
 *
 JUDITH SOPHER, *
 *
 Appellant, *
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 v. *
 *
 President, UNIVERSITY OF *
 WISCONSIN SYSTEM (Madison), *
 and Secretary, DEPARTMENT *
 OF EMPLOYMENT RELATIONS, *
 *
 Respondents. *
 *
 Case No. 89-0112-PC *
 *

DECISION
 AND
 ORDER

NATURE OF THE CASE

This is an appeal of respondents' denial of appellant's request for the reclassification of her position. A hearing was held on March 15, 1990, before Laurie R. McCallum, Chairperson.

FINDINGS OF FACT

1. At all times relevant to this appeal, appellant has been employed by the University of Wisconsin Hospital and Clinics (UWHC), Department of Nursing Services, in a position classified in the Program Assistant series.

2. At the time appellant's position was reclassified from the Program Assistant (PA) 1 level to the PA 2 level some time in 1984, appellant's position was responsible for providing secretarial services to two Assistant Directors in Nursing Administration; for coordinating office operations, including directing daily work flow, making travel arrangements, setting up and maintaining the filing system, preparing purchasing requests, screening and routing telephone contacts, maintaining records in a memory typewriter and

retrieving these materials as necessary; and for preparing and disseminating information relating to administrative matters.

3. In August of 1987, as a result of a reorganization of the Department of Nursing Services, appellant's position was assigned the responsibility of coordinating the department's travel program. The position description signed by appellant on April 11, 1988, accurately describes the duties and responsibilities of appellant's position since August of 1987. These duties and responsibilities may be summarized as follows:

60% I. Travel. This includes making travel arrangements for all Nursing Administration staff; assuring such arrangements are the most cost efficient available; developing and maintaining travel account ledgers and files; compiling and disseminating monthly accounting reports detailing fund balances in unit and program area travel budgets (\$80,000 total for 50 clinic accounts and 31 inpatient accounts); monitoring travel budgets and highlighting areas of concern for unit or program area supervisors; obtaining and providing information to department staff regarding travel regulations and policies; developing and maintaining a filing and tracking system for travel advances; processing travel request, conference registration, and travel reimbursement forms and receipts; serving as department liaison with campus pre-audit and fiscal units and the UWHC Superintendent's office regarding travel-related matters; and maintaining an inventory of all travel forms and supplies and designing internal travel forms.

15% II. Fiscal support. This includes preparing purchase and capital equipment requests; maintaining capital equipment files and processing quarterly requests for capital equipment; recommending cost containment strategies and compiling and disseminating cost containment reports; creating and maintaining a system for recording and tracking office expenditures and orders; and placing orders for supplies, books, and subscriptions.

15% III. Staffing nursing committees. This includes recording and distributing minutes of committee meetings; coordinating meeting arrangements; processing and distributing meeting agendas; maintaining committee records; coordinating administration of elections of committee members and officers; coordinating arrangements for orientation of new committee members; and coordinating mailings to department staff.

10% IV. Administrative support. This includes setting office workload priorities; carrying out special projects as directed by

supervisor; screening and routing telephone calls; producing hard copy using word processing equipment; creating and maintaining office filing system; photocopying and distributing materials; and providing back-up for other Program Assistants in department.

4. Appellant's position's first-line supervisor is Rebecca Murphy, Administrative Officer. Ms. Murphy reports to the Associate Superintendent/Director of Nursing of the UWHC who in turn reports to the Superintendent of the UWHC.

5. PA positions offered for comparison purposes in the record include:

a. Nancy U'ren--PA 3--UWHC Nursing Services (1983 position description--prior to 1987 reorganization): this position is responsible for: 30%--transcribing dictation and editing letters, minutes, and reports for Director; routing incoming telephone calls; recording minutes of staff meetings; sorting, prioritizing, routing, and occasionally composing responses to incoming correspondence; replying to requests for information from inside and outside the UWHC; preparing and monitoring the supply budget. 25%--composing and preparing recruitment announcements for vacant academic staff positions; maintaining personnel files for academic staff; staffing the Nursing Clinician Application Review Committee; coordinating staff continuing education tuition reimbursement system which includes maintaining and monitoring the budget, maintaining records, and serving as resource person for staff; 15%--establishing and maintaining filing system; 15%--coordinating completion of surveys; gathering the data for and preparing certain reports; maintaining a record of staff travel expenditures and monitoring travel budgets. 15%--establishing and maintaining Director's schedule; making meeting arrangements for meetings initiated by Director.

b. Mary Temple--PA 4--UWHC: this position serves as an administrative assistant and project coordinator for the Superintendent of UWHC and has responsibility for: 10%--maintaining records for all gifts and grants received by UWHC; monitoring use of grant funds through direct involvement with UW Research Administration; gathering and developing fiscal statements for state and nationwide agencies and associations. 45%--organizing and enforcing UWHC travel program; reviewing travel requests for compliance with travel regulations and policies; computing and evaluating effect of cost savings initiatives; reviewing all travel reimbursement requests; supervising training of staff in relation to travel requirements; serving as resource person for UWHC staff, campus pre-audit unit, and travel agency personnel for all travel-related inquiries. 25%--coordinating the Outreach Continuing Medical Education

Program which involves 17 participating hospitals; making arrangements for attendance of speakers; disseminating information regarding programs and program changes; maintaining statistical data for program; reviewing and updating program calendar. 2%--researching and writing weekly newsletter; overseeing distribution of newsletter. 5%--gathering data for and completing numerous statistical surveys. 3%--coordinating the collection of certain hospital-wide data. 5%--staffing the UWHC Council of Trustees. 3%--making recommendations to superintendent regarding all major capital equipment requests. 2%--completing a variety of special projects as assigned by superintendent.

c. Cheryl Sandeen--PA 1--UW-Madison Graduate School/Space Science and Engineering Center: this position is responsible for: 90%--coordinating travel program for staff which includes making travel arrangements in most cost effective manner, preparing travel reimbursement requests, maintaining travel logs, gathering and distributing information on travel requirements. 10%--providing clerical assistance for Center billback function.

d. Mary Devitt--PA 3--UW-Madison, College of Letters and Sciences, Department of German: this position is responsible for: 50%--maintaining department operating budget (\$1,000,000); maintaining department payroll records; assisting department chairman in compiling and preparing monthly Budget Planning Report for the Dean of the College of Letters and Sciences; managing department supplies and services and capital equipment budgets; establishing and maintaining records of gifts and grants funds. 25%--typing correspondence and reports for department chairman in both German and English; maintaining chairman's schedule; assisting in the preparation of publicity materials; making meeting arrangements; answering and/or routing inquiries. 10%--serve as lead worker for 1.75 FTE classified positions, limited-term employees, and student workers; 5%--functioning as resource person for internal and external requests for information relating to German texts, for German-speaking visitors, etc. 10%--maintaining faculty and classified personnel records; gathering and compiling data for special reports; ordering office supplies; preparing office supply budget; arranging for maintenance and repair of all office equipment.

e. Sharon Dickson--PA 3--UW-Madison, College of Letters and Sciences, Department of South Asian Studies: this position is responsible for: 25%--researching and drafting budgets; coordinating budget expenditures; designing and implementing internal accounting procedures for all budgets. 25%--coordinating activities of Center for South Asian Studies, a federally funded program which assists in funding academic programs and outreach functions such as conferences, special lectures, and a newsletter--coordination involves serving as a liaison with federal officials; making program emphasis recommendations based on knowledge of federal regulations and

guidelines; assisting in writing reports and proposals for funding; and designing projects under auspices of federal grant. 25%--acting as liaison with Dean's office; drafting original reports and correspondence; processing all incoming correspondence taking appropriate action where necessary; making budget recommendations to Chair/Director; maintaining department/center records. 25%--supervising activities of academic and classified staff and student employees of department and center.

f. Doris Steingraeber--PA 3--Department of Health and Social Services, Division of Community Services DCS), Bureau of Management & Budget, Financial Management Section: the working title of this position is Travel Coordinator and is responsible for: 10%--recommending revisions in written DCS travel policies and procedures in accordance with applicable state and federal requirements; gathering and disseminating information relating to changes in travel requirements; 68%--performing pre-audit of travel vouchers; monitoring all travel budgets (\$750,000); reviewing all travel vouchers; serving as primary contact with Bureau of Fiscal Services relating to pre-audits of travel advances. 5%--administering airline ticket distribution system. 10%--developing and implementing a ledger system for monitoring out-of-state travel requests and approvals; developing procedures to monitor all out-of-state allotments, encumbrances and expenditures to ensure accurate cross checking of documents; checking funding sources for each request to ensure there are sufficient funds; maintaining a ledger of all out-of-state expenses by appropriate state or federal funding source; developing a system for recording and tracking out-of-state travel which is to be reimbursed from federal funds in order to prevent double billing. 2%--creating a system for monitoring errors detected in processing and auditing travel vouchers; preparing monthly statistical summaries of errors in order to monitor Division error rate for compliance with delegated pre-audit error levels; preparing reports documenting errors to assist management in achieving pre-audit goals. 3%--coordinating system for utilizing purchase order copies for cross reference checking to prevent double billing; maintaining filing system. 2%--preparing miscellaneous documents.

6. The position standard for the Program Assistant series states, in pertinent part:

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 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.

PROGRAM ASSISTANT 2

(PR2-09)

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 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.

7. On or around May 24, 1988, appellant filed a request for the reclassification of her position to the PA 3 level. This request was subsequently denied by respondents.

8. Appellant filed a timely appeal of such denial with the Commission.

9. Appellant's first-line supervisor is not the head of a major program function within the meaning of the specifications for the PA 4 classification

10. The travel program which appellant coordinates is governed by detailed and well-defined statutes, administrative rules, and agency guidelines

11. The duties and responsibilities of appellant's position are better described by the specifications for the PA 2 classification than those for the PA 3 or PA 4 classifications, are not closely comparable to the duties and responsibilities of PA 3 and PA 4 positions offered for comparison purposes in the record, and appellant's position is more appropriately classified at the PA 2 level.

CONCLUSIONS OF LAW

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

2. The appellant has the burden to prove that respondents' decision denying the subject request for reclassification of appellant's position from the PA 2 level to the PA 3 or PA 4 level was incorrect.

3. The appellant has failed to sustain her burden of proof.
4. The appellant's position is more appropriately classified at the PA 2 level.

DECISION

The issue the parties agreed would govern this appeal is:

Was the decision to deny the reclassification request of Judy Sopher from Program Assistant 2 to Program Assistant 3/4 correct.

In order to prevail in this appeal, appellant must show that the majority of her work time is devoted to the performance of PA 3/4 level duties and responsibilities. (Bender v. DOA & DP, Case No. 80-210-PC (7/1/81)). To determine which, if any, of appellant's duties and responsibilities are PA 3/4 level duties, the Commission must look to the specifications for the PA 3 and PA 4 classifications. (Zhe et al. v. DHSS & DP, Case No. 80-285-PC (11/19/81); affirmed by Dane County Circuit Court, Zhe et al. v. PC, 81-CV-6492 (11/2/82)).

The specifications for the PA 4 classification do not accurately describe the duties and responsibilities of appellant's position. These specifications require that positions function as "an assistant to the head of a major program function or organization activity" in order to be classified at the PA 4 level. In the context of the University of Wisconsin Hospital and Clinics, the "head of a major program function or organization activity" is the Superintendent of UWHC. Appellant does not report directly to the Superintendent of UWHC.

In regard to the PA 3 classification, the specifications require that the position provide a "wide variety" of program support assistance. As is evident from the summary of appellant's position's duties and responsibilities in Finding of Fact 3, above, the number of program support areas in which appellant's position is involved is very limited, i.e., 60% of appellant's position's time is devoted to a single program support area, travel coordination.

In addition, these specifications require that the decisions independently rendered by employees in PA 3 positions be "governed by a variety of complex rules and regulations." However, the only arguably complex rules and regulations which appellant's position must interpret and apply are those relating to travel and appellant has failed to show that these travel rules and regulations, standing alone, would constitute a "variety of complex rules and regulations" within the meaning of the PA 3 specifications. It is more likely to conclude from the language of the PA 3 specifications that the authors intended that these positions exercise independent authority in a variety of program support areas, each governed by a set of complex rules and regulations. The specifications also stress independence of action and impact across program lines. It is interesting to note in this regard that the work product of the program support area to which appellant devotes 60% of her work time, travel coordination, is reviewed by a higher level Program Assistant within the UWHC before it is forwarded to the campus level. (See Mary Temple position summarized in Finding of Fact 5.b., above.) This indicates that the scope of appellant's positions' independent decision-making is quite limited. The duties and responsibilities of appellant's position are not accurately described by the specifications for the PA 3 classification.

In view of the relatively general language of the PA position standard and the tendency for this language to differentiate classifications within the PA series in relative terms, the Commission will examine the duties and responsibilities of other positions within the PA series in deciding the issue presented in this appeal. (See Saindon v. DER, Case No. 85-0212-PC (10/9/86)).

The Commission concludes from the record that the duties and responsibilities of appellant's position are not comparable to those of the Temple PA 4 position (See Finding of Fact 5.b., above), or the Sandeen PA 1

position (See Finding of Fact 5.c., above) offered for comparison purposes in the hearing record. The Temple position not only reports to the head of a major program function but also is assigned a wider variety of program support duties and responsibilities for a unit of larger size and program scope than the unit to which appellant's position is assigned. In fact, the Temple position is responsible for organizing and enforcing the entire UWHC travel program, including the part of this program coordinated by appellant. Although the Sandeen position is assigned many of the same travel coordination duties and responsibilities as appellant's position, this assignment does not include many of the fiscal support duties and responsibilities assigned to appellant's position. In addition, the Sandeen position has even less variety in the program support areas assigned than appellant's position, i.e., the only other assignment is a clerical assignment which consumes only 10% of the Sandeen position's time.

The U'ren PA 3 position (See Finding of Fact 5.a., above) is a stronger position from a classification standpoint than appellant's position. First of all, the U'ren position reports to a higher level administrator, i.e., the Director of Nursing Services, than appellant's position does. Second, the U'ren position, although it performs most if not all of the same or similar program support duties and responsibilities as appellant's position, does so for a program of greater scope, i.e., the unit to which appellant's position is assigned is only one of several units within the Department of Nursing Services. For example, although both positions gather data and prepare certain reports, appellant's position does so in the limited area of fiscal support and cost containment whereas the U'ren position does so for all of the program areas within the Department of Nursing Services. Finally, the U'ren position performs program support duties in addition to those of the type performed by

appellant's position, e.g., composing and preparing recruitment announcements for vacant academic staff positions as well as certain other personnel-related duties and responsibilities, coordinating the continuing education tuition reimbursement system for Department staff, and establishing and maintaining the Director's schedule. Although this position does have travel coordination duties and responsibilities, these are performed less than 15% of the time and, as a result, it would not be possible to conclude on this basis alone that the positions are comparable.

The Devitt PA 3 position (See Finding of Fact 5.d., above), is also stronger from a classification standpoint than appellant's position. This position handles many if not most of the same types of administrative support duties which appellant's position handles, i.e., managing capital equipment budgets, making meeting arrangements, answering and/or routing inquiries, gathering and compiling data for special reports, ordering office supplies, and typing hard copy. The remainder of appellant's position's duties and responsibilities consist of travel coordination, including maintenance and monitoring of travel budgets. In comparison, the remainder of the Devitt position's duties and responsibilities consist of maintaining a \$1,000,000 department operating budget (compared to the \$80,000 budget for a single program of a department which appellant's position maintains), as well as carrying out significant program support responsibilities in the areas of payroll records, personnel records, gifts and grants funds monitoring, and preparation of publicity materials. In addition, the incumbent of this position is required to be bilingual and to serve as a lead worker for classified and LTE employees and student workers. There are no parallel responsibilities for appellant's position.

The Dickson PA 3 position (See Finding of Fact 5.e., above), is also stronger from a classification standpoint than appellant's position. This position not only monitors a department operating budget but also researches and drafts such a budget; coordinates the activities of an independent federally funded program which assists in funding academic programs and outreach functions; serves as a liaison with federal officials in regard to this program; makes program emphasis recommendations for this program; assists in writing proposals for funding this program; and supervises the activities of academic and classified staff and student workers. These are program support activities of wider variety and scope which involve greater independence of action and greater latitude for decision making and which have a greater impact on the program itself than the program support activities in which appellant's position is engaged.

The Steingraeber PA 3 position (Finding of Fact 5.f., above), is also a stronger position from a classification standpoint than appellant's position. This position also functions as a travel coordinator but does so for a program with a \$750,000 travel budget, as opposed to an \$80,000 travel budget for the program to which appellant's position is assigned. It would appear that this ten-fold difference would certainly have a significant impact on the relative complexities of the programs. In addition, the Steingraeber position is responsible for coordinating travel budgets funded in whole or in part with federal funds and which, as a result, must comport with federal travel requirements as well as state requirements. This, too, would appear to add significantly to the complexity of the Steingraeber position in comparison with appellant's position.


The record does not offer any position descriptions of positions classified at the PA 2 level. Consistent with the specifications for the PA 2

classification, appellant's position does perform work of moderate difficulty providing program support assistance to supervisory, professional, or administrative staff. The remainder of the specification describes the duties and responsibilities of the PA 2 classification in general, relative terms. However, since the appellant has failed to show that the duties and responsibilities of her position are better described by the specifications for the PA 3 or PA 4 classifications than those for the PA 2 classification or are comparable to those of PA 3 or PA 4 positions offered for comparison purposes, appellant has failed to sustain her burden of proof to show that her position is more appropriately classified at the PA 3 or PA 4 level than at the PA 2 level.

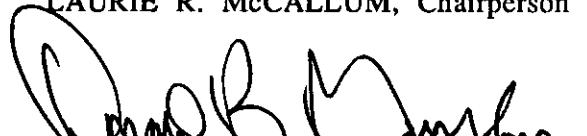
ORDER

The action of respondent is affirmed and this appeal is dismissed.

Dated: May 4, 1990 STATE PERSONNEL COMMISSION


LAURIE R. McCALLUM, Chairperson

LRM:rcr


DONALD R. MURPHY, Commissioner


GERALD F. HODDINOTT, Commissioner

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