**ROGER RIFFE**

**v. Docket No. 93-HHR-450**

**W.VA. DEPARTMENT OF HUMAN RESOURCES/**

**WELCH EMERGENCY/DIVISION OF PERSONNEL**

**DECISION**

The grievant, Roger Riffe, is employed by the West Virginia Department of Health and Human Resources (HHR) as an Office Assistant I (OAI) at Welch Emergency Hospital (WEH). He initiated a grievance at Level I July 26, 1993 (See footnote 1), alleging,

> I was improperly reclassified in December 92. All my duties are listed on the description for Medical Records Assistant I.

The grievant's supervisor was without authority to grant relief and the parties agreed to waive Level II per W.Va. Code §29-6A-3(c). The grievance was denied at Level III following a hearing held September 14, 1993, and appeal to Level IV was made November 1, 1993. A Level IV hearing was held March 25, 1994, and the parties subsequently declined to submit proposed findings of fact and conclusions of law.

The grievant has been employed in WEH's Medical Records Department (MRD) for approximately four years. He served his first eighteen months as either a ninety-day temporary or "contract" employee. While so serving, he completed a detailed description of his duties in June 1991 which was submitted to the West Virginia Division of Personnel (Personnel) for use in its preparations to conduct a statewide reclassification of HHR positions in 1992. In November 1991, the grievant was regularly employed as a Clerk II at the hospital.

In its implementation of the reclassification plan, Personnel abolished the Clerk series of positions and replaced it with the Office Assistant series. (See footnote 2) Personnel determined that the specifications for OAI constituted the "best fit" for the grievant's duties, as reflected on his June 1991 assessment. The grievant was notified in December 1992 that his position would be so classified.

Apparently, the action became effective in January 1993. On August 23, 1993, after grievance proceedings were initiated, the grievant completed another written assessment of his duties. (See footnote 3)

The grievant asserts that Personnel erred in its determination that his duties more closely coincided with the job description for Office Assistant I than that for Medical Records Assistant. Hecontends that his responsibilities "clearly" fall within the specifications for Medical Records Assistant. (See footnote 4) HHR and Personnel maintain the OAI description constitutes the "best fit" for the grievant's position. (See footnote 5) Essentially, the respondents assert that the grievant's tasks do not rise to the level of those of a paraprofessional.

In order to prevail upon a claim of misclassification, a grievant must prove by a preponderance of the evidence that his duties are those of a classification other than the one assigned, as described by the specifications for that classification promulgated by the West Virginia Division of Personnel. Bannister v. W.Va. Dept. of Human Services, Docket No. 89-DHS-251 (Nov. 3, 1989). The analysis is focused upon whether the grievant's current classification constitutes the "best fit" for his required duties, Simmons v. W.Va. Dept of HHR/Div. of Personnel, Docket No. 90-H-433 (Mar. 28, 1991), and must include deference to Personnel's interpretation and explanation of the classification specifications at issue. W.Va. Dept of Health v. Blankenship, 431 S.E.2d 681, 687 (W.Va. 1993).

The specifications for OAI provide,

**Nature of Work**

Under close supervision, performs entry level work in a variety of routine clerical tasks within prescribed procedures and guidelines. Performs related work as required.

**Distinguishing Characteristics**

Performs routine clerical tasks as a predominant portion of the job. Tasks may include sorting and filing documents, typing routine forms and labels, sorting and distributing mail. May enter data using a video display terminal and make inquiries into the system; data work is limited to a few simple applications.

At this level, the predominant tasks are of a routine nature with well-structured directives for completing the work. Work is learned through repetition and requires ability to learn the steps in a series of related tasks, which are typically a part of a broader work function. Work is reviewed for

completeness and accuracy or provides an inherent system of checks. Contracts are typically informational; position is limited in authority for independent action.

**Examples of Work**

Sorts and files documents numerically, alphabetically or according to other predetermined classification criteria; pulls material from files upon request.

Types routine correspondence, forms, and labels.

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

Answers telephone; takes messages; routes calls; answers only general information questions.

Receives, sorts and distributes incoming and outgoing mail and performs messenger work.

Inventories, stocks and distributes office supplies.

Counts, collates, codes, sorts, staples and inserts forms in envelopes.

Posts information to log or ledger for record-keeping purposes.

Collects, receipts, counts and deposits money.

May enter data into a video display terminal; may make inquiries into the system; may run a mailing list.

May microfilm documents for record maintenance.

**Knowledge, Skills and Abilities**

Knowledge of office procedures and methods.

Knowledge of business English, spelling and arithmetic.

Ability to operate the common types of office equipment incidental to the job.

Ability to maintain routine clerical records and to prepare reports from these records.

Ability to understand and follow oral and written instructions.

**Minimum Qualifications**

TRAINING Education equivalent to graduation from a standard four- year high school.

The specifications for MRA provide,

**Nature of Work**

Under general supervision, performs paraprofessional work at the full-performance level in the

maintenance of medical records in a state health care facility. Responsible for the upkeep and condition of patient files, including typing, indexing, coding, and filing. Compiles medical care census data. May supervise the medical records unit in a small facility. May work nights, evenings, weekends and/or holiday. Performs related work as required.

**Examples of Work**

Codes and indexes patient files.

Analyzes patient's records to assure all information is included and in proper format.

Files information related to patient charts and files, in compliance with federal, state and professional standards.

Compiles statistical reports: Outpatient, patient and facility activity, deaths, long-term care, substance abuse, medicaid, medicare and other related reports.

Types labels, file folders, forms, and related correspondence; writes correspondence concerning information contained in medical records.

Bills appropriately for medicare, medicaid and other accounts.

Purges files when necessary.

Decides if all files are complete and accurate and returns file to appropriate person for changes when necessary.

Uses patient's charts to complete questionnaires and various reports.

**Knowledge, Skills and Abilities**

Knowledge of principles and practices of medical records management.

Knowledge of medical, psychiatric and anatomical terminology.

Knowledge of codes and indices used in filing medical records and materials.

Knowledge of applicable state and federal requirements and certifications.

Ability to abstract, analyze and interpret medical records.

Ability to compile and write statistical, medical and related reports and summaries.

**Minimum Qualifications**

TRAINING: Graduation from a standard high school.

EXPERIENCE:

Two years of clerical experience working with medical records, including coding, filing, and/or indexing medical records in a hospital or health-related setting.

Obviously, the primary difference in the specifications is that those for OAI contemplate that the incumbent will perform onlyroutine "generic" clerical tasks while the description for MRA evinces an intent that the employee will perform more specialized and, thus, more demanding clerical work in a medical records department. (See footnote 6) A second and perhaps related distinction of note is that the OAI is not required to work as independently as the MRA. Finally, the specifications indicate that the MRA may perform tasks which are not purely clerical in nature, i.e., originating correspondence and analysis of data.

The two job assessments completed by the grievant constitute the best evidence of the nature of the grievant's day-to-day responsibilities. (See footnote 7) Those assessments reflect that since the grievant's clerical tasks are performed in a medical records department, many of those tasks correspond to duties listed in the MRA specifications. For example, the grievant answers the telephone, creates files, enters patient information in the files, organizes various documents in the files, and responds to requests for patient information. The record otherwise reflects that thegrievant is supervised but not as closely as the OAI description contemplates. (See footnote 8)

The assessments do not, however, support that the grievant is required to perform any of the more advanced and technical duties which essentially distinguish the MRA series of positions from the OA series. No mention is made in the documents of compiling statistical reports, originating correspondence, patient billing, or purging files. In short, the record amply supports the assertion of Personnel that the majority of the grievant's time is spent on "structured, routine and repetitive" tasks which characterize the OAI position and that, despite his assignment to a medical records department, his duties do not rise to the level of a paraprofessional. As previously noted, Blankenship, supra, dictates that Personnel's assessment be afforded great weight.

In addition to the foregoing, the following conclusions of law are made.

## CONCLUSIONS OF LAW

1) A grievant must prove, by a preponderance of the evidence, the allegations of his or her complaint. Payne v. W.Va. Dept. of Energy, Docket No. ENGY-88-015 (Nov. 2, 1988). "In a

classification-related complaint, a grievant must show that he was performing the duties of one categorization, as revealed by the official Personnel specifications thereof, while being assigned toanother. In essence, this may be accomplished by demonstrating that a position more closely matches one Personnel classification description than another. Hayes v. DNR & CSS, Docket No. NR-88-038 (Mar. 28, 1989)." Boggs v. W.Va. Tax Dept., Docket No. 89-T-174 (Sept. 22, 1989).

2) The grievant failed to establish by a preponderance of the evidence that he is performing the duties of a Medical Records Assistant. The record as a whole supports that Office Assistant I constitutes the "best fit" for his duties.

Accordingly, the grievance is **DENIED.**

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**JERRY A. WRIGHT**

**CHIEF ADMINISTRATIVE LAW JUDGE**

**Dated: January 13, 1995**

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Footnote: 1*It appears that the grievant first participated in an informal review of his complaint by the Division of Personnel. The respondents do not allege that the grievance was untimely.*

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Footnote: 2*The Clerk series contained four positions and the new Office Assistant series has only three.*

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Footnote: 3*This appraisal was apparently completed as part of the grievant's informal request of Personnel to review his classification. See, n.1.*

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Footnote: 4*It is assumed that the MRA position is in a higher paygrade than OAI. No evidence was submitted on this issue.*

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Footnote: 5*The parties' legal positions are gleaned from opening and closing remarks at the Level IV hearing and Personnel's written statement submitted at Level III.*

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Footnote: 6*Personnel and HHR apparently determined that the work of a MRA is more demanding and requires more precision than that of an OAI. The grievant does not dispute this determination, i.e., he does not allege that Personnel or HHR erred in concluding that an MRA should be paid more than an OAI.*

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Footnote: 7*At the Level IV hearing, in response to the undersigned's inquiry, the grievant testified that the appraisals were an accurate account of his duties at the times they were completed. He further testified that the only addition he would make would be to be to note on the August 1993 assessment that on numerous occasions he would handle emergency*

*requests from lawyers, doctors and other professionals for copies of medical records and that he would usually send the copies via fax machine.*

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*Footnote: 8The grievant's supervisor testified at Level III that the grievant required little supervision. She also expressed her opinion that the MRA job specifications constituted a better description of the grievant's duties than the OAI description.*