BONNIE SUE WALKER,

Grievant,

v. DOCKET NO. 94-DOP-1115

WEST VIRGINIA DIVISION OF PERSONNEL/
STAFFING SERVICES SECTION,

Respondent.

D E C I S I O N

Grievant, Bonnie Sue Walker, filed this grievance on September 6, 1994, protesting her classification as an Office Assistant II, and requesting reclassification as a Secretary I. (See footnote 1) Adverse decisions were received at the lower levels and a Level IV appeal was filed on December 13, 1994. Hearing was held on April 26, 1995, and post-hearing submissions were to be filed no later than May 12, 1995. No written submissions were received from either party, and this case became mature on May 12, 1995.

In order for Grievant to prevail upon a claim of misclassification, she must prove by a preponderance of the evidence that her duties for the relevant period more closely matched another cited Personnel classification specification thanthat under which she is 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., from 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. Dept. 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 Grievant's current classification constitutes the "best fit" for her required duties. Simmons v. W. Va. Dept. of HHR/Division 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 Nos. 89-DHS-606, 607, 609 (Aug. 31, 1990). Finally, Personnel's interpretation and explanation of the classification specifications at issue, if said language is determined to be ambiguous, should be given great weight unless clearly erroneous. See, W. Va. Dept. of Health v. Blankenship, 431 S.E.2d 681, 687 (W. Va. 1993).

Because this case involves the issue of proper classification, the pertinent sections of the classification specifications at issue are reproduced 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 under-standing 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.

Knowledge, Skills and Abilities

Knowledge of office procedures and methods.

Knowledge of business English, spelling and arithmetic.

Ability to operate the common types of office equipment related to the job.

Ability to understand and follow oral and written instructions.

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 and often 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, requisitions, 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 to 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 would not interpret information or speak on behalf of supervisor.

Knowledge, Skills and Abilities

Knowledge of general office procedures including typing, filing, and the use of variety of office equipment.

Knowledge of the correct use of English grammar.

Knowledge of the basic bookkeeping.

Ability to arrange efficient work schedules.

Ability to learn the policies and procedures of the unit and the organization.

Ability to type accurately, using a typewriter and/or word processor.

Ability to communicate well, both orally and in writing.

Ability to assign and check the work of others.

Ability to take and transcribe dictation where required.

Ability to greet the public and work well with others.

After a careful review of the Level III transcript and exhibits, and the testimony given at Level IV, the undersigned adopts the findings of the Level III Hearing Examiner, which are reproduced in substantial part below.

Findings of Fact

1. Grievant was an employee of the Respondent Division of Personnel, Staffing Services Section.

2. Grievant completed a Position Description Form on January 21, 1994, and requested that Willard Farley, Assistant Director, Staffing Services Section, forward the form to the Classification and Compensation Section for review to determine whether her position should be reclassified from an Office Assistant II to Secretary I.

3. Grievant and Mr. Farley had several discussions about this matter in an effort to resolve the matter. The last meeting they had was on July 29, 1994.

4. Grievant received no response concerning her request for reclassification and filed this grievance on September 6, 1994.

5. The Office Assistant and Secretary series of job classifications contain several overlapping duties and examples of work. However, the critical difference between the class specifications is the significant amount of administrative support the Secretary series provides, usually to one individual, as opposed to duties that emanate from the processes and procedures of the office.

6. Grievant performed a variety of routine clerical tasks, requiring multiple steps. Her major duties were answering telephone inquiries regarding testing and exams for available civil service positions; typing from drafts for staff; processing overnight express mailings; gathering and maintaining information concerning the contracting of services of monitors and janitors at the testing sites; and reviewing for approval of payment the vendors' invoices and forwarding those invoices to Finance andAdministration for processing. Grievant also composed routine form letters. Grievant's Position Description Form (G Ex. 1) indicates that she receives work from several different persons within the office, including the Assistant Division Director, two Administrative Services Managers, and six Personnel Specialists.

7. Although Grievant signed Frank Chambers, her supervisor's name, to vendor invoices, she did not perform the duties of a secretary, i.e., relieve the supervisor of minor administrative work, speak for her supervisor, or direct or delegate the work of others.

8. Grievant's duties were predominantly "process driven" and consistent with those envisioned by the Division of Personnel classification specifications for Office Assistant II.

Conclusions of Law

1. Grievant has failed to prove by a preponderance of the evidence that she was improperly classified as an Office Assistant II based upon a review of her duties and responsibilities.

2. Personnel's interpretation of the two classification specifications at issue in this case is not clearly wrong as applied to the facts established by the Grievant. W. Va. Dept. of Health

v. Blankenship, 431 S.E.2d 681, 687 (W. Va. 1993).

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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MARY JO SWARTZ

Administrative Law Judge

Dated: June 27, 1995

Footnote: 1 ***Grievant is no longer working in the position that is the subject of this grievance. At Level IV, Grievant requested relief in the form of back pay only.***