

MATT FARLEY,

Grievant,

v.

DOCKET NO. 96-23-159

LOGAN COUNTY BOARD OF EDUCATION,

Respondent.

D E C I S I O N

Grievant, Matt Farley, filed the following grievance on February 29, 1996:

I am grieving to be reclassified as chief mechanic and receive back pay from the time I was assigned those duties, (when Gene Conley went on sick leave 2-8-91.) I also request realignment of seniority (sic) list for mechanics. If I prevail I ask that the Board of Education be responsible for all legal and attorney fees. [\(See footnote 1\)](#)

Following adverse decisions at the lower levels, Grievant appealed to level four on April 24, 1996. An evidentiary hearing was held on August 5, 1996, and this case became mature for decision on September 3, 1996, the deadline for the parties' post- hearing fact/law proposals.

Discussion

Grievant is currently classified as a "Mechanic/Crew Leader" with Respondent Logan County Board of Education. He alleges he is performing the duties of a "Chief Mechanic" and wishes to be reclassified with all back pay and benefits to which he would be entitled under that classification.

Grievant began working as a Mechanic for Respondent in 1983. When he began working, Brady McClees was the Foreman of the bus garage and handed out work assignments to the mechanics. Mr. McClees worked from 5:00 am. to approximately 1:30 p.m. Gene Conley was the Chief Mechanic on the "evening" shift, and after Mr. McClees left at 1:30 p.m., Mr. Conley would hand out work assignments and was responsible for running the parts room and making sure everything was locked up in the bus garage at closing time. Johnny Hilbert was also a Chief Mechanic at that time and

worked during the "day" shift. Mr. Hilbert was injured on the job and was off work on workers' compensation from 1987 until he finally retired. Mr. Conley also went on workers' compensation in 1991 until he retired.

Grievant assumed the duties of Mr. Hilbert and Mr. Conley after they were off on workers' compensation. Grievant testified that Amos Doss, the former Supervisor of Transportation, told him to perform those duties while Mr. Conley was off on workers' compensation. There is no dispute that now, after 1:30 p.m., Grievant runs the parts room, hands out work assignments, and is responsible for locking up the bus garage. Respondent did not have job descriptions for its service employees prior to 1992, when the State Department of Education took control of the administration of Logan County schools. In 1992, job descriptions were developed for Respondent's employees. The job description for Mechanic indicates that individual reports to the Shop Foreman and the Bus Garage Supervisor, and is responsible for general maintenance and repair of transportation vehicles. The Shop Foreman reports to the Bus Garage Supervisor and Assistant Superintendent of Transportation, and is responsible for supervising the general maintenance and repair of transportation vehicles, assigning work, and maintaining parts and supplies, and other inventory. When Mr. Conley and Mr. Hilbert retired from employment, Respondent elected not to fill the position of Chief Mechanic.

In 1995-96, Jeffrey Swann, Bus Supervisor, undertook a reorganization of the bus garage. As a result of the reorganization, Grievant's classification was changed to Mechanic/Crew Leader, apparently to recognize the additional duties he had assumed. Grievant receives an additional \$50 supplement for his duties as Crew Leader. Grievant alleges this reclassification is an attempt by Respondent to "get around" classifying him as Chief Mechanic. Grievant apparently was not aware, but was informed of and confirmed at level four, that he is making more money with the supplement as Mechanic/Crew Leader, than he would be making as Chief Mechanic.

Pursuant to W. Va. Code §§ 18A-2-5 and 18A-4-8, boards of education are required to classify service personnel according to the duties they perform. In order to prevail in a misclassification grievance, an employee must establish, by a preponderance of the evidence, that his duties more closely match those of another W. Va. Code § 18A-4-8 classification than that under which his position is categorized. Pierantozzi v. Brooke County Bd. of Educ., Docket No. 96-05-061 (May 31, 1996); Porter v. Hancock County Bd. of Educ., Docket No. 95-15-493 (May 24, 1994); Hatfield v.

Mingo County Bd. of Educ., Docket No. 91-29-077 (Apr. 15, 1991). "Because of similarities in the nature of certain jobs listed in Code § 18A-4-8, two or more job definitions may encompass the same duties. Proof that an employee performs such 'crossover' duties does not necessarily mandate that his position be reclassified." Graham v. Nicholas County Bd. of Educ., Docket No. 93-34-224 (Jan. 6, 1994).

"Mechanic" means personnel employed who can independently perform skilled duties in the maintenance and repair of automobiles, school buses and other mechanical and mobile equipment to use in a county school system. "Crew leader" means personnel employed to organize the work for a crew of maintenance employees to carry out assigned projects. "Chief mechanic" means personnel employed to be responsible for directing activities which ensure that student transportation or other board-owned vehicles are properly and safely maintained. W. Va. Code § 18A-4-8.

Clearly there are some "crossover" duties applicable to all of the above-cited classifications, as well as other classifications within the bus garage, specifically, Foreman and Bus Supervisor. Respondent was not required to fill the Chief Mechanic position when the two former Chief Mechanics retired. See Payne v. Fayette County Bd. of Educ., Docket No. 94-10-144 (Sept. 28, 1994). While Grievant assumed the responsibility of running the parts room and locking up the garage when the Foreman is not present, he has not shown that he is responsible for "directing activities which ensure that student transportation or other board-owned vehicles are properly and safely maintained." Rather, Grievant's duties of assigning work to other mechanics and running the parts room more properly fit within the classification of Crew Leader. Grievant's argument that the Crew Leader classification only applies to the Maintenance department is not supported by the definition, especially when compared to the definition of Mechanic and a review of the job description for Mechanic. The Mechanic classification is responsible for the "maintenance" of transportation vehicles. Thus, a Crew Leader classification is appropriate for an individual performing those duties in the bus garage.

Conclusions of Law

1. Pursuant to W. Va. Code §§ 18A-2-5 and 18A-4-8, boards of education are required to classify service personnel according to the duties they perform.
2. In order to prevail in a misclassification grievance, an employee must establish, by a

preponderance of the evidence, that his duties more closely match those of another W. Va. Code § 18A-4-8 classification than that under which his position is categorized. Pierantozzi v. Brooke County Bd. of Educ., Docket No. 96-05-061 (May 31, 1996); Porter v. Hancock County Bd. of Educ., Docket No. 95-15-493 (May 24, 1994); Hatfield v. Mingo County Bd. of Educ., Docket No. 91-29-077 (Apr. 15, 1991).

3. "Because of similarities in the nature of certain jobs listed in Code § 18A-4- 8, two or more job definitions may encompass the same duties. Proof that an employee performs such 'crossover' duties does not necessarily mandate that his position be reclassified." Graham v. Nicholas County Bd. of Educ., Docket No. 93-34-224 (Jan. 6, 1994).

4. "Mechanic" means personnel employed who can independently perform skilled duties in the maintenance and repair of automobiles, school buses and other mechanical and mobile equipment to use in a county school system. "Crew leader" means personnel employed to organize the work for a crew of maintenance employees to carry out assigned projects. "Chief mechanic" means personnel employed to be responsible for directing activities which ensure that student transportation or other board-owned vehicles are properly and safely maintained. W. Va. Code § 18A-4-8.

5. Grievant has not proven by a preponderance of the evidence that his duties more squarely fit within the Chief Mechanic classification rather than the Mechanic/Crew Leader classification he currently holds.

Accordingly, this grievance is **DENIED**.

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

Date: September 26, 1996

[Footnote: 1](#)

The seniority issue had been resolved to Grievant's satisfaction prior to the level four hearing and is considered withdrawn.