

STATE OF WISCONSIN

PERSONNEL COMMISSION

FONG CHING HSU,
Appellant,

v.

**Secretary, DEPARTMENT OF
EMPLOYMENT RELATIONS,**
Respondent.

DECISION AND
ORDER

Case No. 97-0047-PC

This is an appeal of a reallocation decision. Appellant's position was reallocated to the IS Professional/Technical Services/Systems Software/Production Support Professional-Senior (Prof-Sen) classification. Appellant contends that her position should have been reallocated to the IS Enterprise Consultant/Technical Services/Enterprise Technical Consultant (Ent Cons) or the IS Enterprise Consultant/Technical Services/Enterprise Technical Project Manager (Ent Proj Mgr) classification. A hearing was held on April 29 and May 11, 1998, before Laurie R. McCallum, Chairperson. A schedule for final argument was established which was completed on June 12, 1998.

The effective date of the subject reallocation was March 30, 1997. At all times relevant to this matter, appellant's position was located in the Division of Information Technology Services within the Department of Administration. The following is an accurate summary of the duties and responsibilities of appellant's position as relevant to this appeal:

40% A. Provide advanced technical support for software products used in the measurement and analysis of the performance of the Division of Information Technology data center in processing client applications

A1. Evaluate and recommend performance measuring and monitoring tools to Division management.

A2. Install, test, and implement performance measuring tools to gather data relevant to systems management. Customize vendor supported software to work appropriately in the Info-Tech environment.

A3. Maintain installed software on an ongoing basis to remain at most current vendor supported level, resolve known problems, and maintain software stability.

A4. Use advanced knowledge of problem determination techniques to troubleshoot software problems, gather problem documentation, and work with software vendor and Info-Tech staff as appropriate for problem resolution.

A5. Document the usage of performance monitoring software for Division staff use.

A6. Develop quality of service determination techniques to meet the continually expanding needs of the Info-Tech data center.

30% B. Provide consulting services for the Info-Tech data center staff and management.

B1. Provide technical expertise to data center teams in the development and implementation of software tools to monitor and improve quality within the enterprise.

B2. Serve as a consultant in the review and verification as well as performance impact of various types of improvements and enhancements to the operational environment. This consultation will provide management with feasibility and productivity value associated with key projects.

B3. Research methods and procedures for gathering and recording service level performance data.

B4. Develop and implement procedures to analyze performance statistics.

B5. Develop and prepare reports summarizing results of statistical and trend analysis.

B6. Train and inform users of advanced quality and service level monitoring software on the usage and features of the products and in techniques for analysis of the data these products provide.

20% C. Develop recommendations for improving the quality of performance of the Info-Tech data center through the employment of quality assurance methods.

5% D. Provide backup and support for other areas of the Customer Software Services Section.

5% E. Maintain and develop professional skills.

In a document dated June 30, 1997, appellant summarized her assignments for 1996-97.

These assignments consisted of the following:

1. Eaglevision project - During the relevant time period, the scope of this assignment consisted of interviewing management of the Division of Information Technology Services relating to their requirements and expectations for the management reporting system, and compiling the results.

2. iMETRICS - During the relevant time period, appellant provided support for this performance reporting software, including piloting, recommending procurement, installing, demonstrating, and some customizing and evaluating. This software is primarily used internally by the Division of Information Technology Services for capacity planning and monitoring, and troubleshooting network problems.

3. LPAR projects, SMF consolidation, and MICS changes - The LPAR and SMF assignment involved support for software products used internally by the Division of Informational Technology Services, including planning the consolidation, estimating the space requirements for the new datasets, allocating the datasets and making necessary changes for the new SMF processing. The MICS assignment involved testing the new systems Ids and making changes to incorporate the new SMF input datasets.

4. EMCOM - This assignment involved support for this network reporting tool, including ensuring the successful completion of the monthly job stream and reports distribution, and making the necessary changes to the production jobs for the SMS conversion and LPAR consolidation. Appellant's assignment relates only to the reporting

component; the technical support component is supported by a different unit. This tool is utilized by DOA to monitor the response times of various components of the statewide computer network.

The duties and responsibilities of appellant's position relate almost exclusively to software products utilized by Division of Information Technology Services to assess the Division's performance, and not to software products used by customers outside the Division to carry out the customer's business responsibilities, i.e., these duties and responsibilities are not primarily "enterprise-wide."

The relevant classification specifications provide as follows:

INFORMATION SYSTEM (IS) PROFESSIONAL LEVEL . . .

II. DEFINITIONS . . .

IS PROFESSIONAL – SENIOR

Positions at this level work under GENERAL supervision. The technical work performed by a position at this level may be reviewed by the position's assigned supervisor for agreement with the agency's or campus' established technical direction, policies and standards. This is the full performance level, and it is the level that an employee in this series can reasonably expect to attain. An employee at this level has acquired a broad knowledge of general IS concepts, principles, practices and techniques and broad knowledge of the job family and classification to which the position is assigned. Positions at this level may lead positions at the Entry, Intermediate, and Senior level in the completion of projects and work assignments. Positions at this level may support the activities of IS Specialists, Consultants, and/or Administrators and may work under the day-to-day direction of IS Specialists, Consultants, and/or Administrators. . . .

Job Family 4: Technical Services

Positions in this job family perform professional IS work related to the support and coordination of the hardware and systems and applications software. For a majority of time positions in this group perform work related to the installation, maintenance and problem resolution of

computer platforms, systems (including operating systems) software and applications software. Positions in this job family are found in the following classifications: . . .

16501; 16502; 16503 IS (T) Systems Software/Production Support Professional – Positions in this classification install and maintain vendor-provided systems (includes operating systems) software to support agencywide platforms and/or maintain installed utilities and software packages to support production in a variety of environments; perform diagnostics and trouble shooting for supported systems software as well as assess and recommend hardware/software configurations, procedures and technical standards to be used by applications development and operations staff; and work with Data Services staff on changes and standards for production databases and coordinate changes to production procedures, software, and hardware.

16551; 16552; 16553 IS (T) Technical Professional – Positions in this classification provide technical hardware, applications and systems software support primarily for personal/microcomputers, but also for LANS, WANS, workstations, and distributed applications. As assigned, these positions provide advice to customers on microcomputer, and potentially, other computer system software and hardware purchase, compatibility and other aspects; resolve printer connectivity issues; conduct assessments of customer needs; identify possible applications for microcomputers, and potentially, other computer systems; complete cost and feasibility studies for proposed microcomputer and other acquisitions. These positions provide problem resolution and training to microcomputer and other customers, and provide for or direct customers in the installation and maintenance of micro computers and other systems, as appropriate.

INFORMATION SYSTEMS (IS) ENTERPRISE CONSULTANT/ ADMINISTRATOR LEVEL CLASSIFICATIONS . . .

II. DEFINITIONS

For classification purposes, a position must meet the level, the job family and the classification definition.

A. Level

IS ENTERPRISE CONSULTANT

Positions at this level work under broad policy guidance derived from the Statement of Direction on Information Technology. Positions at this level coordinate and develop standards for the enterprise technologies to achieve the goals of this Statement of Direction. A position covered by this specification is the Enterprise principal technical authority in the referenced IS area with respect to multi-agency issues and applications. Work performed by a position in one of the classifications must focus, for a majority of the time, on the IS area of expertise. Technical review is based on effectiveness in planning, implementing, and supporting multi-agency technologies. A position at this level must provide direction, guidance and consultation on IS technical issues specific to the area of Expertise to multi-agency teams which may be at all position levels. Actions by a position at this level result in the establishment of technical policies, parameters and standards pursuant to the Statement of Direction Relating to the Management of Information Technology in the State of Wisconsin. Positions covered by this specification must provide direction on issues which have impact and implications statewide. Positions at this level will lead and coordinate studies, projects and advisory groups, which span multiple agencies and/or campuses. . . .

Job Family 4: Technical Services

Positions in this job family perform consultant professional IS work related to the technical support of the hardware and systems and applications support software for the state's computer utility. Positions in this group are the primary authority on technical installations, maintenance and problem resolution for the state's Information Technology Services computer platforms, operating systems software and applications support software. . . .

16573 IS (TE) Enterprise Technical Consultant – Positions in this classification are the enterprise key contact and primary authority for the resolution of questions and problems related to the enterprise technical support of hardware, applications support software and operating systems software; provide expertise for multiple platforms and software products which impact all agencies/campuses; and lead enterprise technical support efforts including coordination of IS Enterprise

Consultants and private sector contract IT staff. Positions in this classification are the statewide expert in all aspects of technical support for specific enterprise operating systems software environments or applications support environment.

16571 IS (TE) Enterprise Technical Project Manager – Positions in this classification direct and coordinate inter-agency teams working on technical project development in support of multiple agencies; manage all phases of assigned systems development projects; plan and budget for work flow, agency application system interfaces and product deliveries; manage human and fiscal resources; negotiate timelines, products and other project concerns with top management positions in several customer agencies; oversee completion of tasks and provide status and completion reports to management; and administer complex vendor contracts which are project related.

In order to be classified at the Ent Cons or Ent Proj Mgr level, the scope of appellant's duties and responsibilities would have to be primarily enterprise-wide. The evidence in the record clearly shows that this is not the case. A review of appellant's position description and self-described assignments, as well as the unanimous hearing testimony of the subject-matter experts called as witnesses, other than appellant, supports the conclusion that the clear majority of appellant's time is spent working with software products and applications used internally by the Division of Information Technology Services. Although the management of this division may utilize the information obtained from use of these software products and applications to make decisions which impact on the statewide computer enterprise, this is not the test by which this classification factor is measured. The duties and responsibilities which qualify as enterprise-wide for classification purposes are directly related to the multi-agency computer system supported by this division and utilized for business purposes by thousands of individual users in numerous state agencies. This requirement permeates each of the Enterprise Consultant/Administrator classification specifications, including those for the the Ent Cons and Ent Proj Mgr classifications, e.g., the specifications require responsibility for developing multi-agency standards, directing

and coordinating multi-agency teams, and serving as the statewide expert for enterprise operating systems. Since the duties and responsibilities of appellant's position are not primarily enterprise-wide, they clearly do not meet this language of the specifications for the higher classification levels she seeks here.

In contrast, the Prof-Sen specification provides a close classification fit for appellant's position. It describes a position at the full performance level that supports systems and applications software for agencywide use, including installation, maintenance and problem resolution. This is the primary emphasis of appellant's position. Although appellant performs certain duties which, if performed on an enterprise-wide basis, could be considered higher level duties, e.g., surveying customer needs and expectations, analyzing software products and making procurement recommendations, and team leadership, these duties and responsibilities performed on an agency-wide rather than enterprise-wide basis do not qualify for classification at the Ent Cons or Ent Proj Mgr level.

Appellant questions her supervisor's motives in failing to assign her enterprise-wide duties and responsibilities, argues that the reclassification of positions in the unit other than hers prior to the implementation of the subject classification survey provided a classification advantage to the incumbents of these positions during the survey which she did not enjoy, and contends that changes in her position which occurred after the effective date of the survey justify classification at a higher level. However, these issues are irrelevant here. The only proper inquiry is that relating to what the duties and responsibilities of appellant's position were at and prior to the effective date of the survey, and which classification provides the best fit for these duties and responsibilities. As a result, duties which appellant believes should have been assigned to her position but were not, classification actions taken in regard to other positions, and changes in the duties and responsibilities of appellant's position after the effective date of the survey would not affect the outcome here.


ORDER


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

Dated: August 26, 1998

STATE PERSONNEL COMMISSION

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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.)

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