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J. CATHERINE HAASL,
 Appellant,

v.

Secretary, DEPARTMENT OF
 EMPLOYMENT RELATIONS,
 Respondent.

Case No. 92-0125-PC

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DECISION
 AND
 ORDER

Nature of the Case

This is an appeal of a reallocation decision. A hearing was held on April 22, 1993, before Laurie R. McCallum, Chairperson. The parties were permitted to file briefs and the briefing schedule was completed on June 28, 1993.

Findings of Fact

1. At all times relevant to this matter, appellant has been employed in a position which has a working title of Payroll Coordinator in the Department of Transportation's District 6 office . The duties and responsibilities of appellant's position are accurately described in a position description signed by her on February 6, 1992, as follows:

- 30% A. Coordination of Payroll Activities.
 - A1. Prepare, process, and submit hiring documents to central office personnel.
 - A2. Maintain record of limited term employee hours. Insure that 1040 hour limit is not exceeded. Notify supervisor and employee when position limitations are nearly reached.
 - A3. Compute salaries for new hires, reclassifications, probationary increases.

A4. Enter employee position information on the Time and Travel System.

A5. Coordinate charity drives and prepare paperwork authorizing payroll deductions when applicable. Communicate with specific charities the results of drives.

A6. Audit time and travel records and/or provide data entry assistance in absence of assigned employee.

A7. Receive, sort, and distribute employee paychecks.

A8. Receive, sort, and distribute W2 and other tax forms.

A9. Prepare confidential wage information reports. Gather and organize data related to labor disputes.

A10. Stay current on all payroll processing procedures. Attend State Payroll Coordinator meetings and payroll training as required.

25% B. Coordination of Fringe Benefit Activities

B1. Orient new employees to the available fringe benefit programs.

B2. Inform all employees of fringe benefit changes; address issues raised by employees and/or facilitate inquiries to insurance providers and the Central Office Payroll unit.

B3. Coordinate Dual Choice Insurance process and insure that employees are made aware of open enrollment and deferred enrollment periods for other insurance providers.

B4. Audit, process, and submit all insurance documents to Central Office Payroll. Ensure timely enrollment in insurance programs.

B5. Coordinate information meetings with insurance providers and notify all employees of dates and locations of meetings.

B6. Monitor limited term employee hours to ensure timely entrance into the Wisconsin Retirement System. Ensure employee knowledge of when they become eligible for other insurance coverage.

B7. Maintain file of current insurance information for distribution to employees.

30% C. Coordination of Personnel Transactions

5% D. Performance of Fiscal Activities, including acting as purchasing agent in the absence of assigned employee; processing invoices; and maintaining blanket order file and monitoring charges against each account.

5% E. Performance of Risk Management Activities, including maintaining worker's compensation records; and maintaining furniture and equipment inventory.

5% F. Provision of General Clerical Services

2. The appellant testified that worker activities A5, A7, A8, B3, B5, B6, and B7 within Goals A and B were not complex activities. The data submitted to the central office by appellant's position is audited and verified by central office staff prior to input into the central computer system. DOT District 6 has 130 permanent FTE positions and as few as 10 and as many as 85 LTE positions at various times during the year.

3. The following positions were offered for comparison purposes in the hearing record:

a. Robert S. Knutson--Payroll and Benefits Specialist 2--DOT District 2. The duties and responsibilities of this position include: 15%--audits, verifies, and inputs into computer system time and travel payroll information; prepares complex manual payroll adjustments. 30%--maintains and audits leave accounting records and generates payroll adjustments. 40%--orients new employees and educates existing employees regarding payroll and benefit alternatives. 5%--audits payroll and benefits information. 5%--performs general office duties. 5%--provides backup to fiscal services unit.

b. Gayle Langkamp--Payroll and Benefits Specialist 3--DOT Bureau of Accounting and Auditing, Payroll Section. This position provides payroll leadership and expertise on a wide variety of issues for the DOT, Transportation Commission, and Hill Farms Regional Data Center; provides direction, policy interpretation and consulting services regarding payroll and benefits procedures and DOA and ETF rules; interprets highly complex issues and procedures to develop bi-weekly payroll and benefit changes for 4300 employees; participates and assumes leadership role in the development and maintenance of automated systems for the payroll section; analyzes, manages, and reconciles the various reports required for ETF and insurance carriers. The position's goals and worker activities include the following: 33%--in compliance with DOA deadlines, audit and analyze biweekly personnel-payroll transactions for 4300 employees to update records on DOA central payroll system in accordance with compensation plan, 12 negotiated bargaining agreements, personnel rules and departmental policies; provide direction to DOT's network of 120 payroll coordinators/ alternates.

33%--develop, implement, and revise Departmental policies and procedures regarding the operation of the fringe benefits programs such as Wis. Retirement System, ETF administered insurances (health, life and wage), John Deere Insurance, Accidental Death and Dismemberment Insurance, Employee Reimbursement Account Program, Union Dental Insurance. 15%--manage DOT's life insurance deduction program. 10%--coordinate the bi-weekly transfer of DOT's time and travel data files to DOA's time and attendance collection system. 5%--coordinate department's military leave use and reimbursement program. 2%--provide trouble-shooting assistance to DOA central payroll staff and DOT supervisors and payroll coordinators in operations of WISPER/WISPAY system. 2%--audit, research and correct DOT's Employee Control File biweekly, based upon extensive knowledge of class and compensation rules, FLSA and two interactive computer systems.

c. Elizabeth Hanson--Payroll and Benefits Specialist 3--DOT Division of State Patrol. This position administers the Division's payroll and benefits programs, and functions as the recognized program expert for the 7 district timekeepers (PBS 2 positions) in coordinating personnel/payroll actions and provides employee benefit counseling for a statewide division of 600 employees. The goals and worker activities include: 50%--administer Division payroll program, including the Governor's security unit. 35%--administer Division fringe benefit program. 15%--provide advanced program support for the Bureau of Support Services, including compiling data and preparing reports.

4. The classification specification for the Payroll and Benefits Specialist series provides as follows, in pertinent part:

PAYROLL AND BENEFITS SPECIALIST 2

This is entry level for the functions described at the Payroll and Benefits Specialist 3 level. Work is performed under close to limited supervision.

OR

This is objective level for complex payroll and/or benefit functions requiring a full range of Payroll and/or Benefit knowledge. The work is well defined and complex for the majority of the time (more than 50%) and is performed under general supervision. The majority of the job duties typically performed are analogous to:

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* **Satellite Payroll and Benefit Functions:**

Process payroll related documents and transactions by preparing and submitting biweekly payroll reports, training timekeepers, coordinating check distribution, functioning as liaison between employes and Dean payroll offices and coordinating leave accounting. Coordinate staff benefits by answering questions, distributing benefit information and assisting employes in completing forms. Audit time sheets, calculate hours, prepare payroll form, process all IADS, process new employes, run and correct APS Exception Report and Categorized Hours Report, enter overtime information into SMART System, use WISPER/PAY system to key and verify changes to Personnel Turnaround Documents and Deduction Authorization Report. Prepare and submit monthly Wage Insurance and John Deere reports. Send Deductions Remittance Reports. Maintain time keeping system for institution and administer the leave accounting system. Prepare districts' biweekly payroll by downloading employe file from HFRC to IBM PC XT, comparing information, posting hours on payroll worksheet, inputting hours, generating and verifying worksheet, creating Payroll Hours File for uploading from IBM PC XT to HFRC and generating verification reports, auditing time reports and prepare personnel/payroll forms and records. Audit, correct and account for all Financial Operation System (FOS) reports; prepare and process payroll reports to Main Payroll Office, service as primary management resource person, complete Payroll Information Report, process reports, administer the fringe benefit program by serving as primary resource person, implementing programs, processing enrollments to Main Payroll Office, notifying LTEs upon reaching retirement qualifying date. Enter employe information on the Time and Travel System, audit time and travel records, receive and sort form, orient new employes on available fringe benefit programs.

Representative Positions

* * * * *

Department of Transportation (Satellite Office) Audit, verify, and computer input complex time and travel payroll information for a district. Orient new employes and educate existing employes regarding payroll and benefit alternatives. Maintain individual leave balance accounts and generate complicated payroll adjustments.

PAYROLL AND BENEFITS SPECIALIST 3

This is the objective level for the following four allocations. The work is performed under general supervision.

1. This is the objective level for very complex positions that are in Main Payroll and Benefit Offices and have responsibility for a total complex payroll and

benefit program. The majority (more than 50%) of the job duties typically performed are analogous to:

- * Establishing and maintaining the employe payroll system
- * Developing and implementing the benefit program
- * Preparing reports
- * Coordinating worker's compensation and unemployment compensation programs

OR

2. This is objective level for very complex positions that are in Main Payroll and Benefit Offices and have responsibility for a portion of a complex payroll and/or benefit program.

OR

3. This is the objective level for very complex positions that are in Central Processing Centers and have responsibility for a portion of a complex payroll and/or benefit program.

OR

4. This is the objective level for very complex positions that are in Satellite offices and have responsibility for a complex payroll and/or benefit program. The majority (more than 50%) of the duties typically performed are analogous to:

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* **District Office:**

Prepare the biweekly payroll. Audit TACS forms and resolve problems. Audit overtime reports and make corrections. Prepare supplemental payrolls. Audit and compute length of service payrolls. Maintain all vacation and sick leave records, audit usage and correct, compute leave balances. Provide information. Prepare and process information on WISPER/PAY system. Process deduction records. Process unemployment compensation records. Process probationary reports. Process new or terminating employes. Prepare certification requests. Provide fringe benefit information. Process monthly member help payroll on Redwing System. Manage and coordinate worker's compensation program. Coordinate life insurance and income

continuation insurance programs, and prepare leave of absence forms.

*** Division:**

Provide guidance and assistance to Division Staff. Review, audit and correct FOS reports. Prepare and send payroll via computer to central office. Serve as primary resource on pay and benefits issues. Make adjustments in report. Train division employes on FOS time and reporting. Establish files. Maintain thorough knowledge of payroll program. Verify salaries, monitor probationary period, serve as resource for benefits program, and implement fringe benefit programs. Process employe enrollments in insurance programs and provide training.

Representative Positions

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Department of Transportation (Satellite Office) Responsible for the administration of the Division of State Patrol's Payroll and State Employees Benefit Programs at State Patrol Division Headquarters.

Department of Transportation (Main Payroll and Benefits Office) Audit and analyze biweekly personnel/payroll transactions for 4,300 employes to update DOA records; develop, implement and revise policies and procedures regarding the operation of the fringe benefits programs; manage the life insurance deduction program, coordinate the biweekly transfer of DOT's time and travel data files to DOA's time and attendance collection system; coordinate military leave program; provide "trouble shooting" assistance; and audit, research and correct Employee Control File.

5. The duties and responsibilities of appellant's position best fit within the Payroll and Benefits Specialist 2 classification.

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 show that respondent's decision to reallocate her position to the Payroll and Benefits Specialist 2 classification rather than the Payroll and Benefits Specialist 3 classification was correct.
3. The appellant has failed to sustain this burden.

Opinion

In sustaining her burden, appellant is required to prove that the Payroll and Benefits Specialist 3 (PBS 3) classification provides a better fit for her position than the PBS 2 classification.

The PBS specification shows that there is a great deal of overlap in the enumeration of payroll and benefit functions performed by positions in satellite offices at the PBS 2 and PBS 3 levels. The key to distinguishing between positions at these two levels in satellite offices is the relative complexity of the satellite payroll and benefits operation and the relative emphasis on functions of greater complexity.

The PBS positions located in satellite offices offered for comparison purposes are the Knutson position (See Finding of Fact 3.a., above) and the Hanson position (See Finding of Fact 3.c., above). Clearly, the complexity of the payroll and benefits operations in the satellite offices to which appellant's position and the Knutson position are assigned are closely comparable in view of the fact that the satellite offices they serve are both district offices of comparable size and function and the payroll and benefits operations have comparable, if not identical, assigned functions. This is in contrast to the satellite office to which the Hanson position is assigned. This satellite office serves a larger, more diverse, and higher level organizational unit, i.e., a division rather than a district; and provides program expertise not available at the district level. The complexity of the payroll and benefits operation to which appellant's position is assigned is more closely comparable to that to which the PBS 2 Knutson position is assigned than that to which the PBS 3 Hanson position is assigned.

In reviewing the emphasis of the more complex payroll and benefits assignments, the record shows that appellant's position spends 55% of work time on assigned payroll and benefits activities. However, of the 17 enumerated payroll and benefits activities which comprise this 55%, appellant acknowledges, and it is apparent from the record, that 7 of these were not very complex or even complex activities but instead involved such activities as receiving and distributing employee paychecks, receiving and distributing W2 and other tax forms, providing notice to employees of the dates of upcoming benefits information meetings, maintaining a file of current insurance information, etc. These are routine duties which require little knowledge of the payroll and benefits program in order to perform. In

contrast, the Langkamp position spends 100% of work time on payroll and benefits activities; the position description lists no routine activities such as distributing paychecks or forms, providing notice of meetings, etc.; the position is assigned department-wide responsibility in certain program areas such as the life insurance deduction program and the military leave use and reimbursement program; the position has department-wide responsibility for participating in the formulation of new policies and procedures; the position has payroll audit responsibilities for the department's 4300 employees; and the position provides program expertise and "trouble-shooting" for payroll and benefits operations in the district offices. Also, in contrast, the Hanson position spends more than 85% of work time on payroll and benefits activities; the position description lists only 2 worker activities (A12 and A16) which would be considered routine; and the position serves as a program expert and a "trouble-shooter" for the district offices (district payroll and benefits operations staffed by PBS 2 positions) and to division staff in the payroll and benefits program area. The Commission concludes that neither the level of complexity nor the emphasis on activities of greater complexity is comparable between appellant's position and the PBS 3 positions offered for comparison purposes.

Appellant argues that she performs many of the same worker activities as the PBS 3 positions and as are specified in the PBS 3 classification specifications. As discussed above, many of the same worker activities are specified in both the PBS 2 and the PBS 3 classification specifications. In addition, it is very common that there is overlap between positions at two different classifications. In this case, although such overlap exists, the positions are distinguishable on the basis of the scope and complexity of the operations they serve as well as on the basis of the scope and complexity of the duties assigned to the positions.

Order


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

Dated: September 8, 1993 STATE PERSONNEL COMMISSION


LAURIE R. McCALLUM, Chairperson

LRM:rcr


DONALD R. MURPHY, Commissioner


JUDY M. ROGERS, Commissioner

Parties:

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NOTICE
OF RIGHT OF PARTIES TO PETITION FOR REHEARING AND JUDICIAL REVIEW
OF AN ADVERSE DECISION BY THE PERSONNEL COMMISSION

Petition for Rehearing. Any person aggrieved by a final order may, within 20 days after service of the order, file a written petition with the Commission for rehearing. Unless the Commission's order was served personally, service occurred on the date of mailing as set forth in the attached affidavit of mailing. The petition for rehearing must specify the grounds for the relief sought and supporting authorities. Copies shall be served on all parties of record. See §227.49, Wis. Stats., for procedural details regarding petitions for rehearing.

Petition for Judicial Review. Any person aggrieved by a decision is entitled to judicial review thereof. The petition for judicial review must be filed in the appropriate circuit court as provided in §227.53(1)(a)3, Wis. Stats.,

and a copy of the petition must be served on the Commission pursuant to §227.53(1)(a)1, Wis. Stats. The petition must identify the Wisconsin Personnel Commission as respondent. The petition for judicial review must be served and filed within 30 days after the service of the commission's decision except that if a rehearing is requested, any party desiring judicial review must serve and file a petition for review within 30 days after the service of the Commission's order finally disposing of the application for rehearing, or within 30 days after the final disposition by operation of law of any such application for rehearing. Unless the Commission's decision was served personally, service of the decision occurred on the date of mailing as set forth in the attached affidavit of mailing. Not later than 30 days after the petition has been filed in circuit court, the petitioner must also serve a copy of the petition on all parties who appeared in the proceeding before the Commission (who are identified immediately above as "parties") or upon the party's attorney of record. See §227.53, Wis. Stats., for procedural details regarding petitions for judicial review.

It is the responsibility of the petitioning party to arrange for the preparation of the necessary legal documents because neither the commission nor its staff may assist in such preparation.