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\* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* ÷ \* RALPH GUMS, \* Appellant, \* \* \* v. \* Administrator, DIVISION OF PERSONNEL, \* \* Respondent. \* \* Case No. 79-PC-CS-299 \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* GWENDOLYN SNART, \* \* Appellant, \* \* v. \* Administrator, DIVISION OF \* \* PERSONNEL, \* Respondent. \* \* Case No. 79-PC-CS-695 \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* PERSONNEL COMMISSION

DECISION AND ORDER

#### NATURE OF THE CASE

These appeals result from the statewide survey of clerical positions conducted by the Division of Personnel in 1979. The positions of both of the appellants were reallocated from Administrative Assistant 2 - Confidential (PR 1-09) to Program Assistant 4 - Confidential (PR 1-09). Appellant Gums argues that his position should have been reallocated to either Administrative Assistant 3 - Confidential (PR 1-11) or Program Assistant Supervisor 3 -Confidential (PR 1-10). Appellant Snart argues that her position should have been reallocated to the AA 3 - Conf classification. A consolidated hearing was held on December 3, 1981.

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Gums v. DP, Snart v. DP 79-PC-CS-299, 79-PC-CS-695 Page Two

#### FINDINGS OF FACT

1. At all times relevant to this appeal, the appellants were employed by the Administrative and Management Services Section, District 2, Department of Transportation, in Waukesha.

2.' From January, 1978 to January, 1980, Mr. Frederick J. Smith was the acting chief of the Administrative and Management Services Section. The section included approximately 20 employes and served the needs of the entire district staff. The section was divided into specific units with responsibility over approximately eighteen functions: executive services to district, labor relations, personnel, affirmative action, employe assistance, data processing, typing pool/word processing, payroll, timekeeping and expense vouchers, purchasing, permanent property/inventory, fleet management, workers compensation/unemployment compensation and safety, benefits, buildings and grounds, central files, equipment issuance, and office management.

3. Mr. Smith was the first line supervisor of both appellants.

4. Each appellant had responsibility for some of the eighteen functions performed by the unit, and the respective responsibilities of the appellants overlapped to some extent. However, when combined, the appellants' responsibilities did not cover all of the section's functions. Some of those functions remained the responsibility of Mr. Smith.

5. The appellants' positions are adequately described by their respective position descriptions, copies of which are attached hereto and incorporated by reference as if fully set forth as part of this finding.

6. The class definitions for Program Assistant 4 - Confidential and Administrative Assistant 3 - Confidential provide:

# PROGRAM ASSISTANT 4 - CONFIDENTIAL

This is paraprofessional staff support work of considerable difficulty as an assistant to the head of a major program function

Gums v. DP, Snart v. DP 79-PC-CS-299, 79-PC-CS-695 Page Three

> or organization activity. Positions allocated to this class are coordinative and administrative in nature. Positions typically exercise a significant degree of independence and latitude for decision making and may also function as leadworkers. Positions at this level are differentiated from lower-level Program Assistants on the basis of the size and scope of the program involved, the independence of action, degree of involvement and impact of decisions and judgment required by'the position. Work is performed under direction.

#### ADMINISTRATIVE ASSISTANT 3

Under general direction to do administrative work of more than ordinary difficulty and responsibility requiring the exercise of a considerable amount of individual initiative and independent judgment in directing the business management of a division engaged in a comprehensive non-professional program or activity; and to perform related work as required.

7. At the time of their reallocation, neither appellant fulfilled a supervisory function. Appellant Gums performed "lead work" but did not "effectively recommend the hiring ... evaluation, discipline and adjustment of grievances of subordinate employes."

8. Each of the eight Transportation Districts' within the state has an Administrative and Management Services Section. In all but two of the Districts, there is only one position at the office manager level reporting to the Section Chief. These positions as sole manager level reporting responsibility over the entire range of functions performed by the section. Appellant's positions share those responsibilities between themselves and with Mr. Smith.

9. The appellants' positions did not "direct the business management" of the organizational division but <u>assisted</u> the acting chief in performing that function.

10. The appellants' positions are better described by the position standard for PA 4 - Conf than for AA 3 - Conf.

#### CONCLUSIONS OF LAW

1. These matters are appropriately before the Commission pursuant

to s.230.44(1)(a), Wis. Stats.

2. The appellants have the burden of proving that the respondent's decisions to reallocate their positions were incorrect and that, instead, their positions should have been classified as Administrative Assistant 3 - Confidential or Program Assistant Supervisor 3 - Confidential.

3. The appellants have failed to meet that burden of proof.

4. The respondent's decisions to reallocate the appellants' positions from Administrative Assistant 2 - Confidential to Program Assistant 4 -Confidential were correct.

#### OPINION

The determining factor in these two appeals is the comparison of the appellants' positions with positions in other districts. Respondent introduced two position descriptions for purposes of comparison. The position of office supervisor of the La Crosse District is classified as an AA 3 - Conf and is summarized as follows:

> As a line member of management, the District Office Supervisor 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.

The position of office supervisor of the Eau Claire District is also classified as an AA 3 - Conf. The position description summary reads:

> Under the general direction of the Chief, Administration and Management services, perform general administrative and supervisory duties.

While both appellant's positions include <u>some</u> of the responsibilities performed by office supervisors in other districts, neither position is assigned the majority of the office supervisor duties. It would be inappropriate to assign appellants to the same classification as that of the office Gums v. DP, Snart v. DP 79-PC-CS-299, 79-PC-CS-695 Page Five

supervisors in other districts.

The appellants' positions are also distinguishable from the office supervisor positions on the basis of supervisory responsibilities. Testimony clearly established that neither Mr. Gums nor Ms. Snart had supervisory responsibilities at the time of the reallocation. While Mr. Gums did function in a lead work capacity, he did not have full supervisory authority as defined in the PA Sup 3 position standard:

> Supervise: To effectively recommend the hiring, transfer, suspension, layoff, recall, promotion, discharge, assignment, evaluation, discipline and adjustment of grievances of subordinate employes.

In contrast, the office supervisor positions in both the La Crosse and Eau Claire Districts include supervisory responsibilities.

A final basis for the Commission's conclusion is found within the classification definitions. The definition statement for the AA 3 level requires the incumbent to direct "the business management of a division engaged in a comprehensive non-professional program or activity." Testimony showed that the appellants did not direct the section's business management but merely assisted the acting chief in its direction. Appellant's positions are, therefore, better described by the definition for the PA 4 classification which includes "an assistant to the head of a major program function or organization activity." Gums v. DP, Snart v. DP 79-PC-CS-299, 79-PC-CS-695 Page Six

# ORDER

The respondent's reallocation decisions are affirmed and the appeals

of both Mr. Gums and Ms. Snart are dismissed.

Dated: , 1981 Commissioner

STATE PERSONNEL COMMISSION

DONALD R. MURPHY Chairperson

KMS:ers

Parties

Ralph Gums Transportation District 2 P.O. Box 649 Waukesha, WI 53187

Gwendolyn Snart 1201 N. Bel Ayr Dr. Waukesha, WI 53186

Charles Grapentine 149 E. Wilson St. Madison, WI 53702

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POSITION DESCRIPTION DER-PERS-10

## Ralph J. Gums

## 15. Continued

- B2. Provide fringe benefit information to employees concerning all insurance programs, wages, leave time, retirement and related.
- B3. Monitors time reporting for accuracy and correctness.
- B4. Implements the appropriate provisions of Union Contracts and Civil Service Law concerning wages, expenses and related benefits.
- 30% C. Buildings and Grounds Maintenance

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- Cl. Directs activities of staff assigned to housekeeping and groundskeeping work.
- C2. Engages contractors for the repair of property and equipment and to provide services associated with heating, air conditioning, plumbing, painting, snowplowing, carpentry and electrical work.
- C3. Implements provisions of the Building Lease.
- C4. Coordinates space use and maintains office communications systems.
- 10% D. Occupational Safety
  - D1. Maintains the premises in conformance with safety regulations and specifications as required by OSHA, DILHR, D.O.A., DOT, Union Contract and other local regulatory agencies.
  - D2. Administers the protective clothing policies of DOT and Union Contracts to include safety shoes, glasses, hard hats, vests, etc.
- 20% E. Inventory and Stores
  - El. Maintains a current inventory of District equipment and permanent property. Utilizes the Data Processing Unit to document inventory control data.
  - E2. Keeps forms and records to control the purchase of materials for the District stores.
  - E3. Responsible for the repair and maintenance of engineering equipment issued through stores.
  - F. Reprographics
    - F. Responsible for operation, maintenance and supply needs associated with blueprint, Xerox, tape viewing and related office machinery.

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Gwendolyn M. Snart			Transportation, District 2 310 S. West Avenue				
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POSITION DESCRIPTION DER-PERS-10

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Gwendolyn M. Snart

### 15. Continued

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- A6. Serve as a member on oral review boards for Department of Transportation.
- A7. Respond to verification requests from banks, Savings & Loans Associations, etc. concerning present and past employees.
- A8. Advise supervisors and employees on matters concerning their classification, salary, leave balances, etc.
- A9. Process on-the-job injury and unemployment compensation forms.
- AlO. Performs personnel and related duties in conformance with Statutes, Administrative Code and Department of Transportation Policy.

10%

- B. Affirmative Action and Employee Assistance
  - Bl. Act as the District Affirmative Action Program Coordinator. Advise section heads of the program and utilization thereof.
  - B2. Implement affirmative action in hiring practices through contacts with other minority referral and related agencies.
  - B3. Complete quarterly reports as required, plus special reports when requested for both Affirmative Action and Employee Assistance progra
  - B4. Acts as District Employee Assistance Coordinator.
  - B5. Meets with employees and supervisors who have indicated a desire
     for guidance or help in work-related situations.
    - B6. Contacts other agencies as needed to provide employee assistance.
    - B7. Attends training sessions concerning both Affirmative Action and Employee Assistance as provided.
- 5% C. Training
  - Cl. Act as the District Training Coordinator.
  - C2. Process and keep files on employee requests to attend various training programs.
  - C3. Record all training completed by district personnel and submit to Madison for permanent records.
- 5% D. Payroll
  - D1. Completes non-standard report.
  - D2. Receives reports of hours worked by all L.T.E. employees.
- 10% E. Labor-Management
  - El. Advises staff supervisors and employees of applicable bargaining unit agreements related to all personnel matters.
  - E2. Prepares reports of labor-management meetings.
  - E3. Maintains files of grievances and related labor-management correspondence.