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ROBERT J. BENDER,

Appellant,

v.

Secretary, DEPARTMENT OF  
ADMINISTRATION, and Administrator,  
DIVISION OF PERSONNEL,

Respondents.

Case No. 80-210-PC

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DECISION  
AND  
ORDER

NATURE OF THE CASE

This is an appeal pursuant to s.230.44(1)(b), Stats., of a reclassification request.

FINDINGS OF FACT

1. At all relevant times the appellant has been employed in the classified civil service by the Department of Administration (DOA), in a position classified as Shipping and Mailing Clerk 1 (SMC 1) at the Capitol Satellite Mail Center.

2. The duties and responsibilities of the foregoing position include the following:

A. Sorts, wraps, weighs, and applies meter postage, and routes and delivers or picks up mail, packages and other materials.

B. Lifts and handles mail containers and cartons.

C. Operates Pitney Bowes postage machine, scales, tying machine, and electric tape machine.

D. Keeps related records and orders some supplies.

E. Provides guidance and instruction to student and other temporary employes.

F. In the absence of the lead worker, fills in for him and is in complete charge of mailroom. During the period of April 13, 1976, through February 11, 1977, this occurred approximately 30.4% of the gross state office hours, and for eleven months in 1980, (exclusive of May), approximately 33.9%.

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3. There is another position assigned to the mail room which is classified as SMC 2. Although this position is officially designated as the lead worker position and officially is in charge of the mail room, in practice its incumbent and the appellant have voluntarily divided the work in the mail room approximately evenly, and there is no real guidance or direction provided by the SMC 2 to appellant.

4. The appellant operates under the general supervision of his supervisor, Stanley Carlson.

5. The class specifications for SMC 1, Respondent's Exhibit 3, provides the following definition:

"This is routine manual and clerical work in a shipping and mailing operation. Under close supervision or guidance employes in this class perform routine mail handling and processing, pickup and delivery of inter office or campus mail, and assist in the shipping and mailing of letters, packages, parcels and other materials. Work assignments are routine and repetitive in nature."

6. The class specifications for SMC 2, Respondent's Exhibit 4, contains the following definition:

"This is lead work guiding a small, relatively simple shipping and mailing room or campus mail operation; or operation of large complex shipping and mailing room equipment. Under limited supervision or guidance, employes in this class function as lead workers in routine mail handling and processing, pick up and delivery of inter office or campus mail and shipping and mailing letters, packages, parcels and other materials. In the operation of complex shipping and mailing equipment, employes would set up, operate and maintain large multiple station inserting machines and multipurpose labeling machines. Work is reviewed by superiors through general examination of records and procedures."

7. DOA, acting on a delegated basis from the administrator, Division of Personnel, denied reclassification of this position to SMC 2. See Respondent's Exhibit 1.

8. The appellant neither performs lead work nor operates large, complex shipping and mailing room equipment.

9. The appellant's position is best described by the specifications for, and most appropriately classified as, SMC 1.

#### CONCLUSIONS OF LAW

1. This matter is appropriately before the Commission pursuant to s.230.44(1)(b), Stats.

2. The appellant has the burden of proving that the respondent's decision denying reclassification of appellant's position to SMC 2 was incorrect and that the appellant's position is more appropriately classified as SMC 2.

3. The appellant has failed to satisfy that burden.

4. The respondent's decision was not incorrect and the appellant's position is more appropriately classified as SMC 1.

#### OPINION

This case presents little if any factual controversy. The appellant did not contend that he operated "large complex shipping and mailing room equipment." The only question was whether he met the SMC 2 criterion of performing lead work.

Although the appellant and the SMC 2 in the mail room in practice split the work about evenly, the Commission does not need to address the question of whether the appellant's direction of the temporary employees might constitute "lead work" as the term is used in the class specifications. This is because although the appellant and the SMC 2 may have agreed to divide the work between them,<sup>1</sup> the SMC 2 still had the ultimate responsibility for the mail room. This responsibility

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<sup>1</sup>This type of informal arrangement is not uncommon in small shops or units in the experience of the Commission with similar reclassification appeals.

is recognized by the classification system of the civil service regardless of the fact that tasks may be delegated to or shared with others.

The appellant argued that because he filled in for the lead worker on a frequent basis in the lead worker's absence that this satisfied the lead work criterion for reclassification. Although this argument is not without some force, the Commission cannot agree. In order for a position to be reclassified, normally the majority of its duties and responsibilities must be at the higher level. See, e.g., Alsmo v. Wettengel, 73-107, 108, 109 (7/3/75). It might be argued that a corollary of this precept should be that if lead work responsibilities are being fulfilled on a temporary basis the majority of the time over an extended period, that this should satisfy a reclassification requirement of lead work. However, the appellant did not have lead work responsibilities a majority of the time.

For these reasons the Commission is of the opinion that the respondent's decision denying reclassification to SMC 2 must be sustained.

ORDER

The respondent's decision is affirmed and this appeal is dismissed.

Dated July 1, 1981

AJT:mgd

Parties

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STATE PERSONNEL COMMISSION

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Charlotte M. Higbee  
Charlotte M. Higbee, Commissioner

Donald R. Murphy  
Donald R. Murphy, Commissioner