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DANIEL W. STREY,  
 Appellant,

v.

Secretary, DEPARTMENT OF  
 EMPLOYMENT RELATIONS,  
 Respondent.

Case No. 94-0150-PC

\* \* \* \* \*

DECISION  
 AND  
 ORDER

A combined hearing was held on November 28 and 30, 1994, which included Mr. Strey's appeal, as well as the following appeals: Pockat v. DER, case no. 94-0148-PC and Doemel v. DER, 94-0146-PC. The hearing issue agreed upon by the parties is shown below.

Was the respondent's decision to reallocate the appellants' positions to Stock Clerk 1 correct or were the appellants' positions more appropriately classified at the Storekeeper level?

**I. SURVEY RESULTED IN REALLOCATION OF MR. STREY'S POSITION**

The Department of Employment Relations (DER) conducted a survey of about 450 material handling positions, overseen by DER's classification expert, Evelyn O'Brien. Ms. O'Brien created new classification specifications (Class Specs) as part of the survey process. She was responsible for matching the duties of positions to the new Class Specs to determine which classification was appropriate based on the post-survey Class Specs.

Mr. Strey's position was classified as a Storekeeper 1 prior to the survey and as a Stock Clerk after the survey, at the same pay range. This reallocation was effective May 1, 1994.

**II. STOCK CLERK CLASS SPECS (Post Survey) (Exh. R-1)**

Purpose & Use of this Class Spec: This Class Spec is the basic authority . . . for making classification decisions relative to present and future positions which receive, store and issue

material, supplies, equipment, tools, merchandise or foodstuffs and perform related duties. . . .

**Inclusions:** This classification encompasses positions which perform a variety of duties associated with receiving, storing, shelving, filling orders & issuing a variety of materials and supplies.

**Exclusions:** Excluded from this Class Spec are positions responsible for spending a majority (i.e., more than 50%) of their work time in the performance of the following duties and functions: 1) General clerical duties such as typing, copying, filing, phone answering, and receptionist duties. 2) Preparing requisitions, inventory control or purchasing. 3) Operating & maintaining a motor truck or other equipment. 4) Supervisory & managerial duties as statutorily defiled; and 5) All other positions which are more appropriately identified by other series.

**DEFINITIONS STOCK CLERK:** This is responsible manual & clerical work in a stockroom, warehouse, dock area or storage yard which involves receiving, loading & unloading, shelving, storing, filling orders, packaging & preparing materials for shipment, or issuing supplies, merchandise, foodstuffs, clothing, documents, publications, informational & instructional materials, manuals, forms, laboratory supplies, equipment, tools or other materials, & maintaining related record. Positions may pick up or deliver supplies or materials as needed to maintain an efficient operation. Positions may be responsible for a stockroom with limited quantities of stock and may replenish supplies by requisitioning from one of the State of Wisconsin's central supply operations in accordance with established procedures & conditions. Specific work assignments may be made by superiors but routine daily activities are carried out under limited supervision.

**EXAMPLES OF WORK PERFORMED (Stock Clerk)**

1. Receive shipments of materials.
2. Load & unload shipments.
3. Examine & check incoming goods for damage or shortages.
4. Check bills of lading for accuracy.
5. File claims for short or damaged shipments.
6. Mark or code items, manually or using computerized equipment; generate price tags.
7. Receive orders by mail, phone or over the counter; if required, enter sales into cash register.
8. Answer phone & assist customers.
9. Pick or gather materials to fill order or requisition; collate or arrange in sequence if necessary.
10. Pack or prepare materials for delivery or shipping via scheduled/non-scheduled courier or freight services such as UPS, Fed Ex, Dunham Express, Airborn Express, etc. This may

- include packing, wrapping, weighing, determining method of shipment, and affixing postage.
11. Maintain, complete & process required reports or records, such as inventory records, sales records, hazardous materials manifests, and postal or shipping charge records or UPS logs by using computerized equipment or manually.
  12. Transport packages to appropriate area for pick-up or delivery.
  13. shelve or store goods received, using proper storage methods which consider factors such as shelf life, stock rotation, temperature control, hazardous nature, etc.
  14. Issue or distribute non-expendable tools, equipment or supplies; maintain distribution records.
  15. Reshelve returned merchandise or supplies.
  16. Conduct physical inventories.
  17. Assist in the initiation or preparation of requisitions to replenish stock.
  18. Operate pallet jack, forklifts or other equipment or arrange for service.
  20. Maintain security of facility.
  21. Dispose of hazardous waste material, using safe & proper procedures.
  22. Sort, pick up or deliver supplies and materials.
  23. May assist with training and directing other staff, students or inmate help.
  24. May perform housekeeping or janitorial tasks to maintain cleanliness of supply area or stock room.

### III. STOREKEEPER CLASS SPECS (Post Survey) (Exh. R-2)

Purpose & Use of this Class Spec: This Class Spec is the basic authority . . . for making classification decisions relative to present and future positions which direct the operations of a stores or supplies unit. . . .

Inclusions: This classification encompasses positions which perform a variety of duties associated with directing a stores, supplies or warehouse facility, including record keeping, requisitioning, inventory control and distribution of a variety of materials and supplies.

Exclusions: Excluded from this classification specification are positions responsible for spending a majority (i.e., more than 50%) of their work time in the performance of the following duties and function: 1) Purchasing, 2) Receiving, stocking, shelving, loading and unloading materials and goods. 3) Supervisory and managerial duties as statutorily defined; and 4) All other positions which are more appropriately identified by other series.

**DEFINITION STOREKEEPER:** Positions in this classification are responsible for overseeing the daily activities of a stores or supplies operation including determining and directing storage plans and procedures, distribution of goods, inventory management, replenishing stock, record keeping, equipment maintenance, security, and physical maintenance of assigned areas. Some positions may be responsible for a specialized unit within a major supply operation such as the University of Wisconsin State Consolidated Stores Warehouse or the State of Wisconsin's central supply facility at Waupun; a central stores operation at an institution or campus such as Ethan Allen School or UW-River Falls; a specialized supplies unit such as the engineering and maintenance operations of the Veterans' Home at King or the food supplies operation at Northern Wisconsin Center; or a statewide departmental supplies facility such as the central warehouse of the Department of Transportation in Madison or the Wisconsin Army National Guard warehouse at Camp Williams operated by the Department of Military Affairs; or a comparable operation as characterized by volume of turnover, nature and variety of items stocked and assigned responsibilities. Positions may perform work activities as described in the stock clerk specifications, but this would not comprise a majority of the position's assignments. Work is subject to review by administrative superiors for conformance to rules and regulations governing the requisitioning, purchasing, issuing or shipping of supplies and materials.

**EXAMPLES OF WORK PERFORMED - (Storekeeper)**

1. Estimate stock needs & order replacements.
2. Establish & maintain stock levels based on use rate & shelf life.
3. Direct & conduct periodic, special, or perpetual inventory of stock, manually or by use of computerized equipment.
4. Update price lists.
5. Maintain or direct the maintenance of reports & records, including but not limited to use of stock handling equipment, adjustments of inventory counts and stock records, spoilage or damage to stock location changes, refusal of materials or supplies, sales records of items sold in canteen or bookstore, or quarterly sales tax reports.
6. Research & evaluate new products & recommend for purchase or sale.
7. Monitor inmate spending, in accordance with established rules & regulations.
8. Enter price changes into computer for bar code pricing system.
9. Determine storage plans & procedures, including location, methods of storage & stock identification & locator systems, taking into consideration factors such as temperature, humidity, height & weight limits, turnover, shelf life, security or safety requirements, hazardous nature, space allocations, type of inventory system or other special requirements.
10. Ensure delivery of goods or supplies; assure availability of delivery vehicle & qualified operator.

11. Determine delivery schedules; coordinate movement of supplies with other state agencies.
12. Maintain security procedures in identified areas.
13. Plan & direct the activities of other staff, including permanent staff, student help, inmate help or LTEs in receiving, loading & unloading, shelving, and distribution activities.
14. Provide assistance & advice to customers relative to availability or suitability of items.
15. Screen surplus property to determine usability.
16. Purchase items directly from local vendors within the state purchasing guidelines and procedures.
17. Conduct or monitor preventative maintenance on all assigned vehicles, forklifts, pallet trucks or other material handling equipment used.
18. Arrange for vehicle repairs and/or services with commercial sources or the department's fleet section.
19. May approve invoices for payment.
20. May contact vendors in ordering, soliciting prices for competitive bidding and expediting deliveries of supplies.
21. May price items on work orders or requisitions or prepare invoices for internal charge back.
22. May write specifications for materials or supplies to be purchased.

#### **IV. MR. STREY'S POSITION IN RELATION TO DOEMEL AND POCKAT**

Mr. Strey works for the University of Wisconsin (UW) System at the Central Stores in Oshkosh, Wisconsin. He is mainly responsible for the Delivery area of the Central Stores operation, whereas Mr. Doemer is mainly responsible for Receiving and Ms. Pockat for Stores. The PDs which existed at the time of survey for their positions (Exh. R-3, R-4 & R-5) were exactly the same in terms of tasks performed and time spent on each task. Those PDs failed to reflect actual differences in duties based upon their varying main areas of responsibility.

Yvonne "Bonny" Oberg is the first-line supervisor of the positions held by Mr. Strey, Mr. Doemer and Ms. Pockat. Ms. Oberg's position is classified as a Stores Supervisor 2 and her duties are as shown in her PD dated January 6, 1994 (Exh. R-6). She is responsible for the entire Central Stores operation, which is comprised of the 3 main areas of Shipping, Receiving and Stores. Ms. Oberg's supervisor is Jim Johnson, Director of Purchasing.

#### V. DUTIES PERFORMED BY MR. STREY'S POSITION

The duties below are based upon Mr. Strey's PD that existed at the time of survey. (Exh. R-5) He provided hearing testimony that the time percentages in the PD were correct and equally divided between tasks. This testimony was found by the examiner to be unreliable in light of the credible testimony in the record that each appellant had a different area of responsibility. Mr. Strey's time estimates failed to give more emphasis Delivery which is his main area of responsibility.

The credible record evidence suggests that Mr. Strey spends about 62% of his time in Delivery functions, which is about at the same level as Mr. Doemel spends in Receiving as his main area of responsibility. Also, the time spent by Mr. Strey's position on duties in sections B and C of the PD, would be similar to the same time percentages spent by Mr. Doemel because these areas are mainly the responsibility of Ms. Pockat. The remainder (13%), seems appropriate for time Mr. Strey's position performs duties listed in section A of his PD.

Time %  
13%

#### Goals and Worker Activities

##### A. RECEIPT & STORAGE OF ORDERS

1. Unload shipments, manually or by using fork lift, pallet jack or 2 wheel truck.
2. Inspect receivable for damages & missing items, compare purchase order with packing list & verify that quantities & order numbers coincide. Note if order is a complete or partial shipment.
3. Fill out receivable & enter in the computer (CUFFS system).
4. Complete paper work & maintain filing system, logging in all purchase orders & noting any special problems, i.e.) good faith disputes.
5. Communicate processes/problems with users & vendors working with accounting on all finalized payments.
6. Use E-mail for updates between accounting, purchasing & stores/receiving.
7. Ship & receive U.P.S. packages for the university.
8. Package goods to be returned to vendors; prepare bills of lading, shipping records or damage claims.

9. Stock merchandise, equipment & supplies in stores stockroom areas or ship to respective departments.
10. Keep shelving & palletized stock in order, making sure that first in is first out.
11. Keep capital equipment separate for tagging before delivery.

5%

**B. MAINTENANCE OF SUPPLIES & EQUIPMENT INVENTORIES.**

1. Determine prices of goods received using standard mark-up procedures.
2. Enter price changes into computer along with quantities received with stores inventories.
3. Perform periodic inventory checks to determine quantity of supply.
4. Prepare re-order sheet on a regular basis.
5. Enter daily requisitions to delete stock from inventory.
6. Prepare monthly reports by: a) requisition number, b) by department, c) by group coding, d) dollars received in each category, e) dollars expended in each category.
7. Keep filing & records current.

15%

**C. FILLING OF STORES REQUISITIONS**

1. Check the requisitions for authorized signatures.
2. Check that stores procedures are being adhered to & requisition is properly filled out, log in requisition.
3. Fill requisition & make note of stocking needs on the shelves.
4. Send white copy along for signature, yellow copy to clipboard in stores area, & pink copy for a packing slip.
5. Mark boxes & place on carts for appropriate trip for delivery in the delivery area with requisition number & number of packages in delivery.
6. Fill walk-in orders & special orders as needed for departments.

62%

**D. DISTRIBUTION & DELIVERY OF SUPPLIES**

1. Load delivery truck for delivery of supplies.
2. Deliver goods to specified dept., complete all paperwork as necessary.
3. Give paperwork to receiving & stores for proper completion.
4. Make sure that each dept. gets at least one delivery per week (if there are orders for that dept.)
5. Separate mail, parcel post, U.P.S. packages & arrange for delivery to depts.

6. Make priority deliveries as required.
7. Handle special items that are delivered in the proper manner, i.e. items that need refrigeration.

5%

E. MISCELLANEOUS DUTIES

1. Do inventory count in stores on a yearly basis as well as periodic spot checks.
2. Pick-up, receive & store surplus equipment & maintain area for semi annual sale.
3. Substitute for other stores personnel as required.
4. Other duties as assigned by supervisor.
5. Make arrangements with supervisor to have delivery vehicle serviced, inform supervisor of accidents or problems.
6. Clean, dust, & mop stores/receiving area regularly.
7. Collect, store and distribute all recyclables for processing.

Mr. Strey works independently within limited authority parameters established by his supervisor, Ms. Oberg. His duties are performed in accordance with established procedures and guidelines. Mr. Strey may provide recommendations to Ms. Oberg, but it is Ms. Oberg who has the authority to change them.

VI. CONCLUSION

The duties of Mr. Strey's position involve more than 50% in duties related to the delivery of goods (s. D of his PD). His position meets the "Inclusions" section of the Stock Clerk Class Specs because his position performs "a variety of duties associated with receiving, storing, shelving, filling orders and issuing a variety of materials and supplies".

Furthermore, the duties of his position fit within the second exclusion of the Storekeeper Class Specs; to wit: he spends more than 50% of his time "Receiving, stocking, shelving, loading and unloading materials and goods." In summary, the Stock Clerk Class Specs are the best fit for his position.

DISCUSSION

The Commission does not have the authority to change, or rewrite Class Specs, or to allow equitable considerations to prevail over the Class Spec requirements. See Zhe et al. v. DHSS & DP, 80-285-PC (11/19/81), aff'd. by Dane



Count Circuit Court, Zhe, et. al. v. PC, 81-CV-6492 (11/2/82); and Lulling v. Arneson v. DER, 88-0136, 0137-PC (9/13/89). The Commission's role in reviewing reallocation decisions generally is to determine the relevant facts, such as what duties are actually performed by the position, and apply those facts to the Class Specs to determine which Class Specs best describe, encompass or fit the position. The existence of overlap between two or more Class Specs is usual and expected. See Division of Personnel v. State Pers. Comm. (Marx), Court of Appeals District IV, 84-1024 (11/21/85); DER & DP v. PC (Doll), Dane County Circuit Court, 79-CV-3860 (9/21/80), appeal settled, Court of Appeals, 80-1689 (2/9/81).

Mr. Strey's position clearly fits within the Stock Clerk Class Specs and is clearly excluded from the Storekeeper Class Specs. Furthermore, the level and scope of his authority is limited. The focus of his position is on Delivery and the scope of his authority there is limited by the policies, procedures and guidelines established by his supervisor. Under these circumstances, the best fit for his position is the Stock Clerk Class Specs.

Mr. Strey's written arguments submitted after hearing include allegations beyond the scope of hearing, such as an alleged demotion resulting from the reallocations, as well as the impact of the reallocation on the pay range assigned to his position. Some of his arguments also were misplaced. For example, he conceded that his PD was written incorrectly at the time of survey and inappropriately attempted to hold this error against DER's survey process. DER holds no responsibility over the correctness of the PD for his position at the time of survey. As part of the survey procedure, an opportunity was provided for individuals to update their PDs to accurately reflect job duties.

Furthermore, Ms. O'Brien did not rely solely on the inaccurate PDs because she also audited Mr. Strey's position as part of the survey. Even if DER had relied upon incorrect PDs, the hearing was Mr. Strey's opportunity to present correct information for a de novo decision by the Commission as to which classification was the best fit for his position.

Mr. Strey testified at hearing regarding a statement made by Ms. O'Brien when she audited his position. The argument was described in his post-hearing brief (dated 1/13/95), as follows:

During the on-site survey conducted by Ms. O'Brien she clearly stated, in front of a number of witnesses, that the appellants were doing Storekeeper work and that they would stay at that level. . . .

In essence, Mr. Strey is arguing that it would be unfair for the Commission to affirm DER's reallocation decision because of Ms. O'Brien's contrary comment during the survey. This is an argument based on equity and, as noted previously, the Commission does not have the authority to allow equitable considerations to override or prevail over the requirements of the Class Specs.

ORDER


That DER's decision to reallocate Mr. Strey's position to Stock Clerk is affirmed, and this appeal is dismissed.

Dated May 18, 1995.

STATE PERSONNEL COMMISSION

  
LAURIE R. McCALLUM, Chairperson

  
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 (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