

STATE OF WISCONSIN

PERSONNEL COMMISSION

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DUANE A. ANDERSON  
and JOSEPH R. PARRISH,

Appellants,

v.

Secretary, DEPARTMENT OF  
EMPLOYMENT RELATIONS,

Respondent.

Case Nos. 94-0075-PC  
94-0076-PC

\* \* \* \* \*

DECISION  
AND  
ORDER

This matter is before the Commission on appeal of a decision by the respondent, the Department of Employment Relations (DER) to reallocate the positions held by appellants, Duane A. Anderson and Joseph R. Parrish, to Shipping and Mailing Clerk 1. The following discussion and conclusions are based on evidence presented at a hearing held September 16, 1994, and determined after consideration of post-hearing brief filed by November 7, 1994. A proposed decision and order was issued on May 23, 1995. The Commission adopts the proposed decision and order as its final decision, after having corrected various typographical errors and with other changes as noted in the footnotes.

The issue presented at hearing was: Was the respondent's decision to reallocate the appellants' positions to Shipping and Mailing Clerk 1 correct, or should the appellants' positions have been reallocated to the Shipping and Mailing Clerk 2 level?

In a survey of Material Handling positions, implemented May 1, 1994, appellants' positions were classified at the Shipping and Mailing Clerk 1 level. The position description of Anderson, dated and signed by him on December 20, 1993, and reviewed by respondent in determining the proper classification of his position, reads in pertinent part:<sup>1</sup>

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<sup>1</sup> This sentence has been modified for clarification purposes.

## POSITION SUMMARY

Provision of mailing, shipping and delivery services to the department of Memorial Library. Receives shipments on loading dock. Opens and distribute serials and newspapers. About 30% of these duties involve strenuous physical effort. Must be able to lift 50 pounds.

## GOALS AND WORKER ACTIVITIES:

- 50% A. Unpacks and delivers newspaper and serial shipments daily.
- A1. Receives U.S. mail delivery from post office. (2-7 hampers daily) Signs for certified and registered mail.
  - A2. Immediately sorts out first class letter bundles and sorts through large mixed mail bundles (1st-4th class) removing all items not addressed to Serials Dept. for sorting into the library mail truck.
  - A3. Opens and categorizes all serials department mail into newspapers, periodicals, serials with invoices.
  - A4. Delivers the trucks of "serials with invoices" and "periodical" to the Central Technical Services. Unloads periodicals onto CTS serials mail table, and to mail tables in each CTS department. Leaves "serials with invoices" truck by mail table.
  - A5. Delivers newspapers to the Periodical Room and takes materials from PR to the Bindery.
- 15% B. Performance of variety of Shipping Room tasks.
- B1. Transport deliveries from loading dock; sort and identify packages, notify recipients and/or deliver; send relevant invoices to Business Services.
  - B2. Monitor inventory of supplies including copy papers; notify copy center supervisor for reorder.
  - B3. Keep records and statistics as needed. May include freight bill records, receipts for Fed Ex, UPS, etc., postage records by department for charge purposes, monitor meter, obtain additional postage when needed.
  - B4. Maintain mailroom equipment including maintenance and minor repair, for major service.
  - B5. Deliver mail and pick-up from all building departments including first class, campus, and South Central Library System. Sort and meter outgoing mail appropriately (US, international)
  - B6. Prepare necessary and required USPS forms.
  - B7. Receive stores supply skids weekly; deliver to stockroom.
- 10% C. Collects serials shipments and binding materials from the CTS member Library Serials distribution shelves daily.
- 10% D. Answers telephone and intercom at workstation.

15% E. Packs and unpacks South Central Library (SCLS) shipments. Collects member library books from mailing room and sorts for packing.

10% F. Performance of miscellaneous tasks as needed.

Parrish's duties, as described in his position description, dated and signed by him on December 20, 1993, which was reviewed by respondent in its reallocation decision were, in pertinent part:

Position Summary: [Same as Anderson PD.]

**GOALS AND WORKER ACTIVITIES:**

- 45% A. Packs and mails out ILL, exchange and book return shipments.
- A1. Interlibrary Loan shipments: daily opens ILL materials from USPS and UPS deliveries and delivers to ILL dept. Collects the outgoing ILL shipments and packages, labels, weighs, meters and mails within 2 days. (Selects packing materials, selects cheapest way postage, places packages in postal hampers for post office pickup.)
  - A2. Vendor book returns. Picks up vendor book returns from Central technical services twice a week and packs for mailing within a week. Books and serials are returned to domestic and foreign vendors. (chooses packaging and best way postage)
  - A3. Exchange materials. Box East European exchange program materials and prepare M-bags for mailing to Slavic countries. Weighs, applies postage and mails 2 exchange publications (Wisconsin Astrophysics 12 times/year to 40 domestic, 115 foreign addresses; Transactions of the Wisconsin Academy twice a year to 150 domestic, 500 foreign addresses.)
  - A4. Packages (if necessary), weighs, and meters materials from Women's Studies Dept.
  - A5. Packs and mails other exchange materials, as well as books returned to us in error from other institutions.
  - A6. Monitors supplies for packaging and for postage machine, such as cardboard, tape, staples, postage meter tape, water, postage meter ink. Orders supplies or turns in completed requisition request form to supervisor. Order necessary supplies from USPS.
  - A7. Maintain mail room equipment (minor machine maintenance and repair, call for major service).
  - A8. Keeps records and statistics as required. (Receipts of Fed Ex, UPS, certified mail, shipments and postage used, credit balance on postage meter, records for various departments for billing or account purposes.
  - A9. Keeps receipts for postage meter checks and maintenance.
- 25% B. Lifts and handles large mail containers and cartons. Sorts incoming mail hampers. Unpacks incoming book shipments.

- 15% C. Performance of variety of Shipping Room tasks.
- C1. Transport deliveries from loading dock; sort and identify packages, notify recipients and/or deliver; send relevant invoices to Business Services.
  - C2. Answer phone and intercom. Respond to requests and queries from users regarding regulations and procedures. Admit persons and deliveries using electronic door release. Acts as liaison between repair, construction workers, delivery personnel, library employees.
  - C3. Arrange for timely pickup of various mailings and returns (bulk mail, stores order returns, Federal Express, UPS, campus truck service). Forwards misdelivered mail including SCLS. USPS, UPS, Campus and Memorial.
  - C4. Sends reserve books to College Library on Friday. Boxes books and calls Truck Service for delivery by 3:30.
  - C5. Prepare necessary and required USPS forms.
- 5% D. Packs and unpacks South Central Library (SCLS) Shipments. Collects member library books from marking room and sorts for packing.
- 10% E. Performance of miscellaneous tasks as needed.

Pertinent definitions in the state Classification Specification for Shipping and Mail Clerk implemented by respondents and reviewed in this decision provide:

#### SHIPPING AND MAILING CLERK 1

This is routine manual and clerical work in a mail room or mail processing center, i.e., duties are usually repetitive, requiring limited analysis and use of individual judgment. Positions receive or collect mail; sort and route mail; determine correct account, amount and type of postage; determine most appropriate shipping and mailing methods, including United States Postal Service (USPS) or private courier services such as United Parcel Service or Dunham Express; maintain necessary records, either by hand or using computerized equipment; and operate or assist with the operation of mail processing machines and equipment. Supervision ranges from limited to general.

#### SHIPPING AND MAILING CLERK 2

This is responsible mail processing work. Work is more complex than that found at the lower level, i.e., the employe performs a variety of duties susceptible to different methods of solutions and must exercise a higher level of independent judgment. Employees in this classification may perform duties similar to those described in the Shipping and Mailing Clerk 1 classification, but in addition the positions independently set up and operate equipment such as multiple-station inserters or collators or four-up labeling machines; interpret postal regulations; enter, verify and correct data to departmental accounts and maintain production records, manually or using computerized equipment; order or requisition supplies to insure adequate inventories

of mail room supplies; respond to inquiries; assist with the operation of the most complex machines such as an automated inline mailing machine (AIM), the computerized optical character reading/barcoding sorting machine used by the Department of Administration (DOA), the customized processing machine used at the Department of Industry, Labor and Human Relations (DILHR) or the computer output mailing system (COMS) used by the Department of Transportation (DOT); and assist with orientation and training of new employees. Supervision is general.

By separate letters hand-delivered to the Commission May 13, 1994, Anderson and Parrish appealed respondent's reallocation decisions.

Appellant Duane Anderson argues that the Memorial Library, where he works, is the largest library in the State of Wisconsin, functioning as the center for receiving and sending materials for nineteen branch libraries in the General Library System. Anderson testified, in great detail about the various tasks he performed. He said his position description was not complete, but in cross-examination he acknowledged that it accurately described his typical daily duties. Further, Anderson said that he performs duties formerly performed by a Shipping and Mailing Clerk 2 and that he was under general supervision of a supervisor, who did not work in the Shipping Room, but three floors above. The shipping and mailing operation is located in the basement of Memorial Library.

Appellant, Joseph Parrish, did not submit a brief, but testified that he performed all the examples of work listed in the Classification Specification for a Shipping and Mailing Clerk (SMC) 2, except for setting-up and operating computerized accounting systems and multi-station machines or high speed labelers, and operating high speed, high capacity floor model folders. He testified that his position description, which was for the most part written by his new supervisor and finalized by his department's Personnel Manager after a mini-audit, was incomplete. Parrish testified that a SMC 2 left about two years prior, the position was not filled at the 2 level, but the mail route function, the main duty of that position, was reduced to a permanent half-time position and the remainder was performed by him and Anderson.

Parrish testified, under cross-examination, that he performed all duties listed in the Classification Specifications under the definition for a SMC 1. Also, Parrish testified that he did not "independently set up and operate equipment such as multiple-station inserters or collators or four-up labeling machines" or "assist with the operation of the most complex [mailing and

shipping] machines" -- duties listed under the SMC 2 definition. However, Parrish testified that he did enter, verify and collect data to departmental accounts, maintain production records and order or requisition supplies, duties also listed in the SMC 2 definition.

Further, Parrish testified that his position was no different from that of David Lockman, a SMC 2, in the Department of Physics, Letters and Science.

David Lockman's position description (Respondent's Exhibit #10), unlike appellants' PDs, indicates that he is the lead worker for student hourly workers. In addition, he has the following worker activities:<sup>2</sup>

B. 20% Insure that liquid nitrogen and chemical gases are sufficiently stocked. This involves ordering the items from supplies and contacting them when expected deliveries have not arrived as expected. Assist in the delivery of liquid nitrogen. (twice weekly)

C. 25% Perform billing and inventory functions:

a) Compile, prepare and distribute the monthly postage recovery billing in accordance with departmental policies.

b) Compile, prepare and distribute the monthly stockroom/electronics shop/machine shop supplies/parts billing using data received from the stock clerk, electronics/Technicians, machine shop supervisor and accounting office.

c) Act as the liaison person with the Property Control office which includes the completion of U.W. inventory forms, periodic inventory summary requests, the departmental inventory forms (including an inventory of the departmental gas cylinder inventory). Insure that U.W. decals are properly affixed to the appropriate equipment.

By Parrish's own testimony he equated Lockman's specific designation as lead worker with Parrish's general responsibility to assist in the training of students and staff, one of several miscellaneous tasks (under item E of his PD) he performed; and he acknowledged he did not perform billing and inventory functions as described in the Lockman position description.

Prior to hearing, at some point, appellants presented to the respondent the position descriptions of Sue Olson, a SMC 2 at the Reference Loan Library (Appellants' Exhibit #1) and Edward J. Malin, a SMC 2 (prior to the survey) at the University of Wisconsin Letters & Science/Economics, Social Science Building (Respondent's Exhibit #5) as comparable positions. The Malin

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<sup>2</sup> This sentence has been revised so it is consistent with other changes.

position was reallocated to the SMC 1 level during the survey under the new Classification Specifications.

The Olson position, like Malin's, was a SMC 2 prior to the survey, but it was reallocated to SMC 2 under the new specifications. Fifty percent of the Olson position's time is assigned to preparing and shipping outgoing mail and coordinating mailroom activities. Another twenty five percent of this position's time is spent receiving and sorting incoming mail. Currently, respondent is reviewing this position, because it believes the position description reflects a position at the one level.

The respondent presented the position descriptions of Donna Gear, U.W.-Stevens Point Mail Service Department, Tom Boyd, UWS, UW-Platteville, Jeff Badour, UW Hospitals and Clinics, Central Services, and J. Guadalupe Avila, U.W.-Madison, School of Library and Information Studies (Respondent's Exhibits #6-9) as representative of positions at the SMC 1 level.

Also, respondent presented the position descriptions of Thomas Buechner, U.W.-Madison, Medical School Administration, David I. Disch U.W.-Madison, Div. of Summer Sessions/Inter-College Programs, Dan Froding, Educational Communications Board and Arnold Gudel, U.W.-Madison Department of Spanish & Portuguese (Respondent's Exhibits #11-14) as representative of SMC 2 positions.<sup>3</sup>

The SMC 2 definition is written in the conjunctive form, so that one must perform all of the non-SMC 1 duties listed in order to be properly classified at the 2 level:

Employees in the classification may perform duties similar to those described in the Mailing Clerk 1 classification, but in addition the positions ... set up and operate equipment ... interpret postal regulations; enter, verify and correct data ... requisition supplies ... respond to inquiries; assist with the operation of the most complex machines ... and assist with orientation and training.... (emphasis added)

This reading of the definition statement is supported by the language found in the "Examples of Work Performed" section of the specifications, which lists numerous duties beyond the SMC 1 level. Some of the listed examples are identified as optional, because they are prefaced by the word "may." All but

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<sup>3</sup> The remainder of the proposed decision, preceding the "Order," has been replaced with language to reflect the Commission's reliance on the specification requirements in reaching its conclusion.

one of the duties listed in the definition statement ("assist with orientation and training of new employes") have a correlating listing in the work examples section.

The appellants failed to establish that they perform all of the duties listed in the SMC 2 definition statement. Mr. Parrish acknowledged that he did not "independently set up and operate [certain] equipment" and did not "assist with the operation of the most complex" mailing and shipping machines. Mr. Anderson also did not offer evidence to support a finding that he performed all of the required duties in the definition statement for the higher level. Therefore, the Commission concludes that the appellants have not met their burden of proof in this matter.

In reaching its conclusion, the Commission does not address the issue of the proper classification of the various SMC 2 positions identified by respondent as being properly classified at that level. Those positions are not the subject of this appeal and even if one concluded that one or more of these positions were improperly classified, it would not affect the classification of appellants' positions. The Commission has previously declined to compound an error which might exist due to the classification level of a comparable position. Roberts & DeLaMater v. DER, 92-0481, 0638-PC, 3/9/94.

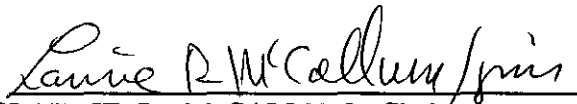
Based on the evidence presented and for the reasons stated, the Commission believes appellants' positions are correctly classified.



ORDER

Respondent's decision is affirmed and appellants' appeals are dismissed.

Dated: August 8, 1995 STATE PERSONNEL COMMISSION

  
LAURIE R. McCALLUM, Chairperson

DRM:jan

  
DONALD R. MURPHY, Commissioner

  
JUDY M. ROGERS, Commissioner

Parties:

Duane Anderson  
Memorial Library  
728 State Street  
Madison, WI 53706

Joseph Parrish  
Memorial Library  
728 State Street  
Madison, WI 53706

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

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 (except an order arising from an arbitration conducted pursuant to §230.44(4)(bm), Wis. Stats.) 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.)

2/3/95