SANDRA K. HART, ET AL.

v. Docket No. 94-RS-105

WEST VIRGINIA DIVISION OF REHABILITATION SERVICES/DISABILITY DETERMINATION SECTION and WEST VIRGINIA DIVISION OF PERSONNEL

D E C I S I O N

Sandra Hart, Cheyenne Shaffer, Anita Burdette, and Karen Shamblen, Grievants, are grieving their classification as Office Assistant IIs ("OA II"). They state their current position requires more in-depth technical knowledge and additional duties than the OA position classification covers, and they should be classified as Secretary Is. This grievance was denied at Level III and submitted on the record at Level IV. It became mature for decision on May 9, 1994.

The Grievants work as Unit Clerks in the Disability Determination Section of Rehabilitative Services. Each of the Grievants provide clerical support to a unit. Each unit is composed of eight disability evaluation specialists, a supervisor, and one unit clerk.

The pertinent sections of the two classification specifications at issue are repeated below:

OFFICE ASSISTANT II

Nature of Work

Under general supervision, performs full-performance level work in multiple-step clerical tasks calling for interpretation and application of office procedures, rules and regulations. Performs related work as required.

Distinguishing Characteristics

Performs tasks requiring interpretation and adaptation of office procedures as the predominant portion of the job. Tasks may include posting information to logs or ledgers, and checking for completeness, typing a variety of documents, and calculating benefits. May use a standard set of

commands, screens, or menus to enter, access and update or manipulate data.

At this level, the predominant tasks require the understanding of the broader scope of the work function, and requires an ability to apply job knowledge or a specific skill to a variety of related tasks requiring multiple steps or decisions. Day-to-day tasks are routine, but initiative and established procedures are used to solve unusual problems. The steps of each task allow the employee to operate with a latitude of independence. Work is reviewed by the supervisor in process, randomly or upon completion. Contacts are usually informational and intergovernmental.

Examples of Work

Posts information such as payroll, materials used or equipment rental to a log or ledger; may be required to check for completeness; performs basic arithmetic calculations (addition, subtraction, division or multiplication); corrects errors if the answer is readily available or easily determined.

Maintains, processes, sorts and files documents numerically, alphabetically, or according to other predetermined classification criteria; reviews files for data and collects information or statistics such as materials used or attendance information.

Answers telephone, screens calls, takes messages and complaints; gives general information to callers when possible, and specific information whenever possible.

Receives, sorts and distributes incoming and outgoing mail.

Operates office equipment such as adding machine, calculator, copying machine or other machines requiring no special previous training.

Types a variety of documents from verbal instruction, written or voice recorded dictation.

Collects, receipts, counts and deposits money.

Calculates benefits, etc., using basic mathematics such as addition, subtraction, multiplication, division and percentages.

Posts records of transactions, attendance, etc., and writes reports.

May compile records and reports for supervisor.

May operate a VDT using a set of standard commands, screens, menus and help instructions to enter, access and update or manipulate data in the performance of a variety of clerical duties; may run reports from the database.

SECRETARY I

Nature of Work

Under general supervision, at the full-performance level, relieves supervisor of clerical and minor administrative duties, exercising discretion and independent judgment. Necessity for dictation, familiarity with word processors, and other special requirements vary depending upon supervisor's

preference. Performs related work as required.

Distinguishing Characteristics

This class is distinguished from the Office Assistant series by the assignment of support duties to a specific individual overseeing a section, or a division. The incumbent composes routine correspondence for the supervisor, screens calls and visitors and responds to inquiries requesting knowledge regarding office procedure, policy and guidelines, and program information. The position has limited authority to speak for the supervisor.

At this level, the work requires the knowledge necessary to complete complex procedural assignments. Incumbent determines appropriate procedures from among a variety of resources, methods, and processes. Incumbent is responsible for his/her own work, and may assign and direct the work of others. Although some tasks are defined and self-explanatory, the objectives, priorities, and deadlines are made by the supervisor. Work is reviewed, usually upon completion, for conformance to guidelines. Contacts at this level are frequent andoften non-routine and/or of a confidential or sensitive nature, requiring tact and the ability to judge which inquiries can be answered or must be referred.

Examples of Work

Responds to inquiries where knowledge of unit policy, procedure, and guidelines is required.

Answers telephone, screens calls, and places outgoing calls.

Screens mail and responds to routine correspondence.

Signs, as directed, supervisor's name to routine correspondence, requisition, and

other documents.

Schedules appointments and makes travel arrangements and reservations for supervisor.

Takes and transcribes dictation, or transcribes from dictation equipment.

Composes form letters, routine correspondence, and factual reports.

Types reports, manuscripts, and correspondence using standard typewriter or word processing equipment; proofreads and corrects to finished form.

Gathers, requests, and/or provides factual information, requiring reference to variety of sources.

May delegate routine typing, filing, and posting duties of subordinate clerical personnel.

May maintain basic bookkeeping records for grants, contract or state appropriated funds.

May prepare payrolls, keep sick and annual leave records, act as receptionist and perform other clerical duties as needed.

May attend meetings take notes and relay information; typically could not interpret information or speak on behalf of supervisor.

Grievants' testimony revealed they work under general supervision performing multi-step clerical tasks that call for interpretation and application of office procedure, rules, and regulations. They occasionally relieve the supervisor and the disability evaluation specialists of clerical duties but do not relieve their supervisor or the disability evaluation specialist of administrative duties. Thus, the "Nature of Work" section which most closely describes the Grievants' duties is that of OA II.

The Grievants do not work for a specific individual and their supervisor does not oversee a section or division. The Grievants frequently screen phone calls, but the information they are allowed to divulge is routine and strictly controlled by the agency's policy and procedure manuals.

The Grievants' typical work day requires them to answer the phone following specific guidelines, request medical records by phone or letter, type forms, documents and reports, follow-up on medical appointments and reports, copy microfiche, answer phones and relay messages, and log and file medical reports. As one Grievant described her work, "I type, I file, I make calls. I send out cases to other units. That's about it." (Level III Trans. at 33.)

Ms. Ginny Fitzwater, from Division of Personnel, testified that while the Grievants duties do require some interpretation of rules and regulations, the amount of leeway for independent action is very limited and structured. Responses to questions do not allow much independent judgement. She noted the Grievants do not work for a section or division manager.

Discussion

In order for Grievants to prevail upon a claim of misclassification, they must prove by a preponderance of the evidence that their duties for the relevant period more closely matched another cited Personnel classification specification than the one to which they are currently assigned. See generally, Hayes v. W. Va. Dept. of Natural Resources, Docket No. NR-88-038(Mar. 28, 1989).

Personnel specifications are to be read in "pyramid fashion," i.e., top to bottom, with the different sections to be considered as going from the more general/more critical to the more specific/less critical, Captain v. W. Va. Div. of Health, Docket No. 90-H-471 (Apr. 4, 1991); for these purposes, the "Nature of Work" section of a classification specification is its most critical section. Atchison v. W. Va. Div. of Health, Docket No. 90-H-444 (Apr. 22, 1991); See generally, Dollison v. W. Va. Dept. of Employment Security, Docket No. 89-ES-101 (Nov. 3, 1989). The key to the analysis is to ascertain whether the Grievants' current classification constitutes the "best fit" for their required duties. Propst v. W. Va. Dept. of Health and Human Resources/ W. Va. Div. of Personnel, Docket No. 93-HHR-371 (Dec. 3, 1993); Simmons v. W. Va. Dept. of HHR/Div. of Personnel, Docket No. 90-H-433 (Mar. 28, 1991). The predominant duties of the position in question are class-controlling. Broaddus v. W. Va. Div. of Human Services, Docket No. 89-DHS-606, 607, 609 (Aug. 31, 1990). Finally, Personnel's interpretation and explanation of the classification specifications should be given great weight unless clearly erroneous. W. Va. Dept. of Health v. Blankenship, 431 S.E.2d 681, 687 (W. Va. 1993).

The Grievants have not met their burden of proving the Secretary I position constitutes the "best fit" for their required duties. The Grievants testified they typed, filed, answered questions in a prescribed manner, requested medical forms, andfollowed-up on records and appointments. These are all duties within the OA II job description.

Findings of Fact

1. Grievants perform routine tasks requiring multiple-steps. Their major duties are typing, filing, checking on medical reports, and answering questions in a prescribed manner.
2. Grievants do not relieve their supervisor of minor administrative duties, speak for the supervisor, or direct or delegate the work of others.

Conclusion of Law

The Grievants have not met their burden of proving by a preponderance of evidence that the position classification of Secretary I is the "best fit" for their normal duties.

Accordingly, this grievance is **DENIED**.

Any party or the West Virginia Division of Personnel may appeal this decision to the "circuit court

of the county in which the grievance occurred," 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 Administrative Law Judges is a party to such appeal, and should not be so named. Any appealing party must advise this office of the intent to appeal and provide the civil action number so that the record can be prepared and transmitted to the appropriate court.

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JANIS I. REYNOLDS

Administrative Law Judge

Dated: August 29, 1994