SHARON M. COATES

v. **Docket No. 94-HHR-041**

WEST VIRGINIA DEPARTMENT OF HEALTH
AND HUMAN RESOURCES/LAKIN HOSPITAL and
WEST VIRGINIA DIVISION OF PERSONNEL

D E C I S I O N

Sharon Coates, Grievant, is a classified employee of Lakin Hospital. Grievant disagrees with her reclassification from a Typist III to an Office Assistant II ("OA II") and states "[b]ased on my job duties, years of experience and education, I think my title [should be] Secretary." (See footnote 1) Grievant's requested relief was to be placed in a more "equitable class" with "proper" salary. This Grievance was denied at Level III and was appealed to Level IV for a decision on the record. After submission of briefs this appeal became mature for decision on March 30, 1994.

Prior to reclassification the Grievant was classified as a Typist III, the top classification in that series. Apparently, the Grievant feels her position was downgraded when she was reclassified to an OA II because this classification is in themiddle of the OA series. (See footnote 2) The pertinent sections of the two classification specifications at issue are reprinted below:

OFFICE ASSISTANT II

Nature of Work

Under general supervision, performs full-performance level work in multiple-step clerical tasks calling for interpretation and application of office procedures, rules and regulations. Performs related work as required.

Distinguishing Characteristics

Performs tasks requiring interpretation and adaptation of office procedures as the predominant portion of the job. Tasks may include posting information to logs or ledgers, and checking for

completeness, typing a variety of documents, and calculating benefits. May use a standard set of commands, screens, or menus to enter, access and update or manipulate data.

At this level, the predominant tasks require the understanding of the broader scope of the work function, and requires an ability to apply job knowledge or a specific skill to a variety of related tasks requiring multiple steps or decisions. Day-to-day tasks are routine, but initiative and established procedures are used to solve unusual problems. The steps of each task allow the employee to operate with a latitude of independence. Work is reviewed by the supervisor in process, randomly or upon completion. Contacts are usually informational and intergovernmental.

Examples of Work

Posts information such as payroll, materials used or equipment rental to a log or ledger; may be required to check for completeness; performs basic arithmetic calculations (addition, subtraction, division or multiplication); corrects errors if the answer is readily available or easily determined.

Maintains, processes, sorts and files documents numerically, alphabetically, or according to other predetermined classification criteria; reviewsfiles for data and collects information or statistics such as materials used or attendance information.

Answers telephone, screens calls, takes messages and complaints; gives general information to callers when possible, and specific information whenever possible.

Receives, sorts and distributes incoming and outgoing mail.

Operates office equipment such as adding machine, calculator, copying machine or other machines requiring no special previous training.

Types a variety of documents from verbal instruction, written or voice recorded dictation.

Collects, receipts, counts and deposits money.

Calculates benefits, etc., using basic mathematics such as addition, subtraction, multiplication, division and percentages.

Posts records of transactions, attendance, etc., and writes reports.

May compile records and reports for supervisor.

May operate a VDT using a set of standard commands, screens, menus and help instructions to enter, access and update or manipulate data in the performance of a variety of clerical duties; may run reports from the database.

SECRETARY I

Nature of Work

Under general supervision, at the full-performance level, relieves supervisor of clerical and minor administrative duties, exercising discretion and independent judgment. Necessity for dictation,

familiarity with word processors, and other special requirements vary depending upon supervisor's preference. Performs related work as required.

Distinguishing Characteristics

This class is distinguished from the Office Assistant series by the assignment of support duties to a specific individual overseeing a section, or a division. The incumbent composes routine correspondence for the supervisor, screens calls and visitors and responds to inquiries requesting knowledge regarding office procedure, policy and guidelines, and program information. The position has limited authority to speak for the supervisor.

At this level, the work requires the knowledge necessary to complete complex procedural assignments. Incumbent determines appropriate procedures from among avariety of resources, methods, and processes. Incumbent is responsible for his/her own work, and may assign and direct the work of others. Although some tasks are defined and self-explanatory, the objectives, priorities, and deadlines are made by the supervisor. Work is reviewed, usually upon completion, for conformance to guidelines. Contacts at this level are frequent and often non-routine and/or of a confidential or sensitive nature, requiring tact and the ability to judge which inquiries can be answered or must be referred.

Examples of Work

Responds to inquiries where knowledge of unit policy, procedure, and guidelines is required.

Answers telephone, screens calls, and places outgoing calls.

Screens mail and responds to routine correspondence.

Signs, as directed, supervisor's name to routine correspondence, requisition, and other documents.

Schedules appointments and makes travel arrangements and reservations for supervisor.

Takes and transcribes dictation, or transcribes from dictation equipment.

Composes form letters, routine correspondence, and factual reports.

Types reports, manuscripts, and correspondence using standard typewriter or word processing equipment; proofreads and corrects to finished form.

Gathers, requests, and/or provides factual information, requiring reference to variety of sources.

May delegate routine typing, filing, and posting duties of subordinate clerical personnel.

May maintain basic bookkeeping records for grants, contract or state appropriated funds.

May prepare payrolls, keep sick and annual leave records, act as receptionist and perform other clerical duties as needed.

May attend meetings take notes and relay information; typically could not interpret information or speak on behalf of supervisor.

Grievant's testimony revealed she works under general supervision and performs "full performance level work and multi-step clerical tasks." She interprets and applies office procedural rules and regulations in routine settings. Grievant utilizes a word processor, types multiple documents, including minutes ofdepartment meetings, receives and routes mail and messages, and maintains office files and records. These are duties performed by OA II's.

Grievant does not relieve her supervisor of minor administrative duties, assign and direct the work of others, or complete complex procedural assignments. Additionally, she does not work for a specific individual overseeing a section or division. She does occasionally take verbal dictation and compose routine memos for her supervisors.

DISCUSSION

In order for Grievant to prevail upon a claim of misclassification, she must prove by a preponderance of the evidence that her duties for the relevant period more closely matches another cited Personnel classification specification than the one to which she is currently assigned. See generally, Hayes v. W. Va. Dept. of Natural Resources, Docket No. NR-88-038 (Mar. 28, 1989). Personnel specifications are to be read in "pyramid fashion," i.e., top to bottom, with the different sections to be considered as going from the more general/more critical to the more specific/less critical, Captain v. W. Va. Div. of Health, Docket No. 90-H-471 (Apr. 4, 1991); for these purposes, the "Nature of Work" section of a classification specification is its most critical section. Atchison v. W. Va. Div. of Health, Docket No. 90-H-444 (Apr. 22, 1991); See generally, Dollison v. W. Va. Dept. of Employment Security, Docket No. 89-ES-101 (Nov. 3, 1989). The key to the analysis is to ascertain

whether the Grievant's currentclassification constitutes the "best fit" for her required duties. Propst v. W. Va. Dept. of Health and Human Resources/W. Va. Div. of Personnel, Docket No. 93-HHR-371 (Dec. 3, 1993); Simmons v. W. Va. Dept. of HHR/Div. of Personnel, Docket No. 90-H-433 (Mar. 28, 1991). The predominant duties of the position in question are class-controlling. Broaddus v. W. Va. Div. of Human Services, Docket No. 89-DHS-606, 607, 609 (Aug. 31, 1990). Additionally, class specifications are descriptive only and are not meant to be restrictive. Mention of one quality or requirement does not exclude others. W. Va. Admin. Rules §4.04(a). Even though a job description does not include all the actual tasks performed by a Grievant it does not make that job classification invalid. Id. at §4.04(d). Finally, Personnel's interpretation and explanation of the classification specifications should be given great weight unless clearly erroneous. W. Va. Dept. of Health v. Blankenship, 431 S.E.2d 681, 687 (W. Va. 1993).

Since the predominant duties of the position are class-controlling, the fact that the Grievant occasionally performs tasks outside her written job description does not elevate her position to that of Secretary I. Broaddus, supra. A review of the evidence demonstrates Grievant has not met her burden of proving the Secretary I position constitutes the "best fit" for her required duties.

Apparently the Grievant is confused between the layperson's typical definition of secretarial duties and the Division of Personnel's job descriptions for office assistants and secretaries. The American Heritage Dictionary defines secretarial work as handling correspondence, keeping files, and doing clerical work. The Division of Personnel has chosen to divide the wide variety of potential secretarial or clerical duties into two class series; office assistants and secretaries. Thus, the fact that Grievant performs typical "secretarial" duties does not place her in the Secretary I classification.

Findings of Fact

1. Grievant performs a variety of routine tasks requiring multiple steps. Her major duties are typing from drafts, tapes and dictation; processing incoming mail, processing messages from residents, visitors and staff; maintaining files of correspondence and records; preparing minutes of staff meetings; and composing routine letters and memos for her supervisor's signature.

2. Grievant does not relieve her supervisor of minor administrative duties, speak for her supervisor, or direct or delegate the work of others.

Conclusion of Law

Grievant has not demonstrated by a preponderance of the evidence that she is misclassified or that the position of Secretary I is the "best fit" for her normal duties.

Accordingly, this grievance is **DENIED**.

Any party or the West Virginia Division of Personnel may appeal this decision to the "circuit court of the county in which the grievance occurred," and such appeal must be filed within thirty (30) days of receipt of this decision. W. Va. Code §29-6A-7. Neither the West Virginia Education and State Employees Grievance Board nor any of its Administrative Law Judges is a party to such appeal, and should not be so named. Any appealing party must advise this office of the intent to appeal and provide the civil action number so that the record can be prepared and transmitted to the appropriate court.

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JANIS I. REYNOLDS

Administrative Law Judge

Dated: August 29, 1994

Footnote: 1At Level III the Grievant clarified the position she sought was Secretary I.

Footnote: 2The Grievant frequently compared her current duties to the Typist III job description. This job description was deleted and combined with others by the Division of Personnel during the reclassification period.