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CARLA J. PATTERSON,
 Appellant,

v.

Secretary, DEPARTMENT OF
 EMPLOYMENT RELATIONS,
 Respondent.

Case No. 94-0098-PC

* * * * *

DECISION
AND
ORDER

This matter is before the Commission on an appeal of a decision by the respondent, the Department of Employment Relations (DER) to reallocate the position held by the appellant, Carla Patterson, to Shipping and Mailing Supervisor 1. The following discussion and conclusion are based on evidence at the hearing held on this matter, and determined after consideration of respondent's oral argument, and a post-hearing brief filed by the appellant.

The issue presented at the hearing was: Whether respondent's decision to reallocate appellant's position to Shipping and Mailing Supervisor 1 rather than Shipping and Mailing Supervisor 2 was correct.

Patterson's position was reallocated from Shipping and Mailing Supervisor (S&M Sup.) 2 to Shipping and Mailing Supervisor 1, effective May 1, 1994, as a consequence of a Material Handling positions survey. Prior to the survey, under the old classification specifications there were three levels of S&M Sup. positions which were entitled S&M Sup. 1, 2 and 3. The current S&M Sup. classification specifications developed during the survey compressed the former three supervisory levels to two by combining the two lower levels and renumbering them S&M Sup. 1; and renumbering the third level, S&M Sup. 2. So, while S&M Sup. 2 and 3 positions were given lower numbers, their pay ranges remained the same.

The position description (Respondent's Exhibit 2) of Patterson's position initialed by Patterson on December 8, 1993, and submitted for reallocation during the survey provides:

This position supervises a large and complex, multi-agency (SYC) mailing operation. The UWEX-Bulk Mail Ctr., which provides labeling, inserting, and mailing services to all UWEX and U.W. Madison units,

with a mail volume of over 25,000,000 pieces annually. This position coordinates the responsibilities of the UWEX Mail Automation Center. This position is responsible for the supervision of 7 FTE's, plus LTE and student staff. This position is responsible for monitoring and billing over 2.5 million dollars of postage annually. This position must maintain a thorough [sic] knowledge of the setup and operation of mail handling equipment.

- 20% A. Supervision of BMC staff: 7 FTE's, plus LTE and students
- 20% B. Coordinate production activities of the UWEX-Mail Automation Ctr.
- 20% C. Schedule unit workloads.
- 10% D. Monitor postal accounts.
- 10% E. Bill for postage and labor.
- 10% F. Consult with users on mailing services.
- 5% G. Coordinate mail to outside vendors.
- 5% H. Schedule and oversee maintenance on labeling and inserting machines.

Both Patterson and her supervisor, Daniel O'Rourke, testified that Patterson's position description (PD) was accurate but not comprehensive. They testified in detail about items described in the PD in general terms.

Patterson testified that she supervised 6 FTE rather than 7 as indicated in the PD; that worker activity B. should be increased by 10%; C. decreased by 10%, D., E. and F. increased by 5% each, and H decreased by 2%. Patterson's new assignment of worker activity percentages totals 112 percent. In explanation, Patterson testified that she has over one hundred hours in compensation time and, in part, this overload of work resulted in the creation of a new Financial Specialist¹ position.

The state Classification Specification for Shipping and Mailing Supervisor defines Shipping and Mailing Supervisor 1 and 2 positions as follows:

¹ Two weeks before the effective date of the Materials Handling survey May 5, 1994, Eric Lowry was hired as a Financial Specialist 1 at the UWEX Bulk Mail Center to serve as the Customer Service/Billing supervisor. He reported directly to Daniel O'Rourke.

SHIPPING AND MAILING SUPERVISOR 1

This is responsible work supervising the central mail services for a University of Wisconsin (UW) campus such as UW-Oshkosh or UW-La Crosse; a central mail room serving several divisions of a large department such as Health and Social Services; a subunit of a mail processing operation servicing several buildings or facilities of one organization such as the UW-Extension Mail Center which provides service for both the extension and the Madison campus; or a subunit of the Department of Administration's Mail Processing Center which functions as the central postal processing unit for most state agencies. Positions are responsible for planning, scheduling and supervising the work of staff, including participating in interviews and recommending selection of new employees, training, conducting performance evaluations, approving leave, handling grievances, and recommending disciplinary action; maintaining customer services/relations; coordinating services, including pick-up and delivery, with customers and the United States Postal Service (USPS); developing, evaluating and implementing policies and procedures; record maintenance including computerized chargeback processes or other invoice preparation, private carrier logs, usage statistics; equipment maintenance; maintaining of USPS deposit accounts; providing budget preparation assistance; and ensuring that safety standards, security procedures and departmental work rules are observed and maintained. These positions differ from the higher level in that the higher level positions supervise multiple subunits involving larger numbers of staff, and have greater budgetary and administrative responsibilities. Supervision is general. (emphasis added)

SHIPPING AND MAILING SUPERVISOR 2

These positions are responsible for supervising multiple subunits within a larger mail processing center such as those operated by the Department of Revenue, the Department of Transportation or the UW-Milwaukee campus. Positions are responsible for recommending changes in policies and procedures; planning, evaluating, organizing and implementing changes to operational activities; analyzing spending levels, postal trends, surpluses/deficits and other reports to assist with budget preparation; assisting with procurement of equipment, including analyzing cost effectiveness, developing specifications, and recommending acquisition or leasing; monitoring vendor contracts; supervising subordinate staff; interpreting and implementing policies and procedures; record maintenance; ensuring safety and security of assigned work areas; and administering applicable bargaining unit contractual obligations. Work is reviewed by administrative superiors. (emphasis added)

As clearly identified in the classification specification at issue, the specific issue here is whether Patterson's position "supervise[d] multiple

subunits involving larger numbers of staff, and ha[d] greater budgetary and administrative responsibilities" at the time of reallocation.

On this issue Patterson argues that she supervises the Bulk Mail unit and Automation. Patterson also argues that her position compares favorably with a Shipping and Mailing Supervisor 2 position at U.W.-Milwaukee Mail Services, held by Janie Niemer (Respondent's Exhibit 6).

The record shows that in December 1993 the UWEX Facilities Management/Mail Services was headed by Dave Starr. Next in line authority was Manager of Mail Services/ Assistant Director of Facilities Daniel O'Rourke. O'Rourke was responsible for two mail processing units, Bulk Mail and UWEX Building Mail, and the Automation Center. O'Rourke was the first-line supervisor of Management Information Technician 1 (MIT 1) Robert Szewczyk, the sole employe in the Automation Center; Shipping and Mailing Supervisor 1 Patricia Emmons, supervisor of the UWEX Building Mail unit; and appellant Carla Patterson, supervisor of the Bulk Mail unit. Later on April 18, 1994, O'Rourke became supervisor of a newly developed Customer Services/Billing Supervisor position, into which Eric Lowry was hired as a Financial Specialist 1.

Patterson's argument that she supervises two units, the Bulk Mail operation and the Automation Center is not supported by the record. While she provided documentation (Appellant's Exhibit 7) that she prepared Szewczyk's June 1994 Classified Employee Performance Review form and signed it as his supervisor, Szewczyk's testimony notwithstanding, other documentation clearly indicates that she did not supervise this position. O'Rourke's position description (Respondent's Exhibit 9) shows him to be supervisor of the Automation Center and the Szewczyk position and he testified to the same. Also, Szewczyk's position shows appellant as supervising the Bulk Mail unit staff and coordinating production activities of the Automation Center. In testimony, Patterson acknowledged she was not Szewczyk's supervisor, but said she supervised his work.

With respect to whether the Automation Center constitutes a subunit as specified in the class specification, the answer is "no." O'Rourke testified he views the bulk mail operation as one unit consisting of the Bulk Mail Center and the Automation Center. Automation prepares mail handled by Bulk Mail. Regardless, whether or not it can be said the Automation Center is a subunit,

O'Rourke, not Patterson, is the official supervisor of Szewczyk, the sole staff member of that center.

Contrary to Patterson's argument, her position does not compare favorably to Niemer's. This position is responsible for supervision of all the mail service at the University of Wisconsin-Milwaukee (UWM). Niemer supervises three subunits: (1) Bulk Mail, (2) First Class Mail, similar to the Emmons' position at UWEX, and (3) a courier service. In carrying out these responsibilities, Niemer supervises an FTE staff of 12 employees, approximately twice the size of Patterson's staff. Also, Niemer's customer communication and administrative duties are comparable to those of Patterson's supervisor, Daniel O'Rourke.

After reviewing the record, it is clear that Patterson is responsible for supervising the UWEX Bulk Mail unit, one of two mail processing units at UWEX. It is clear that the Automation Center is attached to the Bulk Mail unit, and that O'Rourke, not Patterson, supervises the only FTE position in that operation. Just as clear is the classification specification requirement that a Shipping and Mailing Supervisor 2 position must supervise "multiple subunits within a larger mail processing center." Accordingly, we reach the conclusion that Patterson's position fails to satisfy the requirements for a Shipping and Mailing Supervisor 2 classification.

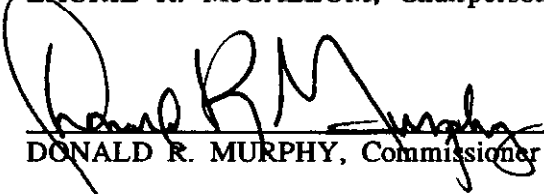
ORDER

Respondent's reallocation decision regarding appellant's position is affirmed and appellant's appeal is dismissed.

Dated: December 7, 1995 STATE PERSONNEL COMMISSION


LAURIE R. McCALLUM, Chairperson

DRM: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 (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