

STATE OF WISCONSIN

PERSONNEL COMMISSION

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ALBERT BURGUS,

Appellant,

v.

Administrator, DIVISION OF
PERSONNEL,

Respondent.

Case No. 81-38-PC

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DECISION
AND
ORDER

NATURE OF THE CASE

This is an appeal pursuant to §230.44(1)(a), Wis. Stats., of the denial of a reclassification. At the prehearing conference the parties agreed that there was little if any dispute as to the basic facts and further agreed to waive a hearing and to submit the appeal for decision on the basis of written arguments and documents. The appellant filed on April 23, 1981, and the respondent on May 19, 1981.

FINDINGS OF FACT

1. Appellant is employed by the Wisconsin Department of Industry, Labor and Human Relations (DILHR) in the classified civil service as a Shipping and Mailing Supervisor 2 (SM Supv. 2) (PR 1-09); appellant's supervisor is Larry Mollere, Administrative Officer, 3, (PR 1-18).

2. On or about December, 1980, appellant submitted a request for reclassification of his position from SM Supv. 2 to Shipping and Mailing Supervisor 3 (SM Supv. 3) (PR 1-11).

3. Appellant has responsibility for the total centralized shipping and mailing operations of DILHR; the two primary functions of this responsibility include management of the mail activities and staff of the unit

and maintenance of the security and protection of unissued and issued checks and valuable mail and materials.

4. Appellant carries out his duties and responsibilities under limited supervision.

5. The major changes in appellant's position have been an increase in volume of work assigned which occurred when the Department of Administration (DOA) stopped handling general fund mail in the GEF 1 Building; and working with a more complex security system used in the handling of issued and unissued checks.

6. Respondent, Division of Personnel, conducted a review of the appellant's position. That review was conducted by Gary Martinelli, Personnel Specialist with the Division of Personnel. Based on that review, the reclassification request was denied by letter dated January 28, 1981, from Robert J. Belongia, Executive Personnel Officer, Division of Personnel, to Duane Sallstrom, Personnel Officer, DILHR.

7. Appellant filed a timely appeal from that denial with the Personnel Commission.

8. The classification specifications for SM Supv. 2 state:

"This is very responsible supervisory shipping and mailing work. Under limited supervision, employees in this class are responsible for the operation of large multi-departmental and building unit, centralized shipping and mailing operation...."

9. The classification specifications for SM Supv. 3 state:

"This is highly responsible supervisory shipping and mailing work. Under general supervision, employees in this class are responsible for the total centralized shipping and mailing operation of a number of large office building complexes and other building units where the shipping and mailing operations for all the departments in these buildings are included."

10. Appellant's position is not responsible for the total centralized shipping and mailing operation of a number of large office building complexes and other building units.

11. A position which is properly classified at the SM Supv. 3 level is held by Robert W. Lawler, DOA. Mr. Lawler's position is responsible for planning, organizing and supervising the central mail preparation and distribution center, the satellite mail centers, Central Store forms center, and for coordination of the greater Madison distribution system.

12. Based on the foregoing findings of fact, which are undisputed, the Commission further finds that the appellant's position is more accurately described by the class specifications for Shipping and Mailing Supervisor 2 than by the class specifications for Shipping and Mailing Supervisor 3.

CONCLUSIONS OF LAW

1. This matter is properly before the Commission pursuant to §230.44(1)(a), Wis. Stats.

2. The appellant has the burden of proving that the respondent erred in denying reclassification of appellant's position from Shipping and Mailing Supervisor 2 to Shipping and Mailing Supervisor 3.

3. The appellant has not satisfied his burden.

4. The respondent's decision denying reclassification of appellant's position from Shipping and Mailing Supervisor 2 to Shipping and Mailing Supervisor 3 was correct.

OPINION

The class specifications for Shipping and Mailing Supervisor 3 include the following explicit language:

"...responsible for the total centralized shipping and mailing operation of a number of large office building complexes and other building units where the shipping and mailing operations for all the departments in these buildings are included." (emphasis added)

It is undisputed, and appellant admits that he does not meet this criterion. In his argument in support of his appeal, he cites other factors of his job which he believes make for a level of responsibility equivalent to that of Shipping and Mailing Clerk 3:

"As I stated in the prehearing conference, I do not have the responsibility for mailing operations in a number of large building complexes. I do however assist Job Service managers throughout the state of Wisconsin with their mail problems. I also have the responsibility of updating mailing guidelines for the DILHR Administrative Practices Manual. I am DILHR's liaison concerning mail matters between DILHR and the U.S. Department of Labor.

I supervise a large mailing operation, which from February, 1980, through January, 1981, processed 13,180,112 pieces of mail. Of the over 13 million pieces 5,220,851 were Unemployment, WIN and CETA checks. I am also responsible for the receiving, storage, security and issuing of all the blank checks for the Department of Industry, Labor and Human Relations. (In excess of 2 million blank checks on hand.) I am also responsible for the security of the signature plates used to print the U.C. Treasurer's signature on checks before mailing.

As Mr. Martinelli stated during the prehearing conference, being responsible for the mailing operation of a number of large office building complexes indicates additional responsibility. I feel I have just as much responsibility as Mr. Lawler if not more because a major portion of the mail we send and receive daily are checks. The amount of responsibility is highly noticeable as soon as an individual walks into the front door of the DILHR mailroom, because of the floor to ceiling wire and locked gates that were installed to maintain security for the checks processed in the unit daily.

In my opinion, handling checks indicates a greater amount of responsibility than ordinary letters which are nonnegotiable."

While the duties and responsibilities described by Mr. Burgus might by some standards be considered equivalent to the supervision of a "number of large office building complexes and other building units," the class specifications are both explicit and specific in their requirement. This is in contrast with other classification series which utilize more general criteria or simply provide examples.

This case is similar in many respects to Shepard et al. v. DP, Case No. 80-234,237,239-PC (6/3/81). In that case, the distinguishing factor in the class specifications between Personnel Manager 3 and Personnel Manager 4 was institutional size, as expressed by specific numbers of employees. The appellants' institutions clearly lacked the requisite number of employees for reclassification. They argued in part that their positions should be at the higher level because of other factors, such as the assignment of line duties, which were not recognized by the class specifications. The Commission rejected this argument, indicating that in its opinion, "...a reclassification based on these duties would be inconsistent with the class specifications and would amount to reclassification on the basis of abstract notions as to the 'value' of the positions rather than being based on the established classification structure."

In the absence of any language in the specifications which permit the consideration of other factors in lieu of the specific requirements contained in the definition, the Commission has no choice but to apply

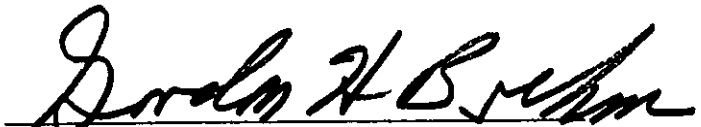
these requirements literally. The legislature has provided that the classification plan, which includes the class specifications, shall provide the structure for the entire civil service classification system. (Section 230.09, Wis. Stats.) The Commission cannot ignore the plain language of the specifications.

ORDER

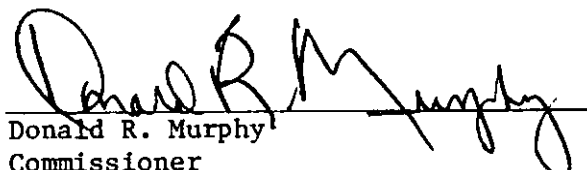
The action of the respondent is affirmed and this appeal is dismissed.

Dated July 21, 1981

STATE PERSONNEL COMMISSION


Gordon H. Brehm
Chairperson


Charlotte M. Higbee
Commissioner


Donald R. Murphy
Commissioner

AJT:mew

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