CRYSTAL OTT

v. Docket No. 93-19-491

JEFFERSON COUNTY BOARD OF EDUCATION

DECISION

Grievant, Crystal Ott, employed by the Jefferson County Board of Education (Board) as an Accountant II, advanced a grievance appeal to level four on November 29, 1993, after denials were issued at levels one, two, and three. Grievant alleges that she is misclassified and seeks reclassification as Accountant II/Secretary III with all wages, benefits and seniority of that multi-classification, effective September 2, 1993. An evidentiary hearing supplementing the lower- level record was held on February 24, 1994, and the matter became mature with the filing of proposed findings of fact and conclusions of law by the Board on March 4 and Grievant on March 29, 1994.

Based upon the record in its entirety the following findings of fact may be made.

1. Grievant has been employed by the Board since May 1990 as an Accountant II, assigned to the Finance departmentat the central office.

2. The Board's position description for Accountant II is as follows:

l. Must have knowledge and experience with IBM computers.

2. Will assist in preparing all payrolls.

3. Will keep record of substitute employees and attendance reports.

4. Will maintain all dental and disability insurance information.

5. Other clerical duties as assigned such as answering telephone, typing, filing, etc.

6. Other duties assigned by supervisor.

3. The position description for Secretary III does not list specific duties or responsibilities.

4. In addition to duties which clearly fall within the "Accountant" classification title Grievant occasionally types correspondence for herself and for her immediate supervisor, answers the telephone and directs callers to the proper person and/or takes messages when appropriate,

prepares reports, operates office machinery, maintains records, and performs general clerical tasks such as copying and filing.

Grievant argues that the nature of her responsibilities include those stated in W.Va. Code §18A-4-8 under the definition of Secretary I or II, i.e., "personnel employed to transcribe from notes or mechanical equipment, receive callers, perform clerical tasks, prepare reports and operateoffice machines." (See footnote 1) Because of her location in the central office, Grievant asserts that she is entitled to classification as Secretary III. (See footnote 2) Grievant additionally notes that another employee at the central office is multi- classified as a switchboard operator/receptionist/secretary III "and that this employee only spent two hours of her regular daily schedule (eight) working directly as a 'Secretary III'." In response to the Board's position that the duties cited by Grievant are in fact clerical, rather than secretarial, Grievant asserts that the Board does not employ any service personnel in the clerk classification and that clerical tasks at the central office are performed by employees classified as Secretary III.

Grievant cites W.Va. Code §18A-4-8 in support of her claim that the Board must classify her according to theduties which she performs. (See footnote 3) Consistent with that requirement, Grievant requests that her job description be revised to reflect the duties for which she is responsible and that she be reclassified as a Secretary III/Accountant II. Grievant advises that she would not object to being assigned additional secretarial duties if she is reclassified.

It is the Board's position that Grievant is now properly classified as an Accountant II. The Board does not dispute that Grievant answers the telephone and types, but asserts that these duties are incidental to, and necessary for, the carrying out of her Accountant II duties. Cross over duties such as those performed by Grievant are an integral part of her responsibilities and may reasonably be expected to constitute a part of the job description for an Accountant II without transforming the position description to another area of classification, the Board argues. Ultimately, the Board urges that Grievant has failed to prove that a portion of her duties more closely match those of Secretary III than those of Accountant II. (See footnote 4)

A school service employee may challenge the classification of her position through the grievanceprocedure for education employees and may prevail by demonstrating by a preponderance of the evidence that her position's duties more closely match that of a W.Va. Code §18A-4-8 description other than the one under which she is officially categorized. Perdue v. Mercer County Bd.

of Educ., Docket No. 92-27-280 (March 29, 1993). Grievant has failed to meet her burden of proof in this matter.

In prior decisions the Grievance Board has determined that when a worker is required to perform occasional "overlap" duties of another distinct class, and 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 Boyer v. Wood County Bd. of Educ., Docket No. 90-54-196 (Jan. 29, 1991). However, when an employee performs regular or steady work in her own and another classification, multi- classification is required. White v. Randolph County Bd. of Educ., Docket No. 94-42-033 (August 15, 1994); Bailey v. Mercer County Bd. of Educ., Docket No. 91-27-158 (Jan. 31, 1992).

While Grievant is required to type and file paperwork which she generates in the course of completing her accounting duties and to answer the telephone upon occasion, these activities do not appear to exceed what might reasonably be expected of an employee in her position. W.Va. Code §18A-4-8 defines Accountant II as "personnelemployed to maintain accounting records and to be responsible for the accounting process associated with billing, budgets, purchasing and related operations." The Board's job description for Accountant II specifically provides that the employee shall perform "other clerical duties as assigned such as answering telephone, typing, filing, etc." Both descriptions are adequate to cover the duties and responsibilities which Grievant states she performs for herself and others.

Further, Grievant has failed to prove that she regularly performs secretarial duties. In her own level two testimony Grievant stated that "[w]hen someone's out, I will try to fill in for them whenever possible. I do the filing, answer phones, just normal duties like that." In reference to the telephone calls she stated "[e]ach person has their own phone extension and if someone[']s line is busy, a lot of times the switchboard operator will refer them to me. . . If I can answer their questions, I'll answer their questions. If not, I take a message and give it to the person and have them call back."

Grievant describes the typing which she does for others as, "[a] lot of times, each person has to type their own. If they don't have time, I have on occasion, typed correspondence for other people." These people were identified as her supervisors, Mr. VanHorn and Mr. Park. However she further noted that another employee, identified only as Debbie, also assists with their typing but that"[i]t's not very often that we have that to worry about. Most of the time they rearrange it around their schedule

to where they can do it themselves."

The filing completed by Grievant was described as follows: "I file anything that comes in from the disability company, because we get a statement from them each month on who was paid, I file substitute slips. I try to help them in accounts payable, filing bills. I also do invoicing for the cafeteria accounts and for professional leave, that is to be paid by other funds other than the County funds." Grievant concedes that while she was previously required to complete reports she has not done so since Mr. VanHorn assumed the role of Treasurer. (Level Two Transcript, pp. 18-22). Because the duties cited by Grievant are either within the scope of what might reasonably be expected of an employee assigned as an Accountant II, or are performed only on an occasional or irregular basis, she has failed to prove that she is presently entitled to a multi-classification.

In addition to the foregoing facts and discussion it is appropriate to make the following conclusions of law.

CONCLUSIONS OF LAW

1. Service workers cannot be assigned to perform duties not contemplated by the statutory description of their currently-held classifications or not stated in theirofficial job descriptions. White v. Randolph County Bd. of Educ., Docket No. 94-42-033 (August 15, 1994).

2. Grievant has failed to prove by a preponderance of the evidence that she regularly performs any duties not related to maintaining accounting records or duties listed on the county job description for Accountant II.

Accordingly, the grievance is DENIED.

DATED August 29, 1994 Sue Keller

Senior Administrative

Law Judge

Footnote: 1

It is noted that the duties of a Secretary II are essentially the same as those of a Secretary I, i.e., "performing general

clerical tasks, transcribing from notes or stenotype or mechanical equipment or a sound-producing machine, preparing reports, receiving callers and referring them to proper persons, operating office machines, keeping records and handling routine correspondence." Secretary IIs are assigned to elementary, secondary, kindergarten, nursery, special education vocational or other schools.

Footnote: 2

Secretary III is defined by statute as:

personnel assigned to the county board of education office administrators in charge of various instructional, maintenance, transportation, food services, operations and health departments, federal programs or departments with particular responsibilities of purchasing and financial control or any personnel who have served in a position which meets the definition of 'Secretary II' or 'Secretary III' herein for eight years.

Footnote: 3

The relevant portion of W.Va. Code §18A-4-8 reads "[t]he county boards shall review each service personnel employee job classification annually and shall reclassify all service employees as required by such job classifications."

Footnote: 4

The Board does suggest that the additional duties referred to by Grievant are clerical rather than secretarial; therefore, if she is entitled to any multi-classification it would be Accountant II/Clerk.

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