

BEFORE THE ARBITRATOR

-----  
In the Matter of the Arbitration :  
of a Dispute Between :  
 :  
CLARK COUNTY :  
 :  
 and : Case 48  
 : No. 41398  
 : MA-5374  
LOCAL 546-B, WISCONSIN COUNCIL 40, :  
AFSCME, AFL-CIO :  
 :  
-----

Appearances:

Mulcahy & Wherry, S.C., by Ms. Kathryn J. Prenn, on behalf of the County.  
Mr. Philip Salamone, Staff Representative, on behalf of the Union.

ARBITRATION AWARD

The above-entitled parties, herein the County and Union, are privy to a collective bargaining agreement providing for final and binding arbitration before a Wisconsin Employment Relations Commission staff arbitrator. Pursuant thereto, I heard this matter on February 23, 1989 in Neillsville, Wisconsin. The hearing was not transcribed and both parties filed briefs and reply briefs which were received by May 1, 1989.

Based upon the entire record, I issue the following Award.

ISSUE:

Since the parties were unable to jointly agree upon the issue, I have framed it as follows:

Should grievant Renee Statz (formerly Dreschler), presently classified as an Appointment Medical Secretary, be reclassified to a Secretary III and, if so, what is the appropriate remedy?

DISCUSSION:

The record shows that Statz was classified as a Secretary 1 in October 1, 1987; that the Union in collective bargaining negotiations then tried to have her (and others) reclassified to the higher paying Secretary III classification; that the County refused to do so; that the parties agreed via a side letter that Statz could resubmit her request once the contract was signed; and that when she did, the County rejected it and instead reclassified her to the newly created position of Appointment/Medical Secretary effective October, 1987. The latter has a start rate of \$1037 per month and an 18-month rate of \$1148; the Secretary III position, on the other hand, has a start rate of \$1182 per month and a 18-month start rate of \$1309. Thus, there is a 78 cents an hour difference between the two (2) positions.

The Union contends that Statz should be reclassified to a Secretary III because "there is a strong and universal belief in the work place that the duties, skills and responsibilities of this position have increased significantly." It points out that Marjorie Kirkconnell, Statz' immediate supervisor, and Arlyn Mills, the Executive Director of Community Services, both recommended said reclassification and it argues that Statz exercises considerable independent judgment, particularly when she performs the duties of the Alcohol and Other Drug Assistant (AODA) in the latter's absence, a position which is in the same pay level as a Secretary III. The Union also argues that the County's personnel Committee has "flip-flopped" over this issue and that "this was a controversial issue for the Committee to deal with."

The County maintains that Statz does not exercise sufficient independent judgement to be reclassified to a Secretary III and that its creation of the

Appointment/Medical Secretary position and its 20 cents an hour increase represents the amount of changes that have occurred in her job. The County also asserts that Kirkconnel in fact believes that the County's disposition of this matter is fair and it argues that Statz does not really carry on the program responsibilities in the absence of the AODA Specialist.

In resolving this issue, two major points stand out:

The first is that Statz is a highly competent employe who over the years has successfully handled all of her job duties, including newer duties which are not part of her original job description and her initiative can be seen by the fact that she has taken a number of courses in order to better do her job. The County itself recognizes this since supervisor Kirkconnell has high praise for Statz' work.

The second major point is that both parties agree that Statz' job duties have changed over the years, with their major disagreement being only over the degree of those changes and how much such added compensation Statz should receive.

Supervisor Kirkconnell perhaps is best able to objectively determine this, particularly since she herself was once a Secretary III. As the Union correctly points out, Kirkconnell in an August 30, 1988 letter recommended that Statz be reclassified to a Secretary III because she "is a specialized type of secretary due to the knowledge of medical terms . . ." which "is not only useful, but necessary." An earlier August 28, 1987 letter was to the same general effect.

At the hearing, however, Kirkconnell explained that she did so because she was under the mistaken impression that such a reclassification was "the next step up" and the only available option for compensating Statz for her increased job duties and that she in fact was only seeking a different job title for Statz without necessarily a wage increase; and that she was unaware that the County had created the new Appointment/Medical Secretary position which provided for a 20 cents an hour wage increase. She went to add that "I think it was fair for the Personnel Committee to create that new position."

Given Kirkconnell's knowledge of Statz' job duties, great weight must be given to this testimony. In addition, an independent review of Statz' duties fails to establish that she exercises the kind of independent judgment and responsibilities of the higher Secretary III classification.

Accordingly, it is my

AWARD

That the County is not now required to reclassify grievant Renee Statz to the Secretary III position; the grievance is therefore denied

Dated at Madison, Wisconsin this 28th day of July, 1989.

By \_\_\_\_\_  
Amedeo Greco, Arbitrator