ARLENE WHITE

v. Docket No. 94-42-033

RANDOLPH COUNTY BOARD OF EDUCATION

D E C I S I O N

Grievant is employed by Respondent Randolph County Board of Education (RCBE) as a multi-classified service worker. The question presented in this action is whether Grievant should be titled in yet another category because she is assigned for a short period of time on a daily basis to relieve a classified employee holding a different classification. Grievant claims she is entitled by law to receive the additional classification. Conversely, RCBE maintains that, under the circumstances, it is not legally obligated to alter Grievant's current classification status. (See footnote 1)

Based on all matters of record, the following findings are made:

Findings of Fact

1. Grievant is multi-classified as a "Mail Clerk/Printing Operator" and assigned to work at RCBE's central office. (See footnote 2)

2. As part of Grievant's ongoing responsibilities, she is assigned to man the central office switchboard for one hour each day to relieve the office's "Secretary III/Receptionist/Switch board Operator" for lunch or other purposes. (See footnote 3) This task repre sents approximately thirteen percent (13%) of Grievant's daily work load.

3. While RCBE's current job description for Mail Clerk/Printing Operator under which Grievant works contains no mention of switchboard or receptionist duties, it does state that the worker may be required to perform "general clerical tasks" or "such other duties as may be assigned" by the posi tion's supervisor.

4. RCBE's job description for "Secretary III/Reception ist/Switchboard Operator" contains listed duties, beginning with"performs secretarial functions" and concluding with "performs such other duties as may be assigned" by the incumbent's super visor. Between the two are listed a number of clerical duties as well as the specific duties of a switchboard operator and receptionist. While RCBE's Secretary III/Reception ist/Switchboard Operator presumably is obligated to perform switchboard operator/receptionist duties throughout the work day when needed, no evidence was presented as to the percentage of time that this employee actually spends on switchboard opera tor/receptionist

duties compared to the time spent on other secretarial duties.

5. The statutory pay grade (PG) is the same for the classified positions of switchboard operator-receptionist and mail clerk while the printing operator is paid at a lower rate. Grievant is paid the higher salary as between the mail clerk and printing operator titles and would receive no salary enhancement with the added switchboard operator-receptionist title. (See footnote 4)

6. RCBE does not presently have a position designated as "Receptionist/Switchboard Operator."

Discussion

Grievant must prevail in this dispute. She is correct thatCode §18A-4-8 requires county boards of education to "review each service personnel employees' job classification annually and . . . reclassify all service employees as required by such job classifications." A board of education is obligated to classify school service personnel according to the duties performed by said employees. Taflan v. Hancock County Bd. of Educ., Docket No. 15-86-099-2 (Jan. 12, 1987). Service workers cannot be assigned to perform duties not contemplated by the statutory description of their currently-held classifications or not stated in their official job descriptions. See Britton v. Preston County Bd. of Educ., Docket No. 90-39-015 (Aug. 31, 1990).

In addition, the multi-classification of service employees as described in Code §18A-4-8 is sometimes necessary for the efficient operation of the schools. Roberts v. Wyoming County Bd. of Educ., Docket No. 55-86-322-4 (Apr. 3, 1987); Sizemore v. Wyoming County Bd. of Educ., Docket No. 55-86-310-4 (Apr. 20, 1987). However, the statutes are silent about what portion of time a worker must spend on an out-of-class task in order to deserve reclassification and/or multi-classification. The Grievance Board has provided guidance on these matters.

While a worker may be required to perform occasional "overlap" duties of another distinct class, if the assignments are specified in the worker's job description and are reasonably related to the duties contemplated by the statutory description of the presently-held classification, reclassification or multi-classification is not required. (See footnote 5) See Boyer v. Wood County Bd. of Educ., Docket No. 90-54-196 (Jan. 29, 1991). Conversely, when a worker regularly performs work in her own and another classification, multi-classification is required. Bailey v. Mercer County Bd. of Educ., Docket No. 91-274-158 (Jan. 31, 1992).

Grievant is presently multi-classified as a printing operator and mail clerk. However, Grievant undeniably performs switchboard operator-receptionist duties for a portion of her workday each and every working day and does not just "fill-in" from time to time on an as-needed basis. Thus, if RCBE intends to keep Grievant permanently placed as a daily switchboard operator, if only for an hour or so each day, Grievant is entitled to be given the switchboard operator-receptionist designation along with her other classification titles.

RCBE's position seems to be that a classification dispute is only relevant when a salary differential is involved. (See footnote 6) In Grievant's view, the classification issue herein involves matters aside from salary considerations. Grievant desires the Switchboard operator-receptionist title for seniority and experience credit. W.Va. Code §18A-4-8g states, in relevant part:

School service personnel who hold multi-classification titles shall accrue seniority in each classification category of employment which said employee holds and shall be considered an employee of each classification category contained within his multi-classification title.

and

When applying to fill a vacancy outside the classifi cation categories held by the multi-classified employ ee, seniority acquired simultaneously in different classification categories shall be calculated as if accrued in one classification category only.

Therefore, RCBE's argument that it is not legally obligated to alter Grievant's current classification status because no salary issues are involved must be rejected. Despite the fact that RCBE does not presently have a position singly titled as receptionist-switchboard operator, it could have such a job in the future. In addition, Grievant might one day seek work in another school district and want her personnel records to reflect the experience gained under the receptionist-switchboardoperator classification title.

In addition to the foregoing discussion, the following conclusions of law are made.

Conclusions of Law

1. Code §18A-4-8 requires county boards of education to "review each service personnel employees' job classification annually and . . . reclassify all service employees as required by such job classifications."

2. Service workers cannot be assigned to perform duties not contemplated by the statutory

description of their current ly-held classifications or not stated in their official job descriptions. See Britton v. Preston County Bd. of Educ., Docket No. 90-39-015 (Aug. 31, 1990).

3. Grievant has demonstrated that she is entitled to seniority and experience credit for all of the time she has worked on a daily basis as a switchboard operator.

Accordingly, the grievance is **GRANTED**, and RCBE is Ordered to reclassify Grievant and to grant Grievant seniority credit as a switchboard operator as set forth above. (See footnote 7)

Any party may appeal this decision to the Circuit Court of Kanawha County or to the Circuit Court of Randolph 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 Administrative Law Judges is a party to such appeal and should not be so named. Any appealing party must advise this office of the appeal and provide the civil action number so that the record can be prepared and transmitted to the appropriate Court.

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NEDRA KOVAL

Administrative Law Judge

Date: August 15, 1994

Footnote: 1 Grievant did not prevail at the lower grievance levels. While she initially requested a level four hearing at the time the case was originally assigned to the Elkins, West Virginia, Grievance Board office, she ultimately agreed to submit the matter for decision based on the record developed at the January 28, 1994 level two hearing. RCBE and Grievant filed fact/law proposals on May 6 and 9, 1994, respectively. Thereafter, on May 13, 1994, the case was transferred to the undersigned for administrative reasons.

Footnote: 2 According to W.Va. Code §18A-4-8, "'Class title' means the name of the position or job held by service personnel." Mail clerk means "personnel employed to receive, sort, dispatch, deliver or otherwise handle letters, parcels and other mail." A printing operator is "employed to operate duplication equipment, and as required to cut, collate, staple, bind and shelve materials." "'Multi-classification' means personnel employed to perform tasks that involve the combination of two or more class titles in this section. . .."

Footnote: 3 "Switchboard/operator-receptionist" is described in §18A-4-8 as "personnel employed to refer incoming calls, to assume contact with the public, to direct and to give in structions as necessary, to operate switchboard equipment and to provide clerical assistance."

Footnote: 4 "Service personnel minimum monthly salaries" contained in Code §18A-4-8a reveal eight distinct PGs, from "A" representing the lowest range of salaries to "H" representing the highest range. A "Secretary III" is found in PG "D", while a "Printing operator" is PG "B." The "Mail clerk" and "Switchboard operator-receptionist" both fall in the PG "D" range. Since a multi-classified service worker must be paid "the higher pay grade of the class titles involved" under Code §18A-4-8, Grievant is paid the higher PG rate of the mail clerk, comparable to the switchboard operator-receptionist, rather than the lower ranked salary of printing operator.

Footnote: 5 RCBE argues that Grievant's switchboard assignment is contemplated in her job description's area of "general clerical tasks" to which she may be assigned. In order to give this argument any weight, one would also have to conclude that RCBE's Secretary III need not be multi-classified either in order to perform switchboard duties because her currently-held job description directs her to perform "secretarial functions as assigned." That RCBE has multi-classified its Secretary III to include a separate switchboard operator-receptionist title, a lower-paying class, weakens its own argument on the issue.

Footnote: 6 RCBE cites a State Superintendent of Schools opinion of January 21, 1987 in support of an argument that it is required to add additional classification titles only "if the additional titles are compensated at a higher rate of pay than the employee's current classification." The opinion is not relevant to the circumstances herein because it merely addressed the situation of lower and higher categories within the secretarial classification series.

Footnote: 7 In the event RCBE chooses to remove the switchboard assignment from Grievant's daily schedule and delete the switchboard operator title, it may need to follow the proper reduction-in-force procedures or other procedural requirements. See W.Va. Code §§18A-2-6, 18A-2-7, 18A-4-8b and 18A-4-8g ¶12.