

**BEFORE THE PERSONNEL RESOURCES BOARD
STATE OF WASHINGTON**

TACOMA COMMUNITY COLLEGE,

Appellant,

vs.

EDWARD HARMON,

Respondent.

CASE NO. R-ALLO-08-012

ORDER OF THE BOARD
FOLLOWING HEARING ON
EXCEPTIONS TO THE
DETERMINATION OF THE DIRECTOR

Hearing on Exceptions. This appeal came on for hearing before the Personnel Resources Board, MARSHA TADANO LONG, Chair, and JOSEPH PINZONE, Vice Chair, on Appellant's exceptions to the director's determination dated April 29, 2008. The hearing was held at the office of the Personnel Resources Board in Olympia, Washington, on November 5, 2008.

Appearances. Appellant Tacoma Community College (TCC) was represented by Valerie Petrie, Assistant Attorney General. Respondent Edward Harmon was represented by Kurt Spiegel, Senior Field Representative with the Washington Federation of State Employees.

Background. Mr. Harmon is employed by TCC in the mailroom. He requested a reallocation of his Mail Processing - Driver position on February 16, 2007 by submitting a request for review to TCC's human resources office. Mr. Harmon asked that his position be reallocated to the Mail Processing Manager classification.

By letter dated May 10, 2007, TCC provided a response to Mr. Harmon's request and denied the reallocation of his position.

On June 11, 2008, Mr. Harmon filed a request with the Department of Personnel for a director's review. On March 25, 2008, Kristie Wilson, Director's Review Investigator, conducted a review of

1 Mr. Harmon's request. Ms. Wilson forwarded her determination to Teresa Parsons, Director's Review
2 Program Supervisor. By letter dated April 29, 2008, Ms. Parsons notified Mr. Harmon that his position
3 should be reallocated to the Mail Processing - Driver Lead classification.

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5 On May 22, 2008, TCC filed exceptions to the director's determination. TCC's exceptions are the
6 subject of this proceeding.

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8 As Mr. Harmon stated in his Position Review Request form, his position exists to:

- 9 • perform mail services such as delivering, collecting and processing both foreign and domestic
10 mail
- 11 • resolve routine customer problems
- 12 • operate complex electronic mailing equipment for processing outgoing mail
- 13 • oversee the work of the mailroom and
- 14 • perform lead duties for one part time employee and work study students as assigned.

15 In the exhibits he provided to the director's investigator, Mr. Harmon indicated that three work-study
16 students and one hourly employee worked in the mail room. Their total hours of work equated to .85
17 of a full-time employee.

18
19 **Summary of TCC's Arguments.** TCC asks the Board to follow the long established precedent of
20 prior boards that allocation to a lead classification requires the incumbent to lead at least 1 FTE. In this
21 case, TCC argues that Mr. Harmon oversees the work of a small mailroom and a staff of less than 1
22 full-time equivalent (FTE). TCC asserts that Mr. Harmon does not spend a significant amount of time
23 performing lead duties or performing other duties typically performed at the lead level. Additionally,
24 TCC argues that Mr. Harmon does not resolve complex customer problems and does not interpret
25 department and agency policies as required by the lead classification. Rather, TCC contends that Mr.
26 Harmon performs work that is routine and repetitive in nature and that he follows established
27 procedures. TCC argues that Mr. Harmon's supervisor maintains responsibility for the budget,
28 resolving complex customer complaints and determining policies and procedures. TCC contends that
29 while Mr. Harmon's supervisor seeks his input, she retains the decision making authority. TCC asserts

1 that Mr. Harmon's position does not meet the threshold for allocation to a lead classification, that he
2 does not perform work at the level described in the lead classification, and that his position should
3 remain allocated to the Mail Processing – Driver classification.

4
5 **Summary of Mr. Harmon's Arguments.** Mr. Harmon asks the Board to apply the "lead" definition
6 found in the Department of Personnel Classification and Pay guideline and the description of work
7 found in the Mail Processing - Driver Lead classification when determining whether he leads the work
8 of others. He argues that based on the definition and the language in the classification, he leads the
9 work of subordinates. In addition, he argues that he performs work at the lead level a majority of the
10 time. Mr. Harmon contends that he spends a majority of his time overseeing the operations of the mail
11 room. He explained that his supervisor refers customer complaints to him because she is not located in
12 the mail room and does not know how to resolve complaints with the mail. Mr. Harmon argues that he
13 assures the mailroom adheres to the United States Postal Service regulations, which requires him to
14 interpret the regulations and procedures. He further argues that he completes billing and tracking
15 information for the business office which requires him to implement and understand TCC policies. Mr.
16 Harmon contends that he completes hiring requests, develops job descriptions, interviews staff, makes
17 hiring decisions and submits paperwork to human resources, and reviews and approves timesheets for
18 mailroom staff. Mr. Harmon argues that his supervisor agrees that he performs higher level work and
19 that his position should be reallocated. He asserts that the majority of his work, including his lead
20 responsibilities, fit within the Mail Processing - Driver Lead classification.

21
22 **Primary Issue.** Whether the director's determination that Appellant's position should be reallocated to
23 the Mail Processing - Driver Lead classification should be affirmed.

24
25 **Relevant Classifications.** Mail Processing - Driver, class code 113J, and Mail Processing – Driver
26 Lead, class code 113K.

27
28 **Decision of the Board.** The purpose of a position review is to determine which classification best
29 describes the overall duties and responsibilities of a position. A position review is neither a

1 measurement of the volume of work performed, nor an evaluation of the expertise with which that
2 work is performed. A position review is a comparison of the duties and responsibilities of a
3 particular position to the available classification specifications. This review results in a
4 determination of the class that best describes the overall duties and responsibilities of the position.
5 See Liddle-Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

6
7 Most positions within the civil service system occasionally perform duties that appear in more
8 than one classification. However, when determining the appropriate classification for a specific
9 position, the duties and responsibilities of that position must be considered in their entirety and the
10 position must be allocated to the classification that provides the best fit overall for the majority of
11 the position's duties and responsibilities. Dudley v. Dept. of Labor and Industries, PRB Case No.
12 R-ALLO-07-007 (2007).

13
14 The definition for Mail Processing – Driver Lead states:

15 Positions allocated to this level regularly assign, instruct, and check the work of
16 others and independently oversee and perform mail services including sorting,
17 processing, delivering, and collecting mail, and operating mail management system.
18 Incumbents typically interpret department and institutional rules and regulations
19 concerning mail operations, resolve complex customer problems, recommend cost
20 effective mailing methods, and address other special or complex mailing
21 requirements and needs.

22 Mr. Harmon regularly assigns, instructs and checks the work of others. However, he does not meet the
23 one full-time equivalent (FTE) threshold established by prior Boards. For example:

- 24 • In Halcomb v. Shoreline Community College, Higher Education Personnel Board (HEPB)
25 Case No. 3453 (1992), the HEPB confirmed that it had applied the 1.0 FTE threshold for
26 many years. The HEPB further commented that “for purposes of allocation, there must be a
27 standard which can be objectively applied to each set of duties and responsibilities when
28 determining the appropriateness of allocation to a class which recognizes lead or supervisory
29 duties. The Board supports the established threshold of 1.0 FTE as the basis for determining
the appropriateness of allocation to lead or supervisory classes.”
- In Baker v. University of Washington Health Services, Personnel Appeals Board (PAB), Case
No. 3821-A3 (1994), the PAB concurred with the director's designee that the appellant, who
had lead responsibilities for more than one FTE should be reallocated to a lead classification. In

the director's determination for Baker, the director's designee discussed the 1 FTE standard in detail.

- In Washington State University v. Marc Anderson, PAB Case No. ALLO-04-005 (2004), the board reversed the director's determination which was based on a "best fit". The board concluded that the appellant occasionally performed lead duties over contract workers, but he did not lead or supervise employees the majority of the time or on a consistent basis.

We concur with the decisions of our predecessor boards. We agree that there must be a threshold which can be objectively applied to each set of duties and responsibilities when determining the appropriateness of allocation to a lead or supervisory class. We concur that the established threshold of 1.0 FTE should continue to be used as the basis for determining the appropriateness of allocation to a lead or supervisory class.

Mr. Harmon does not perform lead duties at the level or breadth required for allocation to a lead classification. Furthermore the primary purpose of his position, as stated in his Position Review Request form, is to perform mail services, resolve routine customer problems, and operate mailing equipment. The Mail Processing – Driver Lead class does not encompass the level of Mr. Harmon's lead responsibilities or the primary purpose of his position.

The definition for Mail Processing – Driver states:

Positions at this level independently perform mail services such as delivering, collecting and processing both foreign and domestic mail and resolving routine customer problems. Incumbents configure and operate routine and complex electronic mailing equipment, digital scanning and tracking equipment, and x-ray and biohazard scanners. When delivering and collecting mail, incumbents regularly operate pickup, panel, and other trucks up to one-ton capacity.

The typical work for this class describes positions that are responsible for processing mail, operating mail equipment, resolving routine customer problems, assuring mail quality control standards are met and directing the work of lower-level staff.

1 Mr. Harmon works independently, is responsible for the performance of mail services, resolves
2 routine customer problems, operates complex mailing equipment, and oversees the mailroom. In
3 addition, he assures mail quality control standards are met and directs the work of lower-level
4 staff.

5
6 The preponderance of Mr. Harmon's duties and responsibilities fit within the Mail Processing –
7 Driver classification. Mr. Harmon has shown that he performs some lead duties. However, TCC
8 has proven that Mr. Harmon's lead responsibilities do not meet the 1 FTE threshold.

9
10 In a hearing on exceptions, the Appellant has the burden of proof. WAC 357-52-110. TCC has met its
11 burden of proof. Therefore, the appeal on exceptions should be granted, and the director's
12 determination, dated April 29, 2008, should be reversed.

13
14 **ORDER**

15 NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal on exceptions by TCC is
16 granted, and the position remains allocated to the Mail Processing – Driver classification.

17
18 DATED this ____ day of _____, 2008.

19 WASHINGTON PERSONNEL RESOURCES BOARD

20
21 _____
22 MARSHA TADANO LONG, Chair

23
24 _____
25 JOSEPH PINZONE, Vice Chair