

Wisconsin-Madison campus. Appellant supervises 5 CS 1's who in turn supervise 55 Building Maintenance Helpers (BMH's). The assigned area includes 38 academic buildings covering an area of 1.25 million square feet. Appellant and his subordinates are present during the second and third shifts, i.e., each of the 5 CS 1's supervised by appellant supervises 1 crew, 4 of which work a 5:30 p.m. to 1:30 a.m. shift and 1 of which works a 3:30 p.m. to 12 midnight shift.

3. There are one or more custodial crews assigned to appellant's assigned area of the campus during the day shift. These crews are composed of BMH 2's and each crew is supervised by a CS 2 who does not report to appellant but to either Iva Gaulke or Robert Bender who are classified as HSS 3's. Ms. Gaulke is appellant's 1st line supervisor. These day crews have very few cleaning responsibilities; i.e., 98% of the cleaning in appellant's assigned area is the responsibility of the crews appellant supervises. The cleaning responsibilities assigned to the day crew primarily include areas not accessible on the 2d or 3d shifts for security reasons. These areas are not re-cleaned by the crews supervised by appellant nor does the day crew re-clean those areas cleaned by the crews supervised by appellant. The primary responsibilities of these day crews include unlocking the buildings, patrolling the area for security or other purposes, restocking restroom supplies, shoveling snow, and handling routine problems.

4. If a non-routine problem arises in appellant's assigned area during the day shift or at any other time, appellant is often contacted or called in even though the day crew and/or Ms. Gaulke are present.

5. Respondent acknowledges that the HSS 1 (PR 1-09) position of Joseph Cooper is correctly classified. The Cooper position supervises the custodial operation for four residence halls on the UW-Madison campus with a total area of 167,000 square feet. The Cooper position supervises 9 BMH 2's who are assigned to the day shift, i.e., 7:30 a.m. to 4:00 p.m. and a student supervisor who supervises 5 students on the weekends. There are 3 BMH 2's assigned to the second (evening) shift who report to the Cooper position's supervisor and who have no cleaning responsibilities in the residence halls for which the Cooper position has responsibility but do have patrol functions and may be called upon to respond to routine problems in such halls during the second shift. The Cooper position is not responsible for supervising the cleaning of the food service operations in his assigned area.

6. The position standard for the CS 2 classification states, in pertinent part:

Class Description

Definition:

This is responsible supervisory custodial work in the state operated buildings. Employees in this class are responsible on a shift for the supervision of one or more crews of Building Maintenance Helpers in an assigned area, which may include a number of buildings, a portion of a major building complex or an entire institution or building complex depending on the shift and size of institution or building complex. Employees in this class have subordinate leadwork or supervisory levels assisting them in the day to day direction of work. Positions allocated to this level may also carry responsibility on a shift as the assistant to a Housekeeping Services Supervisor. Work involves planning, assigning and directing a variety of cleaning activities. Work is performed under the supervision of a Housekeeping Services Supervisor and consists primarily of personal inspections and conferences.

The position standard for the HSS 2 classification states, in pertinent part:

Class Description

Definition:

This is very responsible supervisory housekeeping work. Employees in this class have 24-hour responsibility for: 1) a complex custodial operation in an assigned area of one of the state's largest institutions such as the University of Wisconsin - Madison, or 2) a housekeeping program which includes all custodial and laundry operations for an entire institution, such as found in the University of Wisconsin System. Work involves planning, assigning, directing and reviewing a variety of custodial activities which may involve related housekeeping operations. Positions at this level are distinguished from those at the one level by the fact that the scope of the custodial operations is more complex in terms of the staffing pattern utilized, or that the program responsibility involves more than just a custodial operation. Work is generally performed under the supervision of higher maintenance personnel.

7. Respondent denied appellant's request for reclassification of his position to the HSS 2 level solely on the basis that, in respondent's opinion, appellant did not have 24-hour responsibility for the custodial operation in his assigned area. Respondent provides no consistent definition or application of the term "24-hour responsibility". Appellant's responsibility for the custodial operation in his assigned area is equivalent in scope to that of the Cooper position.

8. The duties and responsibilities of appellant's position are better described by the HSS 2 classification specifications than the CS 2 classification specifications and appellant's position is more appropriately classified at the HSS 2 level.

Conclusions of Law

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

2. The appellant has the burden to show that respondent's denial of the subject reclassification request was incorrect.

3. The appellant has sustained this burden.

4. Respondent's decision denying appellant's request for the reclassification of his position from CS 2 to HSS 2 was incorrect and appellant's position is more appropriately classified at the HSS 2 level.

Decision

Respondent acknowledges and the record in this appeal clearly shows that appellant's position performs very responsible supervisory house-keeping work and is responsible for a complex custodial operation in an assigned area of one of the state's largest institutions within the meaning of the HSS 2 position standards (see Finding of Fact 6). The only remaining requirement which appellant's position would have to satisfy in order to be classified in the HSS series is that appellant's position have "24-hour responsibility" for such custodial operation.

The term "24-hour responsibility" does not have a clear and unambiguous meaning in the content of the instant appeal. Respondent contends that "24-hour responsibility" means "...being responsible for the maintenance of a facility not only on a shift basis but assignment of total responsibility for a building or areas. This would mean supervising all shifts working in a particular building or area." This is not how respondent has applied the "24-hour responsibility" requirement, however. The Cooper position (see Finding of Fact 5), which is classified at the HSS 1 level, has total responsibility for nearly all aspects of the custodial operation in its assigned area. However, it does not supervise certain custodial positions which perform certain non-cleaning-related duties and responsibilities in its assigned area and it does not supervise cleaning of the food service operations in its assigned area. This situation parallels very closely that under consideration in this appeal. Appellant's position has

total responsibility for nearly all aspects of the custodial operation in its assigned area. However, appellant does not supervise certain custodial positions on the day shift which perform certain very limited cleaning duties and responsibilities but are primarily responsible for patrol and other non-cleaning-related duties and responsibilities.

Essentially, both the Cooper position and appellant's position have 24-hour responsibility for nearly all aspects of the custodial operation in their assigned areas. Although neither position supervises all crews or shifts which perform custodial duties in these respective assigned areas, such crews or shifts do not perform the same custodial functions as those supervised by the Cooper position and by appellant's position. Finally, both appellant's position and the Cooper position are the ones most likely to be contacted or called in if non-routine problems arise in their assigned areas regardless of when the problem arises. Since the respondent acknowledges that the Cooper position satisfies the "24-hour responsibility" requirement for classification in the HSS series, it is unreasonable for them to conclude that appellant's position does not.

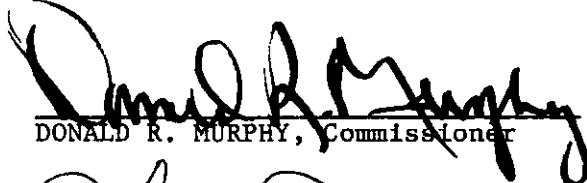
The Personnel Commission concludes that the interpretation of the "24-hour responsibility" requirement utilized by respondent in classifying the Cooper position is not unreasonable. In view of this and the close parallel between the scope of responsibility of the Cooper position and appellant's position, the Personnel Commission concludes that appellant's position satisfies the requirements for classification at the HSS 2 level and is more appropriately classified at that level.


ORDER

The action of respondent is rejected and this matter is remanded for action in accordance with this decision.

Dated: April 15, 1987 STATE PERSONNEL COMMISSION


DENNIS P. MCGILLIGAN, Chairperson


DONALD R. MURPHY, Commissioner


LAURIE R. MCCALLUM, Commissioner

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