

STATE OF WISCONSIN

PERSONNEL COMMISSION

\* \* \* \* \*  
 LARRY POST,  
                   Appellant,  
 v.  
 Secretary, DEPARTMENT OF  
 EMPLOYMENT RELATIONS,  
                   Respondent.  
 Case No. 83-0213-PC  
 \* \* \* \* \*

DECISION  
 AND  
 ORDER

A proposed decision and order was issued in the above matter on April 24, 1984. After considering the written objections filed by the respondent and consulting with the hearing examiner, the Commission adopts the proposed decision and order with the following modifications which better reflect the evidence presented at hearing and the analysis followed by the Commission:

1. The first line of Finding of Fact #5 is amended to read:
 

5. In a communication received by the appellant on September 19, 1983, respondent Secretary ...
2. The last sentence of Finding of Fact #10a is amended to read:
 

At this copy center, there are two presses and a high-speed photocopying machine which are used in the production of 700,000 impressions per month.
3. The last sentence in Finding of Fact #10b is amended to read:
 


Two presses and a high-speed photocopying machine are used in the production of 560,000 impressions per month.
4. The last sentence in Finding of Fact #11c is amended to read:
 

Seven presses and three high-speed photocopying machines are used in the production of 2.77 million impressions per month.
5. The last two paragraphs of the Opinion section of the decision are omitted and the following language substituted:

In addition, the appellant's work with handicapped students presumably falls within the category of leadwork, which is reflected in the class specifications for both Offset Press Operator 2 and Offset Press Operator 3. Given the language used in these specifications, there is nothing upon which to base a conclusion that the training duties with respect to these students would bring the position closer to an Offset Press Operator 3 from a classification standpoint.

As noted above, the respondent looked at three factors - employees led (classes and numbers), presses (numbers and types), and volume (number of impressions) - to determine the proper classification of appellant's position. The respondent did not present any evidence as to the relative weight of these three factors or the definition of the term "employee." At the time of respondent's denial of appellant's request for reclassification, the Commission finds it reasonable to conclude that Post's position was appropriately classified as an OPO 2 based on the factors respondent considered at that time. Generally, appellant's position compared favorably with other positions at the OPO 2 level. However, appellant's position also bears some resemblance to the OPO 3 position at UW-Extension occupied by Douglas Stout. In this regard the Commission notes that appellant leads one less regular employee but six more work-study students than Stout. In addition, appellant produced roughly the same number of impressions per month as Stout. (At hearing, appellant stated that the monthly volume of his copy center had been steadily increasing and had reached up to one million.) The main difference between the two positions is in the number and type of presses wherein Stout has a significant lead on the appellant. Based on same, and all of the above, appellant's position is more appropriately classified as OPO 2 at this time.

Dated: May 24, 1984 STATE PERSONNEL COMMISSION

  
DONALD R. MURPHY, Chairperson

AS/DPM:jat

  
LAURIE R. McCALLUM, Commissioner

  
DENNIS P. MCGILLIGAN, Commissioner

Parties:

Mr. Larry W. Post, Jr.  
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125 S. Webster St.  
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Mr. Howard Fuller  
Secretary, DER  
149 E. Wilson St.  
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Offset Press Operator 2

PR 3-07

Class Description

Definition:

This is advanced technical offset press work. Under limited supervision, employes in this class function as a lead worker in a copy/printing center or perform the most advanced work in the operation, adjustment and maintenance of the large lithographic (offset) presses. Work is performed with considerable independence. Final work is examined for neatness and compliance to specifications.

Examples of Work Performed:

Schedules and assigns work to the office machine operators; checks the work for accuracy and quality; directs the flow of work through the copy center.

Trains operators in the set-up, operation, adjustment and care of printing, duplicating and bindery equipment; determines job priorities, interprets specifications and assists in employe selection, evaluation and training.

Sets-up, adjusts, maintains and operates the largest presses reproducing on a large scale production basis a wide variety of printed material utilizing close registers, requiring high quality. Most printing work at this level is multi-color work.

Prepares proper offset master (plates) from negatives; mixes inks, colors and repellants.

4. The class specifications for Offset Press Operator 3, (OPO 3), Respondent's Exhibit 5, contain the following definition and examples of work performed:

Offset Press Operator 3

PR 3-08

Class Description

Definition:

This is leadwork in a large offset press operation. Under limited supervision employes in this class function as a lead-worker in a large service unit engaged in production basis printing operations. In addition employes perform some of the more advanced work in the operation adjustment and maintenance of lithographic (offset) presses. Work is performed with considerable independence, with a large degree of initiative and judgment required in applying procedures and instructions to a wide variety and volume of work.

Examples of Work Performed:

Schedules and assigns work to the operators; checks the work for accuracy and quality; directs the flow of work through the pressroom and bindery.

Trains operators in the set-up, operation, adjustment and care of printing and bindery equipment; may make the more difficult adjustments and repairs to the machines.

Guides and participates in plate-making (offset masters from negatives), lithographic (offset) presswork and bindery operations.

May determine reproduction process to be used to insure high quality work; confers with various section heads regarding most suitable methods of reproduction.

Maintains records of supplies used and material reproduced, initiates orders when stocks are depleted.

May operate offset equipment including the more complex machines.

Keeps records and makes reports.

5. In a communication dated September 19, 1983, respondent Secretary, Department of Employment Relations denied appellant's request for reclassification from the Offset Press Operator 2 level to the Offset Press Operator 3 level. On October 17, 1983, appellant filed a timely appeal of this denial with the Commission.

6. At the Department of Public Instruction Quick Copy Center appellant is responsible for leading the work of one OPO 1, one Clerical Assistant 1, and six handicapped high school work-study students. These mentally and/or physically handicapped students work 4 hours per day, three students in the morning and three in the afternoon. Every semester a new group of students is employed at the Copy Center. Appellant has worked with these students at all times material herein.

7. Appellant maintains, operates, and instructs the aforesaid employees/students in the use of a variety of equipment including two offset presses, an electrostatic platemaker, Bostitch stapler, Bostitch wire stitcher, and a 20-station collator. Although the average number of impressions (pages) per month at the center was 700,000 at the time of the

audit, there has been an increase in volume ranging up to 1 million. Since the last classification review was conducted, the only major changes are the addition of a permanent OPO 1 position in 1982 and the upgrade of the printing equipment.

8. A review of the language of the class specifications for OPO 2 and OPO 3, indicates that an OPO 2 is a lead worker in a copy/printing center whereas an OPO 3 is a lead worker in a large offset press operation; and that the size of the printing operation is the main factor in allocating positions between the OPO 2 and OPO 3 level.

9. When reviewing the appellant's classification, Ms. Roberta Miller (Personnel Specialist 4, Department of Employment Relations) compared several OPO 2 and OPO 3 positions by concentrating on three factors relating to the size of the printing operation: the classes and numbers of employees led, the numbers and types of presses, and the volume of production based on monthly figures (summarized in Respondent's Exhibit 18). Ms. Miller did not consider appellant's performance in her review.

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

a. Susan Cory presently occupies the position at Photocopying and Duplicating Services, UW-College of Letters & Sciences. The duties and responsibilities of this position involve leading one OPO 1, one Clerical Assistant 2, and four or five hourly students. At this copy center, there are three presses which are used in the production of 700,000 impressions per month.

b. Robert Evenson presently occupies the position at Hill Farms Quick Copy Center, Department of Administration. This position requires

leading one Clerical Assistant 2. Three presses are used in the production of 560,000 impressions per month.

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

a. Douglas Stout presently occupies the position at Duplicating Services, UW-Extension (second shift). This position requires leading one OPO 2 and two Bindery Worker 2's. Twelve presses are used in the production of 761,325 impressions per month.

b. James Van Eschen presently occupies the position at Duplicating Services, UW-Extension (first shift). This position requires leading seven OPO 2's, three OPO 1's, one Bindery Worker 3, and two Bindery Worker 2's. Twelve presses are used in the production of 2.38 million impressions per month.

c. Gordon Kidd presently occupies the position at Wilson Quick Copy Center, Department of Administration. This position requires leading three OPO 2's, two OPO 1's, five Clerical Assistant 2's, and one Clerical Assistant 1 in five separate copy centers. Ten presses are used in the production of 2.77 million impressions per month.

12. The major difference between appellant's and the other positions noted above, his training of handicapped students, is not recognized by either of the aforesaid class specifications.

13. Appellant functions as a lead worker in a copy/printing center as noted above.

14. The duties and responsibilities of appellant's position are more accurately described by the class specifications for an OPO 2 and appellant's position is more appropriately classified as an OPO 2.

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

In order to reclassify a position, there must be logical and gradual changes in the duties or responsibilities. ER-Pers. 3.01(3), Wis. Adm. Code. When applied to the facts of the case, this requires the appellant to show that his position has changed sufficiently so as to resemble the duties and responsibilities of an OPO 3 more closely than those of an OPO 2.

According to the class specifications, an OPO 2 is a leadworker in a copy/printing center whereas an OPO 3 is a leadworker in a large offset press operation. The three factors used to calculate this difference between an OPO 2 and an OPO 3 (classes and numbers of employees led, numbers and types of presses, volume of production based on monthly figures) clarify the different amounts of responsibility attached to each level. As noted in the Findings of Fact, based on a consideration of these factors, it is reasonable to conclude that the appellant functions as a lead worker in a copy/printing center; and, therefore, is more appropriately classified as an OPO 2.



Contrary to the above conclusion, appellant claims his responsibilities are similar to other OPO 3's. A review of Respondent's Exhibit 18 indicates appellant's position is most comparable to the OPO 3 position of Mr. Stout. However, there are significant differences. First, the record clearly indicates that in contrast to appellant who has on-site supervision, Mr. Stout has no on-site supervision; he is solely responsible for managing and completing production. Second, Respondent's Exhibit 18 reveals that Mr. Stout works with considerably more presses than appellant. At the hearing, appellant listed all of the equipment with which he works, including peripheral equipment as well as presses. Since all of the copy centers rely on the use of peripheral equipment to some extent, the focus of the review compared only the number and types of presses. Therefore, in view of the foregoing, the Commission finds that appellant's position is substantially different from Mr. Stout's.

Appellant's work with handicapped high school students does not satisfy the requirement of being "logical and gradual changes" in his duties. In appellant's position descriptions from December, 1981 (Respondent's Exhibit 2) and from April, 1983 (Respondent's Exhibit 3), this work with students is specified. There has been no change with respect to this duty.

Furthermore, neither the class specifications for the OPO 2 nor for OPO 3 recognized work comparable to that required with the handicapped students. If some duties are not adequately represented by either set of class specifications, the Commission has no authority to change the specifications, but is bound by those currently in effect. Zhe et al v. DHSS and DP, 80-285-PC, 11/19/81, affirmed by Dane County Circuit Court, 11/82. Since this work with handicapped students is not recognized by either OPO 2

or OPO 3 class specifications and since the Commission is bound by those specifications, the Commission may not consider this duty of appellant in reviewing the correctness of respondent's action.

At the time of respondent's denial of appellant's request for reclassification, Post's position was appropriately classified as an OPO 2 based on the factors it considered at that time. At the hearing, appellant stated that the monthly volume of his copy center had been steadily increasing and had reached up to one million. If the volume remains at this level or increases, the appellant's position would begin to compare more favorably with the OPO 3's (see Respondent's Exhibit 18). It is possible that a future request for reclassification would be warranted, especially if the number of presses appellant is responsible for increases significantly. At this time, however, appellant's position is more appropriately classified as OPO 2.

ORDER

The decision of respondent denying the request for the reclassification of appellant's position from the OPO 2 to the OPO 3 level is affirmed and this appeal is dismissed.

Dated: \_\_\_\_\_, 1984      STATE PERSONNEL COMMISSION

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DONALD R. MURPHY, Chairperson

AS/DPM:jat

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LAURIE R. McCALLUM, Commissioner

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