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BARBARA CARROLL,

Appellant,

v.

Secretary, DEPARTMENT OF  
HEALTH AND SOCIAL SERVICES,  
and Secretary, DEPARTMENT OF  
EMPLOYMENT RELATIONS,

Respondents.

Case No. 93-0012-PC

\* \* \* \* \*

DECISION  
AND  
ORDER

On February 9, 1993, appellant Barbara Carroll filed a timely appeal of the Department of Health and Social Services' decision to deny reclassification of her position from her present classification of Program Assistant Supervisor 2 to Program Assistant Supervisor 3. Subsequently, a hearing was held on the issue of whether respondents' (Department of Health and Social Services and Department of Employment Relations) decision to deny appellant's request to reclassify her position from Program Assistant Supervisor 2 to Program Assistant Supervisor 3 was correct. The following discussion and conclusions are based on evidence presented at the hearing.

Appellant has held the subject position in the Department of Health and Social Services (DHSS), Winnebago Mental Health Institute (WMHI) for twelve years. In May or June 1992, appellant's supervisor, Sharon Weitz, requested reclassification of the position from Program Assistant Supervisor 2 to Program Assistant Supervisor 3. A position description (PD) dated May 27, 1992, was submitted with the reclass request. This PD described time percentages, goals and worker activities as follows: 20% A. Management of telephone services at WMHI, WRC, and DACC; 30% B. Supervision of Communications Center, Mailroom, and Switchboard, Schedule/oversee coverage for all areas and training for the Word Processing Department; 10% C. Coordination of Emergency Systems/Procedures for WMHI; 25% D. Management of Telecommunication Equipment/System; 10% E. Provision of Training and Management Back-Up for Management Information Services; 10% F. Miscellaneous Activities. This PD also showed that appellant spent 30% of her time supervising five Clerical Assistant 2's and one Typist, 40% of her

time in activities related to supervisory responsibilities, 10% of her time performing work activities similar to those of the employees supervised and 20% of her time performing non-supervisory work activities different from those employees supervised.

In response to the requested reclass, Personnel Specialist Dennis Dokken, DHSS, Bureau of Personnel and Employment Relations (BPER), was assigned to audit the position. In comparing appellant's May 1992 PD with her former March 1990 PD, Dokken found: Goal A was the same, but 5% less time was allocated; Goal B indicated two new tasks and 10% increase of time; Goal C was the same, except one task was now Goal D. 10 and the time was reduced by 10%; Goal D indicated the title changed: (old) Call Accounting Computer System/(new) Management of Telecommunications Equipment System. Six new tasks were added and time was increased by 15%; Goal E indicated the title changed: (old) Mgt. of Elec. Tel. Switch/(new) Provisions of Trng. & Mgt. Backup for Mgt. Inf. Services, tasks were different, time was the same; and Goal F was the same, but time was reduced 5%. The net change between appellant's 1990 PD and 1992 PD was 20 percent. Dokken concluded that the changes were not of a significance and level to warrant a change in the classification.

The State of Wisconsin, Program Assistant Supervisor/Program Assistant Supervisor - Confidential Position Standard, in pertinent part, provides:

**PROGRAM ASSISTANT SUPERVISOR 2**  
**PROGRAM ASSISTANT SUPERVISOR 2 - CONFIDENTIAL** (PR1-09)

This is paraprofessional supervisory work of considerable difficulty providing program support assistance to professional or administrative staff, which involves the supervision of subordinate staff performing diverse but inter-related program activities with some latitude regarding program-related decisions. The work performed at this level is comparable to that allocated to the Program Assistant 3 level, with the additional supervisory responsibilities. This level differs from the Program Assistant Supervisor 1 level on the basis of the increased scope, breadth and complexity of the work performed, as indicated by the following criteria: (1) the work performed at this level involves specialized, though generally nontheoretical skills, rather than procedural or systematic proficiency; (2) the procedures are substantially diversified, and the program area is defined by specialized standards rather than established precedents; and (3) there is a greater degree of independence of action, which impacts across program lines rather than within one program area. Work is performed under direction.

**PROGRAM ASSISTANT SUPERVISOR 3**  
**PROGRAM ASSISTANT SUPERVISOR 3 - CONFIDENTIAL** (PR1-10)

This is paraprofessional supervisory work of considerable difficulty providing program support assistance to the head of a major program function or organizational activity, which involves the supervision of subordinate staff who exercise clear latitude in making major program-related decisions. The work performed at this level is comparable to that allocated to the Program Assistant 4 level, with additional supervisory responsibilities. Positions at this level are distinguished from lower-level Program Assistant Supervisors on the basis of the size and scope of the program involved, the independence of action, the scope and breadth of impact across program lines, the degree of involvement in the program, and the latitude to make decisions which affect major program policies and procedures. Work is performed under direction.

As stated in the standard for PA Sup. 2 and 3 positions, the work performed at these two levels is comparable to that allocated to Program Assistant 3 and Program Assistant 4 level positions, respectively. The state Program Assistant Position Standard provides:

**PROGRAM ASSISTANT 3** (PR2-10)

This is 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.

**PROGRAM ASSISTANT 4** (PR2-11)

This is paraprofessional staff support work of considerable difficulty as an assistant to the head of a major program function or organization activity. Positions allocated to this class are coordinative and administrative in nature. Positions typically exercise a significant degree of independence and latitude for decision making and may also function as leadworkers. Positions at this level are differentiated from lower-level Program Assistants on the basis of the size and scope of the program involved, the independence of action, degree of involvement and impact of decisions and judgment required by the position. Work is performed under direction.

These standards were reviewed by Dokken in his audit of appellant's position. In making his decision, Dokken also discussed the duties of the subject position with appellant and her supervisor.

Also, Dokken compared appellant's position with three positions: Program Assistant Supervisor 3, Mary L. Moffatt, Department of History, College of Letters and Science, University of Wisconsin - Madison (R. Exh. 9); Program Assistant Supervisor 2, Barbara Hedrington, DHSS, Northern Wisconsin Center (R. Exh. 8); and Administrative Assistant 3, Karen Bahr, DHSS, Div. of Mgt. Ser., Bureau of Facilities & Mgt. Sources (R. Exh. 7).

In contrast to appellant, Moffatt supervises nine classified staff -- one PA 3, one PA 2, one PA 1, one Sec. 1, one Fiscal Clerk 3, one Word Process. Op. 2, one Word Process. Op. 1, and one Typist -- several of these employees with program responsibilities. Also, Moffatt reports directly to the Chairman of the department, oversees fiscal affairs and provides budgetary reports and information for the department.

Hedrington reports to the Director of Management Services -- one level above where appellant reports, is responsible for a major program -- management and supervision of Client Affairs; otherwise, the level of complexity, independence of action, and amount of discretion exercised, compares favorably with appellant's position.

Bahr provides assistance to the department telecommunications manager, and, like appellant, functions as a technical advisor regarding phone systems. This position is in the same pay range as appellant's position.

Also in the record is R. Exhibit 10, submitted by respondent. This is a Program Assistant Supervisor 3 position, held by Sandra L. Hildebrandt, located in the Instructional Communications Systems Department, Telecommunications Division, University of Wisconsin Extension. This position is primarily responsible for compiling budget data, budget development, monitoring and preparation of income projections and assistance in staff analysis. This position supervises five Program Assistant level positions. One PA position is vacant. These positions supervised by Hildebrandt are at a higher level than those supervised by appellant.

Documentary evidence presented in support of appellant's assertion included the position descriptions of Maxine Hameister, Clerical Supervisor 2, DHSS/DCTF/Mendota Mental Health Institute (A. Exh. 4) and Bernice Frisch, Clerical Supervisor 3, DHSS/DCTF/Central Wisconsin Center (A. Exh. 5). These

two positions have responsibility for telecommunications at their respective institutions. Dokken testified that, unlike appellant's, these positions are primarily program or clerical support to administrators at their institutions, but, like appellant, they are the manager of the phone system in their institutions. Appellant's position is one pay range higher than the Frisch position and two pay ranges higher than the Hameister position.

Other documentary evidence presented by appellant included the position description for the Communication Center Manager, an Administrative Assistant 5 Supervisor position at the University of Wisconsin - Madison Hospital and Clinics (A. Exh. 6), and a revised unofficial position description of the subject position (A. Exh. 1) drafted by appellant and her supervisor two weeks before the hearing. The UWHC position is in a different classification and subject to a different position standard than appellant's position. Under the best circumstance, comparison would have been problematical, but the position standard was not submitted for the record and effective comparisons were virtually impossible.


Regarding appellant's recently revised unofficial PD, Sharon Weitz testified that it was written in a "more pro-active" manner than the PD she sent requesting the reclassification. Dokken testified that there was little substantive difference between the two, but two new items were listed under Goal D of the unofficial PD.

The Commission concludes that appellant's position is more appropriately classified at the PA Sup. 2 level. The evidence clearly establishes that this position does not provide "program assistance to the head of a major program function or organizational activity," nor supervise "subordinate staff who exercise clear latitude in making major program-related decisions," nor function at the PA 4 level -- all requirements of a Program Assistant Supervisor 3 level position. Therefore respondent was correct in denying the reclassification request of appellant.

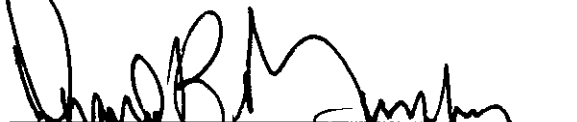
ORDER

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

Dated: May 27, 1994 STATE PERSONNEL COMMISSION

  
LAURIE R. McCALLUM, Chairperson

DRM:rcr

  
DONALD R. MURPHY, Commissioner

  
JUDY M. ROGERS, Commissioner

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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.

Pursuant to 1993 Wis. Act 16, effective August 12, 1993, there are certain additional procedures which apply if the Commission's decision is rendered in an appeal of a classification-related decision made by the Secretary of the Department of Employment Relations (DER) or delegated by DER to another agency. The additional procedures for such decisions are as follows:

1. If the Commission's decision was issued after a contested case hearing, the Commission has 90 days after receipt of notice that a petition for judicial review has been filed in which to issue written findings of fact and conclusions of law. (§3020, 1993 Wis. Act 16, creating §227.47(2), Wis. Stats.)
2. The record of the hearing or arbitration before the Commission is transcribed at the expense of the party petitioning for judicial review. (§3012, 1993 Wis. Act 16, amending §227.44(8), Wis. Stats.)