

September 24, 2007

Ms. Leanne Blood
Employee Relations Specialist
Washington Public Employees Association
North 4407 Division Street Suite 514
Spokane, WA 99207

RE: Shelly Bush v. Walla Walla Community College
Director's Review Request HEU No. 4640

Dear Ms. Blood:

On May 31, 2007, I conducted a Director's review meeting by telephone conference call regarding the allocation of Ms. Bush's position. Present during the telephone conference were you and Ms. Bush; Human Resources Director Sherry Hartford, representing Walla Walla Community College; Chad Miltenberger, Assistant Director of Student Services and Ms. Bush's supervisor; and Janet Danley, Director of Student Services.

Background

On April 3, 2006, Ms. Bush submitted a Position Review Request (PRR) to WWCC's Human Resources Office asking that her Secretary Senior Position be reallocated to a Secretary Supervisor position. On May 31, 2006, Ms. Hartford provided Ms. Bush with the results of her classification review. Ms. Hartford determined Ms. Bush's position was properly allocated as a Secretary Senior after concluding the supervisory duties assigned to her position did not meet the one full-time equivalent (FTE) standard traditionally used by higher education.

On June 21, 2006, the Department of Personnel received Ms. Bush's request for a Director's review of WWCC's determination.

Summary of Ms. Bush's Perspective

Ms. Bush acknowledges her secretarial duties have not changed. However, she asserts she now has responsibility for supervising work study students in the computer lab and

fitness center. Ms. Bush further asserts the total student work hours are the equivalent of 1 FTE. Ms. Bush contends that as a supervisor, she interviews students to see if they are compatible for the position, selects the students hired, prepares a job description, and explains policies and procedures. Further, she states she adjusts student work schedules, discusses appropriate use of the computer, provides student ID cards, and approves time off, though she agrees no formal leave slips are used. Ms. Bush also states she addresses issues like tardiness because it impacts the schedule she maintains.

Ms. Bush contends she assigns work and shows work study students how to assist other students in the computer lab. As an example, Ms. Bush asserts she shows student workers how to assist students with filling out financial aid applications. Additionally, Ms. Bush states she shows student workers how to clean the computer lab and shows them where supplies are located. Further, Ms. Bush asserts she talks with student workers about any concerns, establishes priorities and deadlines, and discusses new policies, for example an Internet policy. Ms. Bush states she checks in with the student workers but acknowledges it is not necessarily on a daily basis, with the exception of one student who works in areas besides the lab. Ms. Bush characterizes her level of training student workers as more than just informational; rather, she asserts she also discusses how to troubleshoot problems that occur in the computer lab and proper use of equipment. In summary, Ms. Bush contends she has been assigned supervisory responsibility and believes her position should be reallocated to the Secretary Supervisor classification.

Summary of WWCC's Reasoning

While WWCC acknowledges Ms. Bush's duties and responsibilities have been characterized as "supervising," the college asserts the supervision in this case actually involves coordinating and overseeing activities in the computer lab and fitness center. As a result, WWCC contends Ms. Bush's duties and responsibilities do not rise to the level of a supervisor classification. To exemplify, WWCC contends the students working in the computer lab are assigned short hourly increments of work (1 or 2 hour blocks) with the primary responsibility involving sitting in the computer lab and monitoring students coming in and out and providing a presence in the lab. As a result, WWCC asserts the level of training is very limited. WWCC further notes that work study students are allowed to do homework while monitoring the lab.

WWCC asserts the selection process for work study students involves finding students who are eligible to work at a time that fits with their schedule. WWCC asserts the selection process involves more coordination than actual selection of staff in a recruitment sense. WWCC further describes the coordination process as scheduling and assigning students tasks in the computer lab. WWCC contends there is no regular evaluation process, though states Ms. Bush may be asked by faculty to identify whether students objectives were met when co-op students are receiving credit for work study.

WWCC acknowledges Ms. Bush may talk with students about their jobs or failure to show up for a shift. However, WWCC contends Ms. Bush's position has not been tasked with performing annual performance evaluations or handling corrective action as envisioned in the supervisor classes. In summary, WWCC asserts Ms. Bush's assigned duties include planning, organizing, and prioritizing the work for Student Services, including the computer lab, which the college describes as secretarial in nature. Therefore, WWCC believes Ms. Bush's position is properly allocated to the Secretary Senior classification.

Director's Determination

This position review was based on the work performed for the six-month period prior to April 3, 2006.

As the Director's designee, I carefully considered all of the documentation in the file, 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. Bush's assigned duties and responsibilities, I conclude her position is properly allocated to the Secretary Senior classification.

Rationale for Determination

It is undisputed that Ms. Bush's secretarial duties have not changed. The issue here is whether or not Ms. Bush's supervision of work study students in Student Services, primarily the computer lab and fitness center, meets the definition of supervisor as envisioned in the Secretary Supervisor classification. Historically, the former Higher Education Personnel Board (HEPB) relied on three components for determining whether a position tasked with supervising student workers met the same standard as a position supervising classified staff. The three components included the definition of supervisor, the intent of the related class specification, and whether the collective hours of student supervision equated to one FTE. Udovich, Arrington, and Pittman v. The Evergreen State College. HEPB Nos. 3607, 3608, and 3609 (1992). Similarly, the former Personnel Appeals Board (PAB) also applied the three criteria established by the HEPB when considering the supervisory responsibilities of higher education employees supervising student workers.

In this case, I first considered whether Ms. Bush's supervision of work study students met the definition of supervisor. The Washington State Classification and Pay Administrative Guide defines supervisor as follows:

An employee assigned responsibility by management to participate in all of the following functions with respect to their subordinate employees: (1) selection of staff, (2) training and development, (3) planning and assignment of work, (4) evaluating performance, (5) adjusting grievances, and (6) taking corrective action.

On the Position Review Request, Ms. Bush describes her position's purpose as supervising part-time employees, providing complex duties for Clarkston Center Student Services, serving as a financial aid liaison, coordinating student employment programs, and managing placement testing (Exhibit 3). While her supervisor, Assistant Director Chad Miltenberger, indicated that her description of duties was accurate, he also provided further explanation in an attachment to the PRR (Exhibit 3a). Mr. Miltenberger characterizes Ms. Bush's supervisory responsibility as "assigning, scheduling, and serving as a contact person for the lab monitors in the walk in computer lab and the student help in the fitness center at the Clarkston campus." He further notes she manages time cards and secures job descriptions but does not "know of any evaluations . . . corrective measures, or . . . leave requests." Mr. Miltenberger further clarifies that Ms. Bush "is not expected to solve problems or develop or modify work methods or procedures without seeking input from her supervisor."

During the Director's review conference both Mr. Miltenberger and Director Janet Danley clarified that the assignment of work given to the student employees mainly involved checking student IDs when they arrive at the computer lab; providing a physical presence in the lab; assisting students with basic computer functions, such as logging onto the computer; and refilling paper or ink in the lab's printers. Similarly, functions in the fitness center may involve checking in and monitoring students or cleaning equipment. Ms. Bush is responsible for coordinating the working schedule, signing and processing the students' time cards, and reviewing the time cards for completion and accuracy. Ms. Bush also provides direction for student help placement.

In her exhibits, Ms. Bush provided examples of the work study/student help time cards (Exhibit A). While I acknowledge Ms. Bush signs the time cards and has been referred to as a supervisor for student workers (Exhibits B & C), her duties and responsibilities involve overseeing, coordinating, and scheduling the students monitoring the lab and fitness center. I understand Ms. Bush participates in the selection of student monitors and provides the students with basic information about their work study positions. She is also available to answer questions and provide guidance to these students, as needed. The level of supervision, however, does not rise to the same level of supervision stated in the earlier definition.

For example, the student training reports provided by Ms. Bush show a breakdown of tasks assigned to the student monitors such as monitoring lab, filling paper trays, watching for students needing help, turning on computers, and keeping lab clean and safe (Exhibits H & I). Although I realize these are initial tasks that need to be explained to the work study students, the level of training and development is minimal. Similarly, there is not a formal evaluation process, though Ms. Bush may provide feedback to faculty on a work study student participating in cooperative education (Exhibit H.5). Additionally, Ms. Bush has not been assigned the responsibility of handling grievances or corrective action related to work study students, and her supervisor has indicated she is not expected to solve problems or develop or modify work methods without guidance from him.

Although Ms. Bush coordinates the work schedule and factors in student absences, processes time cards, answers student's questions and provides guidance when necessary, those are administrative functions in line with her secretarial duties and do not meet the definition of a supervisor. Specifically, when comparing Ms. Bush's assigned work with the intent of the Secretary Supervisor classification, it does not align with the following distinguishing characteristics: "Supervise office support staff, interview and recommend selection of applicants, conduct training, assign and schedule work, act on leave requests, conduct annual performance evaluations and recommend corrective and/or disciplinary actions."

Instead, Ms. Bush's assigned work fits the distinguishing characteristics of the Secretary Senior classification because she performs complex secretarial duties and independently plans, organizes, and prioritizes the work in Student Services, which includes scheduling and coordinating the work study students working in the computer lab and fitness center. This also includes scheduling work study students who perform tutoring services to other students in the lab. Ms. Bush's duties and responsibilities are further consistent with the Secretary Senior characteristics of initiating actions to ensure goals are met within the work unit/office (Student Services).

I also considered the Secretary Lead classification, weighing the same criteria for lead as I did with supervisor, which had also been a HEPB and PAB standard. The definition of lead states:

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.

While Ms. Bush coordinates the work of students in the computer lab and fitness center, her primary responsibilities are secretarial in nature. She has not been assigned lead responsibility over secretarial positions. Therefore, her assigned work does not meet the definition of lead or the intent of the Secretary Lead class specification.

Finally, both Ms. Bush and the college provided documentation supporting the total number of hours worked by the work study students in Student Services (Exhibits 4 & 6). Additionally, Ms. Bush provided hours worked by students who tutored subjects, such as math or biology (Exhibit 5). As part of my overall analysis, I reviewed the documents and concluded the hours for work study students in Student Services did not reach one FTE, 2,088 hours in a one-year period or 1,044 hours in a six-month period (minus holidays). *However, the "one FTE" issue is not the determining factor in this case.*

Rather, I conclude Ms. Bush's level of supervision with respect to the work study students does not meet the definition of supervisor or the intent of the supervisory responsibilities outlined in the Secretary Supervisor classification. As a result, the Secretary Senior classification best describes Ms. Bush's position.

Appeal Rights

WAC 357-49-018 provides that either party may appeal the results of the Director's review to the Personnel Resources Board (board) by filing written exceptions to the Director's determination in accordance with Chapter 357-52 WAC.

WAC 357-52-015 states that an appeal must be received in writing at the office of the board within thirty (30) calendar days after service of the Director's determination. 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.

Sincerely,

Teresa Parsons
Director's Review Supervisor
Legal Affairs Division

c: Shelly Bush
Sherry Hartford, WWCC
Lisa Skriletz, DOP

Enclosure: List of Exhibits