STATE OF WISCONSIN   STATE PERSONNEL BOARD

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HARVEY ROTTIER,                     *
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              Appellant,            *
                                    *
v.                                  *
                                    *
DEPUTY DIRECTOR, Bureau of          *
Personnel,                          *
                                    *
              Respondent.           *
                                    *
Case No. 78-31                      *
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OFFICIAL

OPINION AND ORDER

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

NATURE OF THE CASE

This appeal--filed pursuant to Wis. Stats., s. 16.05(1)(f)-- objects

to the respondent's denial of the appellant's reclassification request.

FINDINGS OF FACT

1. The appellant is employed as a Management Information Specialist 5

(MIS 5) in the Bureau of Data Processing, Department of Administration.

2. The appellant's duties and responsibilities are as follows:

   a. He maintains and supports the systems generation portion
       of the Bureau's computer software.[1] This portion of the
       software controls schedules and integrates
       the smaller component parts of the Bureau's software.

   b. He maintains and supports the Telecommunication Access Method
       (TCAM) and time Sharing Option (TSO) software systems.[2]

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1. Software can be defined as the instructions necessary to convert data
    into forms that are understandable to those without technical knowledge
    of computer sciences.

2. These are two of the smaller component parts of the software alluded
    to 2.a. above.

      c. He guides other Bureau staff members at times and may,
on occasion, assign some duties to them in regard to
those portions of the software that he is responsible for.

      d. He trains user personnel in the software areas that he
is responsible for.[3]

      e. He shares--with other Bureau employees--the responsibility
for configuration of the system and for advising his
supervisor on matters of equipment purchase and utilization.

      f. He aids in determinations regarding possible software
deficiencies.

3. The appellant's duties and responsibilities do not include the
responsibility for all systems generation, all sub-routine or utilities, in-
stallation and maintenance of computer software, and a full operating system.
This responsibility rests with the appellant's supervisor, Mr. Wiegert, and
involves insuring that all software is up to date and running smoothly while
all systems generation levels are proper and interphasing as they should be.
Budget matters and supervisory responsibilities are also not included in the
appellant's work.

4. The appellant requested a reclassification to Management Information
Specialist 6 (MIS 6). This request was denied by the respondent on January 23, 1978.

5. The position standard for MIS 5 defines work at this level in the
following manner:

Management Information Specialist 5 (PR 7-08)

The majority of allocations made to this class will be done on
the basis of the employe's responsibility for a major program
area. Employes will serve as project leaders where assignments

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3. Training of these people in other areas is done by those Bureau personnel
that are responsible for the specific software areas involved.

are of unusual complexity. They may guide and direct
large sub-units of a data processing installation and
will aid in developing agency policy regarding uses
of data processing, formulation of training programs,
program evaluation, and others.

* * *

Computer Systems Programer

These specialists will be allocated on the basis of their
responsibility for the maintenance of the operating system
of a large computer system. They will be responsible for
the configuation of machine hardware and software. They
will make recommendations on the equipment needed for the
agencies applications. They will diagnose execution and
other machine failures for major systems. They will be
responsible for establishing complex sub-routines.

6. Work at the MIS 6 level is discribed by the appropriate position

standard as follows:

Management Information Specialist 6 (PR 7-09)

Employes in this class are generally considered "consultants"
to departmental data processing or management information
sections. Work requires a complete understanding of all
phases of operations, systems analysis, and programming
Employes determine or recommend departmental policy, machine
configuation and utilization, budgeting expenditures. In
some instances, they may be responsible for the coordination
of a major systems and programming section involving all
phases of operation in an agency.

* * *

Computer Systems Programmer

In large and major computer installations, employes will be
responsible for all systems generation, all sub-routine or
utilities, installation and maintenance of computer software
and a full operating system. Such work is performed with
the assistance of lower level specialists. Employes will
recommend and develop the configuation in a major computer
system, and will advise management on equipment expenditures,
and maximum equipment utilization.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this appeal pursuant to
s. 16.05(1)(f), Wis. Stats.

2. The burden of proof is on the appellant to show to a reasonable
certainty, by the greater weight of the credible evidence, that his position
should be reclassified at the level he alleges and that the respondent was
incorrect in refusing to reclassify him at that level.

> Reinke v. Personnel Board, 53 Wis. 2d 123 (1971).
> Ryczek v. Wettengel, 73-26, 7/3/74.
> Lyons v. Wettengel, 73-36, 11/20/74.
> Alderden v. Wettengel, 73-87, 6/2/75.

3. The appellant has not met this burden. He has not established that
the Management Information Specialist 6 classification is proper for his
position or that the respondent was incorrect in refusing to reclassify him to
that level.

4. The Director's action must be affirmed.

OPINION

The appellant has the burden of showing to a reasonable certainty that his
position should be classified at the MIS 6 level. He has not carried that burden.
He has not shown that his duties and responsibilities are most properly identified
with the criteria set forth in the MIS 6 position standard and with the duties
and responsibilities of other MIS 6 positions.

The MIS 6 position standard, when referring specifically to computer systems
programmer positions like the appellant's, states that work at this level involves
responsibility for "all systems generation, all sub-routine or utilities, installation
and maintenance of computer software and a full operating system." The record

shows that the appellant's position does not involve this responsibility.

Rather, the responsibility rests with Mr. Wiegert's position. To cure this

defect, the appellant argues that Wiegert only holds the responsibility in a

supervisory sense and that he, the appellant, holds this responsibility in a

more direct sense   as a technician. However, the record does not support

the appellant's assertions. For, it is still Mr. Wiegert who is primarily

responsible for all of the software programs and for the full operating system.

In contrast, the scope of the appellant's duties and responsibilities is limited

to the systems generation, TCAM, and TSC aspects of the Bureau's overall

function. There are other aspects and software programs of this overall function

with which the appellant is not involved as a technician but for which Mr. Weigert

is primarily responsible. Thus, it cannot be said that the appellant is responsible

as a technician, as Wiegert is as the supervisor, for all systems generation, all

sub-routine or utilities, installation and maintenance of computer software and

a full operating system. Nor can it be said then that there is some form of

shared program responsibility entitling the appellant's position to be classified

as a MIS 6.

Moreover, the appellant does not perform the budget or departmental policy

function indicated on the MIS 6 standard. While the appellant does participate

in the development of systems configuration and in the recommendation of

appropriate levels of equipment expenditures and utilization as listed on the

MIS 6 standard, his position cannot merit the requested classification on this

basis alone since these factors are also included on the MIS 5 position standard.

The MIS 5 standard further describes the appellant's position when it speaks

of responsibility for a major program area, complex project leader work,

guidance of other employes, and maintenance of the operating system of
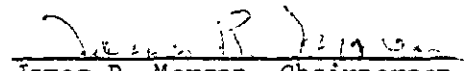
a large computer system.

Thus, the appellant has failed to show to a reasonable certainty, that

his position is most properly identified with the duties and responsibilities

characteristic of the MIS 6 level. Hence, he has failed to establish that

his position should be reclassified to MIS 6 and that the respondent was

incorrect in refusing to reclassify him to that level.

ORDER

IT IS HEREBY ORDERED that the action of the respondent is affirmed

and this appeal is dismissed.

Dated: June 16 _____, 1978   STATE PERSONNEL BOARD

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James R. Morgan, Chairperson