-118

Director's Review Conference

Ms. Rebecca Thompson requested a Director's Review of her position's allocation by submitting a Request for Director's Review form on Nov 26, 2007. The time period for the review is the six months prior to September 7, 2007.

On November 20, 2008, I conducted a Director's review conference by phone. Present by phone were Rebecca Thompson; Amy Murphy, Senior Field Representative, WFSE, representing Ms. Thompson; Gene Gordon, Custodial Supervisor; Greg Poe, Operations Manager for Custodial Services; Lisa Conn, and Lorraine Chavez, Human Resources Representatives; and Stephen Sarchet, Human Resources Representative, representing CWU.

Director's Determination

As the Director's review investigator, I carefully considered all of the documentation in the file, the class specifications, and the information provided during the Director's review phone conference. Based on my review and analysis of Ms. Thompson's assigned duties and responsibilities, I determine her position is properly allocated to the classification of Custodian 1, class code 678I.

Background

Ms. Thompson requested a reallocation by submitting a completed and signed Position Review Request (PRR) to CWU on September 7, 2007 (Exhibit B-1, 2 and 3). Ms. Thompson proposed that the Custodian 2 classification would be a better fit for her position. On October 23, 2007, Mr. Eric Galbraith, of the CWU Human Resources office, issued an allocation determination, indicating Ms. Thompson's position was properly allocated to the Custodian 1 classification. (Exhibit B-4) On November 26, 2007, Ms. Thompson submitted a request for a Director's Review of CWU's decision. (Exhibit A-1)

Summary of Ms. Thompson's Comments

Ms. Thompson is employed at CWU as Custodian 1. During the phone conference, Ms. Thompson stated she was assigned to and responsible for cleaning Hertz Hall on the CWU campus. She stated that each day she cleans the classrooms, conference rooms, offices, lounges and halls. Ms. Thompson confirmed that when repairs needed to be made, she completed a work order to have the repair done; she did not do repairs. She confirmed she did order supplies such as floor cleaners, mops, and toilet tissue for the building. If Ms. Thompson found something out of order, such as an unlocked door, she reported that to the lead or supervisor.

Ms. Thompson confirmed that she opened the building doors and also the custodial closet door to allow the student employee access to the work equipment and areas. On the first day of work for the student employee, Ms. Thompson trained the student employee in what needed to be completed. Ms. Thompson stated that she felt her position should be classified as a Custodian 2 as she is a lead for the student employee. She is responsible for cleaning the student's work area, when the student does not come to work. Ms. Thompson indicated that if the student does not clean thoroughly, she is responsible for that deficiency and has to take care of it. Ms. Thompson explained that she does not have responsibility for hiring or taking corrective action with the student employee position.

On behalf of Ms. Thompson, Ms. Murphy asserted that Ms. Thompson provides instruction, answers questions, and opens the building for the student employee. She emphasized that Ms. Thompson has some responsibility for the quality of the student employee's work as both Ms. Thompson and the student employee are involved in maintaining the cleanliness of the building. Ms. Murphy confirmed that the Custodian 1 position is in the category of providing general maintenance. She explained that as the definitions are similar for the Custodian 1 and 2 classes, that it is necessary to look beyond that. Ms. Murphy asserted that Ms. Thompson is responsible for making rounds of the building, locking doors, closing windows, turning off lights and replacing burned out light bulbs as described under the Typical Work of the Custodian 2. Ms. Murphy pointed out that Ms. Thompson does the morning shift, unlocking exterior and interior doors in the building. She is responsible for the student employee's training and must complete the student employee's work when the student is absent or the work is deficient. Ms. Murphy stated that she felt the Custodian 2 class is the best fit for Ms. Thompson's responsibilities.

CWU's Comments

Mr. Sarchet stated that Mr. Eric Galbraith had completed the CWU review of Ms. Thompson's position and had provided his analysis and decision in the letter of October 23, 2007. (Exhibit B-4) Mr. Sarchet asserted that as the student employee had been working for 2 ½ years, there was no training required during the time period of this review. He held that Ms. Thompson's work, to empty garbage, collect recyclables, clean offices, clean and disinfect restrooms, fill paper towel dispensers, fill soap dispensers as described in the PRR, fits within the Custodian 1 class. Mr. Sarchet remarked that part of the Custodian 2 definition is similar to the Custodian 1. However, Mr. Sarchet stated that Ms. Thompson was not responsible for repair and replacement of light fixtures, switches, doors, windows, or locks as described in the Definition of the Custodian 2. As a result Mr. Sarchet indicated that the Custodian 1 class is the best fit for Ms. Thompson's position.

In an attachment to the PRR, Mr. Gordon, Senior Custodial Supervisor indicated that Ms. Thompson does not supervise student help. He further stated that she does not assign, organize or schedule the student work. He indicated she is also not required to inspect the student helper's work. He clarified that on daily basis Ms. Thompson's interaction with the student helper is minimal and probably closer to 2% or 3% of her total work time. The student works a two- hour work shift each weekday. (Exhibit B-2)

Rationale for Director's Determination

A position review is neither a measurement of the volume of work performed, nor an evaluation of the expertise with which the work is performed. A position review is a comparison of the duties and responsibilities of a particular position to the available classification specifications. This review results in a determination of the class that best describes the overall duties and responsibilities of the position. See Liddle-Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

The Personnel Resources Board (PRB) has held the following:

. . . because a current and accurate description of a position's duties and responsibilities is documented in an approved classification questionnaire, the classification questionnaire becomes the basis for allocation of a position. An allocation determination must be based on the overall duties and responsibilities as documented in the classification questionnaire. Lawrence v. Dept of Social and Health Services, PAB No. ALLO-99-0027 (2000).

The Personnel Resources Board (PRB) recently has confirmed the following minimum standard for allocating positions to a lead or supervisory class:

. . . We agree that 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. We concur that 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 No. R-ALLO-08-012 (2008)

Glossary of Classification Terms

In reviewing these positions, I have used the following terms. The Department of Personnel's Glossary of Classification Terms defines these terms. The Glossary is found at <http://www.dop.wa.gov/HRProfessionals/Classification/>.

The Glossary defines **routine work** as work that *"Involves the performance of several related and repetitive tasks, which require some judgment in respect to the rules, procedures, materials, or equipment that will be used."*

The Glossary defines **lead** as *"An employee who performs the same or similar duties as other employees in his/her work group and has the designated responsibility to regularly assign, instruct and check the work of those employees."*

Custodian 2 (class code 678J)

The Definition of the Custodian 2 states: “*Positions in this level perform various housekeeping, custodial, and maintenance related tasks to ensure and maintain proper cleanliness of facilities, institutions and/or the Governor’s mansion. Positions repair and replace various items, including but not limited to, light fixtures, switches, doors, hardware, windows, locks, etc.*”

In addition to various housekeeping tasks, the Custodian 2 Definition goes on to require that positions in this class repair and replace various items, including but not limited to, light fixtures, switches, doors, hardware, windows, locks, etc. Ms. Thompson’s position does not fit this requirement of the definition as she does not do repairs or replacement of light fixtures, switches, doors, hardware, etc. Rather, when Ms. Thompson finds an item that needs repair, she submits a work order to have the Maintenance Custodian do the repair.

Ms. Thompson stated her responsibilities for the student employee included training, opening doors, checking on completed work, filling in during the employee’s absence, answering questions, and providing supplies. She indicated that if there were deficiencies in the student employee’s work, she was held responsible. Ms. Thompson thought that these responsibilities for the student employee, which she believed to be lead responsibilities, should qualify her for the Custodian 2 classification.

The PRB has confirmed that lead responsibilities must be for a minimum of one FTE to be considered for a lead position. The student employee in Ms. Thompson’s work area works two hours per day, five days a week during the school year. This is less than one full time employee and does not meet the PRB’s standard. Further, Ms. Thompson’s supervisor, Mr. Gordon stated on the PRR attachment that “*Rebecca Thompson does not supervise student help. . . .Rebecca Thompson does not assign, organize, or schedule the student work. She is also not required to inspect the student helper’s work.*” Ms. Thompson’s interaction with the student employee does not meet the definition of Lead in the classification glossary.

The Custodian 2 class is not an appropriate class for allocation of Ms. Thompson’s position as her work does not meet the requirements of the Definition.

Custodian 1 (class code 678I)

The Definition of the Custodian 1 states: “*Positions in this level work under general supervision. Positions perform routine housekeeping and custodial duties.*”

On the PRR, Ms. Thompson describes 65% of her work time was spent in doing journey-level tasks in all aspects of custodial work and operating custodial equipment. This responsibility included tasks in all aspect of custodial work: “empty garbage, collect recyclable items in building and place in appropriate containers, clean offices, clean and disinfect restrooms, fill paper towel dispensers, fill toilet paper dispensers, fill soap dispensers, empty sanitary napkin disposal containers, clean mirrors, vacuum carpets, sweep hard floors, sweep stairways, dust, spot wash walls, wash counter tops, clean whiteboards and erasers, wet mop floors. Maintain custodial tools and equipment.” In addition, Ms. Thompson locked and unlocked the building

per the schedule, cleaned after special events, called in reports on needed maintenance, and attended meetings and trainings as required. (Exhibit B-1)

These duties fit within the Definition of Custodian 1. Ms. Thompson works under the direction of her supervisor. She attends meetings and training when necessary. She locks and unlocks the building as scheduled. These responsibilities are within the scope of the Custodian 1 classification. Ms. Thompson's position is allocated properly at the Custodian 1 level.

Appeal Rights

RCW 41.06.170 governs the right to appeal. RCW 41.06.170(4) provides, in relevant part, the following:

An employee incumbent in a position at the time of its allocation or reallocation, or the agency utilizing the position, may appeal the allocation or reallocation to . . . the Washington personnel resources board Notice of such appeal must be filed in writing within thirty days of the action from which appeal is taken.

The address for the Personnel Resources Board is 2828 Capitol Blvd., P.O. Box 40911, Olympia, Washington, 98504-0911.

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

cc: Rebecca Thompson
Amy Murphy, WFSE
Stephen Sarchet, CWU

Enclosure –List of Exhibits

List of Exhibits

A. Filed by employee November 23, 2007:

1. Request for Directors Review Form
2. Letter Dated November 23rd, 2007 from Rebecca Thompson: submitting additional information.
3. Copy of date stamped envelope from CWU:
4. Agency Decision letter dated October 23rd, 2007, from: Eric Galbraith
5. Position Review Request Unsigned and no Date.

B. Filed by CWU, December 27th, 2007.

1. Position Review Request (PRR) form dated and signed 10/3/2007.
2. PRR Supervisor section from Gene Gordon.
3. PRR attachment, comments by Greg Poe, manager.
4. Agency Determination letter. October 23rd, 2007.
5. Position Description Form Received in HR October 25th, 2007.
6. Class Specifications for Custodian 2
7. Organizational chart.

C. Filed by employee March 10th, 2008: Marked as follows.

1. Position Review Request
2. Position Review Request – Supervisor/Dept. Head Review
3. Position Description Form (signed 9/25/2006)
4. Position Description Form (multi year)
5. Position Review Response From: Eric Galbraith
6. Additional information letter From: Rebecca Thompson dated 11/23/2007
7. Custodian 1 Classification Specs, class code 678I
8. Custodian 2 Classification Specs, class code 678J
9. Notice of Unsatisfactory work performance dated 12/10/1997
10. Letter regarding complaints, dated 11/1/1996
11. Letter of Expectations on cleaning the Hertz building.
12. Michaelson building cleaning schedule
13. Custodial services Dept. Organizational chart.