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 *
 MICHAEL J. MERGEN, *
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 Appellant, *
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 v. *
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 President, UNIVERSITY OF *
 WISCONSIN, and Administrator, *
 DIVISION OF PERSONNEL, *
 *
 Respondents. *
 *
 Case No. 83-0064-PC *
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DECISION
 AND
 ORDER

NATURE OF THE CASE

This is an appeal of the denial of a request for reclassification of appellant's position from Management Information Supervisor 2 (MIS 2) (PR1-12) to Management Information Supervisor 3 (MIS 3) (PR1-13).

FINDINGS OF FACT

1. The appellant occupies a position in the classified civil service at the UW-Platteville which is classified as MIS 2.

2. The duties and responsibilities of this position are, in summary, as follows (see appellant's position description, Respondent's Exhibit 5):

- 35% A: Provide leadership in the overall management of administrative data proc. operations
- A:1 Discuss all major issues in operations before final decision by the director.
- A:2 Propose changes in practices, procedures, review and evaluate such proposals requested by others.
- A:3 Draft and issue Request for changes and evaluate the results and technical impacts on all parts of ADP.
- A:4 Provide the leadership in directing and implementing the procedures and standards for disaster recovery and security for operations.

- 65% B: Plan, organize, direct and manage the Operations branch of ADP which includes Computer operations, I/O control, Scheduling, Data Entry and Auxiliary Services.
- B:1 Perform all management functions, including decisions on hiring, firing, merit allocations, reclassifications, promotions and establishment of new positions in operations.
 - B:2 Responsible for assigning priorities and schedules for staff, hardware, vendor maintenance, user applications and all other aspects of ADP operations.
 - B:3 Responsible for servicing a wide variety of users with differing and conflicting requirements, providing a full range of administrative and business applications.
 - B:4 Responsible for upgrading the technical levels of the operations staff through training or vendor schooling.
 - B:5 Responsible for assuring that the equipment is kept to date in proper maintenance status, and for making the initial determination and response to all problems whether hardware, software or the environment.
 - B:6 Responsible for all production setup of jobs and assure that they run smoothly and meet established schedules and deadlines.

3. Since the appellant's position was reallocated in 1980 to MIS 2 as the result of a classification survey of the data processing vocational area, the changes in the duties and responsibilities of his position may be summarized as follows:

- a. The supervision of his position by F. J. Lofy, Director of the Administrative Data Processing Center (ADPC), has changed from "limited" to "general," and Mr. Lofy has been less involved with the details of the workings of the ADP as a result of increased responsibilities working with the newly-acquired Honeywell level 6 system.
- b. Due primarily to the fact that Mr. Lofy became involved with the "Honeywell 6" computer system, which was introduced during this period, the appellant has become increasingly involved in the general operation of the ADPC. This involvement primarily has been along the

lines set forth in finding #2.A., above, and in responding to questions which come up in Mr. Lofy's absence.

c. The number of employees appellant supervises has increased from 3 to 9 (including one LTE and four student assistants).

d. The technical requirements of the position has increased because, although the basic computer (Honeywell 64/40) has remained the same, the operation system is now more complex, and Honeywell has withdrawn most of its on-site technical support.

e. As the ADPC has expanded its operation to include more individualized services, there are very few routine procedures and guidelines to fit these needs, and more need for procedures tailored to fit the particular job being done.

f. The ADPC has been required to handle more work and more programs (1979: 449, of 1983: well over 800).

4. The computer system served by the appellant's position lacks a teleprocessing network and has no data base and limited multi-processing capabilities. It operates on one shift. It is better categorized as a "small" rather than a "medium" computer system, as these terms are defined in the MIS position standard, Respondent's Exhibit 1:

a. Such a system [small] will have limited capabilities and will characteristically involve a small number of primarily non-complex applications processed in a limited multi-processing environment, a small number of users, and no teleprocessing network.

b. Such a system [medium] will characteristically involve a variety of complex applications processed in a multi-processing mode, a variety of academic and administrative users, and either no teleprocessing or a teleprocessing network involving a small number of terminals and non-complex applications.

5. From a classification standpoint, the appellant's position is not at a higher level than the following positions, both of which are classified as MIS 2:

a. Operations section director, UW-Green Bay computer center. This computer system operates on 3 shifts as well as on Saturday. It services both the academic and administrative data processing requirements of the campus. It can handle up to 56 lines inputting at any one time although there are more than 56 terminals around the campus in a fairly extensive teleprocessing network.

b. Operations Manager, Computer Center, UW-Stout. This system has a two-family database, a fairly extensive teleprocessing network, is in a multi-processing mode at all times, and has multiple shifts.

6. From a classification standpoint, the appellant's position is at a lower level than the following positions, which are classified as MIS 3:

a. Supervisor, computer center operations section, Department of Justice. This system operates every day and on 3 shifts and involves 199 terminals, many operated by local law enforcement agencies, in an extensive teleprocessing network.

b. Supervisor, Computer Operations, UW-Oshkosh. This system handles both academic and administrative computing needs. It includes an IBM 370/148 plus 3 academic mini computers. It has an extensive teleprocessing network with in excess of 200 terminals, and multi-program processing. It operates on a multi-shift basis and on weekends.

7. The MIS position standard, Respondent's Exhibit 1, includes the following in the class descriptions:

MANAGEMENT INFORMATION SUPERVISOR 2 (PR1-13)

Computer Operations

Positions allocated to this class will function as either:

- 1) The supervisor of a computer operation containing a small computer system. Such a system will have limited capabilities and will characteristically involve a small number of primarily non-complex applications processed in a limited multi-processing environment, a small number of users, and no teleprocessing network. Overall operations objectives, priorities and deadlines are normally established by the production supervisor, but the review of the technical soundness of decisions made by these positions is limited.

* * *

MANAGEMENT INFORMATION SUPERVISOR 3 (PR1-14)

* * *

Computer Operations

Positions allocated to this class will function as either:

- 1) The supervisor of a computer operation containing a medium computer system as identified at the Management Information Supervisor 1 level. Overall operations objectives, priorities, and deadlines are normally established by the production supervisor, but the review of the technical soundness of decisions made by these positions is limited.
8. The appellant's position is best described by the definition for, and is more appropriately classified as, MIS 2 rather than MIS 3.
9. The request for reclassification of appellant's position was turned down at the campus level on October 28, 1982, Respondent's Exhibit 4, and at the UW-System level on April 13, 1983, Respondent's Exhibit 3.

CONCLUSIONS OF LAW

1. This matter is appropriately before the Commission pursuant to §230.44(1)(b), Stats.
2. The appellant has the burden of proof of establishing that the respondent's decision denying reclassification of his position was incorrect.
3. The appellant has not sustained his burden.

4. The respondent's decision to deny the request for reclassification of the appellant's position was not incorrect.

OPINION

The appellant's position has changed since the data processing survey was conducted in 1979. Although the basic computer has stayed the same, operation of the system has become more complex, and it is handling a higher workload. The appellant receives less supervision from Mr. Lofy, who has had to spend much of his time working with the newly-acquired Honeywell level 6 system, even though the appellant has only tangential contact with this system. Also as a result of Mr. Lofy's added responsibilities for this new system, the appellant is more involved in the overall operation of the ADPC.

However, an employe is not entitled to reclassification of his position solely because of change and increased complexity. The changes must be such to bring the position within the parameters of a higher level classification.

In order for the appellant's position to be reclassified to MIS 3, it must be the "... supervisor of a computer operation containing a medium computer system..." Respondent's Exhibit 1. Notwithstanding the changes in the appellant's job, the computer system at UW-Platteville remains "small" as opposed to "medium."

Mr. Lofy, the director of ADPC, testified that the ADPC has no real data base and a substantially limited multi-processing capability. The limited nature of the computer system is acutely illustrated by comparison to UW-Green Bay and UW-Stout, each of which support an MIS 2 in positions with the same general functions as the appellant's. The record does not

support a conclusion that the position in question should be classified at a higher level than these two positions.

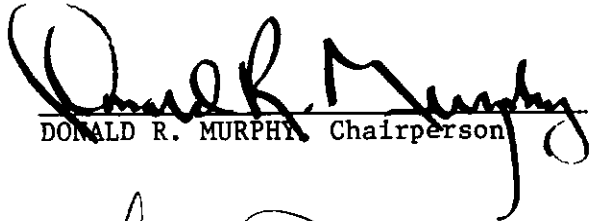
With respect to the 35% of this position the position description characterized as "Provide leadership in the overall management of administrative data processing operation," neither the breakdown of worker activities, under this heading as set forth in the position description, nor the testimony at the hearing, supports the conclusion that the appellant serves as a deputy or "acting" director for Mr. Lofy. However, he is doing such things as answering questions by other employes that normally would be answered by Mr. Lofy if he were there. There is nothing in the MIS 3 position standard¹ to suggest that classification at this level might appropriately be based on supervision of operations with respect to a small computer plus limited involvement in the overall operation of the computer center. In any event, at least 65% of this position fits squarely within the MIS 2 description, and on the basis of the concept that position classification depends on the majority of the duties and responsibilities of a position, see, e.g., Bender v. DOA & DP, Wis. Pers. Commn. 80-210-PC (7/1/81), the MIS 2 classification is most appropriate.

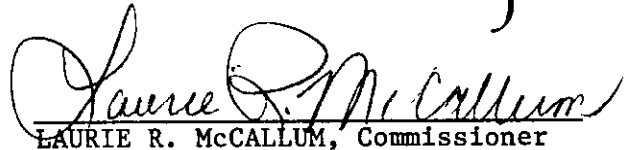
¹ Although the MIS - Manager series was mentioned in the statement of issue for hearing, neither party addressed this series in their briefs, and on this record it does not appear to provide a viable classification alternative.

ORDER

The decision of the respondents denying the request for reclassification of the appellant's position is sustained and this appeal is dismissed.

Dated: February 15, 1984 STATE PERSONNEL COMMISSION


DONALD R. MURPHY, Chairperson


LAURIE R. McCALLUM, Commissioner

AJT:jmf
JPDO4


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.