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 \* \* \* \* \*  
 JANET NICKEL & JOANNE STANDISH, \*  
 \*  
 Appellants, \*  
 \*  
 v. \*  
 \*  
 Administrator, DIVISION OF \*  
 PERSONNEL, \*  
 \*  
 Respondent. \*  
 \*  
 Case Nos. 79-PC-CS-774,629 \*  
 \*  
 \*\*\*\*\*

DECISION  
 AND  
 ORDER

**OFFICIAL**

NATURE OF THE CASE

This is an appeal from the decision of the Administrator of the Division of Personnel to reallocate appellants' positions as part of the statewide survey of clerical positions conducted in 1979. A hearing on the merits was held before a hearing examiner appointed by the Commission.

The Commission adopts in whole in its Final Decision and Order the Findings of Fact in the Proposed Decision of the hearing examiner, and adopts in part and rejects in part the Conclusions of Law and Opinion in the Proposed Decision, with changes, amendments and additions described below. A copy of the Proposed Decision is attached hereto.

CONCLUSIONS OF LAW

Conclusion 3 is amended as follows:

"3. The appellants have not met their burden of proof."

Conclusion 4 is amended as follows:

"4. The decision of the Administrator to reallocate appellants' positions to Clerical Assistant 2 instead of Program Assistant 1 was correct."

The Commission makes these amendments to reflect the fact that the issues for hearing as set forth in the Conference Report dated June 12, 1980 (Comm. Exh. 12), were modified at the hearing on the merits by consent of the parties (TR 2). The issue actually heard on the merits was based on the allocation of the appellants at the time of the hearing. At the time of the hearing, the appellants' positions were classified as Clerical Assistant 2, and appellants were seeking the Program Assistant 1 classification.

#### OPINION

The Commission rejects portions of the Proposed Opinion and substitutes this amended Opinion for the Opinion of the hearing examiner, in order to bring the Opinion into conformance with the changes in the Conclusions of Law which were made above, and which are based on the factual situation of the appellants' positions at the time of the hearing. The Commission agrees with the hearing examiner that the positions are correctly classified as Clerical Assistant 2, but wants the Final Decision to reflect the fact that this conclusion is in agreement with the decision of the Administrator as of the date of the hearing.

The parties at the hearing agreed that the issue on the merits was "Should the appellants' positions be classified as Clerical Assistant 2, pay range 205 or Program Assistant 1, pay range 2-06?" (sic). The Commission has determined, based on appellants' evidence, the positions are best described as Clerical Assistants 2.

The respondent has on its own initiative acknowledged that the Clerical Assistant 2 classification is more appropriate for the positions than was the Typist classification, by placing the positions into the Clerical Assistant 2 classification prior to the hearing.

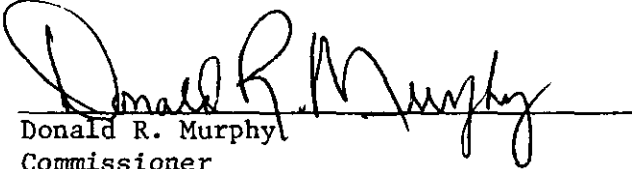
ORDER


The decision of the administrator to reallocate the appellants' positions to Clerical Assistant 2 is affirmed and this appeal is dismissed.

Dated Feb. 17, 1981

STATE PERSONNEL COMMISSION

  
Charlotte M. Higbee  
Chairperson

  
Donald R. Murphy  
Commissioner

  
Gordon H. Brehm  
Commissioner

AR:mek

Parties:

Ms. Janet Standish  
Mendota Mental Health Institute  
301 Troy Drive  
Madison, WI 53704

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

Ms. Joanne Nickel  
1212 Juniper Ave.  
Madison, WI 53714

STATE OF WISCONSIN

PERSONNEL COMMISSION

\* \* \* \* \*  
JANET STANDISH & JOANNE NICKEL,  
Appellants,  
v.  
Administrator, DIVISION OF  
PERSONNEL,  
Respondent.  
Case Nos. 79-PC-CS-774,629  
\* \* \* \* \*

PROPOSED  
DECISION  
AND  
ORDER

NATURE OF THE CASE

This is an appeal from the decision of the Administrator of the Division of Personnel to reallocate appellants' positions as part of the statewide survey of clerical positions conducted in 1979. A hearing on the merits was held before a hearing examiner appointed by the Commission.

FINDINGS OF FACT

1. Appellants are employees in the state classified civil service and at all times relevant to this appeal were employed by the Department of Health and Social Services at the Mendota Mental Health Institute in Madison, Wisconsin (Mendota).

2. Appellants Standish and Nickel provide clerical support work to six units at Mendota.

3. Appellant Standish performs a variety of duties, including filing; record-keeping of patient admissions and discharges; ordering supplies for all units; gathering and compiling data monthly and weekly

of a wide variety of patient population information; participation in developing office operating procedures and forms; maintaining scheduling records for necessary reporting to 51.42 Boards; composing and typing correspondence; performing timekeeping functions; performing receptionist duties (Resp. Exh. B).

4. Appellant Nickel performs a wide variety of duties including receptionist and timekeeping duties; typing and composing correspondence when necessary; operating office machines; keeping a variety of patient records; developing office procedures; keeping inventory of supplies (Resp. Exh. D).

5. Both appellants' positions involve work under general supervision pursuant to guidelines from their supervisor and from existing manuals; both appellants have limited control of the nature and scope of tasks performed but they do work physically separate from their supervisor and exercise decision-making in setting priorities for performance of their tasks.

6. The Clerical Assistant 2 class description indicates a position of "advanced clerical work of moderate difficulty in completing a variety of assigned clerical tasks consistent with established policies and procedures." (Jt. Exh. 2).

7. When this broad definition is focussed on a particular position by looking at examples of work performed, the variety and complexity of work performed by appellants is well within the Clerical Assistant 2 series.

8. The variety of tasks performed by appellants, the level of supervision provided, including the lack of instruction in performance of some duties, and the participation in designing and implementing office operating procedures and forms, all are best accommodated in the Clerical Assistant 2 classification.

9. Appellants' positions are not properly defined as Program Assistants because of the lack of sufficient independence and program-related decision-making in the jobs.

#### CONCLUSIONS OF LAW

1. The Commission has jurisdiction over these appeals pursuant to §230.44(1)(a), Wis. Stats.

2. The burden of proof is on appellants to show by the greater weight of credible evidence that the decision of the administrator was incorrect.

3. The appellants have met their burden of proof.

4. The decision of the administrator to reallocate appellants' positions to Typist instead of to Clerical Assistant 2 was incorrect.

5. Appellants' positions are properly classified as Clerical Assistant 2.

#### OPINION

The issue agreed to by the parties was to consider the Typist, Clerical Assistant 2 and Program Assistant 1 classifications for the appellants' positions. The Commission has determined that, based on the

Findings of Fact and on the class specifications, the positions are best described as Clerical Assistants 2.

The respondent in his post-hearing brief has also reached the same conclusion. He argued that the positions should be Clerical Assistant 2. He did not submit Typist class specifications as exhibits at the hearing, even though it was his burden to introduce the evidence in support of the original reallocation, once appellants had completed their case in chief. The decision of the Commission is based not only on its own determination from the record but is buttressed by respondent's concession of the proper classification.

ORDER

The decision of the administrator to reallocate appellants' positions from Typist 2 to Typist is rejected and the decision is modified so that appellants' positions are to be reallocated to Clerical Assistant 2, effective as of the effective date of the original 1979 reallocation date.

Dated \_\_\_\_\_, 1981

STATE PERSONNEL COMMISSION

Parties:

Ms. Janet Standish  
Mendota Mental Health Institute  
301 Troy Drive  
Madison, WI 53704

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

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Gordon H. Brehm  
Commissioner

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