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ANETA FARRIS

v.

DOCKET NO. 89-CORR-550

W.VA. DEPARTMENT OF CORRECTIONS

DECISION

Grievant, Aneta Farris, is employed by the W.Va. Department of Corrections (Department) as a Clerk I at the Huttonsville Correctional Center. Ms. Farris filed a level one grievance on September 2, 1989 in which she alleged that she was improperly assigned responsibilities for and supervision of inmates in an adult institution. She requested that she be required to perform only those duties in line with her job description. The grievance was denied at levels one, two and three; a level four appeal was filed September 19 and an evidentiary hearing was conducted on October 12.

The grievant is assigned to work in both the I.D. office and the library. It is the library assignment from which the grievance arises. The grievant is assigned to work in the library two days per week from 8:00 - 10:30 a.m. and either 12:00 or 1:00 - 2:40 p.m. She does not contest

that the duties which she performs are clerical in nature but objects to her responsibilities relating to the inmates who use the library. The grievant's testimony at level four was that she works alone and if a problem should arise with an inmate(s) she would be responsible for "getting something done". She concedes that she was advised when interviewing that she would have contact with the inmates but that she did not understand her assignment would entail so much time alone with so many.¹ The grievant's discomfort with the situation was evident and when pressed for a specific statement of the relief she sought, stated that she would like a Correctional Officer present in the library with her at all times.

Warden William Duncil testified that the library is located in the basement of the building along with other educational facilities and that a roving officer is nearly always patrolling the area.² Warden Duncil characterized the area as being a center of activity with a great many employees present and stated his opinion that the grievant

¹The grievant's duties while in the library include logging in newspapers, sorting library mail, etc. Her contact with the inmates consists primarily of answering questions about the library and perhaps copying material for them.

²An officer may not be assigned to this area based on resources available and the needs of any given day but it does appear that one is almost always present.

is subject to no greater risk than that which is inherent in working in a correctional institution.

While the grievant's concern is understandable it does not appear that she has any responsibility for the supervision of inmates who are in the library. If a problem should arise she merely needs to shout or use her office telephone to call for assistance; there is no expectation that the grievant should attempt to control the conduct of the library patrons.

In addition to the foregoing narration it is appropriate to make the following specific findings of fact and conclusions of law.

Findings of Fact

1. The grievant is employed by the W.Va. Department of Corrections as a Clerk I at the Huttonsville Correctional Center, a medium security institution.

2. The grievant is assigned to work in the library two days per week. She is generally alone with as many as twenty inmates.

3. A Correctional Officer is assigned to patrol the general area and enters the library at undesignated intervals.

4. The library is located in an area with other educational offices and prison industries a very busy, highly populated area.

5. In cases of emergency involving inmates the grievant is expected only to call for assistance and not to control the situation herself.

Conclusions of Law

1. It is incumbent upon the grievant to prove the allegations of the complaint by a preponderance of the evidence. Payne v. W.Va. Department of Energy, Docket No. ENGY-88-015 (Nov. 2, 1988).

2. The grievant has failed to establish by a preponderance of the evidence that she is assigned any duties or responsibilities outside of her job description as Clerk I.

Accordingly the grievance is DENIED.

Either party or the West Virginia Civil Service Commission may appeal this decision to the Circuit Court of Randolph and such appeal must be filed within thirty (30) days of receipt of this decision. (W.Va. Code §29-6A-7) Neither the West Virginia Education and State Employees Grievance Board nor any of its Hearing Examiners is a party to such appeal, and should not be so named. Please advise this office of any intent to appeal so that the record can be prepared and transmitted to the appropriate Court.

DATED

October 31, 1989

Sue Keller

SUE KELLER

SENIOR HEARING EXAMINER