

STATE OF WISCONSIN

PERSONNEL COMMISSION

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 DONNA R. MCGREW, *
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 Appellant, *
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 v. *
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 President, UNIVERSITY OF *
 WISCONSIN, and Administrator, *
 DIVISION OF PERSONNEL, *
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 Respondents. *
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 Case No. 81-443-PC *
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DECISION
AND
ORDER

This matter is before the Commission as an appeal from respondent's decision denying the reclassification of the appellant's position. At the prehearing conference, the parties agreed to the following issue for hearing:

Whether the respondent erred in denying appellant's request for reclassification. Subissue: Whether appellant's position is more properly classified as Program Assistant 2 or 3.

FINDINGS OF FACT

1. At all times relevant to this appeal, the appellant has been employed in the Office of Academic Affairs of the University of Wisconsin System Administration.

2. The Office of Academic Affairs is responsible for 1) the oversight of the thirteen universities and fourteen two-year centers as well as the UW-Extension that comprise the UW System; 2) the review of new degree programs that go to the Board of Regents for approval; 3) the creation of policies regarding student and faculty affairs; and 4) the

provision of a series of special projects or programs relating to academic functions within the UW System.

3. The appellant's position is accurately described in her position description dated June 16, 1981, a copy of which is attached hereto and incorporated by reference as if fully set forth as a part of this finding.

4. The class descriptions for the Program Assistant (PA) 2 and 3 classifications provide as follows:

PROGRAM ASSISTANT 2

(PR2-07)

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

(PR2-08)

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.

5. The term "paraprofessional" is defined within the Program Assistant Position Standard as follows:

A type of work closely relating to and resembling professional level work, with a more limited scope of functions, decision-making and overall accountability. A paraprofessional position may have responsibility for segments of professional level functions, but is not responsible for the full range and scope of functions expected of a professional position.

6. An analysis of the eleven individual accomplishments described in the appellant's position description in comparison to the accomplishments normally included within classifications outside of the Program Assistant series indicates that the functions performed by the appellant are not of the type that should be classified at the pay range 2-08 level.

7. A comparison of the appellant's position with other positions currently classified within the Program Assistant series indicates that the appellant's position should not be reclassified to the PA 3 level.

Specifically, the following positions are relevant comparables:

A. PA-2 position also within Office of Academic Affairs filled by Elizabeth U'Ren. The U'Ren position summary reads:

1) Serve as an administrative assistant to the following UW System Committees: UW System Advisory Committee on Minority Student Affairs, Basic Skills Council, Regional Testing Board, Extended Degree Directors Group, Search & Screen Committee for Associate Vice President for Academic Affairs. 2) Handle administrative work flow, 3) Coordinate telephone communications, 4) Communications, 5) Production of typed copy.

B. A PA-1 position in the Arts and Sciences Outreach office, UW-Eau Claire, filled by Susan Madden. The Madden position summary reads:

Clerical duties related to Assistant to the Dean; coordination/development of Outreach programs; coordination/development of course publicity; management of finances, financial records, and accounts.

C. A PA-1 position in the Department of Business and Management, UW-Extension, filled by Linda Zielinski. The majority of Ms. Zielinski's duties relate to the planning, scheduling and preparation of advertising and program materials for programs/courses offered by her development. Ms. Zielinski also spends 30% of her time providing secretarial assistance.

7. The appellant's position is more appropriately classified at the PA-2 level rather than the PA-3 level.

CONCLUSIONS OF LAW

1. This appeal is properly before the Commission pursuant to §230.44(1)(b), Stats.

2. The appellant has the burden of proving that the respondents erred in denying the request for reclassification of her position, and that it is more properly classified at the Program Assistant 3 level rather than the Program Assistant 2 level.

3. The appellant has not sustained her burden.

4. The respondents did not err in denying the request for reclassification of appellant's position and it is more properly classified as Program Assistant 2 rather than Program Assistant 3.

OPINION

All three of the appellant's witnesses, including the appellant herself, testified that the position description dated June 16, 1981 was an accurate description of the appellant's responsibilities at that time. However, the appellant argued that Accomplishment #2, which relates to the production of typed copy and which takes up 40% of the appellant's time, actually is for the most part an administrative rather than a clerical function. This argument does not reflect the appellant's own testimony to

the effect that Accomplishment #2 involves typing and proofing copy and that those allegedly "administrative" aspects of Accomplishment #2 can actually be found within the other ten accomplishments listed on her position description.

In a recent decision, the Commission commented on the specificity of the position standards for the Program Assistance series:

The Program Assistant series position description uses general language in the class descriptions. As was brought out in the testimony, many of the functions of the appellant's position, viewed in the abstract, could be found within any of the four levels of the series. In order to properly classify such a position, it is important to draw comparisons with other positions.
McIntosh v. DP & UW, Case No. 81-442-PC (8/5/82)

In the instant case, there is nothing within the PA-2 class description that would act to exclude the appellant's positions. The respondent offered two separate methods of analysis in order to determine the appellant's proper classification given the general nature of the class description. The first method of analysis, "costing out" the appellant's duties based on classifications outside of the PA series, indicated that the appellant's position should not be classified at a pay range 2-08 level. The respondent also compared the appellant's position to a series of PA 1 and 2 positions throughout the state. The comparable positions included sufficiently similar responsibilities so that an accurate comparison could be made. The results of the comparison indicated that the appellant's positions should not be reclassified above the PA 2 level. It should also be noted that no PA 3 position descriptions were placed into the record in this matter by either party. The appellant merely argued that her position was different than the positions referred to by the

respondent as comparables. However, the appellant has the burden of proof in this matter and given the indefinite nature of the PA class descriptions, the appellant should have submitted her own PA 3 comparables.

MOTION TO DISMISS

In a letter prepared after the posthearing briefing schedule in this matter had been completed but before a proposed decision had been issued, the respondents moved for dismissal, stating in part:

Since submission of the briefs in this matter, appellant has resigned her position in Academic Affairs, and is now employed at the University Clinical Health Center.

Respondent contends that since appellant has resigned her position, the relief sought, if granted would have no practical effect, and therefore the case is now moot. An order by the Commission, rejecting and modifying the University's denial of appellant's request for reclassification can have no practical effect given the change in appellant's employment status, unless accompanied by an order for back pay. The Commission is without authority to issue such an order. The Dane County Circuit Court held, in DER v. Wisconsin PC (Cady) 79-CV-5099 (7/24/81) that where the Commission rejects a reclassification denial, it lacks authority to require retroactive salary payment as a remedy. In the absence of authority to order back pay, the relief sought, even if granted, would have no practical effect upon the parties. Given the fact and position-specific nature of review in reclassification cases, and the fact that appellant is no longer employed in the position in which she sought reclassification, a decision in the abstract would not yield a finding that would serve any instructive or remedial purpose.

The question of whether or not the Commission has the authority to issue an order requiring back pay in a reclassification appeal is not determinative as far as the issue of relief in the present case. The Commission must assume that the respondent agencies are aware of and comply with the requirements set out in the Wisconsin Personnel Manual as developed by the Division of Personnel. Pursuant to Ch. 335 (Attachment #2) of that manual:

Both delegated and non-delegated reclassification actions will be made effective at the start of the second pay period following effective receipt of the reclassification request at a level within the agency that has the authority to approve the request (delegated actions) or the authority to recommend the action directly to the State Division of Personnel for final approval (non-delegated actions).

This provision would appear to apply to all reclassification requests including those instances where an appeal was taken to the Commission which then rejected the agency's decision. In light of the above provision, the respondent's motion must be denied.

ORDER

The respondent's reclassification decision is affirmed and this matter is dismissed.

Dated: January 7, 1983 STATE PERSONNEL COMMISSION

DONALD R. MURPHY, Chairperson
abstained.

KMS:jmf

Laurie R. McCallum / etc
LAURIE R. McCALLUM, Commissioner

Parties:

Donna R. McGrew
709 Douglas Trail
Madison, WI 53716

James W. Phillips
JAMES W. PHILLIPS, Commissioner

Robert O'Neil, President
1700 Van Hise Hall
1220 Linden Drive
Madison, WI 53706

Charles Grapentine, Administrator
DP
149 E. Wilson Street
Madison, WI 53702

POSITION DESCRIPTION

DER-PERS-10 (Rev. 1-78)

State of Wisconsin
Department of Employment Relations
DIVISION OF PERSONNEL

1. Position No.	2. Cert/Reclass Request No.	3. Agency No
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NAME OF EMPLOYEE Donna R. McGrew	5. DEPARTMENT, UNIT, WORK ADDRESS University of Wisconsin System Academic Affairs 1634 Van Hise Hall 1220 Linden Drive
CLASSIFICATION TITLE OF POSITION Program Assistant 2	6. NAME AND CLASS OF FORMER INCUMBENT Sarah Kline Administrative Secretary 2
CLASS TITLE OPTION (To be Filled Out By Personnel Office)	10. NAME AND CLASS OF EMPLOYEES PERFORMING SIMILAR DUTIES Nancy Westrum Shirley Guenther Sharon Hanold Bette U'Ren
AGENCY WORKING TITLE OF POSITION Program Assistant	12. FROM APPROXIMATELY WHAT DATE HAS THE EMPLOYEE PERFORMED THE WORK DESCRIBED BELOW? 9 years (7/1/78)
NAME AND CLASS OF FIRST-LINE SUPERVISOR Karen L. Merritt Senior Academic Planner	

DOES THIS POSITION SUPERVISE SUBORDINATE EMPLOYEES IN PERMANENT POSITIONS? Yes No IF YES, COMPLETE AND ATTACH A SUPERVISORY POSITION ANALYSIS FORM (DER-PERS-84).

POSITION SUMMARY - PLEASE DESCRIBE BELOW THE MAJOR GOALS OF THIS POSITION **Coordinate workload for staff. Coordinate arrangements for conferences, workshops, and meetings by organizing address lists, making reservations and travel arrangements, order and obtain supplies, materials, and services. Coordinate, organize and send mailings. Transcribe minutes and summaries from shorthand and machine dictation. Compose and communicate information, develop and maintain filing system. Telephone-reception responsibility. Process travel reports, accounting requisitions and forms.**

DESCRIBE THE GOALS AND WORKER ACTIVITIES OF THIS POSITION (Please see sample format and instructions on back of **RECEIVED** Cont'd.)

- 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.

APR 2 1982

TIME %	GOALS AND WORKER ACTIVITIES
	<p>(Continue on attached sheet)</p> <p>Personnel Commission</p> <p>Assist in programs of a Senior Academic Planner, Academic Affairs, a Coordinator, Television and Media, and a Specialist, Undergraduate Teaching Improvement Council. Backup secretarial support for UTIC. Order and maintain supplies and equipment for Academic Affairs. Coordinate Workshops and conferences. Do accounting and statistical services. Artwork for special projects.</p> <p>APPELLANT'S</p>

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

- a. The supervision, direction, and review given to the work of this position is [] close [] limited [X] general
- b. 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 Karen Merritt Date June 16, 1981

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

I have 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 Donna R. McGrew Date June 16, 1981

Signature of Personnel Manager [Signature] Date [Signature]

14. Cont'd.

Record accounting figures and reconcile with budget figures. Order and maintain supplies and equipment for Academic Affairs.

ACCOMPLISHMENT 1: Coordination of special materials and services for workshops and conferences.

- 1.1 Receive, organize, note details, compose address lists, make special notebooks, prepare information, register participants and follow-up.
- 1.2 Compile and process special requests for information, reports, brochures, etc.
- 1.3 Collect, organize, and compile bibliography and publication lists. House special publications, reports, brochures, and guidelines.
- 1.4 Coordinate reservations, reserve conference/workshop rooms, plan and implement special arrangements. Process requisitions, blanket orders, and do accounting for special services for meetings.
- 1.5 Xerox information in volume amounts to facilitate conferences and workshops.
- 1.6 Set up special meetings by making preparations, reservations, ordering meals, arranging parking and detail work. Follow-up by processing requisitions for blanket orders and special services for workshops and conferences.
- 1.7 Provide accounting, budget and secretarial support services as needed.

ACCOMPLISHMENT 2: Production of typed copy for an Academic Planner, Specialist, Undergraduate Teaching Improvement Council, and a Coordinator for TV & Media. (Proofing of typed material an integral part of accomplishment 2.)

- 2.1 Type reports of committees, conferences, workshops, Administrative Policy Papers, statistical charts, memorandums, letters, minutes of meetings, contingency reports, guidelines, rough drafts and forms.
- 2.2 Type letters, memorandums, minutes, reports, and budget information, on broadcast stations, TV stations, and news media for their representatives and directors.
- 2.3 Type letters and memorandums for Undergraduate Teaching Improvement Council.
- 2.4 Type information on forms, lists, envelopes, and labels.
- 2.5 Type technical drafts into draft form and final form for Board of Regents meetings.
- 2.6 Type special reports for other divisions and sections as requested.
- 2.7 Type dictation from dicataphone and shorthand.
- 2.8 Type letters for President, Executive Vice President, and Associate Vice Presidents.
- 2.9 Type mailing lists and update them.
- 2.10 Type for other secretaries as assigned or need arises.

ACCOMPLISHMENT 3: Procurement and maintenance of general supplies and materials for all members of Academic Affairs. (21 staff members and 5 secretaries.)

- 3.1 Process forms, by filling out requisitions, vouchers, and requests for materials.
- 3.2 Order volume amounts of office supplies and materials and maintenance of these.
- 3.3 Order and coordinate special materials for use by secretaries and academic personnel

3Z ACCOMPLISHMENT 4: Procurement and maintenance of specific supplies and materials for an Academic Planner, Coordinator for TV & Media, a Specialist, Undergraduate Teaching Improvement Council.

- 4.1 Fill out requisitions, purchase orders, printing orders, and travel expense reports, and route to appropriate place for approval.
- 4.2 Maintain inventory of task force reports, materials and special reports used as handouts and mailouts and keep a supply on hand.
- 4.3 Maintain inventory of individual stationery for academic staff.

4Z ACCOMPLISHMENT 5: Distribution and preparation of daily mail for an Academic Planner, Coordinator for TV & Media, a Specialist, Undergraduate Teaching Improvement Council.

- 5.1 Open, date and route incoming mail. Establish priority mail, record information on particular program deadlines, advise staff of priority items.
- 5.2 Process in most expeditious way all outgoing mail. Prepare and process letters of urgent nature for mailing.
- 5.3 Coordinate materials, assemble and mail information for conferences, workshops and committees. Routine and large mailings.
- 5.4 Follow-up on materials to be sent or received.

3Z ACCOMPLISHMENT 6: Composition of written communication for an Academic Planner, Coordinator for TV & Media, a Specialist, Undergraduate Teaching Improvement Council.

- 6.1 Compose letters of request for reports, books, information, and publications.
- 6.2 Write memorandums for routine correspondence required for meetings, conferences and workshops and academic staff.
- 6.3 Process requests for reports and information.
- 6.4 Proof reports and minutes of meetings for reproduction and distribution.
- 6.5 Process forms, requisitions and vouchers required for committees, conferences, and workshops, and routine academic staff assignments.

5Z ACCOMPLISHMENT 7: Verbal communication responsibilities for an Academic Planner, Coordinator for TV & Media, a Specialist, Undergraduate Teaching Improvement Council.

- 7.1 Assist in committee, conference and workshop arrangements and follow-up.
- 7.2 Keep itineraries and update.
- 7.3 Receive/place telephone calls (console), make appointments, reservations, provide routine information, refer persons to proper personnel.
- 7.4 Develop and maintain sources of information.
- 7.5 Provide information on ATN, ETN and Meet-Me-Bridge, telephone ^{conference} hookups and other services as needed.
- 7.6 Operate Centrex Console and provide coverage during working hours.

ACCOMPLISHMENT 8: Development and maintenance of filing system.

- 8.1 Set up and maintain files of various information and categories.
- 8.2 File in alphabetical and subject file order.
- 8.3 Sort materials into appropriate categories for filing.
- 8.4 Set up filing bins for special material and coordinate these.
- 8.5 Purge files according to specific instructions.
- 8.6 Send to Archives for storage and microfilming according to instructions.

ACCOMPLISHMENT 9: Dictation and transcription from machine and shorthand.

- 9.1 Transcribe notes for meetings into drafts and summaries from minutes of committees, workshops, conferences and UTIC newsletter.
- 9.2 Transcribe information from dictation equipment and rough draft.
- 9.3 Take shorthand and transcribe from committees, subcommittees, task groups, special groups, conferences, workshops and telephone dictation.

ACCOMPLISHMENT 10: Performance of independent projects for an Academic Planner, Coordinator for TV & Media, a Specialist, Undergraduate Teaching Improvement Council.

- 10.1 Coordinate materials to be summarized in final reports.
- 10.2 Upkeep and update manuals and handouts.
- 10.3 Record participants lists for meetings, committees, conferences, and workshops.
- 10.4 Maintain reader copy file for cross reference and back-up information.
- 10.5 Devise forms, maps and directions for enclosures in mailings or office use.
- 10.6 Update calendars for academic staff members and myself.
- 10.7 Request materials and publications.
- 10.8 Design covers and do special artwork for reports of workshops, conferences, and programs.

ACCOMPLISHMENT 11: Coordination and collection of reports for system policies and guidelines for an Academic Planner, a Coordinator for TV & Media, a Specialist, Undergraduate Teaching Improvement Council.

- 11.1 Establish file and collect reports from units and committees.
- 11.2 Advise of deadline, and compliance by units and committees.
- 11.3 Compile data for statistical, numerical reports and charts.