

STATE OF WISCONSIN

PERSONNEL COMMISSION

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PATRICIA BIBA,

Appellant,

v.

Administrator, DIVISION OF
PERSONNEL,

Respondent.

Case No. 79-367-PC

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DECISION
AND
ORDER

NATURE OF THE CASE

This is an appeal pursuant to §230.44(1)(a), Wis. Stats., of a reallocation.

FINDINGS OF FACT

1. At all relevant times the appellant has been employed in the classified civil service by the Department of Revenue (DOR) in a position with the working title of Chief of the Data Control Section, Bureau of Systems and Data Processing, Administrative Services Division, with the general responsibility for the data entry operation for DOR, which involves the conversion of data from approximately 3,000,000 tax returns each year into machine usable form, coordination with users, error correction and planning.

2. The more specific duties and responsibilities of appellant's position include:

a. Provision of program planning support:

(1) Provision of program planning support with systems development and user staff, establishment of program requirements, procedures, quality control, and error correction processes;

(2) Coordination with user flow, forms design, source document screening, coding, and work flow requirements;

(3) Provision of support to system and programming staff regarding computer systems implementation, testing and problem resolution;

(4) Participation in planning, evaluations, selection and installation of equipment resources for the data control section;

(5) Planning and direction of a large-scale recruitment program, involving the hiring of upwards of 180 limited-term staff each year, and a comprehensive training program, teaching clerical, technical and semi-professional skills;

b. Administration of the data entry and error correction functions:

(1) Establishment of standards for systems operations, key-to-disk program development, and data file integrity and security;

(2) Establishment of standards for the development and maintenance of data entry and data control procedures;

(3) Establishment of priorities and work schedules in line with the various processing requirements;

(4) Monitoring of program and staff performance to ensure quality and timeliness of product; regulation of work-flow;

c. Management and supervision of subordinate staff;

(1) Evaluation of staff performance, skills, and training requirements;

(2) Monitoring of new staff selections and training programs, and the resolution of staff problems as necessary;

d. Interaction with other units in DOR, other state agencies, the legislature, and private users, including such things as conducting tours of the data control section, signing DOR cost estimate reports, participating in legislative tax studies, participating in special research projects for the State and Local Finance unit in DOR, consulting with users regarding the capture, editing, and output of data, and responding to taxpayer inquiries.

3. This position functions under the general direction of the assistant director of the Bureau.

4. This position supervises a staff of clerical, technical, semi-professional, and professional type positions, comprised of 49 permanent and approximately 180 limited-term (approximately six months of the year) positions.

5. This position requires, among other things, thorough knowledge of Wisconsin tax regulations, policies, and procedures.

6. This position heads the largest data entry section in state government.

7. The class specifications for Administrative Assistant 4

(Respondent's Exhibit 7), include the following "definition":

"This is line supervisory and/or staff assistance work in a state agency or segment of a large state agency. Employees in this class have supervisory responsibilities over a large, moderately complex records processing and maintenance unit involving a variety of functions and having large clerical staffs with a number of subordinate levels of supervision, and/or supervise and perform staff services in records, accounting, personnel, budgeting or purchasing. Employees are responsible for interpretations of laws, rules and departmental policies in carrying out their assigned functions. Work is performed with a minimum of supervision which is received through staff conferences or general written or oral instructions. Employees are expected to carry out assigned functions with a considerable amount of initiative and independence with the results of their work reviewed through oral or written reports and personal conferences."

8. The class specifications for Administrative Assistant 5

(Respondent's Exhibit 8), include the following "definition":

"This is responsible line administrative and/or professional staff assistance work in a large state agency. Employees in this class direct an important function of the department and/or provide staff services in management areas such as accounting, purchasing, personnel or budget preparation. Employees may be responsible for supervising a staff of technical, semi-professional or professional employees in directing the assigned program. Employees have a great deal of latitude in areas of decision-making and initiating action within a broad framework of laws and rules. Work is evaluated by administrative superiors through conferences, personal observations and reports."

9. The position standards for the Management Information Supervisor series (Respondent's Exhibit 5) contain, in part, the following under "inclusions":

"These series encompass professional supervisory positions which are responsible for the performance of data processing systems analysis, applications programming, office systems analysis, computer systems analysis and/or other areas of specialized data processing work."

10. The foregoing position standards include, in part, the following under "exclusions":

"Excluded from these series are the following types of positions:

* * *

2) All supervisory positions primarily involved in data entry or other clerical areas.

3) All other positions which are more appropriately identified by other class series."

11. From a relative classification standpoint, the appellant's position is at a higher level in terms of duties, authority, and responsibilities than the following positions:

a. Word Processing Manager, Administrative Services Division, DILHR, Administrative Assistant 4-Supervisor (Respondent's Exhibit 11). This position manages the word processing operations for DILHR, and communicates with users and management in problem determination and system solutions.

b. Chief, Word Processing Section, Bureau of Office Services, DNR. Administrative Assistant 4-Supervisor (Respondent's Exhibit 13). This position manages the word processing operation at Madison headquarters, participates in departmental training seminars regarding clerical matters, and consults with users and management.

c. Supervisor, Central Files/Files Custodian, Management Services Bureau, Central Services Section, DOR. Administrative Assistant 4-Supervisor (Appellant's Exhibit 3). This position manages a large, complex, centralized files unit of tax files. Serves as official custodian

of all DOR tax files. Controls access to files and release of information from files in accordance with statutes and rules. Coordinates with other sections with respect to work generated and effect on central files work flow and personnel requirements.

d. Chief, Administrative Support Section, Administrative Services Division, DOA. Administrative Assistant 4-Supervisor (Respondent's Exhibit 9). This position is responsible for the management of word processing, remote job entry, data entry, mail distribution, photocopy operations, traveling and meeting scheduling, and receptionist functions for DOA. It supervises 29 positions.

e. Chief, Central Services Section, Administrative Services Division, DOR. Administrative Assistant 5 (Appellant's Exhibit 4). This position manages four units: central files, mail and machine room, office unit and storekeeping unit. The office unit handles the administrative functions of the unit and processes forms requests. The central files unit provides custody and maintenance for income and sales and withholding tax records. The mail and machine room receives and distributes incoming mail, sends out outgoing mail, and operates the unit's machines, including collaters, labelers, binders, etc. The stores unit receives and processes supply requisitions and supplies. This unit has 2 permanent employees. Overall, this position supervises 77 permanent and a variable number of limited-term employees.

12. As a result of a survey of data processing positions conducted by the respondent, the appellant's position was reallocated from Data

Processing Operations Supervisor 3 (PR 1-13) to Administrative Assistant 4-Supervisor (PR 1-13), effective October 7, 1979.

13. Subsequent to the filing of this appeal, the respondent, following further review, reallocated the position to Management Information Supervisor 3 (PR 1-14), effective October 7, 1979.

14. The appellant was notified of this change 5 days before the commencement of the hearing in this matter.

15. The appellant's position is best described and most appropriately classified as Administrative Assistant 5-Supervisor (PR 1-15).

16. The administrator's decision to reallocate the appellant's position from Data Processing Operations Supervisor 3 to Administrative Assistant 4-Supervisor was not correct.

17. The appellant's position should have been reallocated to Administrative Assistant 5 (PR 1-15) with an effective date of October 7, 1979.

CONCLUSIONS OF LAW

1. This matter is appropriately before the Commission pursuant to §230.44(1)(a), Wis. Stats.

2. The appellant has the burden of proving that the administrator's decision to reallocate the appellant's position from Data Processing Operations Supervisor 3 to Administrative Assistant 4-Supervisor was incorrect, and that the appellant's position should have been reallocated to Administrative Assistant 5-Supervisor, effective October 7, 1979.

3. The appellant has sustained her burden.

4. The administrator's decision to reallocate the appellant's position from Data Processing Operations Supervisor 3 to Administrative Assistant 4-Supervisor was incorrect, and the appellant's position should have been reallocated to Administrative Assistant 5-Supervisor, effective October 7, 1979.

OPINION

The prehearing conference report (Commission's Exhibit 2) noticed this matter for hearing pursuant to the following statement of issues agreed to by the parties:

"1. Whether or not the administrator's decision to reallocate the appellant's position from Data Processing Operations Supervisor 3 (DPOS-3)(PR 1-13) to Administrative Assistant 4-Supervisor (AA 4-S) (PR 1-13) was correct.

2. If not, should the appellant have been reallocated to AA5-S (PR 1-13)?

3. If so, what should be the effective date of the reallocation?"

Shortly before the hearing, following a rereview of the transaction, the respondent unilaterally reallocated this position to Management Information Supervisor 3 (PR 1-14). The appellant was notified of this through counsel five days before the commencement of the hearing. There was no motion to amend the issue, and the parties did not stipulate to an amendment. Therefore, the issues must remain as stated above. Nevertheless, since the parties in their posthearing briefs disagree whether the issues should include the decision to reallocate to Management Information Supervisor 3 (MISUP 3), and this matter is subject to further review, the findings, conclusions, and opinion address the

correctness of the Management Information Supervisor classification.*

The respondent through counsel admitted at the commencement of the hearing that the original reallocation decision (see Issue #1, above) was incorrect. The respondent's personnel specialist testified that the appellant's position was at a higher level than the various Administrative Assistant 4 positions for which position descriptions were presented.

With respect to the Administrative Assistant 5 level, the respondent takes the position that the appellant's job does not fit the following language in the class specifications (Respondent's Exhibit 8):

"Employees in this class direct an important function of the department and/or provide staff services in management areas such as accounting, purchasing, personnel or budget preparation."

He argues that the appellant's work is not of a "professional" nature which this language implicitly requires.

The Commission disagrees for a number of reasons. One, there is nothing in the language itself which requires this result. Data entry supervision, if at a sufficiently high level, is not inherently less "professional" than, e.g., "purchasing, personnel, or budget preparation." Second, the respondent's personnel specialist testified that the position identified by the position description marked Appellant's

* This decision has been promulgated originally as a Proposed Decision. If it is ultimately determined that the issue should include the reallocation to MISUP 3, there will be no need to remand for a decision on the merits of this aspect of the issue.

Exhibit 4, which supervises the filing and mailing operation for the DOR Administrative Services Division, Central Services Section, was most appropriately classified as Administrative Assistant 5. This position certainly is no more "professional" than appellant's.

The appellant's position overall compared more than favorably with this position. There were other Administrative Assistant 5 position descriptions introduced. However, a "generalist" series such as Administrative Assistant covers a wide range of jobs. It is difficult to make a meaningful comparison between the appellant's jobs, and, for example, an auditor supervisor (Appellant's Exhibit 6), or a training, employment and special projects coordinator who administers various federally-funded programs (Respondent's Exhibit 14).

With respect to the propriety of the MISUP classification, the respondent's personnel specialist testified at the hearing that this position was not specifically defined in the MISUP 3 class description, but that it still fit within the classification's general framework, see Respondent's Exhibit 5: "...many different areas of specialization and position categories exist and it is recognized that this position standard cannot describe every eventuality or combination of duties and responsibilities. Therefore, these class descriptions are intended to also be used as a framework within which positions which are not specifically defined can be equitably allocated on a class factor comparison basis with other positions which have been specifically allocated." p. 4.

However, these position standards specifically exclude "all supervisory positions primarily involved in data entry or other clerical series." Respondent's Exhibit 5, p. 2. In his testimony with respect to the exclusion statement, the personnel specialist stated, in part, as follows:

"...really what the intent was trying to get at there was, where your primary involvement was...first-line direction, realizing it doesn't say that, but the primary interest was the direction of the data entry...of data entry operators and the data entry function, and although that certainly is part of her responsibility overall, I think that a lot of the day-to-day activities associated with that kind of responsibility are delegated to her subordinate-level supervisors and it's her other types of responsibilities that I've identified that are the reason that I felt...that exclusion didn't have to apply in this case."

The appellant's position is primarily involved in the area of data processing, although the level of the position is such that the appellant becomes involved in many activities other than the direct supervision of the data entry function as such. The record does not support the opinion expressed above that the fact that intermediate level supervisors are delegated day-to-day responsibility for the first-line direction of the data entry function removes this position from the MISUP exclusions. It should not be considered unusual that supervisors of a unit the size of the appellant's, as well as other operations identified in this position standard, would have intermediate supervisors to handle many of the first-line supervision responsibilities. The position standard itself points out at page 2: "The time spent in actual performance of the line functions of the supervisor's program area varies from position to position."

Therefore, the Commission concludes that the appellant's position is excluded from the MISUP series and is not properly classified in that series.

The appellant's position meets the definitional requirements of the Administrative Assistant 5-Confidential series and compares favorably with a similar position which was classified at that level (Appellant's Exhibit 4), and which the respondent agreed was most appropriately classified as such. The respondent further conceded that the appellant's position was stronger from a classification standpoint than the various other Administrative Assistant 4 supervisors to which it was compared. On the basis of the entire record, the Commission is of the opinion that the appellant's position should have been reallocated to Administrative Assistant 5-Supervisor, with an effective date of October 7, 1979.

ORDER

The respondent's action is modified and this matter is remanded for action in accordance with this decision.

Dated April 23, 1981


STATE PERSONNEL COMMISSION

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