

STATE OF WISCONSIN

PERSONNEL COMMISSION

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STEPHEN PILSTER-PEARSON,  
 Appellant,

v.

Secretary, DEPARTMENT OF  
 EMPLOYMENT RELATIONS,  
 Respondent.

Case No. 84-0078-PC

\* \* \* \* \*

DECISION  
 AND  
 ORDER

NATURE OF THE CASE

This is an appeal pursuant to §230.44(1)(b), Wis. Stats., of the denial by respondent of appellant's request for reclassification of his position from Administrative Assistant 5-Confidential to Social Services Specialist 3-Confidential or to Administrative Officer 1- Confidential and of the decision of respondent to reallocate appellant to Social Services Specialist-2-Confidential.

FINDINGS OF FACT

1. At all times relevant to this matter, the appellant has been employed in the classified civil service by the Department of Health and Social Services. Appellant was appointed to his current position as Employee Assistance Program Coordinator in 1980. Prior to submission of his reclassification request appellant was classified as an Administrative Assistant 5-Confidential (AA5-Conf).

2. On or about May 3, 1984, respondent reallocated appellant's position from AA5-Conf. to Social Services Specialist 2-Confidential (SSS2-Conf).

3. On or about May 8, 1984, the respondent denied a request for reclassification of appellant's position from AA5-Conf. to Social Services

Specialist 3- Confidential (SSS3-Conf) or Administrative Officer  
1-Confidential (A01-Conf).

4. The duties and responsibilities of appellant's position are set forth in the position description signed by appellant on March 9, 1984. (Appellant's Exhibit 2, Respondent's Exhibit 7). In summary, these duties and responsibilities include: administration and maintenance of the Department of Health and Social Services (DHSS) Employee Assistance Program (40%); provision of technical assistance to Secretary, Division Administrators, DER, Unions, other staff and other departments (20%); provision of training in employee assistance programming (15%); provision of direct employee assistance services (15%); and coordinating the DHSS Employee Assistance Program with Employment Relations, Employee Development and Training, and Affirmative Action (10%). The Employee Assistance Program is available to all DHSS employees and their families on a voluntary basis.

5. The appellant is supervised by Kenneth Nachreiner, Assistant Director of the Bureau of Personnel, a position classified as an Administrative Officer 3, who provides administrative oversight. Mr. Nachreiner functions at the level of a Section Chief.

6. The position standard for the Social Services Specialist - Confidential series indicates that the series encompasses a wide range of functional activities geared to providing a full spectrum of professional social services. (Appellant's Exhibit 6, Respondent's Exhibit 5.)

In pertinent part the standards for Social Services Specialist 2-Confidential (SSS2-Conf) states:

This level represents the primary functional area of responsibility for providing social services consultation in specialized program areas. Specialized staff consultative service in a district or region can be included at this level depending upon the organizational relationship, the duties assigned and the depth and scope

of the program involved. Central office consultants and program specialists at this level, in addition to their consultative roles, are involved in the planning, development and implementation of services and service related programs under the direction of higher level program supervisors or administrators.

The standards describe the SSS 3-Confidential as follows:

Most central office program specialists and district administration specialists are allocated to this level. District personnel at this level have on-going responsibility for the direction and coordination of all components of a distinct social services program (according to divisional identification of program areas) in their geographic area of jurisdiction. Program specialists at this level have relatively independent statewide responsibility for highly specialized services which cut across geographic and functional program boundaries. These positions typically are delegated policy - and decision-making authority in their specialty area, and equate to the section chief level in the division's central office administrative structure.

7. The class specifications for Administrative Officer 1-Confidential/Supervisor (Appellant's Exhibit 5, Respondent's Exhibit 6) contain the following definition section:

This is responsible and difficult administrative work in a major state agency. Employees in this class are responsible for directing important phases of the department's program and/or for supervising staff services in a variety of management areas. Work may involve assisting in the formulation of the agency's policies, the preparation of the budget, responsibility for fiscal management, physical plant, operating procedures, personnel and other management functions. Employees supervise a staff of technical and/or professional assistants and have a wide latitude for planning and decision making guided by broad and general nature and the work is reviewed by administrative superiors through reports and conferences.

8. The following position is classified as SSS2-Conf:

Robert Weclaw, Employee Assistance Coordinator, Bureau of Human Resources, Department of National Resources (DNR). Policy and program development of DNR Employee Assistance Program (20%); directing and administering DNR Employee Assistance Program (70%); and Evaluation of Employee Assistance Program (10%). (Respondent's Exhibit 8)

9. The appellant's position is at approximately the same level, in terms of authority, responsibility, and nature of work required, as the position set forth in paragraph 8.

10. The following positions are classified as Social Service Specialist 3:

- A. John Stoddard, SSS 3-Confidential, Program Services Chief, Bureau of Adult Institutions, Division of Corrections, Department of Health and Social Services. Development and implementation of treatment policies, procedures and plans for adult correctional institutions (50%); Central Office contact person for all treatment matters (30%); establish coordination of program development and planning efforts involving other divisions or federal or state agencies (10%); and performing related services such as consulting, public speaking, liaison with Parole Board Chairman and conducting special studies for Bureau Director (10%). (Appellant's Exhibit 8) This position cuts across functional program boundaries and affects program and planning decisions of other programs, divisions or agencies.
- B. Dan Carl Johnson, SSS 3-Confidential, Physical Disabilities Coordinator, Division of Community Services, Department of Health and Social Services. Plan and define program policy, goals and objectives to assure delivery and coordination of services (15%); manage the unit's budgeted fiscal and staff resources (20%); develop and coordinate programs for the physically disabled throughout the state (34%); provide information and advice to Secretary, represent interests of physically disabled in Division/Department decision-making, act as Division spokesperson, analyze legislation

(10%); develop and maintain public education and information (8%); initiate and supervise grant and resource development (8%); coordinate unit activities (5%). (Respondent's Exhibit 11) This program carries out a statutory mandate and has direct influence on other programs. Mr. Johnson functions at the equivalent of the Section Chief level.

- C. Michael Nelipovich, SSS 3-Management, Coordinator of Services for Blind and Visually Impaired Persons, Division of Community Services, Department of Health and Social Services. Formulate program policy, goals and objectives (25%); coordinate programs for "blind and visually impaired statewide (25%); function as Staff Director for statutory Council on Blindness (20%); provide advocacy and advice in Division/Departmental decision-making (15%); develop and maintain public education and information (5%); initiate and supervise grant and resource development (10%); and coordinate Bureau activities to complement division and department goals and objectives (10%). (Respondent's Exhibit 13) This program carries out a statutory mandate and directly influences other programs. Mr. Nelipovich functions at the equivalent of the Section Chief level.

11. There are similarities between appellant's position and the position described in paragraph 10A. The appellant's position is approximately at the same level, in terms of the nature of the work required. The appellant's position is at a lower level, in terms of responsibility, than the position set forth in paragraph 10A because appellant's responsibilities do not "cut across geographic and functional program boundaries" while Mr. Stoddard's responsibilities do.

12. The appellant's position is at a lower level, in terms of authority, responsibilities and nature of work, than the positions set forth in paragraphs 10B and C.

13. The following positions are classified as Administrative Officer 1-Confidential:

A. Gladys Corbit, Employee Development and Training Coordinator, Bureau of Personnel and Employment Relations, Division of Management Services, Department of Health and Social Services (DHSS). Administer department-wide Employee Development and Training (EDT) (25%); administer new Supervisor Training Program designed for DHSS (20%); administer Performance Planning and Development (PPD) Program (20%); provide EDT assistance to departmental employing units (15%); develop and/or coordinate departmental and divisional new employee orientation programs (10%); and administer a variety of ad hoc EDT programs and activities (10%). (Appellant's Exhibit 7, Respondent's Exhibit 12) The PPD program is a mandatory management function which affects all employees. Ms. Corbit's responsibilities impact on a number of management decisions.

B. Judith Sikora, Employee Development Manager, Bureau of Personnel, Administrative and Management Services Division, Department of Industry, Labor and Human Relations (DILHR). Plan and manage department-wide Employee Development Program (35%); coordinate Department Employee Performance Evaluation Program (25%); manage Department Employee Assistance Program (25%); and supervise staff and represent department with DER and other state agencies (15%).

(Respondent Exhibit 10) The Performance Evaluation Program is a mandatory management function which affects all employees. Ms.

Sikora's responsibilities impact on a number of management decisions.

14. The appellant's position is at a lower level, in terms of authority, responsibilities and nature of work, than the positions set forth in paragraph 13.

15. Appellant's position is more accurately described by class specifications for SSS2-Conf., than class specifications for SSS3-Conf. or A01-Conf.

#### CONCLUSIONS OF LAW

1. This matter is appropriately before the Commission pursuant to §230.44(1)(b), Wis. Stats.

2. The appellant has the burden of proving that respondent's decision denying the reclassification of appellant's position from Administrative Assistant 5-Confidential to Social Services Specialist 3-Confidential or Administrative Officer 1-Confidential and the decision to reallocate appellant to Social Services Specialist 2-Confidential was not correct.

3. The appellant failed to sustain the burden.

4. The respondent's decision denying appellant's reclassification and reallocating appellant's classification 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. Other factors including comparable positions are often used to aid in the interpretation of the class specifications.

Two A01-Confidential positions were compared to appellant's position [Findings 13A and 13B] Both of the positions are responsible for multiple programs within their departments. Both positions are responsible for mandatory management functions which affect all employees (Performance

Evaluation Program) and which impact on a number of management decisions. Both positions are also responsible for employee development and training which impacts almost all employees. The Sikora position is also responsible for the Department Employee Assistance Program.

The appellant, in contrast, is responsible for only one program. This program is not a mandatory program; it is available on a strictly voluntary basis.

One SSS2-Confidential position and three SSS3-Confidential positions were compared to appellant's position.

The Stoddard position (SSS3-Confidential) [Finding 10A] was comparable in some respects to appellant's position. Both positions are responsible for the administration of a program and both coordinate their programs with other programs. Further, both have components of their respective programs located in different geographic areas of the state. The Stoddard position differs from appellant's position, however, because it cuts across functional program boundaries.

The appellant's position is not at the same level as the Johnson position (Finding 10B) or the Nelipovich position (Finding 10C). Both of these SSS3 positions serve clients which are geographically dispersed, carry out statutory mandates to provide services and have responsibilities for programs which directly influence other programs. Both also function at the equivalent of the Section Chief level. The appellant reports to the equivalent of a Section Chief, his program is not a "statewide" program and does not have direct impact on other programs.

The SSS2 specifications state that:

This level represents the primary functional area of responsibility for providing social services consultation in specialized program areas. Specialized staff consultative service in a district or



region can be included at this level depending upon the organizational relationship, the duties assigned and the depth and scope of the program involved. Central office consultants and program specialists at this level, in addition to their consultative roles, are involved in the planning, development and implementation of services and service related programs under the direction of higher level program supervisors or administrators.

Both the appellant's position and the Weclaw position (Finding 8) compare favorably to this specification. Both positions provide consultation and advice to their agencies. Both are responsible for providing training, coordinating their program with other programs in their agency, involvement with labor unions and management, and provide direct employee assistance.

The primary differences between the positions are the size of the agencies and appellant's provision of technical assistance to other State Agencies and Unions. However, provision of technical assistance constitutes only 20% of appellant's position description and the assistance to other agencies and unions are only two of ten duties included in provision of technical assistance. The Weclaw position is also responsible for providing technical assistance in many of the same areas as appellant's position.

In appeals of reclassification denials, it is frequently the case that the duties and responsibilities of the position at issue overlap in some respects with all of the class specifications in question. The position is not entitled to reclassification because some aspects of the work fall within the higher class, Kailen v. Weaver and Wettengel, 73-124-PD (11/28/75) and Hockmuth v. DP, 81-76-PC (10/27/82), if those aspects constitute less than a majority of the total duties and responsibilities of the position.

Based on the evidence and the factors outlined above, the appellant did not satisfy his burden of establishing that respondent erred in the denial of this reclassification request and in the reallocation of appellant's position.

ORDER

The respondent's action is affirmed and this appeal is dismissed.

Dated: Dec. 6, 1984

STATE PERSONNEL COMMISSION

CJF:ers

  
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LAURIE R. McCALLUM, Commissioner

  
DENNIS P. MCGILLIGAN, Commissioner

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