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CHRIS GILLESPIE

v.

DOCKET NO. 89-30-360

MONONGALIA COUNTY BOARD OF EDUCATION

DECISION

Grievant, Chris Gillespie, has been employed by the Monongalia County Board of Education (Board) as a Maintenance Clerk/Inventory Supervisor since August 1983. Mr. Gillespie filed a level one grievance on April 19, 1989 in which he alleged that he was misclassified. The grievance was denied at levels one, two and three and a level four appeal was filed on July 14. An evidentiary hearing was conducted on August 16 with proposed findings of fact and conclusions of law submitted by September 13.

The grievant argues that his multi-classification status is incorrect and that he would properly be classified as a Secretary III. He asserts that he performs the following numerous duties qualifying him for the Secretary III classification: types all requisitions for purchasing maintenance supplies and other items; answers the telephone; maintains payroll records; operates office machines

(computer, typewriter, calculator and answering machine); files purchase orders, gas reports, etc.; and transcribes notes from the answering machine. The grievant further argues that he replaced an employee classified as a Secretary III and that no other employee within that classification is assigned to the administrator of the Maintenance Department.

The Board denies that the grievant performs the duties of a Secretary III since he does not take and transcribe or transcribe from dictation equipment; type complex material from rough draft to final form; type complex manuscripts (including footnotes and bibliography formats) for publication; set up and type complex tables, charts and graphs; correct sentence structure, grammar, spelling and punctuation, draft forms, compose letters or compile factual reports which require the exercise of judgment and originality; sign, as directed, the superior's name to routine correspondence, requisitions and other routine paper; screen mail and independently respond to routine correspondence; make travel arrangements which may involve a complex itinerary; or make detailed arrangements for meetings and conferences.

The Board concedes that the grievant does occasionally perform certain duties of a Secretary III i.e., he devises and maintains complex record keeping and/or filing systems; makes appointments for superiors; exercises judgment concerning priority; controls admission of visitors; and

maintains appropriation account records which may include requisitions, invoices and/or payrolls. However, the Board emphasizes that the grievant is not expected or required to perform beyond the responsibilities listed on the job description for Maintenance Clerk/Inventory Supervisor. Ed Rancjik, Maintenance Supervisor, testified that the grievant's assigned duties are within the job description of Maintenance Clerk/Inventory Supervisor. Mr. Rancjik stated that while the grievant has formulated memos and/or contributed to other projects which may be beyond that required of his position it was done at the grievant's initiative and not at the Board's direction. He characterizes the work performed by the grievant as requiring only basic office skills.

A review of the job description for Maintenance Clerk/Inventory Supervisor indicates that the grievant performs many office-related duties; however, the evidence establishes that the skills required of the grievant in the performance of these duties are at much lower level than those required of a secretary. For example, his typing is limited to record-keeping and does not require speed or accuracy, and his transcription consists of taking messages from the telephone answering machine.

The grievant's argument that he performs the duties listed in the statutory definitions for Secretary I and II and is assigned to a county office administrator, thereby meeting the definition of Secretary III, is flawed. While a

review of the statutory definition and county job descriptions for Secretary I, Secretary II, Inventory Clerk, and Maintenance Supervisor indicates some overlap of skills and responsibilities, a review of the grievant's specific duties establishes that his assignment is more clerical than secretarial in nature. To illustrate, the grievant types and answers the telephone but he also maintains personnel records; controls the stocking facility to provide tools and supplies; and receives, unloads and accounts for supplies and commodities.

Two additional arguments raised by the grievant are that his predecessor was classified as a Secretary III and that an employee holding roughly the same position in the Transportation Department is classified as a Secretary III. Neither argument is persuasive as Superintendent Jack Dulaney testified that the position held by the grievant has changed significantly from that held by his predecessor. Even if the grievant was performing the same duties as the previous employee, her possible misclassification is not precedent to determine the grievant's proper classification. As to the second argument, the grievant failed to offer any evidence in support of his contention that his position is similar to the Secretary III position in the Transportation Department.

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. Grievant is employed by the Monongalia County Board of Education as a Maintenance Clerk/Inventory Supervisor.

2. The grievant performs numerous duties including the typing of requisitions, answering telephone calls, transcribing messages from the telephone answering machine, maintaining personnel records, receiving, unloading and accounting for incoming supplies and commodities, maintaining a stocking facility to keep tools and supplies available for daily withdrawal and he maintains an inventory of all stock items.

3. The grievant's completion of typing, filing and record keeping require only basic skills. He does not complete more complex typing or transcribing and does not exercise independent judgment and originality in fulfilling his responsibilities as do secretaries.

Conclusions of Law

1. "Maintenance Clerk" means personnel employed to maintain and control a stocking facility to keep adequate tools and supplies on hand for daily withdrawal for all school maintenance crafts.

"Inventory Supervisor" means personnel who are employed to supervise or maintain operations in the receipt, storage,

inventory and issuance of materials and supplies. W.Va. Code §18A-4-8.

2. The grievant's duties and responsibilities fall within the definition of his current position classification because he utilizes only basic office skills and does not perform at a level commensurate with that of a secretary.

3. The grievant has failed to prove the allegations of the grievance by a preponderance of the evidence.

Accordingly, the grievance is **DENIED.**

Either party may appeal this decision to the Circuit Court of Monongalia County or to the Circuit Court of Kanawha County and such appeal must be filed within thirty (30) days of receipt of this decision. (W.Va. Code §18-29-7) 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: November 17, 1989

Sue Keller

SUE KELLER

SENIOR HEARING EXAMINER