

STATE OF WISCONSIN

PERSONNEL COMMISSION

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LILLIAN MANN,
 Appellant,
 v.
 Secretary, DEPARTMENT OF
 EMPLOYMENT RELATIONS,
 Respondent.
 Case No. 83-0245-PC
 * * * * *

DECISION
 AND
 ORDER

NATURE OF THE CASE

This is an appeal pursuant to §230.44(1)(b), Stats., of the denial of a request for reclassification of the appellant's position from Program Assistant 3 - Confidential (PR01-08) to Program Assistant 4 - Confidential (PR01-09) which was effectuated by the Department of Employment Relations (DER). At the prehearing conference held on January 11, 1984, the parties agreed to the following issue:

Whether the respondent's decision to deny the request for reclassification of the appellant's position from Program Assistant 3 - Confidential (PR01-08) to Program Assistant 4 - Confidential (PR01-09) was correct.

Hearing in the above matter was held on May 10, 1984 in the Commission's office, Room 803, 131 West Wilson Street, Madison, Wisconsin. The parties did not file written arguments.

FINDINGS OF FACT

1. The appellant occupies a position in the classified civil service at the Department of Natural Resources, Division of Services, Payroll/Personnel section in the Northwest District which is classified as

Program Assistant 3 - Confidential.

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

- 40% A. Dispensation of information, advice and assistance to District employees.
- 15% A-1. Act as liaison with Central Office Personnel Bureau on insurance, retirement and other personnel matters and advise and assist District employees.
- 5% A-2. Advise and assist immediate supervisors with new employee orientation. Supply orientation material and answer questions.
- 5% A-3. Advise immediate supervisors on affirmative action procedures and keep record of affirmative action hires and prepare goals and objective reports.
- 5% A-4. Inform and advise co-workers and employees on union contracts.
- 5% A-5. Keep current personnel manual, lists of employee classification status and salary schedules available.
- A-6. Perform Notary Public service upon request.
- A-7. Issue Child Labor Permits upon request.
- 5% A-8. Assemble and present any new personnel information at Area and District staff meetings.
- 15% B. Administration of all open position control - lateral transfers and examinations.
- 5% B-1. Receive and verify "Request to Fill Position" form against District position control records.
- B-2. Determine if forms are correctly prepared and supported and submit to Central Office.
- B-3. Receive approval to fill and request lateral transfer lists.
- B-4. Prepare the lateral transfer list in the District for announced lateral transfer vacancies.
- B-5. Contact individuals on lateral transfer list to determine interest and refer interested individuals to proper manager.

- 5%
 - B-6. Request and receive certified lists as necessary when no lateral interest.
 - B-7. Assist with interview schedule between manager and eligible applicants when requested.
- 5%
 - B-8. Prepare letter of appointment for District Director's signature and complete "Certification Report" and route to Central Office.
 - B-9. Advise all participating applicants of results of interview.
- 10%
 - C. Administration of reclassification requests.
- 5%
 - C-1. Receive reclassification request and verify to position specifications.
 - C-2. Contact supervisors and/or employees to resolve any problem areas on requests.
 - C-3. Prepare the "Reclassification Request Report" form and submit with all necessary documentation to Central Office.
 - C-4. Prepare the employee reclassification letter for the District Director's signature on all approved requests.
 - C-5. Keep a current status file on all pending reclassifications and a tickler file on all new employees under a progression series and advise concerned supervisors periodically.
- 5%
 - D. Receive employment applications and visitors and discuss employment procedures.
 - D-1. Receive visitors interested in employment with the Department and discuss procedures, eligibility and opportunities for employment.
 - D-2. Receive applications for seasonal Natural Resources Assistant 1 and limited term employment.
 - D-3. Maintain an employee application mailing list verifying eligibility to the Central Office for their use in providing applicants with examination information.
 - D-4. Maintain liaison with local Job Service Offices in the District.

- D-5. Maintain liaison with colleges under the work study program and assist managers with placement of students for summer employment under the program.
- D-6. Receive, process and track student or other intern requests.
- 10% E. Preparation of employment forms for payrolling.
 - E-1. Receive forms from hiring manager or copy of appointment letter for each new employee.
 - E-2. Verify employee is eligible for hiring and that all necessary forms have been submitted.
 - 5% E-3. Prepare a start card and submit necessary forms with card to Central Office to initiate payroll activity.
 - E-4. Set up a current personnel file for all new employees and place all pertinent information in file.
 - 5% E-5. Determine amount of leave and compensatory time a terminating employee has and prepare an ending card and submit to Central Office to take employee off payroll.
 - E-6. Prepare a start and/or ending card for employees as necessary when transfer information is received and submit to Central Office.
 - E-7. Assist payroll clerk with preparation of seasonal payroll when needed as backup.
- 10% F. Maintenance of employee leave information.
 - F-1. Collect, sort and batch leave slips sent in from all District employees.
 - F-2. Substantiate that employee is eligible for leave being requested and enter leave information onto employee leave card.
 - F-3. Submit original batched leave slips to Department of Administration for computerization and keep a file of processed leave slips alphabetically by employee.
 - F-4. Reconcile Department of Administration computer leave runs against the employee leave cards and distribute copies of the computer runs to Areas for employee information.

- F-5. Make corrections to reconcile records when necessary by submitting a file maintenance change report to Department of Administration.
 - F-6. Answer inquiries from employees on their leave balances or other leave matters.
- 5%
- G. Auditing of employee time reports.
 - G-1. Receive time reports for each 2-week time period from the District payroll clerk after totals and other payroll information has been substantiated.
 - G-2. Audit time reports against leave cards to verify if all leave slips and time reports agree for each 2-week period.
 - G-3. Audit compensatory time balance from time reports and enter balance on leave cards substantiating that employee is eligible for compensatory time claimed.
 - G-4. Contact employee if any corrections are necessary pertaining to leave or compensatory time.
 - G-5. Batch all time reports and submit them to Central Office by deadline date.
- 5%
- H. Maintenance of employee records.
 - H-1. Maintain an individual personnel file for each District employee and add or dispense information from files as necessary.
 - H-2. Maintain Worker's Compensation injury reports record and route these reports and all related medical bills to Central Office for processing. Advise and assist employees on worker's compensation options. Prepare yearly statistical report on claims.
 - H-3. Maintain an employee protective footwear file and prepare and submit a list of employees eligible for safety shoe reimbursement to Central Office for payment.
 - H-4. Set up and maintain any new files or records on personnel matters as needed or requested.

3. Relevant class descriptions in the Program Assistant - Confidential, Payroll and Benefits Assistant - Confidential and Personnel Assistant series include the following:

PROGRAM ASSISTANT 3 - CONFIDENTIAL

(PR1-08)

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.

PROGRAM ASSISTANT 4 - CONFIDENTIAL

(PR1-09)

This is paraprofessional staff support work of considerable difficulty as an assistant to the head of a major program function or organization activity. Positions allocated to this class are coordinative and administrative in nature. Positions typically exercise a significant degree of independence and latitude for decision making and may also function as leadworkers. Positions at this level are differentiated from lower-level Program Assistants on the basis of the size and scope of the program involved, the independence of action, degree of involvement and impact of decisions and judgment required by the position. Work is performed under direction.

PAYROLL AND BENEFITS ASSISTANT 1 - CONFIDENTIAL

PR 1-06

This is payroll work of routine difficulty performing repetitive functions and assisting higher-level payroll personnel at the largest institutions or in an agency payroll office. Duties may require the exercise of individual judgment in some specific instance, but the majority of duties performed require only initial training in the payroll units' policies and procedures. Positions allocated to this class assist higher-level payroll personnel in various payroll functions such as the production of Limited Term Employee or Student payrolls, the completion and review of payroll turnaround documents according to standard procedures or the maintenance of leave accounting records. Work is performed under general supervision.

PAYROLL AND BENEFITS ASSISTANT 2 - CONFIDENTIAL

PR 1-07

This is payroll work of moderate difficulty involving a full range of payroll and fringe benefit activities. Positions allocated to this class are responsible for assisting higher-level payroll personnel in the complete range of payroll activities, including input, reporting, auditing, and reconciling. Employees at this level are expected to be knowledgeable enough to orient new employees to the fringe benefits provided by the employer and answer questions from existing employees regarding new or changing fringe benefit provisions. Work at this level is differentiated from the Payroll and Benefits Assistant 1 level in the variety of payroll involvement, the complexity of specific duties, and the amount of supervision received. Work is performed under direction.

PAYROLL AND BENEFITS ASSISTANT 3 - CONFIDENTIAL PR 1-08

This is payroll work of moderate difficulty involving payroll and fringe benefit activities in small state institutions or in small state agencies. Positions located at small institutions perform all the steps necessary to produce the payroll for a multi-unit, multi-shift operation. The work involves responsibility for providing fringe benefit information upon request, and may involve the coordination of lower-level personnel such as unit timekeepers located in other work units. Coordinators with assigned accountability for the payroll and benefits program in a small state agency perform all payroll functions, provide fringe benefit information and develop all payroll reports required by the Federal Government, other state departments or private benefit vendors. Work is performed under general direction.

PERSONNEL ASSISTANT 1

(PR1-08)

This is paraprofessional administrative support work of moderate difficulty in the personnel operation of a department, institution, university campus, or a comparable organizational unit or in the State Division of Personnel. Positions in this class perform a wide variety of responsible functions in connection with recognized phases of personnel program functions, provide high level administrative staff support services to professional staff members, and/or independently carry out responsible non-professional functions in a specialized program area(s). The work involves making independent decisions concerning the application of a wide variety of rules, regulations, and procedural guidelines; disseminating personnel information and providing assistance to employes, program personnel, and the public; and coordinating activities with or within the State Division of Personnel. The work is performed in accordance with established guidelines and under general supervision of professional personnel staff members or program administrators.

PERSONNEL ASSISTANT 2

(PR2-09)

This is paraprofessional personnel work of considerable difficulty in the personnel program of a department, institution, or university campus, in an organizational subunit of comparable size and complexity or in the State Division of Personnel. Positions in this class are responsible for: (1) a major program area such as delegated examination and recruitment in a large, centralized personnel office; (2) a variety of program areas such as clerical employment, payroll liaison, examination coordination, and fringe benefit counseling in a fully operational decentralized personnel office; (3) a wide variety of program activities as the principal assistant to the professional in charge of a personnel program for a small department or a major organizational subunit; (4) the total personnel program within an organizational subunit including the coordination and performance of all personnel-related activities; or (5) independent administrative support responsibilities in a specialized program area(s) in the State Division of Personnel. The work involves significant independent decision-making in connection with the application of laws, rules, regulations, and procedural guidelines; the development of internal

procedures; the dissemination and interpretation of information relating to personnel policies and procedures; the coordination of a wide variety of program activities, and contacts with a central personnel office, the State Division of Personnel, employees, and the public. The work at this level typically involves more independent and complex program responsibilities than those of a Personnel Assistant 1 and is performed in accordance with established guidelines with significant involvement in the development of operating policies and procedures in the area(s) of program responsibility and in other program areas. Work is performed under direction.

4. In a memorandum dated November 2, 1983 (a copy of which appellant received on November 16, 1983) the Department of Employment Relations denied appellant's request for reclassification from Program Assistant 3 - Confidential level to the Program Assistant 4 - Confidential level. On December 13, 1983, appellant filed a timely appeal of this denial with the Commission.

5. Respondent denied appellant's reclassification request because her position did not meet the class specifications for a Program Assistant 4 - Confidential. A review of the language of the class specifications for the Program Assistant Confidential series indicates that clerical support positions are allocated to the various levels in this series based on the nature and importance of their decision-making authority. Respondent used a costing out type of analysis - applying specific duties to more specific class standards which would identify a position's appropriate level - in deciding appellant should remain at the Program Assistant 3 - Confidential level. This analysis was supported by the record made at the hearing and is incorporated by the Commission as part of its Findings of Fact as set forth below in Findings 6 through 10.

6. Using this approach respondent reviewed appellant's duties involving dispensation of information, advice and assistance to District employees which appellant does 40% of her time according to Goal A of her

position description (PD). Respondent assigned appellant's duties in Goal A to the pay range 8 or lower levels based on the following factors:

- a. Appellant's duties providing information on salary and benefits which occupy 20% of her time according to Goals A-1 and A-2 of her PD compare favorably to the work assigned to the Payroll and Benefits Assistant - Confidential series levels "6" through "8". Appellant essentially provides information in this area which is already established.
- b. Appellant has personnel-related duties in Goals A-3 through A-8 which account for 20% of her work time. These duties are primarily Personnel Assistant 1 type of activities because appellant is either maintaining certain employee records or providing personnel information based on well-established guidelines or procedures. Appellant has little independence or flexibility with respect to the application of these guidelines. (See Respondent Exhibits 14-24 for examples of the above work.)

7. Also using this approach, respondent looked at appellant's duties concerning administration of all open position control - lateral transfers and examinations which account for 15% of her work time. Respondent assigned appellant's duties in Goal B to the pay range 7 and 8 levels based on the following reasons:

- a. Appellant's lateral transfer duties compare favorably to the activities assigned to the Personnel Assistant 1 level. These duties include maintenance of the lateral transfer lists, providing information regarding the lateral transfer

lists, and processing lateral transfer requests. This work is performed in accordance with established guidelines and under the general supervision of a program administrator.

- b. Other duties of appellant according to Goal B include preparation and processing of personnel documents, arranging interview schedules, maintaining contact with job applicants and performing related personnel type activities. Again, these personnel activities are best described according to the degree of difficulty and independence found in positions at the Personnel Assistant 1 level.

8. Goal C of appellant's PD indicates that she spends 10% of her time in the administration of reclassification requests. As noted in Finding of Fact 2, she performs various duties in this area. However, appellant's decision-making authority regarding reclassification requests is limited due to the fact that she must follow well-established guidelines and procedures. Appellant's discretion is further restricted in that although the District has been delegated authority to make certain progression series reclassification decisions the District cannot deny reclassifications in a progression series; and cannot bypass levels or approve movement of a position outside its class series. In view of the above, appellant's duties were compared to the Personnel Assistant series and found to be at the P.A. 1 level.

9. According to Goal D appellant spends 5% of her time receiving employment applications and visitors and discussing employment procedures with various parties. Her duties in this area were compared by respondent to those found at the Personnel Assistant 1 level; namely, "disseminating

personnel information and providing assistance to employes, program personnel, and the public."

10. Goals E, F, G and H noted above, account for 30% of appellant's work time. Respondent allocated this work to the pay range 8 or lower levels based on the following factors:

- a. Goal H involves the maintenance of certain employe records. Most of appellant's duties herein are found in the work examples listed for Program Assistant 1 and 2-Confidential, although her maintenance of personnel files (H-1) was compared to the duties listed at the Personnel Assistant 1 level.
- b. Goal G indicates appellant spends 5% of her time auditing employe time reports. Respondent concluded that appellant's activities in this area could be found in the Payroll and Benefits Assistant-Confidential series noted above at the "7" or lower level.
- c. Goals E and F indicate that appellant spends 20% of her time in the preparation of employment forms for payroll and the maintenance of employe leave information. Respondent concluded that the appellant's responsibility under Goals E and F would be less than at the Payroll and Benefits Assistant 3 - Confidential level because she did not have responsibility for all of the payroll and benefits activities.^{FN}

^{FN} The Commission has modified this portion of Finding of Fact 10 to better reflect the record.

11. From a classification standpoint, the appellant's position is not at a higher level than the following positions:

a. Phebbie F. Rudd presently occupies the position of Personnel Assistant 1 at the Department of Natural Resources Personnel Office in Madison, Wisconsin. Her duties include certification of all DNR lateral transfer names for all represented and non-represented employees; review and file of all applications received by DNR, preparation of DNR Certification requests; serving as oral exam backup coordinator and responding to employment inquiries.

b. Debra K. Tribbey presently occupies a Program Assistant 3 - Confidential position at DOT-DMV in Madison, Wisconsin.

According to her position summary:

This is a confidential position responsible for various programs in the Bureau of Field Services, Directors Office. Program responsibility includes: recruitment, hiring and promotion processes; payroll and personnel systems for 400 employees; other support services activities. Work is performed under general supervision.

12. From a classification standpoint, the appellant's position has a significant number of activities assigned to it which are found in positions assigned to a lower level than appellant's. These positions are as follows:

a. The position of Payroll and Benefits Assistant 2 - Confidential occupied by Janet M. Rivers in the Department of Natural Resources, Bureau of Personnel, Madison, Wisconsin. Rivers mainly interprets and advises department employees regarding leave accounting and usage and Worker's Compensation procedures. She maintains accurate leave records and processes personnel transactions for timely and correct

changes for payroll. She also processes Worker's Compensation claims and maintains accurate records.

- b. Ellen M. Rohde presently occupies a Program Assistant 2 - Confidential position for respondent in the Division of Personnel. Rhode acts as a Job Information Specialist operating the Division of Personnel Job Information Center and Department receptionist area. She receives and assists job applicants, directs people to training centers, answers any correspondence from applicants regarding civil service jobs, etc. She also provides numerous clerical support services to people within the division. Finally she provides back-up support to various administrative units.
- c. Dorothy L. Fitch presently occupies a Program Assistant 1 - Confidential position at Southern Wisconsin Center in Union Grove, Wisconsin. Her duties correspond to appellant's Goal B responsibilities. They include responsibility for maintaining the position information control system which includes the maintenance of class codes, position numbers and classification information for every budgeted position in the Center. She has primary responsibility for the job registration system and the performance of a wide variety of tasks connected with the Personnel delivery system.

11. From a classification standpoint, the appellant's position is at a lower level than the following position which is classified as a Program Assistant 4 - Confidential:

Elizabeth Lemery presently occupies this position at the Taycheedah Correctional Institution. Lemery performs various

personnel services similar to appellant in the aforesaid correctional institution under the direction of the Institution Business Administrator. Her position is at a higher level than appellant's, based on the amount of discretion she exercises, the scope of her authority and the impact of her decisions. For example, unlike appellant, Lemery participates on the employe interview panel. She can also deny reclassification requests. Finally, she actively participates in union/management meetings and then reduces the agreed upon provisions to writing. She also formulates responses to grievances.^{FN}

12. Perhaps the most difficult task appellant must perform is handling union contract information requests from supervisors. Her tasks relating to the hiring process are among her more complex responsibilities. Another important part of her job is to keep people current regarding personnel and related information. All of the above responsibilities are performed under the general direction of Leonard Druschba, Supervisor of Services for the Northwest District. Said responsibilities (as well as appellant's other work) are generally carried out according to well-established procedures and guidelines. Appellant provides information which basically has already been established on personnel matters. Appellant's authority and discretion is limited as is the District's with respect to personnel and related matters.

13. The Program Assistant - Confidential series identifies clerical support positions which have decision-making authority in a program area as a common thread. In view of the above Findings of Fact, the record is

^{FN} The Commission has modified this portion of Finding of Fact 11 to better reflect the record. a common thread.

clear that appellant performs "paraprofessional work of moderate difficulty" in administering personnel records in the Northwest District.

14. The duties and responsibilities of appellant's position are more accurately described by the class specifications for Program Assistant 3 - Confidential and appellant's position is more appropriately classified as a Program Assistant 3 - Confidential.

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 her position was incorrect.

3. The appellant has not sustained her burden.

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

OPINION

At the core of the stipulated issue is the question of whether the appellant's position should be classified as a Program Assistant 3 - Confidential (PR01-08) or a Program Assistant 4 - Confidential (PR01-09). In order for appellant to prevail, Mann must satisfy her burden of proving that her position meets the Program Assistant 4 - Confidential definition and is more properly classified in that classification.

The record, however, supports an opposite conclusion. In order to be classified at the Program Assistant 4 - Confidential level, a position must encompass paraprofessional staff support work of "considerable difficulty" as an assistant to the head of a major program function or organization activity. By way of contrast, Program Assistant 3 - Confidential work is

also paraprofessional in nature, but of "moderate difficulty" providing a wide variety of program support assistance to supervisory, professional or administrative staff. This difference between the two levels continues throughout the language of the relevant class descriptions. Program Assistant 3 - Confidential positions "are delegated authority to exercise judgment and decision making along program lines that are governed by a variety of complex rules and regulations." Work is performed under "general supervision" and more time is devoted to administration and coordination of program activities than to the actual performance of clerical tasks. In comparison, Program Assistant 4 - Confidential positions exercise "a significant degree of independence and latitude for decision making." Work is performed under "direction." Positions at this level are differentiated from lower level Program Assistants "on the basis of the size and scope of the program involved, the independence of action, degree of involvement and impact of decisions and judgement required by the position." In sum, the main difference between the two levels is in the nature and extent of their decision - making authority.

Viewing appellant's work in this context leads to the conclusion that appellant's position is more appropriately classified at the Program Assistant 3 - Confidential level. In this regard the Commission observes that all of appellant's work is performed under the "general" direction of her program supervisor, Leonard Druschba. Appellant's discretion and independence is limited to the extent that she performs tasks according to well-developed guidelines and procedures and provides information which pretty much has already been established. The Commission also notes that respondent used a costing out approach to assign most of appellant's work activities to the pay range 8 or lower levels. Appellant did not rebut or

challenge respondent's evidence or testimony in support of this conclusion, except in the personnel area. Finally, a comparison of appellant's position with other positions in the record indicates appellant's position is best classified at the Program Assistant 3 - Confidential level.

Appellant argues, contrary to the above, that her work is of "considerable" difficulty and importance. In support thereof appellant points out that she must be "accurate" in her decisions, give out the correct information and participate in the hiring process. However, appellant generally makes her decisions following well-developed guidelines and procedures which allow for little flexibility on her part. Although appellant gives out a lot of information on personnel and related matters most of this is based on information which has already been established and is not subject to her interpretation. Finally, except in the case of seasonal and limited term employes, appellant's participation in the actual hiring process is limited and mainly restricted to preliminary and administrative processing details.

Appellant also argues that her work is "unique" and that she really cannot be compared to other positions. There is no dispute that appellant performs her work well and is a valued member of the Department of Natural Resources' Northwest District. However, the record is clear that appellant performs certain personnel and related tasks which, when compared to other people who perform the same or similar duties, places her position at the Program Assistant 3 - Confidential level. Appellant takes particular exception to being compared unfavorably to the Program Assistant 4 - Confidential position at Taycheedah Correctional Institution occupied by Elizabeth Lemery. Appellant maintains that the size of the Northwest District, the scope and importance of its programs and the number of

employees for whom she must do the personnel work warrant her placement at the higher level. However, the record is clear that Lemery's position is at a higher level than appellant's, because although both employees perform similar activities, Lemery has greater discretion, scope and independence of action.^{FN} In this regard, the record indicates that Lemery not only schedules employment interviews but also is on the interview panel. Lemery also has authority in reclassifications beyond appellant in that she can deny same and would be a party to any appeal. Finally, Lemery, unlike appellant, actively participates in employer/employee relations by being involved in union/management meetings; formulating management's response to grievances; administering the local labor contract; negotiating "local" agreements and helping establish qualifications for positions.

Based on all of the foregoing, the Commission finds that the answer to the issue as agreed to by the parties, is YES, the respondent's decision to deny the request for reclassification of the appellant's position from Program Assistant 3 - Confidential (PR01-08) to Program Assistant 4 - Confidential (PR 01-09) was correct and should be affirmed.

^{FN} See Finding of Fact 11 and Tape 2.

ORDER

The respondent's reclassification decision is affirmed and appellant's appeal is dismissed.

Dated: Aug 1, 1984 STATE PERSONNEL COMMISSION


DONALD R. MURPHY, Chairperson

DPM:jab


LAURIE R. McCALLUM, Commissioner


DENNIS P. MCGILLIGAN, Commissioner

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