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DEBRA MINTON,

Appellant,

v.

Secretary, DEPARTMENT OF  
VETERANS AFFAIRS, and  
Secretary, DEPARTMENT OF  
EMPLOYMENT RELATIONS,

Respondents.

Case No. 94-0002-PC

\* \* \* \* \*

DECISION  
AND  
ORDER

Even though the issue for hearing in this matter arises from the decision of respondents to deny the appellant's request to reclassify her position from Laundry Worker 2 (LW2) to LW 3, it is necessary to read these two class specifications in conjunction with the other two levels within the Laundry Worker series. The relevant portions of these four position standards read as follows:

**LAUNDRY WORKER 1**

**Definition:**

This is laundry work of a simple and routine nature. The tasks are repetitive and require a minimum of instruction and supervision.

**Examples of Work Performed:**

- Feeds flatwork such as sheets and aprons into the flatwork ironer.
- Receives and folds flatwork which has been ironed on the flatwork ironer.
- Sorts dried clothing.
- Folds dried clothing.
- Assists in filling requisitions and loading laundry carts.
- Does hand ironing.
- Operates folding machine.
- Checks for items needing repair.
- May shake out wet wash in preparation for flatwork ironer and presses.
- May instruct and train resident help.

Helps to keep work area clean. May dust mop floors, dusts shelves, etc.  
May assist in operating one or more of the machines found in the laundry operation.  
Performs related work as required.

## LAUNDRY WORKER 2

### Definition:

Positions are allocated to this level on a basis of having regularly scheduled rotation assignments in laundry finishing and distribution. Laundry Worker 3 type duties must comprise between 25 to 75% of the position's total tasks.

### Examples of Work Performed:

Perform any or all of the duties of a Laundry Worker 1; and in addition, performs the following Laundry Worker 3 type of duties for 25 to 75% of the scheduled time:

Operates steam press equipment.  
Sorts and classifies soiled laundry.  
Loads, operates and unloads tumble dryers.  
Loads, trucks and transports soiled and/or clean laundry.

## LAUNDRY WORKER 3

### Definition:

This is laundry work of more than routine difficulty. The majority of the assignments are physically demanding and/or require limited skills. The employe in this class performs the highest level task noted below at least 75% of his time. Supervision is readily available, however, because of the nature of the work, close supervision is generally not required.

### Examples of Work Performed:

Operates steam press equipment.  
Sorts and classifies soiled laundry.  
Loads, operates and unloads tumble dryers.  
Loads and trucks laundry in central linen distribution unit.  
Transports soiled and/or clean laundry between laundry facilities and on the grounds between buildings.  
May occasionally operate motor vehicles.  
May rotate washer-extractor operations with other laundry duties.

Acts as lead worker in such areas as flatwork, clothes finishing, dry clothes sorting and linen distribution.  
May instruct and train resident help.  
May help train other laundry workers.  
Performs related work as required.

#### LAUNDRY WORKER 4

##### Definition:

This is responsible semi-skilled laundry work, involving the full-time operation of commercial type washers and extractors. Other laundry duties may be performed, including lead work, but they are incidental to the main function of the position. The employe in this class proceeds on his own initiative and receives direction only on the more complex aspects of the work.

##### Examples of Work Performed:

Loads, operates and unloads washing machines.  
Prepares washing, cleaning, and bleaching solutions.  
Determines washing cycle, formula, and temperature according to type of laundry.  
Develops wash programs for automatic and semi-automatic equipment.  
Loads, balances, operates, and unloads extractors.  
Responsible for cleaning and routine maintenance of equipment and the reporting of malfunction of equipment.  
May operate tumble dryer and shake out linen.  
May act as assistant to supervisor in some phases of laundry operation.  
May be responsible for assigning and reviewing work of other laundry workers.  
May be responsible for training other laundry workers and resident help.  
May be responsible for keeping records and making reports.  
Performs related work as required.

The basis for this appeal is summarized by the appellant in the attachment to her reclassification request:

There are 8 Laundry Worker 2's at the Wisconsin Veterans Home Laundry. Five [of] the LW2's hold regular positions. They do the same job every day and DO NOT rotate into other positions. Myself and 2 other LW2's DO NOT hold regular positions. We are required to fill in on all the jobs. We are most frequently required to fill in on the LW3 positions. The 3 of us spend AT LEAST 75% of our time filling in for LW3 positions.

We were required to learn all the LW 2 positions and LW3 positions. And on any given day we are required to fill in for these positions with the utmost of speed and accuracy.

\* \* \*

Since we know all the jobs, we are the ones who most frequently train new employees.

As floaters, the appellant and the two other least senior LW2s were assigned to the posts temporarily vacated by a LW3 due to vacation, illness or because the LW3 was in turn filling in for one of the two LW4s at the laundry.

The key factual issue raised by this appeal is whether, during the relevant time frame, the appellant's position reached the 75% level of LW3 duties required for classification at the LW3 level.

The parties stipulated that the relevant time frame is the latter portion of 1991. Appellant initiated her reclass request in October of 1991.

Analysis Based on Testimony Relating to 1991 Position Description

The appellant refused to sign her position description dated November of 1991, because she felt the time percentages for the various duties were inaccurate. Respondent did not keep records of daily assignments until the end of 1992, so the time percentages shown on the official position descriptions dated before that time are unreliable. Appellant offered testimony, in response to questions posed by respondent, as to the actual time she spent during 1990 and 1991 on the duties listed in the November, 1991 position description.

- 10% A. Operation of flatwork ironer.
  - A-1 Post sort linen.
  - A-2 Run all linen and designated laundry through flatwork ironer.
  - A-3 Feed draw sheets, spreads, sheets and other miscellaneous items through flatwork press.
  
- 38% B. Operation of laundry processing equipment.
  - 78% B-1 Load and unload dryers.
  - 20% B-2 Sort dried loads of linen and clothing.
  - 2% B-3 Operate small piece folder.
  
- 5-10% C. Fold rough dried clothes.
  - C-1 Fold tumble dried clothing in a neat and orderly fashion.
  - C-2 Sort personal laundry, send items in need of repair to the seamstress.

- C-3 Remove unserviceable linen for storage.
- C-4 Sort linen, send linen in need of repair to seamstress.
  
- 35% D. Loading linen shelf trucks.
  - D-1 Load linen shelf truck with pre-determined amount of linen.
  - D-2 Load all trucks in identified order.
  - D-3 Deliver clean linen trucks to all nursing care units at scheduled times.
  - D-4 Return the previous days trucks to laundry.
  
- 15% E. Sorting and checking personal laundry.
  - E-1 Check each bundle for laundry list. Prepare list if missing.
  - E-2 Check each item for laundry mark; if mark is missing, mark the item with the correct laundry number.
  - E-3 Sort and classify clothing by color and type.
  - E-4 Check laundry bundles and initial lists.
  
- 5% F. Sorting dirty laundry.
  
- 1% G. Maintenance of work area.
  - F-1 Clean equipment before using and as often as necessary during the day to keep it clean.
  - F-2 Perform other related duties as assigned.

One of the difficulties raised by this case is that the total of the percentages testified to by the appellant does not equal 100%. The total consists of a range from 109% to 114%. In order to eliminate this discrepancy, the Commission opts to accept the higher figure of 10% provided by appellant for goal C<sup>1</sup> and reduces the time percentages by a factor of 14% to come up with a total of 100%:

- 9% A. Operation of flatwork ironer.
  
- 33% B. Operation of laundry processing equipment.
  - 78% B-1 Load and unload dryers.
  - 20% B-2 Sort dried loads of linen and clothing.
  - 2% B-3 Operate small piece folder.
  
- 9% C. Fold rough dried clothes.
  
- 30% D. Loading linen shelf trucks.

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<sup>1</sup>For the reasons noted below, Goal C duties are properly assigned to the LW1 level. The appellant has the burden of proof, and has failed to establish a basis for adopting the lower figure of 5%.

- 13% E. Sorting and checking personal laundry.
  - E-1 Check each bundle for laundry list. Prepare list if missing.
  - E-2 Check each item for laundry mark; if mark is missing, mark the item with the correct laundry number.
  - E-3 Sort and classify clothing by color and type.
  - E-4 Check laundry bundles and initial lists.
  
- 5% F. Sorting dirty laundry.
  
- 1% G. Maintenance of work area.

Although it was not noted in any of the position descriptions, testimony established that the appellant was one of the persons who trained new laundry employes. Appellant's supervisor, Fran Coerper, testified that during 1990-91, appellant spent approximately 25 to 30% of her time training new Limited Term Employes on the flatwork ironer. Another LW2 during this period, Becky Rickel, who was also regularly assigned training responsibilities, testified that she spent approximately 45% of her time training new employes, that the training responsibilities were split between the appellant, Ms. Rickel and Debra Jorgenson, another LW2, and that the training typically involved working side-by-side with the person being trained. Ms. Jorgenson testified that she spent 10% of her time training other employes. There is no testimony indicating the range of the appellant's training responsibilities in terms of whether they extended beyond the flatwork ironer, and in the absence of such evidence, the Commission places an outer limit on the appellant's training equal to the total time she allocated to the ironer.

Tying the various duties listed above to the class specifications yields the following results:

1. Goal A (9%<sup>2</sup>) Normally this would also be LW1 work because it is consistent with the work example at that level which refers to feeding flatwork into the flatwork ironer. Here, however the testimony by Ms. Coerper was that 25 to 30% of appellant's time was spent training on the ironer. Even though this testimony does not track with the amount of time that the appellant spent on the ironer, the testimony does mean that the appellant should be

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<sup>2</sup>The percentages listed in numbered paragraphs 1, 4 and 5 in the proposed decision for goals A, D, and E, respectively, were incorrect due to typographical errors. The final decision corrects the percentages so they are consistent with those listed in the paragraph commencing on page 5.

credited with doing training whenever she was on the ironer. That means that all of Goal A is to be considered a LW3 level responsibility because it falls within the work example at the LW3 level: "May help train other laundry workers."

2. Goal B (33%) Loading, operating and unloading driers is specifically mentioned at the LW3 level as a work example. However, sorting the dried articles and operating the small piece folder are both specifically mentioned at the LW 1 level. Therefore, activity B-1 reflects LW3 duties, while activities B-2 and B-3 reflect LW1 duties because they fit within the work examples of sorting and folding dried clothing, and checking for items needing repair. The net result, using the percentages supplied by appellant, is 7% LW1 level and 26% LW3 level duties.

3. Goal C (9%) These are all LW1 duties because they fit within the work examples of sorting and folding dried clothing, and checking for items needing repair.

4. Goal D (30%) The various work examples at the LW1 and LW3 levels distinguish between *assisting* in loading laundry carts (LW1) and loading and transporting laundry (LW3). Because the position description does not mention the appellant as merely assisting in this task, she is entitled to credit at the LW3 level.

5. Goal E (13%) This goal reflects duties performed in the "bundle room." Testimony established additional information as to the specific duties in the bundle room. For the most part, these duties involve sorting clothes and putting them into bins or bundles according to the patient's identification numbers. It also includes putting the bins/bundles into carts for delivery, keeping an updated list of the patient's identification numbers by adding numbers for new patients and deleting them for deceased patients. The LW1 and LW3 work examples distinguish between the sorting of dried clothing (LW1) and sorting and classifying soiled laundry (LW3). The appellant testified that the time spent on goal E (in comparison to Goal F) related to working with dried clothing. Preparation of lists and comparing bundles to lists are comparable to performing inventory responsibilities. The LW1 work examples include *assisting* with linen distribution and inventory while the LW3 examples include serving as "leadworker in such areas as... linen distribution." The appellant clearly did not have leadworker responsibility in this area. Because

the duties include some limited record-keeping, the appellant is entitled to partial credit at the LW3 level, but the Commission assigns 2/3rds or 9% of the goal to the LW1 level and 1/3 or 4% to the LW3 level.<sup>3</sup>

6. Goal F (5%) The LW3 work examples identify sorting and classifying soiled laundry so this goal represents LW3 work.

7. Goal G (1%) Helping to keep the work area clean is a LW1 work example and there is no evidence as to what the "other related duties" were. Therefore, this goal is assigned to the LW1 level.

In order to prevail in this matter, the appellant must be able to show that during the relevant time period, she spent at least 75% of her time performing those duties listed at the LW3 level. The totals from the various goals on the 1991 position description include 26% at the LW1 level which means that the appellant was below the 75% of LW3 level responsibilities required for classification at that level.

#### Secondary Analysis Based on 1989 Position Description

The result above is supported to at least some degree by the appellant's testimony relating to her 1989 position description (Resp. Exh. 2). Appellant testified that she developed revised time percentages for the 1989 position description based upon records she maintained in 1989. The revised time percentage are set out below. Because they were based upon some contemporaneously maintained records, these estimates are apt to have a higher relative degree of accuracy than the appellant's testimony relating to the 1991 position description. There is no evidence that the latter testimony was based upon any time records, and the fact that it was generated during cross-examination 3 years after the time period in question and did not equal 100% also tends to undermine the weight it should be given.

There is also little evidence in the record that the appellant's position underwent any significant change between 1989 and 1991. There is no

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<sup>3</sup>Appellant established that each of the three individuals who had been assigned to the bundle room as a permanent post had been classified at the LW3 level. Such a class level appears to be inconsistent with the class specifications. Joyce Krey, director of respondent DVA's Bureau of Administrative Services, testified that when the position recently became vacant, she notified the facility that it could not be filled at the LW3 level, and that if they needed to hire someone to perform that particular set of responsibilities, it would be classified at the LW2 level.



indication that there was some dramatic change in the pattern of absences for the various persons who filled the LW3 and LW4 permanent postings during this period. There may have been some greater responsibility to train LTEs on the flatwork ironer in 1991 than in 1989, but the analysis set out below actually gives the appellant more credit for that responsibility than if the testimony based on the 1991 position description is used. In January of 1992, after the appellant had initiated the reclassification procedure, Shari Manney, a LW3 whose normal post was the bundle room, went on an extended leave. The appellant spent much of her time thereafter performing the bundle room responsibilities. However, the additional time that appellant spent filling in at this position starting in January of 1992 is irrelevant to this proceeding because it occurred after the 1991 time frame to which the parties stipulated.

The appellant's testimony based upon the 1989 position description indicated that, with the exception of her training responsibilities, her duties during the latter part of 1991 were as follows:

- 10% A. Sorting and checking personal laundry.
  - A-1 Check each bundle for laundry list. Prepare list if missing.
  - A-2 Check each item for laundry mark; if mark is missing, mark the item with the correct laundry number.
  - A-3 Sort and classify clothing by color and type.
  - A-4 Weigh hamper bags insuring no more than 5 lbs. are placed in the bag.
  - A-5 Check laundry bundles and initial lists.
  
- 25% B. Fold rough dried clothes.
  - B-1 Fold tumble dried clothing in a neat and orderly fashion.
  - B-2 Sort personal laundry, send items in need of repair to the seamstress.
  - B-3 Remove unserviceable linen for storage.
  - B-4 Sort linen, send linen in need of repair to seamstress.
  
- 25% C. Operation of flatwork ironer.
  - C-1 Post sort linen.
  - C-2 Run all linen and designated laundry through flatwork ironer.
  
- 25% D. Operation of laundry processing equipment.
  - D-1 Load and unload dryers.
  - D-2 Sort dried loads of linen and clothing.

- D-3 Feed draw sheets, spreads, sheets and other miscellaneous items through flatwork press.
- D-4 Operate small piece folder.
  
- 10% E. Loading linen shelf trucks.
  - E-1 Load linen shelf truck with pre-determined amount of linen.
  - E-2 Load all trucks in identified order.
  - E-3 Deliver clean linen trucks to all nursing care units at scheduled times.
  - E-4 Return the previous days trucks to laundry.
  
- 5% F. Maintenance of work area.
  - F-1 Clean equipment before using and as often as necessary during the day to keep it clean.
  - F-2 Perform other related duties as assigned.

Tying the various duties listed above to the class specifications yields the following results:

1. Goal B (25%) These are all LW1 duties, because they fit within the work examples of sorting and folding dried clothing, and checking for items needing repair.

2. Goal C (25%) Because the testimony was that 25 to 30% of appellant's time was spent training on the ironer, essentially all of Goal C and activity D-3 are to be considered LW3 level responsibilities, because they fall within the work example at the LW3 level: "May help train other laundry workers."

3. Goal D (25%) Loading, operating and unloading driers is specifically mentioned at the LW3 level as a work example. However, sorting the dried articles and operating the small piece folder are both specifically mentioned at the LW 1 level. Therefore, approximately half of this goal represents LW1 duties and half represents LW3 duties.

4. Goal E (10%) Because the position description does not mention the appellant as merely assisting in this task, she is entitled to credit at the LW3 level.

5. Goal F (5%) Helping to keep the work area clean is a LW1 work example and there is no evidence as to what the "other related duties" were. Therefore, this goal is assigned to the LW1 level.

6. Goal A (10%) This goal reflects duties performed in the "bundle room." The appellant testified that about 30% of the time she spent in the bundle room was working with soiled clothing. In addition, the duties do in-

clude some limited record-keeping. Therefore, half of Goal A is attributable to LW1 level duties and half is attributable to LW 3 level duties.<sup>4</sup>

Adding Goal B, Goal F and part of Goal D together means that based on the appellant's testimony relating to the 1989 position description, the appellant spent somewhat more than 25% of her time on duties which fall within the LW1 work examples, thereby placing her position at the LW2 rather than the LW3 class level.

Therefore, whether the analysis is based upon appellant's testimony relating to the 1991 position description or the 1989 position description, she has not sustained her burden of establishing that she performed the requisite 75% of LW3 level duties and that respondents' decision denying the reclassification of her position was in error.

The evidence supports the conclusion that some of persons employed at both the LW2 and 3 levels were assigned to specific posts in the Veterans Home laundry and worked in those posts with only infrequent exceptions.<sup>5</sup> The evidence also supports the conclusion that the majority of the LW2s did not have "regularly scheduled *rotation* assignments in laundry finishing and distribution" as required for classification at the LW2 level. Because of the long term assignments of individuals to certain posts, the posts became associated with the class level of the laundry employes assigned to them. This identification

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<sup>4</sup>Appellant established that each of the three individuals who had been assigned to the bundle room as a permanent post had been classified at the LW3 level. Such a class level appears to be inconsistent with the class specifications. Joyce Krey, director of respondent DVA's Bureau of Administrative Services, testified that when the position recently became vacant, she notified the facility that it could not be filled at the LW3 level, and that if they needed to hire someone to perform that particular set of responsibilities, it would be classified at the LW2 level.

<sup>5</sup>Appellant's witnesses testified that one LW2 spent 98% of her time on the small piece folder, even though the employee's position description (Resp. Exh. 21) reflects a more varied set of duties and even though operating a folding machine is identified as a LW1 work example. There was also testimony that another LW2 spent nearly 100% of her time on the back of the ironer, even though the employee's position description (Resp. Exh. 20) reflects other duties and even though receiving and folding flatwork which has been ironed on the flatwork ironer is identified as a LW1 work example.

became the basis for the appellant's conclusion that the duties she performed met the classification standards at the LW3 level.<sup>6</sup>

It is understandable that the appellant felt it was unfair to single out only some of the LW2s out to fill in for what were generally perceived to be LW3 tasks. But even though the appellant was able to establish that the personnel practices in terms of assignments for certain other employees were not consistent with the applicable class specifications, the record does not support the conclusions that the duties she performed during the relevant time period reached the 75% requirement in terms of *the work required by the specifications*.

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<sup>6</sup>Appellant's supervisor, Ms. Coerper, testified that because the laundry now employs Limited Term Employees, the permanent employees have subsequently received more cross-training and have more flexibility in terms of their assignments.

ORDER

The respondent's decision denying the request to reclassify the appellant's position to the Laundry Worker 3 classification is affirmed, and this appeal is dismissed.

Dated: November 22, 1994 STATE PERSONNEL COMMISSION

KMS:kms  
K:D:Merits-reclass (Minton)

  
LAURIE R. MCCALLUM, Chairperson

  
DONALD R. MURPHY, Commissioner

  
JUDY M. ROGERS, Commissioner

**Parties:**

Debra Minton  
409 Scott Street  
Waupaca, WI 54981

Raymond G. Boland  
Secretary, DVA  
P.O. Box 7843  
Madison, WI 53707-7843

Jon Litscher  
Secretary, DER  
P.O. Box 7855  
Madison, WI 53707-7855

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.)