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PATRICIA A. GILBERT,

Appellant,

v.

Secretary, DEPARTMENT OF
ADMINISTRATION, and Secretary,
DEPARTMENT OF EMPLOYMENT
RELATIONS,

Respondents.

Case No. 90-0397-PC

* * * * *

INTERIM
DECISION
AND
ORDER

The Commission, after having reviewed the proposed decision and order and the objections thereto filed by the appellant, and after having consulted with the hearing examiner, adopts the proposed decision and order, a copy of which is attached hereto and incorporated by reference, as its final disposition of the instant matter, and adds the following language for clarification purposes:

Respondent's objections to the proposed decision are based on the assertion that appellant failed to produce evidence showing that her position had undergone a significant, logical and gradual change of duties and responsibilities, over a period (see page 2) of more than six months before the requested reclassification. The record shows that appellant testified that over the last year and a half the administrative code subscriber system was moved to her unit and she was given the responsibility to oversee its administration. She also testified to increased responsibilities due to volume increase in subscriptions of publications since 1986. This testimony was corroborated by appellant's immediate supervisor Helen Ewing and her Section Chief James Holverson. Ewing testified that appellant had been given increased responsibilities of daily affairs beginning in 1988 and that appellant's staff lead work responsibilities had increased. The staff had increased from four to five employees. This evidence plainly shows that appellant's position incurred a logical and gradual change over a period in excess of six months prior to appellant's request for reclassification.

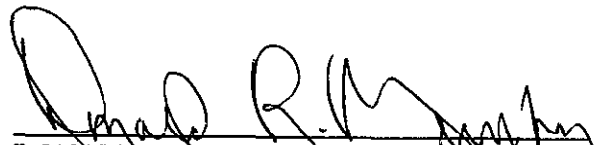
The question whether there was significant change in appellant's position must be considered within the meaning of the word "significant" and the facts of this case. The word significant is a relative term and need not indicate any particular quantum, save that it expresses some meaning of importance. In the present case the particular changes and increases in appellant's duties caused her position to be comparable to other positions at the PA 3 level. To that degree the changes in appellant's position were significant.

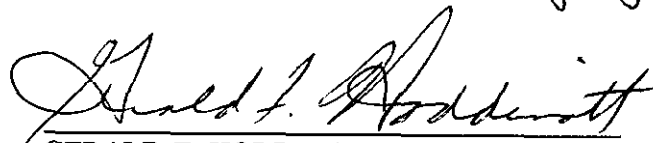
Based on the record in this matter and the reasons expressed, the Commission concurs with the proposed decision and adopts it as its final decision.

Dated: August 16, 1991 STATE PERSONNEL COMMISSION


LAURIE R. McCALLUM, Chairperson

DRM/gdt/2


DONALD R. MURPHY, Commissioner


GERALD F. HODDINOTT, Commissioner

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 Appellant,

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 Secretary, DEPARTMENT OF
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 Respondents.

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* * * * *

PROPOSED
 DECISION
 AND
 ORDER

This matter is before the Commission on an appeal of respondent's decision denying a request for reclassification. Appellant invokes §230.44(1)(b), Wis. Stats.

FINDINGS OF FACT

1. At all times relevant, appellant Patricia A. Gilbert was employed by the Department of Administration in a Program Assistant 2 position in classified civil service.
2. On July 20, 1990 James Hoverson, Section Chief, Printing and Publications, DOA submitted a request for reclassification review of the position held by appellant.
3. The reclassification review was conducted by Terry W. Kraus, a Personnel Specialist. He determined that appellant's position was properly classified at the Program Assistant 2 level and so informed Hoverson by memorandum, dated October 8, 1990, courtesy copied to appellant.
4. Appellant's duties, as presented in the reclassification request, were as follows:

<u>TIME</u>	<u>OBJECTIVES AND TASKS</u>
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- | | |
|-----|--|
| 28% | A. Assist the Supervisor with the coordination, direction and implementation of the Document Sales unit programs and activities. |
|-----|--|

- A1. Coordinate the work of 2 stock clerks, 1 fiscal clerk, 1 clerical assistant, and 1 program assistant.
 - A2. Receive inquiries from public, state, legislative, federal and local personnel and provide answers/referrals to their questions.
 - A3. Assist Supervisor with development of unit budget and compile data as necessary.
 - A4. Interpret and keep unit staff informed on rules, regulations, policies and procedures on administrative matters.
 - A5. Develop and monitor an accurate records system regarding unit deadlines for the Supervisor.
 - A6. Maintain work assignment reminder system and follow-up with unit staff on assigned tasks to ensure completion in a timely manner.
 - A7. Transmit work projects to unit staff as directed by the Supervisor/Section Chief.
 - A8. Prepare informational, factual and statistical reports.
 - A9. Participate in meetings on Document Sales business and program matters with customers, Supervisor and Section Chief.
 - A10. Relate meeting discussion/decisions to support staff.
 - A11. Assist Supervisor on behalf of the unit in special assignments, providing information and assistance.
 - A12. Draft correspondence, reports regarding unit programs for the Supervisor, Section Chief, etc.
 - A13. Ensure timely and accurate completion of all work for the unit.
 - A14. Responsible for updating, revising, and producing Document Sales catalog, Forms catalog, and subscription renewal forms.
- 29% B. Leadworker for the Document Sales Unit.
- B1. Review, edit, proof support staff work.
 - B2. Allocate work assignments among support staff; reassign work as needed for balance.
 - B3. Recommend and conduct training for support staff, temporary help, and Limited Term Employees.

- B4. Effectively recommend to the Supervisor the hiring, transfer, suspension, layoff, recall, promotion, discharge, assignment, evaluation, and discipline of administrative support staff. This will include participation in interviews, etc.
- B5. Coordinate unit support staff activities, recommending to the Supervisor, policies, procedures, guidelines and instruction to improve administrative or operating effectiveness.
- B6. Oversee the administration of the complete Administrative Code subscriber system to include list maintenance, monthly mailings, renewal mailings, and staff training and development.
- B7. Confer on a weekly basis with agency contact persons to establish new contracts by determining Document Sales handling fees, and postage charges, to clarify procedures, and to clear up problems.
- B8. Coordinate with unit staff in setting up new projects on the computer and labeler and conduct training for same.
- B9. Meet on a daily basis or as needed with unit support staff to discuss workload, special needs, assistance needed, compliance with deadlines, etc.

28%

C. Responsible for all Revenue Accounting for the Document Sales Unit.

- C1. Responsible on a daily basis:
 - (a) Generate a daily cash register summary tape and verify that amount of money equals tape record as to total and by kind. Variations must be determined and documented for audit purposes.
 - (b) Verify that each check has been previously endorsed by sales person, and report discrepancies, if any, to supervisor.
 - (c) Complete a daily work sheet accurately detailing each variety of sales and monies.

- C2. (a) Prepare a Weekly Deposit Work Sheet based upon daily worksheets prepared previously. List and total each item and reconcile all amounts.
- (b) Total all checks on adding machine.
- (c) Prepare deposit package containing all monies, adding machine tape, and one copy of worksheet. Forward package to Unit Supervisor.
- (d) Provide copy of worksheet to Supervisor; retain one copy with all work papers.
- C3. (a) Generate a monthly cash register total and clearing tape.
- (b) Complete a Monthly Sales Report from the daily and weekly worksheets and the monthly cash register tape, listing all activity, kind of transactions, etc., for all items. Every note as to any previous deviation during the month must be carried forward to the monthly report.
- (c) Provide copies of this report to the Supervisor and the Chief and file one in permanent office file with accumulative worksheets for the month.
- C4. Prepare and type monthly summary "invoice" for Documents service customers for time billing charges according to prescribed format, and complete by the fifth working day of the month.
- C5. Prepare and type monthly letter of credit for Documents service customers of credit for publications sold according to prescribed format and complete by the fifth working day of the month.
- C6. Prepare all computer inventory information and worksheets for Documents and Forms and distribute to Supervisor, Section Chief and Accounting in the Division of Administrative Services by the fifth working day of the month.

- C7. Prepare General Services Billing for keypunching weekly and for the end of the month.
- C8. Correct General Services billing errors kicked out by the computer by researching and analyzing the transaction.
- C9. Answer customers questions regarding C4-C8 billing information and inform Supervisor of potential problems.
- C10. Keep Supervisor informed of expenses and time spent on various documents, i.e., Blue Book, Supreme Court Reports, etc., and supply Supervisor with data needed to establish base prices on documents.

15%

- D. Other Assigned Related Activities
 - D1. Assist with mailing of monthly Administrative Code and other daily orders.
 - D2. Set up and operate various pieces of equipment appropriate to mailroom and warehousing activities, such as: staplers, openers, tape dispensers, meters, scales, skid lifts.
 - D3. Assist in reception , phone answering, copying, typing and other related office services.
 - D4. Assist in receiving and checking, collating, packaging, labeling, recording, inserting, sorting, warehousing, metering and shelving of various materials in packages and cartons up to fifty (50) pounds in weight, in preparation for mailing and shipping.

5. Appellant's new or expanded duties, those subsequent to duties listed in appellant's old position description representing tasks prior to July 16, 1991 are as follows:

NEW OR EXPANDED DUTIES

PERCENTAGE

- | | |
|---|----------------|
| Goal A is increased from 25% to 28% | Increase of 3% |
| A1. Coordinate the work of 2 stock clerks, 1 fiscal clerk, 1 clerical assistant and 1 program assistant. | |
| A14. (New) Responsible for updating, revising, and producing Document Sales catalog, Forms catalog, and subscription renewal forms. | |

Goal B is increased from 25% to 29% Increase of 4%

B6. Oversee the administration of the complete Administrative Code subscriber system to include list maintenance, monthly mailings, renewal mailings, and staff training and development.

B7. Confer on a weekly basis with agency contact persons to establish new contracts by determining Document Sales handling fees, and postage charges, to clarify procedures, and to clear up problems. Number of publications sold by Document Sales has doubled since 1986.

Goal C is increased from 25% to 28% Increase of 3%

C1 thru C10 increased responsibility due to volume increase in sale of publications. Since 1986 average weekly deposits have grown from \$7,100.00 to \$12,250.00, an increase of 42%.

Goal D decreased from 20% to 15% Decrease of 5%

The decrease in this goal is due to additional staff to perform tasks D2 and D4 with leadworker monitoring the objectives.

Goal E decreased from 5% to 0% Decrease of 5%

This decrease is due to the Wisconsin ID Card Sales Program being terminated.

6. The state classification specifications define Program Assistant 2 positions as:

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.

* * *

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; makes 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.

7. The state classification specifications define Program Assistant 3 positions as:

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.

* * *

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.

8. Appellant provides program assistance to the Supervisor of the DOA Document Sales Unit.

9. Document Sales is a part of Document Sales/Bulk Mail/Tourism, one of four units in the Printing and Publication Section of the Bureau of General Services in DOA. General Services is in the department's Division of State Agency Services.

10. Aside from assisting the Supervisor of Document Sales, appellant's program support duties include functioning as leadworker for Document Sales, having responsibility for all revenue accounting for Document Sales, and serving in other assigned related activities.

11. There was no substantial change in appellant's duties and responsibilities from April, 1986 to July 1990, when her reclassification request was considered.

12. Program Assistant positions offered by the parties for the purpose of comparison include:

- a. Debra Sargent Cravens — PA 2, Fiscal Service Bureau, State Historical Society (Reclass eff. 5-16-82): This position is responsible for: 40% — A. Administration of agency's publication sales program. 30% — B. Promotion of agency's retail sales program relating to publication. 15% — C. Control of accounts receivable. 15% — D. Provision of relief staffing at agency Museum Store during periods of absence of person normally assigned to that work.
- b. David E. Cauffman — PA 2, Office of Commissioner of Insurance (4-4-88): This position is responsible for: 30% — A. Maintenance of Agencywide Central Filing System. 25% — B. Maintenance of Agencywide Records Management Program. 20% — C. Maintenance of ongoing Agency Forms Management Program in compliance with statutory and

administrative rule requirements. 20% — D. Management of Agency Printing needs. 5% — E. Miscellaneous.

- c. Cheryl L. Francis — PA 2, Department of Transportation, Purchasing, Printing, Materials Mgt. Section (12/2/86): This position is responsible for: 20% — A. Audit and Approve all Printing Invoices. 20% — B. Issue Printing Contract Release Orders. 20% — C. Develop and Maintain Printing Order File. 10% — D. Request for Forms Printing, 10% — E. Prepare Production Reports. 10% — F. Verbal Communication. 5% — G. Forms Catalog Production. 5% — H. Procurement and Maintenance of Operating Supplies.
- d. Susan J. Varco — PA 3, DOA, Transportation Services/Central Fleet (5/1/90): This position is responsible for: 25% — A. Acts as leadworker for the administration support staff (3 FTE's). 30% — B. Assist Fleet Manager in implementation of fleet programs. 5% — C. Administer the State of Wisconsin Universal Credit Card System. 15% — D. Coordinates Fleet's Car Disposition Program. 10% — E. Coordinates Fleet's Car Acquisition Program. 10% — F. Oversees approval and processing of Central Fleet's invoices for accounts payable. 5% — G. Invoices other agencies monthly for services received.
- e. Sallie Olson — PA 3, DOA, Bureau of Information & Telecommunication's Management (2-20-85): This position is responsible for: 30% — A. Provision of research and statistical support to planning, policy and procurement functions. 30% — B. Provision of assistance to the STS Billing Specialist on a regular monthly basis, and backup as required. 15% — C. Collection, verification, and recording of all invoices and expenditures for production of State Telecommunications System services. 10% — E. Provision of backup clerical support . . . for bureau and division staff.
- f. Linda Gladen — PA 3, DOA, Transportation Services (current): This position is responsible for: 25% — A. Provision of staff support to the Transplan Manager involving a wide variety of administrative activities. 10% — B. Promotional activities. 5% — C. Program Review. 50% — D. Monitor and Process Fiscal Activities Using IBM-PC-AT Computer. 10% — E. Other Administrative Activities
- g. Joann Gerl — PA 2, DILHR, Claim Card Entry Unit (7/20/8): This position is responsible for: 30% — A. Preparation of Data and Programs. 25% — B. Validation of Completed Data Entry Program Transactions. 25% — C. Coordination of Unit Work (2 FTE's). 15% — D. Preparation/Authorization for Microfilming Processed Claim Certification. 5% — E. Machine Maintenance.

13. The duties and responsibilities of appellant's position are more closely comparable to those of the PA 3 positions offered for comparison purpose in the record than to those of the PA 2 positions.

CONCLUSION 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 respondent's decision denying the subject request for reclassification of appellant's position from PA 2 to PA 3 was incorrect.

3. The appellant has sustained her burden of proof.

4. Appellant's position is more appropriately classified at the PA 3 level.

DISCUSSION

Appellant claims that respondent's decision denying reclassification of her position from Program Assistant 2 to Program Assistant 3 was incorrect. In order to prevail appellant must show that the majority of her work-time is devoted to the performance of PA 3 level duties and responsibilities. Bender v. DOA & DP, Case No. 80-0210-PC (7/1/81). Also, the Commission has held that it must look to classification specifications to make classification decisions. Zhe et al. v. DHSS & DP, Case No. 80-285-PC (11/19/81); affirmed by Dane County Circuit Court, Zhe et al. v. PC, 81-CV-6492 (11/2/82).

The PA 3 classification specifications require positions at that level to 1) provide a "wide variety of program support assistance;" 2) exercise delegated authority to make decision "along program lines that are governed by a variety of complex rules and regulations;" 3) have independence of action and "impact across program lines;" and 4) devote "more time to administration and coordination . . . than to . . . actual performance of clerical tasks." The PA 2 classification specifications refer to: "work of moderate difficulty providing program assistance to supervisory, professional or administrative staff and positions are allocated to this class on the basis of the degree of programmatic involvement, delegated authority . . . level and degree of independence exercised and scope and impact of decisions involved." This language involves relative terms making it difficult to differentiate PA 2 from PA 3 classification without examining the duties and responsibilities of actual positions in the

classifications. So in this instance the Commission will examine the functions of other positions in deciding the question presented in this appeal.

In comparing appellant's position to the other PA 2 positions offered for comparison the Commission makes the following observation. The Craven position is a weaker position than appellant's position. While this is a similar operation, it is smaller than appellant's unit. The position reports to a lower level supervisor than appellant's position and has no supervisor or leadwork functions and no budgetary functions as noted in appellant's position description. The Cauffman position and the Francis position are also weaker positions than that of the appellant. Like Craven, neither of these positions has the responsibility of assisting the unit supervisor in programmatic responsibilities. Also the Cauffman and Francis positions involve no leadwork responsibilities and few diverse programmatic responsibilities.

Contrary to respondent's argument and supporting testimony, appellant's position is comparable to that of Susan J. Varco, PA 3, DOA, Transportation Services/ Central Fleet. The organizational structure is similar: Both positions are in a unit of a section, supervised by an Administrative Assistant 4-Sup. Both positions spend about the same percentage of time assisting the supervisor with unit programs and devote almost identical percentages of time, as leadworker to subordinate staff. Appellant's position oversees five staff positions and the Varco position oversees three staff positions, but in both instances, these subordinate positions include a Fiscal Clerk 1 and a Program Assistant 1. While respondent contends the scope and variety of responsibilities assigned the Varco position are greater than those assigned appellant's position, there is little evidence of it.

The Commission believes the Gladem position — PA 3, DOA, Transplan — is weaker than Varco or appellant's position. This position assists the supervisor, an Administrative Assistant 4, in coordinating the Van Pool program. It has no leadwork responsibilities.

The Sallie Olsson position, PA 3, DOA, Bureau of Information and Telecommunications Management, is difficult to compare with appellant's position. This position is within a bureau and reports to an Administrative Officer 5, provides programmatic support to "various bureau activities," but appears to have few of the administrative and coordinative responsibilities

required of PA 3 positions. In addition, this position actually performs several clerical tasks and has no leadwork responsibilities.

Based on the record, it is the Commission's belief appellant's position is more appropriately classified at the Program Assistant 3 level.

ORDER

Respondent's decision is reversed and this matter is remanded to respondent for action in accordance with this decision.

Dated: _____, 1991 STATE PERSONNEL COMMISSION

LAURIE R. McCALLUM, Chairperson

DONALD R. MURPHY, Commissioner

GERALD F. HODDINOTT, Commissioner

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