



**STATE OF WASHINGTON
OFFICE OF FINANCIAL MANAGEMENT**

STATE HUMAN RESOURCES | DIRECTOR'S REVIEW PROGRAM
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DATE: June 7, 2017

TO: Connie Goff
Rules and Appeals Section Chief

FROM: Meredith Huff, MPA, SPHR
Director's Review Specialist

SUBJECT: Pamela Garland v. The Evergreen State College (TESC)
Allocation Review Request ALLO-16-045

DIRECTOR'S DETERMINATION

This position review is based on the work performed for the six-month period prior to Sgt. Garland's Position Review Request received on March 29, 2016, by TESC Human Resources. As the Director's Review Specialist, I carefully considered all the exhibits provided and information obtained during the Director's Review Conference. Based on thorough review and analysis of Sgt. Garland's assigned job duties and responsibilities, I conclude her position is correctly allocated to Campus Police Sergeant.

BACKGROUND

Sgt. Garland submitted a Position Review Request (PRR) to TESC Human Resources Services (TESC-HRS) on March 29, 2016. Sgt. Garland requested reallocation of her Campus Police Sergeant position to Campus Police Lieutenant. (Exhibit B-2)

Ms. Laurel Uznanski, Associate Vice President for HRS, conducted a review of Sgt. Garland's position. Ms. Uznanski notified Sgt. Garland that her position was correctly allocated to Campus Police Sergeant on May 31, 2016. (Exhibit B-1)

OFM - State Human Resources received Sgt. Garland's request for a Director's Review of TESC HRS' allocation determination on June 6, 2016. (Exhibit A-1)

The Director's Review Conference was conducted by phone on December 13, 2016.

GUIDANCE 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).

ORGANIZATIONAL STRUCTURE

During the review conference, Sgt. Garland stated that for the time period of this review, she reported directly to Police Chief Ed Sorger, Director of Police Services. Chief Sorger reported to the Vice President for Student Services. The Vice President for Student Services reported to the TESC President.

Organization Charts (Exhibits B-2, B-16, A-17 and e-mails D-1 through D-4)

Three undated organization charts were submitted: Exhibit A-17, pg. 39; Exhibit B-2, pg. 25 and B-16, pg. 105. On March 30, 2017, by email to Ms. Uznanski, I requested clarification of which organization chart was relevant during the time period of this review. (Exhibit D-1)

Ms. Uznanski replied by email dated March 31, 2017 (Exhibit D-2)

Given the fact that Sgt. Perez [co-worker] was appointed to the sergeant position on October 9, 2015, and Pamela Garland submitted her review request on March 29, 2016, it seems reasonable to conclude that Exhibit A-17 is the more accurate of the organization charts that were provided to HRS. Additionally the October 2015 Campus Police Sergeant position description for Sgt. Perez indicates that he is responsible for supervising police and/or civilian staff. Specifically the position purpose statement [for Sgt. Perez's position] reads, in part:

Position Purpose

Supervise and train a shift or squad of campus police officers and/or civilian staff. Provide guidance and assistance to campus police officers and civilian staff in accomplishing the goals and objectives of the department. Perform patrol duties of a campus police officer. Act as a liaison with the public and with the other government agencies and police departments. ...

Sgt. Garland responded by email on April 7, 2017, in part: (Exhibit D-3)

... In addition, the organization charts were created by me because our department did not have one. I brought this to the Chief's attention and he agreed that I should create one. He approved the charts.

DUTIES AND RESPONSIBILITIES

TESC Position Description (Exhibit B-17 pg.106-108)

Date: November 2013
Position: Campus Police Sergeant
Organization: Police Services
Incumbent: Pamela Garland
Position #: 4191
Reports to: Director of Police Services

Position Purpose

Supervise and train a shift or squad of campus police officers and/or civilian staff. Provide guidance and assistance to campus police officers and civilian staff in accomplishing the goals and objectives of the department. Perform patrol duties of a campus police officer. Act as a liaison with the public and with other government agencies and police departments.

Incumbents have arrest powers and are required to be commissioned law officers under the regulations of the state. Due to the nature of police work, working conditions are unpredictable and contain an element of personal danger. This position reports to the TESC Director of Police Services.

Essential Functions, in part:

- Provide supervision, direction, recognition, training and feedback to shift of campus police officers and/or civilian employees ...Maintain work and leave schedules ... Write reports covering activity of squad or shift assigned.
- Provide materials, equipment and counseling and ensure timely dissemination of information to officers and others...
- Supervise and coordinate the investigation of criminal cases, offering guidance and expertise to campus police officers and ensuring that procedures are conducted in accordance with laws....
- Inform staff of changes in regulations and policies, implications of new amended laws and new techniques of police work;
- Monitor and evaluate performance of subordinates...to determine training requirements...
- Provide training and instruction on a variety of enforcement techniques and problems; assist in the development and conduct training...

- Patrol campus buildings and grounds...investigate complaints of disturbance...
- Investigate and resolve personnel problems within department ... and charges of misconduct against staff.
- Monitor vehicles, enforcement activity, collision and other investigative reports and case files...review and correct reports of subordinate officers.
- Assist Director with developing, revising, and implementing departmental policies and procedures.
- Informs Director of situations and incidents that may be of concern...
- Prepare correspondence on behalf of Director for public and other agencies.
- Provide information on police services to local groups and others...

Conditions of Employment

Be currently certified as a peace officer... RCW 43.010.095...

EMPLOYEE'S PERSPECTIVE SUMMARY

Position Review Request (Exhibit B-2)

Sgt. Garland's completed PRR was received in TESC HRS on March 29, 2016. It was signed by Sgt. Garland and Chief Sorger on March 29, 2016.

Position Purpose

I have overall supervision of all employees in Police Services. This includes scheduling, approving time records, approving vacation requests and training of all employees which includes officers and dispatchers and occasionally student employees. Police Services is 24/7 operation which requires me to be on call when issues arise at the department and receive calls at home. Under the direction of the Chief of Police I am responsible for disciplinary issues, developing policies and representing Police administration throughout the college and with local law enforcement.

Specify the job classification you think provides the best match for your position and describe why.

I feel my position duties encompass the roll of a Police Lieutenant. The justification for this is because in addition to regular supervisor duties I am also performing duties that are typically that of administrative areas. I am delegated as acting chief when he is out of office, I attend meetings in the chief's absence county-wide, I represent Evergreen Police Department developing policies and collaborating with agencies outside Evergreen. I am further responsible for making decisions involving other departments within the college infrastructure [sic].

Describe any specialized education, training, certification, skills or competencies required to perform your duties, in part:

Position Review Request continued (Exhibit B-2)

I have completed my Master's Degree in Public Administration, the Criminal Justice Training Commission courses for 1st Level Supervision and Middle Management certifications. I further have specialized training in Sexual Assault and Domestic Violence and represent the department with local social agencies. I am also responsible for CLERY and TITLE IX compliance in these areas. I was requested by the State of Washington to participate on the State Fatality Review Board. I was a member of the Thurston County Domestic Violence Task Force for law enforcement best practices. I coordinate the department in implementing policies, procedures and processes in responding to emergency management. This entails coordination between various outside agencies and within Evergreen College. I work additionally with our college management personnel in developing security protocols in cyber crime [sic] and protecting college assets. I oversee compliance issues involving state and federal mandated reports. I am responsible for training programs and ensuring officers and dispatchers meet minimum requirements. I select and coordinate the appropriate trainings and ensure scheduling occurs to satisfy those requirements. I am totally responsible for the coordinating and hiring of police officers and dispatchers. I do the recruiting, backgrounds, interviewing and arranging all testings [sic] for new hires. I further do all evaluations, administer discipline and recommend termination of employees if necessary. I meet monthly with the local prosecutor and other law enforcement personnel for legal updates. The chief assigned me to the strategic planning committee for the remodel of SEM 1 building where police services is currently located. I have been assigned also by the chief to connect with law enforcement lieutenants and above at the other five public state universities in Washington State for communication purposes concerning our MOU between [sic] agencies. I work on labor management issues and serve as a risk manager (liability) for the chief of police. In this position I counsel and recommend changes within the department for staff to follow. The chief as [sic] further assigned me to the Evergreen State College Health/Safety committee that I attend and occasionally make decisions for police service.

Main Job Duties

- 10% Collaboration with various departments within the college that analyze and respond to issues regarding sexual misconduct, mentally challenged individuals and other behavioral problems.
- 15% I attend and network with the county prosecutor's office on updates, follow up on cases and training issues for officers.
- 10% I coordinate activities and responsibilities with the on campus Housing Administrators and develop policies and procedure pertaining the [sic] them.

Position Review Request continued (Exhibit B-2)

- 10% I develop policies and procedures for life/safety presentations and coordination with the college. I further attend Health and Safety meetings representing the chief.
- 30% I coordinate and network with HR on new hires in Police Services and other departments within the college. This also requires me to connect with Criminal Justice Training Center for training issues as well as investigating the background of a new employee and arranging for their [sic] polygraph, psychological [sic] and medical which at time [sic] requires travel.
- 10% I am responsible to ensure all officers receive a mandatory 24 hours of state required certification. This involves scheduling and researching appropriate training to satisfy [sic] this mandate.
- 10% I am responsible to contact and assist all building managers reference crime prevention procedures and policies.
- 5% I am responsible for the administrative input on the seminar 1 building where police services is located. This entails meeting regularly [sic] with building officials in facilities and engineers responsible for this project.

Decision-making Authority

Assigning/scheduling personnel and approving requests for time off. I make decisions on who is accepted in the interviewing of officers/ dispatchers. I commit the department for different events and coverage issues surrounding them. I arrange presentations within the college for life/safety issues and have authority surrounding these events. I created the complaint process within the department and on our webpage and make decisions on the disposition of those complaints prior to going to the chief. I further make decisions on whether or not criminal cases go to the prosecutor's office for charges and this is based on the facts and circumstances of the incident. I serve as the public information officer when putting out information to our community concerning incidents in and around the campus. When the chief is absent, I my [sic] totally in charge of the department and he has given me total decision making authority during his absence.

Organizational Structure

Sgt. Garland reports to Chief of Police Ed Sorger. Sgt. Tony Perez, Night Supervisor, and Linda Horn, Administrative Assistant, also report to Chief Sorger.

Sgt. Garland indicates she is responsible for 13 permanent FTE. Sgt. Garland did not identify the employees, the positions or indicate if she is a lead or a supervisor for those positions. (Exhibit B-2, pg. 20-21)

Position Review Request continued (Exhibit B-2)

Budget Authority

Total annual state funds: 1.4 million

Total annual budget or funds for which you have responsibility: 1.4 million

Not total but mostly personnel I supervise so I have control over 80% of our budget.

Supervisor Review – Police Chief Sorger (Exhibit B-2, page 23)

- The information on the Position Review Request is accurate and complete?
Answer: Yes.
- Check the statement that most accurately describes the level of supervision you exercise over this position: *Answer: Close, detailed.*
- Please list examples of decisions that the employee is authorized to make without your prior review: *Answer: As Acting Chief in my absence, she [Sgt. Garland] is authorized to make decisions. Attends Exec meetings representing ESCPD.*
- Add any additional information that you believe should be considered in the review of this position: *Answer: See attached descriptions of admin work Pam does routinely. I agree with these descriptions.*

Request for Director's Review (Exhibit A-1)

Sgt. Garland's Request for Director's Review was received at OFM-State Human Resources on June 6, 2016. Sgt. Garland described the duties and responsibilities she performs which she feels are outside her current class of Police Sergeant as follows:

I have overall supervision of all employees in Police Services: this including scheduling, approving time records, approving vacation leave request and training of all employees which includes officers, dispatchers, and occasionally student employees. Police services is a 24/7 operation which requires me to be on-call when issues arise at the department and receive calls at home. Under the direction of the Chief of Police, I am responsible for disciplinary issues, developing policies and representing Police administration throughout the college and with local law enforcement.

Sgt. Garland's Letter dated August 31, 2016, in response to TESC HR Position Review Determination, in part: (Exhibit A-3)

I understand the purpose of a position review in regard to the duties performed and which factors are not considered. It is important though to understand the history behind our police department's internal structure and why a request for a position review was in order.

Since my appointment to a Patrol Sergeant I have been responsible for the supervision of two separate squads consisting of police officers, Emergency Communications Officers, and some civilian staff. Holding police personnel accountable along with performing the myriad of administrative duties required and mandated by RCW's [sic] is a great responsibility. Police supervisors must adhere to the requirements set forth by the Revised Code of Washington (RCW). The Evergreen State College Police Department's lack of a full command staff structure creates some unique challenges relating to criminal/civil liabilities. At my persistence a second Sergeant was hired last year. I continue to perform what I consider out of class duties for the majority of time.

TESC did not include the Campus Police Sergeant Position description as part of the position review process i.e. reference: TESC Exhibit #16. This is the document created by TESC that encompasses both the Sergeant and Lieutenant duties. This makes it more challenging for me to present my case because the overall duties and responsibilities are a hybrid of both positions.

While reviewing the Position Review Determination I noticed that some of the information documented from the interview between TESC HR and Chief Sorger was not accurate. After a discussion with Chief Sorger about this, we determined that the process was confusing and some clarification was in order, which prompted me to request an appeal. ...

SUPERVISOR'S PERSPECTIVE SUMMARY

Chief Sorger's Request (Exhibit A-4)

Police Chief Ed Sorger directed a memo to [Vice President] Wendy Endress and Andy Corn, dated August 10, 2015, requesting an upgrade of Sgt. Garland's position. The memo states, in part:

I am requesting to upgrade Sgt. Garland to a lieutenant's rank for the purposes of establishing a continuity of management in my department. Upon having approval for a swing/grave sergeant I realize a chain of command would be necessary for me to manage even more effectively by having this new sergeant report directly to a lieutenant. Also Sgt. Garland has been working in an administrative position assisting me in many areas outside her regular sergeant duties and some examples of that are: Acting chief in my absence, implementing policies, procedures and directives, attending meetings in my absence, assessing, evaluating and dedicating services we provide to the Evergreen community.

Implementing this departmental restructuring will definitely assist the incoming chief to effectively manage personnel and cause more accountability with the department with a solid chain of command. I have been working with Sgt. Garland for 2 years now and find she has the necessary leadership in solving personnel situations at the same time she is very effective in confronting and bringing resolutions to an

agreeable conclusion. I also find she has the respect and confidence of officers/dispatchers in our department as well as outside agencies, not to mention faculty support because of her master's degree.

Chief Sorger's Memo to TESC HRS (Exhibit B-3)

Chief Sorger directed a memo to Human Resources, dated April 1, 2016, listing decisions Sgt. Garland has authority to make, as follows:

- Hiring of new officers and dispatchers
- Assigning training to all employees
- Background investigations
- Discipline decisions
- Initiates policies, procedures and processes
- Identifies and has approval authority for purchases for the department
- Attends administrative meetings in my absence and has decision authority
- Represents the department as public information officer
- Responsible for overseeing state/FBI reports/Clery statistics
- Responsible for WSP audits being accurate and current
- Makes decision on whether or not cases are filed with the prosecutor's office
- Monitors criminal activity and directs department resources to combat what is occurring
- Responsible to work with outside agencies on collaborative responses to campus emergencies
- Attends monthly campus health/safety committee meetings in my [Chief's] absence
- Attends the strategic planning for the Sem 1 building remodel where police services is located
- Oversees Evergreen Police Services relationships with our community and takes appropriate actions to ensure effective partnerships
- Oversees risk and liability issues regarding current trends in law enforcement and implements actions to safeguard the department
- Works as an assistant and advisor to the chief of multiple issues

SUMMARY OF EMPLOYER'S PERSPECTIVE

Ms. Laurel Uznanski, HRS, TESC, separately interviewed Police Chief Sorger and Sgt. Garland. Ms. Uznanski provided a written Classification Audit of her interview notes with Sgt. Garland and Police Chief Sorger regarding Sgt. Garland's assignments.

TESC-HRS interview with Sergeant Pamela Garland (Exhibit B-4, pgs. 28-42)

During an interview with Ms. Uznanski, Sgt. Garland revised the job responsibilities listed on the PRR and added a new duty "patrol and criminal investigations" for 20% of

her work time. She also made revisions to the work time percentages as shown below. (Exhibit B-4 pgs. 40 and 42)

	PRR	Revised PRR
Duty 1	10% (same)	10% collaboration with various depts.
Duty 2	15%	10% attend/network with County Prosecutor ...
Duty 3	10%	5% coordinate activities...campus housing admin.
Duty 4	10%	5% develop pol & proc for life/safety presentations
Duty 5	30% (same)	30% coordinate with HR on new hires
Duty 6	10%	5% ensure officers received mandatory training
Duty 7	10%	5% assist building managers in crime prevention
Duty 8	5%	10% seminar 1 building input for police services
Duty 9 (<i>added</i>)		20% patrol and criminal investigations

The following are excerpts from Ms.Uznanski's interview with Sgt. Garland. (pgs. 28-42)

- Sgt. Garland meets weekly with the student groups, Students of Concern and Sexual Misconduct Response Network, which are concerned with domestic violence and sexual assault. She indicated that she is mostly present to answer questions regarding what the police would do if the student comes to the Police Department. She indicated that because of FERPA and confidentiality issues, she and the Chief are the only ones from the Police Dept. to attend these meetings.
- Sgt. Garland indicates that she, along with other agencies' representatives, attends monthly meetings with the county prosecutor's office to share information about charging documents, how TESC does things, and legislative updates. Regarding TESC cases, the prosecutor's office will identify information that is missing and indicate which cases will be accepted or declined as a result of missing information. (pg. 29) Chief Sorger becomes involved in more complex, bigger money cases.
- Sgt. Garland indicates TESC officers attend Prosecutor's Office training on issues which deal with legality issues related to a case. She arranges the training. (pg. 30)
- Sgt. Garland investigates the background of potential new employees by doing pre-hire reference and background checks. She makes logistics arrangements; creates a log to track the steps and the timing of each step. She indicated she uses the same providers of the information that have historically been used. (pg. 33)
- In ensuring that officers receive the mandatory 24 hours of state required certification, Sgt. Garland seeks trainers that are cost effective and researches and schedules appropriate training with on-line providers such as CJTC, the prosecutor's office, and internal resources. Training includes first aid, FTO and firearms, and domestic violence and sexual assault. (pg. 34)
- Sgt. Garland indicates that when she became Sergeant she assumed decision making responsibilities for assigning/scheduling personnel and approving requests for time off. Chief Sorger schedules Linda [Horn] and Sgt. Garland; Sgt. Garland schedules others. Sgt. Garland stated that she makes recommendations to the Chief on who to hire; the Chief makes the final decision. (pg. 35)

TESC-HRS interview with Sergeant Pamela Garland, continued:

- Sgt. Garland states she has decision-making authority for "...committing the department for different events and coverage issues surrounding them." Sgt. Garland explained for big events on campus it is necessary to make sure that there are enough officers to cover the event. She coordinates with outside law enforcement for backup coverage, addresses safety issues and proper parking. Sgt. Garland indicated she felt that dealing with budget (overtime issues) and liability (safety and reputation issues) was outside her current job classification. (pg. 36)
- Sgt. Garland indicated that as there was not a departmental complaint procedure/policy, she created a process and a form within the department's webpage. This provides a record of the issue and how it is addressed. (pg. 36)
- Sgt. Garland indicated she serves as the public information officer for police services. In this role, she sends safety alerts on campus such as SPSCC notice regarding someone trying to grab a student in the parking lot and car break-ins. She clarified she is not the campus' official PIO. (pg. 37)
- Sgt. Garland clarified that prior to sending out anything from the Police Services, she submits it to Chief Sorger for his approval. (pg. 37) She noted that big items, anything over \$2000, she submits to the Chief for action. (pg. 39)
- During Chief Sorger's absence, Sgt. Garland is authorized to make complex decisions or decisions that have broad impact in the following areas: (pg. 38)
 - Citizen complaint against officers
 - Parking issues; people getting car booted
 - Bias stuff: officers are supposed to write police report for non-criminal matters that are 1st amendment issues/civil cases BUT chief order [sic] them to do it.
- Sgt. Garland specified that she takes disciplinary actions by having "corrective conversations" to address disciplinary issues of employees. (pg. 39)
- Sgt. Garland stated her responsibilities to monitor criminal activity and direct departmental resources involves high profile cases and when need, arranging for assistance with outside agencies. (pg. 41)
- Sgt. Garland confirmed she accompanies Chief Sorger to meetings with Safeplace, domestic crime prevention and luncheons with the prosecutor's office. (pg. 41)
- Although Chief Sorger indicated that he provides "close, detailed" supervision to Sgt. Garland's position, Sgt. Garland responded that Ed [Chief Sorger] knows what I do but he doesn't micromanage me. He knows what I do and is supportive. Was close supervision in the beginning, but not anymore for daily stuff. (pg. 42)

TESC-HRS interview with Chief Ed Sorger, summary (Exhibit B-4 pgs. 43-52)

- Chief Sorger agreed with the percentage changes Sgt. Garland made to the job responsibilities listed on the PRR.
- Chief Sorger explained that Sgt. Garland does the recruitment of new employees "from start to finish – job announcement, ads, testing, form the search committee." Reports back to Chief after interviews are complete. She may recommend a particular candidate. He indicated that she had not hired in the last six months. She also does background checks.

TESC-HRS interview with Chief Ed Sorger, summary continued:

- Chief Sorger indicated that Sgt. Garland can initiate without supervisory approval Department directives or memos – records management, radios, building security issues, doors left ajar.
- Chief Sorger indicated that Policies/SOP issues have to go through Chief. Pam could make recommended changes.
- Chief Sorger described Sgt. Garland's budget authority as: Pam makes recommendations about what to include in the budget (e.g. purchase a lap top); Pam is authorized to approve expenditures for day-to-day things (equipment, classes/training, uniforms). Pam's authority spending level is \$200-\$300. With his approval, Pam has purchased a police car (VP has to sign for), County IT computer system control (college has existing contract); Thurston Co. Shops to install equipment (Ed signs for) (Exhibit B-4, pg. 46-47)
- Chief Sorger indicated that he and Sgt. Garland both attend meetings such as SOC, SMRN and Health & Safety meetings.
- Chief Sorger indicated Sgt. Garland's represents the department as public information officer. This involves campus-wide announcements of car prowls; dog problems; thefts. For bigger issues Sgt. Garland works with Chief and Todd Sprague from Communications. (Exhibit B-4, pg. 48)
- Chief Sorger indicated that Linda does most of the work on the annual Clery report. Pam [Sgt. Garland] ensures correct information goes into the report and writing/title in report.
- Chief Sorger indicated that the WSP audits do not require much time by Sgt. Garland. She is responsible for knowing what [is] involved in it; that we have correct procedures in placing according to WSP.
- Chief Sorger confirmed that Sgt. Garland has authority to approve criminal/felony cases going forward to the prosecutor's office.
- Chief Sorger described Sgt. Garland's work "as an assistant and advisor on multiple issues." Examples: Officer performance; Shift shortages/problems; Housing relations or with certain student groups; Events requiring police presence (discuss during command staff meetings).
- Chief Sorger described Sgt. Garland's highest level of decision-making authority:
 - Dictated department resources – incident, emergencies;
 - Call officer in early/stay late as needed;
 - Point of contact with Todd Sprague [Communications Office] if needed;
 - In emergency, incident command officer.
- Chief Sorger agreed with the changes that Sgt. Garland had made to the "Main Job Duties" section of the Position Questionnaire.
- Chief Sorger explained that he will "Spend time in the morning to go over events for the day, what she [Sgt. Garland] is working on, may include Linda in the conversation. Get account of day's activities on a daily basis so that [Chief] has general idea of what is being worked on...does not micromanage Sgt. Garland."
- Chief Sorger indicated that Sgt. Garland's development of long-range objectives and programs included: Arranges for 24 hrs. mandatory training; Crisis intervention training – 40 hrs. required by State- Pam arranges for this training.

TESC-HRS interview with Chief Ed Sorger, summary continued:

- “Pam is the Acting Chief when Chief Sorger is out. She will call...when he is out if she is uncomfortable with handling situation/issue or when a new issue/experience. She didn't call me [Chief Sorger] at all when I was recently attending a meeting in eastern Washington.”

Delegation of Authority (Exhibit B-5)

Ms. Uznanski provided Delegation of Appointment Authority documents issued by TESC President George S. Bridges, dated March 15, 2016 as follows:

The following positions are delegated appointing authority for hiring, transfer, reassignment, designation of review periods, payroll documents, grievances and discipline up to and including reduction in pay, demotion and suspension:

Student Affairs - Director of Police Services

For Student Employees, the following positions have delegated budget signing authority in the “Signature of Appointing Authority” section of the STAF form.

Student Affairs – Campus Police Sergeant

TESC-HRS Allocation Determination (Exhibit B-1)

By memo dated May 31, 2016, Ms. Uznanski informed Sgt. Garland of the allocation determination. (Exhibit B-1, pg.1, in part)

On March 29, 2016, Human Resource Services received your Position Review Request (PRR) form requesting a review of your position. In addition, your supervisor, Ed Sorger, Director of Police Services (Chief) submitted additional information via a memorandum dated April 1, 2016... I met with you on April 19, 2016, and with your supervisor on May 18, 2016 to discuss the duties and responsibilities of your position.

Allocation Decision

In completing the review of your position, I examined the State of Washington's classification specifications for Campus Police Sergeant and Campus Police Lieutenant. Based on my review of these job classifications, information in the PRR, the above referenced April 1, 2016 memorandum and information subsequently provided by you and Chief Sorger, I have determined that Campus Police Sergeant continues to best describe the overall duties and responsibilities of your position. ...

DIRECTOR'S REVIEW CONFERENCE SUMMARY

On December 13, 2016 a telephone conference call was held and included the following participants: Sgt. Pamela Garland; Stacey Leanos, Washington Federation of State Employees' representative; Laurel Uznanski, Associate Vice President for Human Resource Services and Wendy Endress, Vice President for Student Affairs. The following is a summary of the discussion.

Sgt. Garland indicated that she was involved in the hiring process for Police Services. She stated she traveled to various police departments to do background checks and a lot of research by going through different channels to get information. She reviewed applications for positions that listed categories of expertise, where candidates worked and how they met the position's criteria. She made reference calls to applicants' employers. She also reviewed applicants' polygraph and psychological tests. Sgt. Garland noted that when the Police Chief decided to hire another Sergeant position, he asked her for recommendations. Sgt. Garland confirmed the Police Chief makes the final hiring decision.

Sgt. Garland stated that the majority of criminal justice training is required and she arranges all trainings for the Police Officers and dispatchers. Some of the enforcement trainings are on-line through the training academy. There also are additional required survival training. She is the liaison for the Criminal Justice Training Center and maintains the mandatory training records. Sgt. Garland indicated she recommends Officers also complete training on talking with sexual assault survivors. Sgt. Garland noted that dispatcher training is not mandated but she tries to locate Security Requirements training on campus that is appropriate. Sgt. Garland stated that she looks for training that fills the needs within a limited budget.

Sgt. Garland discussed her role as a supervisor. She noted that when there are disciplinary or reprimand issues for an officer, she is in the position to hold that officer accountable. In situations of law enforcements, the Chief allows Sgt. Garland to investigate, gather information and consult on the findings and recommend actions. The Chief makes the decision regarding further action.

Sgt. Garland indicated that she makes decisions to file or not file cases with the prosecutor's office; these cases usually involve traffic or trespass issues. Sgt. Garland reviews patrol officers' reports and looks for any missing items.

When the Police Chief is not available, Sgt. Garland attends campus meetings on the Chief's behalf. She oversees the FBI statistics report, Title 9, CLERY reporting, and WA State Patrol audits. She handles difficult issues or conflicts that arise among campus areas or outside entities such as 911 emergency or fire department and the Campus Police.

Vice President Wendy Endress acknowledged Sgt. Garland's discussion of frustrations. She clarified that the position review is not about performance. It is an effort to analyze

and compare the duties with the classifications. She expressed appreciation for the work that Sgt. Garland performs.

GLOSSARY OF CLASSIFICATION TERMS

In completing this review, I referred to the *Glossary of Classification Terms, 2010*, for the following definition.

Nature of work:

Basic types of work assignments performed by a class:

Administrative – Determines or participates in making policy, formulates long-range objectives and programs, and reviews the implementation of programs for conformance to policies and objectives.

COMPARISON OF DUTIES TO CLASSIFICATIONS

I have carefully reviewed the exhibits submitted by the parties. Allocating criteria consists of the class specification's Class Series Concept (if one exists), the Definition and the Distinguishing Characteristics. Typical Work is not an allocating criterion, but may be used to better understand the Definition or Distinguishing Characteristics. For allocation to a classification, the duties assigned to the position must meet the requirements of the Class Series Concept, if any, the Definition and the Distinguishing Characteristics.

Campus Police Lieutenant Class Code 387I

Definition

Assist in the administration and supervision of a division or shift of a campus police department.

Distinguishing Characteristics

Positions allocated to this class may serve as staff assistant to the head of a division of the security department; or direct a special activity such as training; or direct a line police unit including police sergeants.

Incumbents have arrest powers and are required to be commissioned law officers under the regulations of the state.

For a position to be allocated to the Campus Police Lieutenant classification, the position's assigned duties and responsibilities must align with the Definition and Distinguishing Characteristics listed above.

As defined by the *Glossary of Classification Terms*, administrative assignments and responsibilities include:

- determines or participates in making policy,
- formulates long-range objectives and programs, and
- reviews the implementation of programs for conformance to policies and objectives.

The primary nature and focus of Sgt. Garland's assigned responsibilities are directed to supervisory responsibilities and support for a shift of Police Officers within the TESC Campus Police Unit. She reviews and schedules required training for new hires and officers. She maintains records of leave accrued and taken by the officers and other staff. Sgt. Garland participates in recruitments by completing application reviews, background checks and investigations of selected applicants. She makes recommendations for hire to Chief Sorger. Sgt. Garland also provides collaboration with college departments and groups to review difficult issues or resolve behavioral problems. She also works with off-campus legal organizations such as the Criminal Justice training Commission, the State Fatality Review Board and the prosecutor's office.

During the interview with TESC HRS, Chief Sorger indicated that Sgt. Garland's development of long-range objectives and programs included responsibilities such as arranging for 24-hours mandatory training and the crisis intervention (40 hours) required by the State. Chief Sorger also indicated Sgt. Garland represents the department as public information officer. This involves campus-wide announcements of car prowls, dog problems, thefts, etc. For bigger issues Sgt. Garland works with Chief Sorger and Todd Sprague from Communications. Chief Sorger indicated that Policies/SOP issues have to go through him. Sgt. Garland may recommend changes. Chief Sorger indicated that he and Sgt. Garland both attend meetings such as SOC, SMRN and Health & Safety meetings. (Exhibit B-4, pg. 48)

Chief Sorger described Sgt. Garland's budget authority as: Pam makes recommendations about what to include in the budget (e.g. purchase a lap top). Pam is authorized to approve expenditures for day-to-day things (equipment, classes/training, uniforms). Pam's authority spending level is \$200-\$300. With his approval, Pam has purchased a police car (VP has to sign for), County IT computer system control (college has existing contract); Thurston Co. Shops to install equipment (Ed signs for). (Exhibit B-4, pg. 46-47)

Sgt. Garland is assigned responsibility for supervision of a shift of Police Officers and dispatchers. Sgt. Garland does not supervise Sergeant positions. Sgt. Garland's Position Description, Position Review Request and Chief Sorger's description of Sgt. Garland's duties, do not indicate Sgt. Garland has delegated authority for Police Unit administrative activities such as determining or participating in making policy, formulating long-range objectives and programs and reviewing the implementation of programs for conformance to policies and objectives to the extent anticipated by the Police Lieutenant class.

Further, Sgt. Garland's assigned responsibilities do not include assisting in the "administration" of a division or shift of a campus police department as defined above. Sgt. Garland does not determine policy or formulate long-range objectives and programs for the Police Department as required by the Police Lieutenant class. Sgt. Garland is not assigned responsibility to review implementation of programs for conformance to policies and objectives as expected by the definition of "administrative" and the Police Lieutenant class.

Overall, Sgt. Garland's delegated assignments and duties do not reach the expected level of responsibility for assisting in administration *and* supervision as defined in the *Glossary of Classification Terms* and anticipated by the Definition for the Campus Police Lieutenant classification. Sgt. Garland's position should not be allocated to the Campus Police Lieutenant.

Campus Police Sergeant Class Code 387G

Definition

Supervise a squad or shift of full-time campus police or security personnel.

Distinguishing Characteristics

Positions allocated to this class perform patrol duties of the police officer, and are responsible for supervising a group of police officers or other security staff. Incumbents have arrest powers and are required to be commissioned law officers under the regulations of the state.

Sgt. Garland is a police officer and supervises a shift of police officers and dispatchers. The primary nature and focus of Sgt. Garland's assigned responsibilities, are directed to supervisory responsibilities and support for a shift of Police Officers within the TESC Campus Police Unit. She reviews and schedules required training for new hires and officers. She maintains records of leave accrued and taken by the officers and other staff. Sgt. Garland also collaborates with college departments and groups to review difficult issues or resolve behavioral problems. She provides guidance and assistance to campus police officers and dispatchers. She provides support to the Police Chief by conducting recruitments, including background checks, and arranging training for officers. She makes recommendations for hiring to Chief Soger. She represents the Chief at meetings on campus such as the SEM 1 building remodel committee, Health and Safety meetings and students' committees. She acts as a liaison with off campus organizations such as the Criminal Justice Training Commission, Thurston County Domestic violence Task Force, the State Fatality Review Board and the Prosecutor's Office.

Overall, Sgt. Garland's assigned responsibilities are aligned with the expectations of the Definition and Distinguishing Characteristics of the Campus Police Sergeant class.

Typical Work

Although the examples of Typical Work identified in a class specification do not form the basis for an allocation, they lend support to the scope and level of work performed by that class. The Typical work Statements, in part, that most closely align with Sgt. Garland's duties include the following:

- Assign duties; train and supervise campus police officers assigned to a shift or squad; advise, counsel, and recommend disciplinary and other personnel actions;
- Evaluate performance of subordinates to determine training requirements and deficiencies;
- Assist in development and conduct of training programs for campus police;
- Investigate complaints of disturbance, accidents, stolen property, or criminal activity; conduct internal investigations as assigned;
- Patrol campus buildings and grounds on foot or by vehicle to maintain security;
- Issue citations for violations of campus regulations, local, state, and federal laws;
- Write reports covering activity of squad or shift assigned; review and correct reports of subordinate officers; . . .

Sgt. Garland has arrest powers and is required to be a commissioned law officer under the regulations of the State of Washington. Sgt. Garland supervises a shift of campus police, who patrol the campus areas. She also supervises dispatchers. She arranges training on- and off-campus for Police Officers. She participates in the recruitment process and makes recommendations for hire to her supervisor. She sometimes represents Chief Sorger at meetings.

It is clear that Sgt. Garland is a valued employee. However, a position's allocation 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 and how that work best aligns with the available job classes.

After careful review and analysis of Sgt. Garland's assigned responsibilities and duties and other information contained in the file and obtained during the Director's Review conference regarding Sgt. Garland's assignments, the level of her responsibilities, the supervision and consultation she provides to police officers and dispatchers on her assigned shift, as well as, the level of supervision received. As a result, I find the majority of Sgt. Garland's assigned duties and responsibilities, overall, are consistent with the level of expertise and complexity of work anticipated by the Campus Police Sergeant classification and it is the best fit for her delegated responsibilities. Sgt. Garland's position is appropriately allocated to Campus Police Sergeant.

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 10th 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.

Cc: Sgt. Pam Garland, employee, Campus Police
Ms. Stacey Leanos, Washington Federation of State Employees, Representative
Ms. Laurel Uznanski, SPHR, Vice President of Human Resource Services
Ms. Wendy Endress, Vice President of Student Services

Enclosure: Lists of Exhibits

PAMELA GARLAND v TESC
ALLO-16-045

LIST OF EXHIBITS

A. Pamela Garland Exhibits

1. Request for Director's Review dated June 6, 2016
2. Evergreen Campus Police Sergeant Position Description
3. Responses to portions of the HR Position Review Determination
4. Chief's document to Evergreen Admin requesting Lieutenant upgrade
5. Criminal Justice Training Commission email regarding Lieutenant training
6. Chief's document relaying administrative priorities assigned to me
7. Washington Association of Sheriffs & Police Chiefs confirmation letter to me
8. University Police Chief's emails including me in their collaborations
9. Public Safety Committee email documents regarding training and collaboration
10. Emails confirming my directing, mentoring, coaching new Sergeant
11. Emails confirming my involvement in mandatory training from CJTC & WSP
12. Emails confirming my involvement in budgetary issues, equipment, research etc.
13. Citizen Comment & Police Complaint policy and procedure I created
14. Examples of Standard Operating Procedures I create and maintain
15. Screen shot of the computer O:drive files I have created, edited and managed
16. Architect documents showing my involvement in the Police Building remodel
17. Updated Organizational Chart

B. TESC Exhibits

1. Position review and allocation determination letter dated May 31, 2016
2. Position Review Request form submitted by Employee to HR Services March 29, 2016
3. Memorandum from Chief Sorger to Human Resource Services dated 04/01/2016
4. AVP HR notes from position review interviews with Employee and Supervisor
5. Delegation of Appointing Authority memorandum dated March 15, 2016
6. Health and Safety Committee Minutes during timeframe under review
7. Office of State HR Director Glossary of Classification Terms
8. State of Washington Classification Specification - Campus Police Officer (386E)
9. State of Washington Classification Specification - Campus Police Corporal (387F)
10. State of Washington Classification Specification - Campus Police Sergeant (387G)
11. State of Washington Classification Specification - Campus Police Lieutenant (387I)
12. State of Washington Classification Specification - Campus Police Captain (387J)
13. Sampling of email communications during timeframe under review regarding Campus Police Officer recruitment issues
14. Position description for Director of Police Services dated March 2006

15. Position description for Director of Police Services dated March 2016
16. Organizational chart
17. Position description for Campus Police Sergeant dated November 2013 (*Note: Not considered as part of the position review process*)
18. Email response March 31, 2017, regarding organization charts Exhibit A-17, Exhibits B-2 and B-16.

C. Class Specifications

1. Campus Police Officer (386E)
2. Campus Police Corporal (387F)
3. Campus Police Sergeant (387G)
4. Campus Police Lieutenant (387I)
5. Campus Police Captain (387J)

D. Director's Review Request Exhibit's

1. Email request to TESC HRS regarding organization charts A-17, B-2 and B-16.
2. TESC HRS response to question about organization charts dated March 31, 2017.
3. Sgt. Garland's response to TESC-HR email dated March 31, 2017.