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SHIRLEY A. GEBHART, \*

Appellant, \*

v. \*

President, UNIVERSITY OF \*

WISCONSIN (Stout) and \*

Secretary, DEPARTMENT OF \*

EMPLOYMENT RELATIONS, \*

Respondents. \*

Case No. 84-0023-PC \*

\* \* \* \* \*

DECISION  
AND  
ORDER

This matter is before the Commission as an appeal from the denial of a reclassification request. The parties agreed to the following issue for hearing:

1. Was the decision of the respondent denying the reclassification request from a Program Assistant 1 to a Program Assistant 2 correct?
2. If not, should the appellant's position be classified as a Program Assistant 2?

FINDINGS OF FACT

1. At all times relevant to this proceeding, the appellant has been employed by the University of Wisconsin-Stout.
2. Twenty-five percent of the appellant's time is spent performing secretarial responsibilities (including the supervision of student workers in clerical activities such as duplicating) for Stout's Department of Human Development, Family Living and Community Educational Services. Ms. Connie Weber, classified as a Program Assistant 2, is the department secretary and is the lead worker for the appellant as to this responsibility.
3. Seventy-five percent of the appellant's time is spent as the secretary for the Child and Family Studies Center (CFSC). The CFSC

operates a laboratory pre-school that is divided into eight separate programs for a total of 130 children. The director of the CFSC is Dr. Judy Herr. Dr. Herr serves 1/4 time as CFSC director and 1/2 time as a faculty member in the Department of Human Development, Family Living and Community Educational Services. (HDFLCES).

4. The appellant's office is located in the Center. Her first line supervisor, Dr. Karen Zimmerman, HDFLCES department administrator, has her office two blocks away from the Center.

5. Appellant's responsibilities are accurately described in her position description, a copy of which is attached hereto and incorporated as if fully set out below.

6. The appellant's position serves as the principal support staff for the CFSC and provides basic clerical/typing support to HDFLCES. She spends one to two hours per day at the typewriter but spends less than 25% of her time typing, collating and filing.

7. The budget maintenance and bookkeeping responsibilities performed by the appellant are similar to those performed by Fiscal Clerk 2's. The Fiscal Clerk 2 classification is assigned to the same pay range as Program Assistant 1 (PA 1).

8. Other programmatic responsibilities performed by the appellant include that portion of her receptionist duties in which she responds to information requests regarding the Center's programs and day care licensing requirements, scheduling and recording fire drills, overseeing the child-care food program for the Center, and hiring and supervising work-study students. The areas of responsibility in the Center that are delegated to the appellant, rather than being programmatic, are largely logistical or involve information dissemination.

9. The Program Assistant 1 and 2 class specifications read as follows:

PROGRAM ASSISTANT 1

This is work of moderate difficulty providing program support assistance to supervisory, professional or administrative staff. Positions allocated to this level serve as the principal support staff within a specific defined program or a significant segment of a program. Positions at this level are distinguished from the Clerical Assistant 2 level by their identified accountability for the implementation and consequences of program activities over which they have at this level may in many respects be similar to those performed at the Clerical Assistant 2 level by their identified accountability for the implementation and consequences of program activities over which they have decision-making control. Therefore, although the actual tasks performed at this level may in many respects be similar to those performed at the Clerical Assistant 2 level, the greater variety, scope and complexity of the problem-solving, the greater independence of action, and the greater degree of personal or procedural control over the program activities differentiates the Program Assistant functions. The degree of programmatic accountability and involvement is measured on the basis of the size and scope of the area impacted by the decision and the consequence of error in making such decisions, which increases with each successive level in the Program Assistant series. Work is performed under general supervision.

PROGRAM ASSISTANT 2

This is work of moderate difficulty providing support assistance to supervisory, professional or administrative staff. Positions are allocated to this class on the basis of the degree of programmatic involvement, delegated authority to act on behalf of the program head, level and degree of independence exercised, and scope and impact of decisions involved. Positions allocated to this level are distinguished from the Program Assistant 1 level based on the following criteria: (1) the defined program area for which this level is accountable is greater in scope and complexity; (2) the impact of decisions made at this level is greater in terms of the scope of the policies and procedures that are affected; (3) the nature of the program area presents differing situations requiring a search for solutions from a variety of alternatives; and (4) the procedures and precedents which govern the program area are somewhat diversified rather than clearly established. Work is performed under general supervision.

10. The appellant's position is comparable for classification purposes to the position of Secretary, Center for Vocational Technical and Adult Education (PA 1), which has a position summary that reads as follows:

Responsible for all clerical activities related to the Center for VTAE including typing, dictation, reproducing, mailing and filing. All correspondence, project proposals, evaluation and survey forms, etc. go through her desk. Maintain budget files on all projects affiliated with the Center including monthly status reports and verification of budget printouts. Trains and orients students and LTE help. Assigns work, calls meeting and schedules facilities for meetings.

11. The appellant's position is not comparable to the position of Program Assistant 2 in the Research and Training (R&T) Center at UW-Stout. That position is responsible, inter alia, for exercising "judgment and decision making along R&T program lines that are governed by a variety of complex rules and regulations"; planning, assigning and guiding the activities of the clerical support personnel; overseeing operations of the Publications Division; preparing (in conjunction with the Center's director) the cost estimate section of the Center's \$0.5 million annual grant proposal; selecting LTE's and work study students; organizing all meetings for R&T National Advisory Council; independently selecting and supervising a permanent subordinate employe; maintaining financial records and reconciling accounts funded by grant awards; serving as Director's administrative secretary; and serving as the administrative assistant in the development, proofing and distribution of a national report sent annually to over 4,000 professionals in all 50 states. The position summary for the position states that a "major element in this position is in the area of day-to-day operational procedural responsibilities delegated by the Director, RTC, due to the very heavy travel requirements of his position."

12. The appellant's position is better classified at the PA 1 than the PA 2 level.

#### CONCLUSIONS OF LAW

1. The Commission has jurisdiction over this appeal pursuant to §230.44(c)(b), Stats.

2. The appellant has the burden of establishing that the respondent's decision to deny her request to reclassify her position was incorrect.

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

4. The respondents' decision not to reclassify the appellant's position from PA 1 to PA 2 was correct.

#### OPINION

The proper classification of a position involves a weighing of the class specifications and the actual work performed to determine which classification best fits the position. In appeals of reclassification denials, it is frequently the case that the duties and responsibilities of the subject position overlap in some respects both of the class specifications in question. The position is not entitled to reclassification because some aspects of the work involved fall within the higher class, Kailin v. Weaver and Wettengel, 73-124-PC(11/28/75), particularly if those aspects constitute less than a majority of the total duties and responsibilities of the position.

In a recent decision, the Commission commented on the specificity of the position standards for the Program Assistance series:

The Program Assistant series position description uses general language in the class descriptions. As was brought out in the testimony, many of the functions of the appellant's position, viewed in the abstract, could be found within any of the four levels of the series. In order to properly classify such a position, it is important to draw comparisons with other positions. McIntosh v. DP & UW, Case No. 81-442-PC (8/5/82).

In the present case, there is nothing within either the PA 1 or PA 2 class specifications that would act to exclude the appellant's position. However, the appellant does serve as the "principal support staff" for the CFSC, and as such is specifically included within the PA 1 specification.

In addition, 25% of the appellant's time is spent fulfilling a clerical backup role for HDFLCES. (Goal A of appellant's position description.) The appellant testified that approximately one-half of the time she spent in this capacity involved supervising student workers in "maintaining a portion of the department workload." (Activity A.5) Respondent established that leading the work of students in performing clerical responsibilities is often done by Clerical Assistants at pay range 5, one pay range below that assigned to the PA 1 level. In addition to the clerical responsibilities found in Goal A and within the other goals identified in the appellant's position description, the appellant spends 20% of her time coordinating and maintaining budget records. (Goal B) Respondent offered testimony to the effect that comparable budgetary and accounting responsibilities could be performed by a Fiscal Clerk 1 (pay range 5) and Fiscal Clerk 2 (pay range 6).

The parties offered nearly 20 position descriptions of other positions classified at the PA 1, 2 and 3 level for comparison to the appellant's position. Finding #11 identifies the closest comparable in terms of the type of functions performed. Various comparables offered by the appellant and classified at the PA 2 level are for the most part distinguishable because the incumbent has independent responsibility over a specific major sub-program, has support responsibility for diverse programs, or is a secretary for an academic department with programs beyond those that are typical of academic departments. The PA 2 position at Stout's Research and Training Center, though organizationally similar to the appellant's position has greater programmatic responsibility as reflected in the position description which states:

A third major element in this position is in the area of day-to-day operational procedural responsibilities delegated by the Director, RTC, due to the very heavy travel requirements of his position.

Administrative Responsibilities

40%<sup>FN</sup> Is delegated authority to exercise judgement and decision making along R& T program lines that are governed by a variety of complex rules and regulations (under general supervision)

Taking the position description at face value, the PA2 position at the Research and Training Center is specifically delegated significant authority in terms of procedural responsibilities and in exercising "judgment and decision making" along program lines. The appellant lacks the same breadth of programmatic responsibility.

For the above reasons, the appellant's position is more appropriately classified at the PA 1 level.

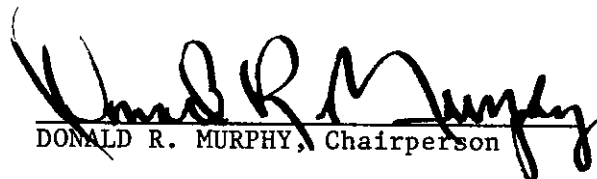
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<sup>FN</sup> Although the 40% figure is placed next to worker activity A.1., a review of the remainder of the position description indicates 40% represents all of Goal A (administrative responsibilities).

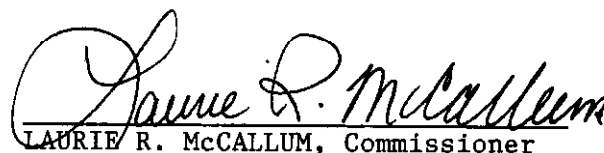
ORDER

Respondent's decision denying appellant's reclassification request is affirmed and the appeal is dismissed.

Dated: Dec 20, 1984 STATE PERSONNEL COMMISSION

  
DONALD R. MURPHY, Chairperson

KMS:jab  
JEN3

  
LAURIE R. McCALLUM, Commissioner

  
DENNIS P. MCGILLIGAN, Commissioner

Parties:

Shirley Gebhart  
1002 Stout Street  
Menomonie, WI 54751

Robert O'Neil  
President, UW  
1700 Van Hise Hall  
Madison, WI 53706

Howard Fuller  
Secretary, DER  
P. O. Box 7855  
Madison, WI 53707



Exhibit "A"

**POSITION DESCRIPTION**

DER-PERS-10 (Rev 1-78)  
State of Wisconsin  
Department of Employment Relations  
DIVISION OF PERSONNEL

|               |                            |                           |
|---------------|----------------------------|---------------------------|
| 1 Position No | 2. Cert/Reclass Request No | 3 Agency No<br><b>285</b> |
|---------------|----------------------------|---------------------------|

|   |   |
|---|---|
| 4. NAME OF EMPLOYEE<br><b>Shirley A. Gebhart</b>  | 5 DEPARTMENT, UNIT, WORK ADDRESS<br><b>University of Wisconsin System<br/>University of Wisconsin-Stout<br/>Human Development, Family Living &amp; Community<br/>Educational Services<br/>Child and Family Study Center</b> |
| 6 CLASSIFICATION TITLE OF POSITION<br><b>Program Assistant 1</b>                            | 8 NAME AND CLASS OF FORMER INCUMBENT  |
| 7. CLASS TITLE OPTION (To be Filled Out By Personnel Office)                                | 10. NAME AND CLASS OF EMPLOYEES PERFORMING SIMILAR DUTIES   |
| 9. AGENCY WORKING TITLE OF POSITION   | 12 FROM APPROXIMATELY WHAT DATE HAS THE EMPLOYEE PERFORMED THE WORK DESCRIBED BELOW?<br><b>June 1981</b>  |
| 11. NAME AND CLASS OF FIRST-LINE SUPERVISOR<br><b>Connie R. Weter, Program Assistant II</b> |   |

13. DOES THIS POSITION SUPERVISE SUBORDINATE EMPLOYEES IN PERMANENT POSITIONS? AND ATTACH A SUPERVISORY POSITION ANALYSIS FORM (DER-PERS-84) Yes  No  IF YES, COMPLETE

14. POSITION SUMMARY - PLEASE DESCRIBE BELOW THE MAJOR GOALS OF THIS POSITION  
Serves as secretary to the Child and Family Study Center 75%. Hires, trains, and supervises student staff for CFSC. Maintains enrollment and budget records for CFSC. Answers inquiries from parents, students, early childhood education majors, licensing agents, Department of Public Instruction, placement office and miscellaneous requests at the CFSC. Assists the Department of Human Development, Family Living and Community Educational Services with workload and responsibilities 25%.

15. DESCRIBE THE GOALS AND WORKER ACTIVITIES OF THIS POSITION (Please see sample format and instructions on back of last page )  
-GOALS: Describe the major achievements, outputs, or results List them in descending order of importance  
-WORKER ACTIVITIES: Under each goal, list the worker activities performed to meet that goal  
-TIME %: Include for goals and major worker activities.

| TIME % | GOALS AND WORKER ACTIVITIES  |
|--------|--|
| 25%    | <p>Goal A. Works with Department Administrator and Department Secretary of the Human Development, Family Living and Community Educational Services Department to maintain a portion of the department workload and provides backup for the HDFLCES department office.</p> <p>Worker Activity:</p> <ul style="list-style-type: none"> <li>A.1 Perform general office work, type course materials, duplicate, collate and staple.</li> <li>A.2 Transcribe from dictation, rough drafts and dictaphone, letters, memos, program proposals, research articles, etc.</li> </ul> |

16. SUPERVISORY SECTION - TO BE COMPLETED BY THE FIRST LINE SUPERVISOR OF THIS POSITION (See Instructions on Back of last page)  
a The supervision, direction, and review given to the work of this position is [ ] close [ ] limited [X] general  
b. The statements and time estimates above and on attachments accurately describe the work assigned to the position (Please initial and date attachments )  
Signature of first-line supervisor: Connie R. Weter Date 4/13/83

17. EMPLOYEE SECTION - TO BE COMPLETED BY THE INCUMBENT OF THIS POSITION  
I have read and understand that the statements and time estimates above and on attachments are a description of the functions assigned my position. (Please initial and date attachments )  
Signature of employee: Shirley A. Gebhart Date 4/13/83

18. Signature of Personnel Manager:  Pamela P. Shamburg  Date  8/11/83

- ✓ A.3 Using electronic typewriter, type articles and correspondence which can be typed in multiple copies in original form.
- ✓ A.4 Provide back up secretarial services for the Department when necessary. Covers the department office when the secretary is gone.
- ✓ A.5 Supervision of student workers in the Child and Family Study Center in maintaining a portion of the department workload.
- ✓ A.6 Assist in planning and implementing annual conferences for Child and Family Study Center. Gives input and assistance in the department conference.
- ✓ A.7 Provide clerical assistance for department mini-grants.

208 Goal B. Coordinates and maintains budget records and identifies problems pertaining to budgets.

Worker Activity:

- B.1 Sets up and maintains ledgers for Child Services Account (approximately \$70,000 budget per year, 128 account), and DPI Milk-Lunch Account (approximately \$4,000 budget per year, 144 account).
- B.2 Assists department administrator and director in budget planning and preparation for Child & Family Study Center.
- B.3 Participates in account audits.
- ✓ B.4 Responsible for sending invoices to 90-100 parents each semester. Receives all payments at various times at the Child and Family Study Center, and makes deposits to Cashier's Office (approximately \$25,000-\$30,000 per year).
- B.5 Keeps daily records of Day Care fee payments--hourly, half-day, and daily basis (25-35 parents each week). Directly contact parents regarding errors and past due accounts. Make weekly deposits (approximately \$25,000-\$30,000 per year).
- B.6 Alerts director of past due accounts and notifies all parents by mail or phone, of past due accounts and if uncollectable, determines which accounts to turn over to collection agency.
- ✓ B.7 Alerts director of budget balances and overdrafts and determines budget transfers.
- ✓ B.8 Prepares monthly statement of Child Services Account for Department Administrator.
- B.9 Orders and receives all office materials, supplies and follows up on all order discrepancies with Business Office. Has direct contact with Purchasing and Accounts Payable Office.
- B.10 Responsible for \$25.00 petty cash fund used to purchase small miscellaneous items for all seven programs.
- B.11 Works with CREI, Stout Alumni Office, and Business Office in establishing grant budgets and monitor these budgets (approximately 3-4 per year).
- ✓ B.12 Confide in parents' financial problems.

- 20% Goal C. Develops effective communication techniques for the Child and Family Study Center, particularly related to parental needs and Child and Family Study Center inquiries.

Worker Activity:

- ✓ C.1 Answers telephone requests related to job placement, licensing of centers, inquiries related to equipment and supplies, students majoring in early childhood education, etc. without referring them to the director.
- ✓ C.2 Acts as receptionist for Child and Family Study Center.
- ✓ C.3 Writes letters of recommendation for student employees.
- ✓ C.4 Sorts all Child and Family Study Center mail for Director and Lab Teachers. Answers all routine inquiries and correspondence pertaining to enrollment of all seven programs.
- ✓ C.5 Once a year corresponds with parents about upcoming programs and assigns children to one of seven programs for the academic year and the summer day care program. Fill openings in various programs throughout the year (approximately 130-150 children per year).
- ✓ C.6 Keeps an up-to-date waiting list of the children for the Child and Family Study Center for applications (approximately 100-150 children in addition to current enrollment).
- ✓ C.7 Answers telephone and personal inquiries of Child and Family Study Center parents, student teachers, faculty and staff at the Child and Family Study Center and for grants.
- ✓ C.8 Schedules and conducts personal tours of Child and Family Study Center on own for interested visitors, parents, and prospective students when director is not available.
- ✓ C.9 Serves as a liaison to Placement Office for personnel calling in with job vacancies.
- ✓ C.10 Contacts agencies regarding special needs children.
- ✓ C.11 Types grants, complete purchase orders and receiving reports, and maintains records for annual or bi-annual grants from the Department of Social Services. Responds to requests from approximately 15 Dunn County Day Care Providers and persons in the community regarding checking materials in and out of the Lending Library.

- 16% Goal D. Develops effective methods of office management needed to maintain the viability of activities in the Child and Family Study Center.

Worker Activity:

- ✓ D.1 Serves as office manager for Child and Family Study Center and assists students, parents and lab teachers.
- ✓ D.2 Performs general office work, typing, duplicating, and filing.
- ✓ D.3 Meets and answers inquiries of parents, student observers, faculty members, out-of-town observers, etc.
- ✓ D.4 Responsible for calendar schedules and office work for Child and Family Study Center Director, 5 lab teachers, and 2 graduate assistants.
- ✓ D.5 Transcribes from dictation, rough drafts and dictaphone-- letters, memos, agendas, program proposal and program schedules for Child and Family Study Center.

- ✓ D.6 Assists in preparing market orders for Day Care and Child and Family Study Center snacks and orders by case lots at Commons and Don's Super Valu weekly. Contacts Menomonee Public Schools regarding breakfast and lunch for Day Care. Orders miscellaneous supplies from K-Mart and Ben Franklin throughout the year.
- D.7 Monitors inventory of consumable art supplies for seven early childhood programs, orders materials as needed.
- D.8 Develops work forms and procedures for Child and Family Study Center.
- ✓ D.9 Inventory of all office furniture, equipment, supplies, Center's educational materials, and AV equipment for Child and Family Study Center, Day Care and Infant and Toddler Lab.
- D.10 Types all confidential student teacher evaluations and recommendations for Child and Family Study Center staff and director.
- ✓ D.11 Takes minutes at Child and Family Study Center staff meetings and distribute to Dean, Department Administrator, Director and CFSC staff.

10% Goal E. Coordinates and maintains updated confidential office reports and files.

Worker Activity:

- ✓ E.1 Assumes full responsibility for preparing all forms and correspondence with Madison pertaining to DPI Milk-Lunch Program for Child and Family Study Center. Parent's income forms contain confidential information.
- E.2 Notifies payroll office and financial aids office regarding transfer of funds, payroll or discrepancies.
- ✓ E.3 Has direct contact with Vice Chancellor's Office and prepares necessary forms for open contracts to hire substitute teachers for Child and Family Study Center.
- E.4 Compiles agendas and brochures for the Child and Family Study Center, workshops, and MAEYC and makes arrangements for rooms, coffee, etc.
- E.5 Prepares and distributes a directory for all parents at the beginning of each school year listing the operating policies, school calendar, a list of each child, parents' name, address, and phone number in each different program, plus a list of early childhood education and child development majors interested in babysitting.
- E.6 Processes all department requisitions, purchase orders, etc.
- ✓ E.7 Submits all food service requests, honorariums, and travel vouchers for CFSC staff, guest speakers, and grants.
- E.8 Fills out confidential forms for Social Services payments for Day Care parents (1-10 monthly).
- E.9 Responsible for ordering books for both the Child and Family Study Center library and the Pierce Library for staff and director.
- ✓ E.10 Develops and maintains office filing system for correspondence, handouts, purchases, etc.
- ✓ E.11 Maintains confidential files for all children in the seven programs, including all screening materials.

- E.12 Responsible for supervision and maintenance of Child and Family Study Center Library. The library consists of approximately 3,000 volumes of books, records, tapes, magazines, and resource materials for the lab teachers and parents.
- E.13 Responsible for supervision and ordering of books for Director's library in her office.

98 Goal F. Works with Director of Child and Family Study Center and Program Assistant II of the Human Development, Family Living and Community Educational Services Department in supervision of staff assigned to the Child and Family Study Center.

Worker Activity:

- F.1 Interviews, fills out workstudy authorization forms, trains and supervises workstudy students for Child and Family Study Center and Day Care Center (app. 10-20 per year). Processes time cards for workstudy students.
- F.2 If LTE dollars are built into CFSC grant, fill out recruitment forms for LTE's, interview, hire, train and supervise.
- F.3 If Adult Work Training Personnel or CETA employees are available, fill out recruitment forms, interview, hire, train and supervise.
- F.4 Partial supervision of graduate assistants in Day Care and Child and Family Study Center (approximately 1-3 per year).
- F.5 Partial supervision of volunteer students in Child and Family Study Center Lending Library for Dunn County Day Care Providers.
- F.6 Assist and supervise students in testing hearing and sight for Dunn County Nurse and assist County Nurse with arrangements and questions (confidential information).
- F.7 Assist and supervise students who are screening Child and Family Study Center children for a class in the department (confidential information).
- F.8 Assist department coordinator of Intergenerational Lab.