

STATE OF WISCONSIN

PERSONNEL COMMISSION

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PHYLLIS COLLINS,

Appellant,

v.

President, UNIVERSITY OF
WISCONSIN SYSTEM (Madison)
and Secretary, DEPARTMENT OF
EMPLOYMENT RELATIONS,

Respondents.

Case No. 85-0165-PC

* * * * *

DECISION
AND
ORDER

NATURE OF THE CASE

This is an appeal of a decision by the respondent not to reclassify appellant's position from a Cook 2 to a Food Production Assistant 1.

FINDINGS OF FACT

1. At all times relevant to this matter, appellant has been employed in a position classified as a Cook 2 by respondent University of Wisconsin in its Memorial Union Food Production Unit on the Madison campus.

2. Pursuant to the terms of a settlement agreement in an equal rights case filed with the Commission and signed by the appellant and representatives of respondent University of Wisconsin during June of 1985, respondent University of Wisconsin agreed to review the correctness of the classification of appellant's position. In a memorandum dated August 7, 1985, respondent University of Wisconsin concluded that appellant's position was correctly classified as a Cook 2. Appellant filed a timely appeal of this classification decision with the Commission on August 17, 1985.

3. The duties and responsibilities of appellant's position are accurately described in the Position Description signed by the appellant on May 29, 1984, as follows:

POSITION SUMMARY - PLEASE DESCRIBE BELOW THE MAJOR GOALS OF THIS POSITION:

Preparation of casseroles, stews, soups, sauces, vegetables, roast meats in Wisconsin Union Kitchen.

Time % GOALS AND WORKER ACTIVITIES

- 85% A. Preparation of casseroles, stews, soups, sauces, roast meats, potatoes, vegetables for up to 1,500 servings daily.
A1. Uses computer recipes for amount of food ordered.
A2. Prepares, cut vegetables and meats for casseroles, stews, soups and gravies.
A3. Cooks casseroles, soups, sauces, meatballs, meatloaves, etc.
A4. Prepares roasts and slices meats according to portion control standards.
A5. Directs work of part-time employes and gives instructions in prescribed methods.
A6. Uses Hobart VCM cutter, Buffalo chipper, slicer, steamers, fryers.
- 10% B. Maintenance of clean and efficient work area according to prescribed standards.
B1. Cleans equipment regularly.
B2. Maintains work area according to prescribed sanitation standards.
- 5% C. Accomplishment of related duties as required.

4. The position standard for the Cook 2 classification states, in pertinent part:

Class Description

Definition:

Under supervision, to prepare and cook all types of foods on a production basis; or in large operations perform specialized function; to care for culinary equipment; to direct, instruct and work with employes and kitchen helpers; and to perform related work as required.

Examples of Work Performed:

Guides the activities of assistants in the preparation of food.

Prepares, seasons and cooks meats, soups, desserts, vegetables, sauces, pastries and gravies in accordance with prepared menus.

Combines ingredients in proper proportions necessary for large scale cooking.

Receives and inspects foods.

Trims and slices meats.

Maintains food service equipment utensils.

Observes proper sanitation standards.

May cook and prepare special diet foods.

5. The position standard for the Food Production Assistant 1 classifications states, in pertinent part:

Class Description

Definition:

This is responsible food production lead work. Employees in this class are responsible on a shift for the preparation of food on a production basis when the complexity of the operation and the hierarchical structure does not warrant a supervisory position. Work is performed under general supervision.

Examples of Work Performed:

Assists, instructs and guides kitchen workers in the preparation of food.

Reviews the care and cleaning of kitchen equipment.

Inspects the production area to assure that proper sanitation standards are observed.

Requisitions supplies, food and materials.

Makes out production sheet if so required.

Keeps records and makes simple reports.

6. Appellant's position does not function as a lead worker and has not been designated as a lead worker. Appellant's position does assist, instruct, and guide the work of part-time student assistants.

7. It is alleged by appellant that the duties and responsibilities of her position are comparable to those of Don Sparby, a Food Production Assistant 1. The position description signed by Mr. Sparby on July 7, 1983, describes the duties and responsibilities of his position as follows:

POSITION SUMMARY - PLEASE DESCRIBE BELOW THE MAJOR GOALS OF THIS POSITION:

Assists in the management of the Wisconsin Union Kitchen by supervising staff engaged in food production. Insures production is up to quality standards. Acts for the Food Production Manager in her absence.

Time % GOALS AND WORKER ACTIVITIES

- 55% A. Sanitary, safe, and efficient food production operation in the Wisconsin Union Kitchen.
- A1. Directs, trains, and assists full-time and part-time workers in the preparation of food.
 - A2. Schedules workers for additional hours as needed.
 - A3. Disciplines part-time workers and evaluates their work performance.
 - A4. Recommends discipline and performance evaluations for full-time workers.
 - A5. Places orders for food and supplies as needed.
 - A6. Takes inventory and makes reports.
 - A7. Inspects production area to assure that proper sanitation and safe procedures are observed.
 - A8. Reports equipment failures to appropriate persons for repair.
 - A9. Secures the kitchen, its equipment, and materials before leaving in the evening.
- 15% B. Effective communication with service units.
- B1. Decides on food order changes after consultation with service unit supervisor.
 - B2. Determines solutions to problems of food quality and quantity arising in the service units.
- 30% C. Maintenance of production deadlines and quality control of food in the kitchen.
- C1. Checks that food is prepared according to schedule and tastes up to standard.
 - C2. Maintains and checks portion control.
 - C3. Recommends menu changes and assists in writing recipes.
 - C4. Rebatches recipes for required production via computer terminals.
 - C5. Assists cooks with new recipes.
 - C6. Selects left-overs for efficient and attractive use.

8. The duties and responsibilities of appellant's position are not comparable to those of the Sparby position. The only duties and responsibilities listed on the Sparby position description which appellant's position performs in whole or in part are those labeled as A1, A6, A7, A8, C1, and C5. Appellant's position does not assist in the management of the

Wisconsin Union Kitchen by supervising staff engaged in food production nor does appellant's position act for the Food Production Manager in her absence.

9. The duties and responsibilities of appellant's position are comparable to those of other Cook 2 positions offered for comparison purposes in the hearing record.

10. The duties and responsibilities of appellant's position are best described by the Cook 2 position standard and appellant's position is most appropriately classified as a Cook 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 proving that respondent's decision denying the reclassification of appellant's position from Cook 2 to Food Production Assistant 1 was incorrect.

3. The appellant has not met that burden of proof.

4. Respondent's decision not to reclassify appellant's position from Cook 2 to Food Production Assistant 1 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, Kallin 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 the instant case, the position standard for the Food Production Assistant 1 (FPA 1) classification requires that a position function as a lead worker in order for it to be classified as an FPA 1. Although appellant's position does assist, instruct, and guide the work of part-time student assistants and, although appellant is sometimes consulted by the other cooks for advice because of her experience and expertise, this does not constitute lead work for classification purposes.

The record does not support appellant's allegation that the duties and responsibilities of her position are comparable to those of the Sparby position. Appellant introduced evidence that the direction given to part-time student assistants by appellant and by Sparby is comparable; and that the a.m.. shift (to which appellant is assigned) and the p.m. shift (to which Sparby is assigned) have comparable weekly equipment cleaning schedules, comparable food orders (from the University of Wisconsin Store Rooms), and comparable menus to follow. It does not necessarily follow from this, however, that the duties and responsibilities of appellant's position and the Sparby position are comparable. Even though the shifts to which they are assigned may produce a comparable product in a comparable way, the duties and responsibilities of the two positions need not necessarily be comparable. The only other evidence in the record which describes the duties and responsibilities of the Sparby position is the Sparby position description. A comparison of appellant's position description and the Sparby position description indicates that, although there is some overlap in their duties and responsibilities, they are clearly not comparable positions.

A review of the Cook 2 position standard indicates that the primary emphasis of a Cook 2 position is the preparation and cooking of food on a production basis. This is also the primary emphasis of appellant's position and the Commission concludes that appellant's position is more appropriately classified as a Cook 2 than as a FPA 1.

Appellant has expressed the belief that the procedure followed by respondent in reviewing the classification of appellant's position should be an issue considered by the Commission in this appeal. Due to the fact that the Commission's hearing on the appeal is a de novo proceeding and the facts considered are not limited to the findings made by respondent in its review, consideration of the procedure followed by respondent in making its determination would serve no useful purpose and would have no probative value in relation to the issue in this appeal. (see Haberman v. DP, Case No. 81-334-PC (11/11/82)).

Appellant has also argued that she was misled by the hearing examiner's ruling on an objection and, as a consequence, did not introduce certain evidence relating to the duties performed by positions classified at the Cook 2 and FPA 1 levels. Although the Commission is of the opinion that the examiner's ruling was correct and not ambiguous or misleading and that the ruling clearly did not prevent the appellant from introducing such evidence, the Commission also notes that the determinative factor in deciding this appeal was the application of the Cook 2 and FPA 1 position standards to the duties and responsibilities of appellant's position, not the comparison of the duties and responsibilities of appellant's position to those of other Cook 2 and FPA 1 positions.

ORDER

The action of respondents is affirmed and this appeal is dismissed.

Dated: August 20, 1986 STATE PERSONNEL COMMISSION


DENNIS P. MCGILLIGAN, Chairperson


DONALD R. MURPHY, Commissioner


LAURIE R. McCALLUM, Commissioner

LRM:jmf
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