

STATE OF WISCONSIN

PERSONNEL COMMISSION

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 BETTY FOSTER *
 *
 Appellant, *
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 v. *
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 Secretary, DEPARTMENT OF *
 TRANSPORTATION, and *
 Secretary, DEPARTMENT OF *
 EMPLOYMENT RELATIONS, *
 *
 Respondents. *
 *
 Case No. 89-0008-PC *
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DECISION
 AND
 ORDER

NATURE OF THE CASE

This is an appeal pursuant to §230.44(1)(b), Stats., of the denial of a reclassification request. The stipulated issue for hearing was:

"Whether respondent's decision denying appellant's request for the reclassification of her Clerical Assistant 1 (CA1) position was correct.

Subissue: Whether appellant's position is more appropriately classified at the CA1, CA2 or Program Assistant 1 (PA1) level."

FINDINGS OF FACT

1. Appellant has been employed since 1971 by respondent Department of Transportation (DOT) in the Materials Quality Assurance Unit, Materials Section, Bureau of Operations, Division of Highways and Transportation Facilities.

2. In 1979, appellant's position was reallocated as a result of the clerical survey to its current classification of CA1. This transaction, which was not appealed, involved no change in salary but a change in salary range from 02-03 to 02-04.

3. The duties and responsibilities of appellant's position involve about 75% filing of laboratory test data of various highway materials (concrete, asphalt, etc.), improvement project proposals, and quality assurance reports; about 15% entering test results in ledgers and other manipulation of test result data as will be described in more detail below; about 5% taking phone calls and other communications within and without the agency; and about 5% miscellaneous office activities in the absence of the PA2.

4. Appellant reports to Ralph Musin, Chief of the Materials Quality Assurance Unit, and receives close supervision.

5. Appellant's work with test result data involves posting certain kinds of test report results into ledgers maintained for each of the eight highway districts, entry of information from concrete reports into a computer terminal including the entry of two digit codes for certain information (i.e., laboratory, county, and type of cement), and annually compiling test result data on asphalt cement. The latter activity involves the sorting of asphalt cement reports into various categories, entering data from the test reports onto work sheets prepared by her supervisor, counting the results, and then multiplying and adding results using a calculator and formulas and work sheets devised by her supervisor. Appellant then gives the work sheets to her supervisor who calculates means, standard deviations, and percent of deviations. Appellant then enters these figures into the work sheets, adds them up using a calculator, and enters some of this information on another work sheet. All of the foregoing activities involved following preset procedures, and do not involve any independent or complex decision making.

6. Appellant's filing duties also involve following established procedures and are basically rote in nature. Any test report which involves a product not identified on the list of test report records folders (Respondent's Exhibit 11) are brought to Mr. Musin who directs how they are to be filed. If a test report contains any comment other than "satisfactory," appellant brings it to Mr. Musin who decides how it should be handled.

7. The only significant change in appellant's work since the reallocation of her position in 1979 was the addition of the computer terminal entry activity described above in Finding No. 5.

8. Other positions which were compared to appellant's position are:

a. Sandi L. Marr and Paul D. Miller, CA2's in the Division of Highways Central Files. These positions are responsible for filing and retrieving records for the entire division. They are responsible for approximately 6,000,000 documents and may handle 300 documents, some of them lengthy, per day. The volume handled by said position is greatly in excess of that handled by appellant. They have to exercise more judgment than appellant in determining where to file documents, and unlike appellant, they sometimes receive documents for which there are no files. They are also engaged in relatively extensive cross-indexing. They receive many requests for retrieval of documents and in some cases, the persons making the request can provide little information about what they want. They have to exercise discretion in dealing with requests from the public for documents under the open records law and with respect to some file material which is considered confidential.

b. Barbara A. Wetlaufer, CA2, Construction Section, Division of Highways and Transportation Services. This position is responsible for assembling highway construction project proposals for issuance to potential bidders, and the related tasks of making proposal corrections and setting up file folders for each project. This position is also responsible for various program-related reports and assignments. There are an average of 65 proposals a month and the average proposal is approximately 150 pages. The proposals must be assembled and copied in a timely and accurate manner to meet deadlines and must be proofed for typographical errors. This position is also responsible for handling revisions to proposals and distributing them to proposal holders. Filing constitutes about 15% of this position's activities.

c. Muriel L. Fralick, CA2, District Receptionist, Division of Highways and Transportation Services, (Receptionist is a specific CA2 allocation.)

d. Patricia Goodrich, Clerk III,¹ Materials Section, Highway Division. This position's responsibilities include 50% preparation of reports, 35% receptionist-type work, 10% filing, 4% typing, and 1% mail handling.

e. Mary J. Graham, CA1, Bureau of Real Estate, Division of Highways and Transportation Facilities. This position includes 50% maintaining right of way project files, 24% maintaining card files for status of right of way projects (this includes setting up cards,

¹This position was identified by a 1977 position description (appellant's Exhibit 11) which predated the clerical survey. It was reallocated in 1979 to CA2.

making entries of information, reviewing recorded conveyances for completeness and accuracy, entering date of parcel acquisition, and distributing materials to proper office personnel for completion), 8% performing miscellaneous office duties, 5% maintaining followup or pending file system, 5% performing mail services, 3% backup receptionist, 3% maintaining special category files, 1% maintaining project authorization files and 1% backup timekeeper.

9. Attached to this decision as an appendix are copies of pages 2-5 of the Clerical Assistant position standard and pages 3-5 of the Program Assistant position standard.

10. Respondent DOT denied appellant's request for reclassification of her position by memo dated January 10, 1989 (respondent's Exhibit 20).

11. Appellant's position is more appropriately classified as CA1 rather than CA2 or PA1.

CONCLUSIONS OF LAW

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

2. Appellant has the burden of proof to establish by a preponderance of the evidence that respondent erred in denying her request for reclassification of her position.

3. Appellant having failed to sustain her burden, it is concluded that respondent did not err in denying the request for reclassification, and her position is more properly classified as CA1 rather than CA2 or PA1.

DISCUSSION

The position description (PD) which appellant herself prepared (respondent's Exhibit 3) reflects 75% filing. Her supervisor, Mr. Musin, concurred in this estimate. At the hearing, appellant testified in

rebuttal that goal A on the PD (65%, "Development and Maintenance of Laboratory Test Report Files") involved not just filing but also recording data on ledgers and work sheets, transferring data, etc. She testified that only about one-half of goal A involved filing. In the commission's opinion, this testimony is impeached by the document itself. If 50% of goal A involved numerical entries and other related activities, it should have been reflected in the description of worker activities under that goal. However, the only such reference is under A3.:

"Bituminous Mix or Pavement and aggregates: record test results in proper district ledger, then file by county (72) Project I.D and Test number." (emphasis added)

On the other hand, the underscored activity is also reflected in another section of the PD, part D1.C. The other activities which appellant in rebuttal claimed were 50% of part A are also specifically set forth in other parts of the PD. It is inconsistent and duplicative to now claim that these activities make up 50% of part A. Furthermore, appellant's immediate supervisor confirmed the 75% filing figure.

Appellant's filing tasks do not constitute CA2 level work. This filing follows prescribed procedures and does not fit within the definition of "moderate difficulty" which characterizes CA2 level work:

"The employe is confronted with a variety of breadth of duties susceptible to different methods of solution which in turn places a correspondingly higher demand on resourcefulness...."

Rather, this work is of "Routine Difficulty":

"Refers to a situation in which the work is usually repetitive and the employe works from detailed instructions. The difficulty is limited to accuracy and speed."

Appellant's work that involves ledger entries, data collection and compilation is also relatively straightforward because she follows a specific procedure and uses a format prescribed by her supervisor. The

mathematical computations she performs are limited to addition and multiplication using a calculator. Her supervisor calculates means, standard deviations and percent of deviations. Appellant's work with this data is not of moderate difficulty because it does not involve "a variety of breadth of duties susceptible to different methods of solution which in turn places a correspondingly higher demand on resourcefulness [than work of routine difficulty]."

If one looks at the "examples of work performed," a reasonable argument can be made that appellant's work with data fits within these CA2 examples:

"Collects, arranges, compiles, tabulates, and summarizes numerical data.

Consolidates, separates, transfers, records, copies, plots, and diagrams numerical data according to instructions outlined by supervisors."

While complainant does not plot or diagram numerical data, it can be said in the broadest sense that she collects, arranges, compiles, tabulates and summarizes data. Her work fits better into this CA2 work example than the parallel CA1 work example, "Posts to records and accounts," which suggests a one-step, simpler process. However, even if appellant's work with data were considered at the CA2 level on the basis of its correspondence to the foregoing CA2 work example, the fact remains that 75% of the work of this position involves straightforward filing at the CA1 level.

The position comparisons relied on by the parties favor respondent. The two CA2 positions at the Division of Highways Central Files (Marr and Miller) are responsible for far more records than appellant and have to exercise far more discretion than appellant in determining where to file documents and responding to requests for documents, some of which are made

under the open records law. The Wetlaufer position (CA2, Construction Section, Division of Highways) is responsible for coordinating the assembly and dissemination of construction project proposals and revisions. This position's classification rating is enhanced by the high volume and large size of the proposals and the need for accuracy and timeliness in their handling. Appellant is not dealing with deadlines of a similar nature. Also, while she is expected to be accurate in her work, the consequence of error is somewhat limited because, as Mr. Musin testified, the activities for which she is responsible do not figure into the determination of whether the contractors were in compliance. The Fralick CA2 position is a receptionist and as such is specifically allocated to the CA2 level. It is very hard to use such a position as a basis of comparison to appellant's job. The Goodrich CA2 position is a 35% receptionist position with 50% for "preparation of reports." Due to the age of the PD (1977) and the paucity of information provided about the main function, it is difficult to use this position as a basis of comparison. Finally, the Graham CA1 position appeared to be relatively comparable to appellant's position. It involves somewhat similar filing and also the entry of information on card files with respect to the status of right of way projects. While appellant's data-related activities appears more complex, both jobs are predominately filing.

The PA1 class description includes the following language:


"... Positions at this level are distinguished from the Clerical Assistant 2 level by their identified accountability for the implementation and consequences of program activities over which they have decision-making control. Therefore, although the actual tasks performed at this level may in many respects be similar to those performed at the clerical Assistant 2 level, the greater variety, scope and complexity of the problem solving, the greater independence of action, and the greater degree of personal or procedural control over the program activities differentiates the Program Assistant functions...."

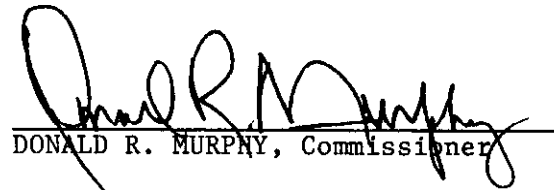
Appellant's work is accomplished by following specific procedures established by management. There is little independent judgment exercised, and there is no basis to consider this position at the PA1 level.

ORDER

Respondent's action denying the request for reclassification of appellant's position is affirmed and this appeal is dismissed.

Dated: October 25, 1989 STATE PERSONNEL COMMISSION


LAURIE R. McCALLUM, Chairperson


DONALD R. MURPHY, Commissioner


GERALD F. HODDINOTT, Commissioner

AJT:gdt
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- a. The diversity, complexity, and scope of the assigned program, project, staff responsibilities, or activities;
- b. The level of responsibility as it relates to: type and level of supervision received, status within the organization, and degree to which program responsibility and accountability are delegated and/or assigned;
- c. The degree to which program guidelines, procedures, regulations, precedents, and legal interpretations exist and the degree to which they must be applied and/or incorporated into the program and/or activities being carried out by the position.
- d. The potential impact of policy and/or program decisions on state and non-state agencies, organizations, and individuals;
- e. The nature and level of internal and external coordination and communication required to accomplish objectives;
- f. The difficulty, frequency, and sensitivity of decisions which are required to accomplish objectives and the level of independence for making such decisions.

E. Definition of Terms Used in This Standard

Terms that are used in conjunction with the above classification factors within these series are:

Entry Level	The beginning level in a classification series that is used as a training level, with reclassification to the developmental or full performance level to follow.
Full Performance Level	The full operating level of the work carrying out the majority of the tasks and functions in the field of activity with general supervision.
Advanced Work	A skill level required beyond the full performance level.
Lead Work	Responsibility to guide, train, assist and review the work of other employes
Routine Difficulty	Refers to a situation in which the work is usually repetitive and the employe works from detailed instructions. The difficulty is limited to accuracy and speed.
Moderate Difficulty	The employe is confronted with a variety of breadth of duties susceptible to different methods of solution which in turn places a correspondingly higher demand on resourcefulness. Supervisors of employes engaged in routine assignments, journey level personnel and paraprofessional employes usually perform work of moderate difficulty.

General Supervision

The employe usually receives general instructions with respect to the details of most assignments but is generally free to develop own work sequences within established procedures, methods and policies. The employe may be physically removed from the supervisor and subject to only systematic supervisory checks.

II. CLASS DESCRIPTIONS

The following class descriptions for the various class levels within the Clerical Assistant series are designed to provide basic guidelines for the allocation of both present and future positions, as well as to serve as a basis for comparisons with positions in other class series.

CLERICAL ASSISTANT 1

PR2-06

This is entry and full performance level clerical work of routine difficulty completing a variety of assigned clerical tasks. Positions allocated to this class perform clerical and/or office machine operation work where limited analysis and use of individual judgement is required. Objective level duties in this series involves the application of knowledge relative to broad policies and procedures governing tasks such as posting, sorting, coding or filing information. Tasks may also involve application of knowledge of organizational structure, work assignments and flow of work among several interrelated operating units. This classification is also used to identify positions functioning in a full performance level capacity for operation of several common office machines such as those listed in the examples of Work Performed portion of this position standard. Work in these office settings is normally performed under general supervision.

CLERICAL ASSISTANT 2

PR2-07

This is lead and/or advanced clerical work of moderate difficulty in completing a variety of assigned clerical tasks consistent with established policies and procedures. Positions allocated to this level have some freedom of selection or choice among learned things, which generally follow a well-defined pattern. However, positions at this level are distinguished from the Program Assistant 1 level by the limited degree of personal or procedural control over the nature and scope of the tasks which they perform. The variety and complexity of decisions made at this level are limited. Positions may function as lead workers, directing lower-level positions as well as performing a variety of the more complex clerical operations. Receptionist positions which serve in an informative capacity as the primary or sole public contact for a state facility(s) are allocated to this level. A variety of secretarial functions may be incidentally performed for the professional staff for a small percentage of the time. Work is performed under general supervision.

CLERICAL ASSISTANT 1 - WORK EXAMPLES

Performs a variety of sorting, filing, and copying duties.

Collects, stuffs, and seals outgoing mail and opens and routes incoming mail.

Operates adding, calculating, addressing, or other office machines.

Operates automatic or manually operated addressograph with special attachments, sets up machines with attachments and selector bars.

Operates mimeograph and other direct process duplicators to produce a wide variety of materials.

Operates automatic photostat machines to reproduce copy in form of photostats, using various exposure ratios; maintains chemical supply; develops, rinses, and dries prints.

Cleans, adjusts, and makes minor equipment repairs necessary to successful machine operations.

Keeps records and makes reports.

Places and answers telephone calls.

Distributes and/or collects forms and applications.

Types simple forms, vouchers, index cards, permits, letters, notices, reports, and other forms from plain copy, rough draft, or from information at hand which is not characterized as production typing.

Cuts stencils.

Posts to records and accounts.

Operates direct process duplicators and comparable processing machines.

Processes a variety of applications for licenses, registrations, and renewals.

Checks licenses, permits, certificates of title or other typed records issued to the public for completeness and accuracy.

Sorts and alphabetizes materials using a sorting machine.

Embosses plates on a graphotype or prepares perforated tapes for an automatic graphotype to be used in an addressograph operation.

Collates, punches, staples, and binds copies, using bindery equipment.

Processes work orders.

Stocks and maintains particular trade area; services and assists shoppers.

Fills mail orders and generally assists with miscellaneous store duties.

Reviews various computer printouts and/or statistical tables.

CLERICAL ASSISTANT 2 - WORK EXAMPLES

Plans, assigns, and guides the activities of a unit engaged in a variety of clerical tasks.

Performs a variety of complex clerical tasks necessary for the smooth operation of the unit, such as: procurement of services, supplies, and equipment; setting up the task at hand in order to expedite completion by other clerical help; coordinating clerical work, such as recordkeeping, coding, filing, etc.

Performs basic intake interviews in medical or correctional facilities.

Functions as a receptionist greeting the public, screening, and directing visitors, answering telephones, and receiving and dispensing a variety of information.

Collects, arranges, compiles, tabulates, and summarizes numerical data.

Consolidates, separates, transfers, records, copies, plots, and diagrams numerical data according to instructions outlined by supervisors.

Makes computations and calculations, primarily through the use of machines, such as calculating percentages, ratios, or averages which involve basic mathematical techniques.

Reviews and marks printers' proofs for omissions, typographical errors, misspelled words, and use of incorrect type in heads, titles, footnotes, captions, or text.

Keeps records and makes reports.

Maintains inventories and orders supplies as needed.

Provides assistance in a copy center; acts as cashier; trains and guides student help; keeps records of meter readings; and prepares statistical reports.

Screens calls, refers visitors, maintains schedules and agendas, pulls records, answers questions, and performs other related duties.

Keeps simple appropriation and allotment accounts not requiring book-keeping training.

Prepares, subject to review, budget estimates or annual reports for a small organization unit.

Operates communication equipment to provide messages and emergency center services for multi-governmental jurisdictions.

III. QUALIFICATIONS

The qualifications required for all of these classification series and levels will be determined on a position-by-position basis at the time of recruitment. Such determinations will be made based on an analysis of the objectives and tasks performed and on an identification of the education, training, work, or other life experience which would provide reasonable assurance that the skills required to perform the tasks and the knowledge required upon appointment have been acquired.

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ments, journey-level personnel and paraprofessional employees usually perform work of moderate difficulty.

Considerable Difficulty Refers to duties which require independent judgment. Many factors must be considered and weighed before a decision can be reached. Usually positions requiring the planning, development or coordination of activities or programs or part thereof and the direction or coordination of employees fall into this category.

General Supervision The employee usually receives general instructions with respect to the details of most assignments but is generally free to develop own work sequences within established procedures, methods and policies. The employee may be physically removed from the supervisor and subject to only systematic supervisory checks.

Direction The employee usually receives only a general outline of the work to be performed and is free to develop own work sequences and methods within the scope of established policies. New, unusual or complex work situations are almost always referred to a superior for advice. Work is periodically checked for progress and conformance to established policies and requirements.

II. CLASS DESCRIPTIONS

The following class descriptions for the various class levels within the Program Assistant series are designed to provide basic guidelines for the allocation of both present and future positions, as well as to serve as a basis for comparisons with positions in other class series.

PROGRAM ASSISTANT 1

PR2-08

This is work of moderate difficulty providing program support assistance to supervisory, professional or administrative staff. Positions allocated to this level serve as the principal support staff within a specific defined program or a significant segment of a program. Positions at this level are distinguished from the Clerical Assistant 2 level by their identified accountability for the implementation and consequences of program activities over which they have decision-making control. Therefore, although the actual tasks performed at this level may in many respects be similar to those performed at the Clerical Assistant 2 level, the greater variety, scope and complexity of the problem-solving, the greater independence of action, and the greater degree of personal or procedural control over the program activities differentiates the Program Assistant functions. The degree of programmatic accountability and involvement is measured on the basis of the size and scope of the area impacted by the decision and the consequence of error in making such decisions, which increases with each successive level in the Program Assistant series. Work is performed under general supervision.

This is work of moderate difficulty providing program support assistance to supervisory, professional or administrative staff. Positions are allocated to this class on the basis of the degree of programmatic involvement, delegated authority to act on behalf of the program head, level and degree of independence exercised, and scope and impact of decisions involved. Positions allocated to this level are distinguished from the Program Assistant 1 level based on the following criteria: (1) the defined program area for which this level is accountable is greater in scope and complexity; (2) the impact of decisions made at this level is greater in terms of the scope of the policies and procedures that are affected; (3) the nature of the program area presents differing situations requiring a search for solutions from a variety of alternatives; and (4) the procedures and precedents which govern the program area are somewhat diversified rather than clearly established. Work is performed under general supervision.

PROGRAM ASSISTANT 3

PR2-10

This is paraprofessional work of moderate difficulty providing a wide variety of program support assistance to supervisory, professional or administrative staff. Positions are delegated authority to exercise judgment and decision making along program lines that are governed by a variety of complex rules and regulations. Independence of action and impact across program lines is significant at this level. Positions at this level devote more time to administration and coordination of program activities than to the actual performance of clerical tasks. Work is performed under general supervision.

PROGRAM ASSISTANT 4

PR2-11

This is paraprofessional staff support work of considerable difficulty as an assistant to the head of a major program function or organization activity. Positions allocated to this class are coordinative and administrative in nature. Positions typically exercise a significant degree of independence and latitude for decision making and may also function as leadworkers. Positions at this level are differentiated from lower-level Program Assistants on the basis of the size and scope of the program involved, the independence of action, degree of involvement and impact of decisions and judgment required by the position. Work is performed under direction.

PROGRAM ASSISTANT 1 - WORK EXAMPLES

Plans, assigns and guides the activities of a unit engaged in specialized clerical duties.

Serves as acknowledged expert who resolves the most difficult problems of a complex clerical nature.

Performs most intricate clerical operations, processing documents and performing other clerical operations where comprehensive knowledge of legislation, or organization is required.

Sets-up, maintains detailed budget ledgers posting debits and credits, issuing credits and refunds, and generally insures all records are accurate and up-to-date.

Purchases and requisitions supplies, including capital purchases and services, and follows up to insure merchandise or services are received and priced accurately.

Gathers and organizes information into summary reports, as assigned.

Maintains department or program schedule.

Develops and revises operating procedures affecting the immediate work unit.

Composes and types correspondence, requiring knowledge of departmental operations and regulations, which may not be reviewed by a superior.

Counsels and assists the public when applying for services provided by the program assigned, and may interview applicants to determine eligibility for program benefits and/or services.

PROGRAM ASSISTANT 2 - WORK EXAMPLES

Provides administrative assistance to supervisory, professional and administrative staff, head of a department or program.

Schedules department facilities usage.

Maintains inventory and related records and/or reports and orders supplies.

Conducts special projects: analyzes, assembles, or obtains information.

Maintains liaison between various groups, both public and private.

Directs public information activities and coordinates public or community relations activities.

Prepares budget estimates, plans office operations, controls book-keeping functions and handles personnel transactions.

Plans, assigns and guides the activities of subordinate employees engaged in clerical program support work.

Corresponds with various outside vendors or agencies to procure goods or information for program operation.

Develops and recommends policies, procedures, guidelines and institutions to improve administrative or operating effectiveness.

Screens and/or reviews publications; drafts or rewrites communications; makes arrangements for meetings and maintains agendas and reports; arranges schedules to meet deadlines.

Maintains extensive contact with other operating units within the department, between departments or with the general public in a coordinative or informative capacity on a variety of matters.

Prepares informational materials and publications for unit involved, and arranges for distribution of completed items.

Attends meetings, work shops, seminars.

PROGRAM ASSISTANT 3 - WORK EXAMPLES

Prepares reports, research project data, budget information, mailing lists, record keeping systems policies and procedures, training programs, schedules and generally oversees operations.

Plans, assigns and guides the activities of a unit engaged in the clerical support of the program assigned.

Develops and/or revises selected policies and procedures affecting the administration of the program.

Answers questions regarding the program or division via telephone, correspondence or face-to-face contact.

May serve as an Assistant in charge of secretarial and administrative tasks in an operation handling cash procedures, equipment orders, inventory, program preparation, pricing, etc.

Composes correspondence, maintains files of program related data, sets up schedules and performs any related administrative support function necessary to the operation of the program.

May be in charge of public relations, preparing and sending out pamphlets, brochures, letters and various program publications.