

STATE OF WISCONSIN

PERSONNEL COMMISSION

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MARIE L. JOHNSON,
 Appellant,

v.

Secretary, DEPARTMENT OF
 EMPLOYMENT RELATIONS,
 Respondent.

Case No. 95-0122-PC

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DECISION
AND
ORDER

This is an appeal of the denial by respondent of appellant's request for the reclassification of her position from Administrative Assistant 3-Supervisor (AA 3-Sup) to Administrative Assistant 4-Supervisor (AA 4-Sup). A hearing was held on November 6, 1995, before Laurie R. McCallum, Chairperson. A post-hearing briefing schedule was established with the final brief due on January 15, 1996. In a letter dated November 13, 1995, appellant indicated that she did not wish to provide additional argument and, on December 5, 1995, the hearing examiner granted respondents' request not to file further argument.

Appellant's position functions as an assistant to the chairman of the Computer Sciences Department at the University of Wisconsin-Madison. Appellant's position generally has responsibility for maintaining the department's budget, including developing and maintaining operating procedures, and establishing and managing record-keeping; supervising eight (8) clerical employees; completing purchasing paperwork and maintaining department equipment inventory; coordinating recruitment and appointment of non-faculty positions, including developing and completing appointment forms, coordinating appointments with relevant grants, reviewing and authorizing payrolls, and providing relevant fringe benefit information; and assisting the department chairman by composing correspondence, acting as liaison to other University of Wisconsin-Madison

offices, establishing and maintaining filing system, composing and posting meeting announcements and agendas, and preparing reports. Appellant was appointed to this position in 1987 and the position was classified at the AA 3-Sup level at the time of appointment.

The changes which have occurred in the duties and responsibilities assigned to appellant's position since 1987 primarily include the delegation of certain record-keeping functions such as those relating to sick leave accounting and personnel activity report forms to subordinate employees; the use of computer technology rather than manual record-keeping to perform certain fiscal and record-keeping functions; an increase in the size of the department's budget; additional reporting assignments although the type of data maintained and the type of report generated did not change significantly; and the addition of new employment/application forms to be provided to or completed for applicants.

Section ER 3.01(3), Wis. Adm. Code, defines "reclassification" as "the assignment of a filled position to a different class by the secretary as provided in s. 230.09(2), Stats., based upon a logical and gradual change to the duties or responsibilities of a position or the attainment of specified education or experience by the incumbent." The changes cited by appellant in support of her request for reclassification do not evidence the type or extent of change contemplated by this requirement. Although appellant may now perform the duties and responsibilities of her position utilizing different procedures as the result of changes in technology or reporting requirements, the essential duties and responsibilities of her position have not changed. In addition, appellant cites as the two bases for her reclassification request the fact that the gifts and grants budget of the Computer Science Department is larger than that of a department which has an AA 4-Sup position offered for comparison purposes, and the fact that certain AA 4-Sup positions offered for comparison purposes delegate certain functions to subordinate employees which appellant performs directly. However, the size of a department budget alone will generally not support the classification of a position at a higher level particularly where, as here, the record does not indicate the relative complexity of the functions the positions being compared perform in relation to their respective budgets or in relation to their other assignments; and the performance of clerical functions assigned to lower classified positions in

other departments would generally serve to weaken a position for classification purposes rather than strengthen it.

Appellant has not met her burden of proving that the duties and responsibilities assigned to her position have undergone a logical and gradual change as required by §ER 3.01(3), Wis. Adm. Code, and, as a result, her appeal must fail.

Order

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

Dated: January 31, 1996

STATE PERSONNEL COMMISSION


LAURIE R. McCALLUM, Chairperson

LRM:lrn


DONALD R. MURPHY, Commissioner


JUDY M. ROGERS, Commissioner

Parties:

Marie L. Johnson
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Lodi, WI 53555-9719

Jon Litscher
Secretary, DER
PO Box 7855
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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.

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