
CORBIN NUNNELEE,

Appellant,

v.

VERNE KNOLL, Deputy Director,
State Bureau of Personnel,

Respondent.

Case No. 75-77

OFFICIAL

ORDER

Before: DEWITT, Chairperson, WILSON, STEININGER, MORGAN and WARREN, Members.
(Steininger abstaining.)

ORDER

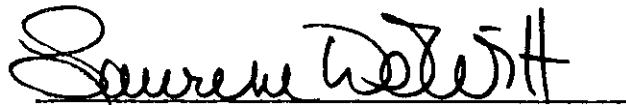
We adopt the attached proposed opinion and order as the final decision of the board except that the final two paragraphs in the conclusions of law and the order are replaced by the following language. The reason for changing the proposed conclusion is because it does not take into account the appellant's personnel functions in determining whether she worked under "general supervision," as is set forth hereafter:

"The record and the findings in this case do support a conclusion that the appellant performed under general supervision insofar as the personnel administration function of her lead work activities were concerned. While the cashier functions performed at Kronshage were relatively mechanical in nature and performed in accordance with established, detailed guidelines, she had no direct supervision or detailed guidelines to follow with regard to her personnel administration functions, including training, evaluation, and discipline. All of these functions were performed highly independently, with a high rate of turnover of inexperienced cashiers.

For these reasons we conclude that the director's decision denying the reclassification request to Cashier II was erroneous and must be rejected. However, the question of relief presents difficulties. The record reflects that shortly after the filing of this appeal, the appellant was transferred from this position and it was abolished and essentially replaced with two half-time positions, and that this action was not connected with the filing of her appeal.¹ Shee seeks a salary differential retroactive to the time she began performing at the Cashier II level as well as reclassification of the position she was in. (Transcript, p. 103) Because of the elimination of the position, there is no basis for a conclusion that Ms. Nunnelee's previous position should be reclassified at this time. With regard to the question of back pay, we have held in Van Laanen v. Knoll, 74-17 (3/19/76 and 3/23/76) that in cases of reclassification denial that back pay would be limited to the date of the board's order or the date 45 days after the filing of the appeal, whichever is earlier. In this case the record is unclear as to whether the appellant was transferred within 45 days after filing this appeal, in which case it would not appear that she would not be entitled to back pay. To try to clarify the question of relief, we will hold this matter open and direct the appellant to serve and file any additional information and argument she may have relative to the question of relief within 10 working days of the date of mailing of this order. The respondent may serve and file a reply within 5 working days thereafter.

Dated March 24, 1977.

STATE PERSONNEL BOARD


Laurene DeWitt, Chairperson

1. We make this as an additional finding of fact necessitated by the foregoing changes in the conclusions of law.

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OPINION AND ORDER

Before: DEWITT, Chairperson, WILSON, STEININGER, MORGAN and WARREN, Members.
(Steininger abstaining.)

NATURE OF THE CASE

This is an appeal from the denial of a reclassification request from Cashier 1 to Cashier 2. At the prehearing conference the parties stipulated that the following issues were presented by this appeal:

"Whether or not the Appellant's lead worker duties are such that she should be reclassified to Cashier 2 from Cashier 1?

If the Appellant prevails with regard to the first issue, is she entitled to retroactive adjustment of her status to the date when she first began performing Cashier 2 duties, or is some other date appropriate such as the date of the Board's decision or the date the Appellant filed her appeal to the Personnel Board or six months after she began performing Cashier 2 duties?"

Following the prehearing the Appellant requested the addition of other issues to which Respondent objected on the basis of the prior stipulation. In an interim opinion and order entered March 22, 1976, the following additional issues were permitted:

- "1. Whether or not the nature of the supervision of the Appellant is such that she should be reclassified to Cashier 2 from Cashier 1?
2. Whether or not the combination of the Appellant's lead work duties, and the nature of the supervision of the Appellant is such that she should be reclassified to Cashier 2 from Cashier 1."

FINDINGS OF FACT

The Appellant at all relevant times has been classified as a Cashier 1. She began work at Kronshage Hall, UW-Madison, on or about August 21, 1973. Her duties and responsibilities remained relatively stable from that time to the time she filed her appeal on June 24, 1975, except that after her first year of employment the time spent actually operating cash registers decreased substantially.

Appellant's sphere of activities included all the Kronshage Hall dining facilities which consisted of a dining room and snack bar. She was responsible to some degree at any one time for the functioning of approximately 25 part-time student cashiers and four to six non-student LTE employes, all of whom functioned at approximately the level of the civil service classification of assistant cashier. Their duties consisted of recording on their cash registers food sales which were paid for either by cash or by meal ticket. Appellant was responsible for the training of all the cashiers. She also evaluated them and recommended terminations in four instances to her immediate supervisor, which recommendations were always followed. She made recommendations for promotion of certain cashiers to student supervisor positions.

Appellant provided technical information on problem solving with regard to the cashiers' functions to them. Each cashier had a bell at his or her register which sounded in Appellant's office. When a cashier encountered difficulty in a transaction which he or she was unable to resolve, he or she would ring this bell to summon Appellant who would provide assistance. When necessary, she reviewed audits from the accounting office with individual cashiers. When a cashier was late she had to arrange for a temporary replacement or fill in herself. While she could not take independent disciplinary

action with regard to the cashiers, she could recommend it, as outlined above.

Appellant also exercised the responsibility of counting daily the cash balance, and preparing cash boxes after vacations when money was returned to the dining hall by the accounting office. She kept records and made reports. She guided the preparation of and made cash deposits.

The turnover of cashiers was substantial. Typically five or six would quit within two or three weeks of the beginning of the school year and several more during the course of the year. These had to be replaced and Appellant had to provide training. At times when the Appellant was not present at Kronshage the cashiers' guidance would come from student supervisors. However, they had a limited knowledge of technical features of the cashier function and were unable to provide the depth of assistance that Appellant did, and in some cases they deferred more complex problems until they were able to refer them to Appellant.

Appellant worked under the supervision of Paula Nies, food manager. She would drop in on Appellant once in a while to see how she was doing, but she was not familiar with and did not check on the details of Appellant's work. Ms. Nies left the Appellant free to take breaks at any time and generally to arrange her own work schedule during her shift. The Appellant had available to her a manual for cashiering and cash handling which provided detailed, specific instructions on the subject, but she did not refer to this document because she had covered the material in the training she had received and was familiar with it.

Copies of the class specifications for Assistant Cashier, Cashier 1, and Cashier 2 are attached to this opinion and incorporated in these findings as if fully set forth.

CONCLUSIONS OF LAW

The definition section of the class specifications for Cashier 2 is as follows:

"This is very responsible work in the cash collection and disbursing unit of a state agency. Employees in this class serve either as lead workers guiding the activities of lower level cashiers or are responsible for performing complex cash collection and verification activities in an agency such as the office of the State Treasurer. Work at this level is distinguished from lower levels by the complexity of duties performed, knowledge of the program area and the monetary value of the transactions. Supervision received is of a general nature."

Respondent's witnesses conceded that Appellant performed many lead work functions and it is clear based on the findings and it is concluded that she did function as a lead worker.

The Respondent attempted to distinguish the Appellant's position by the argument that the terminology of the specifications for Cashier 2 "guiding the activities of lower level cashiers," applies neither to student help nor assistant cashiers, but only to permanent employees classified as Cashier 1. This distinction clashes with the very plain language of the specifications. If the intention of the Director was to include only Cashiers 1, the specifications should use the terminology "Cashiers 1" rather than "lower level cashiers," which clearly encompasses all lower level cashiers at both the assistant and one level. Also, we perceive no basis for excluding student help from the definitional portion of the Cashier 2 specifications with regard to the nature of the lead work function required. Position functions and relationships are important here, not their status. The Appellant performed lead work functions for positions with duties and responsibilities identified at the Assistant Cashier level. Respondent did not offer more than conclusory statements about the "intent" of the specifications to support the argument that there should be an exception for student

and limited term employes, and we can find no support for it independently.

Appellant's theory with regard to the nature of the supervision she received appeared to be that because her supervisor was not physically present to direct her work that this amounted to general supervision.

See transcript, pp. 38-39:

"Ms. Nunnelee: My definition of general is that my supervisor was around once in a while during the day to see how I was doing, but she never checked on my work. She didn't know what I was doing. She didn't know my work. And she left me free to take my box breaks at any time, to make my own hours within my - the scope of the designated hours that I worked."

The Respondent's theory was oriented to the amount of discretion allowed the employe. See transcript, pp. 9-10:

"Mr. Webb: . . . terminology is used in the specification meaning general supervision is such supervision given by outlining the general objectives of a particular operation, and that a person working under this type of supervision would have considerable latitude in making judgments as to whether the particular work in progress in question, was or was not in compliance with rules, regulations, procedures, or whatever, given the operation. And would also have some discussion within certain limits to make changes or change operation, or change someone else's interpretation of rules and regulations."

We believe that the latter type of definition is more appropriate to these specifications and to the process of classification administered by the Director pursuant to statutory guidelines, S. 16.07(1): "authority, responsibility, and nature of work performed." There can be no question that the amount of actual, physical, on the job oversight given an employe by a supervisor is a function of a number of factors, including the skill and reliability of the employe. An employe of demonstrated skill and reliability performing relatively rote tasks may not receive any supervision of the nature described above by the Appellant. However, such a hypothetical employe might well have little or no discretion with regard to the details of the job, and this factor is far more relevant to the statutory criteria

cited above.

We also believe that this definition of "general supervision" is consonant with generally accepted usage. See, e.g., Western Casualty and Surety Co. v. Southwestern Bell Telephone Co., 396 F. 2d 351, 354 (8th Cir. 1968):

"The court held that general supervision as used in the policy did not mean the supervision of the method, manner and/or means of employed by the independent contractor, but rather means supervision to the extent necessary to see that the work was done in accordance with the contract and specifications"

The record and the findings in this case do not support a conclusion that the Appellant performed under general supervision. The actual cashier operations at Kronshage which she performed on a spot basis and for which she was lead worker were relatively mechanical in nature compared with the other, higher, classifications in the cashier series. These functions were performed in accordance with established, detailed guidelines. This lack of complexity helps support a conclusion that all facets of the Appellant's lead work duties were less complex and involved fewer variables and less exercise of discretion than would be necessary for a conclusion that she worked under "general supervision."

Inasmuch as the parties by stipulation limited the issues to the questions concerning Appellant's lead work functions and the nature of supervision she received, we do not need to reach findings and conclusions regarding other aspects of the Cashier 2 specifications.

ORDER

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

STATE OF WISCONSIN

Cashier 1

SRI-05

Class Description

Definition:

This is responsible work in the cash collection and disbursement unit of a state agency. Employees in this class, perform work of more than ordinary difficulty in receiving and disbursing money. Supervision received is of a direct nature and is readily available.

Examples of Work Performed:

- Accept payments for fees, licenses, or other charges.
- Count money received and verify accounts.
- Determine proper accounts for payments received and post payments to the accounts.
- Reconcile cash balances and maintains simple cash accounts.
- Prepare bank deposits.
- Distribute checks or cash payments.
- Keep records and make reports.
- Operate cash register or related money recording machines.

Qualifications

Required Knowledges, Skills and Abilities:

- Knowledge of the laws and rules pertaining to checks, drafts, and endorsements.
- Knowledge of elementary bookkeeping procedures and methods.
- Knowledge of office methods and procedures.
- Ability to make rapid and accurate arithmetical computations.
- Ability to meet and deal with the public.

Training and Experience:

High school graduation and two years of work experience in receiving and disbursing money; or an equivalent amount of training and experience.

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APPELLANT'S

EXHIBIT # 1

Cashier 2

SRI-07

Class DescriptionDefinition:

This is very responsible work in the cash collection and disbursing unit of a state agency. Employees in this class serve either as lead workers guiding the activities of lower level cashiers or are responsible for performing complex cash collection and verification activities in an agency such as the office of the State Treasurer. Work at this level is distinguished from lower levels by the complexity of duties performed, knowledge of the program area and the monetary value of the transactions. Supervision received is of a general nature.

Examples of Work Performed:

Perform the duties of a Cashier 1, and in addition:

Guide the activities of subordinates in the collection of fees and other cash payments.

Guide the preparation of, or prepares, cash deposits.

Guide the distribution of payroll checks or other cash disbursements.

Initiate correspondence pertaining to cashing activities.

Assist subordinates in complex fund receipts or disbursements.

Receive delinquent payments, compute interest due and post payments.

Prepare deposit sheets and balance accounts.

Reconcile bank statements.

Receive and verify deposits received from state agencies in the Office of the Treasurer.

Compute distribution of funds according to prescribed procedures.

Keep records and make reports.

QualificationsRequired Knowledges, Skills and Abilities:

Considerable knowledge of the laws and rules pertaining to checks, drafts and endorsements.

Considerable knowledge of bookkeeping procedures and methods.

Considerable knowledge of office methods and procedures.

Ability to plan and guide the work of subordinates.

Ability to make rapid and accurate arithmetical computations.

Ability to meet and deal with the public.

Training and Experience:

High school graduation and two years of work experience in receiving and disbursing money at level equivalent to Cashier 1; or an equivalent amount of training and experience.

APPELLANT'S

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