

STATE OF WASHINGTON
OFFICE OF FINANCIAL MANAGEMENT
STATE HUMAN RESOURCES DIVISION | DIRECTOR'S REVIEW PROGRAM
P.O. Box 40911 · Olympia, WA 98504-0911 · (360) 407-4101 · FAX (360) 586-4694

October 30, 2014

TO: Lane Hatfield, WPEA

FROM: Holly Platz, SPHR
Director's Review Investigator

SUBJECT: Anna Hopkins v. Bellevue College (BC)
Remedial Action REMA-14-002

On August 13, 2014, the State Human Resources office received Ms. Hopkins' request for a Director's review asking the Director to take remedial action to confer permanent status. Ms. Hopkins contends that she worked over 1050 hours from her date of hire, April 18, 2013 through her anniversary date of April 18, 2014. She further contends that she was not provided information about the time limit on the hours she could work or on the thirty day timeline for filing a request for remedial action until August 5, 2014.

On August 15, 2014, Karen Wilcox, Director's Review Program Coordinator, requested additional information from BC's Human Resources office regarding Ms. Hopkins' temporary employment history with the college. On September 15, 2014, BC's Human Resources office provided the documentation. Following my initial review of Ms. Hopkin's request, we requested copies of Ms. Hopkins' time sheets from BC. BC's Human Resources office provided the additional documentation on October 29, 2014.

Based on the information provided by Ms. Hopkins and BC, Ms. Hopkins' initial non-student, temporary/hourly appointment began on April 18, 2013. Ms. Hopkin's signed the Hourly/Student Employment Authorization form that initiated her employment on April 24, 2013. The form notified Ms. Hopkins of the conditions of her employment and her right to appeal if she felt the rules governing her temporary employment had been violated.

The form defines hourly employment as:

Temporary work which does not exceed 1,049 hours in any 12 consecutive month period from the original date of hire. Hourly employees generally work 16 hours per week, and are generally not eligible for retirement benefits.

The form further notified Ms. Hopkins that:

An employee desiring to appeal alleged violation of WAC 357-19-435(1) of the Department of Personnel rules may appeal under the provisions of WAC

357-19-447. The appeal must be in writing and filed in the office of the director, Department of Personnel, within thirty calendar days after the effective date of the alleged violation of the conditions of employment.

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.)

WAC 357-19-448 provides, in part, that “[r]equests for remedial action must be received in writing within thirty calendar days as provided in chapter 357-49 WAC. . . .

WAC 357-49-010(5) provides, in part, that an individual may make a request for remedial action “within thirty calendar days of the date the individual could reasonably be expected to have knowledge of the action giving rise to violation of the nonpermanent appointment or temporary appointment rules.”

Director's Determination

As the Director's designee, I carefully considered all of the documentation and exhibits in the file and find that Ms. Hopkins' request for a Director's review was untimely. As a result, I am denying the request for remedial action to confer permanent status.

Rationale for Determination

According to WAC 357-49-010(5), the request for remedial action must be made “within thirty calendar days of the date the individual could reasonably be expected to have knowledge of the action giving rise to violation of the nonpermanent appointment or temporary appointment rules.”

In her request for review, Ms. Hopkins indicated that she was speaking with her union representative and with BC's Human Resources during this process. She also stated that:

I was not provided the information about a time limit of my anniversary date and the thirty-day limitation for submission (*of a remedial action request*) until 08/05/14.

However, Ms. Hopkin's allegation is not supported by the documentation provided. As confirmed by her April 24, 2013 signature on the Hourly/Student Employment Authorization

form, she was provided notice of the temporary work time limit and of the thirty day timeline for filing an appeal.

Further, I have reviewed the electronic timesheets BC provided for Ms. Hopkins' position. Ms. Hopkins created and submitted the timesheets. Each timesheet included a grand total of the hours worked during the pay period. The timesheets establish that Ms. Hopkins was aware of the hours she worked during her employment. Therefore, she should have been aware of the date that she may have exceeded the 1050 hour limit for temporary employment.

Ms. Hopkins was provided proper notice of the conditions of her employment and the rules governing her employment. In addition, she had knowledge of the hours she worked by creating and submitted her timesheets and she was provided notice of her right to appeal if she felt the rules governing her employment were violated. The time period relevant to Ms. Hopkins' request is April 18, 2013 through April 17, 2014. Her request for remedial action was not received until August 13, 2014. Her request is untimely. Therefore, the matter is closed.

Appeal Rights

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

WAC 357-52-015 states that an appeal must be received in writing at the office of the board within thirty (30) calendar days after service of the Director's determination.

The mailing address for the Personnel Resources Board (PRB) is P.O. Box 40911, Olympia, Washington, 98504-0911. 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.

c: Anna Hopkins
Aaron Hilliard, BC-HR

Enclosure: List of Exhibits

Exhibits

1. Request for Director's Review form from Anna Hopkins, received August 13, 2014, with attachments:
 - a. letter of request from Ms. Hopkins dated August 7, 2014
 - b. August 1, 2014 letter from Aaron Hilliard, HR, ending Ms. Hopkins' temporary employment as of June 29, 2014.
 - c. fax cover sheet with note to Director's Review Program from Ms. Hopkins
 - d. Unsigned Employment Authorization form
2. August 15, 2014 letter from Director's Review Program asking BC for information
3. September 15, 2014 email from Jewell Evens, BC HR forwarding information to Director's Review Program
4. September 15, 2014 cover letter from Aaron Hilliard, BC HR, sending timesheet and employment authorization for Ms. Hopkins
5. Employment authorization
6. Employment Timesheet for April 2013 to April 2014
7. Electronic timecards from Time and Leave Reporting system