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JOHN LAWTON,  
 Appellant,

v.  
 Administrator, DIVISION OF  
 PERSONNEL,  
 Respondent.

Case No. 81-47-PC

\* \* \* \* \*

DECISION  
 AND  
 ORDER

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

FINDINGS OF FACT

1. At all times relevant appellant John Lawton has been employed in the classified civil service by DILHR, the Department of Industry, Labor and Human Relations. Appellant began state service in 1974 and worked continuously in the area of personnel. In April, 1980 appellant began work at DILHR. He currently is classified as a Personnel Specialist 5 (PR 1-15) and works in the department's Bureau of Personnel.

2. On January 26, 1981 the respondent, Division of Personnel, denied a request for reclassification of appellant's position from Personnel Specialist 5 (PR 1-15) to Administrative Officer 1 (PR 1-16). February 20, 1981 appellant appealed the denial decision to the Commission. Subsequently, he alleged that he should be classified as a Personnel Administrative Officer 1, 2 or Administrative Officer 1.

3. DILHR, one of two large complex state agencies, employes approximately 2800 people within its seven divisions. Appellant is the head of staffing, one of four sections in the department's personnel division. His duties primarily

consist of the following: directing the department's recruitment, examination validation and testing programs; planning and conducting his section's activities including layoff, reinstatement, recruitment, examination and certification programs; interpreting and developing personnel policies; supervising and training staff; investigating complaints and preparing for personnel appeals and grievances.

4. Class specifications for a Personnel Specialist 5, define such positions as:

"... advanced professional personnel work in either the central office of a major state agency (4,000 or more employees) or the State Bureau of Personnel. Positions allocated to this class are assigned a variety of complex personnel functions in more than one of the following areas: Classification, compensation, occupational analysis, recruitment, and exam validation. Positions which report directly to the personnel director of a large or a large complex state agency may also be allocated to this class when such positions are assigned the responsibility for coordinating several complex functional program areas. All positions may be involved in training, employment relations, payroll and/or affirmative action activities; however, such activities would not be the primary functions of the positions. Work at this level is performed under limited supervision and differs from work at the lower level Personnel Specialist positions in the complexity of assignments and the high degree of independence and judgment required at this level."

Class descriptions of Personnel Administrative Officer 1 and Personnel Administrative Officer 2 respectively are:

"This is administrative personnel management work in a state agency. Positions allocated to this class function as: 1) Personnel Director for a medium-sized state agency characterized by 400 to 1,000 employees, a complex organizational structure, an ongoing contract administration program involving responsibility for administration of several contracts, and classification and staffing programs. Depending on the size and organization of the agency, the personnel program may also include responsibility for training, payroll, and affirmative action; 2) a full-line deputy personnel director in a large agency with supervisory responsibility for all programs in the personnel office; 3) supervisor of several program areas such as all classification, compensation, and staffing activities (or programs of similar size, scope and complexity) of a large complex state agency characterized by a complex organizational and occupational structure. Such a position would be independently responsible to the director of personnel for

the agency; 4) supervisor of a complex functional personnel program area such as all classification of staffing activities of a major state agency. Such a position would be independently responsible to either the director or deputy director of personnel for the agency. Work at this level is typically supervisory in nature and is performed under the general administrative review."

"This is administrative personnel management work in a state agency. Positions allocated to this class function as: 1) Personnel Director of a large state agency characterized by 1,000 to 4,000 employees, an ongoing contract administration program involving administration of several contracts, and classification and staffing programs. Depending on the size of the agency, the personnel program may also include responsibility for training, payroll, and affirmative action; 2) a full-line deputy personnel director with supervisory responsibility over all programs in a large agency with a complex organizational and occupational structure; or 3) supervisor of several program areas such as all classification, compensation, and staffing activities for a major state agency. Such a position would be independently responsible to the director of personnel. Work at this level is typically supervisory in nature and performed under general administrative review."

5. Appellant's job duties compare favorably in some respects with other state personnel positions including the staffing manager at the University of Wisconsin-Madison, personnel office and team leaders in respondents Bureau of Recruitment and Testing, which are in a higher pay range.

6. Appellant's position is most accurately described by class specifications for a Personnel Specialist 5 than those for Personnel Administrative Officer 1, 2 or Administrative Officer 1.

#### CONCLUSIONS OF LAW

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

2. Appellant has not satisfied the burden of proving respondent erred by denying reclassification of appellant's position from Personnel Specialist 5 to Personnel Administrative Officer 1, 2 or Administrative Officer 1.

3. Respondent's decision to deny appellant's reclassification request was correct.

OPINION

There is no material dispute of the facts in this case. The appellant supervised seven employees and was responsible for administrative personnel management functions in DILHR.

Appellant argues that, at the time of the reclass request, he was performing job duties of a nature and level equal to other state employees who were classified one pay range higher. Detailed evidence was presented comparing appellant's position with other DILHR personnel, the staffing manager for the UW-Madison, personnel office, and the director of examinations in the Department of Regulations and Licensing.

Certain aspects of these positions compare favorably with appellant's duties, but meet other criteria which place them in the given classification. In the instance of comparable DILHR positions, which were classified as Personnel Officer 1's, appellant fails to meet the job location requirement. This is also true of the staffing management position at UW-Madison, which unlike appellant's position, is located in a major state agency. The examination development and evaluation position in the Department of Regulations and Licensing is unique because it does not generally involve state employees, and is not a benchmark of that particular classification.

As appellant points out, the administrative code mandates that class specifications be the basis for assigning positions to a particular classification. As in this case, other factors including allocation patterns and comparable positions are often used to aid in their interpretation. Based upon the evidence and after consideration of factors including those outlined, the Commission believes respondent's decision was correct.


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ORDER

Respondent's denial of appellant's request for reclassification is affirmed and this appeal is dismissed.

Dated: Feb 18, 1982

STATE PERSONNEL COMMISSION

  
DONALD R. MURPHY  
Chairperson

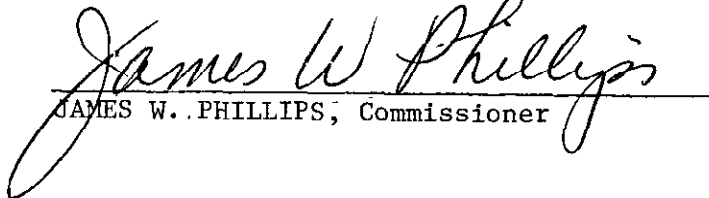
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LAURIE R. McCALLUM, Commissioner

  
JAMES W. PHILLIPS, Commissioner