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VIRGINIA DWORAK, \*

Appellant, \*

v. \*

Administrator, DIVISION OF \*

PERSONNEL, \*

Respondent. \*

Case No. 79-PC-CS-198 \*

\* \* \* \* \*

DECISION AND ORDER

NATURE OF THE CASE

This is an appeal pursuant to s. 230.44(1)(a), Wis. Stats., of a reallocation of appellant's position.

FINDINGS OF FACT

1. The appellant at all relevant times has been employed by the Department of Health and Social Services (DHSS), Division of Health, District 5 office, La Crosse.
2. Prior to his retirement on January 13, 1979, the appellant reported to and was directly supervised by Eugene Hensel, the District Administrative Officer, who also was stationed in La Crosse.
3. The appellant's duties and responsibilities prior to Mr. Hensel's retirement were as set forth on appellant's Exhibit 2, her position description signed by her on September 27, 1978. In summary, this work included the supervision of the clerical support staff in the office (this staff ultimately became, as relevant to this appeal, one and one-half positions) and the provision of office management support to the professional field staff (eight employes) assigned to the district. This office management work included procurement of supplies and postage, preparation of equipment

requisitions, preparation of reports, and distribution of mail, etc.

4. Following Mr. Hensel's retirement as aforesaid, his position was eliminated. Most of the authority of the position was centralized in Madison in the Sections Chief, Operations Section, Office of Operations and Management, Division of Health, a position occupied by Thomas J. Lucas.

5. Following Mr. Hensel's retirement as aforesaid, the following changes occurred in the duties and responsibilities of appellant's position:

A. She acquired fleet management responsibilities for two cars.

This involves the maintenance of a sign-out sheet, issuing non-availability slips when a car is unavailable, making reports regarding car usage, and making arrangements for vehicle maintenance.

B. She took Mr. Hensel's place as the point of first contact between the DHSS office of operations and management and the professional staff and with the public who would call the district office.

C. Her supervision changed from "limited" under Mr. Hensel to "general" under Mr. Lucas, to whom she now reported and who was stationed in Madison. Although she continued to prepare basically the same kinds of recommended materials in connection with office management that she had previously, it now was submitted to Mr. Lucas for approval instead of Mr. Hensel.

D. She became able to make independent final judgments about minor questions regarding office management, such as ordering small amounts of supplies, as opposed to Mr. Hensel's practice of retention of final control over all such matters.

E. She dealt independently with vendors, a function that Mr. Hensel always had reserved to himself.

6. With respect to dealing with the public, the appellant had no authority to make substantive programmatic responses to inquiries, beyond certain basic standardized responses developed by employes in the program area. The appellant on her own initiative responded substantively to the public in some cases. In one case where this became known to Mr. Lucas, he cautioned her against this practice.

7. The position of office supervisor, La Crosse District, Division of Highways, Department of Transportation (DOT), occupied by Donald P. Smith, is a line member of management and advises and assists the District Chief of Administration in administrative, budget and financial matters, and with the supervision of accounting, auditing, purchasing, inventory, payroll, employment, forms management, records management, space management, and other office and clerical activities. This position's duties and responsibilities include the supervision of six positions, including a Program Assistant 2, Account Examiner 2, three typists, and one lead typist; managing a fleet that includes 30 cars and 15 trucks; operating as a member of the line management team in developing the business strategy of the district and determining financial goals and objectives, and assisting supervisors in developing their plans for manpower and financial problems and administering an annual payroll of several million dollars, including the certification for its payment. This district has 135-140 permanent and 20-25 seasonal (summer) employes. This position is classified as Administrative Assistant 3 - Confidential.

8. The position of Administrative Assistant in the Bureau of Environmental Health is responsible for the administration of all clerical services in the six sections of the bureau, and serves as an administrative assistant

to the bureau director, which includes responding to some substantive inquiries in the absence of professional staff, developing records management methods, checking refunds for accuracy and validity, and acting as first-line contact for the director with Operations and Management, Fiscal Services, and Data Processing, as to bureau record management. This position is classified as Administrative Assistant 3 - Confidential.

9. The class descriptions for Clerical Supervisor 1 and 2 as found in the Clerical Supervisor Position Standard (Respondent's Exhibit 3), are as follows:

Clerical Supervisor 1

(PR1-06)

This is supervisory clerical work of moderate difficulty typically responsible for supervising three through six full time equivalent positions engaged in a variety of clerical and office machine operation tasks. Positions allocated to this class assist in the operation of the work unit through the supervision of clerical support functions. Positions are responsible for developing, revising and implementing policies and procedures of the unit and may meet with the public to explain these procedures and policies. Work is performed under general supervision.

Clerical Supervisor 2

(PR1-07)

This is supervisory clerical work of moderate difficulty in supervising the clerical activities of a small clerical operation performing advanced and complex clerical functions, or a large clerical operation involved primarily in routine processing and office machine work.

Positions allocated to this level in a small clerical operation typically supervise three through six full time equivalent positions, a majority of which perform complex or advanced clerical work measured in complexity by the scope and variety of the tasks performed and the impact on the organizational unit or program involved, the organizational structure, and the flow of work among interrelated operating units.

Positions allocated to this class in a large clerical operation typically supervise seven or more full time equivalent positions, a majority of which perform clerical and office machine operation work involving tasks where limited discretion is exercised in accomplishing the assignments.

In both allocations, positions are responsible for developing, revising and implementing policies and procedures in the unit, and for interpreting rules and regulations for the public and other departmental employes. In all cases, positions must exercise considerable independent judgment, and perform work under general supervision.

10. The class descriptions for Program Assistant Supervisor 1 and 2 as found in the Program Assistant Supervisor Position Standard (respondent's Exhibit 4) are as follows:

Program Assistant Supervisor 1

(PR1-08)

This is paraprofessional supervisory work of moderate difficulty providing program support assistance to professional or administrative staff, which involves the supervision of subordinate staff performing diverse but inter-related program activities. The work performed at this level is comparable to that allocated to the Program Assistant 1 and/or 2 levels, with additional supervisory responsibilities. This level is distinguished from the Clerical Supervisor 3 level on the basis of the following criteria: (1) the primary emphasis is on program assistance functions, with attached supervisory responsibility, while the primary emphasis in the Clerical Supervisor 3 level is on the supervision of a systematic audit, review and processing operation; (2) the procedures are somewhat diversified rather than clearly established, so there is greater opportunity for discretion and judgment; (3) in terms of organizational structure, this level is responsible for supervising and coordinating the full range of diverse but inter-related activities which, taken in aggregate, define a cohesive, identifiable and self-contained program area as opposed to supervising one segment that is contributory to rather than responsible for the accomplishment of a complete program area objective; and (4) there is a greater degree of personal or procedural control over the program activities, a greater independence of action, and a greater variety, scope and complexity of problem-solving expected at this level. Work is performed under general supervision.

Program Assistant Supervisor 2

(PR1-09)

This is paraprofessional supervisory work of considerable difficulty providing program support assistance to professional or administrative staff, which involves the supervision of subordinate staff performing diverse but inter-related program activities with some latitude regarding program-related decisions. The work performed at this level is comparable to that allocated to the Program Assistant 3 level, with the additional supervisory responsibilities. This level differs from the Program Assistant Supervisor 1 level on the basis of the increased scope, breadth and complexity of the work performed, as indicated by the following criteria: (1) the work performed at this level involves specialized, though generally nontheoretical skills, rather than procedural or systematic proficiency; (2) the procedures are substantially

diversified, and the program area is defined by specialized standards rather than established precedents; and (3) there is a greater degree of independence of action, which impacts across program lines rather than within one program area. Work is performed under direction.

11. As a result of the service-wide personnel management survey of clerical positions, the respondent reallocated the appellant's position from Administrative Secretary 1 - Confidential (PR01-06) to Clerical Supervisor 1 (PR01-06), effective August 26, 1979.

12. Following the survey, and on or about May 8, 1981, the appellant's position was reallocated to "Clerical Assistant Supervisor II."<sup>1</sup>

13. The appellant's position, on this record, is best described by the Clerical Supervisor 1 Position Standard.

#### CONCLUSIONS OF LAW

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

2. The appellant has the burden of proof to establish that the respondent erred in his determination(s) regarding the classification of appellant's position.

3. The appellant has failed to sustain her burden of proof.

4. The appellant's position is most properly classified as Clerical Supervisor 1.

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<sup>1</sup>The appellant provided the only evidence on this point by her testimony to this effect; however, she also testified that she was unable to "find" this description in the civil service classification system. No position standard for this classification, if such it is, was made part of the record.

OPINION

The following issues for hearing were set forth in a letter from the hearing examiner dated February 25, 1981:

Whether or not the administrator's decision to reallocate the appellant's position from Administrative Secretary 1 - Confidential (PR 1-06) to Clerical Supervisor 1 (PR 1-06) was correct.

Sub-issue: Should the appellant's position be classified as Clerical Supervisor 1, or as Program Assistant Supervisor 1 or 2, or as Administrative Assistant 3, or Administrative Assistant 3 - Confidential?"

By letter to the Commission dated March 6, 1981, Ms. Dworak's attorney indicated that she was appealing "the reallocation of her position outlined in the Personnel Management Survey (corrected notice) received by her on February 10, 1981," and requested consideration of the classifications set forth above, as well as Clerical Supervisor 2. By letter dated April 1, 1981, respondent's attorney stipulated "that the issue of reallocation as re-allocation as reflected in your March 6, 1981, appeal to the Personnel Commission be considered at the forthcoming hearing . . . "

Therefore, the Commission is restricted to consideration of the foregoing classifications.

The duties and responsibilities of appellant's position changed somewhat following Mr. Hensel's retirement. Prior to that time, the appellant did have office management functions, as indicated on her position description dated September 27, 1978 (appellant's Exhibit 2). However, she worked under limited, as opposed to general supervision, by Mr. Hensel, who had final approval authority over almost all aspects of office management. Following his retirement, she worked more independently, but still continued to perform basically the same functions. There were certain additions such as fleet management and the "first contact" role.

From a classification standpoint, it may be said that her position was enhanced by the additional duties and the increased independence and more general supervision. These changes do not result automatically in a conclusion that the position is underclassified. There must be a showing that they are substantial enough to take the position beyond the parameters of the position standards for the current classification and within the parameters of the position standard for one of the classifications included within the issue for hearing.

In the opinion of the Commission, the clerical supervisor series is the most appropriate of the three series in question.

The Program Assistant Position Standard rather clearly delineates the program assistant supervisor series from the clerical supervisor series. It indicates that Program Assistant Supervisor 1 work "involves the supervision of subordinate staff performing diverse but inter-related program activities." The appellant supervises one and one-half clerical positions performing clerical support functions, not positions performing "diverse but inter-related program activities."

With respect to the Administrative Assistant 3 and Administrative Assistant 3 - Confidential classifications<sup>1</sup>, the appellant sought to compare her position to two positions so classified. While these positions performed some of the same functions, they did so in much larger units, with commensurately greater scope of responsibility and impact. Such quantitative factors are a recognized factor in the classification process. See Skibba

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<sup>1</sup>The Administrative Assistant 3 and Administrative Assistant 3 - Confidential Position Standards were not part of the record.



v. DP, 79-242-PC (7/28/80). Managing a fleet of two vehicles is not the same as managing a fleet of 45 vehicles.

With respect to the clerical supervisor series, this clearly describes the appellant's work that involves clerical supervision. Also, many of the office management functions constitute the type of work included in this series. This is illustrated by some of the examples of work performed in the Clerical Supervisor 1 Position Standard:

May supervise fee collection, licensing, or accounting procedures.

Prepares requisitions and work orders, maintains records of expenditures for supplies and expense budget.

Maintains payroll records.

Processes travel expense vouchers.

Keeps logs and records for monthly report.

The primary distinction between the Clerical Supervisor 1 and 2 levels for small clerical operations, which includes the unit in question, involves the nature of the clerical functions performed. See class description for Clerical Supervisor 2, respondent's Exhibit 3:

This is supervisory clerical work of moderate difficulty in supervising the clerical activities of a small clerical operation performing advanced and complex clerical functions . . . (emphasis supplied)

There is nothing on this record that would show that the clerical work supervised by the appellant was advanced and complex. While it is possible that the office management functions could be so characterized, there is not a preponderance of the evidence on this record to support a finding to that effect. There are not, for example, descriptions of other positions at the Clerical Supervisor 1 or 2 levels with which comparisons could be drawn in an attempt to evaluate the level of complexity of the work. Therefore, the

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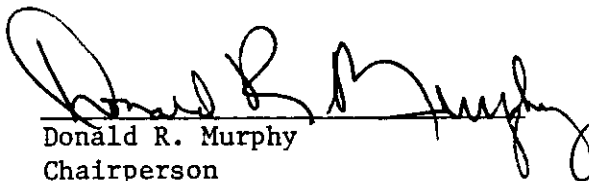
Commission must conclude that the position was properly reallocated to  
Clerical Supervisor 1.

ORDER

The action of the respondent is affirmed and this appeal is dismissed.

Dated Feb 9, 1982


STATE PERSONNEL COMMISSION

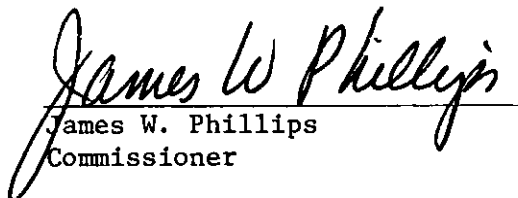
  
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