

DARLENE J. DARLAND,

Appellant,

v.

President, UNIVERSITY OF
WISCONSIN, and
Secretary, DEPARTMENT OF
EMPLOYMENT RELATIONS

Respondents.

Case No. 89-0160-PC

DECISION
AND
ORDER

This matter is before the Commission as an appeal of a reclassification decision. During a prehearing conference held on January 23, 1990, the parties agreed to the following issue for hearing:

Whether respondent's decision to deny appellant's request for reclassification to a higher classification than her current Program Assistant 2 classification was correct.

Subissue: Whether appellant is more appropriately classified as a Program Assistant 2 or an Educational Services Intern.

After the conclusion of a hearing on March 27, 1990, the parties filed post-hearing briefs.

FINDINGS OF FACT

1. Appellant first filled the subject position at the University of Wisconsin - Oshkosh in February, 1987. At the time she was hired as a Program Assistant 2 (PA 2), her duties were summarized as follows:

The person in this position is responsible for supervising the daily operation of the Parking Department to include hiring, training and monitoring the work of approximately 12 student assistants and supervising one classified staff employee. Additional responsibilities include purchasing supplies, requesting services, preparing notifications for publication and provision of financial and record keeping support.

2. Appellant's supervisor, Jerry Johnson, holds the position of director of parking for the University of Wisconsin - Oshkosh. Mr. Johnson first assumed that responsibility in February of 1987. He also has responsibilities in the areas of risk management and hazardous chemical collection and disposal.

3. As director of parking, Mr. Johnson has overall responsibility for the construction, maintenance and operation of the 2700 parking places on the University of Wisconsin - Oshkosh campus, as well as supervisory responsibility for the personnel who carry out the parking operations. The director of parking position is a policy level position.

4. The appellant's position serves as the office manager for the parking program. The duties of the position are accurately described in a position description which includes the following summary:

This position reports to the Director of Parking and is primarily responsible for collection of parking fees and outstanding parking citations which generates over three hundred thousand in revenue each year. The position also requires constant contact with faculty, staff, students and visitors who use the campus parking facilities. Contacts with individuals are continuous throughout the day from a few minutes by telephone to inquiries made in person. The position requires a great deal of judgment and must be sensitive to the needs of complainants from all walks of life. Other responsibilities include; the maintenance, upkeep and updating of the off-line cash system; and the supervision of one full-time, one LTE and ten - twelve student employees.

The position goals listed on the position description are:

- 2.5% A. Maintenance of Off-line Cash Collection and Records System
- 25% B. Responsible for Deposits of all Cash Collections
- 12.5% C. Payroll Deductions for Faculty, Academic Staff and Classified.
- 20% D. Processing of Citations on a Weekly Basis
- 25% E. Department of Transportation, Registration and Suspension Program.
- 2.5% F. Maintain Operation of Visitor Information Booth
- 5% G. Supervising Staff
- 7.5% H. Performance of Miscellaneous Duties

5. In June of 1989, the appellant requested reclassification of her position. Her request did not specify reclassification to a particular class level. The University of Wisconsin - Oshkosh personnel office reviewed the request,

compared the appellant's position with the Program Assistant 2, Program Assistant 3 and Fiscal Clerk 3 class specifications, and denied the request. The appellant appealed the denial to the University of Wisconsin System personnel office which compared the appellant's position to the Program Assistant 2 and 3 specifications and to a position classified at the Educational Services Assistant 2 level but concluded the appellant's position was accurately classified at the Program Assistant 2 level.

6. Within 30 days after being notified of the adverse decision, the appellant filed a letter of appeal with the Commission.

7. The class specifications for Program Assistant 2 and Educational Services Intern (ESI) include the following language:

PROGRAM ASSISTANT 2

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.

EDUCATIONAL SERVICES INTERN

Positions allocated to this class are entrance level positions for recent college graduates with a general academic background such as business or liberal arts. Work assignments are of a general educational administrative nature and the incumbents in these positions are considered to be in training for more responsible positions and assignments. At the onset of their employment, employees in this class are under strict supervision with a gradual lessening of supervision as they become proficient in their work. Assignments include research on specified topics, analysis of problem areas as defined by administrators, etc., with the intent and responsibility for making firm recommendations as to possible solutions.

8. Other positions which provide a basis for comparison to the appellant's position include the following:

a) PA 2 at the University of Wisconsin - Stevens Point filled by Martina La Rosa. This position serves as the "lead worker and office manager" for the Parking Services operation at Stevens Point. The incumbent interprets parking policies and regulations, communicates with parking patrons, devises solutions to parking problems, composes correspondence, develops procedures and guidelines for improving "administrative or operating effectiveness," has the authority to void tickets, has responsibility for cash register, deposits and bookkeeping, hires student employes, directs the work of one classified employe and oversees the parking operation's computerized information system. The position reports to an Administrator 5 - Supervisor who has responsibility for campus parking, telephones and transportation.

b) PA 2 at the University of Wisconsin - Whitewater filled by Shirley Wiesmann. This position is responsible for managing Whitewater's parking program and reports to a Campus Police Supervisor 2. The incumbent initiates motor vehicle license suspensions under the Department of Transportations suspension program, initiates small claims court proceedings for out-of-state offenders, supervises five student employes, processes appeals of parking citations, directs registration of motor vehicles for campus parking, coordinates special events parking, coordinates parking activities with other campus departments and processes parking citations. The incumbent also spends 15% of her time on clerical and receptionist duties.

c) ESI at the University of Wisconsin - Stout. The position summary for the position reads:

As the Campus Parking Coordinator for the University of Wisconsin - Stout, this position is responsible for the administration and supervision of a parking program for the entire university. Functional areas of responsibility include personnel supervision, parking and traffic management, procedure program develop-

ment and coordination, and the development of new computer programs to improve the efficiency of the parking operation.

The position reports to UW-Stout's Director of Protective Services.

9. Appellant's position is more appropriately classified at the PA 2 level than at the ESI level.

CONCLUSIONS OF LAW

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

2. Appellant has the burden of proving that respondents erred in failing to reclassify the appellant's position from PA 2 to ESI.

3. Appellant having failed to sustain her burden, it must be concluded that the decision to deny reclassification of her position from PA 2 was correct.

OPINION

Although the initial decision which is the genesis of this appeal was a decision by the University of Wisconsin System personnel office comparing the appellant's position to the PA 2 , PA 3 and ESA 2 classifications, the issue for hearing is phrased in terms of whether the appellant's position is "more appropriately classified as a Program Assistant 2 or an Educational Services Intern." This issue, which was agreed to by the parties during a prehearing conference, only permits the Commission to consider two classification options: PA 2 and ESI. Evidence relating to alternative classifications has not been considered.¹

¹At the commencement of the hearing, the hearing examiner raised a question as to the scope of the hearing because the appellant had submitted position descriptions for various PA 3 positions as exhibits even though the issue made no mention of the PA 3 level as an alternative classification. Respondents' representative recounted the discussion which had occurred during the prehearing conference when the issue was established and noted that the respondents had prepared for hearing only on the basis of the PA 2 and ESI classifications. The examiner then advised the parties that his "initial understanding" was that the Commission would be restricted to looking at the PA 2 and ESI classifications. While the appellant's PA 3 exhibits were admitted without objection, there was no other evidence received which directly

The burden in this matter is on the appellant to show that her position is more appropriately classified as an Educational Services Intern than as a Program Assistant 2. The class specifications for the ESI classification indicate that it is to be used for "entry level positions for recent college graduates with a general academic background such as business or liberal arts." There is no evidence of the appellant's educational background on which to conclude that she meets this definition. The ESI classification also states that "incumbents in these positions are considered to be in training for more responsible positions and assignments." In contrast, the appellant's responsibilities have not been assigned to her for the purpose of training her for other positions. No such progression is indicated in the appellant's position description or through testimony of the various witnesses at hearing. The appellant has also failed to show that she has been assigned the same level of responsibility as is assigned to the one ESI position which is described in the record. That position is responsible for the "administration and supervision of a parking program for the entire university [i.e., UW-Stout]." The classification analyst who established the classification for the UW-Stout position testified he understood that the position served as the director of parking at that campus. In contrast, the appellant serves as the office manager for the UW-Oshkosh parking program, while her supervisor, Mr. Johnson, is the parking director along with other duties.

A comparison with the PA 2 specifications also does not support reclassification of the appellant's position to the ESI level. While the language of the PA 2 class description set forth in finding 7 is quite general, its language is certainly consistent with the responsibilities set forth in the appellant's position description. In addition, the closest comparable positions in terms of duties performed and reporting relationships are classified at the PA 2 level. Both the La Rosa and Wiesmann positions are responsible for duties which are, for the most part, comparable to the parking service office manager responsibilities performed by the appellant. Ms. La Rosa is described in her position description as the "lead worker and office manager" for the parking program at UW-Stevens Point. Her supervisor has responsibility for campus telephones and transportation as well as parking. Ms. Wiesmann is responsible for man-

addressed the appropriateness of the PA 3 classification and the parties offered no further arguments relating to the scope of the issue for hearing.

aging the UW-Whitewater parking operation. She reports to a Campus Police Supervisor 2, who, according to the organization chart, supervises both police and parking. The supervisors for both Ms. La Rosa and Ms. Wiesmann have other areas of responsibility in addition to parking. They do not devote all of their energies to the parking area, just as the appellant's supervisor, Mr. Johnson, must spend much of his time on risk management and chemical waste disposal and must rely on the appellant to perform the day-to-day parking responsibilities.


All of these factors support classifying the appellant's position at the PA 2 level rather than at the ESI level.

In reaching this decision, the Commission has not considered documents and factual assertions made by the appellant and her supervisor in their post-hearing submissions unless they are consistent with the previously established record.

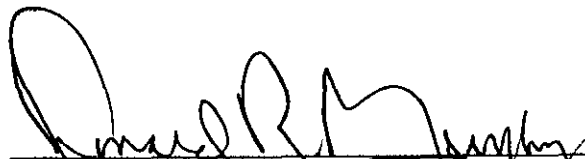
ORDER

The respondent's action not to classify the appellant's position as an Educational Services Intern is affirmed, and this appeal is dismissed.

Dated: July 12, 1990 STATE PERSONNEL COMMISSION


LAURIE R. MCCALLUM, Chairperson

KMS:kms


DONALD R. MURPHY, Commissioner


GERALD F. HODDINOTT, Commissioner

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