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**WEST VIRGINIA EDUCATION AND  
STATE EMPLOYEES GRIEVANCE BOARD**

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JACKIE LONG, et al.

v.

DOCKET NO. 02-88-198

BERKELEY COUNTY BOARD OF EDUCATION

DECISION

Grievants, thirty-three individuals assigned as secretaries II or III, filed a level four grievance on October 21, 1988 in which they alleged that their employer, the Berkeley County Board of Education (Board), had acted with favoritism and discrimination in promoting and granting salary increases to three secretaries assigned to Assistant Superintendents. An evidentiary hearing was held on March 31, 1989 and the grievants submitted proposed findings of fact and conclusions of law on May 5, 1989. Counsel for the Board relied upon the findings made by the hearing examiner at level two with one additional conclusion filed on May 16.

In July 1988 the Board created three new job classifications: Executive Secretary I, Executive Secretary II and Executive Secretary III with salary supplements of \$1,000.00, \$1,715.00 and \$2,000.00 respectively. After adopting the new classifications several positions were reclassified from Secretary III to Executive Secretary I. The new classifications were created to accommodate

secretaries who performed primarily administrative duties as opposed to the more traditional secretarial chores.

The grievants argue that they also perform significant administrative duties and are therefore misclassified. They request that they be reclassified as Executive Secretaries I. Even if denied the reclassification, grievants argue that W.Va. Code §18A-4-8b provides that service personnel positions with Roman numeral designations (such as Secretary I, II or III) shall be included in a single classification and that any salary supplements must be awarded to all employees in each classification; therefore, they are entitled to the same salary supplement awarded to the Executive Secretaries.<sup>1</sup>

At the level four hearing grievant Valerie Duckworth, assigned as a Secretary III at the Transportation Department, recounted her duties which she believes are administrative in nature. Ms. Duckworth stated that she secures information and completes reports, including accident reports, prepares the payroll and does billing for extra-curricular activities. Her supervisor checks her reports but does not necessarily sign all official documents as she sometimes uses a stamp in lieu of his signature.

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<sup>1</sup>Code §18A-4-8b further provides that the executive secretary classification title is to be included in the same classification category as secretaries.

Grievant Virginia Childs, assigned as a Secretary III to the Director of the James Rumsey Vocational-Technical Center, testified that she schedules meetings, takes the minutes and handles correspondence for the Center's administrative council, does tuition billing, completes reports, road tax forms, truck decal applications, expense forms, payroll and substitute teacher reports. She corresponds with applicants and notifies them of their employment and has access to confidential reports.

The testimony of these two grievants supplemented that of fourteen other grievants who provided information relating to their duties at the level two hearing. The testimony of these grievants indicates that they perform a variety of functions including filing reports, handling lunch money, drafting checks, ordering supplies, typing, etc. All of the grievants stated their opinion that they made administrative decisions and exercised some authority, particularly in the absence of their building principal or supervisor.

Assistant Superintendents Dr. Alan Canonico and Charles Fritsch testified as to the duties of their Executive Secretaries. The duties of Dr. Canonico's Executive Secretary were examined in the companion case of Ziler v. Berkeley County Board of Education, Docket No. 02-88-221 (May 31, 1989) and that testimony is incorporated herein. Mr. Fritsch stated that his Executive Secretary also performs duties which are primarily administrative in nature including the preparation of items for the agenda of Board

of Education meetings, the preparation of documents for bid openings, the maintainance of documents for the county building program and conducting research to identify property owned by the Board. Assistant Superintendent Dr. Janice Christopher testified at level two that her Executive Secretary is responsible for the coordination of the county's standardized testing program. She orders and disseminates the testing materials, resolves any problems with the school test administrator and/or consults with the State Department of Education to resolve problems. When the test results are returned the secretary compiles reports and develops graphs and charts to aid in the interpretation of the data. She composes letters, has developed a brochure of public relations information and fulfills other duties requiring initiative and responsibility on her part. (Level II T. pp 76-81)

W.Va. Code § 18A-4-8 provides the following relevant definitions:

Secretary II - personnel employed in any school as a secretary who may perform general clerical tasks, transcription, the preparation of reports, receiving callers and referring them to the proper persons, the operation of office machines, record keeping and handling routine correspondence.

Secretary III - personnel assigned to the county board of education office administrators in charge of various

programs or departments or any personnel who have served in a position which meets the definition of Secretary II or III for a period of twelve years.

Executive Secretary - personnel employed as the county school superintendent's secretary or as a secretary assigned to a position characterized by significant administrative duties.

It is clear that the grievants are responsible for the completion of all types of reports and many daily chores and that all assume some level of responsibility in the absence of their supervisor. However, the work which they complete appears to be routine in nature and is reviewed prior to submission by their principal or supervisor who bears the ultimate responsibility for its contents. The grievants exercise little to no independent judgment and are not generally responsible for administrative decisions. These differences in duties between the grievants and the Executive Secretaries support the Board action which has resulted in the proper classification of all the secretarial employees.<sup>2</sup>

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<sup>2</sup>Counsel for the Board had made a motion to exclude those employees of the Vo-Tech Center as they would be required to pursue their grievance separately and against the Center, rather than the Board. The employment status of these employees remains somewhat unclear but due to the holding in this matter, the motion need not receive further consideration.

In support of the grievants' argument that the salary supplement awarded to the Executive Secretaries must be awarded to all secretaries they cite W.Va. Code §18A-4-8b which provides that positions with Roman numeral designations shall be considered a single employment classification and that the executive secretary classification title shall be included in the same classification category as secretaries. With this authority the grievants reasons that they would also be entitled to the salary supplement.

The grievants' reliance on the above-cited statute section is erroneous since it simply defines classification category and promotion either within a category or by transfer to another category. The cited reference does not refer to uniformity of salary supplements which is addressed in W.Va. Code §18A-4-5b. This section requires that any county salary schedules in excess of the state minimum schedules be awarded on a uniform basis throughout the county with regard to any training classification, experience, years of employment, responsibility, duties, pupil participation, pupil enrollment, size of buildings, operation of equipment or other requirements. While all secretaries are to be considered in one classification category for employment and promotion purposes, Code §18A-4-8a clearly shows that they are considered to be separate categories for salary purposes as it assigns each a paygrade: Secretary I, paygrade D; Secretary II, paygrade E; Secretary III, paygrade F and Executive Secretary, paygrade

G. In that the supplement was awarded to all of the members of a classification as defined by duties and title it is in compliance with the statutory uniformity requirements.

### Findings of Fact

1. The grievants are employed by the Berkeley County Board of Education as secretaries II or III and are assigned throughout the county either in schools, at the central office or at other departmental offices.

2. In July 1988 the Board created three new employment classifications: Executive Secretary I, Executive Secretary II and Executive Secretary III with salary supplements of \$1,000.00, \$1,715.00 and \$2,000.00 respectively.

3. The grievants perform a variety of secretarial duties and all assume some level of responsibility in the absence of their supervisor; however, their responsibilities are primarily routine in nature, require little or no independent judgment and are performed under the supervision of others.

4. Those employees classified as Executive Secretaries I are responsible for the completion of certain assignments which require that they make and implement their own decisions. They are ultimately responsible for duties which are administrative in nature and are completed with no direct supervision.

5. While all classifications of secretaries are considered one category of employment for some purposes the

statutory salary schedule establishes that each classification is considered independently for salary purposes.

#### Conclusions of Law

1. It is incumbent upon a grievant seeking relief pursuant to W.Va. Code §§18-29-1 et seq. to prove all of the allegations constituting the grievance by a preponderance of the evidence. Hart v. Berkeley County Board of Education, Docket No. 89-02-80 (May 31, 1989); Romeo v. Harrison County Board of Education, Docket No. 17-88-013 (Sept. 30, 1988).

2. The grievants have failed to show that their positions are characterized by significant administrative duties which would require that they be upgraded to Executive Secretaries as defined by W.Va. Code §18A-4-8.

3. Salary supplements awarded to Executive Secretaries are not violative of the uniformity provision of W.Va. Code §18A-4-5b.

4. The grievants have failed to establish that they are entitled to the additional salary supplement awarded to Executive Secretaries.

Accordingly, the grievance is DENIED.



Either party may appeal this decision to the Circuit Court of Berkeley 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:

June 30, 1989

Sue Keller

SUE KELLER

SENIOR HEARING EXAMINER