

STATE OF WISCONSIN

PERSONNEL COMMISSION

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 DONNA KREWSON et al, \*  
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 Appellants, \*  
 \*  
 v. \*  
 \*  
 DIVISION OF PERSONNEL, \*  
 \*  
 Respondent. \*  
 \*  
 Case No. 78-23-PC \*  
 \*  
 \* \* \* \* \*

DECISION  
 AND  
 ORDER

This is an appeal from a reallocation decision, pursuant to §230.44 (1)(a), Wis. Stats. The case was heard before Charlotte M. Higbee who issued a Proposed Opinion and Order on March 9, 1979. On April 30, 1979, the Commission examined the objections to the proposed opinion submitted by the parties, discussed the case with the hearing examiner, and herewith issues an amended Decision and Order.

FINDINGS OF FACT

The Commission adopts and incorporates by reference the Findings of Fact proposed by the hearing examiner in the Proposed Opinion and Order, a copy of which is attached, with the following modifications:

1. Finding number 2 is amended by inserting the words and registrations after titles in the second line and should read:

"2. The appellants' major duties are to change and update records of motor vehicle titles and registrations through keying information by direct data entry into the computer data base and to retrieve and verify license, title, and vehicle identification numbers and lien status in response to requests for information."

This omission was an oversight and the amendment is amply supported by the evidence adduced at the hearing.

2. Finding number 5 is amended by expanding the last sentence for purposes of clarification only. Finding number 5 should read:

5. "About ten percent of the appellants' time is devoted to the resolution of complex problems on unsuccessful data entry updates, based on material received for input. This is accomplished through research of all resources in vehicle registration files. If correct information cannot be retrieved from the computer or obtained from other units in the Division of Motor Vehicles, the appellants do not proceed further with the matter themselves. They send unresolved problems to the data entry or inquiry and tracing units."

This modification is supported by the testimony both of appellant and respondent's witnesses.

#### CONCLUSIONS OF LAW AND OPINION

The Commission adopts and incorporates by reference the attached Conclusions of Law and Opinion proposed by the hearing examiner.

ORDER

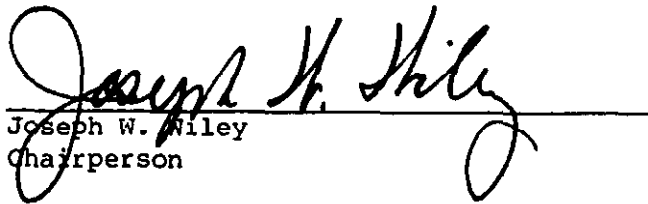
The action of the Deputy Administrator in reallocating the appellant's positions from Licensing and Vehicle Registration Representative 2 to Licensing and Vehicle Registration Representative 1 is affirmed and this appeal is dismissed.


Dated:


May 18

, 1979.

STATE PERSONNEL COMMISSION

  
\_\_\_\_\_  
Joseph W. Wiley  
Chairperson

  
\_\_\_\_\_  
Edward D. Durkin  
Commissioner

  
\_\_\_\_\_  
Charlotte M. Higbee  
Commissioner

CMH:skv

3/9/79



of those persons who were neither present nor represented at the hearing on December 12, 1979.

FINDINGS OF FACT

1. The appellants are Data Entry Operators employed in the Numerical Files Group of the Vehicle Files Unit, Vehicle Records and Correspondence Services Section, Bureau of Vehicle Registration and Licensing in the Division of Motor Vehicles, Department of Transportation (see Organization Chart, Respondent's Exhibit No. 14 A, C, D).

2. The appellants' major duties are to change and update records of motor vehicle titles through keying information by direct data entry into the computer data base and to retrieve and verify license, title, and vehicle identification numbers and lien status in response to requests for information.

3. Twenty percent of the appellants' time is spent in public contact work, responding to incoming requests for information from both the general public and from police, highway weigh stations, and banks. Approximately half of this time relates to answering questions about applications, fees, and motor vehicle sales tax and providing the necessary forms.

4. Appellants received 40 hours of training in November 1978 relating to motor vehicle registration regulations.

5. About ten percent of the appellants' time is devoted to the resolution of complex problems on unsuccessful data entry updates, based on material received for input. This is accomplished through research of all resources in vehicle registration files. If correct information cannot be retrieved from the computer or obtained from other units in the Division

of Motor Vehicles, the appellants do not proceed further.

6. The appellants' positions were compared to Clerks 1 - 2, Typist 3, L V R R 1 - 3, and Administrative Assistant 1 - 3. The auditor also looked at classifications with an application processing function in other departments, such as Job Service Assistant in the Department of Industry, Labor, and Human Relations, in determining the appropriate pay range for the appellant's position.

7. Public contact is one of the prerequisites of the L V R R series in DOT as contrasted with the Clerk and Typist classifications.

8. The appellants perform work comparable to the other L V R R 1 positions in the Division of Motor Vehicles.

9. The L V R R 2 positions audited meet the definition of "complex technical processing and public contact work" set forth in the classification standards for that position (Respondent's Exhibit No. 11). They can be distinguished from the appellants' positions based on one of the following:

- a. greater public contact requiring immediacy and accuracy in handling vehicle registration and licensing on a face-to-face basis, carrying matters to resolution, including issuance of titles and plates;
- b. difficult searching and problem solving in correcting all types of title and registration record errors

#### CONCLUSIONS OF LAW

1. The Personnel Commission has jurisdiction to hear this appeal under s. 230.44(1)(a), Wis. Stats.

2. The appellants have the burden of showing to a reasonable certainty by the greater weight of credible evidence that their positions

should not have been reallocated from L V R R 2 to L V R R 1.

Reinke v. Personnel Board, 53 Wis. 2d 123 (1971)

Martin v. DILHR & Bureau of Personnel, 76-147-P.B. (6/16/78)

3. The appellants have failed to meet their burden.

4. The appellants' positions are properly classified as L V R R 1.

The respondent's action should be affirmed and this appeal should be dismissed.

#### OPINION

When a comparison is made between the appellants' duties and responsibilities, and those of the L V R R 2's and when both are related to classification standards, it is clear that the level of responsibility and the complexity of duties of the appellants is found at the L V R R 1 level.

The appellants' primary functions consist of keying into or retrieving from the computer data regarding motor vehicle titles. They are not responsible for identifying or originating changes to be made on the data base; they do not resolve errors but correct record entries based on information provided by other units or obtained through a routine check of Alpha files and dealer books, a typically Clerk 2 function. There was no showing that the appellants handle problems of as complex a nature as the L V R R 2's, who resolve data errors of a much broader scope relating to and requiring knowledge of the entire processing procedure. Respondents Exhibit No. 7 (copy attached), the report of the personnel specialist who conducted the audit resulting in the appealed reallocation, is a succinct summary of these distinctions.

Although the informational service that they provide is significant, the appellants' public contacts are not to be equated with the L V R R 2's

who work at the application assistance counters in Madison and Milwaukee, whose primary function is to deal with the public on a face-to-face basis, as delineated in 8a of the Findings of Fact. The appellants spend only a small percentage of the work day responding to telephone and walk-in inquiries. While this work does presuppose familiarity with the requirements of motor vehicle registration and the appellants have received training regarding the regulations, the nature of their contact is informational only, frequently involving provision of the appropriate forms. In the case of the L V R R 2's, both the scope of knowledge necessary to perform this task and the extensiveness of the assistance provided are substantially greater than that required by the appellants.

It is therefore determined that the appellants' positions are properly identified at the L V R R 1 level.

ORDER

The action of the Deputy Administrator in reallocating the appellants' positions from Licensing and Vehicle Registration Representative 2 to Licensing and Vehicle Registration Representative 1 is affirmed and this appeal is dismissed.

Dated: \_\_\_\_\_, 1979. State Personnel Commission

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Joseph W. Wiley, Commission Chairperson

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Edward D. Durkin, Commissioner

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Charlotte M. Higbee, Commissioner

CMH:skv

3/9/79