

STATE OF WISCONSIN

PERSONNEL COMMISSION

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RICHARD HOLZBAUER,
 Appellant,
 v.
 Secretary, DEPARTMENT OF
 INDUSTRY, LABOR AND HUMAN
 RELATIONS, and Secretary,
 DEPARTMENT OF EMPLOYMENT
 RELATIONS,
 Respondents.
 Case No. 87-0074-PC

* * * * *

DECISION
 AND
 ORDER

NATURE OF THE CASE

This is an appeal from respondent DILHR's decision denying reclassification of appellant's position from Shipping & Mailing Supervisor 2 to Program Assistant Supervisor 3. At the prehearing conference held on July 1, 1987, before Kurt M. Stege, Hearing Examiner, the parties agreed to the following issues for hearing:

1. Whether the respondents' decision classifying the appellant's position at the Program Assistant Supervisor 2 level was correct.
2. If not, whether the appellant's position is more appropriately classified at the Program Assistant Supervisor 3 level.

Hearing in the matter was held on August 14, 1987, before Dennis P. McGilligan, Chairperson. The parties completed their briefing schedule on October 24, 1987.

FINDINGS OF FACT

1. At all times material herein, appellant has been employed in the classified civil service by the Department of Industry, Labor and Human

Relations as chief of the printing and mail operation section within the Bureau of Administrative Services in the Division of Administrative and Management Services.

2. On May 14, 1986, DILHR Personnel recommended to the Department of Employment Relations that the appellant be reclassified from Shipping and Mailing Supervisor 2 (PR 1-09) to Administrative Assistant 3 - Supervisor (PR 1-11). DILHR Personnel cited the evolution of appellant's duties from those of a "working supervisor" to increased responsibilities in budget development, analysis of services required and special reports. The reclassification request from DILHR Personnel was denied by DER on October 9, 1986. The DER analysis found appellant's position comparable to a Shipping and Mailing Supervisor 2 position at the University of Wisconsin - Milwaukee and concluded that appellant's position did not compare favorably to an Administrative Assistant 3 - Supervisor position in the Department of Revenue. There is no pending appeal of this DER decision.

3. DILHR Personnel gave further consideration to appellant's classification and by letter dated April 24, 1987 notified appellant that his position was approved for reclassification from Shipping and Mailing Supervisor 2 to Program Assistant Supervisor 2 (PR 1-10). By letter dated May 19, 1987, appellant filed a timely appeal of this reclassification decision to the Commission.

4. The appellant's main duties and responsibilities, in summary, include the following: supervise twelve positions including two lead workers classified as Shipping & Mailing Clerk 3, five positions at the Shipping & Mailing Clerk 2 classification, one Stock Clerk 2, one Motor Vehicle Operator 1 and one Offset Press Operator 1 in the operation of DILHR's centralized mail and printing production operations; supervision of

the aforesaid staff includes handling of all personnel functions including hiring, training, evaluation, discipline, certification requests, payroll and leave information processing and time distribution keying and monitoring; supervise distribution of mail; handle the security and protection of valuable mail and controlled materials (checks, claim cards, etc.); maintain and secure the mailing machines and printing equipment; provide the Department's centralized printing services; handle certain purchasing aspects, including analysis and specification writing for purchases, handling simplified bidding processes and writing purchase requisitions; perform accounting functions as well as develop PC programs designed to bill divisions within the Department for postage spent, and to bill divisions for copying done on high capacity equipment; develop and monitor budgets; prepare special reports/studies; move office equipment and furniture around DILHR and DILHR offices statewide; and serve as building safety coordinator.

5. The Program Assistant Supervisor position standard provides, in relevant part, as follows:

PROGRAM ASSISTANT SUPERVISOR 2

PROGRAM ASSISTANT SUPERVISOR 2 - CONFIDENTIAL

(PR 1-10)

This is paraprofessional supervisory work of considerable difficulty providing program support assistance to professional or administrative staff, which involves the supervision of subordinate staff performing diverse but inter-related program activities with some latitude regarding program-related decisions. The work performed at this level is comparable to that allocated to the Program Assistant 3 level, with the additional supervisory responsibilities. This level differs from the Program Assistant Supervisor 1 level on the basis of the increased scope, breadth and complexity of the work performed, as indicated by the following criteria: (1) the work performed at this level involves specialized, though generally nontheoretical skills, rather than procedural or systematic proficiency; (2) the procedures are substantially diversified, and the program area is defined by specialized standards rather established precedents; and (3) there is a greater degree of independence of action, which impacts across program lines rather than within one program area. Work is performed under direction.

PROGRAM ASSISTANT SUPERVISOR 3
PROGRAM ASSISTANT SUPERVISOR 3 - CONFIDENTIAL

(PR 1-11)

This is paraprofessional supervisory work of considerable difficulty providing program support assistance to the head of a major program function or organizational activity, which involves the supervision of subordinate staff who exercise clear latitude in making major program-related decisions. The work performed at this level is comparable to that allocated to the Program Assistant 4 level, with additional supervisory responsibilities. Positions at this level are distinguished from lower-level Program Assistant Supervisors on the basis of the size and scope of the program involved, the independence of action, the scope and breadth of impact across program lines, the degree of involvement in the program, and the latitude to make decisions which affect major program policies and procedures. Work is performed under direction.

6. Assignment of printing projects are made outside of the appellant's unit; appellant's responsibility is limited to printing production of projects that are assigned to him. In other words, Printing Technicians decide what gets printed, where it is printed and what the best method is. A Program Assistant position takes care of the billings. Appellant is only involved in the production aspect.

7. From a classification standpoint, appellant's position is at a lower level than the following positions:

a. Michael Purcell, Administrative Assistant 3 - Supervisor, at the Department of Natural Resources. The AA 3 - Supervisor classification is at Pay Range 1-11. Purcell supervises a "Class D copy/press center" serving all state agencies. He also oversees a mail center, the printing billings, center orders for data processing, printing for other state agencies and coordination of printing efforts with other agency press shops. He assists in specification preparation for bidding purposes for copy/press equipment. He handles all personnel functions including the supervision of a larger staff than appellant.

b. Michael Banks is an Administrative Assistant 3 - Supervisor at the Department of Revenue. Banks is responsible for a section of approximately 30 permanent subordinate employees including several subordinate supervisors. Banks manages a large, sophisticated, centralized mail and packaging facility which is engaged in receiving, sorting, opening, processing and routing of all incoming and outgoing mail using a variety of machines and equipment such as mail slicers, folders, decollators, inserters, labeling machines, binders, cutters and electronic scales and metering machines. In addition, during the income tax season, approximately 60 to 100 limited term "clerical helpers" are hired to process the millions of income tax returns and pieces of miscellaneous mail received by this section. This position is also responsible for a central warehouse containing tax forms and office supplies and provides direction and information to tax practitioners about tax booklet mailings and orders for tax forms.

c. Sandra E. Gapinski is a supervisor with the classification of Administrative Assistant 4 - Supervisory who supervises the Document Sales and Bulk Mail Units in the Printing & Publications Sections, Bureau of General Services, Department of Administration. She supervises 11 positions in the provision of total bulk mail services, and document sales and distribution activities. She also supervises the warehousing and sales of forms utilized statewide. The objectives and tasks of her position are further described by the position description which indicates that she spends 30% of her time in marketing and customer relations, 30% in handling supervisory management functions, 35% in selecting, training and supervising staff and 5% in miscellaneous duties.

d. Marge Karowsky is an Educational Services Assistant 1 (PR 1-11) at UW-Extension who is responsible for overall financial and budget operations for two separate units (Bulk Mail Center and Mail Services Unit) with a combined annual budget over \$2,560,000. She also consults with these two units' users concerning services and postal regulations. She supervises a staff of 12.8 FTE's plus LTE's and student help. Finally, she is responsible for duties of UW-Extension's Assistant Facilities Manager.

8. In terms of the performance level of the work done by appellant's position, supervisory responsibilities aside, appellant's position is at a lower level than the following positions classified as Program Assistant 4:

a. Barbara J. Novick is an Assistant to the Administrator, Administrator's Office, Division of Administration, DILHR. According to the position summary on her PD, Novick, under the general direction of the Division Administrator, provides administrative support requiring exercise of a considerable amount of individual initiative and independent judgment. She also carries out assigned functions for the administrator in his/her absence. Seventy-five per cent of her time is spent in performing administrative support functions for Administrative Division division administrator, requiring a complete understanding and practical knowledge of the management process at the division and department level. She provides efficient work flow from administrator to division and department management, including during administrator's absence. She also coordinates the departmental administrative rules process, and provides technical review of rules.

b. Judith A. Roche is a position/budget assistant in the Bureau of Budget & Program Analysis, Administrative & Management Services Division, DILHR. According to the position summary on her PD, the major goals of this position are as follows:

Reviews position requests to ensure that positions are authorized and funded. Maintains divisional and sub-unit position control files including required position information and reporting structure. Maintains DOA required Personnel Management Information System file for the Department. Prepares various on-going and special reports relating to position authorization and utilization. Under the direction of senior budget analysts obtains and maintains data for budget development, expenditure control and financial program resources. Perform the duties of a Department financial analyst for a division and/or program as assigned.

c. Carol A. Berg is a "Paraprofessional Office Assistant" in the Bureau of Apprenticeship Standards, Employment & Training Policy Division, DILHR. The position summary on her PD describes the major goals of her position:

Employs in this highly responsible position will do field work assisting a professional field representative or field supervisor; administer local or statewide programs of apprenticeship; compiling labor market data for public and private agencies; conducting apprentice program compliance reviews; coordinating public organizations and private firms apprenticeship affirmative action efforts.

d. Ellen L. Khalifa is a "Self-Insurance Program Assistant" in the Injury Analysis and Research Bureau, Worker's Compensation Division. Khalifa's position summary on her PD describes the major goals of her position as follows:

Supervise, evaluate and monitor employers' reporting of qualification for self-insurance, partial-insurance, and divided-insurance status, and their performance upon being granted such privileges. Collect, compile, and interpret statistical and subjective information anent employers' qualification and performance. Produce written and oral reports to Division Administration and Self-Insurers' Council describing employers' qualification and make recommendations on the initial granting or continuation of self-insured status. Act as communication liaison between employers, the Division and the Self-Insurers'

Council to achieve compliance with the self-insurance, divided-insurance, and partial-insurance programs as provided by state Statute.

(Work product determines credibility of recommendations made concerning employers' qualifications to self-insure and divide their risk. It monitors the activities and qualifications of employers who have or wish to self-insure or divide their risk, ensures the receipt of essential guarantees and other related instruments, properly executed applications and supportive documentation, and makes the pertinent information available to those who need it. The service also helps assure the prompt payment of worker's compensation benefits.

9. From a classification standpoint, appellant's position is one pay range higher than the following positions which are classified as Shipping & Mailing Supervisor 2:

a. Stanley G. Carlson is a Mail Processing and Satellite Mail Centers Supervisor for DOA who coordinates and supervises the activities of the Presort Program, Mail Processing, PCC subunits located at GEF 3, 125 South Webster Street; and the Satellite Mail Centers at the State Office Building, 1 West Wilson Street and the State Capitol. At the State Capitol and 1 West Wilson Street, he plans and schedules meter mail and inter-D mail pickups/deliveries. He trains people in correct procedures including safety.

b. George Milinowicz is a Mail Room Supervisor for UW-Extension Mail Services. He supervises their Mail Service unit which provides a complete mailing service for UW-Ex Madison units. This unit processes 500,000 pieces of incoming mail and over 1,500,000 pieces of outgoing mail annually. Milinowicz spends 50% of his time maintaining/ coordinating records and accounts for the unit. He spends 25% of his time supervising a Mail Service staff of 4 people. He must keep current with U.S. Postal regulations (15%) and consult with other UW-Ex departments on mailing services.

c. Daniel W. O'Rourke is the Bulk Mail Supervisor for the UW-Extension Bulk Mail Center. The center provides inserting, labeling, and mailing service for all UW-Ex and UW-Madison departments with an annual volume of 20,000,000 pieces. O'Rourke coordinates incoming mailing lists and mailing material from various sources and schedules workload to meet mailing dates. His position is responsible for a budget of over 1.3 million dollars per fiscal year in postage and labor.

d. Janie Gresbach is the Assistant Manager for Mail Services, University Services/Mail Services, UW-Milwaukee. She has the responsibility for providing mail services for a campus that includes the processing of approximately 18 million pieces per year of incoming and outgoing U.S. postal, and intra- and inter-campus mail. In addition, her position is responsible for 900,000 pieces of bulk mail per year which includes a labeling and inserting operation. The mail services unit consists of 10 permanent employees, student help and a subordinate supervisor. Gresbach also has some supervisory responsibilities over the Fleet and Garage operations.

10. The duties and responsibilities of appellant's position are more accurately described by the class specifications for a Program Assistant Supervisor 2 and appellant's position is more appropriately classified as a Program Assistant Supervisor 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 proof of establishing that the respondents' reclassification decision was incorrect.

3. The appellant has not sustained his burden.

4. The respondents' decision classifying appellant's position as a Program Assistant Supervisor 2 instead of a Program Assistant Supervisor 3 was correct.

DECISION

The question before the Commission is whether the appellant's position should be classified as a Program Assistant Supervisor 2 or a Program Assistant Supervisor 3. In order for appellant to prevail, Holzbauer must satisfy his burden of proving that his position meets the Program Assistant Supervisor 3 definition and is more properly classified in that classification.

According to the class specifications, one of the main differences between Program Assistant Supervisor 2 and Program Assistant Supervisor 3 is the language dealing with the responsibilities of the subordinate staff. Appellant's subordinate staff consists of shipping and mailing clerks, a stock clerk, a motor vehicle operator and an offset press operator. This staff assists the appellant in the production of the centralized mail and printing operations for the department.¹ As such, the Commission finds that it would be more accurate to describe this as a "staff performing diverse but interrelated program activities with some latitude regarding program-related decisions" as provided in the standard for Program Assistant Supervisor 2, rather than as "staff who exercise clear latitude

¹ As noted in Finding of Fact 6, appellant and his staff participate solely in the production aspect of printing projects assigned to this unit. Major program-related decisions involving what, where and how the printing is accomplished are made elsewhere.

in making major program-related decisions" as in the Program Assistant Supervisor 3 position standard.

Another difference between Program Assistant Supervisor 2 and Program Assistant Supervisor 3 deals with the performance level of the work done by the position. Work performed at the Program Assistant Supervisor 2 level is comparable to that allocated to the Program Assistant 3 level, with the additional supervisory responsibilities. Work performed at the Program Assistant Supervisor 3 level is comparable to that allocated to the Program Assistant 4 level, with the additional supervisory responsibilities. As noted in the Findings of Fact, appellant's position compared unfavorably to a number of Program Assistant 4 positions in terms of work performed including scope and impact of decisions involved, the latitude to make decisions affecting major program policies and procedures as well as the size and scope of the program itself. The Commission finds that appellant's duties, supervisory responsibilities aside, are more appropriately comparable to those of a Program Assistant 3.

A further difference between Program Assistant Supervisor 2 and Program Assistant Supervisor 3 involves the "size and scope of the program involved" as well as "the scope and breadth of impact across program lines." In this regard the record indicates that appellant's position would be quite similar to Janie Gresbach's Shipping and Mailing Supervisor 2 position at UW-Milwaukee if the appellant had no responsibilities for printing production. Like appellant, Gresbach supervises a dozen or more employes in the maintenance of a large, complex, centralized mail operation for a major state department or entity. A major goal of both positions is to ensure that all incoming U.S. postal, intra- and inter-departmental/campus mail is sorted and delivered as accurately, efficiently and cheaply

as possible. Both positions also have other job duties not related to the mail operation: appellant is responsible for moving office furniture and equipment/supplies within GEF I and DILHR offices statewide, serves as building safety coordinator and prepares various reports (including a monthly truck usage summary); Gresbach assists in the administration of UW-Milwaukee's Fleet and Garage operations.²

The record also indicates that the scope of the printing operation supervised by the appellant is not large and does not compare favorably in size to the "copy center" supervised by Michael Purcell at the DNR and the Shipping & Mailing Section supervised by Michael Banks at the Department of Revenue. These positions differ from appellant's position in terms of the variety of activities performed, the number of staff supervised, the number of clients served, the level of decision-making and the size of the operation. Both Banks' and Purcell's positions are classified as Administrative Assistant 3 - Supervisor, which is at the same pay range as Program Assistant Supervisor 3.

The scope of the appellant's mail and printing duties is similarly not as large as the mail service and facilities management duties of Marge Karowsky's position at the UW-Extension that is classified as an Educational Services Assistant 1, one pay range higher than appellant's. That position supervises a larger staff, is responsible for a bigger budget

² Another helpful comparison can be made by looking at the other position descriptions for employes at the Shipping and Mailing Supervisor 2 classification, one pay range below the appellant's classification of Program Assistant Supervisor 2, described in Finding of Fact 9. There is not a great deal of difference between the appellant's position and these three positions at the lower classification, except for the appellant's additional duties as supervisor of the printing operation.

and manages a larger operation than appellant.

While it is true that appellant's position involves a considerable amount of individual initiative and independent judgment, requires a wide range of knowledge in order to perform the job, has a major impact on decisions made by other divisions of DILHR and has a number of different management and supervisory responsibilities, the record does not support a finding that appellant's position is more appropriately classified at the Program Assistant Supervisor 3 level. Rather, in view of all of the foregoing, the Commission concludes that appellant has not met his burden of proof and that the answer to the issue as stipulated to by the parties is YES, respondents' decision classifying appellant's position at the Program Assistant Supervisor 2 level was correct.

ORDER

The respondents' classification decision is affirmed and the appellant's appeal is dismissed.

Dated: January 13, 1987 STATE PERSONNEL COMMISSION

DPM:rcr,
RCR03/3


DONALD R. MURPHY, Commissioner


LAURIE R. McCALLUM, Commissioner

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