

STATE OF WISCONSIN

STATE PERSONNEL BOARD

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 DOROTHY KRUCHTEN,
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 Appellant,
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 v.
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 SECRETARY, Department of Health
 and Social Services and DEPUTY
 DIRECTOR, Bureau of Personnel,
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 Respondents.
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 Case No. 77-18
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OFFICIAL

OPINION AND ORDER

Before: James R. Morgan, Calvin Hessert and Dana Warren, Board Members.

NATURE OF THE CASE

This is an appeal of the Director's denial of a request for reclassification from Clerk II to either Clerk III, Clerk Coordinator, or Statistical Clerk.

FINDINGS OF FACT

1. The appellant is employed as a Clerk II in the central records unit of the Bureau of Management Services, Division of Corrections, Department of Health and Social Services.

2. There are two other positions in the appellant's work section. One of these positions is classified as a Clerk II and the other position, the section lead worker, is classified as a Clerk III.

3. The appellant's duties include the processing of various information and forms. She checks for accuracy and completeness, obtains any additional data that is necessary, transcribes information from one filing system to another, files information in the central records files, prepares information for transmission to other work areas, and determines the need for review of data currently on file.

In the absence of the lead worker or in the event of a work overflow, the appellant also assumes some of the lead worker's information processing duties.

4. The general division of duties among the employes in the section was established by the prior incumbent in the lead worker position and her immediate supervisor. This division is maintained on a daily basis by the current lead worker who sorts incoming work and assigns it to the two Clerk II position employes.

5. The appellant does not assign work to, or review the work of, lower level clerks. She is not responsible for any lower level employe's work. Nor is the appellant responsible for the revision of operating procedures of the section or for ascertaining the need for additional staff. She has, however, performed the duty of training another Clerk II level employe at a time when the lead worker Clerk III position was not filled by a permanent employe.

6. The respondent denied the appellant's request for reclassification after conducting a classification analysis which included a job audit. Significant reasons for the denial were the similarity of the appellant's duties and responsibilities to the classification factors of her current classification and the appellant's lack of supervisory duties and responsibilities which are associated with the Clerk III classification.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this appeal pursuant to Wis. stats. §16.05(1)(f).

2. The standard of judgment is the correctness of the Director's action.

Ryczek v. Wettengel, 73-26, 7/24/74.

3. The burden of proof is on the appellant to show to a reasonable certainty, by the greater weight of the credible evidence, that she should be reclassified in the manner she alleges and that the Director is thus incorrect in refusing to so reclassify her.

Reinke v. Personnel Board, 53 Wis. 2d. 123 (1971).
Alderden v. Wettengel, 73-87, 6/2/75.
Ryczek v. Wettengel, 73-26, 7/2/74.

4. The appellant has failed to carry this burden. The action of the Director must be considered to be correct.

OPINION

The appellant has failed to carry her burden of showing that she should be reclassified as a Clerk III, Statistical Clerk, or Clerk Coordinator.¹ Comparisons of her duties and responsibilities with those listed on the position standards for the requested classifications have shown the inapplicability of those classifications to the appellant's position. A further comparison of her position with the duties and responsibilities of various other employes that appear on the record supports the conclusion that these classifications would be inappropriate.

1. At the prehearing conference, the respondent objected to the consideration of the latter two classifications on the grounds that they were not included in the appellant's original request to the Director. The hearing record does not support the basis of this objection.

In regard to the Clerk III classification, the position standards designate the work at this level as "requiring advanced clerical and beginning level supervisory skills." (emphasis added) The classification factors include the following:

"Positions at this level are usually responsible for the clerical work of a small organizational subunit. They are typically first-line supervisors and are held responsible for the work of their subordinates.

* * *

Positions allocated to this level typically direct as well as perform a variety of clerical operations within a unit.

* * *

Responsibility for revising the operating procedures affecting the immediate work area is typical." (emphasis added)

A comparison of the position standards for Clerk II and III shows this aspect of supervisory duties to be a major factor distinguishing the two levels where, as here, there is more than one clerk in the work section. A review of the duties and responsibilities of various Clerk II and III positions as they appear on the record reinforces the importance of lead or supervisory work in this classification.

The appellant, however, has not shown that she performs in a supervisory or lead worker capacity. She does not direct clerical operations within her work section. She is not responsible either for the clerical work of her section or for the work of any individual subordinates. Nor is the appellant responsible for revising the operating procedures of her section. Without a showing of such duties and responsibilities, the appellant cannot maintain her burden of proof concerning the Clerk III level.

In regard to the Clerk Coordinator classification, the class description states that positions at this level function as a "clerical coordinator within a medium size organizational subunit" where various work factors such as type, volume, complexity of work do "not allow the immediate supervisor to directly assign and review work, train new employes, and perform other related coordinative functions." The description lists the following examples of work performed:

"Performs duties as described in the Clerk II and Typist II specifications and in addition performs the following leadworker functions:

- Guides, trains, and assists employes of the work unit.
- Instructs employes in regard to policies and procedures of the work unit.
- Assigns and reviews work.
- Makes decisions relative to the applicability of established procedures and regulations in unusual situations.
- Develops recommendations affecting operational procedures of the immediate work unit."

The appellant has failed to show that this classification would be appropriate. First of all, she does not work in a subunit where her immediate supervisor is prevented from performing other coordinative functions. To the contrary, it is evident that the lead worker of the appellant's section does assign work and perform coordinative functions. Secondly, the appellant does not develop recommendations affecting the operating procedure of the immediate work area. Finally, there is no suggestion that the appellant makes decisions regarding the application of procedures in particularly unusual situations.

The appellant argues that she trained a new Clerk II level employe at a time when the lead worker's position was either vacant or filled by a limited term employe and that she played an active role in orienting the new incumbent in the lead worker position. The record verifies these assertions. However, these facts alone do not justify the Clerk Coordinator classification.

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Finally, in regard to the Statistical Clerk classification, the position description refers to the processing of raw numerical data and the use of mathematical and statistical techniques. The appellant's work does involve use of a numerical identification code for various institutions, geographical areas, and government agents. However, the use of this identification code is significantly different from the processing of raw numerical data envisioned under the Statistical Clerk classification specifications.

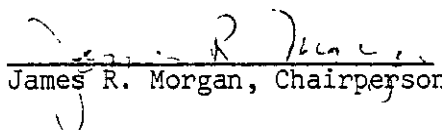
The appellant has failed to carry her burden of showing to a reasonable certainty, by the greater weight of the credible evidence, that she should be reclassified in the manner she has requested.

ORDER

IT IS HEREBY ORDERED that Respondent's action is affirmed and this appeal is dismissed.

Dated: April 11, 1978

STATE PERSONNEL BOARD


James R. Morgan, Chairperson