WANDA J. CORLEY

v. Docket No. 95-DNR-092

DIVISION OF NATURAL RESOURCES/

DIVISION OF PERSONNEL

DECISION

Grievant, Wanda J. Corley, employed by the Division of Natural Resources (DNR), filed a level four grievance appeal on March 1, 1995, in which she alleged that as a result of the statewide reclassification project, her job title had been changed from Secretary I to Office Assistant III (OAIII), but that her duties remained those of Secretary I and II. The grievance became mature following an evidentiary hearing conducted on June 8, 1995, when both parties waived the opportunity to file proposed findings of fact and conclusions of law.

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 than that under which she is currently assigned. See generally, Hayes v. W.Va. Dept. of Natural Resources, DocketNo. 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/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 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).

The classification specifications relevant to this matter are reproduced in pertinent part below.

OFFICE ASSISTANT III

Nature of Work: Under general supervision, performs advanced level, responsible and complex clerical tasks of a complicated nature involving interpretation and application of policies and practices. Interprets office procedures, rulesand regulations. May function as a lead worker for clerical positions. Performs related work as required.

Distinguishing Characteristics: Performs tasks requiring interpretation and adaptation of office procedures, policies, and practices. A significant characteristic of this level is a job-inherent latitude of action to communicate agency policy to a wide variety of people, ranging from board members, federal auditors, officials, to the general public.

Examples of Work:

Analyzes and audits invoices, bills, orders, forms, reports and documents for accuracy and initiates correction of errors.

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

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

Prepares and processes a variety of personnel information and payroll documentation.

Plans, organizes, assigns and checks work of lower level clerical employees.

Trains new employees in proper work methods and procedures.

Answers telephone, screens calls, takes messages and complaints and gives information to the caller regarding the services and procedures of the organizational unit.

Receives, sorts and distributes incoming and outgoing mail.

Operates office equipment such as electrical calculator, copying machine or other machines.

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

Files records and reports.

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 and analyze data for management.

Knowledge, Skills and Abilities:

Knowledge of office methods of practices and procedures.

Knowledge of business English, spelling and arithmetic.

Knowledge of program operations and policies with respect to general functions performed.

Ability to maintain or supervise the maintenance of records of some complexity and to prepare reports and tabulations from these records.

Ability to establish and maintain effective workingrelationships with other employees and the public.

Ability to understand and effectively carry out complex oral and written directions.

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 inquires requesting knowledge regarding office procedure, policy and guidelines, and program information. The position

has limited authority to speak for the supervisor.

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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 inquires 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, 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, andfactual 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 a variety of office equipment.

Knowledge of the correct use of English grammar.

Knowledge of 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 work 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.

SECRETARY II

Nature of Work:

Under general supervision, at the full-performance level, provides clerical and administrative relief, exercising discretion and independent judgment. May sign supervisor's name to routine memoranda, correspondence and forms. Attends meetings in supervisor's absence or in the supervisor's behalf. Necessity for dictation, familiarity with word processor and other special requirement vary depending on supervisor's preference.

Distinguishing Characteristics:

Work at this level is characterized by the level of administrative support performed. Typically, duties such as researching a variety of sources (library, division archives, past-practice documents, outside private sources, etc.), attending meetings for supervisor where interpretation of information gathered is necessary, and coordinating the activities of section, unit, etc., are characteristic of thislevel.

At this level, the work requires the application of specific knowledge necessary to complete complex procedural or unusual assignments. Incumbent determines appropriate procedures from among various and variable methods, resources, and processes, or devises innovative methods to accomplish assignment. Incumbent is responsible for his/her own work, and may assign, direct, or supervise the work of others. Although some tasks are defined and self-explanatory, the incumbent works closely with supervisor to set objectives, priorities, and deadlines; may independently set goals

and time frames for individual work assignments. Work is typically reviewed randomly upon completion for adherence to guidelines. Contacts at this level are frequent, typically varied and non-routine. Incumbent answers procedural or program inquires, whenever possible, or refers. Contacts are frequently of a confidential or sensitive nature and require tact.

Examples of Work:

Coordinates activities associated with the functions of the division/section/unit, planning and implementing office procedures.

Researches basic statistical work in the compilation of reports involving the activities of the division/section/unit.

Responds to inquires where considerable knowledge of unit policy, procedures, and guidelines is required.

Answers telephone, screens calls, and places outgoing calls.

Screens mail and responds to routine correspondence.

Schedules appointments and makes travel arrangements and reservations for supervisor.

Signs, as directed, supervisor's name to routine correspondence, requisitions, and other documents.

Attends meetings with or on behalf of supervisor to take notes or deliver basic information.

Takes and transcribes dictation, or transcribes from dictation equipment.

Composes form letters, routine correspondence, and factual reports requiring judgment and originality.

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

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

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

May maintain bookkeeping records for grants, contract or state appropriated funds or related departmental accounts.

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

May assign and review the work of others.

Knowledge, Skills, and Abilities:

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

Knowledge of the correct use of English grammar.

Knowledge of basic bookkeeping.

Knowledge of basic research techniques.

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.

Grievant and her supervisors offer an extensive listing of her duties and responsibilities, which they assert are appropriate for the secretarial classification. Personnel asserts that Grievant's duties are accurately reflected by the OAIII classification which was applied uniformly to all District 1-6 DNR employees formerly classified as Secretary I or Steno Secretary I.

Discussion

The statewide reclassification project which became effective for DNR in October 1993, essentially collapsed the various clerical classifications into two series, Secretaries and Office Assistants. These two classifications contain several overlapping duties and examples of work. However, the performance of one or more duties from another classification does not inherently render an employee misclassified. Dooley v. W.Va. Dept. of Health and Human Resources, Docket No. 90-H-498 (Mar. 19, 1991).

The critical difference between Secretary I and OAIII is the amount of administrative support the Secretary series provides, usually to one person, as compared to the duties of OAIII that emanate from the processes and procedures of the office. Thus, to a great extent, the classification of clerical workers is tied to the individual(s) to whom they report. Assistant Director of Personnel Lowell T. Basford testified at level two that in DNR, the Director, Deputy Directors and Environmental

Resources Program Managers I and II are the only individuals with Secretaries assigned to them. (L. II p. 3)

Grievant's duties indicate that she performs at the top of the OAIII classification. She responds to inquires regarding permit applicants, animal damage control complaints, fishing condition inquiries, laws and regulations and bid inquiries. She signs her supervisors' names to letters, invoices, trapping permits, etc., schedules appointments and makes travel arrangements. Grievant states that she composes letters, reports, and memoranda. Apparently, Grievant is responsible for the "complete process of the [statewide] bear skin sale." Many of these, and other duties not included in this recitation, performed by Grievant are appropriate to the Secretary classification.

The record also indicates that Grievant may be responsible for a higher volume of work than similar positions in other districts and that the French Creek office generatesmore responsibility due to the presence of the State Wildlife Center. However, the determining factor in this instance is that Grievant's supervisors are District Biologists, not administrators overseeing a section or division. Thus, while a number of Grievant's duties, such as typing letters or making travel arrangements, assist the Biologists, her duties primarily emanate from the processes and procedures of the office. Although Grievant performs duties which are traditionally considered Secretarial, the structure of the present classification system requires that "process-driven" positions be classified as Office Assistants. (See footnote 1)

In addition to the foregoing narration it is appropriate to make the following formal findings of fact and conclusions of law.

FINDINGS OF FACT

1. Grievant is employed by the Division of Natural Resources in the Region Six office at French Creek.

2. Prior to 1993 Grievant was classified as a Secretary. Subsequent to the implementation of the statewide reclassification project, Grievant is now classified as an Office Assistant III.

3. Grievant performs a variety of clerical tasks, complex in nature and consisting of multiple steps. Several of the duties regularly performed by Grievant are consistent with the Secretary I and II classifications.

4. Notwithstanding the administrative support Grievant provides to her supervisors, District Biologists, her work is primarily process-driven, i.e., generated by and for the benefit of the office, as opposed to coming from and primarily benefitting one individual to whom she is specifically assigned, and without whom there would be no secretarial position.

CONCLUSIONS OF LAW

1. Personnel's interpretation of the classification specifications at issue in this matter 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 (W.Va. 1993).

2. Grievant has failed to prove by a preponderance of the evidence that she is improperly classified as Office Assistant III based upon a review of her duties and responsibilities.

Accordingly, the grievance is DENIED.

DATED July 31, 1995 Sue Keller, Senior Admn. Law Judge

Footnote: 1Grievant explained that she perceives the title change to be a demotion. Personnel denies that she has been downgraded based upon a competitive salary scale. It is noted that a certain prestige may be attached to titles which is separate and apart from compensation, and to this extent the present classification system has had a negative impact on those employees so affected. However, this factor may not be considered when determining whether an employee is correctly classified.