

April 29, 2009

TO: Teresa Parsons
Director's Review Program Supervisor

FROM Meredith Huff, SPHR
Director's Review Investigator

SUBJECT: Vicki Cheng v Clark College (CC)
Allocation Review No. ALLO 08-098

Directors Review Conference

Ms. Vicki Cheng requested a Director's Review of her position's allocation by letter received on November 26, 2008, from her representative, Edward Rosen of WPEA. On April 14, 2009, I conducted a Director's review conference by phone. Present at the review conference were Sherry Smith, Vicki Cheng, Joy Horning, and Vicki Presley, employees; Edward Rosen, Southwest Employees Relations Specialist for WPEA on behalf of Ms. Brannon, Ms. Smith, Ms. Cheng, Ms. Horning and Ms. Presley; Katrina Golder, Associate Vice President for Human Resources, and Sue Williams, Associate Director of Human Resources, representing Clark College. Ms. Cheng left the review conference early due to a meeting conflict. Ms. Shirley Brannon has retired from Clark College and was not available for the review conference. It was agreed that all the information provided applied to each of the positions. The timeframe for this review is at least six months prior to July 21, 2008.

Director's Determination

The Director's review of Clark College's allocation determination of Ms. Cheng's position is complete. The review was based on written documentation, classifications and the information obtained during the review conference. As the Director's investigator, I have carefully reviewed all of the information. I conclude that on a best fit of overall duties and responsibilities, Ms. Cheng's position is properly allocated to the Administrative Assistant 4 (AA4) classification.

Background

On July 21, 2008, Ms. Cheng requested a review of her position by submitting a Position Review Request (PRR) to the Clark College Human Resources office. Ms. Cheng's position was allocated to the Administrative Assistant 4 class. Ms.

Cheng indicated she believed her position should be reallocated to the Administrative Services Manager C (ASMC) class. The supervisor's review section of the PRR was signed by Ms. Cheng's immediate supervisor, Dr. Ted Kotsakis, Dean of Business & Technology. (Exhibit B-2)

By letter dated October 29, 2008, Ms. Golder issued an allocation determination indicating Ms. Cheng's position was appropriately allocated to the Administrative Assistant 4 classification. (Exhibit A-2) Ms. Cheng's representative requested a Director's Review of the determination by submitting a letter and a Director's Review Request form on November 26, 2008. (Exhibit A-1)

Summary of employees' and representative's comments

This group of employees works in the Instructional Units and Divisions at Clark College. Each unit is under the supervision of a Dean who reports to the Vice President of Instruction. Ms. Brannon worked in the Basic Education, English, Communications and Humanities (BEECH) unit. Ms. Cheng works in the Business & Technology unit. Ms. Horning works in the Social Science & Fine Arts (SOFA) unit. Ms. Presley works in the Health Sciences unit. Ms. Smith works in the Science, Technology, Engineering and Math (STEM) unit. (Exhibit B-6)

Mr. Rosen noted that the employees were somewhat "boxed in" in terms of percentages while being compelled to answer the questions on the PRR. Specifically, he explained that the employees' activities are related to the budget. He asserted that each employee is the one expert on the budget that can make budget decisions off the top of her head; that is the level of their budget knowledge. They have control of the budget and unit operations and oversight and make independent decisions. He stated that normally each will coordinate with the Dean at sometime during the day. Mr. Rosen noted that from travel expenses to work study allocation, the employees constantly work with the budget. He likened their work to a matrix with the budget being constantly involved. Mr. Rosen reiterated that for day-to-day operation for budget actions, each AA4 has independent responsibility. He indicated that on paper the Deans may be designated with budget authority, but the Deans need to go to AA4 to make the budget process work. He remarked that if the Dean suggests "ABC project", the AA4 looks at the budget, gives the suggestion thought and then tells the Dean if it will work or not work and how and why.

Ms. Cheng used the work study program to describe a situation where the employees had planned, organized and implemented a service for the units. She indicated that previously the campus Financial Aid office had the responsibility for allocating work study hours but in 2006 asked the instructional units to take it over. Ms. Cheng commented that as a group the AA4s determined how many work study hours were needed for the division, how the hours would be divided among the units, and how to track hours. Ms. Cheng noted that the AA4s do not supervise work study students as that is done by the field

supervisors. She emphasized that the AA4s monitor the hours to ensure that the field supervisors stay within the budgeted number; the AA4s together monitor the use and reallocate unused hours as necessary. Ms. Horning pointed out that they monitor the work study dollars during the year. She confirmed that some units may pick up or scale back on the use of hours and it is up to the AA4s to determine if and how the hours will be reallocated.

Ms. Smith indicated that each AA4 is responsible for operations in her unit including assisting faculty with student issues. The group discussed situations where they occasionally assist faculty by submitting students' grades by the deadline; resolving student grievances and issues; and signing for late enrollment when all the criteria is met. Ms. Horning noted that each AA4 has responsibilities for facilities and meeting requests or needs for changes, repairs, or obtaining items, including furniture requests. She stressed that each AA4 can make independent decisions about how to meet the requests and needs and then move forward without waiting for the Dean's approval.

Mr. Rosen emphasized that the Deans and the AA4s work as partners on decisions. The AA4 and the Dean each will run an issue or action by the other before making decisions. He noted that the decision making has evolved from delegation to a partnership. He stated that the Dean has final responsibility on paper, but asserted that it does not work that way in practice. He also pointed out that the Deans are pulled away from the unit to deal with upper level planning, counseling, and student recruitment. As a result, he maintained the AA4s have responsibility to keep the units operational.

Ms. Smith indicated that the AA4s administer and control the units' services such as budgets, travel, equipment and work orders, supervision of staff, meeting instructors' requests and when instructors are absent, ensuring there is a backup to conduct the class. She provided an example that in her unit she recognized the need for an Office Assistant 2 position. She found a way to finance the position by moving money between budgets and she moved forward to fill the position. Ms. Smith noted that usually she doesn't receive advice or approval from others; her responsibility is to complete the work. She gave examples of independent actions she took as hiring a Program Coordinator and buying computers for faculty at the CC Town Plaza campus.

Ms. Cheng stated that she attended the Leadership meeting with division chairs and department heads with the Dean. She confirmed that she provides input, participates in making decisions and shares budget information. She noted that in the Dean's absence, she has lead these meetings.

Ms. Cheng verified that the AA4's are involved in the zero based budget creation process. She pointed out that the Dean heavily relies on the AA4 to communicate and coordinate the budget information to him and the other unit staff. Ms. Presley noted that the AA4s individually create unit salary and benefit

projections that are incorporated into the new budget. As an example of independent budget responsibility, Ms. Horning discussed the need to find budget dollars to retain a part-time cyclic employee. She searched various budgets within her unit and was able to design a plan to use the found dollars to retain the employee. Ms. Smith confirmed that finding dollars to meet faculty needs is a similar process, i.e. she moves money among the budgets to meet computer, furniture or other needs. To free up dollars for instruction, Ms. Horning indicated that each AA4 is charged with finding out how much is needed. Through a group process of the Deans and AA4s, it is determined how and what to do and/or give up. Ms. Cheng confirmed that the budget dollars come from different sources such as local, federal and grants. She indicated the AA4s are very alert about what can and cannot be done with each source of funds. The AA4s' knowledge of which funds are tied to student use, whether or not federal funds can be used for travel for which employees, or expenditures that can or cannot be made.

Ms. Horning emphasized the changes in the College that have impacted the AA4s responsibilities. She described the initiatives that used to be centered in the Vice Presidents office now are shifted to the Deans. The Deans have six or more initiatives to work on. As a result, the AA4s need to step in to do more of the day to day operations. Ms. Horning also noted that the AA4s are not actively involved in policy development. However, she stressed that each of them are involved in interpreting and following the College's policies and procedural manuals, and the WPEA collective bargaining agreement.

On behalf of the employees, Mr. Rosen noted that there is an implicit trust between the AA4 and the Deans. He stressed that the Dean has overall authority, however, Mr. Rosen maintained that there is more leeway and less oversight than originally designed in the AA4 job. He contended that the Deans do not make decisions on the budgets without the consent of the AA4. He noted that all five Deans have recognized the scope and breadth of the change in the duties and responsibilities of the AA4s' positions. He stated the Deans supported reallocation of these positions and continue that support. He stated the Deans were surprised that the reallocation request was denied by the College. He emphasized the role of the AA4s is integral to the administration of the instructional units. Mr. Rosen reiterated his belief that the decisions made independently by the AA4s transcend their current position allocation to the Administrative Service Manager C class.

Summary of comments of Clark College's representatives

Ms. Golder emphasized there is no question that the AA4s are greatly involved in the operation of the instructional units. She stated that it is clear the Deans rely heavily on the AA4s. Ms. Golder indicated that the Administrative Services Manager (ASM) classes are new and recently made available [2007] for higher education's use. She explained that she had sought advice from DOP on the intent of the classes. She reported that DOP described the classes as

addressing administrative responsibility for a higher education institution, such as administering all financial services for the college. She found that the work of these employees did not reach the level intended by the ASMC. She stated that she is certain the AA4 class correctly describes the work of these positions.

Rationale for Director's Determination

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

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

In Salsberry v. Washington State Parks and Recreation Commission, PRB Case No. R-ALLO-06-013 (2007), the Personnel Resources Board addressed the concept of best fit. The Board referenced Allegri v. Washington State University, PAB Case No. ALLO-96-0026 (1998), in which the Personnel Appeals Board noted that while the appellant's duties and responsibilities did not encompass the full breadth of the duties and responsibilities described by the classification to which his position was allocated, on a best fit basis, the classification best described the level, scope and diversity of the overall duties and responsibilities of his position.

Glossary of Classification and Compensation Terms

In reviewing this position, I have considered the following terms which are defined in the Department of Personnel's (DOP) *Glossary of Classification and Compensation Terms*. The website link is:

<http://www.dop.wa.gov/CompClass/CompAndClassServices/Pages/HRProfessionalTools.aspx>

Complexity of Work. Refers to the scope, variety and difficulty of the duties, responsibilities, and skills required to perform the work. Complexity is categorized, in part, as:

Routine – Performs several related and repetitive tasks that require some judgment regarding the rules, procedures, materials, or equipment that will be used.

Complex – Independently uses a wide variety of rules, processes, materials, or equipment to complete work assignments that require specialized knowledge or

skills. Decisions are made independently regarding which rules, processes, materials, or equipment to use in order to effectively accomplish work assignments.

Nature of Work. Basic types of work assignments performed by a class, in part: 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.

Professional – Performs work that requires consistent application of advanced knowledge usually acquired through a college degree in a recognized field, work experience, or other specialized training. Exercises discretion and independent judgment when performing assignments. Examples include, but are not limited to, social workers, psychologists, registered nurses, economists, teachers or instructors, human resource consultants, accountants, and information system analysts.

Supervisory – Participates in (a) selecting staff, (b) training and development, (c) planning and assigning work, (d) evaluating performance, (e) resolving grievances, and (f) taking corrective actions. Work is not of a routine nature but requires individual judgment.

Managerial – Plans, coordinates, integrates, executes, controls and evaluates activities and functions of an organization. This includes developing budgets, policies and procedures, service delivery, and staff supervision.

Position Review Request

Ms. Cheng submitted a completed and signed Position Review Request received July 21, 2008 in the Clark College Human Resources Office. Ms. Cheng described her work responsibilities as follows.

- 35%** Fiscal operations
- 10%** Policies and procedures
- 20%** Unit operations
- 15%** Supervision and office management
- 10%** Administrative support
- 10%** Instructional personnel processes

Dr. Ted Kotsakis signed the PRR as the immediate supervisor and described the level of supervision he provided as “Other: I allow Vicki to decide what needs to come to me and make sure I am well informed of the activities within the Unit. Depending on the task or duty will dictate my involvement with Vicki”. (Exhibit B-2)

Classifications Reviewed

Administrative Services Manager A, B and C (class codes 106E, 106F, 106G)

The **Definition** of the Administrative Services Manager A, B and C states: “*The Administrative Services Manager is responsible directly to the senior academic or*

administrative official for planning, organizing, implementing, coordinating and controlling all administrative services for a department, college, division, inter-disciplinary center, conglomerate organization or institution exercising independent judgment and decision-making authority."

The **Distinguishing Characteristics** for the Administrative Services Manager A, B and C state: *"An Administrative Services Manager performs, supervises, directs, provides counsel and assists the head of the organization and other personnel in a variety of management services. The primary purpose is to facilitate the administration of the organization.*

These positions normally involve a wide variety of duties. The following services, or similar and closely-related activities, are normally included: project management, funds management, contract administration, management analysis, property management, space management, program and budget planning, public information, personnel administration and staff supervision.

Positions at the "A", "B", and "C" levels are distinguished by the variety of functions performed and the degree of authority and responsibility involved. Factors considered are: size of annual budgets, scope of departmental functions, kinds and volume of services rendered, complexity and diversity of functions, number of personnel for whom services are provided, extent of the manager's supervisory role and degree of involvement in activity calling for specialized or technical experience and capability, or a particularly high level of performance and the scope of delegated authority and responsibility for making independent decisions that significantly influence the organization's objectives, programs, services and/or contractual commitments.

Positions at the "A" level are primarily responsible for a small organizational entity of a large university or college (e.g., total annual expenditures of the organizational entity: \$850,000 - \$1,700,000).

Positions at the "B" level are responsible for a medium-sized organizational entity (e.g., Over \$1,700,000 - \$3,400,000), with a broader scope of activities (e.g., teaching and research).

Positions at the "C" level service a large organizational entity (e.g., Over \$3,400,000) with an extensive scope of activities (e.g., research, teaching, and patient/public care). "

The scope of the duties and responsibilities of the Administrative Services Manager classes encompasses the work of a manager for *"planning, organizing, implementing, coordinating and controlling all administrative services for a department."* The *DOP Glossary of Classification and Compensation Terms* defines "administrative" as *"determines or participates in making policy, formulates long-range objectives and programs, and reviews the implementation of programs for conformance to policies and objectives."*

Ms. Cheng's primary function is to serve as the principal assistant to the Department Dean, Dr. Ted Kotsakis who has administrative authority and responsibility for the Department of Business and Technology. While I recognize that Ms. Cheng exercises a high level of responsibility and independence in the operating functions of the Department, such as supervision of support staff or approving expenditures within the allotted budget and delegated authority, she performs duties in an administrative support role rather than a managerial role. Ms. Cheng does not have complete control for administering services at the level anticipated by the Administrative Services Manager series. The Dean has overall responsibility and authority for control of the Department and the various programs and services that report to him.

Ms. Cheng's position's assigned responsibilities and level of supervision received do not reach the level of a manager or meet the expectations for planning, organizing, implementing, coordinating and controlling all administrative services for a department as required by the Definition for the Administrative Services Manager A, B and C classes. The Administrative Services Manager series is not the best fit for the overall duties and responsibilities assigned to Ms. Cheng's position.

Administrative Assistant 5 (AA5) (class code 105I)

The **Definition** of the AA5 states: "*Principal assistant for administrative matters to a **departmental head**, agency director, or the head of a major subdivision of a major State agency. Accomplishes varied and complex projects; makes decisions and acts for supervisor in administrative matters.*"

Although the **Typical Work** statements are not allocation criteria, the following AA5 Typical Work statements, copied in part, provide guidance for the level of responsibility and breadth of impact for this class: ". . . *Coordinates major policy matters and agency programs within the agency and with other State, Federal, or local agencies; Represents supervisor at meetings, conferences, and conventions; speaks for him/her on agency matters; . . . Investigates operating methods and procedures employed in various agency functional areas and develops improved methods where indicated; Receives and confers with official visitors and the public; meets with representatives of government or private interest groups;.. Serves as liaison officer with the Governor's Office concerning public complaints or problems; investigates complaints...*"

Ms. Cheng's position is not responsible to "accomplish varied and complex projects; make decisions and act for supervisor in administrative matters" as identified in the Definition and at the level expected according to the guidance provided in the Typical Work statements. Ms. Cheng's responsibilities are unit level rather than campus-wide or state-wide. Ms. Cheng does not coordinate major policy matters and programs within the College. Although Ms. Cheng occasionally does represent her supervisor at unit staff meetings during his

absence, this duty does not reach the level of representing the supervisor at meetings, conferences and conventions and speaking for him on College matters. Ms. Cheng does participate with other AA4's in development and implementation of unit procedures, such as the work study hours distribution. Ms. Cheng's support assignments are important, however, they are limited to functions within the immediate unit.

Ms. Cheng's position at some level does serve as the "principal assistant to a departmental head." However, Ms. Cheng's position does not serve as principal assistant for *administrative* matters at the level anticipated by the Definition and supported by the Typical Work of the AA5 class. Ms. Cheng's position's assignments and responsibilities do not reach the level of *administrative* matters as defined in the DOP Glossary.

The level of responsibility and breadth of impact predicted in the Definition of the AA5 are of a higher level than those assigned to Ms. Cheng's position. The responsibilities assigned Ms. Cheng's position do not reach the level anticipated in the Definition and supported by the Typical Work statements of the AA5 class. The Administrative Assistant 5 is not the best fit for the overall duties and responsibilities of Ms. Cheng's position.

Administrative Assistant 4 (AA4) (class code 105H)

The **Definition** of the AA4 states: *"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 **Distinguishing Characteristics** of the AA4 state, in part: *"Positions perform higher-level administrative duties of a substantive nature that are appropriate to be performed by the supervisor, manager, administrator, or professional level employee but have been delegated to the administrative assistant to perform. . . . For general government positions, secretarial or clerical duties are incidental to the administrative functions performed. For those positions in a major organizational unit such as a . . . major academic/administrative department, the "unit" will typically have more than 75 full-time equivalent professional and/or classified staff; . . . 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. Cheng serves as administrative support to her supervisor, Dr. Kotsakis, Dean. In the Department of Business & Technology, Ms. Cheng's responsibilities include monitoring and balancing the unit budgets which include wages/benefits, operating, faculty development, foundation, dedicated fees and

other ancillary accounts. She participates in developing and implementing procedures for the department that adheres to institutional policies and state and federal regulations. As designated by the Dean, she resolves student grievances and faculty and staff concerns. She reconciles issues regarding facilities or space and relocation/storage of furnishings and equipment. Ms. Cheng also provides administrative support to the Dean by addressing telephone inquiries, greeting campus visitors, maintaining his calendar, preparing agendas and taking minutes, ensuring accuracy of budget and fiscal papers, and making travel reservations and completing travel forms.

The position held by Ms. Cheng encompasses the requirements of the Definition and the Distinguishing Characteristics of the AA4 class such as reporting level, departmental-wide responsibility and sole administrative support to the organizational head. Ms. Cheng's position's authority and responsibilities are encompassed within the AA4 Definition and Distinguishing Characteristics. For Ms. Cheng's position, the AA4 class is the best fit for the overall duties and responsibilities. Ms. Cheng's position is properly allocated to the Administrative Assistant 4 class.

Appeal Rights

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

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

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

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

Cc: Edward Rosen, WPEA
Katrina Golder, Clark College
Lisa Skriletz, DOP

Enclosure: Exhibits List

Vicki Cheng v. Clark College
Allocation Review Allo-08-098

Shirley Brannon, Allo-08-095 v. Clark College
Vicki Presley, Allo 08-095 v. Clark College
Sherry Smith, Allo 08-096 v. Clark College
Joy Horning, Allo 08-097 v. Clark College
Vicki Cheng, Allo 08-098 v. Clark College

List of Exhibits

A. Employees' Exhibits - Smith, Horning, Cheng, Presley & Brannon

1. Request for Director's Review form November 26, 2008
2. Allocation Determination letter dated October 29, 2008
3. Class Specifications Administrative Assistant 4 (105H)
4. Position Review Request not signed or dated

B. Clark College Exhibits February 9, 2009:

1. Allocation determination letter for each employee
2. Position Review Request for each employee
3. Related information provided during the position review for each employee
4. DOP Classification specifications used in allocation determination.
 - a. Administrative Assistant 4 (105H)
 - b. Administrative Assistant 5 (105I)
 - c. Administrative Services Manager A (106E)
 - d. Administrative Services Manager B (106F)
 - e. Administrative Services Manager C (106G)
5. Position Descriptions for Instructional Deans in each instructional unit
6. Instructional Unit Organization Chart and Instructional Administrators Chart
7. Miscellaneous internal communication
8. Communication with Department of Personnel
9. Miscellaneous Information.

C. Filed by Clark College February 9, 2009:

See list (next page) of Exhibits from WPEA for all employees..

APPEAL FILE TABLE OF CONTENTS

**DIRECTOR'S REVIEW FILING'S FOR SHERRY SMITH, JOY HORNING, VICKI CHENG,
VICKI PRESLEY and SHIRLEY BRANNON**

Submitted by Edward Rosen

Employee Relations Specialist, WPEA

February 3, 2009

1. Dept. of Personnel, Director's Review Program original filings:
 - Cover letter
 - Request for Director's Review
 - Clark College Position Review
 - WA State Dep't. of Personnel Admin. Asst. 4 position description
 - Position review requisition form
2. Department of Personnel correspondence from Karen Wilcox re: 5 reviews
3. Pertinent job class descriptions from WA State Dept. of Personnel:
 - Program Manager A, B
 - Administrative Assistant 3, 4, 5
 - Administrative Services Manager A, B, C -
4. Pertinent Clark College position recruitment forms:
 - Program Coordinator
 - Administrative Assistant 4 (2 versions, with minor changes)
 - Administrative Assistant B (2 versions, with minor changes)
 - Administrative Assistant 3
 - Dean of STEM
 - Manager of Tech Prep and Apprenticeship (a Clark Program mgr. position)
5. Notes from interviews from the 5 reallocation candidates/case research notes
6. Sample of Administrative Services Manager B at Edmonds College, with list of known employees in this series within the state
7. Commendations and references for 3 of the 5 candidates (with info pertinent to all)
8. Organizational chart for Instructional Units and Divisions
9. Communications (emails)
10. Sample spreadsheets/working documents (budget-related) for 5 candidates
11. Relevant WAC's
12. Drafts from Sherri Smith re: HR review appeal and WGS position description
13. Personnel Appeals Board references
 - Little-Stamper vs. WSU
 - Dudley vs. Dept. L&I
14. Sample blank forms

Washington Public Employees Association

WPEA
Est. 1956 | UFCW Local 365

Eddie Rosen
Employee Relations Specialist

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