



PORTLAND STATE UNIVERSITY

American Association of University Professors

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VIA EMAIL AND
PDF ATTACHMENT

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From: Phil Lesch, Executive Director
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C: Isaac Dixon, AVP HR isaac@pdx.edu

Re: Letter of Concern about lack of objective processes in Human Resources around desk audits as required in Article 17 Section 4: DRA Appeals

PSU-AAUP has received Isaac Dixon's appeal decision to return eight (8) Department Research Administrators (DRAs) to the Program Administrator II (PA II) job family. This decision reverses Terrill Bartee's decision in December 2016 to place all DRAs in the Program Administrator I (PA I) job family. We are pleased with the results of appeals process, and that the appeals process in the end worked as intended. We are also pleased that the use of the process has deepened the collaborative and consultative relationship we have strived hard to build since 2014.

This letter is intended to bring to the attention of PSU administration many procedural errors in both the process that led to the original decision, and the appeal process. These errors are troubling to PSU-AAUP. Indeed, had the appeal decision not been favorable, the items below would have been the subject of a Division A grievance about the procedural defects in the process. In what follows, we document those procedural defects and comment on what we consider a lack of objectivity in an area of our collective bargaining agreement where we assert objectivity is essential.

- The initial desk audits in October 2016 were performed on 3 DRA positions, but those audits were used as justification to reclassify 6 positions that were in the PA II job family that had not been audited. There was no prior interaction between HR and those other positions when the decision was made to move them to the PA I job family. This was overly broad, and incorrect.
- The original desk audits that were done were inadequate:
 - The audits were cursory; they did not seek evidence for each area of inquiry that distinguished the PA I from the PA II and PA III job families.

- There was little documentation from those audits- just some sparse notes. No reports were generated and there is no record of the objective weighing of evidence to justify the conclusion reached in those audits.
 - The audits did not review the positions from a neutral, unbiased point of inquiry, but rather sought to see if the positions could be fit in the new position description pre-written for the DRA position as assigned to the PA I job family that was substantively the DRA job description previously written for the PA II job family with minor revisions.
 - Neither the employees in the positions, or the supervisors were asked to provide input into HR's decision to place the positions in the PA I job family.
- The desk audits that were done for the appeal hearings were also inadequate:
 - The audits were inconsistent and superficial. Appellants deemed them as cursory, unprofessional, and lacked substance in their inquiry.
 - None of the appeal audits collected evidence of the work performed at PA I and PA II levels. The questions that were asked did not focus on the difference between the PA I and PA II job families.
 - There was little documentation from these audits; no reports were generated and there is no record that there was an objective weighing of evidence to justify the conclusion reached by the appellant auditors that the positions were rightly placed in the PA I job family.
 - A number of the appellant audits were performed by the same person who conducted the original audits. This was incorrect and inappropriate. The desk audits required for the appeal should have been performed by a completely unrelated party from the first audits.
 - The appellant audit process specifically excluded the input of supervisors into the placement of the position. Appellants were told by their supervisors that they were prohibited from providing input into the placement of the positions as they were not allowed to disagree with a management decision. Supervisory input, however, is intrinsic to the Article 17 Section 4 process. PSU-AAUP asserts that the prohibition against supervisory input counters the expressed language and the spirit of Article 17 Section 4, and is also not consistent with the IBB relationship both the University and PSU-AAUP seek with each other. The prohibition against supervisory input was incorrect, and inappropriate.
 - The first level decision maker in the Article 17 Section 4 process (who placed the employees in the PA I job family), was granted repeated access to the job placement advisory committee to advocate his decision that the positions were properly placed in the PA I job family. This was inappropriate and incorrect. PSU-AAUP asserts that the advisory committee should have been free to review the data and deliberate without any influence or interference from the first level decision maker.
- Since January 2017 approximately five (5) new employees were hired into DRA positions in the PA I job family. These positions perform essentially the same duties that are performed by all the appellants. These five employees will have the same issues with their placement that the twelve (12) previous department research administrators in Fall

2016 had with their placement. I anticipate they will want to file their own Article 17 Section 4 job family placement review request when they understand how their positions were left behind in the appeals decision. It is nonsensical that HR would not use the input they received from these seven appeal hearings and act proactively to place these five employees in the PA II job family.

This is not the first time that PSU-AAUP has observed unprofessional or sloppy job audit procedures that required PSU-AAUP intervention. In August 2013 PSU-AAUP learned the University (Human Resources) sought to convert substantially all the instructor positions in the Intensive English Language Program to academic professional (mostly PA II) positions. Either no audit, or a cursory audit was done to justify the change these positions. In August 2013 PSU-AAUP [submitted a Demand to Bargain](#). The decision to convert the positions was rescinded soon after. In May 2015 PSU-AAUP learned that in December 2014 all instructors in the Center for Child and Family Services were unilaterally changed to Program Administrator II job family positions (approximately 12 positions). We understand there were no desk audits, and no formal process to justify that change. PSU-AAUP [submitted a Demand to Bargain](#). The unilateral action was reversed when PSU-AAUP and administration executed this [Memorandum of Understanding](#). This history shows a pattern of deficiency around job placement decisions in the AAUP bargaining unit that needs to be corrected.

Desk audits are intrinsic to the Article 17 Section 4 process in both the initial review of the position placement; in the appeals procedure to review that placement; and any review of the work assigned. Generally, PSU-AAUP expects desk audits to follow an established process based in the unbiased inquiry into actual work being performed- the evidence- in those areas of work that distinguish a position from one level in a job family hierarchy with another level. The results of the desk audit should be reported in writing, and the report should be able to clearly show what evidence was reviewed and how that evidence was used to reach a conclusion in each area of review. The overall conclusion that a position be placed in a job family should clearly show how that conclusion was based in the evidence reviewed for each area of the desk audit. Not even one of the desk audits performed in these series of reviews resulted in such a report. Absent such a process, an auditor's recommendation that a position be placed in any job family is an opinion that cannot be backed up with evidence. An opinion that is not based on evidence is not how PSU-AAUP wants the desk audit process work in the future.

PSU-AAUP specifically recommends and requests the following:

1. A desk audit procedure be developed as policy that provides for:
 - a. a consistent audit process that contain questions that could accurately place the position in the correct level; and
 - b. the creation of final reports that can require a weighing of evidence to support conclusions about job family placement.
2. After such a procedure is created, that appropriate PSU HR personnel be trained in this process.

3. Protocols be put in place for the appeals procedure in Article 17 Section 4 so that the first level decision maker is not granted license to advocate their first level decision to the job placement review advisory committee.
4. The five new-hire DRAs be moved into the PA II job family proactively so they are not forced to use the Article 17 Section 4 process.
5. If 1 and 2 above cannot be done prior to the next need for a desk audit for an AAUP represented member, that that desk audit be contracted out to a HR contractor who can perform a professional desk audit and can generate an appropriate desk audit report. That contractor should then be kept on retainer until such a time that PSU has the capacity to do the work professionally in-house.

Thank you for considering the issues presented in this letter. Again, we submit this input with the intent to help the University correct processes that are required both in our collective bargaining agreement, and for an employer of this size. We are happy to participate in the requested efforts. We look forward to discussing these matters further in Labor Management Committee.