

STATE OF WISCONSIN

PERSONNEL COMMISSION

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ELIZABETH KLUESNER,

Appellant,

v.

Secretary, DEPARTMENT OF
EMPLOYMENT RELATIONS,

Respondent.

Case No. 95-0224-PC

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DECISION
AND
ORDER

This is an appeal pursuant to §230.44(1)(b), Stats., of the denial of a request for reclassification of appellant's position from AA 4 (Administrative Assistant 4) to AA5.

The relevant classification specifications provide the following definitions:

Administrative Assistant 4

Definition:

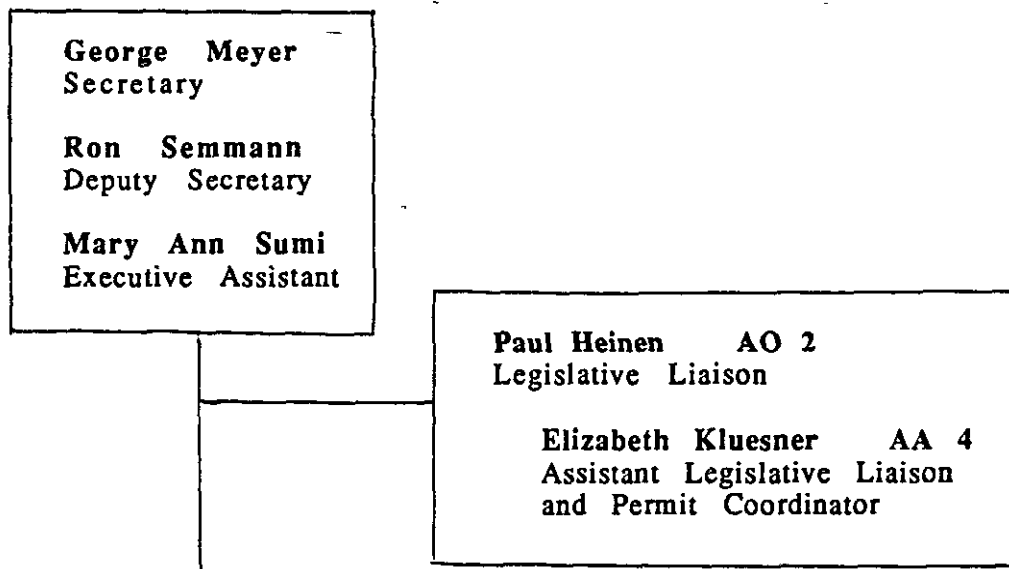
This is line supervisory and/or staff assistance work in a state agency or segment of a large state agency. Employees in this class have supervisory responsibilities over a large, moderately complex records processing and maintenance unit involving a variety of functions and having large clerical staffs with a number of subordinate levels of supervision, and/or supervise and perform staff services in records, accounting, personnel, budgeting or purchasing. Employees are responsible for interpretations of laws, rules and departmental policies in carrying out their assigned functions. Work is performed with a minimum of supervision which is received through staff conferences or general written or oral instructions. Employees are expected to carry out assigned functions with a considerable amount of initiative and independence with the results of their work reviewed through oral or written reports and personal conferences.

Administrative Assistant 5

Definition:

This is responsible line administrative and/or professional staff assistance work in a large state agency. Employees in this class direct an important function of the department and/or provide staff services in management areas such as accounting, purchasing, personnel or budget preparation. Employees in this class may be responsible for supervising a staff of technical, semi-professional or professional employees in directing the assigned program. Employees have a great deal of latitude in areas of decision making and initiating action within a broad framework of laws and rules. Work is evaluated by administrative superiors through conferences, personal observations and reports.

Appellant's position is in the Office of the Secretary in the Department of Natural Resources (DNR). The working title of her position is Assistant Legislative Liaison and Business Liaison. Her immediate supervisor is Mary Ann Sumi, the Executive Assistant to the Secretary. The organization chart for the Secretary's Office reflects the following arrangement (as material to this case):



The PD (position description) for Mr. Heinen's position reflects that his duties and responsibilities include providing the primary legislative and business liaison for the agency, and that he "directs" the appellant.

Mr. Heinen testified that as the workload has increased over time, he has delegated more and more duties to appellant. In the legislative liaison

area, he and appellant divide the work between them on the basis of workload, expertise, and experience, and appellant essentially functions independently with respect to the matters she handles. He also testified that appellant works essentially independently in business liaison. In both areas, she has the authority to make independent decisions and commit the agency. However, because of Mr. Heinen's official responsibility as the primary legislative and business liaisons for the agency, he has the authority to resolve any disagreements between him and appellant, and he would bear the ultimate responsibility for any problems in these areas.

While Mr. Heinen may be trying to make his and appellant's position as equal as possible, as he testified, the ultimate responsibility for their functions cannot be made equal short of a revision of both their PD's and the approval of upper level agency management. Therefore, while appellant's functional level of activity has increased, her responsibility remains secondary to Mr. Heinen's. When viewed in this context, appellant has not established that respondent's decision to deny her reclassification request was in error.

Appellant does not have the responsibility, found in the AA 5 definition, to "direct an important function of the department"--this is Mr. Heinen's responsibility. In terms of position comparisons, an AA 4 position (Respondent's Exhibit 11) at DOR (a smaller agency than DNR) has agency-wide primary responsibility for legislative liaison. There are AA 5 positions, e.g., Respondent's Exhibits 13 and 14, which are responsible for departmental programs. Another AA 5 position (Respondent's Exhibit 15) manages all administrative operations of the State Elections Board, develops program policy, and participates in the agency's quasi-judicial decision making. This position is substantially broader in scope than appellant's. These position comparisons do not advance appellant's case.

In conclusion, appellant's level of responsibility remains as that of assistant to Mr. Heinen, and she has not established on this record, including the position comparisons, that respondent erred in denying the request for reclassification of her position.

ORDER

Respondent's action is affirmed and this appeal is dismissed.

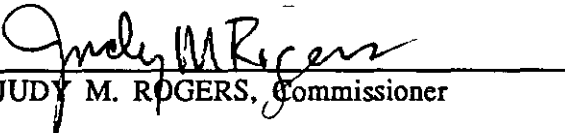
Dated: July 5, 1996

STATE PERSONNEL COMMISSION


LAURIE R. McCALLUM, Chairperson

AJT: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.

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