

employment relations services (10%); providing budget development for biennial and annual review budgets (15%); providing legislative analysis (5%); and providing miscellaneous management services, including supervising the administrative services staff, making program and management recommendations to the Public Defender, contracting for space, and representing the Public Defender in public meetings (30%). At that time, appellant's position spent 10-20% of time supervising the activities of the 5 subordinate staff members and 80-90% of time performing non-supervisory duties.

3. Between 1982 and 1989, the SPD established a management information system. This system now uses IBM and MacIntosh mini-computers to maintain the records of cases assigned to the SPD, to generate case statistics, and to maintain the records relating to the payments for legal services provided by private attorneys. The SPD has 37 offices statewide, handles approximately 100,000 cases each year, contracts for services with 3000 private attorneys, and processes 50,000 billings totalling \$1.5-2 million each month. As of the date of the subject request for reclassification, the SPD had 349 full-time equivalent employees, an '87-89 biennial budget of \$50.2 million, and a staff of 15 full-time equivalent employees in its Division of Administration.

4. As of the date of the subject request for reclassification, appellant's position spent 60-70% of time supervising the activities of subordinate staff in preparing, reviewing and managing the agency's budget; in developing, maintaining, and operating the agency's management information systems; in performing all accounting and fiscal related activities; and in carrying out the agency's personnel, employment relations, training, records, payroll and employe benefits programs; and appellant's position spent 20-30% of its time

providing direct management and support services to the Public Defender, including representing the Public Defender on intra-agency and inter-agency committees, serving on the agency's management team which reviews operational and policy issues affecting the agency, and serving as the Quality Improvement coordinator for the agency. Appellant's position does not supervise any positions classified as supervisors or lead workers. The highest level of position supervised by appellant's position is assigned to pay range 1-15.

5. The relevant positions offered for comparison purposes in the record include the following:

a. AO 4--David Larsen--Administrator, Division of Administration, Department of Veterans Affairs (DVA). This position carries out the same types of business management duties and responsibilities as appellant's position. The DVA has 700 full-time equivalent employees, has an 87-89 biennial budget of \$355 million, has 59 full-time equivalent employees and four bureaus each with a director and subordinate supervisors in its Division of Administration, controls assets of over \$1 billion, administers a highly complex housing loan program, administers a large health care facility for veterans, has two stand-alone main-frame computers and 19 data processing systems, and has a variety of funding sources. This position supervises more than 1 position assigned to pay range 1-16 and one position assigned to pay range 1-17.

b. ESG 2 (PR 1-19)--David Bartz--Administrator, Division of Administration, Department of Justice (DOJ). This position carries out the same types of business management duties and responsibilities as appellant's position. The DOJ has 474 full-time equivalent employees; has an 87-89 biennial budget of \$63 million; has 58 full-time equivalent employees, two bureaus, and 3 sections, each with at least one supervisor, in its Division of Administration; not only has responsibilities in the area of providing legal services in civil and criminal matters but also in the areas of criminal investigation, law enforcement and training, consumer protection, and crime victim services; and has a highly complex management information system employing 39 full-time equivalent employees and involving an international law enforcement communications network.

c. AO 3--Donna Biddle--Administrator, Division of Administrative Services, Department of Employment Relations. This position carries out the same types of business management duties and responsibilities as appellant's position. DER has 102 full-time equivalent employees; has an 87-89 biennial budget of \$10.7 million; has 15 full-time equivalent employees in its Division of Administrative Services.

d. AO 4--Hildegard Neujahr--Administrator, Division of Administrative Services, Office of the Commission of Insurance (OCI). This position carries out the same types of business management duties and responsibilities as appellant's position. In addition, this position administers and supervises the Patients Compensation Fund, the Wisconsin Health Care Liability Insurance Plan, the Health Insurance Risk Sharing Plan, the Agent Licensing Section, the State Life Fund, and the Local Government Property Insurance Fund. The OCI has 110 full-time equivalent employees and an 87-89 biennial budget of \$63 million.

6. For the purposes of classifying positions within the AO series, respondent has typically used the following standard:

Very small department:	1-50 positions
Small department:	51-99 positions
Medium department:	100-499 positions
Large department:	500-999 positions
Major department:	1000 + positions

7. The AO 3 classification is assigned to pay range 1-18; the AO 4 classification and the ESG 2 level are assigned to pay range 1-19; and the ESG 3 level is assigned to pay range 1-20.

8. The position standard for the AO series states, in pertinent part:

Administrative Officer 3

Class Description

Definition:

This is highly responsible administrative and managerial work in providing highly complex executive, liaison, and staff functions and services. An employe in this class is responsible for major management functions including program development and evaluation. The work involves responsibility for management functions as they affect the programs of numerous complex organizational segments with professional or technical programs, and for the evaluation and improvement of

such operations in any management area. An employe develops departmental policies and regulations, recommends the establishment and revision of legislation, and makes responsible management decisions within a broad framework of laws, rules and policies which have a great effect upon departmental programs. The work is performed with a high degree of independence, subject only to administrative review by the department head. Positions allocated to this class differ from those allocated to Administrative Officer 2 in the amount of authority delegated by the agency head, the influence of the administrative officer's decisions on the line functions of the agency, the variety, complexity, and professional nature of the agency's programs, the relationship of the administrative officer to professional program administrators, and the nature and complexity of the agency's organizational structure.

Administrative Officer 4

Characteristic Work of the Class

Definition:

This is highly responsible administrative and managerial work in providing complex and diversified liaison, and staff functions and services. An employe in this class is responsible for the direction of all business management functions in a large department, including the administration of the business management aspects of all personnel, fiscal, purchasing, data processing and systems, and budget programs, or the employe is responsible for the executive administration of several business management functions in a major department composed of several semi-autonomous divisions each of which is concerned with diversified major professional or technical programs. The employe plans, determines, and directs or assists in the direction of the implementation of departmental policies and regulations in the sphere of business management for the department. The employe is required to make high level management decisions which have major impact upon departmental policy, programs and operations as they relate to business management. The employe determines and evaluates departmental recommendations for the establishment and revision of legislation. The work is performed for the most part independently, subject only to administrative direction and review by the department head.

9. The duties and responsibilities of appellant's position are better described by the language of the AO 3 classification specifications than the language of the AO 4 classification specifications and are more closely comparable to the

duties and responsibilities of the AO 3 position offered for comparison purposes in the record than those of the AO 4 positions.

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 the decision by respondent to deny her request for the reclassification of her position from AO 3 to AO 4 was incorrect.
3. Appellant has failed to sustain this burden.
4. Appellant's position is appropriately classified at the AO 3 level.

Decision

It is undisputed that appellant's position is responsible for the direction of all business management functions for the Office of the State Public Defender. This is clearly "highly responsible administrative and managerial work in providing highly complex executive, liaison, and staff functions and services" within the meaning of the AO 3 classification specifications. In order to be classified at the AO 4 level, however, appellant's position would have to be "responsible for the direction of all business management functions in a large department." It is clear from the record that, at the time the subject reclass request was made, the SPD had 349 full-time equivalent employees. It is also clear from the record that respondent has been consistent in applying a standard that an agency have 500-999 positions in order to be regarded as a "large" department for purposes of classifying positions in the AO series. The Commission concludes that appellant's position

is not responsible for the direction of all business management functions in a large department within the meaning of the AO4 classification specifications.

However, respondent has also classified positions at the AO 4 level even though they are responsible for the direction of all business management functions in a medium department if these positions also have significant program management responsibilities or if the business management functions for which they are responsible are unusually complex. This was obviously the approach taken in classifying the Neujahr and Bartz positions (See Findings of Fact 5.b. and 5.d., above). The Neujahr position is not only responsible for the business management functions of OCI, a medium department, but also has significant program responsibilities administering and supervising various insurance plans and funds as well as the Agent Licensing Section. Appellant's position does not have equivalent program responsibilities. The Bartz position, although responsible for the business management functions of an agency not substantially larger than the SPD, supervises a division with four times as many employees as the division supervised by appellant's position and manages an unusually complex management information system. In addition, the program responsibilities of the DOJ are of greater variety and wider scope than those of the SPD. On the basis of these factors, the Commission concludes that the duties and responsibilities of appellant's position are not comparable to those of the Bartz position for classification purposes.

The Larson position (See Finding of Fact 5.a., above), is an example of a position the duties and responsibilities of which satisfy the requirements of the AO 4 classification specifications. The DVA is a large department and the Larson position is responsible for directing all business management

functions of this department. In addition, neither the division supervised by the Larson position, which has four times as many employees as that supervised by appellant's position; nor the management information system supervised by the Larson position which has two stand-alone main-frame computers and 19 data processing systems compared to the mini-computer system managed by appellant's position; nor the size, variety, or complexity of the programs managed by the DVA and the SPD, are comparable.

The only AO 3 position offered for comparison purposes in the record was the Biddle position at DER. Although this position is a weaker position than appellant's from a classification standpoint in view of the relative size and budgets of the SPD and DER, the duties and responsibilities of the Biddle position are clearly more comparable to those of appellant's position than those of any of the AO 4 positions offered for comparison purposes. In addition, it should be noted that the size of the divisions supervised by the two positions is nearly identical.

On this basis, the Commission concludes that appellant's position is more appropriately classified at the AO 3 level than the AO 4 level.

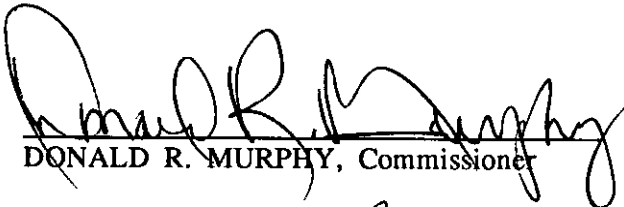
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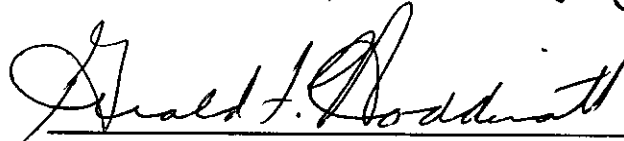
The action of respondent is affirmed and this appeal is dismissed.

Dated: December 13, 1990 STATE PERSONNEL COMMISSION


LAURIE R. McCALLUM, Chairperson

LRM/gdt/2


DONALD R. MURPHY, Commissioner


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