

STATE OF VERMONT
VERMONT LABOR RELATIONS BOARD

GRIEVANCE OF:
GEORGE H. KARSON

Docket No. 77-11S

FINDINGS OF FACT, OPINION AND ORDER

Statement of the Case.

This is a grievance brought by George H. Karson, a social worker for the State of Vermont, Department of Social and Rehabilitation Services. During the period May 28, 1976 through 12, 1976, Grievant was directed by his superiors to perform the duties of acting Social Services District Director A for the Brattleboro District (hereinafter "District Director") in the absence of the person who normally holds that position. Because the position of Social Services District Director is a higher-level position than that of social worker, the Grievant was paid 105% of his base salary rate while he had the responsibilities of the higher-level position.

Grievant claims that he was denied a limited appointment to the position of District Director because the State incorrectly determined that he did not meet the minimum qualifications for that position. Grievant seeks by this proceeding to have the Board reassess the situation, declare the State's assessment to be erroneous, and grant Grievant a limited appointment to the position of District Director with appropriate adjustments to his salary.

For the reasons stated below, the Board finds that it cannot concur in the Grievant's assertion that he met the minimum qualifications for the appointment he seeks and, therefore, dismisses the grievance.

Findings of Fact.

1. At all times relevant to this grievance, Grievant was a social worker (pay scale 13) for the State of Vermont, Department of Social and Rehabilitation Services, Brattleboro District.

2. During the period May 28, 1976 through June 12, 1976, Grievant was acting District Director (pay scale 18) in the absence of Ms. Elaine Willingham, District Director for the Brattleboro District. Grievant was required by a higher authority to take over the District Director's duties which were a higher-level of employment.

3. During the period May 28, 1976 through June 12, 1976, Grievant received the "alternate rate" pay in the amount of 105% of the Grievant's base pay rate as called for in Article XLI 3 of the Agreement between the State of Vermont and the Vermont State Employee's Association for the Non-Management Unit (the "Agreement").

4. At all times relevant to this proceeding, Grievant was a member of the non-management unit of State employees represented by the V.S.E.A.

5. The job specifications for the position of District Director state that the minimum qualifications for the position are, in pertinent part, a bachelor's degree and four years of social work experience, at least two of which shall have involved supervisory, consultative, administrative or other pertinent duties above the social worker level in a social worker agency. An intermediate step on the "career ladder" for social worker positions within the State's classified service between the position of social worker and the position

of District Director is the position of Social Services Supervisor at pay scale 15. A Social Services Supervisor is responsible for the supervision of social workers.

6. Except for the periods of time when Grievant was acting District Director, Grievant had no experience as a Social Services Supervisor until he was appointed to that position in February, 1977 (after the period in issue in this grievance).

7. Grievant performed supervisory, consultative, administrative, or other pertinent duties above the social worker level for a total of approximately four months during the period of August, 1970 through June, 1976. These duties were performed during the period of time the Grievant was acting District Director.

8. Beginning in 1973 and continuing through the period in issue in this grievance, the Grievant as a part of his duties as a social worker often worked with "group homes." Much of this work involved supervising the residents of those homes, having consultations with and giving guidance to those residents.

9. Grievant did possess a bachelor's degree and seven years of social work experience at the time he assumed the responsibilities of the position of District Director.

Conclusions and Opinion.

10. In accordance with Article XLI of the Agreement, the State may from time to time require employees in the classified system to take over the job of an employee assigned to a higher pay grade than their own when that higher-level employee is absent from duty. The appointment of the Grievant to the position of District Director for the period May 28, 1976 through June 12, 1976 was a proper exercise by the State of its rights under this provision of the Agreement.

11. Pursuant to Personnel Regulation 11.011, candidate for promotion must be certified by the Director of Personnel to possess the qualifications for the

higher position set forth in the specifications for the class of position.

12. In this matter, the Grievant possessed the bachelor's degree and four years of social work experience required for the position in question. This grievance will be determined, therefore, on whether or not the Grievant met the remaining qualification for the position which he seeks: two years of supervisory consultative, administrative or other pertinent duties above the social worker level.

13. Grievant asserts that he meets the supervisory, consultative or administrative experience requirement because of his long experience with group homes as a part of his duties as a social worker. The Board disagrees, however, and holds that Grievant's experience with such group homes is not relevant to the determination of his satisfaction of the criteria discussed above.

14. All social workers assume consultative and administrative responsibilities with respect to persons involved in their cases. It is not, however, such administrative, consultative or supervisory responsibilities to which the job specifications refer. The job specifications point to supervisory, consultative and administrative experience "above the social worker level".

15. The Board holds that the supervisory, consultative and administrative requirements for appointment to the position of Social Services District Director A are experience in supervisory, consultative, or administrative responsibilities as to other employees within the Social Service Agency and not as to members of the general public whom the Agency serves. This distinction was stated quite clearly in testimony at the hearing by Ms. Sarah Philbrook and her testimony was not refuted.

16. Based on the foregoing, the Board concludes that at the time he was acting Social Services District Director A, from May 28, 1976 to June 12, 1976, the Grievant did not possess the minimum qualifications required by the applicable

job specification for the position of Social Services District Director a.
Grievant is, therefore, not entitled to the relief he seeks.

Order

For the reasons stated above, this grievance is DISMISSED.

Dated at the City of Montpelier, County of Washington and State of Vermont
this 23 day of October, 1978.

VERMONT LABOR RELATIONS BOARD



John S. Burgess



William G. Kemsley Sr.