

May 29, 2009

TO: Arwen Bloomsburg

FROM: Teresa Parsons, SPHR  
Director's Review Program Supervisor

SUBJECT: Arwen Bloomsburg v. Washington State University (WSU)  
Remedial Action REMA-09-002

On May 1, 2009, the Department of Personnel received your request for a Director's review asking the Director to take remedial action to confer permanent status. On May 6, 2009, Karen Wilcox, Director's Review Coordinator, sent an email to WSU's Human Resources (HR) Office requesting information about your temporary employment history with WSU. On May 22, 2009, HR Consultant Zami Wilson provided documentation indicating your temporary appointment as a Clerical Assistant III in the Department of Theatre and Dance initially began on August 22, 2008 (Exhibit 3-a). As an attachment to your request, you provided documentation indicating the temporary appointment was extended through May 15, 2009 (Exhibit 1-a). Ms. Wilson also provided Temporary Employee Daily Activity Reports documenting your work hours for each pay period between August 22, 2008 and May 15, 2009 (Exhibit 3-b).

WAC 357-19-450 provides, in part, the following:

For individuals in higher education temporary appointments under the provisions of WAC [357-19-435](#)(1), the director may take remedial action to confer permanent status, set base salary, and establish seniority when it is determined that the following conditions exist:

(1) The employee has worked in one or more positions for more than one thousand fifty hours in any twelve consecutive month period since the original hire date or October 1, 1989, whichever is later. (Overtime and time worked as a student employee under the provisions of WAC [357-04-040](#) are not counted in the one thousand fifty hours.)

### **Director's Determination**

As the Director's designee, I carefully considered all of the documentation and exhibits in the file. After reviewing your time records, I conclude the number of hours worked meets the conditions to confer permanent status, as outlined in WAC 357-19-450(1). Therefore, I am granting your request for remedial action to confer permanent status.

### **Rationale for Determination**

Your original hire date was August 22, 2008. According to WAC 357-19-450(1), an employee has to work more than 1,050 hours "in any twelve consecutive month period since the original hire date . . ." Although your temporary appointment was extended through May 15, 2009, the twelve consecutive month period would be August 22, 2008 through August 21, 2009.

WAC 357-49-010(5) provides, in part, that an individual may make a request for remedial action "within thirty calendar days of the date the individual could reasonably be expected to have knowledge of the action giving rise to violation of the nonpermanent appointment or temporary appointment rules." Based on the time records, you exceeded 1,050 hours on March 31, 2009. Both you and your supervisor, Laurilyn Harris, signed the Daily Activity Report documenting the hours worked for the pay period of March 16 – 31, 2009 on April 2, 2009. You filed a timely request for a Director's review on May 1, 2009.

The following summarizes your work hours between August 22, 2008 and March 31, 2009 (Exhibit 3-b):

Pay Period	Non-overtime Hours	Overtime	Total Hours
August 22-31, 2008	48.00	1.0	49.0
September 1-15, 2008	81.00		81.0
September 16-30, 2008	88.50	.75	89.25
October 1-15, 2008	87.50	.5	88.00
October 16-31, 2008	96.00		96.00
November 1-15, 2008	72.00		72.00
November 16-30, 2008	64.50	1.75	66.25
December 1-15, 2008	88.00		88.00
December 16-31, 2008	80.00		80.00
January 1-15, 2009	60.00		60.00
January 16-31, 2009	60.00		60.00
February 1-15, 2009	60.00		60.00
February 16-28, 2009	59.50		59.50
March 1-15, 2009	46.50		46.50
March 16-31, 2009	64.75		64.75
<b>Total</b>	<b>1056.25</b>	4.00	1060.25

You worked 84% of full-time hours for the period of August 22, 2008 through March 31, 2009, the date you passed the 1,050 hour threshold. The percentage of full-time hours is calculated as follows:

Month and Year	Total Non-overtime Hours	Total Work Hours Available
August 2008	48.00	48 (8x6)
September 2008	169.50	176 (8x22)
October 2008	183.50	184 (8x23)
November 2008	136.50	160 (8x20)
December 2008	168.00	184 (8x23)
January 2009	120.00	176 (8x22)
February 2009	119.50	160 (8x20)
March 2009	111.25	176 (8x22)
<b>Total</b>	<b>1056.25</b>	<b>1264.00</b>
% of full-time hours	1056.25/1264.00 = <b>84%</b>	(Includes holidays but not weekends)

Your request for remedial action meets the criteria outlined in WAC 357-19-450. Therefore, you became a permanent classified employee on March 31, 2009, the date you exceeded the 1,050 hour temporary employment limitation. Your seniority date is March 31, 2009. The percentage of time is 84% of full-time. WSU's HR Office will establish your position's allocation, salary range, and periodic increment date, and any vacation/sick leave accrual, holidays, personal holiday, personal leave, and eligible retirement in accordance with the civil service rules. Similarly, WSU will pay the difference between the actual salary paid and the salary due, if any, including premium pay, had the appropriate employment procedures been applied.

Further, HR staff should review the notification process to ensure that supervisors are aware in a timely manner that temporary employees are approaching 1,050 hours.

### **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 mailing address for the Personnel Resources Board (PRB) is P.O. Box 40911, Olympia, Washington, 98504-0911. If a party plans to file an appeal to the PRB in person, please note the following locations, based on the date filed:

***Through June 25, 2009***, you may file in person at ***2828 Capitol Blvd.***, Olympia, Washington.

***June 26 – July 2, 2009***, you may file in person at ***521 Capitol Way South***, Olympia, Washington.

**Beginning July 6, 2009**, you may file in person at **600 South Franklin**, Olympia, Washington.

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

c: Zami Wilson & Kendra Wilkins-Fontenot, WSU HR Office

Enclosure: List of Exhibits

**Arwen Bloomsburg v WSU  
REMA-09-002**

List of Exhibits

1. Request for Director's Review from Arwen Bloomsburg, received May 1, 2009
  - a. Temporary Employment System webpage displaying 1/1/09 appointment date for Arwen Bloomsburg
2. May 6, 7, 15 and 22, 2009 email chain between Karen Wilcox, DOP and WSU asking for additional information
3. May 22, 2009 email from Zami Wilson, WSU sending attached information to DOP:
  - a. Temporary Employment System webpage displaying 8/22/08 appointment date for Arwen Bloomsburg with August 22, 2009 Temporary Employment contract
  - b. August 2008 to April 2009 time records for Arwen Bloomsburg