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MICHAEL D. LEWIS,
MARGARET MYERS,

Appellants,

v.

Administrator, DIVISION OF
PERSONNEL,

Respondent.

Case Nos. 81-154, 156-PC

* * * * *

DECISION
AND
ORDER

NATURE OF THE CASE

These are consolidated appeals of the reallocation of appellant's positions from Library Technician to Library Services Assistant 3.

FINDINGS OF FACT

1. The appellants at all relevant times have been employed in the classified civil service at the UW-Madison.
2. As a result of a personnel management survey of library positions, the appellant's positions were reallocated from Library Technician to Library Services Assistant 3 (LSA 3).
3. Each of the appellant's positions is the sole assistant to a library professional position at a "branch" library at UW-Madison, Mr. Lewis at the Chemistry Library and Ms. Myers at the Business Library.
4. The position standard for Library Services Assistant contains the following class descriptions:

Library Services Assistant 3

PR2-07

This is a paraprofessional and/or advanced clerical support work in a specialized subunit of a library. Positions allocated to this level are responsible for a recognized program activity or subunit which requires expertise in specific program activities or technical library practices and procedures.

Library Services Assistant 3 (continued)

Positions functioning at this level may direct the activities of the circulation or loan desk, reserve desk, audio visual center, or assist in the performance of cataloging activities or other comparable subunit or program activities. Also allocated to this level are those positions who directly assist a library professional in all areas of a branch or departmental library. Work is performed under general supervision and may include lead work responsibilities for a small number of lower level employees.

Library Services Assistant 4

PR2-08

This is a paraprofessional support work in a library. Positions allocated to this level are: 1) independently accountable for a recognized programmatic activity or area of the library such as lead worker over a circulation desk during a shift where there are no other higher level library professionals; 2) directly accountable to a unit head with responsibility for a recognized program activity or area of a major library such as being independently responsible for the operation of a periodical room, bindery operation or reserve book room; 3) positions which are responsible on an ongoing basis for complex and specialized library functions in a foreign language. Work at this level requires a thorough knowledge of the activity, program or specialty area. Work is performed under general supervision.

5. The appellants' positions are better described by the Library Services Assistant 3 class description and better classified at that level.

CONCLUSIONS OF LAW

1. These appeals are properly before the Commission pursuant to §230.44(1)(a), stats.
2. The appellants have the burden of proving by the preponderance of the evidence that the respondent erred in reallocating their positions to LSA 3 instead of LSA 4.
3. The appellants have not satisfied their burden.
4. The respondent's decision to reallocate the appellants' positions to LSA 3 instead of LSA 4 was not erroneous.

OPINION

The classification question in this case is very narrow. As is set forth in the appellants' post-hearing brief, the appellants' positions would fall under either the LSA 3 position standards language "...directly assist a library professional in all areas of a ... branch library," or the LSA 4 language "...directly accountable to a unit head with responsibility for a recognized program or area of a major library."

The appellants argue that this reliance on the distinction between "major" and "branch" libraries is inappropriate:

The Division of Personnel apparently has arbitrarily chosen work sites as the single most important classification factor. In fact, in this case, as the sole class factor, if it is the intention of the Division to use work site as the only factor in determining classification for some positions, it should be listed in the class factors (see Respondent's Exhibit #7).

However, a review of the classification factors set forth in Respondent's Exhibit 7 shows that the classification factors are composed of general principles such as "diversity, complexity, and scope of the assigned programs, project, staff responsibilities, or activities." The class descriptions, which contain the more specific definitional language, are prefaced by the following comment:

The following class descriptions define the basic concept for each classification level. As previously mentioned, several different areas of specialization and position categories exist within this occupational area and it is recognized that this position standard cannot describe every . . . eventuality or combination of duties and responsibilities. Therefore, these class descriptions are also intended to be used as a framework within which positions not specifically defined can be equitably [sic] on a class factor comparison basis with other positions which have been specifically allocated. (emphasis added)

It would appear that while the "classification factors" are not to be ignored in determining the classification of a position, these are of secondary importance to specific definitions within the class descriptions, which, in turn, define positions that "directly assist a library professional in all areas of a branch or departmental library" as LSA 3, and positions that are "directly accountable to a unit head with responsibility for a recognized program activity or area of a major library" as LSA 4.

The appellants concede that the administrator has categorized the chemistry and business libraries as branch libraries, see also Respondent's Exhibit 6, but argue that nonetheless they should be considered major. However, the appellants have the burden of proof and have not adduced evidence on the record which would support such a finding. Comparisons among the various libraries contained in the post-hearing brief, and the attachment thereto, cannot be considered as evidence, because they were not presented during the course of the hearing.

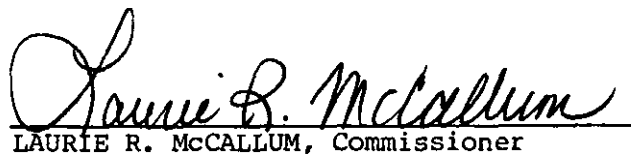
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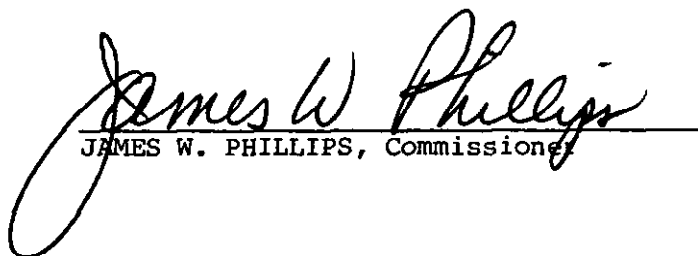
The action of the respondent is affirmed and this appeal is dismissed.

Dated: July 26, 1982 STATE PERSONNEL COMMISSION


DONALD R. MURPHY, Chairperson

AJT:jmf


LAURIE R. MCCALLUM, Commissioner


JAMES W. PHILLIPS, Commissioner

Parties:

Michael D. Lewis
Library, Dept. of Chemistry
1101 University Avenue, Rm. 2361
Madison, WI 53706

Margaret Myers
General Library
B25A Bascom Hall
500 Lincoln Drive
Madison, WI 53706

Charles Grapentine, Administrator
DP
P. O. Box 7855
Madison, WI 53707