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KATHY KIETZ, et al.,

Appellants,

v.

MANUEL CARBALLO, Secretary,  
 Department of Health & Social Services,  
 VERNE KNOLL, Deputy Director,  
 State Bureau of Personnel,

Respondents.

Case No. 75-59

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**OFFICIAL**

ORDER

Before: DeWitt, Wilson, Morgan, Warren and Hessert, Board Members.

The attached proposed opinion and order is adopted as the decision of the board in this case with the addition of the following language to the conclusions of law which are required to respond to certain objections filed by respondent and in connection with an issue left open in the proposed decision:

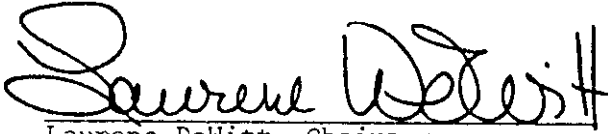
"The respondent has objected to the proposed decision in part because it is argued that the finding that there was a dramatic and drastic change in the positions of appellants compels the conclusion that to reclassify the appellants as typists 3 would be to promote them without competition in contravention of Section 16.11(1), stats. Notwithstanding, it is concluded that the respondents erred in denying the reclassification requests because had the denial been posited on that ground the appellants would have had an opportunity to compete for promotion instead of being locked in to the typist 2 level. It is further concluded that the respondents waived this argument in the course of the hearing. See, e.g., transcript of June 16, 1976, pp. 39-42.

The proposed decision left open the question of back pay and benefits pending a decision in Dane County Circuit Court. On May 31, 1977, the Court affirmed the

board's holding that back pay in reclassification denial cases was limited to a period commencing 45 days after the filing of the appeal, where a decision was not rendered before such date. Van Laanen v. State Personnel Board, 153-348. It is concluded that back pay and benefits should be retroactive to 45 days after May 12, 1975, the date this appeal was filed."

Dated September 6, 1977

STATE PERSONNEL BOARD

  
Laurene DeWitt, Chairperson

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KATHY KIETZ, KATHARINE ZASTROW and  
 GERMAINE MECH,

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 Department of Health & Social Services, and  
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PROPOSED  
OPINION AND ORDER

Before: DeWitt, Wilson, Morgan, Warren and Hessert, Board Members.

OPINION

Nature of the Case

This case is the consolidated appeal of three reclassification request denials.

The issue before the board on this reclassification appeal is whether or not the denials of the reclassification requests were proper.

Appellants have requested the board to determine two additional issues, and respondent has objected to the board's consideration of these other issues. The other issues are:

- 1.) Whether or not the denials of the reclassification requests were based upon sound personnel or reclassification principles, and
- 2.) Whether or not appellants were subject to sex discrimination.

Findings of Fact

Each of the appellants is, for purposes of this appeal, similarly situated with regard to work performed, and we find their position to be approximately the same for classification purposes.

Appellants at all relevant times have been employed as Typist 2's

in the Division of Vocational Rehabilitation.

Prior to July, 1974, appellants worked in a secretarial/clerical pool setting in the Oshkosh District Office of the Division of Vocational Rehabilitation. Each appellant had specific, limited responsibilities for performing a certain portion of the secretarial and clerical work relative to the cases being handled by the Vocational Rehabilitation Counselors in the office. Their work was specialized in that each appellant handled only certain aspects of the work done on each case, and each appellant did that specific work on all the cases.

Work was performed under direct supervision, with actual review of the correspondence and forms prepared by appellants.

In July, 1974 the entire operation in the Oshkosh office was restructured by the District Supervisor. The restructuring caused a dramatic and drastic change in the positions of appellants. Where each appellant formerly had done only a portion of the work on every case, the restructuring required each appellant to do all the work on only some of the cases. In other words, where appellants had formerly operated on an assembly line type system, they now operated on a beginning to end of the case basis.

Where appellants formerly were not assigned to any specific counselor exclusively, under the new organization, each appellant was paired off with one or more counselors and was made responsible for all the clerical/secretarial work generated by the counselors with whom she was paired. In addition, certain work which was formerly performed by a Typist 3 or an Administrative Secretary 1 was assigned to appellants. This work consisted of the preparation of certain forms and the maintaining of certain financial ledgers.

The specific tasks which appellants have performed since the reorganization in 1974 are not in dispute.

The work performed follows:

25% or less of their time is spent in simple typing of dictation, form letters and similar work.

30 - 35% of their time is spent on financial records work. This consists of keeping ledgers and accounts of various monies from different funding sources, keeping records and books on clients' accounts, writing purchase orders, authorizing payments and related work. Appellants have primary responsibility for bookkeeping functions of monies totalling \$70,000 per year.

5% of their time is spent in in-service training, attending meetings, and filling in for each other in times of vacation, breaks, and backlog periods.

The remaining 35 - 40% of appellants' time is divided between the following tasks in varying amounts of time:

A. Coding and filling out various Division of Vocational Rehabilitation forms involving the disability of the clients, the source of the clients' funding and similar information.

B. Opening and closing case files.

C. Acting as receptionists and telephone receptionists for the Counselors.

D. Answering client inquiries.

E. Composing and typing and carrying on correspondence not directed by the counselors.

F. Preparing and coding transfer forms.

G. Doing case filing.

H. Serving as personal secretaries to the counselors as requested, including making appointments, preparing counselors' schedules and like work. This generally consists of keeping the work flow up to date as counselors

are out of the office several days each week.

The appellants are supervised in a general fashion, with supervision being administered through individual and group conferences, which are held less than once a month. In addition, supervision is available on a problem/request basis and through occasional spot checks of work as well.

#### Conclusions of Law

This case involves the denial of a reclassification request. In such cases, the burden is on the appealing parties to demonstrate that the denial of the reclassification was incorrect. See Jallings and McKay v. Smith, Wis. Pers. Bd. 75-44, 45 (8/23/76).

The board will not address the additional issues propounded by appellants concerning alleged discrimination and sound personnel principles, as it is unnecessary to do so to make the basic determination required by Jallings.

Prior to July, 1974 there appears to be no question but that appellants were properly classified as Typist 2's. Typist 2 positions are expected to perform journeyman level typing and related work under direct supervision. The work at that level is characterized as "often varied and/or complex" (Clerk 2 Position Standard). A considerable knowledge of office methods is required, as is knowledge of the organizational structure and inter-relationships of various operating units.

Prior to the 1974 reorganization appellants performed routine (defined as repetitive in Department of Administration Classification Manual<sup>1</sup> 1-72) work. Each appellant performed a certain portion of the work on every case coming through the office. Thus, the work could be characterized as routine,

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1. The Manual contains a "glossary of classification terminology," which is intended "to provide a common base for the development and interpretation of specifications." (Manual p. 6)

although any specific piece of the work might not be considered simple. In addition, prior to the reorganization, appellants received direct supervision, which consisted of an actual review of the work which they did.

In July, 1974 the reorganization took place which drastically changed the nature of appellants' jobs. They were given start to finish responsibility for the cases as opposed to the selective duties which they had performed prior to that time. In addition, they were given new duties which included financial work relative to administering over \$70,000 per year, which had formerly been done by a person of Typist 3 or Administrative Secretary 1 classification.

Classification of jobs is not an exact science. Due to the infinite differences in individual positions, a position rarely exactly fits within one specification or another. Oftentimes work could be considered properly within both a higher and lower classification. This is especially true in the Clerk/Typist series of position standards. These standards lack specificity, both in a general sense and by comparison to other position standards. Both level 2 and level 3 positions are expected to perform varied and complex work.

The basic points of distinction as between the Typist 2 and Typist 3 level are the supervision, the initiative and independence expected of the employe and the general level of functioning of the employe. Any specific task (not within the exclusions on Typist 2's such as operating MTST machines) might be done by a Typist 2 or a Typist 3.

In determining the proper classification as between the two positions then, one must look to the general level of work performed, the general nature of supervision and the initiative which the employe is expected to demonstrate. One must view the job as a whole and then classify the employe

according to the standard which best fits the job.

Typist 3 positions work under general supervision, whereas Typist 2 positions receive direct supervision. Direct supervision is defined as:

"Individual does not use his own initiative. He is instructed by a supervisor as to the solution . . . Individuals report to . . . a supervisor who controls all facets of work . . ."

D.O.A. Classification Manual  
Glossary, "SUPERVISOR".

Appellants herein are not directly supervised. They exercise considerable discretion. They generate their own work, and seek supervision only in the event of an extraordinary situation.

The classification factors for the Typist 3 position are as follows:

"Positions are seldom allocated to this level on a basis of their typing duties only."

Appellants spend less than 25% of their time on simple typing.

"Positions are allocated to this level on a basis of their overall clerical duties . . . as described by the Clerk 3 standard." The Clerk 3 standard lists several specific factors, which appellants fit within.

Appellants perform clerical duties which demand that they exercise initiative, judgment and specialized knowledge. They code medical disability forms, they keep ledgers and books on substantial sums of money, they process over 40 specialized forms. They exercise initiative and judgment in that they set up their own work schedules, and in that their work is neither assigned on a day by day or task basis, nor reviewed on any regular basis.

The tasks which they perform require a thorough knowledge of the organizational structure, work assignments and flow of work. Appellants are primarily responsible for the ongoing functioning of the office which provides services to handicapped clients. They frequently act when the counselors are out of the office and, since the reorganization, each appellant



must have a complete knowledge of the casework process from start to finish.

The appellants have considerable contact in an informative capacity with the public, since they typically answer client questions when the counselors are not in the office. Counselors are out of the office two or three days each week.

Appellants do not have supervisory duties.

Appellants do revise procedures as the need arises in their immediate work area under the reorganization.

Appellants provide a variety of secretarial functions to the professional staff in their roles as secretaries to the counselors.

Turning back to the Typist 3 classification factors, appellants do compose a great variety of correspondence on their own initiative, including correspondence with clients and vendors of services to clients.

A Typist 3 is required to have a thorough knowledge of departmental program operations and policy. Appellants have and use such knowledge regularly in performing their duties.

As discussed above, the distinguishing factors between Typist 2 and Typist 3 classifications are more questions of degree than questions of specific tasks performed. In light of the reorganization of the Oshkosh Office in 1974, appellants are entitled to reclassification to the Typist 3 level. The reorganization substantially increased the level of responsibility demanded of appellants. Appellants were given more responsible work, and less supervision. Appellants were taken out of the "clerical pool" type system and required to exercise substantial initiative and independence to keep the office functioning smoothly.

The reorganization effected a more efficient operation. Clients are better served, and the office operates with one less clerical worker under the new system than it did under the old system.

As this matter is a reclassification appeal, the board will not comment on the relative merits or propriety of the reorganization. The board would recommend that the director consider reviewing the position standards involved here, with an eye to the creation of an intermediate position between the 2 and 3 levels for advanced but not supervisory level clericals who work in a smaller office where only one supervisor is required. The standards as they currently exist are not well suited for application in smaller office situations where there may be a total of only 4 or 5 clerical workers, all doing advanced clerical work.

We reserve a decision on the question of back pay and benefits pending the decision of the Dane County Circuit Court on the petition for review of the board's decision in Van Laanen v. Knoll, 74-17 (3/23/76), inasmuch as the disposition of that matter may resolve or help resolve legal questions existent in this area. At the time of the promulgation of this proposed decision, the hearing in circuit court is scheduled for May 23, 1977, before Justice Currie.

ORDER

The director's decision denying these reclassification requests is rejected and this case will be held open for final disposition as set forth above.

Dated \_\_\_\_\_, 1977. STATE PERSONNEL BOARD

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Laurene DeWitt, Chairperson