

STATE OF WISCONSIN

PERSONNEL COMMISSION

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ALICE CERNOHOUS,

Appellant,

v.

President, UNIVERSITY OF
WISCONSIN SYSTEM (River Falls),
and Secretary, DEPARTMENT OF
EMPLOYMENT RELATIONS,

Respondents.

Case No. 89-0131-PC

* * * * *

FINAL
DECISION
AND
ORDER

This matter is before the Commission following the promulgation of a proposed decision by a hearing examiner. The Commission has considered the parties' written objections and arguments with respect to the proposed decision.

Most of appellant's objections and arguments run to the substantive PA 3/PA 4 issue. The Commission will not attempt to address all of these arguments, most of which fit in the category of contentions that certain work fits into the PA 4 category. The problem with these contentions is that many of these tasks arguably fit as well or better into the PA 3 work examples or definition. For example, appellant cites this item from her PD: "Develop and revise office policies and procedures." This could fit within this PA 3 work example: "Develops and/or revises selected policies and procedures affecting the administration of the program." Another activity in her PD is "Responsible for coordinating the revision of Housing Publications, such as the Residence Life Contract and Information Booklet, Contract Cards, Administrative Manuals, and General Housing brochures." On its face, this activity statement arguably

fits within the PA 4 classification. However, as was discussed in the proposed decision with respect to the "most significant publication for which [appellant] was responsible," pp. 10-11, she was not responsible for programmatic changes in the publication due to changes in policies and laws.

Appellant also pointed out that the PA Sup 2 definition uses the term: "considerable difficulty," which is also used in the PA 4 definition. However, this point must be considered in light of the fact that the PA Sup 2 definition also states specifically that the "work performed at this level is comparable to that allocated to the Program Assistant 3 level, with the additional supervisory responsibilities." Therefore, it must be concluded with respect to the use of the words "considerable difficulty" in the phrase "paraprofessional supervisory work of considerable difficulty" in the PA Sup 2 definition, that the work would not be considered to be of "considerable difficulty" if it were not supervisory.

The prehearing conference report reflects the following stipulated issue:

Whether respondent's decision denying appellant's request for reclassification from Program Assistant 3 (PR 2-10) to Program Assistant 4 (PR 2-11) was correct.

Subissue: If not, whether appellant's position is more appropriately classified as a Program Assistant 3, Program Assistant 4, Program Assistant Supervisor 1, or Program Assistant Supervisor 2.

Respondent UW-System has objected that "the proposed decision deals with a matter outside the scope of the issue." Respondent argues as follows:

[I]f the answer to the principal issue is affirmative — i.e., if the denial of the request for reclassification from PA 3 to PA 4 is correct — the subissue is not reached. It is only when the principal decision is incorrect that it becomes necessary to reach the subissue.

Respondent's position leads to an anomaly. If the principal decision (denying appellant's request for reclassification from PA 3 to PA 4) was incor-

rect, it follows logically that the position should have been reclassified to PA 4 and then it is illogical to continue on to address the subissue (whether appellant's position is most appropriately classified as PA 3, PA 4, PA Sup 1, or PA Sup 2). This is a similar result to what occurs if the principal decision (denying appellant's request for reclassification of her position from PA 3 to PA 4) was correct, as, again, if one utilizes a literal interpretation of the issue, the subissue is not addressed. Therefore, it can be seen that a literalistic approach to the issue leads to absurd results regardless of how the main issue is answered. The proposed decision recognized that in all likelihood the language of the issue was due to oversight, and sought to give meaning to the apparent intent underlying the issue. While respondent formally handled appellant's request for reclassification as involving a request for a PA 4 classification, it is undisputed that she made inquiries about the appropriateness of a supervisory classification. Respondent addressed these inquiries by advising appellant her position did not qualify as supervisory, although this aspect was not addressed in the written reclassification denial. Therefore, it can be said that if appellant's position was not at the PA 4 level, but was more properly classified in the PA Sup series, respondent erred in simply denying the formal request for a PA 4 classification, but should have denied the PA 4 while recommending a PA Sup 2 to DER.

While the statement of issue is not inconsistent with the proposed decision having addressed the PA Sup series, there is a more fundamental problem with the Commission entering an order that requires UW-System to take action regarding the PA Sup series. Respondent has raised the objection that the proposed decision is in excess of the Commission's authority:

To the extent the proposed decision directs respondent UW-System to make a particular recommendation for the reclassification of appel-

lant's position to DER, it is not only beyond the scope of the established issues, but exceeds the authority of the Personnel Commission. Section 230.44(4)(c), Stats., provides that the Commission "shall either affirm, modify or reject the action which is the subject of the appeal." The action in issue in this case was respondent's denial of the request for reclassification from PA 3 to PA 4. As noted above, the appeal was not from the respondent's "failure to recommend" a reclassification to the PA Sup 2 level. Accordingly, the proposed decision's directive that the respondent recommend an action to DER is beyond the scope of the Commission's authority with respect to the action being appealed.

While what occurred in this case actually went beyond denial of the PA 4 classification, since respondent UW-System lacked the delegated authority from DER under §230.04(1m), stats., to have changed the classification of appellant's position to the PA Supervisor series, the only authority that the UW-System had with respect to this classification was to make a recommendation to DER. In the context presented by this case, UW-System's failure to have recommended a supervisory classification apparently was not an appealable action under §230.44(1)(b), stats.:

Appeal of a personnel decision under §230.09(2)(a) ["the secretary may reclassify or reallocate positions"] ... made by the secretary or by an appointing authority under authority delegated by the secretary under §230.04(1m).

An argument could be made that the UW-System's failure either to have made a formal decision on appellant's request for a supervisory classification or to have advised her on how to process her request to DER constituted a constructive denial of classification, with respect to which UW-System had some kind of implicit delegated authority from DER in connection with the former's role in processing such requests prior to their reaching DER. However, inasmuch as the underlying issue concerning the Commission's authority with respect to UW-System's handling of the PA Sup request was never raised until after the proposed decision was issued and the objections thereto submitted, the parties never addressed this aspect of the case through the hearing process. In any event, what the Commission orders regarding the PA Sup series is of little

practical significance because any recommendation with regard to the PA Sup series is not binding on DER and presumably would have no more weight whether it comes from UW-System because ordered to do so by the Commission, or whether the recommendation is provided solely by the Commission's decision itself — i.e., if the Commission declined to order UW-System to make a recommendation, and complainant herself sought a DER decision on the PA Sup issue and simply cited the Commission decision on that matter. Therefore, because of the apparent lack of an appealable decision regarding the PA Sup series, the Commission will limit its order to the PA 3/PA 4 issue, and appellant can pursue the processing of her PA Sup reclassification with DER independently.

The Commission does note it is unfortunate that appellant was not informed when she inquired about a supervisory classification not only that UW-System lacked the authority to take final action on her request, but also how to proceed with her request so that it could have been acted on by DER, and that decision could have been appealed if she so desired. If that had happened, she presumably would not be in the posture of having pursued an appeal of her reclassification denial, and having gone to hearing on a stipulated issue that included the PA Supervisory series, only to find out near the end of the process that UW-System lacked the authority to have made a final decision on the PA Supervisor series and she must still get a decision from DER on that point.

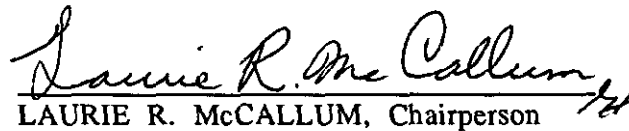
ORDER

The proposed decision and order, a copy of which is attached hereto, is adopted with the exception that the following language at the end of the discussion is deleted: "and this matter will be remanded to respondent UW-System

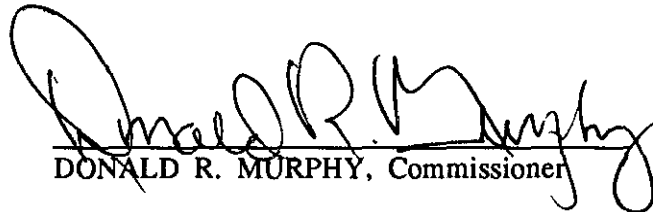
to forward it to DER with that recommendation," and the order is amended to read as follows:

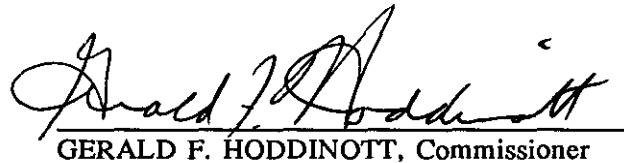
Respondent's decision denying appellant's request for reclassification from PA 3 to PA 4 is affirmed and this appeal is dismissed.

Dated: Sept 13, 1990 STATE PERSONNEL COMMISSION


LAURIE R. McCALLUM, Chairperson

AJT:gdt/2


DONALD R. MURPHY, Commissioner


GERALD F. HODDINOTT, Commissioner

Parties:

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STATE OF WISCONSIN PERSONNEL COMMISSION

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ALICE CERNOHOUS,
Appellant,
v.
President, UNIVERSITY OF
WISCONSIN SYSTEM (River Falls) and
Secretary, DEPARTMENT OF
EMPLOYMENT RELATIONS,
Respondents.
Case No. 89-0131-PC
* * * * *

PROPOSED
DECISION
AND
ORDER

NATURE OF THE CASE

This is an appeal pursuant to §230.44(1)(b), stats., of the denial of a re-
quest for reclassification. The parties stipulated to the following issue for
hearing:

Whether respondents' decision denying appellant's request for
reclassification from Program Assistant 3 (PR 2-10) to Program
Assistant 4 (PR 2-11) was correct.

Subissue: If not, whether appellant's position is more ap-
propriately classified as a Program Assistant 3, Program Assistant
4, Program Assistant Supervisor 1, or Program Assistant
Supervisor 2. Prehearing Conference Report dated November 27,
1989.

FINDINGS OF FACT

- 1. Appellant is employed in the classified civil service at the
University of Wisconsin-River Falls (UWRF)) in a position currently classified
as Program Assistant 3 (PA 3).
2. Appellant's position reports directly to Kenneth Olson, Director,
Department of Residence Life, and has working relationships with the
Associate Directors, Larry Testa and Terry Wilson. Appellant supervises two
permanent full time classified employes and a number of student employes.
The duties and responsibilities of appellant's position are summarized as
follows on Appellant's Exhibit 28, a position description (PD) signed by

appellant and her supervisor on September 14, 1988, and prepared in connection with her request for review of her position by UW-System personnel following the initial denial of her reclassification by UWRF personnel manager John Spielman on August 16, 1988:

Assists Director of Residence Life in carrying out functions, duties, and responsibilities in the overall administration of the Residence Life Program. Recommends manpower requirements for the central office for the overall success of the program. Supervises office staff and responsible for the training and performance evaluation. Recommends hiring/retention of office staff. Coordinates the administrative operations for nine academic staff members in the area of administrative reports as they relate to student occupancy and student staff.

The more detailed listing of duties and responsibilities set forth on Appellant's Exhibit 28 is attached hereto as an appendix and is incorporated by reference as part of this Finding.

4. Appellant's position has undergone certain logical and gradual changes over the period from the date of the reclassification of her position to PA 3 (January 22, 1984) until the current reclassification request, which was denied on September 21, 1989, as the housing operation has acquired new program responsibilities, and the academic staff have delegated more administrative tasks to appellant. The primary changes are as follows:

a) The student payroll system was changed so that various operations which employed students, including housing, could directly enter information into the payroll system. Appellant worked with the payroll director in a coordinative capacity as the system was set up. Since the system has been established, the role of the Department of Residence Life is primarily that of data entry which is performed by one of appellant's subordinate employees.

b) Appellant determines what telephone services will be needed for summer conference and other events and works directly with the telephone company to make the necessary arrangements. She also is responsible for the clerical aspects of the residence hall long distance toll service operation.

c) Appellant works with the campus graphic artist coordinating the production of certain fliers, such as the "Information and Contract" booklet for Residence Life and Food Services, Appellant's Exhibit 9. Appellant is responsible for the decisions as to the colors and

photographs to be used in such fliers. Any major changes in such material relating to laws, policies, etc., are made by persons at a higher level than appellant.

d) Appellant has been involved in the planning, coordination and effectuation associated with substantially increased office automation, as well as in ongoing contacts with campus data processing staff regarding the generation of reports, surveys, etc.

e) Appellant has been involved in the administration of a number of new residence life programs such as the fitness center, video program, and cable television. These programs involve recordkeeping, bookkeeping, etc.

f) The student discipline program has been substantially revised in the context of changed laws and regulations.

g) The purchase order program has been revised to allow her to call vendors directly for quotes. There is a maximum of \$100 per purchase that can be made directly by the Department of Residence Life.

5. Appellant's position is similar in its general functions in terms of the coordination and administration of the housing programs to the PA III position at UW-Platteville (Appellant's Exhibit 32), UW-Stevens Point (Appellant's Exhibit 33), and UW-Oshkosh (Appellant's Exhibit 34), except that these positions do not have any supervisory functions with respect to permanent classified employees as does appellant, and they have more direct clerical functions does appellant. Appellant's position more closely resembles the PA 3-Confidential position at UW-Eau Claire (Appellant's Exhibit 35), which has the same general housing functions and also the responsibility to "[i]ndependently direct, coordinate and supervise office functions performed by three classified staff and several assistants."

6. It is difficult to make a meaningful comparison for classification purposes between appellant's position and the PA 4 purchasing assistant at UW-RF (Appellant's 36) due to the different programs and functions involved.

7. Appellant's position functions under direction.

8. Appellant's most recent official PD (Respondent's Exhibit 3), which was signed in January 1988 by appellant, her supervisor and the UWRF personnel manager, John Spielman, contains the following under Goal A,

"Supervisory Responsibilities/Administrative Functions" (which has an 80% time allocation):

1. Supervision of two permanent classified office secretaries and two office assistants.

a) Hire, train, schedule, assign duties, review work performed, and evaluate performance.

9. Appellant's most recent informal PD (Appellant's Exhibit 28), which was prepared in connection with appellant's appeal to UW-System personnel of Mr. Spielman's denial of her request for reclassification and signed by appellant and her supervisor on September 14, 1988, contains the following under "supervisory responsibilities, "(which has a 45% time allocation):

1. Directly supervise two permanent full-time classified employees and two office student assistants.

a) Interview, hire, train, schedule, assign duties, set performance standards, review work performed, and evaluate performance.

b) Recommend classification/compensation and retention.

c) Maintain personnel records, verify and sign time sheets.

10. During appellant's temporary absences from work, many of her functions are performed by the Director or Associate Directors as opposed to appellant's subordinate employees.

11. By letter dated August 16, 1988 (Respondent's Exhibit 6), Mr. Spielman advised appellant that: "... in response to your request for a reclassification review of your position ... it has been determined that your position is correctly classified at the Program Assistant 3 level." In the course of his review, Mr. Spielman considered the possibility of moving the position to the PA Supervisor series but determined that the position could not be classified as such because of two reasons:

a) The Department of Employment Relations (DER) has a "rule of thumb" requiring supervision of at least three permanent classified employees as a prerequisite for classification as a supervisor.

b) He concluded that appellant did not function as a true supervisor because in the event disciplinary action needed to be taken

against one of the appellant's subordinates, he would not be able to work with her in this regard, but he would have to involve the Director of Residence Life and the Assistant Chancellor for Business and Finance, whereas if she were a true supervisor, this additional involvement would not be necessary.

12. James Cimino, Personnel Administrative Officer for the UW-System, who also rejected a PA-Sup classification for appellant's position provided the additional rationale for rejecting a supervisory classification that appellant's work was not supervisory because it was too similar to that of her subordinates, as exemplified by the fact that in appellant's absence a subordinate, rather than a supervisor, would fill in for her.

13. The UW-System does not have the delegated authority to classify positions into the supervisory ranks, and DER never reviewed this transaction because, although the university considered the appropriateness of the PA Supervisor series when it was processing the reclassification request, and appellant raised this issue in her September 14, 1988, appeal letter to UW-System Personnel, it neither addressed this aspect in its written decisions nor advised appellant that it would be necessary to seek a DER determination of the appropriateness of a PA-Supervisor classification.

14. The PA position standard (Respondent's Exhibit 1) includes the following class descriptions and examples of work performed:

PROGRAM ASSISTANT 3

(PR 2-08)

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

(PR 2-09)

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 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.

PROGRAM ASSISTANT 4 - WORK EXAMPLES

Plans, assigns and guides the activities of a unit engaged in current projects or programs.

Researches and produces, as recommended by federal regulations and through the direction of an immediate supervisor, necessary data and information to prepare grant applications based on federal, state and local funding regulations.

Interprets rules, regulations, policies and procedures for faculty, other employers and the public.

Prepares various informational, factual and statistical reports.

Assists in the development and revision of policies, laws, rules, and procedures affecting the entire program or operation.

Coordinates units within the department, between departments, or with the general public, in an informative capacity for a variety of complex matters.

Conducts special projects; analyzes, assembles or obtains information.

Prepares equipment and material specifications, receives bids and authorizes the purchase of an operating department's equipment, material and supplies.

Analyzes, interprets and prepares various reports.

Administers and scores admission and placement tests; administers nationally scheduled examinations; confers with applicants regarding test interpretations.

15. The PA Supervisor position standard contains the following class descriptions and examples of work performed:

PROGRAM ASSISTANT SUPERVISOR 1
PROGRAM ASSISTANT SUPERVISOR 1 - CONFIDENTIAL (PR 1-08)

This is paraprofessional supervisory work of moderate difficulty providing program support assistance to professional or administrative staff, which involves the supervision of subordinate staff performing diverse but inter-related program activities. The work performed at this level is comparable to that allocated to the Program Assistant 1 and/or 2 levels, with additional supervisory responsibilities. This level is distinguished from the Clerical Supervisor 3 level on the basis of the following criteria: (1) the primary emphasis is on the program assistance functions, with attached supervisory responsibility, while the primary emphasis in the Clerical Supervisor 3 level is on the supervision of a systematic audit, review and processing operation; (2) the procedures are somewhat diversified rather than clearly established, so there is greater opportunity for discretion and judgment; (3) in terms of organizational structure, this level is responsible for supervising and coordinating the full range of diverse but inter-related activities which, taken in aggregate, define a cohesive, identifiable and self-contained program area as opposed to supervising one segment that is contributory to rather than responsible for the accomplishment of a complete program area objective; and (4) there is a greater degree of personal or procedural control over the program activities, a greater independence of action, and a greater variety, scope and complexity of problem-solving expected at this level. Work is performed under general supervision.

PROGRAM ASSISTANT SUPERVISOR 2
PROGRAM ASSISTANT SUPERVISOR 2 - CONFIDENTIAL (PR 1-09)

This is paraprofessional supervisory work of considerable difficulty providing program support assistance to professional or administrative staff, which involves the supervision of subordinate staff performing diverse but inter-related program activities with some latitude regarding program-related decisions. The work performed at this level is comparable to that allocated to the Program Assistant 3 level, with the additional supervisory responsibilities. This level differs from the Program Assistant Supervisor 1 level on the basis of the increased scope, breadth and complexity of the work performed, as indicated by the following criteria: (1) the work performed at this level involves specialized, though generally nontheoretical skills, rather than procedural or systematic proficiency; (2) the procedures are substantially diversified, and the program area is defined by specialized standards rather than established precedents; and (3) there is a greater degree of independence of action, which impacts across program lines rather than within one program area. Work is performed under direction.

* * *

PROGRAM ASSISTANT SUPERVISOR 1
PROGRAM ASSISTANT SUPERVISOR 1 - CONFIDENTIAL (WORK EXAMPLES)

Performs duties allocated to the Program Assistant 1 or 2 level, with additional responsibility for the supervision of subordinate staff.

Effectively recommends the hiring, transfer, suspension, layoff, recall, promotion, discharge, assignment, evaluation, discipline and adjustment of grievances of subordinate employees.

Maintains budget-related ledgers and records, and submits various reports.

Reviews input, establishes priorities, approves or disapproves projects, and insures that the various applicable regulations, policies, directives, and procedures are followed.

Establishes, revises and implements policies and procedures that directly affect the unit assigned.

Analyzes, assembles and obtains information, and organizes it into report form.

Composes a variety of correspondence, with a good portion of it going out under the incumbent's signature.

Communicates with the public, other state departments, professional staff and subordinates on a face-to-face basis, through written correspondence, and by telephone, regarding unit program activities.

Maintains and inventories the physical quarters and equipment; contacts vendors; accepts bids; and authorizes purchase of the operating department's equipment, material and supplies.

PROGRAM ASSISTANT SUPERVISOR 2
PROGRAM ASSISTANT SUPERVISOR 2 - CONFIDENTIAL (WORK EXAMPLES)

Performs duties allocated to the Program Assistant 3 level, with additional responsibility for the supervision of subordinate staff.

Effectively recommends the hiring, transfer, suspension, layoff, recall, promotion, discharge, assignment, evaluation, discipline and adjustment of grievances of subordinate employees.

Coordinates office management activities, recommending policies, procedures, guidelines and instructions to improve administrative or operating effectiveness, and communicates all revisions to subordinates.

Reviews input, establishes priorities, approves or disapproves projects, and insures that the various applicable regulations, policies, directives, and procedures are followed.

Maintains budget-related ledgers and records, and submits various reports.

Assists professionals, on behalf of the unit involved in special assignments, providing information and assistance.

Communicates with the public, other state departments, professional staff and subordinates on a face-to-face basis, through written correspondence, and by telephone, regarding unit program activities.

16. Appellant's position is more appropriately classified as a PA 3 rather than a PA 4 but because of its supervisory nature is more appropriately classified as a PA 2-Sup rather than a PA 3.

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.
3. Appellant has failed to sustain her burden to the extent she did not establish that respondent UW-System erred in denying reclassification of her position from PA 3 to PA 4.
4. Appellant has sustained her burden to the extent it has been established that respondent UW-System erred in failing to have recommended to respondent DER that it approve a PA 2-Sup classification for appellant's position.

DISCUSSION

This case was heard by an examiner and both parties submitted post-hearing briefs. In her post-hearing briefs, appellant referred to a number of conversations which occurred subsequent to the hearing. Pursuant to §227.44(9), stats., "[t]he factual basis of the decision shall be solely the evidence and matters officially noticed," and the Commission cannot consider evidentiary matter referred to in post-hearing briefs but not presented at the hearing. However, it is also noted parenthetically that it does not appear that this information would result in a different outcome in this case if it were considered.

With respect to the merits, this decision will first address whether appellant's position is more properly classified as PA 3 or PA 4. The distinction between these levels as set forth in the position standard relies largely on distinctions that are relative in nature. Both levels are paraprofessional, but the PA 3 work is of "moderate difficulty" while the PA 4 level involves work of "considerable difficulty." The position standard defines these terms as follows:

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
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personnel and paraprofessionals employes 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 employes fall into this category.

The position standard contains the following differentiating language in the PA 4 class description:

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 [as opposed to "under general supervision" at the PA 3 level]. (emphasis added)

While appellant's work is performed "under direction" according to her supervisor, we are unable to conclude on this record that the work itself is more consistent with the PA 4 level than the PA 3 level. Many of the tasks cited by appellant arguably fit within either the PA 3 or PA 4 concepts and examples of work performed, and without some showing that is more specific than appears on this record, there is no basis upon which it can be concluded the work should be considered PA 4 level.

For example, both the PA 3 and PA 4 work examples include the preparation of reports. Appellant's Exhibit 11, a memo dated November 22, 1988, from appellant to Mr. Testa concerning students living illegally off campus, appears to be a compilation of information resulting from housing records and responses to form letters sent to students who appeared to be in illegal status. There is nothing in the record that would support the conclusion that this work product should be considered to be at the PA 4 level as opposed to the PA 3 level, on the basis of the language in the PA 4 position standard or by comparison to work that can be identified as PA 4 in level.

Another example is Appellant's Exhibit 9, the 1990-91 Information and Contract for the Departments of Residence Life and Food Services, which appellant testified exemplified an additional responsibility with respect to the production of fliers. The record reflects that appellant played a coordinative role in the production of this publication which she stated was the most

significant publication for which she was responsible, for the determination of the colors and photographs to be used, for checking the contents to determine that it meets the departments criteria, and for editing the contents for accuracy. It was also established that her work in this area previously had been performed by one of the associate Directors. However, on this record it cannot be established that this work would not fall within the PA 3 work example of "preparing and sending out pamphlets, brochures, letters and various program publications," particularly in light of Mr. Spielman's testimony that any changes in this publication due to changes in policies or laws would be generated by higher-level employees. The fact that this function previously had been performed by an academic staff position within the department obviously suggests that it is a relatively advanced function. However, it does not follow from this fact that the work is at the PA 4 level, which encompasses work of "considerable difficulty" as opposed to the PA 3 level, which encompasses work of "moderate difficulty," and, as noted above, such a conclusion is negated by the fact that this particular task fits within a PA 3 work example.

Appellant also contended in Appellant's Exhibit 27 that she had assumed the responsibilities of the Director of General Services for the residence hall phones: "my responsibility is the residence hall phones while the Director of General Services still has responsibility for the administrative phones." Mr. Spielman stated at the hearing that the Director (Greg White) denied having relinquished administrative control over the residence hall phones. In the colloquy that ensued between appellant and Mr. Spielman, she agreed that Mr. White retained administrative control over the residence hall telephone program, but stated that her contacts with the telephone company such as making the arrangements for phone needs for summer conferences had been handled previously by Mr. White. Mr. Spielman stated that in his opinion this work was to relatively lower-level work that Mr. White previously performed because of a lack of staff resources, and he did not agree that because the work had been performed by an academic staff member that this makes it PA 4 level work. Again, on this record there is not a basis for a conclusion that this work (e.g., "coordinate special needs and summer service with Phone Company," Appellant's Exhibit 27) was at the PA 4 level (work of considerable difficulty) versus the PA 3 level (work of moderate difficulty).

The changes that were made in the payroll system involved appellant in a coordinative capacity during the planning and implementation phase but there is nothing in this record upon which to base a conclusion that her work in this regard was at the PA 4 rather than the PA 3 level.

Other programs added to the Department — the fitness center, video program, and cable TV — are not dissimilar, in terms of the nature of appellant's involvement, to existing programs, and basically involve the coordination and direction of clerical functions (e.g., "sell adaptors, take call-ins for repair, and cable replacement." (Appellant's Exhibit 25)

Another change has been in the purchase order program. Appellant is now allowed to call vendors directly for quotes with direct purchases by the department limited to \$100. Again, this activity has not been shown to be at the PA 4 level. The PA 2 work examples include: "corresponds with various outside vendors or agencies to procure goods or information for program operation." The PA 4 work examples include: "Prepares equipment and material specifications, receives bids and authorizes the purchase of an operating department's equipment, material and supplies." This change in the purchasing program does not take appellant's role from the level of the PA 2 work example to the level of the PA 4 work example.

Appellant's activities with respect to increased office automation and new equipment, and in advising as to office manpower needs, do not appear to be outside the scope of the PA 3 office manager role. Appellant also cites changes in the student discipline program with respect to new laws and regulations, but her role in this area has not been detailed.

Comparing appellant's position to the PD's for the other comparable PA 3 positions in campus housing operations (Appellant's Exhibits 23-35), the all have generally similar duties and responsibilities with the exception that appellant's position and the PA 3 at UW-EC (Appellant's Exhibit 35), have supervisory responsibilities, and perform somewhat less clerical functions, than the others. Appellant contends this demonstrates that her position and the one at UW-EC are underclassified and should be classified at the PA 4 level. However, the fact that these two positions are performing fewer clerical functions is undoubtedly related to their supervision of subordinate employees to whom these kinds of tasks can be assigned, and the assumption of supervisory duties and responsibilities typically is recognized in the classification system by

classifying the position as supervisory, as will be discussed further below. As was discussed above, the program responsibilities of appellant's position have not been shown to be at the PA 4 level. In this context, the supervisory functions in and of themselves can not justify a higher level (PA 4) for appellant's position than these non-supervisory PA 3 Positions referred to in this record, particularly in the absence of my comparable PA 4 position.

The foregoing leads to the question of whether appellant's position should be classified as a supervisor; i.e., a PA-Sup 1 or 2. Facially, appellant has been assigned supervisory tasks, including hiring, signing performance evaluations and time sheets, and recommending classification, compensation and retention, Respondent's Exhibit 3, Appellant's Exhibit 28. Respondent university provided three reasons why appellant's position should not be classified as a supervisor.

First, respondent referred to a DER "rule of thumb" requiring the supervision of at least three permanent classified employees in order to qualify as a supervisor, while appellant only supervises two. This "rule of thumb" is not contained in the position standard, which the Commission is bound by in reviewing a reclassification appeal, Zhe v. DHSS & DP, 80-285-PC (11/19/81); affirmed, Dane Co. Cir. Ct. No 81CV6492 (11/2/82). In the absence of any other basis of authority for such a proposition, an employe should not be denied a classification to which he or she is otherwise entitled on the basis of a "rule of thumb" requiring three subordinates for a supervisory classification.

Second, respondent asserted that appellant could not be considered a supervisor because her work was too similar to her subordinate employes, as illustrated by the fact that they filled in for her in her absence. However, appellant refuted the factual premise for this contention by presenting convincing evidence that in her absence higher level staff filled in for her.

Third, respondent through Mr. Spielman testified that appellant could not be considered a "true" supervisor because he could not work solely with her in effecting discipline but would have to involve the department director and the associate chancellor. The problem with this contention is that it appears to be basically circular in nature. If a position is not formally classified as supervisory, there are obvious problems with the incumbent becoming involved in a formal way in the disciplinary process. It can reasonably be inferred from this record that during the relevant period of appellant's tenure

there has been no need to proceed with formal disciplinary action against any of her subordinate classified employees, so the question of who would be involved in the disciplinary process for management has not needed to be addressed. The record supports the conclusion that the Housing Director considers appellant to be a supervisor in all respects and that it is logical that he would expect her to be involved in the disciplinary process of a subordinate employe to the same extent as would any other supervisor. Therefore, it is reasonable to conclude that the only thing that would prevent appellant from acting in this capacity is lack of the classification itself.

Therefore, based on this record the Commission concludes that the most appropriate classification for appellant's position is PA-Sup 2, which is the corollary to the PA 3 level. However, certain circumstances make the determination of the outcome somewhat complicated.

The prehearing conference report contains the following stipulated issue:

"Whether respondent's decision denying appellant's request for reclassification from Program Assistant 3 (PR 2-10) to Program Assistant 3 (PR 2-11) was correct.

Subissue: If not, whether appellant's position is more appropriately classified as a Program Assistant 3, Program Assistant 4, Program Assistant Supervisor 1, or Program Assistant Supervisor 2.

What this statement of issue appears to recognize is that while appellant's reclassification request may have begun as a request for a PA 4, she raised the issue of the PA-Sup classifications with both campus and system personnel before decisions were rendered at each level, and that respondent UW-System considered and rejected this series although it was not addressed in either written decision. However, the record establishes through Mr. Cimino's testimony that the UW-System does not have the delegated authority from DER, see §230.04(1m), stats., to reclassify positions to the PA-Sup series. Although the record does not reflect why the UW-System did not in its formal reclassification decision address appellant's request for consideration of a PA-Sup classification and advise her that this facet of the denial would need to be appealed to DER, this presumably was because the PA Sup part of the case was viewed by respondent as more of an informal inquiry or as a corollary to the initial request for reclassification from PA 3 to PA 4. In any event, and in light of the

stipulated issue and the record before it, the Commission concludes that respondent university's decision denying appellant's reclassification request was incorrect to the extent that it failed to make a recommendation to DER that DER grant reclassification of appellant's position to PA-Sup 2, and this matter will be remanded to respondent UW-System to forward it to DER with that recommendation.

ORDER

Respondent's decision denying appellant's reclassification request is affirmed to the extent it denied reclassification of her position to PA 4, and so much of this appeal that relates to this subject matter is dismissed. To the extent that respondent's decision failed to include a recommendation to DER that it reclassify appellant's position to PA 2-Sup, it is rejected, and so much of this matter that relates to that subject matter is remanded to respondent for action in accordance with this decision.

Dated: _____, 1990 STATE PERSONNEL COMMISSION

LAURIE R. McCALLUM, Chairperson

AJT:gdt/2

DONALD R. MURPHY, Commissioner

GERALD F. HODDINOTT, Commissioner

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APPENDIX

SUMMARY

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Assists Director of Residence Life in carrying out functions, duties, and responsibilities in the overall administration of the Residence Life Program. Recommends manpower requirements for the central office for the overall success of the program. Supervises office staff and responsible for the training and performance evaluation. Recommends hiring/retention of office staff. Coordinates the administrative operations for nine academic staff members in the area of administrative reports as they relate to student occupancy and student staff.

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15% A. SUPERVISORY RESPONSIBILITIES

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1. Directly supervise two permanent full-time classified employees and two office student assistants.
 - a. Interview, hire, train, schedule, assign duties, set performance standards, review work performed, and evaluate performance.
 - b. Recommend classification/compensation and retention.
 - c. Maintain personnel records, verify and sign time sheets.
2. Supervise nine academic staff members (Residence Hall Directors) in conjunction with Associate Director in the area of administrative reports and provide evaluative information in this area.
 - a. Receive and review reports and request additional information/forms or changes that may be needed. Report on any serious matters that might warrant a written reprimand.
3. Advise Director of manpower requirements and office needs, plans, and accomplishments.
4. Consult with Director on decisions affecting management and operation of the office.
5. Coordinate and assign work projects to employees supervised in a manner that is consistent with each employee's classification level and abilities to promote efficient achievement of the Residence Life goals.
6. Discuss department goals and work assignments with employees to alleviate problems and resolve potential grievances.
7. Monitor work of employees supervised to insure productivity standards are maintained.
8. Schedule office staff to maintain adequate office coverage.
9. Train all office staff on the use of machines, which requires full working knowledge of the following:
 - a. Main Frame Terminal
 - b. Lanier Word Processor and Data Manager Program
 - c. Zenith Computer for Telephone Program
 - d. Typewriters
 - e. Mimeograph
 - f. Ditto Duplicator
 - g. Ricoh Copy Machine
10. First-line supervisor for all programs handled by the Program Assistant 1 positions in Residence Life:
 - a. Residence Life Policies/Procedures
 - b. Body Shop
 - c. Paint Program
 - d. Work Order Program
 - e. Video Program
 - f. Purchase Order/Invoice Program
 - g. Guest Housing

- h. Off-Campus Listing
- i. Collection of Money
- j. Damages
- k. Supplies Inventory
- l. Discipline Program
- m. Repairs (Washers, Dryers, Cable, Telephones, Vending)
- n. Deposits/Refunds
- o. Keys
- p. Mail

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B. ADMINISTRATIVE RESPONSIBILITIES

1. Independently direct and coordinate office functions performed by classified staff and student assistants.
2. Develop and revise office policies and procedures.
3. Exercise initiative, judgment, responsibility, and knowledge in managing office functions.
4. Establish performance standards and operating procedures for administrative tasks necessary for the success of the Residence Life Program.
5. Attend staff meetings/orientations to provide Residence Hall Directors with information/directions vital to the completion of their administrative tasks, (i.e., room assignments, single rooms, payroll, policies/procedures).
6. Develop computer programs for office and train staff to use in their areas of responsibility.
7. Update and maintain housing data base with hall assignment information.
8. Update and maintain University's mainframe computer with hall assignment information.
9. Directly responsible for the Residence Hall Assignment Program, which includes making recommendations regarding the revision of forms and procedures to improve the assignment and transfer process.
 - a. Maintain control card system of 2200 beds.
 - b. Assign new and returning students taking into consideration all preferences, requests, exceptions, disabilities, and type of contract.
 - c. Supervise checking of quarterly contract eligibility.
 - d. Supervise notification of room assignment information sent to students.
 - e. Supervise punching of information into computers (housing based and main frame).
 - f. Note room changes during year and notify appropriate offices both on and off campus.
 - g. Coordinate weekly occupancy reports.
 - h. Check official University withdrawal information as relates to area.
 - i. Design computer programs and train office personnel regarding assignments/changes.

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10. Directly responsible for all billing information on residence hall students, including fees, deposits, damages, etc. Perform financial audits in these areas.
11. Directly responsible for the Student Payroll Program (Approx. 200):
 - a. Assisted in setting up program.
 - b. Waivers for room and board for Resident Assistants.
 - c. Coordinate with Residence Hall Directors for student staff.
 - d. Train office personnel for computer work of punching hours.
12. Directly responsible for the Residence Hall Room Telephones/Toll Service:
 - a. Work directly with Director of General Services and reps from Wisconsin Bell regarding students' toll service.
 - b. Coordinate moves between Hall Directors and Phone Company.
 - c. Coordinate special needs and Summer service with Phone Company.
13. Responsible for coordinating the revision of Housing Publications, such as the Residence Life Contract and Information Booklet, Contract Cards, Administrative Manuals, and general housing brochures.
 - a. Coordinate flyers/requests for our area. Approve requests after checking for content to see if it meets our criteria.
 - b. Work with Graphic Artist, Fast Copy Center, and Publications Office for typesetting, artist, and printing needs.
 - c. Edit contents for accuracy.
14. Coordinate program to comply with Board of Regents' Mandatory Housing:
 - a. Request printout (by criteria).
 - b. Maintain file for all exemptions.
 - c. Assign staff to check criteria (commuters, six quarters in hall, etc.)
 - d. Assign staff to type final list and letters.
 - e. Make first-line decision on eligibility.
 - f. Maintain file for all decisions made as follow-up to letters.
15. Deposit monies collected for our area with the Cashier's Office in accordance with cash flow procedures with proper coding and account.
16. Handle any collection of bad checks as returned by the Cashier's Office.
17. Responsible for the completion of Special Reports as required for the operation of our program.
18. Assist Guest Housing Coordinator (Breaks) in scheduling coverage, mail, check-in/check-out, etc.

159C. INFORMATION FLOW - VERBAL COMMUNICATION OF VERBAL INFORMATION

1. Communicate work assignments to Residence Life Staff.

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2. Communicate directly with Hall Directors regarding hall occupancy, additions, withdrawals, room changes, billings, payroll for student employees, artist requests, and other projects/requests as required.
 3. Communicate directly with other University officials as required for the success of the Residence Life Program:
 - a. Accounts Payable for refund checks and payment of invoices.
 - b. Accounts Receivable for billing changes.
 - c. Admissions for new students/orientation involvement.
 - d. Cashier's Office for depositing of money and bad checks.
 - e. Central Stores for supplies, PO requisitions, & student UPS pkgs.
 - f. Computer Center for up-to-date use of their facilities, i.e., student payroll, charges, printouts, labels, vouchers, student master files, etc.
 - g. Fast Copy Center for printing requests.
 - h. Financial Assistance for eligibility requirements.
 - i. Food Services for withdrawals, exemptions, artist requests, and waivers on board plan for staff.
 - j. General Services for telephones and cable.
 - k. Maintenance for work orders, keys, and paint.
 - l. Parking for student parking eligibility.
 - m. Personnel for payroll (student, permanent, & LTEs).
 - n. Physical Education for guest housing of varsity teams during breaks.
 - o. Publications for typesetting and printing.
 - p. Purchasing for requisitions.
 - q. Registrar's Office for transcripts, computer approvals, and HOLDS.
 - r. Security for deposits and incidents re: residence hall students.
 4. Communicate with outside agencies as required for the success of the Residence Life Program:
 - a. Students and parents regarding assignments and billings.
 - b. Students and parents regarding policies/procedures, mandatory housing, and overall program if having problem/questions.
 - c. Coordinate mail delivery with United States Post Office.
 - d. Coordinate long distance toll service with Telephone Company.

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D. COMPOSITION OF WRITTEN COMMUNICATION

1. Compose and send out letters which require the exercise of judgment and originality.
2. Sign letters/forms in Director's absence.
3. Make first-line determination regarding course of action for deposit disposition when student leaves the halls. Select proper form letters for staff to send.
4. Design and/or revise new forms as necessary.