

STATE OF WISCONSIN

PERSONNEL COMMISSION

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 *
 DELL et al., *
 (Diane Dell, Carole Miller, *
 Linda Mabie & Susan Elskamp), *
 ' *
 Appellants, *
 *
 v. *
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 Secretary, DEPARTMENT OF *
 TRANSPORTATION, and *
 Secretary, DEPARTMENT OF *
 EMPLOYMENT RELATIONS, *
 *
 *
 Respondents. *
 *
 Case No. 87-0202-PC *
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 * * * * *

FINAL
ORDER

After a hearing and post-hearing briefs, the designated hearing examiner in the above matter issued a proposed decision and order. The parties then filed objections and written arguments in support thereof. After considering the proposed decision and the objections thereto and after consulting with the hearing examiner, the Commission has concluded that the proposed decision should be modified.

Therefore, the Commission adopts the proposed decision and order, a copy of which is attached hereto, with the following revisions:

1. Finding of Fact #22 is revised to read:
 22. The Vehicle Record Information and Certification Unit qualifies as a subprogram under the MVR position standard, and the certification area therefore constitutes something less than a subprogram.

This revision reflects the fact that prior to the 1984 reorganization, the vehicle record certification area was not identified as a major subprogram and that the reorganization only augmented the area by adding one of four parts of the numerical file group which, in turn, was only one of three

subunits within a major subprogram, the Vehicle Files Unit. Therefore, the Commission concludes that the resultant Vehicle Information and Certification Unit is a subprogram, but is not a major subprogram.

2. Finding of Fact #29 is revised to read:

29. Based on the entire record, it is found that appellants' positions are better described by the FES factor definitions for S-1, I-1, D-2, PC-1, K-2 and DP-1.

Based on the conclusion that the Vehicle Information and Certification Unit is a subprogram rather than a major subprogram, the Commission must also conclude that the certification function is something less than the all segments of the subprogram. This places the appellants' positions squarely at the S-1 level.

3. Finding of Fact #30 is revised to read:

30. Based on the factor levels stipulated by the parties and the levels determined above, the revised FES point total is 225 which is within the MVR 4 range of 210 to 255.

This revision reflects the change in points associated with the reduction from the S-2 to S-1 level.

4. The paragraph entitled "Scope" on page 17 is revised to read:

The appellants carry out all assignments related to the certification area which is one portion of the Vehicle Information and Certification Unit subprogram. Therefore, they fall within the language of level S-1 which refers to "assignments... related to limited segments of one DMV subprogram service." This result is consistent with the reference in S-1 to providing record and file information to law enforcement agencies, court officials or other individuals. While it is true that the appellants work without the benefit of training manuals or procedure manuals (other than as to the use of their word processing equipment), they fit better within the S-1 level than the S-2 level.

This revision mirrors the various factual revisions set out above and also reflects the view that the appellants' work does not comprise aspects of many different subprograms but rather falls only within the certification area.

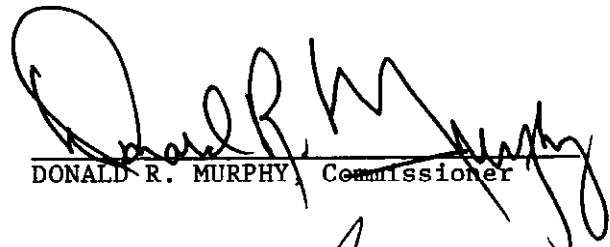
5. The first full sentence on page 18 is revised to read:

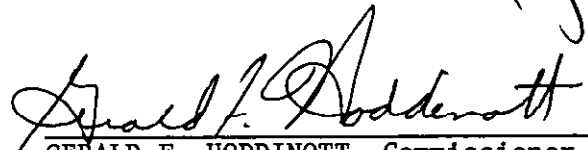
Appellants do not have the discretion at the D-3 level that is granted to a program specialist whose objective is stated in terms of the very general goal of maintaining the traffic accident system.

The replacement of the word "simply", which was used in the proposed decision, makes the sentence more easily understood.

Dated: October 20, 1988 STATE PERSONNEL COMMISSION


LAURIE McCALLUM, Chairperson


DONALD R. MURPHY, Commissioner


GERALD F. HODDINOTT, Commissioner

KMS:rcr
RCR03/1

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STATE OF WISCONSIN

PERSONNEL COMMISSION

* * * * *

DELL ET AL.,
 (Diane Dell, Carole Miller,
 Linda Mabie & Susan Elskamp),
 Appellants,

v.

Secretary, DEPARTMENT OF
 TRANSPORTATION and Secretary,
 DEPARTMENT OF EMPLOYMENT
 RELATIONS,
 Respondents.

Case No. 87-0202-PC

* * * * *

PROPOSED
 DECISION
 AND
 ORDER

This matter is before the Commission as an appeal of a reclassification denial. The parties agreed to the following statement of issue:

Whether respondents' decision denying appellants' requests for the reclassification of their positions from Motor Vehicle Representative 4 to Motor Vehicle Representative 5 was correct.

Subissue: Whether appellants' positions are more appropriately classified at the Motor Vehicle Representative 4 or Motor Vehicle Representative 5 level.

FINDINGS OF FACT

1. At all times relevant to these proceedings, the appellants have been employed in the Vehicle Record Information and Certification Unit, Vehicle Records Section, Bureau of Central Vehicle Services, Division of Motor Vehicles, in the Department of Transportation.

2. The four appellants are assigned the working title of "certification clerks" and carry out the certification of vehicle records for the respondent.

3. Appellants are supervised by Ms. Beverly Schwartz, a Motor Vehicle Supervisor 5, who heads the Vehicle Record Information and Certification Unit, but appellants perform without a leadworker.

4. Certification of a vehicle record is a certification that certain photocopies are true and correct copies of the original registration, title and other vehicle records maintained by DOT. Appellants' responsibilities do not include driver licensing records. A certification of record search is a certification that a diligent search of the respondents' records was performed resulting in those findings specified on the certification. In addition to simply stating that "this is a record", the certification serves to interpret the records so that they are more easily understood, thereby often eliminating the need for someone to appear in court to explain certification prepared for use in either civil or criminal proceedings.

5. Appellants prepare approximately 5000 certifications (and verification records) per year.

6. Requests for certification/verification may be initiated by a court, law enforcement agency or an individual. The requester typically provides a name and address of the person associated with the vehicle in question, the criminal charge made against the person and the date of the alleged violation, the vehicle license plate number and vehicle identification number (VIN) and a date indicating when the certification is needed.

7. Once the appellants have determined that the requester/has provided enough information to permit a response, they access the computerized records maintained by the respondents' Division of Motor Vehicles (DMV). Depending on the information in the computer and the information being requested, the appellants then issue instructions to various subunits

within DMV to collect certain specified information or materials from the files which are maintained by those subunits. Once that information is returned to the appellants from the various file subunits, the appellants review it to determine if they have in fact received the correct records, if there are any inconsistencies in the records and to see if the collected materials are sufficient to satisfy the initial request. If further research and/or materials are determined to be needed, that is accomplished and the certification itself, including a transmittal letter, is prepared.

8. The four appellants rotate their work by spending one week on each of the following duties before moving on to a different duty the next week:

a. One person receives the requests, performs the initial evaluation and research

b. One uses a word processor to prepare certifications that are due for a specified court date

c. One uses a word processor to prepare certifications in response to requests without any due date

d. One assists, as necessary, the other appellants and updates the materials/information so that the certifications ready to be typed are accurate as of the date of issuance.

9. The records and information that are identified in the certification are maintained by various entities in the DMV (including units in the Bureau of Motor Vehicle Registration and Licensing, the Bureau of Central Office Services and the Bureau of Field Services, such as the Security Interest and Anti-Theft Unit, Permit and Insurance Unit, Correspondence and Title File Unit, International Registration Plan and several others).

10. In order to understand the utilize the files that are maintained by the various organizational entities, the appellants must have some to working knowledge of the general provisions of primary DMV statutes and of methods used by subunit employes to input (and extract) documents and information from their respective files.

11. In order to carry out their certification responsibilities, the appellants must apply working to considerable knowledge of the certification process and procedures.

12. In the course of conducting research, the appellants periodically discover errors in DMV records. Usually the errors are due to an inputting error generated by an employe in another subunit. Occasionally the appellants will also identify program errors which can affect the accuracy or availability of a series of individual records. In either case, the appellants are expected to identify the errors to the supervisor in the subunit with responsibility for the underlying records.

13. The appellants' error correcting activities are only performed as part of the certification process. The respondent employs other persons whose primary responsibility is record error detection and correction.

14. While one of the purposes of certification is to provide evidence for court proceedings, appellants rarely are required to appear in court. One appellant, Ms. Dell, has not been required to appear in court for the purpose of certifying records for at least 2½ years. Another appellant, Ms. Miller, has not appeared in court in the 1 to 1½ years she has worked as a certification clerk.

15. Respondent has purposely chosen not to spread the certification duties to the various subunits that generate the underlying records in order to maintain consistency and so there would be a style of

certification that will generally be acceptable by the court without requiring the subpoena of a DOT employe to identify the records.

16. In 1983, the positions of the incumbent certification clerks were allocated to the Motor Vehicle Representative (MVR) 4 level as part of a classification survey interpreting a newly created MVR position standard. The MVR position standard is premised on the Factor Evaluation System (FES) which establishes point ranges for each classification level within a series, analyzes each position on the basis of a number of specified factors and subfactors and then assigns points for each factor/subfactor depending on which of several gradients for each subfactor most accurately describes the position.

17. Subsequent to the 1983 survey, the appellants have undergone the following changes, primarily related to certain additional records among those to be certified:

The Inspection/Maintenance Program, implemented in April 1984, requires automobiles and trucks in six southeastern Wisconsin counties to pass an emission inspection in order to renew registration.

The Telephone Authorization system, effective April 1986, allows vehicles requesting quarterly or consecutive monthly registration to be operated on Wisconsin highways, without displaying evidence of registration by following the Department's call-in procedure.

Also in April 1986, the federal government began requiring each state to check for compliance with Heavy Vehicle Use Tax requirements before a vehicle can be registered or receive license plates or renewal stickers.

Scheduled rebasing of automobile license plates began in August, 1986. The reissuance of automobile base plates will be spread over a seven year period rather than one year as had been done in the past.

Graphic automobile plates were introduced with scheduled rebasing. The new plate numbering system has eliminated the alpha character that previously designated the month of expiration which will require more extensive research and more complex explanations (Joint Exhibit #2)

18. The definition statements and representative positions for MVR 4 and MVR 5 as set forth in the MVR position standard, Respondents' Exhibit 1, are as follows:

MOTOR VEHICLE REPRESENTATIVE 4

(PR2-08)

Definition Statement: This is full performance Motor Vehicle Representative work. This class has a point range of 210 to 255 points.

This is normally a lead work level, but also may be used as a full performance level. Positions allocated to this level in full performance capacity perform highly complex processing and public contact work in the area of driver and vehicle registration and licensing. Positions at this level perform the most difficult and complex license and registration transactions, compose correspondence, and prepare reports on organization activities.

Positions allocated to this level in a lead work capacity assign and review the work of lower level Motor Vehicle Representatives in program areas involving computerized application processing procedures, departmental records research and retrieval, general application of motor vehicle laws, procedures, and departmental operations in situations requiring minimal or occasional face-to-face or direct public contact, or may have frequent public contact in a more specialized program function. Work is performed under general supervision.

Representative Position:

Lead Work - Guide, train, assist and review the work of lower level positions.

Interpret and apply motor vehicle statutes, policies and procedures for employes and the public.

Develop, revise, and implement operating procedures affecting program responsibilities.

Establish subunit priorities.

Review work of subordinates.

Train departmental employes on subunit program responsibilities.

MOTOR VEHICLE REPRESENTATIVE 5

(PR2-09)

Definition Statement: This is lead work level Motor Vehicle Representative work. This class has a point range of 260 to 310 points.

Positions allocated to this level in a lead work capacity perform highly complex clerical processing and public

contact work in the area of driver and vehicle registration and licensing. Positions are responsible for assigning and reviewing the work of lower level personnel and for responding to the difficult and complex license and registration transactions, composing correspondence, and preparing reports on organizational activities. Positions typically lead in program areas involving computerized application processing procedures, research skill in evaluating departmental records, and application of motor vehicle laws. Positions at this level are distinguished from lower level lead work positions in this series by the scope of subunit activities, the variety and complexity of work processed by the subunit, the application of knowledge in a broader array of motor vehicle laws, procedures, and departmental operations, and a higher volume of public contact. Work is performed under general supervision.

Representative Position:

Lead Work - Guide, train, assist and review the work of lower level positions.

Interpret and apply motor vehicle statutes, policies and procedures for employes and the public.

Develop, revise, and implement operating procedures affecting program responsibilities.

Establish subunit priorities.

Review work of subordinates.

Train departmental employes on subunit program responsibilities.

19. When appellants' positions were analyzed by DOT personnel in response to their request for reclassification an initial Factor Evaluation System (FES) point total of 240 was assigned. This is within the MVR 4 range (210-255 points). On subsequent review within DOT personnel, it was determined that this total was mistakenly high, because appellants' positions had been incorrectly assigned level NC-3 for nature of contacts. At hearing, the parties stipulated that the appellants properly fit into level NC-2 which carries 15 fewer points than the NC-3 level. Thus, the "corrected" point total as calculated by respondent DOT would be 225 points.

20. Appellants disagreed with six of the factor evaluations determined by respondent -- scope, impact, difficulty in performing, knowledge and skill, purpose of contacts and discretion.

21. As used in the MVR position standard applied to positions in DMV, the terms "major program", "major subprogram" and "subprogram" have specified meanings:

OVERVIEW

* * *

Four bureaus, each with a separate mission, have been established to implement the general Division of Motor Vehicles mission. Within each bureau, major programs have been established typically at the section or district level. The major programs of each bureau have been further divided into major subprograms, typically at the unit or area level and subprograms typically at the subunit or field team level.

* * *

DMV PROGRAM CATEGORIES

Level I. Major Programs (Based upon DMV Mission Statement and organizational structure.) The following major programs have been established within the Bureau of Motor Vehicle Field Services, Bureau of Driver Licensing, Bureau of Vehicle Registration and Licensing and Bureau of Central Office Services: Field Service Districts, Title Processing, Registration Services, Vehicle Records and Correspondence Services, Dealer Regulation, Reciprocity and Permits, Program Development, Driver Records, Driver Responsibility, or any other major bureau program of comparable scope, impact and complexity.

Level II. Major Subprograms (Based upon the current DMV Mission Statement and organizational structure.) The following major subprograms have been established within the major programs identified in Level I.

One-Stop Title Processing (does not include one-stop support)
Registration Training and Program Support
Registration Inquiry, Research and Correction
Vehicle Files
Dealer Inspection Areas
Reciprocity and International Registration Plan (IRP)
Driver Improvement Program Administration
Driver Improvement Review (or Drug and Alcohol Review - same unit)
Commercial Driving Schools
Driver Correspondence and Checking
Driver Record File
Medical Review

Revocation and Suspension
Safety Responsibility
or any other major subprograms of comparable scope,
impact and complexity.

Level III. Subprograms (Based upon DMV Mission Statement and organization structure.) Subprograms typically include subunit, field team or other major subprogram segment of comparable scope, impact and complexity.

In 1984, and subsequent to the survey, the respondent reorganized the Bureau of Central Office Services, which included the appellants' positions. Prior to 1984, the appellants' positions were referred to as the vehicle record certification area in the Vehicle Registration Records Section of the Bureau. At that time, the certification function was directly supervised by the section chief, and was separate from the largest unit in the section, Vehicle Files. Pursuant to the reorganization, one of the four subunits within Vehicle Files, the Numerical File Group, was expanded to include the certification area and was renamed the Vehicle Record Information and Certification Unit. (Respondent's Exhibit #3)

22. The Vehicle Record Information and Certification Unit qualifies as a major subprogram under the MVR position standard, and the certification area qualifies as a subprogram.

23. In its reclassification review, respondent assigned appellants' scope to level S-1. Appellants contend it should be level S-2. The relevant subfactor definitions are:

Level S-1 The work involves the performance of basic Division of Motor Vehicle assignments related to limited segments of one DMV subprogram service. The work consists of performing specific, well-established and recurring processing steps, e.g., conducting law and vision tests for drivers license applications and renewals; receiving, auditing and processing applications for drivers licenses, vehicle registrations, identification cards, titles, permits or other services; providing technical assistance to the general public regarding one subprogram's procedures and services; issuing I.D. cards, license plates, validation stickers, other permits;

creating, updating and maintaining DMV records and files; calculating and recording fees from a variety of schedules; providing DMV record and file information to the general public, law enforcement agencies, governmental units, business and industry personnel, court officials or other individuals or groups; or performing similar tasks or services involving one specialized subprogram area. Interpretations, of DMV laws, rules or policies at this level are typically well defined by manuals, procedures or guidelines and focus upon the employe's specialized subprogram.

Level S-2 The work involves the performance of Division of Motor Vehicles assignments identified at Level S-1, but related to all segments of one DMV specialized subprogram OR the performance of assignments related to limited segments of several DMV specialized subprograms or the performance of lead work duties for employes identified at Level S-1. Employes at this level perform technical vehicle registration and/or developmental driver license examination and road testing assignments and/or other equivalent work that requires interpretation and application of a variety of DMV laws, rules and policies that are usually well defined by manuals, procedures or guidelines (Emphasis added)

24. In its reclassification review, respondent assigned appellants' impact to level I-1. Appellants contend it should be at level I-2.

The relevant subfactor definitions are as follows:

Level I-1 The work product or service affects the accuracy, reliability, acceptability, integrity, efficiency and effectiveness of one specialized subprogram. Specifically, the results of the product or service facilitate the work of higher-level DOT, DMV and bureau staff by providing technical information or assistance regarding a specialized subprogram to be used as a basis for further decisions or actions.

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The work product or service at this level also affects the safety and economic well-being of a limited number but diverse segment of the state's population through the provision of services to assist the public in becoming or remaining legally licensed to operate a motor vehicle or obtaining a motor vehicle registration permit, title or other credential, or insuring compliance with DMV or related laws, rules, policies, procedures or practices or providing technical information and assistance regarding DMV files, applications, records, forms or other comparable services or work.

Level I-2 The work product or service affects the accuracy, reliability, acceptability, integrity, efficiency and effectiveness of several subprograms or the planning, evaluation and leadwork of a DMV sub-unit providing subprogram services to the motoring public and/or their representatives, or the program coordination of a statewide subprogram service. The results of the product or service contribute to the overall effectiveness of the DMV program by providing technical information, assistance, compliance and problem-solving to facilitate the work of higher-level DMV staff and other DOT, State agency, Federal and local governmental representatives, business and industry personnel, court official and the general public or their representatives through the performance of complex record or data exchange, application, examination, licensure, road testing, titling, compliance reviews, inspections, technical assistance seminars and other complex vehicle registration and drivers license examination activities having significant economic and personal impact upon a large and diverse segment of the motoring public or their representatives. In the broadest terms, the work activity directly fosters a safe driving environment for the general public and a lessening of property damage, injury and loss of life due to motor vehicle accidents. (Emphasis added)

25. In its reclassification review, respondent assigned appellants' discretion to level D-2. Appellants contend it should be at level D-3.

The relevant subfactor definitions are as follows:

Level D-2 Objectives of work assignments are established on both a long-term and short-term basis. While they are usually well-defined, they may be stated in somewhat general terms depending upon the variety of DMV tasks assigned. Within the parameters of the objectives, the employe determines the specific methods and priorities of daily assignments. Guidelines are available for the majority of these assignments, but they may lack specificity and may not be wholly applicable to all facets of each assignment. The employe occasionally is required to exercise judgement in determining the applicability of the guidelines, and may modify established procedures and operational methods to accommodate changing DMV conditions. The supervisor or leadworker checks completed work assignments by reviewing applications and registrations, certifications, licenses, titles, stickers, statistical reports or other work records and logs.

Level D-3 Objectives of work assignments are generally long term (i.e., annual work plants, statements of DMV functions to be emphasized on a continuing basis) and are stated

in broad, general terms related to the team or subunit for which he or she is held accountable rather than to specific basis or phases of the DMV function. In addition to determining the daily routine as described in Level D-2, the employe establishes methods, priorities and procedures for meeting these objectives. Guidelines typically are more general than a Level D-2 and are based more on laws, rules, and court decisions which establish goals and policy than on procedural instructions. These guidelines frequently require selective application and interpretation since they are not intended to cover all MV registration, I.D. card, title examination, drivers license and related tasks assigned. While work at this level may be reviewed on a daily basis through the checking of activities reports to determine work progress, the review more typically occurs at the product completion stage for the purposes of determining accuracy, completeness, and adherence to policy.

26. In its reclassification review, respondent assigned appellants' purpose of contact to level PC-1. Appellants contend it should be at level PC-2. The relevant subfactor definitions are as follows:

Level PC-1 The purpose of the contacts is to obtain, clarify and/or provide technical information or facts regarding a specific DMV form, application or licensure procedure or requirement or to obtain, clarify, certify and provide data concerning a specialized DMV file or record. The facts or information may range from easily understood to highly technical and complex.

Level PC-2 The purpose of the contacts is to plan, lead, coordinate or advise on work efforts and/or to resolve complex DMV registration, examination or licensure problems which require frequent interpretation and application of typically well-defined DMV laws, rules, policies and practices (Emphasis added)

27. In its reclassification review, respondent assigned appellants' knowledge and skill to level K-2. Appellants contend it should be at level K-3. The relevant subfactor definitions are as follows:

Level K-2 General Division of Motor Vehicle Knowledges typically required and applied at Level K-2 include:

Some to Working Knowledge of the general provisions and terminology of the primary DOT and DMV statutes pertaining to Administrative Procedure and Review, Motor Vehicles, Registration, Title, Operator License,

Financial Responsibility, Civil and Criminal Liability, Rules of the Road, Equipment, Size, Weight and Load, Powers of State and Local Authorities, Snowmobiles, Habitual Traffic Offenders, Motor Vehicle Transportation Act and other related federal and state laws, DOT and DMV administrative rules pertaining to Driver Licensing, Registration, Motor Vehicle Trade Regulation, Motor Carriers, General Administration and DMV organizational structure and general operations.

Program Knowledges typically required and applied at Level K-2 include:

Working to Considerable Knowledge of the chapters, selections and subsections of DMV and related statutes, administrative rules, policies, procedures, manuals, practices and fee schedules pertaining to all segments of one specialized subprogram and of the organizational structure, general operations, policies and procedures of the section, unit and subunit.

Additional Knowledges and Skills typically required and applied at Level K-2 include:

Working Knowledge of the Federal Fair Credit Reporting Act and Wisconsin public record access laws governing the release of information and of the Division of Motor Vehicle's information systems and their related program requirements, capabilities, limitations, data entry, retrieval, update and error recognition, procedures and operations, screen formats, code abbreviations, processing codes, retention, cross indexing and transmittal procedures, identification and numbering schemes and procedures.

Skill in the operation of data entry terminals and office machines including CRT's, calculators, copiers, microfiche readers, computer readers and printers, electric typewriters or other office equipment.

-and-

In basic mathematics sufficient to calculate proper fees from a variety of fee schedules.

-and-

In written and oral communication sufficient to effectively interview applicants, obtain, analyze and evaluate factual data, understand and apply technical DMV rules, policies, procedure or practice questions regarding all segments of one specialized subprogram area.

Level K-3 General Division of Motor Vehicle Knowledges typically required and applied at Level K-3 include:

Working to Considerable Knowledge of the general provisions and terminology of the primary DOT and DMV statutes pertaining to Administrative Procedure and Review, Motor Vehicles, Registration, Title, Operator License, Financial Responsibility, Civil and Criminal Liability, Rules of the Road, Equipment, Size, Weight and Load, Powers of State and Local Authorities, Snowmobiles, Habitual Traffic Offenders, Motor Vehicle Transportation Act and other related federal and state laws, DOT and DMV administrative rules pertaining to Driver Licensing, Registration, Motor Vehicle Trade Regulation, Motor Carriers and General Administration and DMV organizational structure and general operations.

Program Knowledges typically required and applied at Level K-3 include:

Extensive Knowledge of the chapters, sections and subsections of DMV and related statutes, administrative rules, policies, procedures, manuals, practices and fee schedules pertaining to all segments of several specialized subprograms.

-or-

Considerable Knowledge of the chapters, sections, and subsections of DMV and related statutes, administrative rules, policies, procedures, manuals, practices and fee schedules pertaining to limited segments of one major program.

Considerable Knowledge of the organizational structure, general operations, policies and procedures of the section, unit and subunit.

Additional Knowledge and Skills typically required and applied at Level K-3 include:

Working to Considerable Knowledge of leadwork and/or supervisory practices, procedures and principles, Division of Motor Vehicle's information systems and their related program requirements, capabilities, limitations, data entry, retrieval, update and error recognition, procedures and operations, screen formats, code abbreviations, processing codes, retention, cross indexing and transmittal procedures, identification and numbering schemes and procedures and the Federal Fair Credit Reporting Act and Wisconsin public record access laws governing the release of information.

Skill in the operation of data entry terminals and office machines including CRT's, calculators, copiers, microfiche readers, computer readers and printers, electric typewriters or other office equipment.

-and-

In basic mathematics sufficient to calculate proper fees from a variety of fee schedules.

-and-

In public relations and public speaking.

-and-

In written and oral communication sufficient to effectively interview applicants, obtain, analyze and evaluate factual data, understand and apply complex technical DMV rules, policies, procedure or practice questions regarding all segments of several specialized subprograms or limited segments of one major subprogram.

28. In its reclassification review, respondent assigned appellants' difficulty in performing the work to level DP-1. Appellants contend it should be at level of DP-2. The relevant definitions are as follows:

Level DP-1 The work involves obtaining a few closely related undisputable facts from a few sources and comparing the findings to predetermined standards, clear precedents, and/or past solutions in similar situations. Judgment is needed to properly apply standards to specific cases or problems.

Level DP-2 The work involves determining and obtaining the relevant facts, identifying and analyzing the inter-relationships and relevance of facts and issues, and selecting the proper course of action from many alternatives. Adaptive judgment is needed to select and interpret many pertinent standards and precedents.

29. Based on the entire record, it is found that appellants' positions are better described by the FES factor definitions for S-2, I-1, D-2, PC-1, K-2 and DP-1.

30. Based on the factor levels stipulated by the parties and the levels determined above, the revised FES point total is 250 which is within the MVR 4 range of 210 to 255.

CONCLUSIONS OF LAW

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

2. Appellants have the burden of proof to establish by a preponderance of the evidence that their positions are more appropriately classified at the MVR 4 than at the MVR 5 level and, accordingly, that respondents' decision to deny the request for reclassification of their position to MVR 5 was incorrect and must be rejected.

3. Appellants having failed to sustain their burden of proof, respondents' decision to deny the request for reclassification of their position to MVR 5 must be sustained and this appeal must be dismissed.

DISCUSSION

Change in Responsibilities

Respondent contends that the appellants' positions have not undergone significant change since the time of reallocation as part of the MVR classification survey in 1983. Respondents argues that the appellants are seeking to change the results of the 1983 survey through the reclassification process, even though reallocation rather than reclassification is the proper mechanism for correcting a previously erroneous classification decision. Because the Commission concludes that the appellants' positions are properly classified at the MVR 4 level, it is unnecessary to review the issue of whether there has been sufficient change in the appellants' positions to justify reclassification (rather than reallocation) from the MVR 4 level.

Factor Analysis

a. Scope

The appellants carry out all assignments related to the certification subprogram. Therefore, they meet the requirements of level S-2 which refers to "work... related to all segments of one DMV specialized program" despite the reference in S-1 to providing record and file information to law enforcement agencies, court officials or other individuals. The appellants are not restricted to a limited segment of the certification area. They also work without the benefit of training manuals or procedure manuals (other than as to the use of their word processing equipment).

b. Impact

The appellants' work product relates directly to one subprogram, certification, and less directly to the various subprograms, major and otherwise, of the records being certified. The appellants provide technical information relating to DMV files and records which only indirectly affects the safety of the state's population, placing appellants' positions at the I-1 level. The error correction function performed by the appellants is secondary to their certification responsibility. The appellants do not decide whether persons are eligible to drive or vehicles may be registered. The appellants certify and interpret the records maintained by the respondent of similar transactions.

c. Discretion

The appellants do not operate under long term work objectives. Their objectives exist on a weekly basis and are very

clearly defined. Appellants do not have the discretion at the D-3 level that is granted to a program specialist whose objective is simply to maintain the traffic accident system. Appellants' positions fit better with the D-2 rather than D-3 level, despite the fact that the appellants' work is not reviewed by a supervisor on a regular basis. Given the system of rotation of assignments between the four appellants, there is substantial internal review performed by the appellants of each others' work.

d. Purpose of contact

The appellants' certification responsibilities fall explicitly within level PC-1 except to the extent that appellants' certifications often relate to more than one DMV file. The appellants do not have leadwork responsibilities as is contemplated by the first aspect of the PC-2 level and are not asked to "resolve complex DMV registration... problems which require frequent application of... DMV law," etc.

e. Knowledge and skill

Appellants are not required to have more than a working knowledge of the general provision of primary DMV statutes. They do, however, require a working knowledge of these provisions so that they can understand the interactions of the various records and files. The appellants are not required to exercise more than a considerable knowledge relating to their certification subprogram.

f. Difficulty in performing

The DP-1 level refers to "obtaining a few closely related undisputable facts from a few sources." Testimony established

that the majority of the certification requests, approximately 70%, fall into the routine category. The DP factor refers to the difficulties in analysis of facts and issues rather than, typically, to the manner in which the facts are obtained. The appellants, for the most part, do not have to perform a significant degree of analysis of obtained facts or to choose one of several courses of action. The appellants' primary role is to obtain and certify, not to analyze. The appellants' interpretation of records is an effort to summarize the relevant aspects of the record so that the record can be readily understood by others. For these reasons, the appellants' positions are better assigned to the DP-1 level.

ORDER

The respondent's decision denying the reclassification of the appellants' positions is affirmed.

Dated: _____, 1988 STATE PERSONNEL COMMISSION

KMS:jmf
JMF10/2

DONALD R. MURPHY, Commissioner

LAURIE R. McCALLUM, Commissioner

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