

Original

STATE OF WISCONSIN

PERSONNEL COMMISSION

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DAVID FORBUSH,

Appellant,

v.

Administrator, DIVISION OF
PERSONNEL,

Respondent.

Case No. 79-PC-CS-270

* * * * *

DECISION
AND
ORDER

NATURE OF THE CASE

This is an appeal of respondent's decision to reallocate ap-
pellant's position. Appellant argues that he should have been reallocated
to a Program Assistant Supervisor 2 (PR 1-09) instead of a Program Assist-
ant Supervisor 1 (PR 1-08).

FINDINGS OF FACT

1. During the period in question, the appellant was employed in
the District 5 headquarters of the Wisconsin State Patrol, Department of
Transportation. In 1979, the appellant's position was reallocated
laterally from Administrative Assistant 1 - Supervisory to Program
Assistant Supervisor 1. The reallocation occurred as a result of a
statewide survey of clerical positions.

2. With a few minor exceptions, the appellant's position de-
scription of March, 1978 accurately described the objectives and re-
spective time allocations for the position. The position description
fails to note that the appellant participates in the training of
State Troopers as well as personnel from local sheriffs' departments
with respect to vehicle registration requirements. In addition, Task
A5 should be modified to include the appellant's attendance at step

one grievance procedures arising from grievances filed within some of the other work units within District 5 Headquarters. Task A6 should also be modified to reflect the fact that if the appellant discovers recurring problems in reports submitted by field personnel, he may offer instruction to the work unit(s) involved in an effort to correct the problem. Subject to the various changes outlined above, a copy of the position description is attached hereto and incorporated by reference as if fully set forth as part of this finding.

3. The class descriptions for Program Assistant Supervisor 1 and Program Assistant Supervisor 2 provide:

PROGRAM ASSISTANT SUPERVISOR 1

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

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.

4. The Program Assistant Supervisor 2 classification includes greater scope and independence than the Program Assistant Supervisor 1 classification.

5. The appellant supervises four full-time employes who are currently classified as Stock Clerk 1, Facilities Repair Worker 1 and (two) Program Assistant 1. The employes are accurately described as engaging in routine assignments, journey-level personnel or paraprofessional employes. Treated collectively, their highest pay range is seven.

6. The vast majority of the appellant's duties are more accurately described as work of moderate difficulty rather than work of considerable difficulty.

7. District 5 is one of seven district headquarters of the Wisconsin State Patrol. In each of the six other districts the individual performing duties comparable to those performed by the appellant is classified as a Program Assistant Supervisor 1.

8. Appellant's position is better described by the class description for Program Assistant Supervisor 1 than for Program Assistant Supervisor 2.

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 respondent's decision to reallocate the appellant's position from Administrative Assistant 1 - Supervisor to Program Assistant Supervisor 1 was incorrect and that, instead, his position should have been classified as Program Assistant Supervisor 2.

3. The appellant has failed to meet that burden of proof.

4. The respondent's decision to reallocate appellant's position from Administrative Assistant 1 - Supervisor to Program Assistant Supervisor 1 was correct.

OPINION

The appellant acts as the first line supervisor for four employees, including two Program Assistant 1's, a Stock Clerk 1 and a Facilities Repair Worker 1. He also performs a variety of programmatic functions as described in his position description.

The relevant class descriptions for both Program Assistant Supervisor 1 and Program Assistant Supervisor 2 are set out in full as paragraph 3 of the Findings of Fact. One basis for differentiating the two class descriptions is that one refers to work of "moderate difficulty" and the other refers to work of "considerable difficulty." Both terms are defined in the position standard for the classification series.

Moderate Difficulty:

The employe is confronted with a variety of breadth of duties susceptible to different methods of solution which in turn places a correspondingly higher demand on resourcefulness. Supervisors of employes engaged in routine assignments, journey-level personnel and para-professional employes usually perform work of moderate difficulty.

Considerable Difficulty:

Refers to duties which require independent judgment; many factors must be considered and weighed before a decision can be reached. Usually positions requiring the planning, development or coordination of activities or programs or part thereof and the direction or coordination of employes fall into this category.

The definition of "moderate difficulty" better describes both the duties of those employes supervised by the appellant as well as the appellant's own programmatic duties. Specifically, the definition of moderate difficulty reflects the 45% of appellant's time spent receiving and reviewing for accuracy reports submitted by field personnel. The evidence shows that the appellant does not exercise the increased independence and scope of duties that are attributable to the Program Assistant Supervisor 2 classification.

There are seven State Patrol District Headquarters throughout the state. The respondent introduced the position description of the six other DOT employes who perform duties comparable to those assigned the appellant. In each case, the employe is in charge of the office area of the District Headquarters. In each case, the employe is currently classified as a Program Assistant Supervisor 1. Because the appellant's duties are virtually identical to those of the other six supervisors, it is reasonable to conclude that when compared to other positions throughout the state, appellant's position is correctly classified.

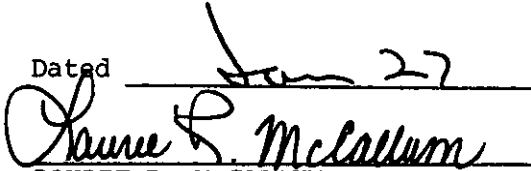
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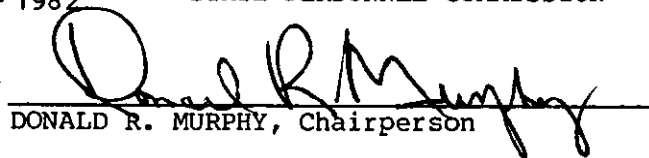
ORDER

The respondent's reallocation decision is affirmed and appellant's appeal is dismissed.

Dated Jan 27, 1982

STATE PERSONNEL COMMISSION


LAURIE R. McCALLUM
Commissioner


DONALD R. MURPHY, Chairperson

Parties

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