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TERRI MORRIS

v.

DOCKET NO. BOR1-87-168-2

WEST VIRGINIA UNIVERSITY

D E C I S I O N

Grievant, Terri Morris, is employed by the Board of Regents as a secretary assigned to Potomac State College of West Virginia University. Ms. Morris filed a level one grievance on April 9, 1987 in which she alleged that she was misclassified and that she had been denied documentation pertaining to an interview regarding her classification. The level two grievance evaluator found that the grievant had been provided with all relevant documentation and was properly classified as a "Secretary B".¹ An appeal to level four was filed on June 17, 1987 and, following continuances requested by both parties, an evidentiary hearing was held on October 14, 1987.

¹The level two decision indicates that the grievant concurs that all documentation had been provided by this time and this issue was resolved.

At the level four hearing the grievant's representative indicated that she (the grievant) was seeking a classification upgrade to "Administrative Secretary". Although her position had been reviewed previously the grievant had not been aware of the importance to fully describe the duties which she performs but that she was now prepared to do so. An objection by counsel for the board that the grievance procedure was an inappropriate forum for the presentation of new information regarding classification was sustained by the hearing examiner. The grievant chose not to pursue the issue of whether the classification had been incorrect based upon the information which she had provided to the Classification and Compensation Unit but alleged that her classification review had been treated differently than similarly situated personnel. Specifically, she claims that her position was compared to positions at West Virginia University while other positions were compared within the college.

In support of her position the grievant offered the testimony of Charles Via, Assistant Dean of Admissions and Records and her immediate supervisor, who indicated that the grievant meets her job requirements but that he is not fully aware of the position description for an administrative secretary and that

it would be difficult for him to compare her position with individuals presently in that classification as he does not observe or evaluate their duties in detail. Elsie Cornell, a data technician, testified that the grievant is proficient in handling the responsibilities of her position which she believes is consistent with that of administrative secretary. Sheila Seccurro, Senior Compensation Analyst, testified as to her communications with the grievant during the classification review and explained that all positions were similarly reviewed within Potomac State College and compared on a university wide perspective.

Over the objection of the board's counsel the grievant submitted into the record three documents: two job descriptions of positions which she alleges were upgraded and a letter dated March 6, 1987 to the grievant from Abraham Evans, Assistant Dean for Business Affairs,, in which he indicates that he had provided the position descriptions of employees currently classified as administrative secretaries. All identifying information (names, salaries, assignment numbers and other identifying information) was deleted on employees currently classified as administrative secretaries.

At the conclusion of the grievant's presentation of her case counsel for the board made a motion for a directed verdict and/or a motion to dismiss.

In addition to the foregoing recitation the following shall serve as specific findings and conclusions.

Findings of Fact

1. The grievant is currently employed at Potomac State College and is classified as a "Secretary B".

2. The grievant presented no evidence in support of her claim that her classification review had been based upon factors different from those of other similarly situated personnel.

Conclusions of Law

1. In the grievance procedure it is incumbent upon the grievant to prove the essential elements of the grievance by a preponderance of the evidence. Zban v. Cabell County Board of Education, Docket No. 06-87-010, Damron v. Mingo County Board of Education, Docket No. 29-86-250-4 and Singh v. West Virginia University, Docket No. 30-86-044.

2. The grievant failed to prove that her reclassification was based on criteria different from that of similarly situated employees and otherwise failed to prove the essentials of her grievance. Young v. Kanawha County Board of Education, Docket No. 20-87-210-1.

Accordingly, the grievance is **DENIED**.

Either party may appeal this decision to the Circuit Court of Kanawha County or to the Circuit Court of Monongalia County and such appeal must be filed within thirty (30) days of receipt of this decision. (W. Va. 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.

DATED

November 4, 1987

Sue Keller

SUE KELLER

Hearing Examiner