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JOANNE D. BOLDON,
Appellant,
v.
Secretary, DEPARTMENT OF
AGRICULTURE, TRADE AND
CONSUMER PROTECTION, and
Secretary, DEPARTMENT OF
EMPLOYMENT RELATIONS,
Respondents.
Case No. 89-0141-PC
* * * * *

DECISION
AND
ORDER

NATURE OF THE CASE

This is an appeal pursuant to §230.44(1)(b), Stats., of the denial of a request for reclassification from Program Assistant 1 (PA 1) to Program Assistant 2 (PA 2).

FINDINGS OF FACT

- 1. Appellant is employed by respondent, Department of Agriculture, Trade and Consumer Protection (DATCP), in a position classified as a PA 1 in the Milwaukee regional office of the Trade and Consumer Protection Division.
2. Appellant reports to a Regulation and Compliance Investigator Supervisor 2, Patricia Lombardo, and is subject to general supervision.
3. The duties and responsibilities of appellant's position are set forth accurately on her August 16, 1989, position description (PD), Respondent's Exhibit 8. This PD contains the following "position summary":
Under the general supervision of the Regional Supervisor, this position provides the principal program support for the Consumer Protection Bureau including the Weights and Measures Inspection Program. This is moderately difficult work which involves a working knowledge of the entire Consumer Protection Program including consumer complaint intake, review and investigation, and processing. Work involves a significant amount of public contact requiring a variety of decisions and discretionary actions.
4. This PD contains the following "goals and worker activities":
60% Goal A: Performance of Program Support for the Consumer Protection and Weights and Measures Programs.

- A1. Log, number and enter consumer complaint information.
- A2. Create, organize, and maintain card file tracking system for complainant and respondent.
- A3. Create, organize, and maintain complaint tracking system including tracing and pending.
- A4. Refer complaints outside scope of program jurisdiction to other divisions, agencies, states, and federal government.
- A5. Prepare case correspondence, reports, and memos.
- A6. Sort for distribution all incoming and outgoing correspondence.
- A7. Prepare quarterly activity report including statistics on inquiries received, written complaints processed, prosecutorial actions, and referrals.
- A8. Organize complaint files and send to central office. Route regional copy to appropriate staff and send out correspondence including all enclosures.
- A9. Organize prosecution cases for administrative and legal review.
- A10. Assist with special projects and surveys as needed.

20% Goal B: Performance of Public Assistance and Contact Work

- B1. Furnish general program information to public by phone or in person.
- B2. Refer misdirected walk-ins and callers to appropriate agency.
- B3. Distribute educational materials to walk-ins and callers.
- B4. Collect money from booklet sales and open records requests and send to central office.

20% Goal C: Provision of Clerical Services

- C1. Expand and utilize the capabilities of word processor and computer to meet changing program demands.
- C2. Guide activities of half-time LTE typist.
- C3. Coordinate information flow between central and regional offices.

- C4. Requisition and maintain supplies including preparation of payment vouchers.
- C5. Maintain files of program materials and purge as required.
- C6. Set up and reserve meeting rooms, room reservations, and equipment needs.
- C7. Maintain capital equipment inventory.
- C8. Maintain telephone, postage, petty cash, and photocopy machine accounts and prepare vouchers when appropriate.
- C9. Draft letters when directed.
- C10. Maintain administrative manuals and records.

5. Prior to taking her current job, appellant was employed in the then Milwaukee regional office in a PA 1 position. At that time the Milwaukee office contained four divisions -- Food, Meat Inspection, Trade and Consumer Protection, and Plant Industry. Appellant provided support services to all four divisions. Her position was considered part of the Administration Division.

6. In 1989, respondent DATCP reassigned the clerical support staff at the regional offices to the particular line divisions for which they would be primarily responsible, as opposed to the administration division. Following certain other organizational changes, the Milwaukee regional office wound up with only the Trade and Consumer Protection Division.

7. Respondent decided that the positions of appellant and the other similar positions in the Green Bay, Madison, and Altoona regional offices would be PA 1's, and developed basically a common PD for these positions. A typist position in the Milwaukee regional office was reallocated to PA 1, and appellant transferred to this position from her PA 1 position in the Administration Division.

8. Appellant's position is basically the same as the other regional office PA 1 positions at Altoona, Milwaukee, and Green Bay, with the following minor differences:

- a) Altoona position, Mary L. Krueger, incumbent, Respondent's Exhibit 27, and Madison position, Sharon Jansen, incumbent, Respondent's Exhibit 25. At activity A7., these PD's state: "Compile quarterly activity report including statistics on inquiries received, written complaints processed, court actions and referrals." Activity A7. on appellant's position description (Respondent's Exhibit 8) is the same

except it uses the word "prepare" instead of "compile." Also, the PD for the Altoona and Madison positions does not contain activities C2., C8. and C10. under Goal C ("Provision of Clerical Services") on appellant's PD.

These activities are as follows:

C2. Guide activities of half-time LTE typist.

* * *

C8. Maintain telephone, postage, petty cash, and photocopy machine accounts and prepare vouchers when appropriate.

* * *

C10. Maintain administrative manuals and records.

b) Green Bay position, Elizabeth Ann Schmatz, incumbent, Respondent's Exhibit 26. Activity A7. states: "Compile quarterly activity report....," and activity A8. states: "Compile and transmit copy of complaint file to central office...." (emphasis added) These activities are the same on appellant's PD (Respondent's Exhibit 8) except that it uses the words "prepare" (activity A7.) and "organize" (activity A8.) respectively. Also, appellant's PD has the following additional activities under Goal C ("Provision of Clerical Services"):

C2. Guide activities of half-time LTE typist. [This is included on the Schmatz PD, but on a different part.]

* * *

C8. Maintain telephone, postage, petty cash, and photocopy machine accounts and prepare vouchers when appropriate.

* * *

C10. Maintain administrative manuals and records.

9. Appellant's position is somewhat similar to a PA 1 position in the Trade and Consumer Protection Division, Darlene Davidson, incumbent, Respondent's Exhibit 28, although the latter had no responsibility for guiding the activities of a part-time LTE or for vouchering.

10. Prior to her transfer to her current position, appellant was supervised by a Program Assistant Supervisor 1, Annie B. Smith. Ms. Smith had vouchering responsibilities, including some that were basically the same as appellant's current vouchering. However, Ms. Smith did voucher work for

all four of the divisions that then were in the Milwaukee regional office, and overall her responsibilities in this area were more complex than appellant's. Appellant also assumed responsibility for the petty cash fund (\$25) and some inventory records, both of which Ms. Smith previously had maintained.

11. Prior to the reorganization and appellant's transfer to her current position, there were more people assigned to the Milwaukee regional office, and she was not the sole clerical support person as is currently the case (although there is a part-time LTE). While there currently is more of a possibility that due to the temporary absence of other employes, appellant could be the sole employe in the office, this has yet to occur and there always has been someone present for appellant to consult in case of an emergency.

12. The other regional offices in the Trade and Consumer Protection Division are housed in buildings containing other DATCP offices, while the Milwaukee regional office contains only the Trade and Consumer Protection Division operation. As a result of the additional staff and operations in the buildings housing the other regional offices, administrative functions are more centralized -- e.g., a pooled copying operation -- thus providing more support for the PA 1 positions there.

13. The Program Assistant position standard, Respondent's Exhibit 15, contains the following class descriptions for PA 1 and PA 2:

PROGRAM ASSISTANT 1

(PR2-06)

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

PROGRAM ASSISTANT 2

(PR2-07)

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.

14. The "examples of work performed" for PA 1 and PA 2 as set forth in the Program Assistant Position Standard, Respondent's Exhibit 15, are as follows:

PROGRAM ASSISTANT 1 - WORK EXAMPLES

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

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

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

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

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

Gathers and organizes information into summary reports, as assigned.

Maintains department or program schedule.

Develops and revises operating procedures affecting the immediate work unit.

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

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

PROGRAM ASSISTANT 2 - WORK EXAMPLES

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

Schedules department facilities usage.

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

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

Maintains liaison between various groups, both public and private.

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

Prepares budget estimates, plans office operations, controls bookkeeping functions and handles personnel transactions.

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

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

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

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

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

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

Attends meetings, workshops, seminars.

15. DATCP, acting on a delegated basis from DER pursuant to §230.04(1m), Stats., denied appellant's request for reclassification from PA 1 to PA 2, via a letter dated November 2, 1989 (Respondent's Exhibit 12).

16. Appellant's position is more appropriately classified as a PA 1 than as a PA 2.

CONCLUSIONS OF LAW

1. This appeal is properly before the Commission pursuant to §230.44(1)(b), Stats.
2. Appellant has the burden of proof.
3. Appellant having failed to sustain her burden, it is concluded that respondents' decision to deny the request for reclassification of appellant's position from PA 1 to PA 2 was not incorrect.

DISCUSSION

Appellant in her testimony stated that her reclassification request rested primarily on three activities in her PD, as follows:

- C7. Maintain capital equipment inventory.
- C8. Maintain telephone, postage, petty cash, and photocopy machine accounts and prepare vouchers when appropriate.
- C10. Maintain administrative manuals and records.

These activities occupy only a small percentage of appellant's time. Furthermore, there is nothing in the record to distinguish these activities

from PA 1 level work in terms of degree of scope and complexity, impact of decisions, the need to search for solutions from a variety of alternatives, or the diversified nature of the procedures and precedents which govern the program area, see PA 2 class description, Respondent's Exhibit 15, p. 4. Appellant testified with respect to the inventory activity that once a year she gets a printout of inventory numbers that she checks against the pieces of equipment, informing her supervisor of any equipment that is missing or does not match the printout. She further testified that the manual updating involves replacing old material with new material as it is issued, approximately monthly. The vouchering and petty cash activities consist of relatively simple entries and form completions. All of these activities appear to fall well within the parameters of the "work of moderate difficulty" performed at the CA 1 level as exemplified by the following CA 1 work examples:

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

Purchases and requisitions supplies, including capital purchases and services, and follows up to insure merchandise or services are received and priced accurately. Respondent's Exhibit 15, p. 4.

The fact that appellant's former supervisor, a Program Assistant Supervisor 1, previously performed some of these tasks does not add much to appellant's case. Respondent provided uncontradicted testimony not only that Ms. Smith's vouchering activities overall were more complex, but also that it is not unusual for employees to perform some lower-level duties, as long as the majority of their duties and responsibilities are at the higher level.

Appellant's attempts to distinguish her position from the other PA 1 positions were unsuccessful. The differences in the PD's for the most part were miniscule at best, and did not put appellant's position at the higher level. For example, Respondent's Exhibits 27 and 25 (Altoona and Madison positions) contain the following activity at A7.:

Compile quarterly activity reports including statistics on inquiries received, written complaints processed, court actions and referrals. (emphasis added)

Appellant's PD (Respondent's Exhibit 8) contains the following activity at A7.:

Prepare quarterly activity report including statistics on inquiries received, written complaints processed, prosecutorial actions, and referrals. (emphasis added)

That these activities are the same is illustrated not only by the lack of any meaningful difference between the words "compile" and "prepare," but also by

the fact that the words describing the contents of the reports that are "prepared" or "compiled" are exactly the same.

Appellant also pointed out in her testimony that other regional offices have other DATCP operations besides Trade and Consumer Protection in their buildings, and therefore those PA 1's have more administrative support than her position due to a pooling of functions, e.g., photocopying operations. She also pointed out that due to the smaller staff in the current Milwaukee regional office, there is more of a possibility she could find herself alone in the office, albeit this has never happened.


These factors do not add much to appellant's case. With regard to the first point, the record does not reflect that this would have a significant enough impact in terms of complexity, scope, impact, etc., to play an appreciable role in terms of classification analysis. As to the second point, this is a hypothetical situation which has yet to occur. Also, there is no indication that if this situation should occur, appellant would be forced to make immediate decisions outside the realm of her PD as opposed to deferring them until the availability of higher-level employees.

ORDER

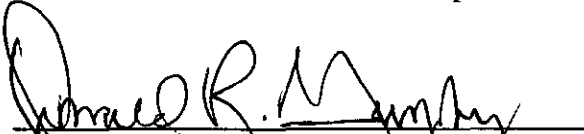
Respondent's action denying appellant's request for reclassification of her position from PA 1 to PA 2 is affirmed and this appeal is dismissed.

Dated: October 4, 1990

STATE PERSONNEL COMMISSION


LAURIE R. McCALLUM, Chairperson

AJT:rcr


DONALD R. MURPHY, Commissioner


GERALD F. HODDINOTT, Commissioner

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