

BEFORE THE PERSONNEL RESOURCES BOARD

STATE OF WASHINGTON

EUGENE GANDY, CHARLES CUMMINGS
& JOHN OLSON,

Appellant,

vs.

YAKIMA VALLEY COMMUNITY
COLLEGE,

Respondent.

CASE NO. R-ALLO-07-010,
R-ALLO-07-011 & R-ALLO-07-013

ORDER OF THE BOARD
FOLLOWING CONSIDERATION OF
EXCEPTIONS TO THE
DETERMINATION OF THE DIRECTOR

Consideration of Exceptions. This appeal came before the Personnel Resources Board, LAURA ANDERSON, Chair, and JOSEPH PINZONE, Member, for consideration of written arguments on Appellants' exceptions to the director's determination dated July 6, 2007.

Representation. Appellants Eugene Gandy, Charles Cummings and John Olson were represented by Lou Baker, Legal Services Coordinator for the Washington Public Employees Association. Yakima Valley Community College (YVCC) was represented by Mark L. Rogstad, Director of Human Resource Services.

Background. Appellants' positions were allocated to the Custodian classification. As a result of revisions to the classification plan, Appellants' positions were reallocated to the Custodian 1 classification, effective January 1, 2006. On March 9, 2006, Appellant Gandy submitted a Position Review Request Form to YVCC's Human Resource Office. Gandy requested reallocation to the Custodian 2 classification.

On April 13, 2006, Appellant Olson submitted a Position Review Request Form to YVCC's Human Resource Office. Olson requested reallocation to the Custodian 3 classification.

On May 4, 2006, Appellant Cummings submitted a Position Review Request Form to YVCC's Human Resource Office. Cummings requested reallocation to the Custodian 2 classification.

1
2 By letter dated May 9, 2006, YVCC determined that Appellant Gandy's position was properly
3 allocated. By letter dated June 12, 2006, YVCC determined that Appellant Olson's position was
4 properly allocated. By letter dated July 3, 2006, YVCC determined that Appellant Cummings'
5 position was properly allocated.

6
7 On June 6, 2006, Appellant Gandy requested a director's review of YVCC's decision. On July
8 13, 2006, Appellant Olson requested a director's review of YVCC's decision. On August 3,
9 2006, Appellant Cummings requested a director's review of YVCC's decision.

10
11 By letters dated July 6, 2007, Teresa Parsons, Director's Review Supervisor, determined that
12 Appellants' positions were properly allocated to the Custodian classification.

13
14 On July 3, 2007, Appellant Gandy filed exceptions to Ms. Parson's determination. On July 23, 2007,
15 Appellants Olson and Cummings filed exceptions to Ms. Parson's determination. Appellants'
16 exceptions are the subject of this proceeding.

17
18 At the time of their requests for reallocation, Appellants performed custodial tasks to maintain
19 the cleanliness of their assigned areas of the YVCC campus and grounds. Appellants' duties
20 included:

- 21 • Refilling/stocking paper and soap products;
- 22 • Cleaning/sanitizing restrooms and fixtures;
- 23 • Sweeping and vacuuming floors;
- 24 • Dusting and wiping furniture and flat surfaces;
- 25 • Emptying wastebaskets, ashtrays, and trash containers;
- 26 • Cleaning whiteboard and erasers;
- 27 • Mopping floors;
- 28 • Replacing light bulbs;
- 29 • Using power and hand tools, striping, cleaning, buffing and waxing floors and
shampooing carpet;
- Washing walls and windows;
- Occasionally removing snow or debris from entryways; and

- Moving furniture, equipment and tools as needed in the performance of their custodial tasks.

In addition, Appellant Olson occasionally performed the duties of a lead during the absences of the Custodial Manager.

Summary of Appellants' Arguments. Appellants argue that the revisions of the classification plan resulted in the assignment of some former Custodian duties to the Custodian 2 classification. Appellants' assert that the director's designee failed to give weight to the amount of time that they perform higher level duties that are now found in the Custodian 2 classification. Appellants contend that they perform the higher level duties and responsibilities a majority of the time. Appellant's assert that Respondent did not perform an actual "desk audit" of their positions and did not assign the correct percentage to the amount of time that they work out of class. Appellants Gandy and Cummings ask that their positions be reallocated to the Custodian 2 classification and Appellant Olson asks that his position be reallocated to the Custodian 3 classification.

Summary of Respondent's Arguments. Respondent argues that the revisions of the classification plan did not result in a change of duties or level of responsibility between the former Custodian classification and the new Custodian 1 classification. Respondent further argues that any appeal of the revised classification plan is untimely.

Respondent acknowledges that some of Appellants' duties are higher level duties but asserts that those duties represent less than 10% of Appellants' time. Respondent contends that the majority of the duties and responsibilities that Appellants identified as falling outside of the Custodian 1 classification are found within that classification. In regard to Appellant Olson's lead duties, Respondent asserts that during the six months covered by the review those duties were diminimus and were performed while he continued to perform his regular custodial duties. Respondent argues that based on the majority of duties performed, Appellants' position are properly allocated to the Custodian 1 classification.

1
2 **Primary Issue.** Whether the director's determination that Appellants' positions are properly
3 allocated to the Custodian 1 classification should be affirmed.

4
5 **Relevant Classifications.** Custodian 1, class code 678I; Custodian 2, class code 678J; and
6 Custodian 3, class code 678K.

7
8 **Decision of the Board.** WAC 357-10-020 states, in relevant part, "Any employee who believes
9 that the new comprehensive classification plan adopted by the director does not adhere to the
10 goals listed in WAC 357-10-010 and can demonstrate how the plan doesn't meet the goals may
11 appeal to the board by filing written notice within thirty calendar days of notification of the
12 director's action."

13
14 The revisions to the Custodian classifications were effective January 1, 2006. The time to
15 challenge an appropriateness of the class plan or its implementation would have been within 30
16 days of the effective date of the revisions. Therefore, Appellants' appeal in so far as it relates to
17 the adoption and implementation of the revised Custodian classifications is untimely.

18
19 The purpose of a position review is to determine which classification best describes the overall
20 duties and responsibilities of a position. A position review is neither a measurement of the
21 volume of work performed, nor an evaluation of the expertise with which that work is
22 performed. A position review is a comparison of the duties and responsibilities of a particular
23 position to the available classification specifications. This review results in a determination of
24 the class that best describes the overall duties and responsibilities of the position. See Liddle-
25 Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

26
27 Most positions within the civil service system occasionally perform duties that appear in more
28 than one classification. However, when determining the appropriate classification for a specific
29

position, the duties and responsibilities of that position must be considered in their entirety and the position must be allocated to the classification that provides the best fit overall for the majority of the position's duties and responsibilities. Dudley v Dept. of Labor and Industries, R-ALLO-07-007 (2007).

Appellants' identify a number of duties that they perform that they believe fit within the Custodian 2 classification. For example:

- operating an assigned radio and being issued keys;
- moving furniture in order to perform cleaning duties;
- tightening or replacing screws and repairing broken or missing legs on furniture to prevent safety hazards;
- checking lights, replacing fixtures, and adjusting the heating and air conditioning;
- checking tools and equipment for loose or broken hoses;
- using chemical cleaners and disinfectants and coming in contact with bio-hazardous material discarded in restrooms and classrooms;
- walking around the building they are cleaning and looking for broken locks and windows and forms of vandalism;
- sweeping and removing leaves and other debris from the walkways;
- maintaining inventory for their assigned buildings; and
- communicating with their supervisor and other facilities supervisors through email or radio.

The majority of the duties identified by Appellants as Custodian 2 duties inherently fit within the Custodian 1 classification. The Custodian 1 classification includes positions that perform routine housekeeping and custodial duties. In order to perform these duties, keys must be issued to allow access to the areas to be cleaned and furniture must be moved so that areas can be cleaned properly. In addition, checking tools and equipment for proper operation, using chemicals, discarding all types of waste materials, and communicating with others are part of the performance of routine custodial duties.

In addition, the Custodian 1 classification specifically includes duties such as sanitizing areas, performing minor maintenance and repair work, setting up and taking down equipment and furnishings, and maintaining inventory of equipment and products.

Regarding Appellant Olson's performance of lead duties, the Glossary of classification terms found in the Department of Personnel Classification and Pay Administrative Guide defines a lead as: "[a]n employee who performs the same or similar duties as other employees in his/her work group and has the designated responsibility to regularly assign, instruct, and check the work of those employees." Appellant Olson is not designated lead duties on a regular or ongoing basis. His position does not fit within the Custodian 3 classification.

The majority of Appellants' duties and responsibilities fit within the Custodian 1 classification. In a hearing on exceptions, the Appellant has the burden of proof. WAC 357-52-110. Appellants have failed to meet their burden of proof.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeals on exceptions by Eugene Gandy, Charles Cummings and John Olson are denied and the Director's determinations dated July 6, 2007, are affirmed and adopted.

DATED this ____ day of _____, 2007.

WASHINGTON PERSONNEL RESOURCES BOARD

LAURA ANDERSON, Chair

JOSEPH PINZONE, Member