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JEFFERY McCORD,  
 Appellant,

v.

Secretary, DEPARTMENT OF  
 EMPLOYMENT RELATIONS,  
 Respondent.

Case No. 85-0147-PC

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FROM  
 DECISION  
 AND  
 ORDER

This matter is an appeal of a decision denying reclassification of a position from Shipping and Mailing Clerk 1 to Shipping and Mailing Clerk 2. The following findings are based upon evidence presented upon the issue of whether the decision denying the reclassification was correct at a hearing on December 2, 1985, before Personnel Commissioner Donald R. Murphy.

FINDINGS OF FACT

1. The appellant since January 27, 1983, has been employed in the classified civil service by the Department of Transportation (DOT) in a position classified as Shipping and Mailing Clerk 1 (SMC 1), located in its Postal Service Unit.

2. In the late fall or winter of 1984 the appellant initiated a reclassification request to upgrade his position from Shipping and Mailing Clerk 1 (PR 3-04) to Shipping and Mailing Clerk 2 (PR 3-05). Appellant's request was received by Carl Weisshaar, Personnel Specialist 4, DOT Personnel Services who asked appellant's supervisor and division head to review the duties of the position. In response, Weisshaar was informed that appellant performed

routine manual and clerical work in the shipping and mailing operation. He was not a lead worker and did not operate large complex equipment. After a job-audit interview with appellant reviewing other SMC 2 positions in the agency and review classification specifications describing SMC 1 and 2 levels,,Mr. Weisshaar concluded that appellant's position was appropriately classified.

3. In the spring of 1985 appellant's reclassification request was re-reviewed by James Pankratz, Personnel Specialist 5 of respondent's Division of Classification and Compensation. Pankratz's re-review included a review of appellant's position description dated January 1, 1985, a review of the classification specifications describing SMC 1 and 2 positions and a field audit of appellant's position. By letter dated July 16, 1985, under the signature of Robert J. Belongia, Executive Personnel Officer, Division of Classification and Compensation, appellant's reclassification request was denied.

4. Within 30 days of respondent's reclassification denial of appellant's reclassification request, appellant appealed the reclassification decision to this Commission.

5. During the time period pertinent to the audit of appellant's position, 85 to 90% of appellant's duties consisted of receiving, delivering, picking-up and out-processing U.S. mail, interdepartmental mail and other miscellaneous packages and freight. The remaining 10 - 15% of appellant's work time was devoted to related mail operation tasks. While performing these shipping and mailing duties appellant operated two mailing and sealing machines, an electronic postage meter and an electronic mail scale.

6. The classification specification for the Shipping and Mailing Clerk 2 describes positions at that level as follows:

This is lead work guiding a small, relatively single shipping and mailing room or campus mail operation, or operation of large complex shipping and mailing room equipment. Under limited supervision or guidance, employees in this class function as lead worker in routine mail handling and processing, pick up and delivery of inter-office or campus mail and shipping and mailing letters, packages, parcels and other materials. In the operation of complex shipping and mailing room equipment, employees would set up, operate and maintain large multiple station inserting machines and multi-purpose labeling machines. Work is reviewed by supervisors through general examination of records and procedures.

7. Appellant's position description is comparable to seven Shipping and Mailing Clerk 2 position descriptions, (Appellant's Exhibits 2 - 8) but he neither performs lead work nor operates multiple station inserting machines or multi-purpose labeling machines.

8. The appellant performs routine mail handling and processing work best described by the classification specifications for a Shipping and Mailing Clerk 1 position and his position is most appropriately classified as SMC 1.

#### CONCLUSION OF LAW

1. The Commission has the authority to hear and decide this matter pursuant to §230.44(1)(b), stats.

2. The appellant has the burden of proving that respondent's decision denying reclassification of his position from SMC 1 to SMC 2 was incorrect.

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

4. Respondent's decision denying appellant's reclassification request was correct.

OPINION

Appellant's argument centers upon the assertion that he should be classified as a Shipping and Mailing Clerk because of the common usage of SMC 2 classification specifications. In support of his argument, appellant presented seven Shipping and Mailing Clerk 2 position descriptions (Appellant's Exhibits 2 - 8) from various state agencies purporting to be comparable to his position. Victor Thompson, a Personnel Specialist 5 for the Department of Transportation testified that he believed these seven position descriptions (PD's) to be comparable to appellant's PD. He qualified four of these PD's because they contained statements regarding non-shipping and mailing clerk duties, inserting machines and lead work activities which could distinguish them from appellant's position. It was Thompson's opinion that if Appellant's Exhibits 2 - 8 were representative of the classification, appellant's position should be at the 2 level, but based upon the SMC 1 and 2 classification specifications, appellant's position is appropriately classified as an SMC 1.

Appellant's argument poses two basic questions: Are Appellant's Exhibits 2 - 8 representative of the Shipping and Mailing Clerk 2 classification? If common usage of a classification differ from the classification specifications of that classification which should prevail?

The Commission has consistently held class specifications to be binding. Zhe et al v. DHSS & DP, 80-285-PC, 11/19/81 (affirmed, Dane County Circuit Court, 81-CV-6492, 11/82). However, in instances where the descriptive language of a classification specification is general, other references are employed, including class allocation patterns and representative position.

In this matter before the Commission there is a clear distinction between the applicable classification specifications. A Shipping and Mailing Clerk 2 classification requires the position occupant to be a lead-worker or set up, operate and maintain large complex mail room equipment, such as large multiple station inserting machines and multi-purpose labeling machines. In addition, the testimony of the witnesses on both sides of this controversy supports the view that appellant's duties do not meet the classification specifications for Shipping and Mailing Clerk 2.

In response to appellant's argument regarding common classification usage versus classification specifications, the appellant has failed to show that Appellant's Exhibits 2 - 8) describe positions which are representative of the Shipping and Mailing Clerk 2 classification. No witness testified that these exhibits represented the allocation pattern for SMC 2 positions. Instead the overwhelming evidence was that those positions described in Appellant's Exhibits 2 - 8 failed to meet the classification specifications for SMC 2's. Without such evidence, the Commission must come to the conclusion that appellant's position is appropriately classified.

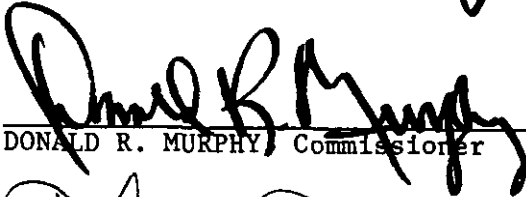
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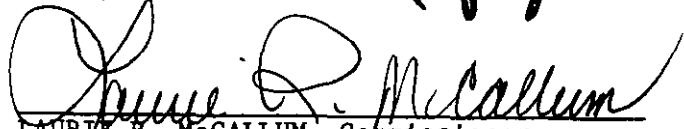
The respondent's decision is affirmed and this appeal is dismissed.

Dated: March 13, 1986

STATE PERSONNEL COMMISSION

  
DENNIS P. MCGILLIGAN, Chairperson

  
DONALD R. MURPHY, Commissioner

  
LAURIE R. McCALLUM, Commissioner

DRM:jgf  
JGF003/1

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