IHONALEE CROSTON

v. Docket No. 94-CORR-1119

WEST VIRGINIA DIVISION OF CORRECTIONS/
DIVISION OF PERSONNEL

DECISION

Grievant, Ihonalee Croston, employed by the West Virginia Division of Corrections (Corrections or Respondent) as an Office Assistant II (OAII) at the Huttonsville Correction Center, complains that a state wide reclassification implemented in 1994 has adversely affected her by placing her at a salary level comparable to new employees, not reflective of her years of service or the advanced duties she performs. A level four hearing was conducted on April 11, 1995. All parties declined the opportunity to file proposed findings of fact and conclusions of law.

The facts of this matter are as follows. Grievant was employed by Respondent in 1988 as a Clerk I. She was reclassifed as a Clerk II in 1992 and was promoted to Clerk III later that same year. As the result of the implementation of a reclassification project by the Division of Personnel (Personnel), Grievant was classified as an Office Assistant II effective April 1, 1994. Although Grievant initially contested the classification and sought an upgrade to Office Assistant III, she amended her complaint at level four to address the issue of compensation.

Under the previous classification system, compensation was determined by pay grade and steps within the pay grades. Grievant was compensated at pay grade five, step one-b, or $1,057 per month, prior to the reclassification. The salary schedule adopted as part of the reclassification does not determine salary by steps. Instead five "rates" course salary increases from the minimum or entry rate to the lower mid- rate, the midpoint rate, upper mid-rate and maximum rate. As an Office Assistant II, Grievant was assigned to pay grade four, and retained her previous salary under the minimum rate.

In essence, Grievant complains that she has "lost ground" with the new

classification/compensation system because at step five she was nearly midrange under the previous system and now she is at the lower-level of her current pay grade. Grievant perceives that she has lost the value of salary increments she gained as the result of prior reclassificationsand promotions. Further, Grievant asserts that her duties are not those of an entry level employee, therefore, she is entitled to a more advanced salary level.

In support of her claim, Grievant presented the testimony of Captain Bill J. Iseli. Captain Iseli observed that Grievant is the most experienced member of the clerical staff at Huttonsville and he opined that she functions as the lead OAII in that she completes risk assessment and performs computer work which the other workers are unable to complete.

Appearing on behalf of Personnel, Lowell T. Basford, explained that even though Grievant was previously classified at paygrade five, her current classfication at paygrade four doess not indicate a downgrade of her position, but rather, simply reflects classfication under the new system. He further explained that when an employee was moved from one paygrade to another during the reclassification, if the employee was not earning the entry rate of that paygrade, his salary was raised to that level. If the employee was above the entry rate her salary remained the same. Mr. Basford asserted that Grievant was treated consistent with this process.

This is one of several grievances filed by employees who believe that the new classification system has had a negative impact on their compensation. As with other long-term employees who have gained experience and assumed additional and more complex duties over the years which have beenrecognized by merit raises, Grievant was earning a salary considerably higher than new OAII's. Now, even though she has suffered no loss in salary, she is compensated at the lower end of the scale for her paygrade, more comparable to that of a new OAII.

Although the new classification/compensation system may aid in recruitment of new employees, and may provide an enhanced classification to all employees by ultimately allowing them to earn higher salaries, the immediate effect upon long-term employees such as Grievant, is more negative than positive. While she has not suffered a pay reduction, her perception that she has lost prior advancements, particularly in light of the higher salaries paid to employees with less experience, is having a demoralizing effect. Notwithstanding this fact, Grievant does not allege that any violation of law, statute, rules or regulations has occurred as a result of the new compensation system, and the undersigned is aware of none.

In addition to the foregoing narration, it is appropriate to make the following formal findings of fact and conclusions of law.

FINDINGS OF FACT

1. Grievant was first employed by the Division of Corrections in 1988 as a Clerk I.

2. Grievant was reclassified as a Clerk II in 1992. Later that year she was promoted to Clerk III.

3. As the result of a statewide reclassification, effective April 1, 1994, Grievant was classified as an Office Assistant II.

4. Consistent with Division of Personnel procedures, Grievant retained her previous salary which exceeded the entry level rate for Office Assistant II.

5. Although Grievant's salary was not reduced, her compensation is nearer entry-level under the new system

while she was mid-range under the previous system.

CONCLUSIONS OF LAW

1. In non-disciplinary matters the greivant bears the burden of proving all of the allegations relating to her grievance by a preponderance of the evidence. Hanshaw v. McDowell County Bd. of Educ., Docket No. 33-88-130 (Aug. 19, 1988).

2. Grievant has failed to prove any violation of law statute, rule, or regulation occurred as a result of the revised compensation system implemented with the statewide reclassification, or that her salary was determined contrary to the procedure applied by Personnel.

Accordingly, the grievance is DENIED.

DATED 5/31/95 SUE KELLER, SENIOR ADMN. LAW JUDGE