

BEFORE THE ARBITRATOR

In the Matter of the Arbitration of a )  
Dispute Between: )  
 )  
State of Oregon Executive Department, )  
on behalf of ) ARBITRATION AWARD  
Department of Human Resources, ) (Reclassification)  
CHILDREN'S SERVICES DIVISION )  
 )  
and )  
 )  
The Oregon Public Employees' Union, )  
on behalf of NORLA ARIAS )  
 )

Imperati, Barnett, Sherwood and Coon, P.C. by Jeff C. Mapes, Attorney at Law, appeared on behalf of the Oregon Public Employees' Union, SEIU Local 503, AFL-CIO.

Dave Frohnmayer, Attorney General, by John S. Irvin, Assistant Attorney General, appeared on behalf of the Justice Department, State of Oregon.

Pursuant to the provisions of the collective bargaining agreement between the State of Oregon and the Oregon Public Employees' Union, for 1985-1987, the parties requested the undersigned to serve as the arbitrator of a dispute concerning the reclassification of a bargaining unit member. The arbitration hearing was held in the captioned matter on May 12, 13 and June 9, 1987 in Salem, Oregon. The parties filed written closing arguments with the arbitrator July 27, 1987. The hearing was closed August 3, 1987, to allow the parties the opportunity to submit rebuttal arguments. No rebuttal arguments were filed.

ISSUES

The parties stipulated that the issues to be decided by the arbitrator are:

- 1) Was the denial of upward reclassification of the grievant's position to administrative assistant arbitrary under Article 81 of the collective bargaining agreement?
- 2) If so, what is the appropriate remedy?

PERTINENT CONTRACT PROVISIONS

ARTICLE 81 - RECLASSIFICATION UPWARD

Section 1. Reclassification upward is a change in classification of a position by raising it to a higher classification. Reclassification must be based on a finding that the duties and responsibilities of a position have been significantly enlarged, diminished, or altered, but the knowledge, skills and abilities required are still essentially similar to those previously required.

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Section 6. A decision of the agency to deny a reclassification request may be submitted by the Union to final and binding arbitration under this clause of this Agreement by a written notice to the Grievance Supervisor, Labor Relations Division of the Executive Department within fifteen (15) calendar days after receipt by the Union of the agency's decision. The arbitrator shall allow the decision of the agency to stand unless he/she finds that the decision of the agency was arbitrary.

(Emphasis added.)

FACTS

In February, 1983, Norla Arias was hired as a secretary by Gary Dyer, Manager, Accounting Services Section, Children's Services Division (CSD). The Accounting Services Section handles all of the money that passes through the division: bills; payroll; bank accounts; and trust accounts for all the children under the



commitment of existing resources. Drew's granted the authority. Subsequently, Starnes hired Charles Furlow to review the grievant's reclassification request. Furlow had been the agency personnel manager from 1974 through 1984 at which time he retired from state service. Starnes and Furlow conducted a desk audit of the position July 3, 1986. In the morning they interviewed Arias for approximately one and one-half hours. In the afternoon they interviewed Dyer. Furlow sought examples of Arias' work and asked for any additional information which might be pertinent. In his analysis of the reclassification request, Furlow reviewed several documents: the report he did on this position in 1982; the 1984 comparable worth questionnaire completed by the grievant and approved by Dyer; class specifications for Management Assistant A (MA), Administrative Assistant (AA), Secretary, Excluded Secretary and Accounting Clerk; and various position descriptions (PDs) which detail the major duties that must be performed to accomplish the purpose of the position.

In the 1982 report, which Furlow wrote after certain reorganizations had taken place in the department, he recommended that the then MA position be reclassified to a secretary classification. He found that the MA had historically functioned as the secretary to the manager of the Management Systems unit as well as provided overall general clerical and administrative assistant support to seven other Management Analyst staff in Management Systems and Operational Review. After the reorganization, the position was assigned to the new Financial Services Section (now Accounting Services). In 1982, his assessment was:

There is very limited decision making, analysis, or interpretation required of this position. The exercise of judgment and the consequences of error or poor judgment are limited. The major thrust of the job overall is secretarial support to the Financial Services Manager, and at times, to others in that Section. That thrust encompasses transcription and

other typing of correspondence and reports, maintenance of files and records, answering the telephone, arranging appointments, and maintenance of tickler control records. There is a limited involvement in handling personnel and payroll records and correspondence for the staff of the Section, that is a relatively small portion of the job and is not basis for exclusion of the position from the bargaining unit. The functional level of this position points clearly to the Secretary or Clerical Specialist level as opposed to a higher level. With the heavy emphasis on typing and other secretarial support to the Manager, allocation to the Secretary classification is considered the appropriate classification.

The comparable worth survey which Furlow studied during the present reclassification analysis was a "job content questionnaire" which Arias had completed in 1984. In that document she wrote:

The purpose of my secretarial job is to provide typing, phone coverage, OMNILINK, liaison between financial services and personnel, handle correspondence, maintain files, general and confidential. Perform a variety of executive duties independently and provide technical support for other units within financial services.

This desk was originally a secretarial function. While these functions continue to be performed the function of this desk has developed into a technical position requiring a varied knowledge of procedures, laws, policies, other units' functions and requirements as special projects are handled more and more in this position making basic secretarial skills inadequate to perform the duties that this position now handles.

Dyer reviewed Arias' responses to the questionnaire. He corrected one section significantly. He did not alter the above quoted paragraphs.

The class specification for "secretary" reads as follows:

Secretaries do varied communicative and records-processing work to relieve a superior of a wide variety of clerical tasks and administrative detail. Positions require general understanding of agency programs and activities, especially as these relate to the supervisor's work; and a knowledge of correct secretarial and office management practices and of administrative support procedures and regulations. Employees work under general supervision handling many details and recurring tasks on their own initiative.

Employees may have lead worker or supervisory responsibilities, and are responsible for the accuracy of their own work as well as that of any subordinates.

Typical Duties (Although the duties listed below are examples only, most Secretary positions will include several of them. Allocation of positions to this level will depend on the total work performed and the degree of skill, judgment, and knowledge required to perform it, as well as the consequences of error. On occasion, employees may be required to perform higher-level tasks for limited periods, for training purposes or for work coverage.)

- types a variety of correspondence, reports, and other materials, from machine or oral dictation, draft, or general instructions.

- composes and types letters and reports not requiring extensive knowledge of technical program detail; determining proper formats, modes of address, etc., for letters and reports.

- receives and directs callers and telephone calls; provides general information to callers; makes appointments for supervisors.

- makes travel and meeting arrangements; prepares itineraries, and agendas; prepares expense claims.

- maintains varied clerical records; prepares statistical reports relating to operations of work-unit; keeps a small set of fiscal records for work-unit.

- supervises a small number of office assistants in routine operations, such as

filing, record-keeping, or related clerical work.

Minimum Qualifications

Two years of office and secretarial experience affording or demonstrating:

Thorough knowledge of: Secretarial practices and appropriate oral and written English.

Knowledge of: general office practices; arithmetic.

Ability to: communicate effectively and appropriately, orally and in writing; organize work efficiently and make appropriate decisions concerning work methods; maintain basic fiscal and general records and files; operate various office machines; maintain harmonious working relationships.

(Some positions may require:

- ability to take and transcribe shorthand
- ability to train, supervise, and coordinate the work of others.)

College or business college training may be substituted for experience if applicants' total backgrounds afford the necessary knowledge, skills, and abilities.

The class specification for "administrative assistant" reads as follows:

GENERAL DESCRIPTION ADMINISTRATIVE ASSISTANTS provide a variety of clerically-related administrative services in direct support of agency programs, or to relieve an administrator of secretarial, technical, and minor administrative tasks requiring a thorough knowledge of programs and activities under the supervisor's jurisdiction, as well as an understanding of his/her policies, views, and special interests. Most incumbents can be broadly categorized as administrative secretaries or technician/specialists. No employe in this class is excluded from collective bargaining.

DISTINGUISHING FEATURES Employees work independently toward established objectives, sometimes adapting or modifying methods and standards to meet variations in controlling conditions. Supervisory guidance on work is sought when clarification or interpretation of organization policy is in question.

These positions are distinguished from lower-level clerical and secretarial assignments by their depth of program involvement and the greater consequences of recommendations and decisions made. Decisions are generally based on readily available material, but require analysis, evaluation, and interpretation, and are usually implemented without further review.

CHARACTERISTIC DUTIES (Duties listed below are examples only. Allocation of positions will depend on the total work performed and the degree of skill, judgment, and knowledge required to perform it, as well as the consequences of error. On occasion, employees may be required to perform higher-level tasks for limited periods, for training purposes or for work coverage.)

Manages the immediate office of an administrator to facilitate operational details; keeps personnel, financial, statistical, inventory, and other responsible records; develops office forms and procedures; assists the administrator in making decisions on personnel problems.

Conducts studies and evaluations of procedures and activities within the scope of a functional area assigned by a superior.

Maintains varied and moderately complex budget control, activity control and/or financial records; compiles data and prepares estimates, statements, statistical reports, billings, or other business reports.

Analyzes, evaluates, and advises on interpretation of a well-defined set of regulations; provides authoritative information and instruction which may commit a unit or supervisor to a course of action.

Reviews and allocates mail delivered to the general office of the agency; answers correspondence not sent on to other units; reviews and approves correspondence composed by other staff for signature of the administrator.

KNOWLEDGE, SKILLS AND ABILITIES

Knowledge of principles and practices of office management and work organization and simplification.

Knowledge of a particular program or technical field.

Ability to make sound decisions.

Ability to analyze complex problems, develop and implement sound solutions.

Ability to communicate effectively and correctly, orally and in writing.

Ability to keep varied and moderately complex fiscal records, ledgers, and control accounts.

Ability to establish effective working relationships with superiors, subordinates, associates, other organizations and the general public.

Above-average abilities in fiscal and statistical work.

EXPERIENCE AND TRAINING Successful work experience or training sufficient to demonstrate the knowledge, skills and abilities of the class.

In the written analysis of Arias' reclassification request, Furlow described the two classes as follows:

Secretary - Does varied communicative and records processing work to relieve a superior of a wide variety of clerical tasks and administrative detail. Positions require general understanding of agency programs and activities. Employees work under general supervision handling many details and recurring tasks on own initiative. Types correspondence, reports, etc; composes letter and reports not requiring extensive technical program detail; receives/directs callers and provides general information; maintains records; prepares statistical reports.

Administrative Assistant - Provides a variety of clerically-related administrative services in direct support of agency programs, or to relieve an administrator of secretarial, technical and minor administrative tasks requiring a thorough knowledge of programs and activities under the supervisor's jurisdiction, as well as an understanding of his/her policies, views and special interests. Employees work independently toward established objectives, sometimes adopting or modifying methods and standards to meet variations in controlling conditions. Distinguished from lower level by depth of program involvement and

greater consequences of recommendations and decisions made.

Furlow reviewed three PDs for the position in question: one from 1982; one from 1983; and one from 1986. The latter two, Arias had completed as the incumbent in the position. Dyer had reviewed, approved and signed each PD. The PDs reflect changing responsibilities through the years.<sup>3/</sup> In one answer on the 1986 PD, Arias wrote:

Need technical understanding of units within section and skill and ability to carry out other duties assigned from other units. Must possess and use tactful skills in dealing with sensitive matter regarding staff on any number of complaints, grievances, claims. Must have ability to deal with confidential matter. Must have required knowledge of rules, regulations, laws, policies, to make hands on decisions when necessary.

Furlow has found in his experience that employees tend to overstate duties when completing a position description.

Arias produced for Furlow examples of her work which she felt were reflective of her routine and normal responsibilities. Furlow testified that the examples proved that Arias has a great deal of initiative and a commendable ability to "really see a job through". He admitted that some of the examples did reflect that Arias was operating in a decision making role. Additionally, Furlow testified that some of the examples of correspondence that Arias had drafted and mailed should have been signed by the section supervisor. He characterized it as "unfortunate" that Arias had become so involved in personnel decisions. Furlow

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<sup>3/</sup> Furlow interpreted the former incumbent's PD as showing that she was not a self-starter, but noted that a reclassification cannot be justified by a comparison of former and present employees.

found that Arias was performing duties above her classification approximately 10% of the time. Furlow interpreted the work samples that were presented to show that Arias performed her duties in a commendable manner which could be rewarded with a special salary adjustment for her, but that the duties, themselves, did not support a reclassification upward.4/

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4/ At the grievance hearing, the union produced over 35 examples of Arias' work, grouping them into the five categories of characteristic duties described on the AA classification specifications.

Examples of forms and documents Arias has developed to assist Dyer in the proficient functioning of the section include an accounting services section phone book (which was so successful that CSD subsequently created a central office directory); an employee action form; and new routing slips. She maintains the section inventory for items she determines are under \$30.00 in value. She has purchased furniture for the section which committed over \$1,200.00 of agency funds. Arias has created new procedures for the section, which involved word processing submissions; time-sheet deadlines; the coding system for the accounts receivable computer system; PERS statement distribution; copying policy; and, the routing of materials.

Arias processes accident and SAIF claims including a determination if properly submitted and a recommendation whether to pay. This had previously been handled by Dyer.

She handles, without direction from Dyer, disability and leave matters, including explaining an employee's options when out of sick leave. Her timekeeping responsibilities include an independent determination of whether to review an employee's time sheets as well as individually creating letters to employees to inform them of time problems.

Arias is a member of the Administrative Support Group which meets bi-monthly. Every member, except Arias, is an AA or MA. One purpose of the group is to explore better ways of performing job functions. Much of this is accomplished by discussion of how each member handles job duties. She has developed the agenda and chaired a meeting. She created, implemented and organized a special educational meeting which was video-taped and distributed state-wide for training purposes.

Arias was the section liaison with the personnel department.

Within three days of the desk audit, Furlow prepared a draft document reviewing the grievant's position, but not including his ultimate decision of whether or not to grant the reclassification request. Starnes sent both Dyer and Arias the draft document for their input. Apparently, only Dyer's comments on the draft were returned. Arias' comments were entered on a document which she forwarded to Dyer for eventual forwarding to personnel. Neither Furlow nor Starnes ever received comments from Arias to the draft. Furlow testified that a draft is sent to the employee and his/her supervisor to insure that the final document is accurate. After receiving the corrected draft, Furlow studied other class specifications to see if any one of them might be appropriate. He selected the salient points in each other classification and then determined whether they matched those of the position in question.

Furlow denied the reclassification. In his analysis, he wrote in part:

The role of this position has changed significantly since last reviewed in 1982. At that time job functions were almost totally of a pure secretarial nature - dictation, minutes, typing, telephone screening and directory service and use of copying machines. The position has since taken on the role of section timekeeper for a large section with related

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She had interviewed a potential hiree into the division with a personnel representative. Arias reported their impressions to the appropriate people. After she requested reclassification, she was directed not to act as the liaison, but rather go through the section manager.

Arias kept her supervisor and other appropriate people informed of her activities by copying them on the correspondence she sent and by daily discussions.

Furlow had not previously seen all the examples which were presented at the hearing, but he testified that their existence did not alter his opinion.

payroll liaison and research/recapping of employee attendance. There has been an increased role in personnel issues (processing and filing of SAIF claims and support to management in problem employee situations). Responsibility for processing revolving fund checks, inventorying section equipment and furniture, and participation with the CSD Administrative Support Group are additions to the job as is the technical role of conducting special studies or projects for the section management team. The role is no longer pure secretarial and requires some financial program knowledge.

Decision making is limited and is principally in the form of exercise of judgment in how to deal with sensitive issues, irate staff/citizens, prioritizing work and achieving compliance by section staff with procedures. Decisions are made on whether to accept or return claims for damaged personal effects, performance appraisals and time sheets but criteria for decisions are fairly specific. Probably the most demanding decision-making is that involved in considering alternative procedures or methods, forms or formats,, and implementing or recommending new systems for handling section activities.

The position functions with considerable independence and authority in personnel processing, time keeping, information control, prioritizing work, and processing personal effects damage claims. However, procedures or expectations are well defined and the actions resulting from exercise of that authority are reviewed and approved by those responsible for signing the particular action or making payment. The need for careful adherence to procedural detail and accuracy are critical to meeting timelines, assuring prompt and accurate payments, and minimizing reprocessing and wasted time of those responsible for final actions.

There is no supervisory role other than delegation of limited work to identified resources outside the section during periods of overload.

The position currently is unable to function as part of the Section Management Team in supervisory meetings due to represented status. The Section Manager feels such participation is desirable.

Furlow testified that the final decision on a request for reclassification is based on the relationship of the present

duties to a class specification. He admitted there was a degree of overlap between the secretary and AA class specifications. In fact, he testified that there was "no easy way" to describe the difference between a secretary and AA by the written class specifications. He testified that he, himself, interpreted the difference to be that a secretary needed a general knowledge of the unit and an AA had to have a thorough knowledge.

Starnes testified that she saw an overlap between Arias' position and the AA class specification; however, she concurred with Furlow's report. Starnes could not testify as to how the decision was made to deny the reclassification request. Furlow signed the denial of the reclassification and Starnes forwarded it to Dyer.

#### POSITIONS OF THE PARTIES

The union argues that the standard of review which the arbitrator should apply in judging the "arbitrariness" of the employer's decision should be whether the record could lead a reasonable personnel manager to find that the employer's decision was rational and appropriate based on the "50%" or the "core elements" test. The standard has been developed by arbitrators interpreting this same section of the collective bargaining agreement. The test determines whether the agency reasonably found that Arias was not required or allowed to perform either higher classification duties for 50% of her time, or the core elements of the duties and responsibilities of the administrative assistant position. The union contends that whatever standard of review is used, the employer should be found to have acted in an arbitrary fashion when it denied the grievant's request for reclassification. The union basis its argument on evidence that Arias performs too many duties of an administrative assistant to

justify the denial of the upward reclassification. Further, the union asserts that the employer's review and decision making process was flawed due to four factors: 1) the reviewer held an initial bias against reclassification; 2) the employer analyzed the administrative assistant position as including responsibilities which are not supported by the class specifications; 3) the employer was unable to articulate any standard used in forming its decision to deny the request; and 4) the employer failed to appropriately credit changes which have occurred in the grievant's position.

The employer contends that the collective bargaining agreement directs that only the employer can decide what classification is appropriate for an employee. Thus, arbitrator reviews only whether or not the decision of the employer was arbitrary. The employer urges that the appropriate standard for determining "arbitrariness" is the one established by the courts. The test determines whether there is a rational basis to support the decision which the employer made. The employer concludes that since the duties of the grievant are of a traditionally secretarial and timekeeping nature, the employer logically decided that "secretary" is the proper classification.

#### DISCUSSION

The scope of review of reclassification decisions granted to the arbitrator is quite limited under the parties' collective bargaining agreement. The arbitrator does not decide what class is appropriate; rather the arbitrator may only decide whether or not the employer's decision to deny a reclassification request was arbitrary. Therefore, the first point to address is what standard should be used to judge "arbitrary".

The employer has advanced decisions of the Court of Appeals and the Employment Relations Board from which it urges the arbitrator to glean the test for review.<sup>5/</sup> The union has submitted two awards from other arbitrators which interpret this same section of the collective bargaining agreement. The awards were issued on grievances filed during the same duration of the contract in which the instant grievance arose.<sup>6/</sup> In the context of a labor agreement which grants the right of review of employer reclassification decisions, there is better reason to apply a standard developed under that labor agreement, than to apply a standard borrowed from judicial review of administrative decision-making. The parties to the collective bargaining agreement have been placed on notice by the prior awards as to what scope of review has been interpreted to exist in the language which the parties have bargained. The test developed by other arbitrators interpreting the same contract language is the test that should continue to be used.

In Motor Vehicles, Arbitrator Haney stated the standard of review as:

...whether the evidence in the record could lead a reasonable person to find that the employer's decision is rational and appropriate. To the arbitrator, the reasonable person would be a personnel manager considering the same circumstances and facts. (Page 23).

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<sup>5/</sup> Paul v. Personnel Division, 560 P. 2d 293 (Or. Ct. App., 1977); Yandell v. Executive Department, ERB Case No. MA-2-85 (1985); Rice v. Corrections Division, ERB Case No. 1475 (1984); and, Patterson v. Dept. of Fish and Wildlife, ERB Case No. 1431 (1983).

<sup>6/</sup> OPEU and the Motor Vehicles Division, (Haney, 1986) and OPEU and Oregon State Hospital, (Levak, 1986).

Haney wrote that the above quoted standard of review is consistent with the "substantial evidence" test applied by the Employment Relations Board in Rice and that the meaning of "substantial evidence" is set forth in ORS 183.484(4)(c) as the "reasonable man" test. Haney noted that a rational procedure for review of an employee's request does not, by itself, result in a rational decision. Haney found that in the employer's study of the job duties of the grievant, facts and circumstances of the situation were disregarded to a point that a reasonable person given the same facts and circumstances would not have reached the same conclusion. Thus he held that the denial of the request for reclassification was in violation of Article 81 of the collective bargaining agreement. In State Hospital, Arbitrator Levak agreed that Haney's standard for review was the proper interpretation of the language of Article 81. Levak noted that since reasonable minds may differ, it is clear that the reasonable man test does not permit a de novo review by an arbitrator of the employer's determination. Levak then sought out the general principles which a reasonable personnel manager would normally apply in reclassification disputes. [The two tests found were: the "over 50% rule", where reclassification is appropriate if an employee is performing the work of another classification over 50% of the time; and the "core elements rule", under which reclassification is ordered where the employee regularly performs the core elements of another job classification. Levak concluded that the state reasonably found that the grievants had not been required or allowed to perform either 50% of, or the core element of, duties and responsibilities of the higher classification which they sought.

The burden is on the union to demonstrate that the employer acted in an arbitrary manner.

It is most noteworthy that Starnes and Furlow both testified that classification was based on job duties compared to class specifications, yet there is obvious, substantial overlap between the two class specifications. Both admitted that it was difficult to articulate the standard which would put a position into a secretary classification verses an AA classification. The employer's brief itself states that "The class specifications at issue in this case ... offer less than the ultimate in definitive guidelines for dividing contending positions between Secretary and Administrative Assistant." The employer seemed to use an "I know it when I see it" test, rather than a clear statement which would guide the union, an employee and/or the employee's supervisor in ascertaining that the employee was being assigned duties and responsibilities which were appropriate for the classification. An employer cannot be allowed to exploit an excellent employee by the development and use of oblique class specifications.

The employer explained that it is important to have the incumbent and his/her supervisor review and comment on the findings of the reclassification study prior to making a final decision. However, there is no explanation how the Furlow/Starnes decision could be accurate when neither of them received the corrections which Arias submitted.

The union has established that Furlow held an initial bias against the upward reclassification of Arias. He testified that he felt that she had exaggerated her duties after merely reviewing her position description and prior to interviewing her or her supervisor. It is of no small significance that Furlow, himself, was the person who downgraded the position in 1982. There is no indication that Furlow considered the fact that Dyer clearly wanted to increase the responsibilities of the position. Although a reclassification study must look at what class the

assigned duties fall into, the intent of the supervisor making the assignments and/or allowing responsibilities to be executed, may help illuminate shaded areas of overlap between class specifications.

Also of significance is the fact that Arias' authority in handling personnel matters was limited after the request for reclassification was made. The employer offered no explanation of why, if these duties were consistent with the classification of section secretary, Arias was directed to not perform them anymore. A reclassification request must be judged on the basis of the duties which exist at the time of the request.

Arias was not performing her duties in a covert unauthorized manner in an attempt to bootstrap herself into a higher position. The record establishes that she had been required and allowed to perform AA duties. She constantly kept the section manager and other key people informed of what she was doing by sending them copies of her correspondence and by oral conversations with them.

Although there are appropriate distinctions between a comparable worth study and a reclassification review, the comparable worth study received in the record corroborates the union's position that the employer's denial of reclassification for the grievant could be arbitrary, since the people conducting that study recommended that Arias be placed in a higher classification. The study was thoroughly reviewed by the section manager to the point that he made alterations to Arias' responses. However, Dyer did not change the responses regarding the purpose of Arias' job.

In conclusion, due to the lack of clear distinction between class specifications for secretary and administrative assistant coupled with the employer's admission that job duties as compared to the class specifications is the major determinative in

reclassification; the failure to consider the comments Arias submitted on the draft reclassification report; the established bias against upward reclassification held by the reviewer; the alteration of Arias' authority after her request for reclassification was filed; and Arias' consistent notice to key people (including people in personnel) of what she was doing without any curtailment of her actions, the denial of Arias' request for reclassification was arbitrary. The union has proven that there is not substantial evidence in the record that could lead a reasonable personnel manager to decide rationally and appropriately to maintain Arias in a secretary classification.

#### REMEDY

As stated above, the arbitrator's authority in a reclassification review grievance is very limited in the collective bargaining agreement of the parties. The award may only address whether or not the denial of reclassification was arbitrary. The intent of the contract therefore is that the responsibility for picking the appropriate classification is the employer's. The arbitrator's role is limited to that of setting aside that decision if it is arbitrary. Thus the union's request to make the grievant whole for all lost wages and benefits cannot be awarded since the arbitrator cannot assign the grievant to a classification.

AWARD

After consideration of the sworn testimony, the documents admitted into evidence, the demeanor of the witnesses, the case citations offered by the parties and the record as a whole, your arbitrator decides that:

The grievance is sustained.

Dated this 3<sup>rd</sup> day of September, 1987, in Olympia, Washington.

*Katrina I. Boedecker*  
KATRINA I. BOEDECKER, ARBITRATOR