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MARY SCHERMERHORN, *

Appellant, *

v. *

Administrator, DIVISION OF *

PERSONNEL, *

Respondent. *

Case No. 79-PC-CS-778 *

* * * * *

OFFICIAL

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. The appellant at all relevant times has been employed by DHSS at Central Wisconsin Center in a position classified as Administrative Secretary 1 - Confidential (PR 1-06) until its reallocation by respondent, as a result of a survey, to Program Assistant 1 - Confidential (PR 1-06), effective August 26, 1979.

2. The duties and responsibilities of the aforesaid position at all relevant times prior to August 26, 1979, are accurately set forth in a position description signed by appellant on April 17, 1980, marked both appellant's Exhibit M and appellant's Exhibit D, a copy of which is attached hereto and incorporated by reference as if fully set forth as a part of this finding.

3. The appellant has considerable latitude in decision-making, has broad discretionary control of various administrative support functions,

and operates with considerable independence under the general supervision of her supervisor, Dr. Stephen E. Jones.

4. The appellant has a wide range of responsibilities in part because she works with a large number of Central Wisconsin Center (CWC) staff members.

5. The appellant's duties involve a total of about 8-10% of her time doing typing and other clerical work for Dr. Jones and some additional time of an appreciable but indeterminate percentage doing such work for others, including answering the telephone for about 5 people.

6. Not more than 35-40% of appellant's time is spent in decision-making.

7. The class descriptions for Program Assistant 1 - Confidential -- Program Assistant 3 - Confidential are as follows (see Respondent's Exhibit B):

"PROGRAM ASSISTANT 1-CONFIDENTIAL

(PRL-06)

This is work of moderate difficulty providing program support assistance to supervisory, professional or administrative staff. Positions allocated to this level serve as the principal support staff within a specific defined program or a significant segment of a program. Positions at this level are distinguished from the Clerical Assistant 2 level by their identified accountability for the implementation and consequences of program activities over which they have decision-making control. Therefore, although the actual tasks performed at this level may in many respects be similar to those performed at the Clerical Assistant 2 level, the greater variety, scope and complexity of the problem-solving, the greater independence of action, and the greater degree of personal or procedural control over the program activities differentiates the Program Assistant functions. The degree of programmatic accountability and involvement is measured on the basis of the size and scope of the area impacted by the decision and the consequence of error in making such decisions, which increases with each successive level in the Program Assistant series. Work is performed under general supervision.

PROGRAM ASSISTANT 2 - CONFIDENTIAL

(PR 1-07)

This is work of moderate difficulty providing program support assistance to supervisory, professional or administrative staff. Positions are allocated to this class on the basis of the degree of programmatic involvement, delegated authority to act on behalf of the program head, level and degree of independence exercised, and scope and impact of decisions involved. Positions allocated to this level are distinguished from the Program Assistant 1 level based on the following criteria: (1) the defined program area for which this level is accountable is greater in scope and complexity; (2) the impact of decisions made at this level is greater in terms of the scope of the policies and procedures that are affected; (3) the nature of the program area presents differing situations requiring a search for solutions from a variety of alternatives; and (4) the procedures and precedents which govern the program area are somewhat diversified rather than clearly established. Work is performed under general supervision.

PROGRAM ASSISTANT 3 - CONFIDENTIAL

(PR 1-08)

This is paraprofessional work of moderate difficulty providing a wide variety of program support assistance to supervisory, professional or administrative staff. Positions are delegated authority to exercise judgment and decision making along program lines that are governed by a variety of complex rules and regulations. Independence of action and impact across program lines is significant at this level. Positions at this level devote more time to administration and coordination of program activities than to the actual performance of clerical tasks. Work is performed under general supervision."

8. The appellant does not have the delegated authority to exercise judgment and decision-making along program lines that are governed by a variety of complex rules and regulations.

9. The duties and responsibilities of appellant's position are better described by the position standard for Program Assistant 2 - Confidential than by the standards for Program Assistant 1 - Confidential or Program Assistant 2 - Confidential.

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 Secretary 1 - Confidential to Program Assistant 1 - Confidential was incorrect and that her position should be classified as Program Assistant 2 - Confidential or Program Assistant 3 - Confidential instead.

3. The appellant has sustained her burden with respect to proving that the respondent's reallocation decision was incorrect and that her position should be classified as Program Assistant 2 - Confidential, but has not sustained her burden with respect to proving that her position should be classified as Program Assistant 3 - Confidential.

4. The respondent's reallocation of the appellant's position from Administrative Secretary 1 - Confidential to Program Assistant 1 - Confidential, effective August 26, 1979, was incorrect. The respondent advised in a post-hearing letter that unilateral action was being taken to reallocate this position to Program Assistant 2 - Confidential, effective August 26, 1979. Therefore, in reliance on this representation, no remedial order appears necessary.

OPINION

The Program Assistant 2 - Confidential level is a more appropriate classification for this position than Program Assistant 1 - Confidential. This was admitted by the respondent's expert witness and supported by a comparison to the other Program Assistant 1 positions compared (Respondent's E-J), which had more direct secretarial functions and less variety and complexity than appellant's position.

With respect to the Program Assistant 3 - Confidential level, the key language in the class description refers to the exercise of "judgment and decision-making along program lines that are governed by a variety of complex rules and regulations." The Commission cannot conclude on this record that this is descriptive of appellant's work. The appellant's position was comparable to two of the four positions classified at that level which were in evidence -- Respondent's K and N. Her position was at a lower level than L and M. These latter positions are involved in more program as opposed to program support decisions which are more characteristic of appellant's decisions. These positions also perform less direct clerical or secretarial work than does the appellant.

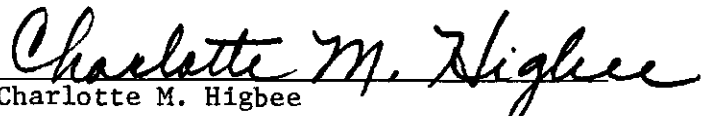
As to the former positions (K and N), the respondent's expert testified that they appeared to be overclassified at the three level based on the position descriptions. In the Commission's opinion they do have less programmatic responsibility than Respondent's L and M.

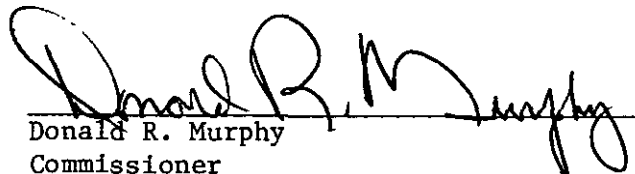
ORDER


The action of the respondent is modified and this matter is remanded
for action in accordance with this decision.

Dated Nov. 24, 1980

STATE PERSONNEL COMMISSION


Charlotte M. Higbee
Chairperson


Donald R. Murphy
Commissioner


Gordon H. Brehm
Commissioner

AJT:mew

POSITION DESCRIPTION

PERS-10 (Rev. 1-78)

State of Wisconsin
Department of Employment Relations
DIVISION OF PERSONNEL

1. Position No. 017891	2. Cert/Reclass Request No. Reclass 216-87	3. Agency No. 435
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NAME OF EMPLOYEE MARY M. SCHERMERHORN		5. DEPARTMENT, UNIT, WORK ADDRESS DH&SS/DCS/CENTRAL WIS. CENTER 317 Knutson Drive Madison, WI 53704	
CLASSIFICATION TITLE OF POSITION PROGRAM ASSISTANT II		8. NAME AND CLASS OF FORMER INCUMBENT None	
CLASS TITLE OPTION (To be Filled Out By Personnel Office)		10. NAME AND CLASS OF EMPLOYEES PERFORMING SIMILAR DUTIES None	
AGENCY WORKING TITLE OF POSITION		12. FROM APPROXIMATELY WHAT DATE HAS THE EMPLOYEE PERFORMED THE WORK DESCRIBED BELOW? 4 years	
NAME AND CLASS OF FIRST-LINE SUPERVISOR Stephen E. Jones, Ph.D. Institution Treatment Director III		DOES THIS POSITION SUPERVISE SUBORDINATE EMPLOYEES IN PERMANENT POSITIONS? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> IF YES, COMPLETE AND ATTACH A SUPERVISORY POSITION ANALYSIS FORM (DER-PERS-84).	

POSITION SUMMARY - PLEASE DESCRIBE BELOW THE MAJOR GOALS OF THIS POSITION

DESCRIBE THE GOALS AND WORKER ACTIVITIES OF THIS POSITION (Please see sample format and instructions on back of last page.)

GOALS: Describe the major achievements, outputs, or results. List them in descending order of importance.
WORKER ACTIVITIES: Under each goal, list the worker activities performed to meet that goal.
TIME %: Include for goals and major worker activities.

TIME %	GOALS AND WORKER ACTIVITIES	(Continue on attached sheets)
35%	A. Provision of clerical support services for Resident Programs, Education, Special Programs, Work Activity Center, Family Services, Psychology, Religious Education, and special work project areas (Deaf/Blind, Foster Grandparent Program). A1. Supervise and evaluate job performance of two Typists. A2. Exercise total responsibility in delegating clerical duties to assure prompt assignment completion for 90 staff. A3. Communicate with all department heads and Professional Service Specialists in keeping records and filing systems updated, and completing monthly reports. A4. Consult with department heads and Professional Service Specialists in setting up new forms, special projects, grant writing, and in arranging for printing of all forms used within the Department and for many used throughout the Center.	

(Con't)

SUPERVISORY SECTION - TO BE COMPLETED BY THE FIRST LINE SUPERVISOR OF THIS POSITION (See Instructions on Back of last page)

The supervision, direction, and review given to the work of this position is close limited general.
The statements and time estimates above and on attachments accurately describe the work assigned to the position. (Please initial and date attachments.)

Signature of first-line supervisor: Stephen E. Jones Date: 4/15/80

EMPLOYEE SECTION - TO BE COMPLETED BY THE INCUMBENT OF THIS POSITION

Please read and understand that the statements and time estimates above and on attachments are a description of the functions assigned my position. (Please initial and date attachments.)

Signature of employee: Mary Schermerhorn Date: 4-17-80
Signature of Personnel Manager: Quinn Date: 5-12-80

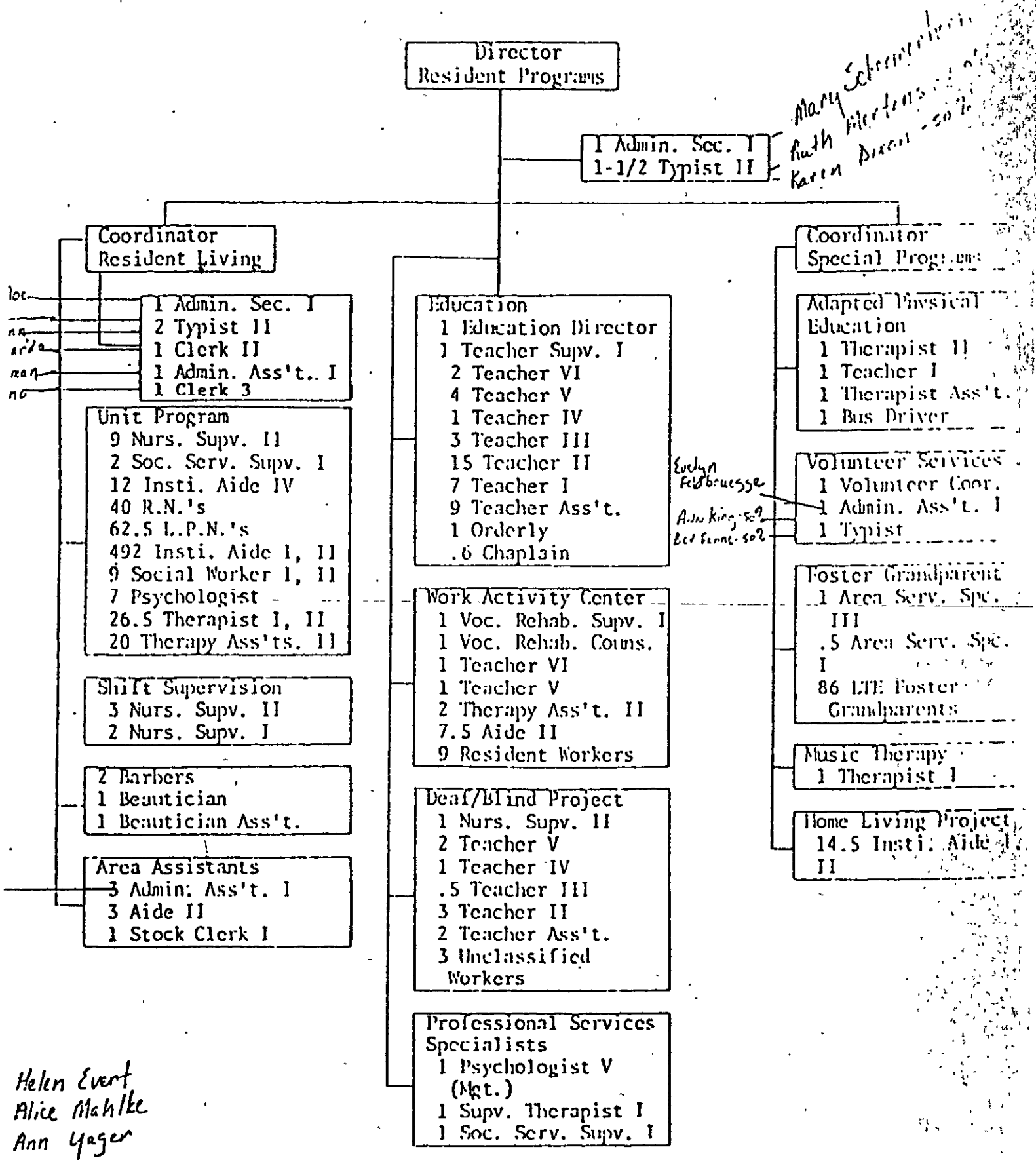
POSITION DESCRIPTION

by Schermerhorn

Page 2

TIME	OBJECTIVES AND TASKS
25%	<p>B. Performance of timekeeping duties for 90 Resident Program staff.</p> <p>B1. Record bi-weekly time, maintaining employee's permanent time record.</p> <p>B2. Reconcile computer printout, make file maintenance changes.</p> <p>B3. Interpret four union contracts plus non-represented group to determine time benefits.</p> <p>B4. Meet with new staff to explain timekeeping system and provide group inservice sessions as requested during the year.</p> <p>B5. Meet with staff members to correct timekeeping errors, compute benefits, help with special time problems being encountered.</p>
20%	<p>C. Provision of receptionist and information center services for Resident Programs</p> <p>C1. Keep accurate schedule information for all Resident Program staff.</p> <p>C2. Accept all staff absence call-ins, cancelling programs as necessary.</p> <p>C3. Communicate with all units, Resident Program staff, and Food Service staff of changes in off-grounds programming.</p> <p>C4. Contact community programs utilized by the Center to maintain proper scheduling.</p> <p>C5. Schedule meetings, notify staff, reserve room, arrange for necessary supplies.</p> <p>C6. Attend meeting, take minutes, type and distribute minutes.</p> <p>C7. Follow up on duties as assigned.</p>
10%	<p>D. Coordination of Annual Review system plus responsibility for one specific unit.</p> <p>D1. Work with Coordinator of Special Programs in keeping Annual Review system as consistent as possible throughout the institution, meeting with all AR secretaries as needed to achieve this.</p> <p>D2. Order all Annual Review forms, updating when necessary.</p> <p>D3. Set up and maintain schedule for 2 N/S Annual Reviews with Unit Coordinator.</p> <p>D4. Arrange for notification of parents, announcement in DAB, preparation of forms to be used at Annual Review.</p> <p>D5. Type Annual Reviews.</p>
5%	<p>E. Maintain Transfer Committee Records.</p> <p>E1. Maintain Transfer Request file, set up agenda, notify committee of meeting.</p> <p>E2. Attend meeting, process transfer forms, provide meeting minutes to committee and Unit Coordinators.</p> <p>E3. Notify appropriate Unit Coordinators of committee decisions on priority transfer immediately following meeting.</p> <p>E4. Maintain unit waiting list, updating and distributing at least every three months, working directly with Community Service and COR staff to assure accurateness.</p>
5%	<p>F. Maintenance of office equipment and supplies.</p> <p>F1. Order all supplies on weekly/monthly basis. Provide Director with information for budget request.</p> <p>F2. Make arrangements for all office/equipment moves, telephone requests.</p> <p>F3. Prepare all travel requests submitted by staff.</p> <p>F4. Prepare all duplicating/printing needs of department.</p> <p>F5. Exercise full responsibility for maintenance of office equipment.</p>

RESIDENT PROGRAMS ORGANIZATION



*Mary Schreiner
Ruth Merrens
Karen Dixon - 50%*

*Evelyn
Feldbruesse
Ann King - 50%
Bet Anne - 50%*

*loc
na
ar/da
naq
no*

*Helen Ewert
Alice Mahlke
Ann Yager*