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**WEST VIRGINIA EDUCATION  
EMPLOYEES GRIEVANCE BOARD**  
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**GENE BASHAM**

**v.**

**DOCKET NO. 27-87-049-4**

**MERCER COUNTY BOARD OF EDUCATION**

**DECISION**

This grievance comes before the West Virginia Education Employees Grievance Board on appeal from a level three decision affirming the level two decision wherein the grievance was denied.

The grievant, Gene Basham, employed as a Plumber I, complains that following the successful completion of a Waste Water Treatment Plant Operators School, he requested a \$50.00 raise/reclassification to Sanitation Plant Operator which he alleges had been granted to other similarly situated employees.

A level four hearing was held on April 30, 1987, wherein it was revealed that the grievant was requested to attend a Waste Water Treatment Plant Operators School in Beckley, West Virginia for a week in July 1986. The grievant, before agreeing to attend the school, learned that two employees who successfully passed the course later received a \$50.00 raise.

After successfully completing the course and becoming certified on August 1, 1986, the grievant approached Carl Dickerson, Supervisor of Plumbing, and requested a raise. Mr. Dickerson in turn recommended that grievant be given the raise. This request was not approved by Eugene Price, Coordinator of Physical Plant, or by the respondent board.

Testimony further revealed that while two other employees who successfully completed the course were given raises, they were also reclassified from Plumber I to Sanitation Plant Operator.<sup>1</sup>

Grievant's duties as a Plumber I prior to attending the school, included assisting Marvin Reed, a Plumber II, in the inspection and upkeep of three water and sewer treatment plants.<sup>2</sup> Shortly after filing this grievance, the grievant was relieved of any duties relating to the water and sewer treatment plants.

It appears that pursuant to Section 6 of the regulations of the State Department of Health that the on-site operation of a water and sewage treatment plant be conducted under the supervision of a "certified" operator; there is no requirement for county boards to have a "classified" sanitation plant operator. Notably, Marvin Reed, whom the grievant assisted, was also certified as a waste water treatment plant operator. Mr. Reed had successfully completed

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<sup>1</sup>The evidence also showed that two other employees who successfully completed the course were not reclassified or given raises.

<sup>2</sup>By definition (WV Code §18A-4-8) Plumber I means personnel employed as an apprentice plumber and helper.

the same school as had the grievant.

WV Code §18A-4-8, in pertinent part, provides that:

The county boards shall review each service personnel employee job classification annually and shall reclassify all service employees as required by such job classification.

In this grievance the grievant has failed to show sufficient evidence that he should be reclassified, and indeed, the preponderance of the evidence reveals that the grievant only assisted in carrying out any duties relating to the water and sewage treatment plants which would be consistent with his classification as a Plumber I.

In addition to the foregoing, the following findings of fact and conclusions of law are incorporated herein.

#### FINDINGS OF FACT

1. The grievant, Gene Basham, is classified as a Plumber I and has been employed by the Mercer County Board of Education since 1982.

2. Since his employment in 1982, the grievant has been assigned the duties of a plumber's helper which duties fall within the definition/classification of Plumber I.

3. The grievant completed a Waste Water Treatment Works Operators School and was certified by the State Department of Health on August 1, 1986.

4. Since his certification as Waste Water Treatment Works Operator, the grievant's duties have remained consistent with those encompassed in his classification as a Plumber I.

5. The grievant offered no evidence which showed that he regularly performed the duties of a Sanitation Plant Operator.

6. The preponderance of the credible evidence showed that the duties performed by the grievant were consistent with his classification as a Plumber I.

#### CONCLUSIONS OF LAW

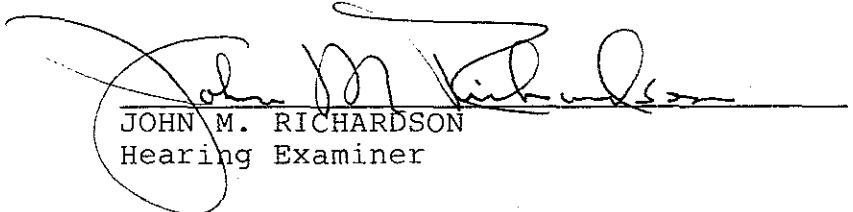
1. In this grievance it was incumbent upon the grievant to prove by a preponderance of the evidence that he was performing the duties of a Sanitation Plant Operator before he would be entitled to reclassification. In this regard, the grievant has failed to provide sufficient evidence which would preponderate in favor of such a conclusion. Harrison v. Kanawha County Board of Education, Docket No. 20-86-219; Romeo v. Harrison County Board of Education, Docket No. 17-86-208-2.

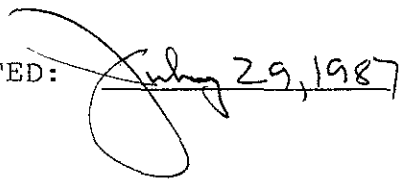
2. WV Code §18A-4-8 requires a board of education to annually review service personnel employee job classifications and to reclassify where necessary. Casto, et al. v. Kanawha County Board of Education, Docket No. 20-86-014, 015 and 016.

3. The grievant has failed to prove as a matter of law any basis upon which the relief requested may be granted.

Accordingly, the grievance is DENIED.

Either party may appeal this decision to the Circuit Court of Mercer County or the Circuit Court of Kanawha County and such appeal must be filed within thirty (30) days of receipt of this decision. (WV Code §18-29-7) Please advise this office of your intent to do so in order that the record can be prepared and transmitted to the Court.

  
JOHN M. RICHARDSON  
Hearing Examiner

DATED:  July 29, 1987