

August 5, 2008

TO: Chris Rea

FROM: Teresa Parsons
Director's Review Program Supervisor

SUBJECT: Chris Rea v. South Puget Sound Community College (SPSCC)
Director's Review Request REMA-08-001

On May 19, 2008, the Department of Personnel received your request for a Director's review asking the Director to take remedial action to confer permanent status. On May 21, 2008, we received your packet of exhibits. On May 30, 2008, I acknowledged your request and asked you to provide copies of your exhibits to the SPSCC Human Resources Office. On June 19, 2008, we received your added/revised exhibits, and on July 3, 2008, we received the college's exhibits. A complete list of exhibits is attached for your reference.

Nature of Request

You assert that under WAC 357-19-450, you should be granted permanent status because you worked 1,282 hours between May 1, 2007 and April 30, 2008.

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

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

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

Director's Determination

As the Director's designee, I carefully considered all of the documentation and exhibits in the file. After reviewing your time records, I conclude the number of hours worked do not meet the conditions to confer permanent status, as outlined in WAC 357-19-450(1). Therefore, I am denying your request for remedial action to confer permanent status.

Rationale for Determination

Your original hire date was September 9, 2002 (Exhibit B). According to WAC 357-19-450(1), an employee has to work more than 1,050 hours "in any twelve consecutive month period *since the original hire date . . .*" (emphasis added). In this case, your first twelve consecutive month period was from September 9, 2002 through September 8, 2003. The next twelve consecutive month period ran from September 9, 2003 through September 8, 2004, and the pattern continued. At the time of your request, the relevant twelve consecutive month period would have been September 9, 2007 through September 8, 2008. Therefore, in order for the Director to take remedial action, you would need to work more than 1,050 hours for the period of September 9, 2007 through September 8, 2008. Since you filed your request on May 19, 2008, the relevant work hours for consideration are those you worked from September 9, 2007 through May 19, 2008.

The time records you submitted show your work hours as follows (Exhibit D):

September 2007	77.0
October 2007	99.5
November 2007	128.5
December 2007	124.0
January 2008	139.0
February 2008	127.0
March 2008	125.0
April 2008	129.0

The hours you worked between September 2007 and April 2008 totaled 949. This is consistent with the Employee Tracking Report submitted by the college (Exhibit I-4). In addition, the Employee Tracking Report shows that you worked a total of 64.5 hours for the month of May 2008, bringing the total number of hours between September 2007 and May 2008 to 1,013.5.

While you indicated that you worked more than 1,050 hours between May 1, 2007 and April 30, 2008, those hours covered two separate twelve consecutive month periods. Specifically, the hours worked for the months of May 2007 through September 8, 2007, were part of the previous 12-month period (September 9, 2006 through September 8, 2007). As indicated above, the total hours worked for the current 12-month period (September 9, 2007 through September 8, 2008) at the time of this request totaled no more than 1,013.5. Therefore, you have not reached the 1,050 hour threshold necessary for the Director to consider taking remedial action.

Appeal Rights

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

WAC 357-52-015 states that an appeal must be received in writing at the office of the board within thirty (30) calendar days after service of the Director's determination. The address for the Personnel Resources Board is 2828 Capitol Blvd., P.O. Box 40911, Olympia, Washington, 98504-0911.

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

Enclosure: List of Exhibits