

ROBERT SUPPA

v. Docket No. 94-MBOT-295

BOARD OF TRUSTEES/WEST VIRGINIA UNIVERSITY

DECISION

Grievant, Robert Suppa, employed by the Board of Trustees at West Virginia University (WVU), initiated these proceedings on or about July 6, 1994, alleging a violation of W.Va. Code §18B-9-4 when he was misclassified, effective January 1, 1994, pursuant to the Mercer reclassification. [\(See footnote 1\)](#) Grievant specifically challenged his position title of Shipping and Receiving Assistant-Lead and his assignment to Pay Grade 10. A level four hearing was conducted on April 22, 1996, and the matter became mature for decision on April 30, 1996, when Grievant withdrew from consideration that portion of his grievance relating to paygrade assignment. [\(See footnote 2\)](#)

Grievant's sole complaint is that his position title is incorrect because he does not assist anyone. He contends that “[h]aving the word 'assistant' in my job title makes it apparent the Job Evaluation Committee has placed me in a group of people who are assistants. [N]owhere in [my Personal Information Questionnaire] does it state that I help, assist, or aid anyone in doing my work.” He notes that of all the position titles used by the State College and University Systems, this is the only “Assistant-Lead” position. Grievant requests that the word “Assistant” be removed from his position title and indicates that “Technician” would be an acceptable designation.

Testifying on behalf of WVU, Senior Compensation Analyst Teresa Crawford explained that the title of “Assistant” does not necessarily mean that the employee assists another employee, but rather, is an assistant to the process. She noted that the term was an attempt to “get away from” the title of Clerk, which many employees disliked. Ms. Crawford stated that the Job Evaluation Committee (JEC) has made changes, such as that which is requested by Grievant, by creating a new title and data line for the position. This option has apparently already been exercised and rejected.

A memorandum dated March 25, 1994, from Drayton R. Justus, Assistant VicePresident for the Department of Human Resources, to Dorsey D. Jacobs, Director of the Physical Plant, establishes that WVU Human Resource Administrators made a recommendation to the JEC that the position title be changed to "Shipping and Receiving Technician." A subsequent memorandum, dated June 30, 1994, from the JEC, Margaret Robinson, Chair, advised Grievant that his appeal had been denied.

It is determined that in common workplace parlance, Grievant's perception of the term "Assistant" as one who provides aid or support to another employee is more common than WVU's characterization of an assistant as one who assists the process. However, this factor alone does not render Grievant misclassified. Further, even though the JEC did not give any explanation as to why it chose not to change the position title, it is not required to amend position titles to satisfy the individual preferences of employees.

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

FINDINGS OF FACT

___1. Grievant was employed by West Virginia University as a Shipping and Receiving Clerk, pay grade 8, on November 11, 1991, when he completed a Position Information Questionnaire for the purpose of reclassification.

2. The Job Evaluation Committee determined that Grievant would be correctly classified as a Shipping and Receiving Assistant-Lead, pay grade 12.

3. Grievant appealed the pay grade and title assigned to his position.

4. The WVU Department of Human Resources supported Grievant's appeal and recommended that his title be Shipping Receiving Technician, at pay grade 12. 5. The JEC denied Grievant's appeal.

6. Effective May 1995, Grievant was appointed Interim Supervisor of Warehouses, pay grade 16.

CONCLUSIONS OF LAW

1. The governing boards are required by W.Va. Code §18B-9-4 to establish and maintain an equitable system of job classifications for all classified employees in higher education.

2. The burden of proof in a misclassification grievance is on the grievant to prove by a

preponderance of the evidence that he is not properly classified. 156 C.S.R. 1 §4.17. 3. The Job Evaluation Committee's determination of classification will be given great weight unless shown to be clearly wrong, where the proper classification of a grievant is almost entirely a factual determination. See Tennant v. Marion Health Care Foundation, 459 S.E.2d 374 (W.Va. 1995); Burke, et al., v. Bd. of Directors, Fairmont State College, Docket No. 94-MBOD-349 (Aug. 8, 1995).

4. The Job Evaluation Committee's assignment of the job title "Shipping and Receiving Assistant-Lead" is not clearly wrong.

5. Grievant has failed to establish by a preponderance of the evidence that his job title should be changed to delete the word "Assistant" or revised to include "Technician."

Accordingly, the grievance is DENIED.

Any party may appeal this decision to the Circuit Court of Kanawha County or to the Circuit Court of Monongalia 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.

Date: May 17, 1996 _____

SUE KELLER

SENIOR ADMINISTRATIVE LAW JUDGE

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[Footnote: 1](#)

____ The reader is referred to Burke, et al., v. Bd. of Directors, Fairmont State College, Docket No. 94-MBOD-349 (Aug. 8, 1995), for a discussion of the background of the Mercer reclassification project, the procedural history of the Mercer grievances, and the definitions of various terms of art specific to the Mercer reclassification.

[Footnote: 2](#)

Grievant has held the position of Interim Supervisor of Warehouses since May 1995, with a corresponding increase in pay grade. Should Grievant receive permanent appointment to this position, prevailing in the present matter on the pay grade issue would result in a reduction of the promotional salary increase. Based on this financial consideration, Grievant elected to withdraw this issue from further consideration.