

processing section in an agency. In large agencies, such positions may be assigned to the data processing agency but the position must have the authority for effectively recommending or changing all departmental systems.

Much of the work that Appellant does is in essence conceded by the Respondent to be consistent with an MIS 5 classification. The Respondent contends that the Appellant does not perform certain other work that is required for this classification.

The position standard contains the following language:

"In large agencies, such positions may be assigned to the data processing agency but the position must have the authority for effectively recommending or changing all departmental systems."

It is undisputed that Appellant is assigned to the data processing agency in a large agency. In his brief, the Appellant stated:

"The Department of Administration Bureau of Personnel in opposition to their own standards, does not recognize that a difference can exist between the authority for effectively recommending change for all departmental systems (manual) and the responsibility and supervision of this function. I feel that I can and do have this authority, but that program responsibility rests with the section chief." P. 5, Appellant's brief dated February 4, 1976.

In his opposing brief, Respondent stated:

"We also recognize that Mr. Halvorson has delegated to Mr. Huber the authority to effectively recommend changes to some of the departmental manual systems. . . . It has been determined during our review that Mr. Huber does not have the responsibility to effectively recommend or change all departmental manual systems. Rather, Mr. Huber has the delegated authority to recommend or change systems that are assigned to him. Other analysts are also independently responsible to Mr. Halvorson (Huber's Supervisor) for recommending changes to departmental manual systems assigned to them."

On the basis of the entire record as submitted, the Appellant has not sustained his burden of proof of establishing to a reasonable certainty by the greater weight of the credible evidence the facts he relies on and has alleged concerning the scope of his authority.

The Appellant also alleges that his job entails more duties and responsibilities than certain other positions classified at the MIS 4 level.

Concerning Robert Risgaard and Russell Champion, Appellant argues in sum that their positions do not function as second in command, do not train section employes, do not have duties involving "span of control or technical administration," and are not responsible for forms design and management.

The Respondent argued that these employes are responsible for the development of all new or major revisions to existing manual systems for the Department of Transportation, that they do make assignments and provide training to temporarily assigned personnel, that they do not report through a data processing unit but rather through the Bureau of Administrative Services to the bureau director, not through a technical supervisor such as Mr. Halvorson, Appellant's supervisor, and that they shared responsibility for all manual systems in an agency twice the size of DILHR.

Concerning Kathleen Jallings and Chizuko Crocker, Appellant argues that they do not perform leadership or second in command functions and have a limited span of systems analysis. The Respondent argues that they do provide leadership and training to temporarily assigned agency personnel, and that while their duties are limited to forms and file management respectively and hence are more limited in variety than are Appellant's, their duties cross agency lines while Appellant's are limited to in-house matters.

Even if Appellant were found to be performing more duties and responsibilities than are entailed in these other MIS 4 positions, this alone would not entitle him to reclassification unless he were also performing the duties and responsibilities specified for the MIS 5 classification. This is not to say that such comparisons do not have some probative value, particularly where the position standards use terms of relative comparison. However, on the basis of the entire record as submitted, the Appellant

has not sustained his burden of proof by establishing to a reasonable certainty by the greater weight of the credible evidence that his position entails more duties and responsibilities than the other positions to which it was compared.

The Appellant also argues that his position has evolved from an MIS 5 position that previously existed in his section and which was filled by an Orin Reich, that the positions are similar in many respects, and that the predecessor position should, in essence, be re-established. The Respondent argues that Mr. Reich's position involved work with both manual and data systems. The Appellant does not dispute this but argues that "Mr. Reich did not have any data processing technical functions nor any data processing design functions such as tape or disc layouts." Appellant's brief, February 4, 1976, p. 3. Finally, Respondent contends that if in fact Mr. Reich had not been functioning "significantly in both data and manual systems," Respondent's brief, March 2, 1976, p. 6, then he would have been incorrectly classified. On the basis of the entire record as submitted, the Appellant has not sustained his burden of proof by establishing to a reasonable certainty by the greater weight of the evidence that the duties and responsibilities of his position are comparable to or greater than those of Mr. Reich's former position as an MIS 5, or if so, that Mr. Reich's former position is a valid comparable position.

The Bureau of Personnel has established a fixed classification differential between the manual and data systems series, which is founded on a theory of an intrinsic difference in complexity between the two areas:

"The data systems analyst allocation pattern allows a higher progression level than the manual systems analyst allocation pattern. These patterns are based on the determination that data system analyst positions are typically more technical and complex than manual systems analyst positions." Respondent's brief, March 2, 1976, p. 6.

The Appellant contends that manual systems work is comparable in complexity to data systems. Both parties cited opinions in support of their positions. Additionally, the Appellant pointed to recent advances in manual systems technology which allegedly makes it more complex. The opinions cited are conclusory in nature and there was no basis provided for a comparison as to complexity between the advances in the manual systems technology and data systems technology. The Appellant has not sustained his burden of proof by establishing to a reasonable certainty by the greater weight of the evidence that manual systems work and data systems work is comparable in terms of complexity.

FINDINGS OF FACT

These findings are based on and limited to the record as submitted in this appeal.

1. The Appellant's position is classified as Management Information Specialist (MIS) 4 - Manual Systems Analyst, employed by the Department of Industry, Labor and Human Relations, Administrative Division, Bureau of Systems and Data Processing.
2. The position standards for MIS 5 - Manual Systems Analyst are as set forth in the opinion on p. 1 and 2 and in Respondent's Exhibit 1.
3. The Appellant is assigned to a data processing unit or agency in a large agency.
4. The Appellant's position does not have "the authority for effectively recommending or changing all departmental systems" as set forth in the position standard.
5. The Appellant's position does not entail more duties and responsibilities than the MIS 4 positions occupied by Risgaard, Champion, Jallings, and Crocker.

6. The duties and responsibilities of Appellant's position are not comparable to or greater than those of a former MIS 5 position in his unit occupied by Mr. Reich, and said position is not comparable to Appellant's for classification purposes in any event.
7. In general terms, manual systems work is not as complex for classification purposes as data systems work.

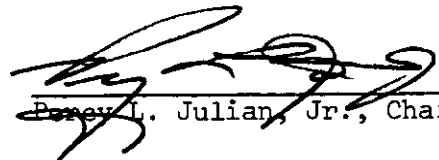
CONCLUSIONS OF LAW

1. The burden of proof is on the Appellant to establish the facts he relies on to a reasonable certainty by the greater weight of the credible evidence. See Reinke v. Personnel Board, 53 Wis. 2d 123, 137 (1971).
2. The Respondent did not err in denying Appellant's request for reclassification and his action must be affirmed.

ORDER

IT IS HEREBY ORDERED that the Respondent's action denying the Appellant's request for reclassification is affirmed and this appeal is dismissed.

Dated May 24, 1976. STATE PERSONNEL BOARD



Percy L. Julian, Jr., Chairperson