PHYLLIS COINER,

Grievant,

v. **Docket No. 05-RS-188**

DIVISION OF REHABILITATION SERVICES
and DIVISION OF PERSONNEL,

Respondents.

DECISION

Phyllis Coiner ("Grievant") filed this grievance on January 12, 2005, alleging she should be reallocated from Accounting Technician 4 to Administrative Services Assistant 1, based on additional job duties and responsibilities assigned to her. The grievance was denied at level one on January 13, 2005, and the record does not reflect what proceedings occurred at level two. A level three hearing was held on April 28, 2005, and the grievance was denied in a decision dated May 27, 2005. Grievant appealed to level four on June 3, 2005. After an unsuccessful attempt to settle this matter through mediation, the parties elected to submit this grievance for a decision based upon the record developed below. Fact/law proposals were submitted by the parties by November 4, 2005, (See footnote 1) and this grievance was assigned to the undersigned administrative law judge on November 14, 2005.

The following material facts have been proven by a preponderance of the evidence of record.

Findings of Fact

1. Grievant is employed by Respondent as an Accounting Technician 4 ("AT4"), assigned to the Fiscal Services Office. The primary purpose of her position is to provide support services to the Senior Manager and Chief Financial Officer.

2. In 2004, two additional areas of responsibility were added to Grievant's job duties. She became the P Card coordinator for her division, which requires specific state training and certification,

along with monitoring of employees' purchases with the P Card system. In addition, Grievant was assigned the responsibility for the accounts receivable system, which requires her to send out invoices, receive payments for them, and record these transactions on a spreadsheet.

3. Because of her additional responsibilities, Grievant requested reclassification to Administrative Services Assistant 1 (“ASA1"), submitting an updated Position Description Form (“PD”) on July 28, 2004. Her request was denied by the Division of Personnel (“DOP”), and she was deemed to be properly classified as an AT4.

4. The DOP classification specification for AT4 provides, in part:

> **Nature of Work** Under general supervision, performs advanced accounting support duties. The incumbent is responsible for posting complex journal entries that require the use of specialized accounting procedures, assisting the supervisor in preparing agency budgets, and examining records to assure adherence to accounting laws and regulations. Performs related work as required.
>
> **Distinguishing Characteristics** This is advanced level paraprofessional accounting work. Job duties include performing complex balancing and reconciling of multiple accounts. Employees in this class are responsible for accuracy of accounts for others and require little supervision. Responsibilities may also include being a lead worker.
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> **Examples of Work** Classifies/codes a variety of transactions which may require considerable knowledge. Transfers funds and balances multiple accounts such as hospital billing. Examines accounting records to assure adherence to accounting laws and regulations; verifies calculations and ensures accuracy and validity of transactions. Prepares and illustrates specialized statements and reports which reflect the relationships among accounts and which require steady searching and analysis. Makes complex journal entries and other transactions which require use of specialized accounting procedures. Maintains accounting records; gathers data and prepares complex financial statements and reports from records maintained. Assists supervisor in preparing budget by compiling data, preparing summaries and requests, and/or developing cost projections. Contacts associates, administrators, and general public in order to obtain information, discuss changes in documents, or resolve problems with more complex accounts. Makes recommendations on the development or revision of agency policies and procedures. May assign account/department codes. May train Accounting Technicians and subordinate staff. May lead and review work of other Accounting Technicians.

5. The DOP classification specification for ASA1 provides, in pertinent part:

> **Nature of Work** Under general supervision, performs administrative work in providing support services such as fiscal, personnel, payroll or procurement in a small division or equivalent organization level. May function in an assist role or in a specialized capacity in a large agency or department. Develops or assists in developing and implements plans/procedures for resolving operational problems and in improving administrative services. Work is typically varied and includes inter- and intra-governmental and public contact. Performs related work as required.

Distinguishing Characteristics Positions in this class are distinguished from the Administrative Services Assistant 2 by the size of the unit served and by the independence of action granted. Positions in a small agency or division may be responsible for a significant administrative component; other positions assist an administrative supervisor in a large state agency. Authority to vary work methods or policy applications or to commit the agency to alternative course of action is limited.

Examples of Work Confers with inter- and intra-agency personnel to transact business, gatherinformation, or discuss information; may be in a position with public or federal government contact. Gathers and compiles information for state records; writes reports, balances tally sheets, and monitors inventories, purchases, and sales. Updates records and contacts employees to gather information; represents the supervisor or unit in the area of assignment at in-house meetings. Maintains files of information in hard copy files or electronic format; runs reports for regular or intermittent review. Assists in determining the need for changes in procedures, guidelines and formats; devises a solution; monitors the success of solutions by devising quantitative/qualitative measures to document the improvement of services. Assists in the writing of manuals in the area of assignment; clarifies the wording and describes new procedures accurately.

6. In the PD Grievant submitted in 2004, she stated the general purpose of her position was “to provide administrative support services primarily to the Senior Manager and Account/Auditor Supervisor of the State Fiscal Services Office.” She listed her primary duties as auditing and monitoring the P Card program (25%), managing the accounts receivable system (20%), assisting in the preparation of the agency's budget (20%), generating various reports used by management and outside auditors (20%), approving expenditures (10%), and assigning proper accounting classification to agency purchase orders (5%).

7. Grievant's most recent performance evaluation described the expectations of her position as processing monthly invoices, following up on unpaid invoices, posting a monthly accounts receivable report, ensuring P Card holders are following policy and procedures, mail P Card reports to cardholders monthly, approve coversheets, put accounting classification on requisitions, and process IGTs (intragovernmental transfers).

8. Many of Grievant's job duties involve entering information into the state computer system and approving items for payment. Her P Card responsibilities require her to make random checks of cardholder activities to make sure that purchases are beingmade in compliance with state regulations. Grievant does not make decisions regarding how money is spent, but makes budgetary

transfers when her superiors make a decision to transfer funds from one line item to another. She is responsible for the Workers' Compensation billing for all who provide services to clients of the agency, which requires her to receive and record those payments.

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 match another cited DOP classification specification than that under which she is currently assigned. See generally, Hayes v. W. Va. Dep't of Natural Res., Docket No. NR-88-038 (Mar. 28, 1989). DOP 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. Dep't of Health, Docket No. 90- H-444 (Apr. 22, 1991); See generally, Dollison v. W. Va. Dep't of Empl. Security, Docket No. 89-ES-101 (Nov. 3, 1989).

The key to the analysis is to ascertain whether Grievant's current classification constitutes the "best fit" for their required duties. Simmons v. W. Va. Dep't of Health and Human Res., 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 Serv., Docket Nos. 89-DHS-606, 607, 609 (Aug. 31, 1990). Additionally, class specifications are descriptive only and are not meant to be restrictive. Mention of one duty or requirementdoes not preclude others. W. Va. Div. of Personnel Admin. Rule, § 4.04(a); Coates v. W. Va. Dep't of Health and Human Res., Docket No. 94-HHR-041 (Aug. 29, 1994). Even though a job description does not include all the actual tasks performed by a grievant, that does not make the job classification invalid. DOP Admin. Rule, § 4.04(d). Finally, DOP's interpretation and explanation of the classification specifications at issue should be given great weight unless clearly erroneous. See W. Va. Dep't of Health v. Blankenship, 189 W. Va. 342, 348, 431 S.E.2d 681, 687 (1993).

As explained by Mr. Basford at the level three hearing, although additional duties have been assigned to Grievant, those duties are still consistent with the AT4 job classification. Additional job duties only result in reallocation to a different classification if they “are at a level of complexity and

difficulty beyond that of the current classification." Tr. at 54. He further explained that the primary focus of the ASA1 classification involves planning, coordinating and assigning work, while Grievant's work is of the "hands-on" nature. It is undisputed that Grievant performs many accounting tasks of a somewhat complex nature, and her supervisors described her duties as "paraprofessional" accounting work. Once again, this is entirely consistent with the AT4 specification, which encompasses knowledge and use of "specialized accounting procedures," assistance with the agency budget, and the performance of "complex balancing and reconciling of multiple accounts." Grievant's P Card responsibilities are clearly included within the responsibility of examining records "to assure adherence to accounting laws and regulations," along with verification of "calculations and [ensuring] accuracy and validity of transactions."

The undersigned agrees with DOP's conclusion that Grievant is properly classified in her current job title. She is not performing in an administrative capacity, but is doingspecialized paraprofessional accounting tasks, which are clearly encompassed within the job description for AT4. Grievant has failed to prove that the ASA1 classification is a better fit for her current job duties.

The following conclusions of law are consistent with the foregoing discussion.

Conclusions of Law

1. 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 match another cited DOP classification specification than that under which she is currently assigned. See generally, Hayes v. W. Va. Dep't of Natural Res., Docket No. NR- 88-038 (Mar. 28, 1989).

2. The key to the analysis is to ascertain whether Grievant's current classification constitutes the "best fit" for her required duties. Simmons v. W. Va. Dep't of Health and Human Res., Docket No. 90-H-433 (Mar. 28, 1991).

3. The Division of Personnel's interpretation and explanation of the classification specifications at issue should be given great weight unless clearly erroneous. See W. Va. Dep't of Health v. Blankenship, 189 W. Va. 342, 348, 431 S.E.2d 681, 687 (1993).

4. An increase in number of duties and the number of employees supervised does not necessarily establish a need for reallocation. Kuntz/Wilford v. Dep't of Health and Human Res., Docket No. 96-HHR-301 (Mar. 26, 1997). "An increase in the type of duties contemplated in the

[current] class specification, does not require reallocation. The performing of a duty not previously done, but identified within the class specification also does not require reallocation." Id. 5. The evidence demonstrates that Grievant's current job duties are encompassed within the classification specification for Accounting Technician 4, and she is properly classified.

Accordingly, this grievance is **DENIED**.

Any party, or the West Virginia Division of Personnel, may appeal this decision to the Circuit Court of Kanawha County, or to the "circuit court of the county in which the grievance occurred." Any such appeal must be filed within thirty (30) days of receipt of this decision. W. Va. Code § 29-6A-7 (1998). 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. However, the appealing party is required by W. Va. Code § 29A-5-4(b) to serve a copy of the appeal petition upon the Grievance Board. The appealing party must also provide the Board with the civil action number so that the record can be prepared and properly transmitted to the appropriate circuit court.

Date: December 16, 2005

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DENISE M. SPATAFORE

Administrative Law Judge

Footnote: 1

Grievant was represented by Judy Neal, and Respondent was represented by Warren Morford, Training and Employee Relations Coordinator. At the level three hearing, Lowell Basford, Assistant Director, appeared on behalf of the Division of Personnel.