

STATE OF WISCONSIN

PERSONNEL COMMISSION

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EARL CHRISTENSEN,  
Appellant,

v.

Secretary, DEPARTMENT OF  
NATURAL RESOURCES, and  
Secretary, DEPARTMENT OF  
EMPLOYMENT RELATIONS,

Respondents.

Case No. 89-0097-PC

\* \* \* \* \*

EARL CHRISTENSEN,  
Appellant,

v.

Secretary, DEPARTMENT OF  
EMPLOYMENT RELATIONS,

Respondents.

Case No. 90-0125-PC

\* \* \* \* \*

DECISION  
AND  
ORDER

These matters are before the Commission as appeals from reclassification decisions. The parties agreed to the following issue for hearing:

Were respondents' decisions reclassifying appellant from Administrative Assistant 3/Confidential to Purchasing Agent 1/Supervisor instead of Administrative Assistant 4 Confidential/Supervisor correct.

Appellant's reclassification request was denied by the Department of Natural Resources in July of 1989. The denial notice stated that the decision could be appealed to the Personnel Commission. After the appellant filed his appeal (Case No. 89-0097-PC) the Department of Employment Relations reviewed DNR's

decision and again denied the appellant's request. DER's denial generated the appellant's second appeal, Case No. 90-0125-PC.

### FINDINGS OF FACT

1. The class specification for Purchasing Agent 1 includes the following definition:

This is responsible, professional level purchasing work. Employees in this class function as: (1) purchasing agents who are developing the skills, knowledges and abilities to advance to the next classification level in the Division of Purchases or the central office of a large departmental purchasing unit; (2) purchasing agents in units mentioned in (1) who are responsible for the less complex purchasing activities of the unit as a permanent assignment; (3) purchasing agents in sub-units of departments with a central purchasing unit where the sub-unit has been delegated responsibility for all local purchasing and the items purchased by and for the sub-unit are many and varied; (4) chief purchasing liaison individuals in large Group II agencies; (5) purchasing positions with equivalent responsibility to those listed above.

The work performed is subject to state purchasing laws and regulations and departmental policy. The work is subject to the review of the Division of Purchases, departmental purchasing agents and business managers.

There is no separate document setting forth the standards for the Purchasing Agent 1-Supervisor classification. DER has assigned a separate class code to the Purchasing Agent 1-Supervisor classification which it applies as simply the PA 1 classification with the addition of supervisory responsibilities.

2. The Administrative Assistant 3 class specification includes the following definition:

Under general direction to do administrative work of more than ordinary difficulty and responsibility requiring the exercise of a considerable amount of individual initiative and independent judgment in directing the business management of a division engaged in a comprehensive non-professional program or activity; and to perform related work as required.

3. The Administrative Assistant 4-Confidential/Supervisor class specification includes the following definition:

This is line supervisory work in a state agency or segment of a large state agency. Employees in this class have supervisory responsibilities over a large, moderately complex records processing and maintenance unit involving a variety of functions and having large clerical staffs with a number of subordinate levels of supervision, and/or supervise and perform staff services in records, accounting, personnel, budgeting or purchasing. Employees are responsible for interpretations of laws, rules and departmental policies in carrying out their assigned functions. Work is performed with a minimum of supervision which is received through staff conferences or general written or oral instructions. Employees are expected to carry out assigned functions with a considerable amount of initiative and independence with the results of their work reviewed through oral or written reports and personal conferences.

All positions allocated to this class must meet the definitions of "Confidential" and "Supervisor" as contained in s. 111.81 Stats.

The AA 3, 4 and 5 classifications are utilized when there is no more specific classification which identifies an employee's duties such as when an employee spreads his or her time between 5 or 6 different areas of responsibilities described in the AA 3, 4 and 5 specifications and none of the areas represent more than 50% of the employee's time.

4. Appellant's duties are accurately described in a position description signed by his supervisor on March 6, 1989. The position description includes the following list of major goals and worker activities:

- 55% A. Responsibility and delegated authority to perform procurement activities as purchasing agent for Southern District, Bureau of Research (statewide) and other sections stationed in Southern District or procurements through Southern District.
- 30% B. Supervision and compliance of Southern District finance section according to preaudit delegation (1982 and 1988) and purchasing delegation in receiving and processing all fiscal documents.
- 5% C. Assist District Fleet Manager and responsible for coordination of District fleet in accordance with Department fleet operations and Department of Administration fleet operation policy procedures.
- 5% D. Supervise and held responsible for building maintenance, preventative maintenance, and repair work for Southern District Headquarters, Forestry building, and Madison Area Headquarters building.

3% E. Perform and assist in other related duties as requested by District Director, Assistant District Directors, Administrative Officer, Staff Specialist, Service Staff, Etc.

2% F. General supervision of Communication Technician.

5. DNR has delegated responsibility to the Southern District for local purchasing by the district.

6. For at least the 10 years prior to 1989, the appellant's position was classified at the Administrative Assistant 3-Confidential level. In 1989, the appellant requested reclassification of his position to the AA 4 level. Instead of reclassifying the appellant's position to AA 4, the respondents reclassified his position to the PA 1-Supervisory level.

7. The responsibilities assigned to the appellant's position are comparable for classification purposes to the responsibilities assigned to the Purchasing Agent 1 position, formerly held by Mike Farley, in DNR's Southeast District. The majority of Mr. Farley's work was in the area of procurement. Approximately 40% of his time was also spent performing duties associated with serving as fleet manager for the vehicles assigned to the Southeast District. Mr. Farley had no supervisory responsibilities.

8. Mr. Farley's immediate supervisor was Cynthia Slavik, whose working title was Finance Supervisor for the Southeast District. Ms. Slavik oversaw Mr. Farley's procurement responsibilities and also performed the district's finance responsibilities similar to those identified as Goal B in the appellant's position description. Ms. Slavik's position was classified as an Accountant 2.

9. The Purchasing Agent 1, Accountant 2-Supervisor and Administrative Assistant 3-Conf./Sup. classifications are all assigned to pay range 12. The Administrative Assistant 4-Conf./Sup. classification is assigned to pay range 13.

#### CONCLUSIONS OF LAW

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

2. Appellant has the burden of proving that respondents erred in reclassifying the appellant's position from Administrative Assistant 3-Confiden-

tial to Purchasing Agent 1/Supervisor rather than to Administrative Assistant 4-Confidential/Supervisor.

3. Appellant having failed to sustain his burden, it must be concluded that the decision to reclassify of his position from to PA 1-Sup. rather than AA 4-Conf./Sup. was correct.

#### OPINION

The burden in this matter is on the appellant to show that his position is more appropriately classified as an Administrative Assistant 4 Confidential/Supervisor than as a Purchasing Agent 1/Supervisor. The class specifications for the AA4 classification are general in nature which provides support for the testimony of DNR's personnel specialist who stated the AA 4 classification is typically used where no other specification describes the majority of job duties assigned to the position.

The appellant's position description clearly shows that the majority of his duties, i.e. 55%, are spent performing purchasing activities. The appellant's Southern District purchasing responsibilities fit within the PA 1 allocation for "purchasing agents in sub-units of departments with a central purchasing unit where the sub-unit has been delegated responsibility for all local purchasing and the items purchased by and for the sub-unit are many and varied." The appellant offered testimony that the level of purchasing activity, both in terms of number of purchases and dollar amounts, is higher for the Southern District than for the other districts in the state. These facts do not affect the classification decision which is based on whether the appellant has been delegated responsibility for all local purchasing and whether the items which are purchased are "many and varied."

The appellant's procurement activities for the Southern District include purchases for Bureau of Research sections which are headquartered in the Southern District. The only testimony on this point was by Doug Knauer, a section chief in the Bureau of Research. Mr. Knauer is stationed at the Southern District Headquarters and his section includes 14 of the 66 employes of the Bureau. Not all of the 14 employes perform their research at facilities within the Southern District, although the purchasing responsibilities for the 14 employes are performed by the appellant. The inclusion of purchasing responsi-

bility for personnel of the Bureau of Research who report to a Bureau of Research section chief stationed in the Southern District but who work at research facilities outside of the district is the most difficult classification aspect of this case. The question, although not specifically addressed by either party during the hearing in this matter, is whether the scope of this responsibility extends beyond the reference in the PA 1 classification definition to a sub-unit which has been delegated responsibility for all local purchasing. After analyzing the limited record, the Commission concludes that the non-local purchasing responsibilities represent a nominal portion of the appellant's overall purchasing duties and therefore, are not inconsistent with the PA 1 specifications.

The evidence indicates that the appellant's finance responsibilities, if viewed alone, would be classified at the Accountant 2-Supervisor level, which is in the same pay range as the PA 1 classification and is one pay range below the AA 4 class. This conclusion is supported by the allocation of the Cynthia Slavik position, described in finding 8, to the Accountant 2 classification.

The majority of the appellant's remaining duties fit within the general language of the AA 3-Conf./Sup. class specification ("administrative work of more than ordinary difficulty and responsibility requiring the exercise of ... considerable ... initiative and independent judgment in directing the business management of a division engaged in a comprehensive non-professional program or activity") and there was no evidence comparing the appellant to specific positions allocated to the AA 4-Conf./Sup. classification. The AA 3-Conf./Sup. class and the PA 1-Sup. class are assigned to the same pay range.

The Commission has held that in order to be reclassified, more than 50% of the duties assigned to the position must be at the higher level. Tiser v. DNR & DER, 83-0217-PC, 10/10/84. Here, the fact that the appellant spends 55% of his time performing purchasing responsibilities means the majority of his responsibilities are properly classified at the PA 1-Sup. level. Of the remaining 45% of the appellant's time, the majority is correctly classified in classifications assigned to the same pay range as the PA 1-Sup. classification.

The appellant offered documents reflecting the reclassifications of seven positions over which he has supervisory responsibility. The reclassifications and resultant pay increases occurred during the period from 1986

through 1990<sup>1</sup>. The fact that the appellant's subordinates were granted pay increases as a consequence of the reclassification of their positions does not serve to justify the reclassification of the appellant's position. Reclassification decisions must be based on the class specifications and comparison to comparable positions, rather than with a purpose of remedying past compensation inequities.

ORDER

The respondents' decision denying the appellant's request to reclassify his position is affirmed and this appeal is dismissed.

Dated: November 16, 1990 STATE PERSONNEL COMMISSION

  
LAURIE R. McCALLUM, Chairperson

KMS/gdt/3

  
GERALD F. HODDINOTT, Commissioner

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<sup>1</sup>Two of the reclassification notices post-dated the decision of DER which is the subject of Case No. 90-0125-PC.