SHERRIE M. CASTEEL

v. Docket No. 93-HHR-316

DEPARTMENT OF HEALTH AND HUMAN RESOURCES/

DIVISION OF PERSONNEL

DECISION

Grievant, Sherrie M. Casteel, employed by the Department of Health and Human Resources (Respondent), filed a level one grievance on January 20, 1993, in which she complained that the Division of Personnel (Personnel) misclassified her during a statewide review as an Office Assistant I (OAI). Grievant contends that her proper classification should have been Office Assistant II (OAII). The parties waived processing at levels one and two; following an evidentiary hearing at level three the matter was denied on August 5, 1993. The matter was advanced to level four on August 12, 1993, and was held in abeyance pending settlement negotiations.

By memorandum dated November 30, 1994, Grievant notified the undersigned that a resolution could not be reached and that she wished to proceed at level four. A supplemental hearing was conducted on January 3, 1995. Both parties waived the opportunity to file proposed findings of fact andconclusions of law prior to a decision being rendered.

Representing herself, Grievant advised that she accepted a position of OAII effective September 1, 1994, and that the grievance would therefore be limited to the time the reclassification was effective, December 16, 1992, through September 1, 1994. Grievant argues that during the period in question she performed numerous duties listed on the classification description for OAII which entitled her to that class designation. Personnel argues that OAI was the "best fit" classification for the duties and responsibilities which Grievant performed.

Grievant completed a position description in January, 1993, in which she listed her duties and responsibilities as follows:

1. Typing - twenty hours per week.

2. Miscellaneous - twenty hours per week. During this time Grievant worked as a back-up telephone operator, back-up receptionist, back-up terminal operator, scheduled reviews (mailed

clients their appointment letters), copied printouts for workers, collected money and completed deposit slips for TRIP and Child Advocate deposits, distributed TRIP tickets to clients, served as back-up for employee who collects mail and bank bags, completed log for bank bag, returned mail log, typed labels and block applications to set up case records, made address changes on labels, and sorted mail.

Grievant further states that she has an Associate of ArtsDegree from Glenville State College with a major in Secretarial Sciences/Office Administration, and that she had worked for DHHR for two and one-half years in addition to her prior experience. These factors exceed the minimum qualifications for the classification of OAII. Grievant also notes that following her promotion to OAII, her prior position was posted as an OAII.

In support of her claim, Grievant offered the testimony of her immediate supervisor, Vickie Sapp, who confirmed Grievant's duties. Joseph Turner, Regional Administrator, also appeared and opined that Grievant's duties were those performed by OAII's in other offices.

Assistant Director of Personnel Lowell T. Basford testified that the duties Grievant listed on her position description were nearly identical to those on the OAI classification description. Mr. Basford cited several factors controlling in Personnel's determination that Grievant was an OAI. First, Grievant's primary duty was typing. Her other duties were not the complex, multiple-step tasks required of an OAII. Further, the position description indicates that only three to six months training time was required for the position Grievant held. This brief period of time required to become proficient at the position indicates the duties are routine, standard, and easy to learn. Overall, Mr. Basford concluded that Grievant's duties were structured and repetitive, characteristics of an OAI.

In order to prevail upon a claim of misclassification, a grievant must prove by a preponderance of the evidence that her duties are those of a classification higher 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 her 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).

In consideration of the foregoing guidelines, the relevant portions of the classification

specifications for OAI and OAII are reproduced as follows:

OFFICE ASSISTANT I

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 directive for completing the work. Work is learned through repetition and requires ability to learn the steps in the 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. Contacts 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 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 record and maintain time/attendance records for unit or section.

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.

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 interpretations and adaptation of office procedures as the predominant portion of the job. Tasks may include posting information to logs or ledgers, andchecking 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 progress, 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; reviews files 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 multiplication, division and percentages.

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

May compile records and reports for a supervisor.

May operate a video display terminal 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.

These Personnel specifications are to be read in "pyramid fashion," i.e., from 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 (April 22, 1991). The key to the analysis is to ascertain the predominant duties of the position in question insofar as they are class-controlling. Broaddus v. W.Va. Div. of Human Serv., Docket No. 89-DHS-606, 607, 609 (Aug. 31, 1990).

It is undisputed that Grievant's predominant duty was typing. By her own admission the typing consisted primarily of form letters. Grievant's remaining duties: collecting bank bags, dispersing mail, relieving the receptionist, filing, etc., are routine tasks completed within prescribed procedures and guidelines. There is no evidence that she routinely performed multiple-step clerical tasks which required that she interpret and apply office procedures, rules and regulations required of an OAII.

Confusion may be generated by the overlapping of some examples of work. Clearly, several of

Grievant's duties are listed on the classification description for OAII. However, the determining factor is that the OAII will have additionalduties of a more complex nature and attendant responsibilities. (See footnote 1) Although Grievant has earned an associate level degree and has accrued valuable experience which she undoubtedly utilized in this assignment, these factors may not be considered in determining her proper classification because positions, and not persons, are classified.

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 is employed by the Department of Health and Human Resources and is currently classified as an Office Assistant II assigned to the Kingwood office.

2. Grievant was originally hired as a Typist II. As the result of a statewide reclassification Grievant was classified as an Office Assistant I, effective December 16, 1992.

3. Grievant applied for and received a promotion to Office Assistant II, effective September 1, 1994.

4. During the period of time in question, Grievant's primary duty was typing, which consumed approximately fifty percent of her day. She also functioned as a back-up for the telephone operator, the receptionist and for the employee whocollects the mail and picks up the bank bags. She completed logs, issued form letters, made copies and entered information into the computer for terminal transmissions.

5. The duties performed by Grievant were generally routine in nature, within prescribed procedures and guidelines. There is no evidence that Grievant performed multiple-step clerical tasks which required her to interpret and apply office procedures, rules and regulations.

CONCLUSIONS OF LAW

1. Grievant has not proven by a preponderance of the evidence that the classification of Office Assistant II constituted the "best fit" for the duties she performed. See Simmons v. W. Va. Dept. of Health and Human Resources, Docket No. 90-H-433 (Mar. 28, 1991).

2. Personnel's interpretation of the classification specifications for the positions of Office Assistant I and Office Assistant II, as they apply to the duties performed by Grievant, are not clearly erroneous and should be accorded great weight. W.Va. Dept. of Health v. Blankenship, 431 S.E.2d 681 (W.Va. 1993).

3. Grievant's job duties, as demonstrated by a preponderance of the evidence, best fit within the classification specification for Office Assistant I.

Accordingly, the grievance is DENIED.

DATED: APRIL 28, 1995 SUE KELLER, SENIOR ADMN. LAW JUDGE

Footnote: 1Even if Grievant did perform some duties that were outside the classification of OAI, this alone would not render her misclassified. Dooley v. W.Va. Dept. of Health and Human Resources, Docket No. 90-H-498 (Mar. 19, 1991).