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 JOHN T. SOWLE, JR.,  
 Appellant,  
 v.  
 Administrator, DIVISION OF  
 PERSONNEL,  
 Respondent.  
 Case No. 79-118-PC  
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FINAL  
 DECISION  
 AND  
 ORDER

*C. S. GIBAL*

ORDER

The Commission adopts as written the Proposed Decision and Order of the Hearing Examiner, which is attached hereto, with the exception of Finding of Fact #6, which is modified as follows, after consultation with the Hearing Examiner:

6. Appellant monitors the work of two permanent employes who process the classified employe, limited term employe and student payrolls; he processes the unclassified employe payroll.

Finding #6 is modified to more clearly reflect the intent of the Hearing Examiner to indicate that the appellant has responsibility for monitoring the substantive work performed by the employes but does not have supervisory responsibility in terms of personnel management.

Dated Nov. 7, 1980

STATE PERSONNEL COMMISSION

*Charlotte M. Higbee*  
 Charlotte M. Higbee, Chairperson  
*Donald R. Murphy*  
 Donald R. Murphy, Commissioner  
*Gordon H. Brehm*  
 Gordon H. Brehm, Commissioner

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Parties:

Mr. John T. Sowle, Jr.  
R.R. 1  
5401 Box Elder Road  
Marshall, WI 53559

Mr. Charles Grapentine  
Administrator  
Division of Personnel  
149 E. Wilson Street  
Madison, WI 53702



6. Appellant supervises two permanent employes who process the classified employe, limited term employe and student payrolls; he processes the unclassified employe payroll.

7. Appellant's duties and responsibilities include and have included: proofing and reviewing all payrolls and certifying the checksheets which are sent to the A.W. Peterson Processing Center for auditing, record control, reporting and additional processing; leave accounting; benefit and payroll deduction reports to employes; determining correctness for payroll purposes of appointments in the School, by application of payroll guidelines issued by three offices outside of the School; recommending, revising or establishing internal operating procedures for the School.

8. The School is one of many central payroll units on the Madison campus of the University of Wisconsin; the various schools and colleges which are the central units have certain delegated responsibilities with respect to their own employe payrolls but the overall payroll operation of the Madison campus, as well as some other parts of the U.W. System, is located in the A.W. Peterson Processing Center. The Peterson Center contains the central deduction files and performs the functions of finalization of payments; reporting to external agencies such as federal and state tax and insurance agencies; data processing; deductions.

9. The individual schools or colleges have discretion and delegated duties in certain areas of payroll and exercise that authority in their individual central payroll units pursuant to guidelines and policies issued by the U.W. System Central Administration Payroll Office, by the Chancellor,

Vice-Chancellor or school deans, or by the Madison Campus Budget Office, or by the Department of Employment Relations.

10. The class specification for Specialist 2 defines the position as one with "...very responsible administrative technical payroll work..." in contrast to the definition of Specialist 1 as a position with "...responsible technical payroll work...." (Resp. Ex. 12,13)

11. Comparison of appellant's position with other Specialist 1 and 2 positions shows that while appellant has some responsibilities similar in nature to those of a Specialist 2, he does not have those responsibilities to a degree which would raise his position to the level of Specialist 2, and that his position compares more closely with other Specialist 1 positions. (Resp. Ex. 6,8,9,10,11)

12. The class description definitions of Payroll and Benefits Specialist 1 best describes the level of duties and responsibilities of appellant's position:

"2. Unit leaders within a major payroll operation of great complexity. These employees function as unit leaders guiding a number of payroll employees in a major, highly technical portion of the total payroll function, such as payroll reporting or payroll processing. (Emphasis added)

#### CONCLUSIONS OF LAW

1. The burden of persuasion is on the appellant to show to a reasonable certainty by the greater weight of credible evidence that the respondent improperly reallocated his position from Payroll and Benefits Specialist 2 to Payroll and Benefits Specialist 1.
2. The appellant has failed to meet his burden of persuasion.
3. The reallocation of appellant's position was proper.

OPINION

The appellant has appealed the decision of respondent to reallocate his position downward, for the stated reason of correcting an error in classification. The facts with respect to the duties actually performed by appellant were not heavily disputed at the hearing although the testimony did provide some new information to respondent's personnel specialist. The new information provided, that appellant does have total responsibility for both classified and unclassified payrolls in the School of Education, did not change respondent's decision about the reallocation.

The Commission has decided that the appellant is properly classified at the level of Payroll and Benefits Specialist 1. The primary reason for this decision is that, while appellant has overall responsibility for the School of Education payroll, that responsibility does not cover all necessary payroll operations with respect to reporting, record control and auditing. These operations are not delegated to appellant's employing unit.

The definition of the Payroll and Benefits Specialist 1 clearly includes appellant, who is a unit leader guiding other employes in a major portion of total payroll functions, i.e., processing. This definition includes three separate paragraphs identifying different ways in which an employe can function at the Specialist 1 level. The initial decision to reallocate appellant was based on thinking he fit into one of the three functions; the information discovered at the hearing convinced the Commission that appellant fit into another of the three functions. As

written, the definition of Specialist 1 permits a unit leader to be classified at the same level as a payroll specialist he or she supervises. This is what happened as a result of the upward reclassification of a subordinate of appellant and the related downward reallocation of appellant. (Resp. Ex. #1 and #2)

The Commission agrees with appellant that there may be some inconsistency in respondent's case. That inconsistency may be a factor in a decision on the merits only if appellant has met his burden of persuasion and the Commission goes on to consider any arguments offered by respondent by way of rebuttal. In this case, however, the appellant has not convinced the Commission that he was incorrectly reallocated to Specialist 1. In view of the fact that his duties have not changed since 1974 when he was reclassified to Specialist 2, the logical conclusion is that the 1979 reallocation was intended to correct a classification error.

ORDER

The action of the respondent in reallocating appellant's position is affirmed and this appeal is dismissed.

Dated \_\_\_\_\_, 1980

STATE PERSONNEL COMMISSION

\_\_\_\_\_  
Charlotte M. Higbee  
Chairperson

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Donald R. Murphy, Commissioner

AR:mew

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Gordon H. Brehm, Commissioner