

STATE OF WISCONSIN

STATE PERSONNEL BOARD

* * * * *

GERALD NELSON,

Appellant,

v.

SECRETARY, DEPARTMENT OF INDUSTRY, LABOR
AND HUMAN RELATIONS, and DEPUTY DIRECTOR,
STATE BUREAU OF PERSONNEL,

Respondents.

Case No. 77-68

* * * * *

OFFICIAL

OPINION AND ORDER

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

NATURE OF THE CASE

This is an appeal of a reallocation pursuant to s. 16.05(1)(f), Stats. Following a survey, the appellant's position was reallocated from administrative budget and management analyst 2 to budget and management analyst 3. The appellant contends that it should have been budget and management analyst 4.

FINDINGS OF FACT

1. At all relevant times the appellant has been a state employe with permanent status in the classified service.

2. Following a Bureau of Personnel survey and the promulgation of new position standards for budget and management analyst (see Respondents' Exhibit 6), the appellant's position was reallocated from administrative budget and management analyst 2 to budget and management analyst 3.

3. The position standards for this series contain the following classification factors:

Classification Factors

Because of the variety of existing or potential future positions identified in this series, individual position allocations will in most instances be based upon general classification factors such as those listed below.

- 1) Organizational status as it relates to level of responsibility and accountability;
 - 2) Availability and applicability of established guidelines, procedures, precedents, and legal interpretations;
 - 3) Potential impact of policy and/or program decisions on the public and the state's resources;
 - 4) Degree of internal and external coordination required to accomplish objectives;
 - 5) Availability of other staff whose authority it is to make the most difficult and unprecedented program decision or interpretations; and
 - 6) Scope and complexity of decisions considering the number and nature of the variables that are relevant to the specific decision.
4. The position standards for this series contain the following definition

for budget and management analyst 1-4:

Definition:

These four levels identify budget and management analysis work ranging from the entry level to the basic objective level. The 1 level is the basic entry level. The 2 and 3 levels are both entry and progression levels for employees who do not possess the qualifications which typically would indicate they could function with the degree of accountability and level of responsibility associated with the basic objective level. The 4 level is the basic objective level for positions in most agencies. The individual types of tasks or duties performed at all four levels are substantially the same. Differences in position allocation are based primarily on the complexity of the tasks and the level of accountability or responsibility assigned to the position as measured by the amount and type of supervision and direction received and authority assigned. Work performed at the objective (full performance) level is under general supervision.

5. The appellant's supervision was "general," or the kind required for classification at the objective (full performance) level, or budget and management analyst 4.

6. In terms of relative complexity, appellant's work was at the budget and management analyst 3 level rather than the 4 level.

CONCLUSIONS OF LAW

1. This matter is within the subject matter jurisdiction of the Personnel Board pursuant to s. 16.05(1)(f), Wis. Stats.
2. The appellant has the burden of proof.
3. Based upon the criteria contained in s. 16.07, Wis. Stats., and the position standards for this series, and the duties and responsibilities associated with appellant's position, the director did not err in reallocating his position to budget and management analyst 3.

OPINION

This question presented as to whether appellant's work should be at the 3 or 4 level turns on matters of relative comparison. The definition section in the position standards for budget and management analyst 1-4 provide:

The individual types of tasks or duties performed at all four levels are substantially the same. Differences in position allocation are based primarily on the complexity of the tasks and the level of accountability or responsibility assigned to the position as measured by the amount and type of supervision and direction received and authority assigned.

The classification factors also require the making of relative comparisons.

The appellant has the burden of proof. See Alderden v. Wettengel, Pers. Bd. No. 73-87 (6/2/75). The appellant introduced in evidence various examples of his work product. He has given his opinion as to the relative degree of complexity of this material, which he believes to be relatively high and at the 4 level. His 2 supervisors testified and proffered the opinion that the degree of complexity was relatively lower and at the 3 level. It is undisputed that the nature of appellant's supervision is at the 4 level.

In evaluating the evidence on complexity, the board places more weight on the evaluation of the two supervisors than on the appellant's evaluation of

Nelson v. DILHR & Bur.
Case No. 77-68
Page Four

his own work. The supervisors have a broader view of the work of the unit as a whole including that of other analysts. The appellant's testimony, while credible, is by definition self-interested. There was no indication of interest on the part of the supervisors. It is not unusual in cases of this nature for supervisors to testify on behalf of employes and in favor of reclassification attempts. The appellant did utilize comparisons with certain classification criteria relative to complexity contained in a project he himself completed. Appellant's Exhibit 2. However, the Bureau of Personnel analyst involved in the survey testified that these criteria were never utilized and were not considered valid criteria. The classification factors contained in the position standards can only be used as a framework of comparison. For example, one of the factors is "3) Potential impact of policy and/or program decisions on the public and the state's resources . . ." The degree of impact can only be evaluated by comparison among various projects associated with positions at various classification levels. While the appellant's work product appeared to partake to some extent of the reclassification factors, this does not outweigh the testimony of the appellant's supervisors that this work was not as complex as other work associated with positions at the 4 level.

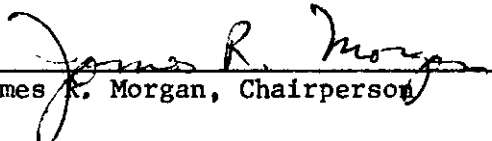
The appellant has failed to sustain his burden of proof that the respondents erred in his reallocation, and therefore they must be sustained.

ORDER

The respondents' actions and decisions are affirmed and this appeal is dismissed.

Dated: 3-13, 1978.

STATE PERSONNEL BOARD


James R. Morgan, Chairperson