

August 15, 2008

TO: Elyse B. Maffeo, Assistant General Counsel
Public School Employees of Washington

FROM: Teresa Parsons
Director's Review Program Supervisor

SUBJECT: Rose Marie Norton-Nader v. Western Washington University (WWU)
Allocation Review Request ALLO-08-020

On March 12, 2008, the Director's Review Program received Ms. Norton-Nader's request for a Director's review of WWU's allocation determination. On May 22, 2008, Karen Wilcox, Director's Review Coordinator, informed the parties that the Director's review would be considered through written documentation. A complete list of the written documents (exhibits) is attached.

Background

On December 14, 2007, the Human Resources Department at WWU received Ms. Norton-Nader's request that her position be reallocated to a higher-level classification. WWU reviewed the Program Manager, Administrative Services Manager, and Administrative Assistant 3 and 4 classes. The Report of Position Review, dated February 12, 2008, indicated Ms. Norton-Nader's position was properly allocated as an Administrative Assistant 3.

On March 12, 2008, the Department of Personnel received Ms. Norton-Nader's request for a Director's review of WWU's allocation determination. In her request, Ms. Norton-Nader references her previous exempt position and her reversion to classified service in 2006. The scope of a Director's review under Chapter 357-49 WAC, however, is limited to a review of the job classes within the state's classification plan, not any assessment regarding positions in exempt status.

Summary of Ms. Norton-Nader's Perspective

Ms. Norton-Nader asserts she is the sole administrator providing support to the Faculty Senate, a body described as "an integral partner in the shared governance of the entire University." As such, Ms. Norton-Nader asserts the Faculty Senate has institution-wide responsibility that includes approving all curricular matters for the university. In her role, Ms. Norton-Nader

reports to the Faculty Senate President, a position that rotates every year. Because Ms. Norton-Nader's position reports to a new president each year, she contends it is her responsibility to advise, instruct, and assist the Faculty Senate President to accomplish the goals of the Faculty Senate. Ms. Norton-Nader describes her position as that of an acting manager of the Senate Office and states that she hires, trains, and supervises student workers.

In addition, Ms. Norton-Nader contends that she consults with the Provost of the University, the Chairs, members of the Faculty Senate and Executive Council and has complex administrative responsibilities related to her duties supporting the Standing Committees of the Faculty Senate. Ms. Norton-Nader asserts that she is involved in the highest level of discussions and strategies with regard to the university's budget, faculty allocations, and curriculum planning and states she is responsible for recording these discussions and distributing them while exercising discretion and sensitivity. Ms. Norton-Nader believes the duties and responsibilities assigned to her position exceed the level of work assigned to the Administrative Assistant 3 classification.

Summary of WWU's Reasoning

WWU acknowledges Ms. Norton-Nader performs her duties with skill, expertise, professionalism, and initiative. WWU also acknowledges that she performs a variety of tasks for various committees and that she manages the complexity of the details, ensuring that information is appropriately distributed or archived. WWU recognizes that Ms. Norton-Nader oversees the day-to-day operations of the Senate Office and supervises student staff and that she exercises independent judgment and maintains confidentiality. However, WWU contends Ms. Norton-Nader's primary responsibility is to coordinate, support, and document the meetings of the Faculty Senate and the Standing Committees, which include the University Planning Council (UPC) and Academic Coordinating Commission (ACC).

In that capacity, WWU asserts Ms. Norton-Nader records, transcribes, edits, and prepares minutes for final approval and archiving. While Ms. Norton-Nader may participate in management level meetings involving issues such as budget, faculty allocations or curriculum planning, WWU asserts her role is limited to the recording and distributing of the meeting minutes. In addition, WWU asserts the orientation Ms. Norton-Nader provides to newly elected Faculty Senators involves answering questions about past practices and protocol and providing historical, operational information. While Ms. Norton-Nader may provide assistance or input to the Provost and members of the Faculty Senate, WWU asserts she does not report to them in an official capacity. WWU states that Ms. Norton-Nader performs other administrative duties for the Faculty Senate Office, including publishing activities, special reports as requested, travel arrangements and reimbursements, assisting with committee recruitment, and oversight of the election process. WWU believes Ms. Norton-Nader's assignment of work best fits the Administrative Assistant 3 classification.

Director's Determination

Allocation determinations are generally based on the duties and responsibilities performed by a position during the six-month period prior to the submission of a request for reallocation. In this case, because the review was filed December 14, 2007, the duties and responsibilities assigned to

and documented for Ms. Norton-Nader's position during the period of June 14, 2007, through December 14, 2007, are the basis for this review.

As the Director's designee, I carefully reviewed all of the documentation in the file including the duties and responsibilities described in all sections of Ms. Norton-Nader's Position Questionnaire and the examples in the exhibit notebook (Exhibit F). Based on my review of the documents, the available classifications, and my analysis of Ms. Norton-Nader's assigned duties and responsibilities, I conclude her position is properly allocated to the Administrative Assistant 3 classification.

Rationale for 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. See Liddle-Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

Ms. Norton-Nader reports to the President of the Faculty Senate, a body comprised of 30 elected faculty members representing various disciplines throughout the university. On the Position Questionnaire (Exhibit C 1-A), Ms. Norton-Nader describes 35% of her duties and responsibilities as managing the responsibilities that develop in collaboration with the President and the Leadership of the Faculty Senate using acquired knowledge and independent judgment. The duties and responsibilities Ms. Norton-Nader describes with regard to the Faculty Senate include the following:

- Provide historical records relating to university policies and procedures.
- Provide information to Faculty Senate on a wide range of complex institutional matters, including confidential, sensitive issues.
- Serve as liaison between the Faculty Senate leadership, the various committees, and University Management, including President and Provost.
- Manage complex, university-wide special assignments. Examples include Academic Freedom Task Force Survey and special report (Exhibit F-8).
- Manage and prepare budget and statistic reports such as total expenditures in forms of tables and charts of the breakdown of expenses. (Example: Planning for Campus Expansion for UPC committee, Exhibit F-15).
- Review income/expense, statistical and budget status reports and approve travel and expense vouchers (Exhibit F-7).
- Track ongoing issues and oversee compliance with institutional policy, determine priorities, assist in setting deadlines.
- Manage and coordinate complex calendars for Senate President, Chairs of ACC and UPC committees, and Executive Counsel as appropriate.
- Manage responses and/or direct inquiries on Faculty Handbook Policy.

- Monitor Faculty Senate and Committee activities and prepare orientation for new faculty committee members (Example: Information Brochure prepared for Faculty (Exhibit F-9).
- Create and maintain Faculty Senate website.
- Draft correspondence for Faculty Senate President and other administrators; review publications, coordinate meeting schedules; respond to prepared questions from consultants to Board of Trustees.
- Manage student membership on committees through collaboration with Associated Students; inform members of meeting deadlines and agendas.

Ms. Norton-Nader describes 20% of her assigned duties and responsibilities as managing the Senate Office to include the following:

- Sole responsibility to plan, budget, coordinate office work, and supervise student employees.
- Sole responsibility to supervise student employees (schedule work, approve hours, counsel on best practices).
- Plan, review, and oversee office budget, consisting of payroll for Senate President; Administrative Assistant; (Ms. Norton-Nader's position) student payroll; printing costs and general office expenses.
- Manage, create, and update databases related to campus departments, offices, senate and committee information; and databases consisting of group emails for faculty related information.
- Coordinate with secretaries to Deans and Chairs regarding faculty lists.

With regard to the Standing Committees, Ms. Norton-Nader indicates that 25% of her duties and responsibilities involve managing and collaborating in the development of agendas, meeting calendars, and policies for the Academic Coordinating Commission (ACC) and 20% for the University Planning Council (UPC).

In Part II of the Position Questionnaire, Ms. Norton-Nader indicates that she plans work for her own position and others, including the student employees she supervises. She further indicates she has decision-making authority in the Senate Office and determines how to distribute information and who receives pertinent information. She represents her supervisor, the Faculty Senate President, primarily by responding to requests for information about the handbook and policy issues and explaining the role of the Senate.

In Part III of the Position Questionnaire, Faculty Senate President Jeff Newcomer, noted that Ms. Norton-Nader provided "continuity and institutional memory to the Faculty Senate office." Because of her historical knowledge of the Senate and various committees she understands all routine tasks and responds to all types of requests. Ms. Norton-Nader receives indirect supervision and has complete autonomy over the office budget minus salaries; work study students; all recordkeeping, including committee minutes, memberships, and confidential records; as well as website maintenance. Mr. Newcomer clarified Ms. Norton-Nader's budget responsibilities were limited to the budget for the Senate Office, not the entire faculty budget of \$2,000,000. In addition, Mr. Newcomer indicated that there might have been better word

choices to describe some of Ms. Norton-Nader's duties. He then gave an example of her work relating to orientations, noting she *coordinated* rather than *presented* information.

In my review of Ms. Norton-Nader's duties and responsibilities, I also conclude the coordination piece better describes the level of work, which does not carry the same level of responsibility as delivering a presentation. In the position review conducted by Compensation and Classification Manager Holly Karpstein, she described Ms. Norton-Nader's assignment of work as complex administrative support to include the daily coordination of operations within the Faculty Senate Office. This is consistent with Ms. Norton-Nader's characterization of her work when she states she is solely responsible for coordinating, supporting and documenting the meetings of the Faculty Senate, the UPC and the ACC and for distributing and archiving minutes (Exhibit F-1). This is also supported by a number of examples of meeting minutes submitted by Ms. Norton-Nader for this review. In addition, Ms. Norton-Nader coordinates meeting facilities and equipment and makes all necessary travel arrangements. These duties represent the majority of Ms. Norton-Nader's assigned work.

When comparing Ms. Norton-Nader's duties and responsibilities to the available job classifications, they do not meet the scope and level or responsibility assigned to the Administrative Services Manager or Program Manager classes. While Ms. Norton-Nader does manage the administrative and secretarial support functions of the Senate Office, she has not been assigned management responsibility at the level envisioned in either of those classifications. The Department of Personnel Classification Glossary describes managerial duties as not only coordinating but also planning, integrating, executing, controlling and evaluating activities and functions, including formulating budget, policies and procedures.

Both the Administrative Services Manager and Program Manager classes indicate the incumbent has management responsibility in areas of project management, funds management, contract administration, management analysis, property management, space management, program and budget planning, public information, personnel administration and staff supervision. While I recognize Ms. Norton-Nader performs some level of these functions, such as supervision of student staff or purchasing supplies within the allotted budget, she performs duties in an administrative support role rather than a managerial role.

For example, she manages the budget for the Senate Office for items like printing costs or supplies and equipment. This type of budgetary responsibility, however, is not consistent with the budgetary responsibility at the level of an Administrative Services Manager A, who may manage an organizational entity of a large university with total annual expenditures ranging from \$850,000 - \$1,700,000, as identified in the distinguishing characteristics. Further, the Department of Personnel Classification Glossary defines Program Manager as follows:

Duties involve exercising authority over:

- Development of program goals and objectives
- Development of timetables and work plans to achieve program goals and objectives
- Development of program policies and procedures

- Preparation of program budgets, adjustments of allotments and authorizing expenditures,
- Controlling allocation of program resources
- Setting and adjusting program priorities
- Evaluating program effectiveness

While Ms. Norton-Nader may participate in meetings where the above issues are discussed, her position has been tasked with coordinating and supporting the administrative functions ranging from the facilitation of the meetings to recording and disseminating related information. Accordingly, the majority of her work involves transcribing meeting minutes, updating the website, and assembling information about past practices, policies, and other pertinent information such as the university's vision, mission, and strategic objectives (Exhibit F-6). Ms. Norton-Nader's position has not been delegated the scope or level of decision-making authority consistent with the Administrative Services Program or Program Manager classes. Instead, her position best fits within the Administrative Assistant class series.

The Administrative Assistant 4 (AA 4) definition reads as follows:

Positions serve as the assistant on administrative matters to the head of a state agency, the head of a major sub-division or major operating location of an agency, or to the chief administrator or head of a major organizational unit such as a school, college, or major academic/administrative department.

The AA 4 distinguishing characteristics further indicate, in part, the following:

For those positions in a major organizational unit such as a school, college, or major academic/administrative department, the "unit" will typically have more than 75 full-time equivalent professional and/or classified staff; OR service responsibility for more than 4,000 full-time students or staff, OR in the regional universities, college and community colleges, positions serve as the sole administrative support in an organization that has institution-wide responsibilities; OR positions serve as both sole administrative support and the executive secretary reporting to the organizational head. These positions are assigned to major units, with institution-wide responsibility, that have no assistant directors, deans or managers who would share the administrative duties of the position.

Ms. Norton-Nader reports to the Faculty Senate President, a position that rotates every year. The Faculty Senate President's position is a half-time position that "presides over the Faculty Senate, schedules the meetings of and chairs the Executive Council, and attends all meetings of and represents the Faculty Senate before the Board of Trustees" (Exhibit F-11). The Faculty Senate, speaks and acts on behalf of the university's faculty "in the areas of curriculum, academic programs, Faculty salary, Faculty status, scholarly activities, and all matters relating to the welfare of Faculty, the education of students, and the academic mission of the University" (Exhibit F-11). The Faculty Senate President provides leadership but does not have supervisory authority over Senate members. While the Faculty Senate is an important part of the university, the administrative work differs from that of a typical major academic/administrative department.

I recognize Ms. Norton-Nader provides sole administrative support to the Faculty Senate, President, and Standing Committees and her work is extremely valuable. However, the level of assigned responsibilities is not consistent with the level envisioned by the Administrative Assistant 4 class.

The definition of an Administrative Assistant 3 (AA 3) states, “[p]ositions perform varied administrative and secretarial support duties or positions are responsible for one or more major program activities under a second line supervisor.” The AA 3 distinguishing characteristics are consistent with Ms. Norton-Nader’s position, and she has been delegated higher-level administrative support duties of a substantive nature that are appropriate to be performed by her supervisor but have been delegated to her position. Typical responsibilities include:

- Administrative budget development and/or management
- Expenditure control
- Office space management
- Equipment purchases
- Public relations
- Personnel administration
- Records management
- Report preparation

In addition, Ms. Norton-Nader represents the goals and interests of the Faculty Senate President, Faculty Senate and Committees, and she provides interpretation or explanation of related policies or viewpoints, as well as historical information. Although examples of typical work do not form the basis for an allocation, they lend support to the work envisioned within a classification. The typical work of an AA 3 most in line with Ms. Norton-Nader’s assignment of work includes the following:

- Establishes procedures and interprets and applies administrative policies;
- Evaluates costs and/or approves purchases for expenditures such as equipment, supplies, and furniture; develops cost estimates for equipment needs, space renovations, and projects;
- Participates in budget preparation; develops budget estimates; monitors budget status and expenditures;
- Assists in devising unit standards/procedures to ensure adherence to policies regarding tasks such as budgeting, purchasing, and contract administration;
- Coordinates, organizes, and/or directs the operation of a program or major program activity;
- Represents management and serves as the primary contact;
- Reorganizes and/or assigns office space; modifies workflow process to achieve efficient use of space, equipment, and personnel;
- Prepares reports, budget, contract, or grant proposals;
- Coordinates personnel issues such as recruitment, selection, appointment, and promotion. *(In this case, the work relates to student staff or providing assistance in recruiting faculty committee members);*

- Develops employee training programs/courses, visual aids, or other materials, schedules and conducts presentations and/or training. (*Similar work includes training student staff and others on procedures and past practices and preparing orientation materials*).
- Issues news releases; represents supervisor at meetings; (*Posts information on website*)
- Conducts and/or responds to surveys and studies; composes narrative portions of documents such as brochures and policy statements;
- Coordinates with other departmental staff members on administrative practices and procedures;
- Serves as a liaison between supervisor and other staff members;
- Provides secretarial support to supervisor; coordinates office operations; keeps supervisor's calendar; makes travel arrangements; screens, prioritizes, and distributes mail; transcribes minutes, screens calls and visitors.

It is evident from the examples of work, as well as the letters of support, that Ms. Norton-Nader is a highly-valued employee who provides excellent support to the Faculty Senate, and she plays a critical role in ensuring operations run smoothly and consistently. A position's allocation, however, 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. Therefore, the Administrative Assistant 3 classification best describes the scope of duties and level of responsibility assigned to Ms. Norton-Nader's position.

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.

Enclosure: List of Exhibits