

BONNIE BARBER, et al.,

v.

DOCKET NO. 94-MBOT-872

BOARD OF TRUSTEES,

WEST VIRGINIA UNIVERSITY, et al.

DECISION

Grievants Bonnie Barber, Betty Gibson and Sherron Barnett each alleges she was misclassified effective January 1, 1994, in the "Mercer reclassification" ([See footnote 1](#)). Each Grievant seeks as relief to be classified as an Accounting Assistant I, Pay Grade 12, effective January 1, 1994, and backpay to January 1, 1994. As alternative relief, Grievant Gibson seeks to be classified as an Accounting Clerk III, Pay Grade 12, or an Accounting Assistant II, Pay Grade 14, effective January 1, 1994, and backpay to January 1, 1994. Each Grievant also challenges the degree levels received in several point factors. A Level IV hearing was held on September 13, 1995, and January 29, 30, and May 3, 1996. This matter became mature for decision on August 7, 1996, with receipt of the parties' fact/law proposals.

The following Findings of Fact are properly made from the record developed at Level IV.

Findings of Fact.

1. Grievant Barnett has been employed at West Virginia University - Parkersburg ("WVU-P") since 1979, and has worked in the Bookstore since 1981.
2. Grievant Gibson has been employed at WVU-P since 1981. Her first position at WVU-P was as a bookkeeper in the Bookstore. She has held her present position since 1983.
3. Grievant Barber has been employed at West Virginia University ("WVU") since 1989, and her work location is the Bursar's Office.
4. In 1991, all higher education classified employees were asked to complete a Position Information Questionnaire ("PIQ") prior to the reclassification. Employees were to describe their job duties and responsibilities and the job requirements on the PIQ, by answering a series of questions

designed to elicit this information. Grievants Gibson and Barnett each completed a PIQ in 1991. Grievant Barber's PIQ was completed by Michael Beto, who at that time co-supervised Grievant Barber.

5. Grievant Barnett was classified in the Mercer reclassification as an Accounting Clerk I, Pay Grade 7 ("Clerk I"), and Grievants Barber and Gibson were classified as Accounting Clerk II's, Pay Grade 10 ("Clerk II's"), effective January 1, 1994. 6. Grievant Barnett's primary job duties (with the percentage of time she performs these duties shown in parenthesis) are processing Bookstore invoices for payment by checking to make sure the invoice matches the purchase order, checking the unit price, checking the amount charged by the vendor by multiplying the unit price by the number of units purchased, maintaining information on credit memos and applying credit memos to invoices, and preparing the Financial Information Management System ("FIMS") cover sheet, and entering data, and maintaining vendor information files so she can answer vendor questions about payments (45%); counting money and preparing daily deposit tickets and cash reports (20%); and, assisting students and other Bookstore patrons in locating books and supplies, running the cash register several hours each day, answering the telephone, assisting in annual inventory, and assisting in stocking shelves and in placing orders (35%).

7. Grievant Gibson's primary job duties are data entry, processing invoices for payment for all departments except the Bookstore, by checking to make sure the invoice matches the purchase order, checking the unit price, checking the amount charged by multiplying the unit price by the number of units purchased, checking to make sure purchases over \$5,000.00 have been encumbered, preparing the FIMS cover sheets, checking the budget codes and fund numbers provided to her for accuracy and entering the data into the computer system; maintaining vendor files, contacting vendors on invoice problems and answering their calls on payment status; processing travel reimbursement forms, and making sure all necessary receipts and documents are attached and that the form is signed. If an invoice is not itemized she locates the contract to obtain the information needed to process the invoice. She must check the contract for pricing information five or six times a month. She contacts the purchasing department when she needs additional information about the purchase to process the invoice.

8. Grievant Barber's primary job duties (with the percentage of time spent performing these duties in parenthesis) are opening the depository bags of all departments with another staff member,

and counting the money to verify that it matches the deposit ticket amount, and calling the department to resolve discrepancies between the department deposit ticket and cash count (12%); entering the deposit ticket data, codes and amounts, into the computer (50 to 75%); running a "validation report" and using it to reconcile the totals from the data entered with the cash count, making any necessary corrections to her data entry, contacting the department for information if necessary to correct errors, and then running a "distribution report" and preparing one deposit ticket for all cash received each day (30 to 40%).

9. Persons classified as Accounting Clerk III's ("Clerk III's") have supervisory and training responsibilities.

10. Persons classified as Accounting Assistant I's ("AA I") monitor and maintain accounts, ensure that the accounts are accurate, and generate basic managerial reports used in the decision-making process involved in spending money. Usually they will have a variety of different monies they are working with, for example, state funds, student fees, or grant funds. An Associate Degree in Accounting is required, to assure they have an understanding of accounting principles and practices, debits and credits, how to balance, and how to create basic reports. In revenue generating areas they assure enough revenue is received to cover the expenditures.

11. Grievant Gibson must frequently contact the WVU-P President's office and the offices of various Deans regarding travel expense forms which have not been signed or have not been properly completed. She talks to the Secretary, not the Dean or the President. Each Secretary has a travel regulation book which explains how to properly complete these forms.

12. Grievant Barnett calls vendors two or three times a month to obtain information to resolve discrepancies on credit memos. Vendors call her one to two times a month to clarify what invoices are being paid by a check.

13. Grievant Barber has daily telephone contact with students or their parents to answer their questions about whether their student financial aid checks or payments have arrived. She answers the telephone only when everyone else in the Bursar's Office is busy.

14. Grievant Gibson supervises one work study student who works no more than 12 hours per week. Neither of the other Grievants has supervisory responsibility. 15. It is important that Grievant Barber enter into the computer the data from all departmental deposit tickets received each day by 4:00 p.m., if possible. She enters data from at least 200 documents each day. When she

finishes entering data she runs a report, makes sure it balances with the deposit tickets, and corrects any errors. She must work with speed and accuracy in order to complete all her duties.

16. During the first few days of the semester when the Bookstore is very busy Grievant Barnett frequently goes to the stock room and takes books off the shelves and carries them out of the stock room to students, and stands for long periods of time at the cash register.

17. The Accounting Clerk I Job Title received 1279 total points from the following degree levels in each of the thirteen point factors [\(See footnote 2\)](#): 3.0 in Knowledge; 2.0 in Experience; 1.5 in Complexity and Problem Solving; 1.5 in Freedom of Action; 1.0 in Scope and Effect, Impact of Actions; 2.0 in Scope and Effect, Nature of Actions; 1.0 in Breadth of Responsibility; 1.0 in Intrasystems Contacts, Nature of Contact; 2.0 in Intrasystems Contacts, Level of Contact; 1.0 in External Contacts, Nature of Contact; 1.0 in External Contacts, Level of Contact; 1.0 in Direct Supervision Exercised, Number; 1.0 in Direct Supervision Exercised, Level; 1.0 in Indirect Supervision Exercised, Number; 1.0 in Indirect Supervision Exercised, Level; 2.0 in Physical Coordination; 2.0 in Working Conditions; and 1.0 in Physical Demands. Joint Exhibit E.

18. The Accounting Clerk II Job Title received 1484 total points from the following degree levels in each of the thirteen point factors [\(See footnote 3\)](#): 3.0 in Knowledge; 3.0 in Experience; 2.0 in Complexity and Problem Solving; 2.0 in Freedom of Action; 2.0 in Scope and Effect, Impact of Actions; 2.0 in Scope and Effect, Nature of Actions; 1.0 in Breadth of Responsibility; 2.0 in Intrasystems Contacts, Nature of Contact; 2.0 in Intrasystems Contacts, Level of Contact; 2.0 in External Contacts, Nature of Contact; 2.0 in External Contacts, Level of Contact; 1.0 in Direct Supervision Exercised, Number; 1.0 in Direct Supervision Exercised, Level; 1.0 in Indirect Supervision Exercised, Number; 1.0 in Indirect Supervision Exercised, Level; 2.0 in Physical Coordination; 2.0 in Working Conditions; and 1.0 in Physical Demands. Joint Exhibit E.

19. The difference between degree levels 3.0 and 1.0 in External Contacts/Level of Contact is 16 points. Joint Exhibit D.

20. The difference between degree levels 2.0 and 1.0 in Physical Demands is 14 points. Joint Exhibit D.

21. The point range for a Pay Grade 7 is from 1253 through 1320 points. Joint Exhibit D.

22. The difference between degree levels 4.0 and 2.0 in Physical Coordination is 67 points. Joint Exhibit D.

23. The point range for a Pay Grade 10 is from 1475 through 1560 points. Joint

Exhibit D.

Discussion

A. Burden of Proof

The burden of proof in misclassification grievances is on the grievant to prove by a preponderance of the evidence that she is not properly classified. 156 C.S.R. 1 § 4.19; W. Va. Code § 18-29- 6. Burke, et al., v. Bd. of Directors, Fairmont State College, Docket No. 94-MBOD-349 (Aug. 8, 1995). The grievant asserting misclassification must identify the job she feels she is performing. Otherwise the complaint becomes so vague as to defy an adequate rebuttal or analysis. Elkins v. Southern W. Va. Community College, Docket No. 90-BOD-124 (Mar. 4, 1991).

A grievant is not likely to meet her burden of proof in a Mercer grievance merely by showing that the grievant's job duties better fit one job description than another, because the Mercer classification system does not use "whole job comparison". The Mercer classification system is largely a "quantitative" system, in which the components of each job are evaluated using the point factor methodology. Therefore, the focus in Mercer Decisions issued by this Grievance Board is upon the point factors the grievant is challenging. [\(See footnote 4\)](#) While some "best fit" analysis of the definitions of the degree levels is involved in determining which degree level of a point factor should be assigned, where the position fits in the higher education classified employee hierarchy must also be evaluated. In addition, this system must by statute be uniform across all higher education institutions; therefore, the point factor degree levels are not assigned to the individual, but to the Job Title. W. Va. Code § 18B-9-4; Burke, supra. A Mercer grievant may prevail by demonstrating her reclassification was made in an arbitrary and capricious manner. See Kyle v. W. Va. State Bd. of Rehabilitation, Div. of Rehabilitation Services, Docket No. VR-88-006 (Mar. 28, 1989).

Finally, whether a grievant is properly classified is almost entirely a factual determination. As such, the Job Evaluation Committee's ("JEC") interpretation and explanation of the point factors and Generic Job Descriptions or PIQ's at issue will be given great weight unless clearly erroneous. See Tennant v. Marion Health Care Found., 459 S.E.2d 374 (W. Va. 1995); Burke, supra. However, no interpretation or construction of a term used in the Job Evaluation Plan (which provides the definitions of point factors and degree levels) is necessary where the language is clear and

unambiguous. Watts v. Dept. of Health and Human Resources, 465 S.E.2d 887 (W. Va. 1995). The higher education employee challenging her classification thus will have to overcome a substantial obstacle to establish that she is misclassified. [\(See footnote 5\)](#) B. Application of the Point Factor Methodology

As noted above, in Mercer grievances, an analysis of the point factors at issue determines whether the Grievant is properly classified. Grievant Barnett challenged the degree levels received in Experience, Complexity and Problem Solving, Freedom of Action, Breadth of Responsibility, Intrasytems Contacts/Nature and Level, External Contacts/Nature and Level, Physical Coordination, and Physical Demands. Grievant Gibson challenged the degree levels received in Experience, Complexity and Problem Solving, Freedom of Action, Intrasytems Contacts/Level of Contact, and Direct Supervision Exercised. Grievant Barber challenged the degree levels received in the point factors Knowledge, Complexity and Problem Solving, Freedom of Action, External Contacts/Nature, and Physical Coordination.

Following are the differences between the degree levels assigned in the challenged point factors for the Clerk I, II and III, and AA I and II Job Titles, and the degree levels Grievants argued they should have received in each of these point factors:

			<u>IC</u>	<u>IC</u>	<u>EC</u>	<u>EC</u>						
	<u>KN</u>	<u>EX</u>	<u>CPS</u>	<u>FA</u>	<u>BR</u>	<u>NC</u>	<u>LVL</u>	<u>NC</u>	<u>LVL</u>	<u>PC</u>	<u>PD</u>	(See footnote 6)
Clerk I	3	2	1.5	1.5	1	1	2	1	1	2	1	
Clerk II	3	3	2	2	1	2	2	2	2	2	1	
Clerk III	3	4	2.5	2	1	2	2	2	2	2	1	
AA I	5	3	2.5	2.5	1	2	2	1	2	2	1	
AA II	5	4	3	3	1	2	3	2	2	2	1	
Barnett												
Argument			3	3	4	4	2	3	2	3	3	3
Gibson												
Argument			4	3	3		3					

Barber

Argument 5 2.5 2.5 3 3 4

Joint Exhibit E. Each of the point factors challenged by Grievants will be addressed separately below.

1. Knowledge

The Job Evaluation Plan ("the Plan", also referred to as the "point factor methodology") defines Knowledge as:

This factor measures the minimum level of education equivalency and/or training typically required for an incumbent to reach acceptable occupational competence on the job. The factor considers the technical, theoretical, and/or mechanical skills required, and the complexity and diversity of the required skills. Grievants' Job Titles received a degree level of 3.0. Grievant Barber argued she should have received a degree level of 5.0, as did the AA I Job Title.

A degree level of 3.0 is defined in the Plan as:

Job requires basic knowledge of grammar, spelling, punctuation, and simple mathematical functions like percentages, ratios, etc., as might normally be acquired through attainment of a high school diploma or GED.

A degree level of 4.0 is defined in the Plan as:

Job requires basic knowledge in a specific area typically obtained through a business, technical or vocational school as might normally be acquired through up to 18 months of education or training beyond high school.

A degree level of 5.0 is defined in the Plan as:

Job requires broad trade knowledge or specific technical or business knowledge received from a formal registered apprentice or vocational training program or obtained through an associate's degree of over 18 months and up to 3 years beyond high school.

Michael Beto, Supervisor of Student Accounting Services in the Bursar's Office at WVU, and Grievant Barber's supervisor, asserted a 5.0 more closely matched the level of Knowledge needed by Grievant Barber. He stated she needs more than basic math skills, in that she has to be familiar with the accounting structure of WVU and the CUFS [College and University Financial System] accounting system, in order to assure money is properly distributed. He equated Grievant Barber's experience in Accounts Payable and Student Accounting Services to an Associate's Degree. Grievant Barber has no education beyond high school, except for her training in cosmetology and real estate, and computer and typing courses she has taken while employed at WVU. Respondents' witness, Teresa Crawford, Senior Compensation Analyst at WVU, and non-

voting member of the JEC, explained that both Knowledge and Experience were designed to measure the minimum level necessary for an applicant to be able to function in the position, given the normal on-the-job training. She did not explain what normal on-the-job training would be. Ms. Crawford stated that the employer might look for a person who had bookkeeping in high school to fill an Accounting Clerk II position. She stated that the incumbent's individual training had no impact on this point factor. She also pointed out that if a person has extensive experience which provides them with the necessary knowledge, skills and abilities, that experience can be equated to knowledge. She stated this should be the exception, not the rule, and would necessarily be applied on a case-by-case basis. She further stated that a supervisor's knowledge preference was not determinative.

Grievant Barber has failed to prove that more than a high school education is required to perform her job duties. Most of her job duties are comparable to those performed by a bank teller and data entry operator. As to the argument that she must be familiar with the accounting system, the evidence supports only that she must be familiar with what funds should be going into the various revenue accounts, not that she must be familiar with the accounting system. This type of knowledge could only be acquired through experience, not education, and Grievant Barber did not challenge the degree level received in Experience. 2. Experience

The Plan defines Experience as follows:

This factor measures the amount of prior directly related experience required before entering the job. Previous experience or training should not be credited under this factor if credited under Knowledge.

Grievant Barnett argued she should have received a degree level of 3.0, as did the AA I Job Title, or a 4.0, rather than a 2.0. Grievant Gibson argued she should have received a degree level of 4.0, rather than a 3.0, as did the Clerk III and AA II Job Titles. A degree level of 2.0 is defined in the Plan as "[o]ver six and up to twelve months of experience." A degree level of 3.0 is defined in the Plan as "[o]ver one year and up to two years of experience." A degree level of 4.0 is defined in the Plan as "[o]ver two years and up to three years of experience."

Grievant Barnett supported her argument with her belief it would take over two years to learn how to enter data. Degree level 3.0 was marked on her PIQ, which was agreed to on the PIQ by her supervisor, and her second level supervisor. The narrative on the PIQ states that experience is needed in typing for accuracy, operation of a calculator, cash register and other office machines, and that "[a]ccuracy and attention to detail are of extreme importance due to large amounts of cash to be

accounted for." Neither supervisor was called as a witness. Therefore, it is unknown how they arrived at the opinion it would take over one year to acquire these skills, and whether this is the minimum level required to perform the job, or just what they would prefer. Neither the evidence nor common sense support a finding that it takes more than twelve months after high school to learn how to type accurately, operate a cash register, calculator, or other office machines, enter data into a computer, or acquire the ability to pay attention to detail. Rather, most of these skills are either learned in high school, or learned on the job in a matter of hours. Grievant Barnett performs other duties which require more experience, and/or a longer period of on-the-job training. A person with prior experience during which they had learned what a purchase order and invoice were, and with some clerical experience could probably learn how to perform all job duties more quickly, but this does not mean this experience is a prerequisite. The undersigned was presented with no facts which prove it would take more than a year of prior experience to be able to learn and perform the job duties. Rather, these duties could be performed most of the time with very little on-the-job training and written notes to follow. Grievant Barnett no doubt runs into unusual situations on occasion which may not be completely covered in written instructions, but day-to-day her job duties follow the same pattern, and could be performed competently with little previous experience.

Grievant Gibson argued experience was required to understand how to process the various types of invoices, and to know what items must be encumbered. She opined that two years of bookkeeping experience was necessary. Her PIQ, signed and agreed to by her supervisor and the WVU-P President, states that three years of clerical experience and two years of "[p]erformance of clerical duties requiring discretion and independent judgement concerning selection and evaluation of procedures to be employed" are needed. Although her supervisor was called as a witness, neither party asked him why he believed this much experience was needed to perform this job, or whether this was still his opinion.

As was the case with Grievant Barnett's duties, the undersigned was presented with no facts which prove it would take more than two years of prior experience to be able to learn how to accomplish Grievant Gibson's tasks. Her job duties are a little more complicated than Grievant Barnett's because she processes invoices for more departments, and therefore must be familiar with a larger variety of items. She also handles the "larger ticket" items. Although it may indeed take a long time to remember how to handle each scenario, and how particular invoices vary, written notes

could be used to assist in job performance. Grievant stated if the bill is more than \$5,000.00, she makes sure it has been encumbered. Thus, learning whether something should be encumbered would require simple direction, not previous experience. The undersigned is not convinced that prior bookkeeping experience is needed, inasmuch as Grievant Gibson is not keeping any books. Grievant Gibson has failed to meet her burden of proof on this point factor.

3. Complexity and Problem Solving

The Plan defines Complexity and Problem Solving as follows:

This factor measures the degree of problem-solving required, types of problems encountered, the difficulty involved in identifying problems and determining an appropriate course of action. Also considered is the extent to which guidelines, standards and precedents assist or limit the position's ability to solve problems.

Grievant Barber argued she should have received a degree level of 2.5 in this point factor, as did the AA I and the Clerk III Job Titles, rather than a 2.0. Grievant Gibson argued she should have received a degree level of 3.0, as did the AA II Job Title. Grievant Barnett argued she should have received a degree level of 2.0 or 3.0, rather than a 1.5. Degree levels 1.5 and 2.5 are not defined in the Plan, but Ms. Crawford explained that the JEC assigned a "half-level" in both Complexity and Problem Solving and in Freedom of Action when the duties and responsibilities fell partially within the lower degree level and partially within the next higher degree level.

A degree level of 1.0 is defined in the Plan as:

Routine problems are encountered involving simple solutions. Simple, standardized instructions (usually oral) covering all important aspects of the assignment are provided to the employee. Very little judgment is required by the position. Tasks are clear-cut and procedures well defined.

A degree level of 2.0 is defined in the Plan as:

Problems encountered require the employee to make basic decisions regarding what needs to be done, but the employee can usually choose among a few easily recognizable solutions. Established procedures and specific instructions are available for doing most work assignments, with some judgment required to interpret instructions or perform basic computation work such as in the comparison of numbers or facts.

A degree level of 3.0 is defined in the Plan as:

Problems encountered can be somewhat complex and finding solutions to problems may require some resourcefulness and originality, but guides, methods and precedents are usually available. Diversified guidelines and procedures must be applied to some work assignments. Employee must exercise judgment to locate and select the most appropriate guidelines, references, and procedures for application, and adapt standard methods to fit variations in existing conditions.

A degree level of 4.0 is defined in the Plan as:

Problems encountered are complex and varied due to incomplete and/or conflicting data. General policies, procedures, principles, and theories of specific professional disciplines are available as guidelines; however, these guides may have gaps in specificity or lack complete applicability to work assignments. Employee must utilize analytical skills in order to interpret policies and procedures, research relevant information, and compare alternative solutions.

Most of Grievant Barnett's job duties are inside sales duties and counting money and filling out deposit slips. When she arrives in the morning she must do certain duties first. The problems encountered in performing sales and cashiering duties could be characterized as routine, with simple, standardized instructions covering all important aspects, and very little judgment required. In performing her remaining job duties, she may have to make some decisions about what to do to solve a problem, but there are a limited number of solutions if the invoice does not match the purchase order. She must follow the policies and procedures for processing invoices. Her duties fall within both a degree level of 1.0 and 2.0, and a 1.5 is the best fit.

Mr. Beto rated Grievant Barber at closer to a 4.0 than a 3.0. He gave examples of problems encountered by Grievant Barber which he believed were more than basic or routine. As the first example, if deposit tickets, or other documents from which Grievant Barber is entering data, contain incorrect information, and she realizes the information is in error or will not be accepted by the system, she must research the problem to find the correct information. She comes to him for assistance only in very unusual situations, which she cannot resolve on her own, such as if the days' work was not going to be completed and they were trying to meet a payroll deadline, if a department was continually making the same types of errors which in turn caused Grievant to make errors, or if the system was down. He described her as working independently. He also pointed out that she does not follow standard procedures when at year-end close, for about a month, she has to decide whether the revenues go into the old year or the new year.

Grievant Barber stated she believed her job was made more complex by the volume of work. She stated her job is further complicated when she must answer the telephone, and make sure she does not lose her place. She pointed out she has to track down the proper person in a department to answer questions about certain deposits.

Ms. Crawford stated that Clerk II's must understand the procedures which must be followed to process various accounting type documents, perform basic computation work in completing forms,

and understand which procedure is applicable, all of which is within a degree level of 2.0. The undersigned agrees. Grievant Gibson follows the established procedures for processing invoices. In the example given by Mr. Beto, certainly Grievant Barber is simply applying the established procedure for entering data and checking the fund codes on a chart of accounts. An accountant must exercise some judgment when deciding to which account certain items should be charged or applied utilizing accounting theories and practices, and possibly considering tax consequences, however, there is no indication that this is what Grievant Barber is doing. When she notices a code that does not look right, she calls upon the person who prepared the deposit ticket to solve the problem. Tracking these people down may indeed at times require some resourcefulness, but this task is not properly characterized as somewhat complex, and there are a limited number of solutions. While the volume of work and answering the telephone may make Grievant Barber's job harder, the question which must be addressed with these two areas is how are these problems solved. The undersigned can only guess at what types of solutions Grievant Barber may have found in order to complete the large volume of work each day, but the number of possible solutions would seem to be limited. Further, this would seem to be a staffing problem, not within Grievant's control. When answering the telephone, the problem is Grievant Barber may lose her place. The solution is simple, not complex. She must find a consistent way to mark her place before she answers the telephone. When deciding whether revenues go into the new year or the old year, there are two choices, and Grievant Barber did not indicate a lack of established procedures for making the proper choice.

4. Freedom of Action

The Plan defines Freedom of Action as:

This factor measures the degree to which the position is structured as is determined by the types of control placed on work assignments. Controls are exercised in the way assignments are made, how instructions are given to the employee, how work assignments are checked, and how priorities, deadlines and objectives are set. Controls are exercised through established precedents, policies, procedures, laws and regulations which tend to limit the employee's freedom of action.

Grievant Barber argued she should have received a degree level of 2.5 in this point factor, as did the AA I Job Title, rather than a 2.0. Grievant Gibson argued she should have received a degree level of 3.0, as did the AA II Job Title. Grievant Barnett argued she should have received a degree level of 4.0, rather than a 1.5.

The definitions in the Plan show that at a degree level of 1.0:

Tasks are substantially structured with the employee receiving clear, detailed and specific instructions from the immediate supervisor or where tasks are so highly routine that they simply require following standardized instructions or procedures without ongoing, on-site supervision. The work is checked for accuracy, adequacy, and adherence to instructions and established procedures by the supervisor or through established monitoring systems. The employee consults with the supervisor on matters not covered in the original instructions or guidelines.

The definitions in the Plan show that at a degree level of 2.0:

Tasks are structured to the extent that standard operating procedures serve as a gauge to guide the employee's work. The employee can occasionally function autonomously with the immediate supervisor available to answer questions. Questionable items are referred to the immediate supervisor.

The definitions in the Plan show that at a degree level of 3.0:

Tasks are moderately structured with incumbent working from objectives set by the supervisor. At this level, the employee organizes and carries out most of the work assignments in accordance with standard practices, policies, instructions or previous training. The employee deals with some unusual situations independently.

The definitions in the Plan show that at a degree level of 4.0:

Tasks are minimally structured with incumbent working from broad goals set by the supervisor and established institutional policies. The employee and supervisor work together to establish objectives, deadlines and projects. The employee, having developed expertise in the line of work, is responsible for planning and carrying out the assignment; resolving most of the conflicts which arise; and coordinating the work with others. The employee keeps the supervisor informed of progress and potentially controversial matters. Completed work is checked only to determine feasibility, compatibility with other work, or effectiveness in meeting the objectives of the unit.

Mr. Beto rated Grievant Barber at a 4.0 in this point factor, stating she works independently, knows what's expected of her and what the goals are. She works from deadlines set by the accounting periods. She has daily deadlines for completing data entry so it can be balanced and sent through CUFS in the evening, but if there is a problem and she cannot finish by the daily deadline, she has the authority to decide to finish the next morning.

Ms. Crawford stated the Accounting Clerk II position is guided by standard operating procedures for processing documents. She pointed out that in Grievant Barber's area there is an Accounting Clerk III to whom problems could be referred, as well as other supervisory levels.

Much of Grievant Barnett's cashier work is routine. The remainder of her job is structured. She performs a limited number of tasks, and in a particular order of priority, following standard operating procedures. Grievant Gibson's tasks are structured. She processes invoices in accordance with established policy. Grievant Barber likewise performs a limited number of tasks in a particular order.

All three Grievants work with limited to no supervision because their duties are set, the work priorities are set, they follow established policies to perform their work, and they have performed their job duties long enough and well enough that they do not require supervision. Grievants have failed to meet their burdens of proof on this point factor.

5. Breadth of Responsibility

The factor Breadth of Responsibility is defined in the Plan as:

This factor describes the variety of specific functional areas in which the job may have formal and ongoing accountability. In reviewing this factor, consider the level of in-depth knowledge required as measured by the incumbent's ability to answer detailed and complex questions relative to policies, procedures, laws and regulations. [Examples of some functional areas within the following divisions would include: (1) Student Services--Housing, Admissions, Financial Aid, Counseling; (2) Business and Finance--Purchasing, Auditing, Grants and Contracts, Bursar.]

Grievant Barnett argued she should have received a degree level of 4.0, rather than a 1.0. She explained she must be cross- trained so she can perform duties in what she alleged were the three functional areas within the Bookstore, those being the jobs of the Manager, Bookkeeper and Receiving Clerk.

A degree level of 1.0 is defined in the Plan as:

Accountable for only immediate work assignments but not for a functional area.

A degree level of 2.0 is defined in the Plan as:

In-depth knowledge of and accountability for one functional area as measured by the incumbent's ability to answer detailed and complex questions relative to policies, procedures, laws and regulations.

A degree level of 3.0 is defined in the Plan as:

In-depth knowledge of and accountability for two functional areas as measured by the incumbent's ability to answer detailed and complex questions relative to policies, procedures, laws and regulations.

A degree level of 4.0 is defined in the Plan as:

In-depth knowledge of and accountability for three functional areas as measured by the incumbent's ability to answer detailed and complex questions relative to policies, procedures, laws and regulations.

Ms. Crawford stated that the Bookstore is a functional area. The definition of this point factor makes it clear that each position does not constitute a functional area, but rather indicates that the Bookstore would be one functional area. Grievant Barnett is not formally accountable for any

functional areas, and accordingly, properly received a degree level of 1.0. See Burke, supra; and Floyd v. Bd. of Trustees, W. Va. Univ., Docket No. 94-MBOT-932 (June 14, 1996).

6. Intrasytems Contacts

Intrasytems Contacts is defined in the Plan as a factor which:

appraises the responsibility for working with or through other people within the [State College and University Systems of West Virginia] to get results. Consider the purpose and level of contact encountered on a regular, recurring and essential basis during operations. Consider whether the contacts involve furnishing or obtaining information, explaining policies or discussing controversial issues. This factor considers only those contacts outside the job's immediate work area. This point factor also consists of two parts, Nature of Contact and Level of Contact. Grievant Gibson is challenging only the degree level received in Level. Her Job Title received a degree level of 2.0, and she argued she should have received a degree level of 3.0, as did the AA II Job Title. Grievant Barnett argued she should have received a degree level of 2.0 in Nature, rather than a 1.0, and a degree level of 3.0 in Level rather than a 2.0.

A degree level of 1.0 in Level of Contact is defined in the Plan as:

Limited to immediate associates and own supervisor within immediate office, unit, or related units.

A degree level of 2.0 in Level of Contact is defined in the Plan as "[s]taff and faculty outside the immediate work unit." A degree level of 3.0 in Level is defined in the Plan as:

Supervisors, managers and/or chairpersons, other than own, within an institution, or coordinators within the Systems' Central Office.

Grievant Barnett presented no evidence of the frequency of her contacts with persons listed in degree level 3.0, that her contact must be with a supervisor, manager or chairperson, rather than a staff member, or that these contacts are necessary to her job performance. Grievant Barnett's testimony indicated that most of the time she did not have customer contact, and that when she did, that contact was primarily with students.

Grievant Gibson presented no evidence that she has contacts with the persons listed in the degree level 3.0 definition. She asserted she has contacts with Deans and the WVU-P President, which are within the definitions of degree level of 4.0 and 7.0, respectively. However, these contacts are with the Dean's Secretary and the President's Secretary who are staff. See Wilkinson v. Bd. of Trustees, Marshall Univ., Docket No. 94-MBOT-765 (Aug. 26, 1996).

A degree level of 1.0 in Nature of Contact is defined in the Plan as:

Routine information exchange and/or simple service activity; requires common courtesy (e.g., furnishing or obtaining factual information, ordering supplies, describing

simple procedures).

A degree level of 2.0 in Nature is defined in the Plan as:

Moderate tact and cooperation required; communication is largely of a non-controversial nature and handled in accordance with standard practices and procedures (e.g., explaining simple policies and procedures, coordinating/scheduling complex meeting or conference arrangements.)

Grievant Barnett's contact with Bookstore patrons is in a sales/service capacity, and falls squarely within a degree level of 1.0.

7. External Contacts

External Contacts is defined in the Plan as:

This factor appraises the responsibility for working with or through other people outside the SCUSWV [State College and University Systems of West Virginia] to get results. Consider the purpose and level of contact encountered on a regular, recurring and essential basis during operations. Consider whether the contacts involve furnishing or obtaining information, influencing others or negotiation.

This point factor consists of two parts, Nature of Contact and Level of Contact. Grievant Barber received a degree level of 2.0 in both parts, and argued she should have received a degree level of 3.0 in both parts. Grievant Barnett argued she should have received a degree level of 2.0 in Nature and 3.0 in Level, rather than a degree level of 1.0 in both.

Ms. Crawford stated the majority of the Accounting Clerk II's would be working through questions and explaining policies and procedures to vendors. They are contacting vendors to get pricing information, or the vendor is contacting them about payment. She stated, however, most questions about payment would go to the Controller's Office. She explained that at the Accounting Assistant I level, most contacts are internal, helping with management reports and monitoring accounts.

A degree level of 1.0 in Level of Contact is defined in the Plan as:

Extremely infrequent; virtually no contact beyond immediate work unit/area; or occasional contacts are incidental to the purpose of the job.

A degree level of 2.0 in Level of Contact is defined in the Plan as:

General public, visitors, and/or service representatives and vendors.

A degree level of 3.0 in Level of Contact is defined in the Plan as:

Students, parents, alumni, faculty of institutions outside the systems, sales engineers, higher-level product representatives, recruiters and/or prospective students.

Grievant Barnett has proven that her contacts with students are regular, recurring and essential, and are not "incidental to the purpose of her job." Although processing accounts payable is the primary purpose of her job, she spends a significant amount of her time, several hours each day, assisting students and other Bookstore patrons. Her job duties fall within a degree level of 3.0.

Grievant Barber's contacts with students and parents, however, are merely incidental to the purpose of her job and are not essential. See Braniff v. Bd. of Trustees, W. Va. Univ. - Parkersburg, Docket No. 94-MBOT-865 (Sept. 30, 1996). She failed to prove she should have received a degree level of 3.0 in Level.

A degree level of 1.0 in Nature of Contact is defined in the Plan as:

Routine information exchange and/or simple service activity; requires common courtesy (e.g., furnishing or obtaining factual information, ordering supplies, describing simple procedures).

A degree level of 2.0 in Nature of Contact is defined in the Plan as:

Moderate tact and cooperation required; communication is largely of a noncontroversial nature and handled in accordance with standard practices and procedures (e.g., explaining simple policies and procedures, coordinating/scheduling complex meeting or conference arrangements.)

A degree level of 3.0 in Nature of Contact is defined in the Plan as:

Substantial sensitivity and cooperation required; discussions are frequently controversial and require some delicacy (e.g., project interactions, interpretation of policies, resolution of problems.)

Grievant Barnett's contacts with students in assisting them in locating and purchasing books and supplies are within a degree level of 1.0. Her vendor contacts also fall within this degree level. She is providing factual information to the vendor about what item was being paid by a check, and the vendor is providing her with factual information about credit memos. [\(See footnote 7\)](#)

8. Direct Supervision Exercised

Grievant Gibson argued she should have received some credit under Direct Supervision Exercised for her supervision of a work study who works a maximum of 12 hours per week. This point factor consists of two parts, Number of Subordinates and Level of Supervision. It is unclear whether Grievant is challenging both parts, and what degree level she believes should have been assigned. Regardless of her argument, she is entitled to no credit in this point factor, because she "does not supervise enough student workers to equal one full-time employee". [\(See footnote 8\)](#) Kilgallon v. Bd.

of Trustees, W. Va. Univ., Docket No. 94-MBOT-489 (Oct. 16, 1996). The definition of this point factor clearly states "[t]he number of subordinates should be reported in full-time equivalency (FTE) and not head count."

9. Physical Coordination

Physical Coordination is defined in the Plan as:

This factor assesses the amount of psychomotor skill involved in performing the job. Consider the complexity of body movements, speed/timing of movements, precision of movements, and need for close visual attention regularly required by the job in performing the work. Grievant Barnett's Job Title received a degree level of 2.0 in this point factor, and she argued she should have received a degree level of 3.0. Grievant Barber's Job Title received a degree level of 2.0, and she argued she should have received a degree level of 4.0.

A degree level of 2.0 is defined in the Plan as:

Work requires simple hand/eye operations and some accuracy and regularity of motions, such as set-up and operation of basic instruments or equipment, and/or the occasional use of standard hand or power tools with minimal speed requirements.

A degree level of 3.0 is defined in the Plan as:

Work requires some speed and accuracy of hand/eye coordination in the use of somewhat complicated instruments, equipment or hand or power tools requiring some speed and adeptness.

A degree level of 4.0 is defined in the Plan as:

Work requires skill and accuracy or other manual actions involving rapid physical motions and closely coordinated performance on or with office equipment; or a high degree of manual skill and exactness in the use of hand instruments or equipment.

Ms. Crawford stated the JEC did not quantify the speed requirements. She stated that all positions require that the duties be performed accurately. She stated that Data Entry Operators enter data 90 to 100% of the time, and that Job Title received a degree level of 4.0. She pointed out that the Data Entry Operator positions, however, are at a lower pay grade than Grievant Barber. She stated she would consider rating Grievant Barber's duties at a degree level of 3.0, and felt that she was doing more data entry than Accounting Clerks generally would perform. Ms. Crawford did not explain how Grievant Barber would fit within the degree level 3.0 definition.

Grievant Barber has proven her data entry duties require her to perform with speed and accuracy, which may equate to skill. Speed and accuracy in data entry can also be stated as "manual actions involving rapid physical motions and closely coordinated performance on or with office equipment." "Close visual attention [is] regularly required," in that she must enter numbers for a number of hours

daily from documents, and must be careful not to lose her place; and "psychomotor skill [is] involved in performing the job." The undersigned cannot find anything in the definition of a degree level of 4.0 which require that data entry be performed 90 or 100% of the time. Grievant Barber's data entry duties place her in a degree level of 4.0.

Certainly Grievant Barnett must perform her duties with reasonable accuracy. However, she has not demonstrated that she is under any deadlines which require her to perform any of her duties with speed. The only speed requirement placed on her is that she act reasonably to get students through the check-out line as quickly as possible during very busy periods. Even if this rose to the level of "some speed" required, the definition does not end there. She has not demonstrated that the cash register, or any other equipment she operates, is "somewhat complicated . . . equipment" or that the operation of the equipment requires "some speed and adeptness." Accordingly, her duties do not fall within a degree level of 3.0. 10. Physical Demands

Physical Demands is defined in the Plan in conjunction with Working Conditions as:

This factor considers the physical demands of the job as measured by the exertion placed on the skeletal, muscular and cardiovascular systems of the incumbent. It also takes into account the quality of the physical working conditions in which the job is normally performed such as lighting adequacy, temperature extremes and variations, noise pollution, exposure to fumes, chemicals, radiation, contagious diseases, heights and/or other related hazardous conditions.

Grievant Barnett's Job Title received a degree level of 1.0 in this point factor. She argued she should have received either a 2.0 or 3.0, because she lifts books, stands for long periods of time and stoops and bends when waiting on students.

A degree level of 1.0 is defined in the Plan as:

Job is physically comfortable; individual is normally seated and has discretion about walking, standing, etc. May occasionally lift very lightweight objects.

A degree level of 2.0 is defined in the Plan as:

Light physical effort required involving stooping and bending; individual has limited discretion about walking, standing, etc.; occasional lifting of lightweight objects (up to 25 pounds).

A degree level of 3.0 is defined in the Plan as:

Moderate physical effort required involving long periods of standing, walking on rough surfaces, bending and/or stooping; periodic lifting of moderately heavy items (over 25 and up to 50 pounds).

The accounts payable part of Grievant Barnett's job duties (65% of the time) fall within a degree level of 1.0, while the student services part of her job duties (about 35% of the time) fall within a degree level of 2.0. While she must stand for long periods of time (which falls within a degree level of 3.0) at the cash register at the beginning of the semester, this occurs infrequently. In comparing this duty to her accounts payable duties, the more appropriate characterization is that she is "normally seated." However, about a third of the time she is up helping students, with limited discretion about walking and standing, and must lift books, stoop and bend. Grievant has presented sufficient evidence to support a finding that the best fit for her varied duties is a degree level of 2.0 in this point factor. Respondents failed to offer any evidence in rebuttal to this.

C. Summary

Grievant Barnett proved that her job duties, if rated independently, would entitle her to a degree level of 2.0 in Physical Demands and a 3.0 in External Contacts/Level of Contact. These changes would add 30 points to the Accounting Clerk I total points, making the total 1309, which is still a Pay Grade 7. Because degree levels are assigned to Job Titles and not individuals, and the pay grade is unaffected, no change will be made in the Accounting Clerk I data line, and Grievant Barnett is properly classified. See Riggs v. Bd. of Trustees, Marshall Univ., Docket No. 94-MBOT-711 (Apr. 29, 1996).

Grievant Gibson failed to prove the JEC was clearly wrong or acted in an arbitrary and capricious manner in assigning the degree levels in the point factors to her Job Title. Grievant Barber proved that her job duties, if rated independently, would entitle her to a degree level of 4.0 in Physical Coordination. This change would add 67 points to the Accounting Clerk II total points, making the total 1551, which is still a Pay Grade 10. Accordingly, no change will be made in the Accounting Clerk II data line, and Grievant Barber is properly classified. See Riggs, supra.

Because the point factor analysis does not result in a change in the pay grades, a comparison of Grievants' duties to those found in the Generic Job Descriptions for the Job Titles sought is not necessary, except to address Grievant Barber's argument as set forth in the next section.

D.

Comparison of Grievant Barber's Duties to Those of Regina Compton and Janice Cunningham

Grievant Barber's primary argument was that her job duties were nearly identical to those of two

employees in the Revenue and Reporting Section of the Bursar's Office, Regina Compton and Janice Cunningham, who were classified as AA I's. Both Grievant and Mr. Beto testified that Grievant Barber had performed the same duties as Ms. Compton and Ms. Cunningham until she was transferred to Mr. Beto's section in mid-1993. Mr. Beto had co-supervised Ms. Compton at one time, and in her supervisor's absence, he supervises her, so he was familiar with her duties. Both testified that when Grievant Barber was transferred, her duties remained the same, except she no longer reconciled bank accounts, she started answering student and parent telephone inquiries, and she added cash handling and cashiering duties for departmental revenue. Both testified that the bank reconciliations were a minor duty in that there was very little activity in these accounts, they were simpler to reconcile than a personal account, and took very little time. Ms. Barber testified it had taken her less than an hour each month to reconcile the bank accounts. Mr. Beto stated that Ms. Compton's primary responsibility was and is keying and balancing student revenues, but he was not sure whether her responsibility for reconciling bank accounts had changed since he supervised her.

After listening to the testimony given about Ms. Compton's duties, Ms. Crawford testified that Ms. Compton and Ms. Cunningham probably were not properly classified based upon their PIQ's, and the testimony presented regarding their duties; however, she stated the JEC did not use the PIQ's in classifying these two employees. She explained that during their appeal to the JEC she would not recommend that these two be classified as AA I's based upon their PIQ's, and that their PIQ's did not accurately reflect the duties and responsibilities they were describing to her. Therefore, she had asked them in March 1994 to fill out new job descriptions, entitled "Position Descriptions," which are similar to PIQ's. It was these new Position Descriptions which were used by the JEC in classifying Ms. Compton and Ms. Cunningham.

She stated the new Position Description shows that Ms. Compton does deposit summary reports, audits accounts receivable open balances, researches and analyzes out of balance situations and prepares appropriate edit material for correction, balances six bank accounts, posts deposits and debits and credits, records all activity in CUFS, and reconciles nine bank statements. She stated she assumed from this that Ms. Compton was making decisions about whether an item was a debit or credit and what line item was being debited or credited, versus entering data from a form.

Ms. Crawford stated that Ms. Cunningham's general function is indicative of AA I type duties, such as being primarily responsible for auditing and balancing master student accounts, maintaining a

history of each student's assessment, payment, refund and bad check transactions, tuition and housing fees, reconciling seven checking accounts, requesting balances, regular edits, requesting other needed reports, processing certain student transactions to books, researching, analyzing and submitting corrections (which she believed meant she is taking information which has already been placed in the system and looking at edit reports to find errors, investigating the errors, determining the cause and making the adjustments to the accounts to correct those), researching and analyzing out-of-balance situations for audit of accounts receivable open balances, submitting corrections, requesting balances, posting corrections to accounts, working with student process for non-payment, and entering and balancing copies of tuition and housing invoices submitted for adjustment.

Ms. Crawford stated that Accounting Clerks are involved in the processing of accounting documents, receive payments, approve the release of payment to vendors, type forms, and must understand the procedures used to process purchases, payments and deposits. She described the duties at the Clerk I level as very basic, such as typing forms, calculating total price from unit prices, basic math calculations, entering data into the system from accounting forms, preparing deposits, and checking forms to make sure they are complete. She stated a Clerk II is primarily responsible for processing payments or purchases, is involved in the procedure for processing various forms, insuring that the forms are completed accurately and the proper information is placed on the form. They have an understanding of the procedures they must follow to get something through the system. In the departments, these positions are responsible for preparing invoices, checking the invoice, and signing to approve payment, typing purchase order forms and personnel action forms, keeping a checkbook record of expenditures, processing forms for transfers of funds, and looking at what line item a payment should come from or a deposit should go into. She stated that both Clerk I's and II's receive money and balance out at the end of the day, making sure cash received equals the amount shown on the register tape. She stated the distinction between a Clerk I and II is the Clerk II's are making some basic decisions on how to split out payments for deposit into various line items.

She explained there is a difference between the positions in the Controller's Office and positions in other offices, because the Controller's Office is the Central Office for all deposits, and the amount of money coming through that office is greater than that coming through other offices. In the Bursar's Office, all Clerk II's are performing a cashiering function, but in other departments, persons performing cashiering functions are Clerk I's. They keep track of expenditures within different line

items to make sure they are staying within budget, and they process the form to transfer money from one line item to another.

She noted the distinguishing characteristics of the Clerk III are the lead responsibility over other Clerks, and they are specialists in particular areas. They train the people in the departments on the procedures they must follow to get items through accounts payable or the payroll office. They resolve the more complex problems with vendors which are sent to the Controller's Office by the departments, by researching the invoices and purchase orders and matching those forms to try to determine why the vendor has not been paid.

She stated that Accounting Assistants are responsible for monitoring and maintaining accounts, ensuring that the accounts are accurate, and generating basic managerial reports used in the decision-making process involved in spending money. Usually they will have a variety of different monies they are working with, for example, state funds, student fees, or grant funds. An Associate Degree in Accounting is required, to assure they have an understanding of accounting principles and practices, debits and credits, how to balance, and how to create basic reports. In revenue generating areas they assure enough revenue is received to cover the expenditures.

There is a distinction between Grievant Barber's duties and those of Ms. Compton and Ms. Cunningham as their duties were presented to the JEC. As Ms. Crawford understood their duties, they were monitoring accounts and auditing them for accuracy. They were not spending a large part of their time entering data, counting money and preparing deposit slips, as Grievant Barber does. If Ms. Compton and Ms. Cunningham misrepresented their duties to Ms. Crawford and the JEC, then they may be misclassified, but that does not make Grievant Barber misclassified. She has failed to prove the JEC was clearly wrong, or acted in an arbitrary and capricious manner in not placing her in the same classification and Pay Grade as Ms. Compton and Ms. Cunningham.

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 interpretation and explanation of the Generic Job Description and point factors will be given great weight unless clearly wrong, where the proper classification of a grievant is almost entirely a factual determination. See Tennant v. Marion Health Care Found., 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 decisions that Grievant Barnett is an Accounting Clerk I, and that Grievants Gibson and Barber are Accounting Clerk II's are not clearly wrong or arbitrary and capricious.

5. The Job Evaluation Committee's assignment of degree levels to the point factors for the Accounting Clerk I and Accounting Clerk II Job Titles is neither clearly wrong nor arbitrary and capricious.

Accordingly, the grievances of Sherron Barnett, Betty Gibson and Bonnie Barber are **DENIED**.

Any party may appeal this Decision to the Circuit Court of Kanawha County, or 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 § 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.

BRENDA L. GOULD

Administrative Law Judge

Dated: October 31, 1996

[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](#)

The thirteen point factors are set forth in 128 C.S.R. 62 § 2.27, and 131 C.S.R. 62 § 2.27. Burke, supra.

[Footnote: 3](#)

The thirteen point factors are set forth in 128 C.S.R. 62 § 2.27, and 131 C.S.R. 62 § 2.27. Burke, supra.

[Footnote: 4](#)

A grievant may challenge any combination of point factor degree levels, so long as she clearly identifies the point factor degree levels she is challenging, and this challenge is consistent with the relief sought. See Jessen, et al., v. Bd. of Trustees, W. Va. Univ., Docket No. 94-MBOT-1059 (Oct. 26, 1995); and Zara, et al., v. Bd. of Trustees, W. Va. Univ., Docket No. 94-MBOT-817 (Dec. 12, 1995).

[Footnote: 5](#)

This discussion is not intended to address challenges to the way the Mercer system as a whole is set up, that is, challenges to the methodology.

[Footnote: 6](#)

These headings are shorthand for the following point factors: KN is Knowledge; EX is Experience; CPS is Complexity and Problem Solving; FA is Freedom of Action; BR is Breadth of Responsibility; IC, NC is Intrasystems Contacts/Nature of Contact; IC, LVL is Intrasystems Contacts/Level of Contact; EC, NC is External Contacts/Nature of Contact; EC, LVL is External Contacts/Level of Contact; PC is Physical Coordination; and PD is Physical Demands. Grievant Gibson also challenged Direct Supervision Exercised, but failed to identify whether she was challenging the degree level received in Level or Number of persons supervised, and the degree level she thought she should have received.

[Footnote: 7](#)

Because of the finding made, it is not necessary to address whether these vendor contacts are regular, recurring and essential.

[Footnote: 8](#)

The definition of this point factor also requires that the student worker be essential to the operations. This aspect need not be addressed.