

BETTY SAMMONS and PAM VARNEY,

Grievants,

v.

DOCKET NO. 96-29-356

MINGO COUNTY BOARD OF EDUCATION,

Respondent.

D E C I S I O N

Grievants, Betty Sammons and Pam Varney, filed the following grievance on or about August 1, 1996:

Grievants are performing (sic) the work of Accountant III without the title or salary. Seek to be multi-classified as Accountant III.

Following adverse decisions at the lower levels, Grievants advanced their appeal to level four on August 16, 1996. A hearing was held on October 10, 1996, at which time this case became mature for decision. Grievants' moved to amend the grievance at level four to request they be reclassified as Accountant II rather than Accountant III. Respondent consented to the amendment of the grievance as stated pursuant to W. Va. Code § 18-29- 3(j).

The material facts are not in dispute and are set forth in the following findings:

Findings of Fact

1. Grievant Sammons is currently classified as a Clerk II, and is located in the Board's Central Office.
2. Grievant Sammons is responsible for all accounting procedures for Respondent's Title I and Title II programs, including the processing of all accounts payable for all 21 schools in the county. G.

Ex. 1. Grievant reports to Mr. Cline, the Director of the Title I and Title II programs.

3. Grievant Varney is currently classified as a Switchboard operator- receptionist/Clerk II, and is also located in the Board's Central Office.

4. Grievant Varney is responsible for the receipt, compilation, and payment of all of Respondent's 21 schools' telephone bills, and all invoices and accounts payable related to the phone system. She reports to Respondent's Treasurer, Tom Sammons.

Discussion

"Clerk II" is defined as "personnel employed to perform general clerical tasks, prepare reports and tabulations and operate office machines." "Accountant II" is defined as "personnel employed to maintain accounting records and to be responsible for the accounting process associated with billing, budgets, purchasing and related operations." W. Va. Code § 18A-4-8.

It is undisputed that Grievants perform the duties of a Clerk II. It is also clear that Grievants perform more than general clerical tasks in their current positions. "Multi- classification" means personnel employed to perform tasks that involve the combination of two or more class titles in this section. In such instances the minimum salary scale shall be the higher pay grade of the class titles involved." W. Va. Code § 18A-4-8. Grievants have proven by a preponderance of the evidence that the "Accountant II" classification category of employment more closely fits their job duties and responsibilities than the Clerk II classification. Respondent conceded at level four that the "Accountant II" classification was the best fit for the Grievants' job duties.

Conclusions of Law

1. It is incumbent upon the Grievants to prove all of the allegations of their grievance by a preponderance of the evidence. Christian v. Mingo County Bd. of Educ., Docket No. 89-29-514 (Jan. 30, 1990).

2. Grievants have proven that their job duties and responsibilities more clearly fit within the "Accountant II" classification category of employment, as opposed to the "Clerk II" classification they currently hold.

Accordingly, this grievance is **GRANTED**. Respondent is hereby **ORDERED** to multiclassify Grievant Sammons as Clerk II/Accountant II, and to multiclassify Grievant Varney as Switchboard-

receptionist/Clerk II/Accountant II from August 1, 1996, the date of the filing of this grievance, as well as any requisite salary adjustment from that date.

Any party may appeal this decision to the Circuit Court of Kanawha County or to the Circuit Court of Mingo 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 intent to appeal and provide the civil action number so that the record can be prepared and transmitted to the appropriate court.

MARY JO SWARTZ

Administrative Law Judge

Dated: December 30, 1996