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 PEGGY KILBRETH,
 Appellant,
 v.
 President, UNIVERSITY OF
 WISCONSIN SYSTEM, and
 Administrator, DIVISION OF
 PERSONNEL,
 Respondents.
 Case No. 81-463-PC
 * * * * *

DECISION
 AND
 ORDER

This matter is before the Commission as an appeal from a reclassification decision. The issue for hearing reads as follows:

Whether respondent's decision to deny appellant's request for reclassification from Purchasing Assistant to Purchasing Agent 1 was correct.

FINDINGS OF FACT

1. At all times relevant to this proceeding, the appellant has been employed in the Fiscal and Central Services Section of the State Laboratory of Hygiene (SLOH) where she has had certain purchasing responsibilities.

2. The primary responsibility of the State Laboratory of Hygiene is public health testing. The SLOH Director is Ronald Laessig. Richard Graesslin, chief of the Fiscal and Central Services Section, supervises the appellant.

3. The significant aspects of the purchasing process as it relates to the appellant's position may be summarized as follows:

- a) "Users" (i.e. authorized requestioners) within SLOH provide the appellant with a written description of commodities they need in order to carry on their duties and responsibilities. The appellant reviews

the descriptions, removing language that may be irrelevant to the purchasing function, and attaches the information to a standard requisition form. The requisition, as prepared by the appellant, always includes the name of a suggested vendor and that vendor's price. For about one-third of the requisitions submitted by SLOH, there is a "state contract" that exists with one vendor who has contracted to provide certain items to all state agencies. Where a state contract exists for an item requisitioned by SLOH, the appellant merely fills in the name of the vendor under that contract and the applicable price. Another 5% or so of SLOH requisitions are for items covered by a "university contract," i.e. where one vendor has the contract for a particular item requested by anyone within the UW-Madison campus or in some cases within the entire UW-System. Again, the appellant need only fill in the name of the one vendor and the applicable price when the requisitioned item falls within a university contract. Approximately 20% of SLOH purchases are in the form of "contract release orders," i.e. where a purchase order has already been issued for a period of time and for a quantity of items, and SLOH merely submits an order directly to the vendor to release a portion of those items covered by the previously issued purchase order. No separate requisition is required. For certain other requisitioned items, such as serums or reagents, the appellant inserts the name of the vendor suggested by SLOH employe who initiated the request. Finally, for certain items, the appellant will contact several vendors who can supply the item, decide which bid is preferable and then list that vendor and the quoted price on the

requisition. The appellant uses this "multiple quotation" procedure for some equipment, labels and sometimes for controlled serums.

- b) Once the requisition form has been completed by the appellant, it is sent to central purchasing at the University of Wisconsin. First, the requisition is pre-audited to confirm the accuracy of accounting codes and to confirm that there are sufficient funds in the account against which the requisition will be charged. Then the requisition is sent on to the purchasing office where it is assigned to a purchasing agent according to the commodity area involved. The purchasing agent determines whether a state or university contract is applicable or whether verbal bids, written bids or sealed written bids are required. If the amount involved is more than \$3,000, a written bid ("request for quotation" or RFQ) is required. If the amount is less than \$3,000, the purchasing agent has the option of utilizing the RFQ procedure or obtaining verbal bids. The RFQ procedure includes selecting vendors (based on the agent's familiarity with the commodity area) sending out bid requests to those vendors, and then analyzing the returned bids in terms of price and against the established specifications. The agent will always contact the vendor suggested by the university subunit (such as SLOH) submitting the requisition. The agent identifies the low bid and summarizes the bid results which are then provided to the subunit involved. This procedure is called the "notification of bid result."
- c) On receiving the "notification of bid result," the appellant checks over and then forwards the material to the user who reviews the

material to make sure that the low bid is acceptable. If the user determines not to accept the low bid, they must provide a detailed and usually technical justification which is forwarded to the purchasing agent in central purchasing.

- d). The central purchasing agent then considers any justification, accepts a bid and binds State funds by issuing a completed purchase order.

4. In addition to her role in the process described above, the appellant 1) directs and approves the work of a clerical assistant who completes those 75% of the requisition forms submitted by SLOH that are considered "routine;" 2) maintains contact with vendors; 3) provides SLOH departments with information as to how the purchasing procedure works, how much time it takes, and new products available from vendors; 4) maintains current product catalogues supplied by vendors. The appellant is not the chief purchasing liaison for SLOH with central purchasing.

5. Appellant's supervisor, Richard Graesslin (who is also business manager for SLOH), also has certain purchasing responsibilities. Mr. Graesslin is the primary contact with UW's central purchasing at least as to capital equipment (i.e. items with a useful life of at least 2 years and a value of more than \$500), some types of new supplies and major purchases.

6. All except two of the approximately 200 subunits within the University of Wisconsin-Madison follow essentially the same procedure as the SLOH in processing requisitions. The two exceptions are the Physical Sciences Laboratory (PSL) and the Hospital, both of which have been delegated the authority to issue RFQ's for items under \$3,000, to analyze the resulting bids and to summarize those bids. In performing this function the two

subunits must maintain records and insure comformance with statutes and regulations as set forth in a purchasing manual that is made available to the two subunits and that is also utilized by the purchasing agents in central purchasing. The UW's central purchasing office retains all authority for items for more than \$3,000 and one of its purchasing agents must still sign the purchase order in order to bind the State.

7. Authority over the RFQ process was delegated to the PSL and the Hospital in 1969 by the Chancellor of the UW-Madison campus. The delegation was approved by the State's Bureau of Purchases. The Administrative Procedures Manual provides that no delegation of purchasing authority may be made beyond the state department (i.e. state agency) level without approval by the Bureau of Purchases.

8. Employees in the PSL and Hospital who exercise the authority to issue and analyze RFQ's are classified as Purchasing Agent 1's. None of the other subunits in the UW-Madison employ Purchasing Agent 1's.

9. The relevant portions of the Purchasing Assistant and Purchasing Agent 1 position standards read as follows:

Purchasing Assistant

Definition:

This is technical purchasing work in the procurement activities in a department. Employees in this class may carry responsibility for all details of purchasing in a department, division or institution. Such positions involve requisitioning items within the limitations of the state's purchasing practices and agency guidelines, maintaining all related records, contacting vendors, checking invoices against materials received and related assignments. Also allocated to this class are positions in purchasing units where employees in this class may specialize in defined segments of the overall purchasing program or are in training positions where the individual is expected to advance to more responsible positions. Employees in training positions are given assignments in all aspects of the purchasing program and are under close supervision. Employees allocated to positions in this class

who are not in training status are expected to operate independently in their areas of responsibility subject to established practices and policies. The work may involve the supervision of clerical assistants.

Examples of Work Performed:

Verifies prices on requisitions through vendors' catalogs, literature, price lists, standard contracts, department files, etc.

Abstracts bids and quotations for price comparisons and prepares abstract forms from bid lists.

Prepares reports as requested by purchasing agents and performs related functions in assisting the purchasing agents.

Contacts vendors, within the limits of state purchasing policy, to procure items and selects the best source in terms of quality, price and other pertinent considerations.

Reviews purchase vouchers for accuracy, coding, prices and quantities.

Maintains inventory of supplies and initiates requests to maintain adequate inventory levels.

Solicits quotations for material requisitioned by the department.

Reviews field purchase orders and contract release orders for accuracy, completeness and adherence to state purchasing regulations.

Interviews salesmen and conducts correspondence with vendors.

Purchasing Agent 1

Definition:

This is responsible, professional level purchasing work. Employees in this class function as: (1) purchasing agents who are developing the skills, knowledges and abilities to advance to the next classification level in the Division of Purchases or the central office of a large departmental purchasing unit; (2) purchasing agents in units mentioned in (1) who are responsible for the less complex purchasing activities of the unit as a permanent assignment; (3) purchasing agents in subunits of departments with a central purchasing unit where the subunit has been delegated responsibility for all local purchasing and the items purchased by and for the subunit are many and varied; (4) chief purchasing liaison individuals in large Group II agencies; (5) purchasing positions with equivalent responsibility to those listed above.

The work performed is subject to state purchasing laws and regulations and departmental policy. The work is subject to the review of the Division of Purchases, departmental purchasing agents and business managers.

Examples of Work Performed:

* * *

(B) Other State Agencies

Initiates and rewrites field requisitions for submission to the Division of Purchases.

Initiates, rewrites and issues contract release and field purchase orders.

Prepares semi-annual group purchases.

Carries departmental responsibility for the management of a large or several smaller commodity areas.

Determines standards of quality, schedules periods of procurement activities and formulates departmental policies and practices in these commodity areas.

Negotiates and prepares contracts.

Prepares specifications, bids and award analyses.

Conducts research into new advances in the pertinent commodity areas.

Meets with salesmen, other company representatives, department and Division of Purchases employes and the general public.

Supervises the purchasing details (files, vouchering, requisitioning) of a department.

These two position standards were promulgated in 1965, and some of the terms used in the standards have become outdated. The term "local purchasing" as used in the Purchasing Agent 1 definition applied to subunits that could issue field purchase orders, which were purchase orders issued to local vendors for amounts less than \$50. The term "Group II agency" referred to those state agencies that relied on the State Bureau of Purchases to do their bidding work, a function similar to that performed by UW's central purchasing office for the vast majority of the UW-Madison subunits.

10. The appellant's responsibilities are similar to those responsibilities assigned to the following positions:

- a) Purchasing Assistant/Coordinator for the Department of Human Oncology. The position summary for this position provides:

Employee will function independently in procurement activities for the Department of Human Oncology, and WCCC and within limitations and guidelines of the Department, the University, and the State. Research and purchasing background essential because the ordering is predominantly of lab supplies and equipment.

- b) Purchasing Assistant for the Department of Biochemistry. The position summary for the position provides:

The primary function of this position is to serve in the capacity of purchasing agent in the procurement of research chemicals and laboratory supplies for the researchers in the Department of Biochemistry, maintain adequate financial records of all orders, and maintain a complete inventory of all supplies in the departmental storeroom.

11. The appellant's duties are distinguishable from those performed by the Purchasing Agent 1's employed by the PSL and the Hospital who have been delegated the authority to issue RFQ's and to analyze the resulting bids in a manner consistent with statutes and regulations set forth in a purchasing manual made available to them.

12. The appellant's position is better described by the class description for Purchasing Assistant than for Purchasing Agent.

CONCLUSIONS OF LAW

1. This matter is appropriately before the Commission pursuant to §230.44(1)(a), Stats. (1981).

2. The appellant has the burden of proving that the respondents' decision not to reclassify her position from Purchasing Assistant to Purchasing Agent was incorrect.

3. The appellant has failed to meet her burden of proof.

4. The respondents' decision not to reclassify the appellant's position was correct.

OPINION

In classification appeals, the Commission's primary consideration is the language of the class specifications. In this case, there are several distinctions between the Purchasing Assistant and Purchasing Agent 1

specifications. The Purchasing Assistant definition refers to "technical" work, and to position's responsible for all purchasing "details":

This is technical purchasing work in the procurement activities in a department. Employees in this class may carry responsibility for all details of purchasing in a department, division or institution. Such positions involve requisitioning items within the limitations of the state's purchasing practices and agency guidelines, maintaining all related records, contacting vendors, checking invoices against materials received and related assignments. ... Employees allocated to positions in this class ... are expected to operate independently in their areas of responsibility subject to established practices and policies.

A review of the appellant's work at the SLOH indicates she performs almost all of the work examples listed in the Purchasing Assistant specifications. (See listing in Finding #9.)

In contrast, the Purchasing Agent 1 specification describes "professional work", and suggests a significantly higher level of authority than positions at the Purchasing Assistant level. The relevant portions of the definition provide:

This is responsible, professional level purchasing work. Employees in this class function as: ... (3) purchasing agents in subunits of departments with a central purchasing unit where the subunit has been delegated responsibility for all local purchasing and the items purchased by and for the subunit are many and varied; (4) chief purchasing liaison individuals in large Group II agencies; (5) purchasing positions with equivalent responsibility to those listed above.

The work performed is subject to state purchasing laws and regulations and departmental policy.

Testimony established that the appellant has not been delegated the authority to conduct "local purchasing", i.e., to issue purchase orders for items costing less than \$50. The appellant has also not delegated any comparable authority. Although one can make a good argument that the relationship between the SLOH and central purchasing at UW-Madison is comparable to the relationship of a Group II agency and the State Bureau of Purchases, it is Mr. Graesslin rather than the appellant who serves in the "chief purchasing

liaison" with Central Purchasing.^{FN} The only remaining category of positions falling within the Purchasing Agent 1 specifications includes those positions "with equivalent responsibility". This category makes the position a standard much more flexible, but the combination of the lack of authority delegated to the appellant, the role of her supervisor, and the detail-oriented nature of the appellant's work all indicate that her responsibilities do not meet the Purchasing Agent 1 level.

A further distinction between the two classifications is that the Purchasing Assistant operates "subject to established practices and policies", while the Purchasing Agent 1's work is performed "subject to state purchasing laws and regulations and departmental policy." The record shows that Purchasing Agents are supplied with purchasing manuals that include applicable laws and regulations which the agents are required to follow. The appellant does not have such a manual because she is not required to apply those laws and regulations.

The appellant's case focused on the two university subunits that have been granted authority to use RFQ's. The appellant contends that her work is quite similar to the work performed by Purchasing Agent 1's at the Physical Sciences Laboratory and at the Hospital. The record does not support this contention. The PSL and the Hospital have both been expressly delegated certain purchasing authority that has not been delegated to the SLOH or any

^{FN} The parties disputed the degree of involvement by Mr. Graesslin in SLOH's purchasing operation. Based on Mr. Graesslin's own testimony, the testimony of representatives of the University Purchasing Office, and job descriptions for his position, Mr. Graesslin has a very significant role in that operation.

of the other approximately 200 subunits of the University. The Purchasing Agents at the PSL and the Hospital are required to apply statutes and rules that have been compiled in a purchasing manual and they, rather than their superiors, are the contacts for their agencies with the University's Central Purchasing. These facts form a sufficient basis for distinguishing the appellant's position for classification purposes.


In contrast, the appellant's duties are much more similar to those responsibilities performed by purchasing assistants in the departments of Biochemistry and Human Oncology (Finding #10).

Based upon the above analysis, the respondents' decision must be affirmed.

ORDER

The respondents' reclassification decision is affirmed and this appeal is dismissed.

Dated: Jan. 2, 1985 STATE PERSONNEL COMMISSION


DONALD R. MURPHY, Chairperson


LAURIE R. McCALLUM, Commissioner


DENNIS P. MCGILLIGAN, Commissioner

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*Pursuant to the provisions of 1983 Wisconsin Act 27, published on July 1, 1983, the authority previously held by the Administrator, Division of Personnel over classification matters is now held by the Secretary, Department of Employment Relations.