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EUGENE E. HANEY,

Appellant,

v.

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

Respondents.

Case No. 89-0091-PC

\* \* \* \* \*

DECISION  
AND  
ORDER

This matter is before the Commission on an appeal by appellant of respondent's decision to deny a reclassification request. The following findings of fact, conclusion of law, opinion and order are based on a hearing on this appeal.

FINDINGS OF FACT

1. At all times relevant, appellant was employed as an Auditor 2 in respondent's (Department of Transportation) Bureau of Accounting and Auditing.

2. On February 3, 1989, respondent's Bureau of Personnel Management received a request from the Bureau of Accounting and Auditing (BAA) for reclassification of appellant's position from Auditor 2 to Auditor 3.

3. This request, called the Reclassification Request/Report, contained the following:

15. Justification

Eugene has been assigned and has performed audits by himself. He has progressed through on-the-job training and has increased his knowledge beyond the proficiency required as an Auditor 2. He has been asked to assume more responsibility and direct the work of others in selected audits.

Audit Program Experience

Consultant Audits  
Transit Operating Assistance  
Pre Award Reviews  
Contractor Prequalifications  
Aeronautic Audits  
Transit Capital Grants

16. Previous Work History

Eugene is a graduate of Milton College with a degree in accounting. Since he has been employed with the Department of Transportation, he has been trained in various unit audit activities and has now obtained the necessary skills and has met our audit standards to become an Auditor 3.

4. Attached to the Reclassification Request/Report was a proposed position description (PD) for appellant if reclassified to the Auditor 3 level.

The position summary and general job activity headings were:

14. Position Summary

To serve as a senior auditor in the Audit Section....

15. Goals and Worker Activities

Time %	<u>Goals And Worker Activities</u>
75%	A. Program operational and financial audits of public and private enterprise under contract with the department.
10%	B. Assist higher level auditors in highly complex financial and operational audits.
15%	C. Consult with governmental agencies, professional organizations, and private CPA firms concerning Federal and State Policies and regulations.

5. Shortly afterwards, BAA became aware of concerns about appellant's job performance and attempted to withdraw the reclassification request. The attempt to withdraw the request failed and BAA requested an

audit of the position. On July 6, 1989 respondent's Personnel Services Section informed appellant by letter that the reclassification request was denied.

6. The state position classification specifications for the auditor series defines the Auditor 2 and Auditor 3 classification as follows:

Auditor 2: This is responsible professional auditing work examining the financial records and procedures of governmental units, individuals, business firms, utilities or other comparable entities subject to state taxation or regulation. Employees in this class assist higher level auditors in large complex audits and/or independently conduct complex small or routine large audits of various entities. While the work is performed within a framework of established procedures and regulations and is subject to review by higher level auditors, the use of independent judgment is required.

Auditor 3: Employees in this class are differentiated from those classified as Auditor 2 in that the program objective requires an audit of greater scope and normally involves larger and more complex entities and accounting systems, thus requiring greater independent decision-making responsibilities through the interpretation of a wider variety of complex policies, rules, and procedures governing the audit program. Responsibility for training and guiding junior auditors during the conduct of the audit may also exist. Supervision is generally received in forms of conferences, discussions of problem areas, and review of working papers or audit reports.

7. The Auditor series is a progression series for auditor classifications levels 1 to 4.

8. The Auditor 2 classification level may be a developmental or objective level depending upon the complexity of the unit work. The Auditor 3 classification is the objective level, i.e. the level an employe can expect to achieve based upon the work performed in that unit.

9. Appellant's current position description dated January 21, 1988 in particular part is as follows:

14. Position Summary

To serve as junior auditor in the Audit Section. The Audit Section has been established to verify the accuracy and to determine the integrity and propriety of cost or other data in which the Department of Transportation has an interest.

15. Goals And Worker Activities

Time%	<u>Goals and Worker Activities</u>
45%	A. Assist higher level auditors in highly complex financial and operational audits.
40%	B. Independently conduct routine audits and segments of more complex audits.
15%	C. Acquire basic job knowledge and skills.

10. Appellant began employment with respondent in February 1987, as an Auditor 1 in its Audit Section of the Bureau of Accounting and Auditing. The Section Chief was Dennis Schultz. Appellant's immediate supervisor was Frank Hilsher, who supervised one of the two subsections.

11. Typically, a BAA entry level -- Auditor 1 -- employe is expected to be reclassified progressively each year up to the objective (Auditor 3) level. At the time of appellant's request for job reclassification, he had just completed one year as an Auditor 2.

12. Respondent's employes at the Auditor 2 level spend about fifty percent of their time in the field alone with very little supervision, except when they call in for job assistance. Most Auditor 2 assignments are routine.

13. The Audit Section handled reclassifications casually: traditionally, auditors were promoted each year on their anniversary date, progressively to the objective level, unless work performance deficiencies had been reported.

14. Between February 16, 1987 and April 4, 1989, appellant worked the majority of his time on Pre-Audit Programs. These programs are done in the office and can be completed in 2 to 4 hours. Appellant spent the next largest amount of his work time on Consultant Programs. Consultant projects were done outside the office at the various firms. Most of the preliminary work for consultant projects was completed during the more complex annual

overhead audits. Neither the Pre-Audit Program nor the Consultant Program was complex.

15. Appellant spent about five to ten percent of his time on the overhead audits, which were more complex than pre-audit audits or consultant Audits.

16. A week after appellant's reclassification was submitted for consideration, the Audit Section Chief became aware that appellant was not completing work within specified time limits and was not accepting the advice of senior auditors and supervisors.

17. Also, the section chief was informed that appellant failed to provide his senior auditors with his work product for review and implementation during the course of an audit.

18. Subsequently, appellant was placed on the County Highway Program, which was less complex, provided more guidance and allowed for more training.

19. Appellant's work performance was evaluated for each fiscal year. These yearly work performance evaluations usually took place in June or July.

20. Appellant's work performance for fiscal year 1989 (July 1, 1988 to June 30, 1989) was rated unsatisfactory by his supervisors. This evaluation covered only the period prior to February 1989, when appellant was placed in the Highway Program.

21. In April 1989, some three months prior to receiving his 1989 work performance rating, appellant was informed in a Letter of Reprimand, along with other matters, that his quantity of work and behavior, while working on field assignments, were unacceptable. Appellant took exception to the written reprimand and grieved the matter.

22. The majority of appellants' work assignments, for the six month period prior to his assignment in February 1989 to the Highway Unit, consisted of non-complex Pre-award audits, Transit audits, and Consultant Audits. Two Consultant Audits were removed from appellant's desk and assigned to another auditor because appellant had allowed several months to lapse without completing the work. Also during this period, a more complex overhead Audit at Globetrotter, Inc. became a problem and it was reassigned to another auditor.

23. After appellant was placed in the Highway unit, the other subsection of the Audit Section, he was supervised by Donald R. Dorn. Dorn's position was similar to that of appellant's former supervisor Frank Hilsher.

24. Appellant started in the Highway unit as an assistant auditor. He assisted in seven or eight county highway audits until June 1989, when he was assigned work as a lead auditor.

25. The County Highway Program work was more routine and involved less risk to respondent than appellant's previous assignments.

26. Appellant's time spent as an assistant auditor in the County Highway Program was longer than average. Later as lead auditor, appellant's work was evaluated as being poor.

27. Appellant's work in the County Highway Program was not at the Auditor 3 level.

28. Appellant is more appropriately classified as an Auditor 2.

#### CONCLUSIONS OF LAW

1. The Commission has jurisdiction of this matter pursuant to §230.44(1)(b), Stats.

2. The appellant has the burden of proving respondents' decision to deny reclassification of his (appellant's) position was incorrect.

3. The appellant has failed to meet the burden of proof.

4. The respondents' decision to deny reclassification of appellant's position was correct.

#### OPINION

The issue in this appeal is: Whether the respondent's decision denying the reclassification of appellant's position from Auditor 2 to Auditor 3 was correct. The two classifications to be considered by the Commission are in a progression series. Reclassification of a position in a progression series is based upon "the attainment of specified education or experience by the incumbent." § ER-Pers 3.01(3), Wis. Adm. Code. In addition, the incumbent is required to have performed at the objective level for a period of six months prior to reclassification. § ER-Pers 3.015(2) and (3), Wis. Adm. Code.

In the present instance, the specific question before the Commission is whether appellant performed at the Auditor 3 level for the six month period preceding the request for reclassification. The state classification specifications differentiate the Auditor 3 from Auditor 2 in the following manner:

"Employees in this class (Auditor 3) are differentiated from those classified as Auditor 2 in that the program objective requires an audit of greater scope and normally involves larger and more complex entities and accounting systems, thus requiring greater independent decision making responsibilities....Responsibility for training and guiding junior auditors...may also exist."

Appellant asserts that respondent's Bureau of Personnel failed to obtain and properly analyze information pertinent to reclassification of his position. Also, appellant argues that his supervisors treated him unfairly in their assessment of his work performance for the period considered by BPM in its reclassification decision.

Appellant testified, in support of his first assertion, that BPM used inaccurate and incomplete information in its decision to deny his reclassification. In reference to this testimony, appellant argues that BPM failed to compare his work assignments and actual work with that of the other auditors in his section. Neither the conclusory testimony nor the argument of appellant is supported by the evidence. Mr. Billie L. Johnson, the Personnel Specialist assigned to audit appellant's position, testified that his audit of appellant's position included conducting interviews, individually with appellant and his supervisors, reviewing the July 1, 1988-June 30, 1989 work assignments of all auditors in the section and specifically comparing appellant's work assignments, during the 6-month period prior to the reclassification request, with the only other Auditor 2 position in the section. The evidence showed that appellant's contractor prequalification audits were conducted prior to the 6-month period covered in the audit of appellant's position. These audits were rated by appellant's supervisors as being among the least complex audits and usually were assigned to beginning auditors.

Further appellant testified he had conducted complex audits, which met the standards of an Auditor 3 classification. However, he failed to present evidence showing that his perception of the complexity of these audits was correct and that these audits constituted the majority of his work. In rebuttal, respondent's witnesses testified the majority of appellant's audits were pre-audits, which were not complex and routinely performed at the Auditor 2 level. These witnesses -- appellant's supervisors -- also testified that appellant failed to complete more difficult consultant audits and they were reassigned to other auditors.

Appellant's charges of unfair treatment and discrimination -- he did not indicate the basis of the discrimination -- were not supported by the evidence.



About these charges, appellant testified that his supervisors failed to maintain a continual process of evaluating and developing his job performance, in violation of § ER-Pers 45.01 and 45.02, Wis. Adm. Code. To the contrary, the evidence shows that appellant was given an employe work performance evaluation every 12 months, usually in June or July near the end of the fiscal year. Also, appellant's supervisors testified that, in general, all audits were submitted for supervisory review, but performance deficiencies might escape detection because most audits were conducted annually and in some instances, a previous year's work could be substituted as a current work product. In addition, many audits were conducted alone. Consequently, they were not subject to review by a lead worker. Any work deficiencies in these audits might escape detection unless an auditee complained. In the present case, the evidence shows that complaints from auditees and lead auditors caused appellant's supervisors to increase their scrutiny of appellant's work and, later, place appellant in the Highway Unit, a more structured and routine audit program. While the quality of respondents' employe performance evaluation process might warrant criticism, it did exist.

Other than appellant's affirmative statements that he was treated unfairly and discriminated against, he presented no evidence which would cause the Commission to believe such events occurred. Appellant presented no evidence, common to cases of unfair or discriminatory treatment, which would allow the Commission to consider this question. For instance, no evidence regarding treatment of other auditors in similar circumstances was presented.

It is the belief of the Commission appellant failed to establish, by the greater weight of evidence, that he should be reclassified an Auditor 3. The classification specification for an Auditor 3 is distinguished from an Auditor 2

on the basis of audit program objective was of "greater scope" and "larger more complex entities and accounting systems." Appellant's conclusory statements formed the only evidence appellant presented, which supported his claim that his work satisfied the requirements set forth in the Auditor 3 Classification Specifications. From the opposite side, respondent presented overwhelming evidence that it was correct in its decision not to reclassify appellant to an Auditor 3. Consequently, the Commission must find in favor of respondent.

ORDER

Respondent's decision not to reclassify appellant's position to Auditor 3 is affirmed and appellant's appeal is dismissed.

Dated: June 15, 1990

STATE PERSONNEL COMMISSION

  
LAURIE R. McCALLUM, Chairperson

  
DONALD R. MURPHY, Commissioner

  
GERALD F. HODDINOTT, Commissioner

DRM:baj

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