
 BILLIE RENNERT,

 Appellant,

 v.
 DEPUTY DIRECTOR, STATE BUREAU OF
 PERSONNEL,

 Respondent.

 Case No. 77-76

OFFICIAL

OPINION AND ORDER

Before:

NATURE OF THE CASE

This is an appeal, under s. 16.05(1)(f), Wis. Stats., of a decision of the Director denying the appellant's reclassification request. The Director admits that the position the appellant currently holds should be reallocated to the classification she requests. However, the Director denies the regrading of her to this higher position because of an alleged failure to meet the Wis. Adm. Code, S. Pers. 3.02(4)(a), test of a gradual and logical change to the duties and responsibilities of the differently allocated position. The appellant asserts that a gradual and logical change was present.

FINDINGS OF FACT

1. In 1970, the appellant was reclassified to a Clerk 4 in the employment of the College of Continuing Education--U.W. Oshkosh.
2. The appellant's duties at that time consisted mainly of supervision and coordination of course registration, mailings, and inter-office work assignments in addition to general secretarial and bookkeeping duties. She

worked under the supervision of a Mr. Bolin who was then responsible for the credit course program of continuing education.

3. Between the years of 1970 and 1975, the appellant's duties and responsibilities evolved and expanded.

4. This evolution of duties and responsibilities was primarily a result of the appellant's competence and of Mr. Bolin spending more and more of his time on program development, field work, special projects, and new facets of the credit course program. Increased workload demands resulting from the merger of the state universities and from Mr. Bolin's graduate study work in 1972 were also influential in prompting this change.

5. As Mr. Bolin's role changed, the appellant became more involved in the preparation and set up of materials for his approval while some of her former clerical duties were delegated to others.

6. By the time Mr. Bolin left the university in 1975, the appellant's duties and responsibilities had gradually and logically evolved to the point where her duties involved her in almost all aspects of the credit course program and where her responsibilities included the coordination of the various facets of that program.

7. Before his departure in 1975, however, Mr. Bolin was ultimately responsible for the credit course program itself. It was to Mr. Bolin that the appellant primarily reported and it was to him that she was responsible while performing duties pertaining to the credit course program. Mr. Bolin, in turn, was then responsible for the credit course program itself in all its facets. His reportage was to a supervisor who oversaw both aspects of continuing education--credit and non-credit.

8. From the record before the Board, it is apparent that Mr. Bolin retained full program responsibility until his departure.

9. After Mr. Bolin's departure in 1975, the appellant was given this full program responsibility for the credit course program. At that point, she assumed almost all of Bolin's duties and responsibilities.

10. Although she was involved in almost all aspects of the program prior to this shift, the appellant was responsible only for the coordination of various aspects of the program prior to 1975 and was not responsible for the whole program itself as she was after the shift.

11. On March 22, 1977, the respondent denied a request by the appellant for reclassification to Educational Services Intern-Education (ESI-E).

CONCLUSIONS OF LAW

1. The Personnel Board has jurisdiction over this appeal. See s. 16.05(1)(f), Wis. Stats.

2. The standard of judgment is the correctness of the Director's action. Ryczek v. Wettengel, 73-26, 7/24/74.

3. The evidentiary standard is that of a reasonable certainty, by the greater weight of the credible evidence. Reinke v. Personnel Board, 53 Wis. 2d 123 (1971); Prissel v. Wettengel, 73-74, 6/16/75.

4. The burden of proof is on the appellant to meet this evidentiary standard in showing that she should be reclassified in the manner she alleges and that the Director was thus incorrect in refusing to so reclassify her. See Alderden v. Wettengel, 73-87, 6/2/75; Lyons v. Wettengel, 73-36, 11/20/74.

5. The appellant has met this burden of showing both the propriety of the requested ESI-E classification and the impropriety of the Director's refusal to reclassify her to this level.

6. The decision of the Director must be rejected.

OPINION

The appellant appeals the respondent's denial of her reclassification request. A reclassification involves both the reallocation of a position to a different class and the subsequent regrading of the incumbent of that position which results in that employee remaining in the reallocated position. See Wis. Adm. Code S. Pers. 3.02(2), (3), and (4). Such a reclassification would be proper where there was "a logical and gradual change to the duties and responsibilities of a position." Wis. Adm. Code s. Pers. 3.02(4)(a).

The parties here agree as to the merit of reallocating the appellant's current position to the ESI-E classification but disagree as to the propriety of regrading the appellant with the reallocated position. The respondent denied the appellant's reclassification request after interpreting the 1975 shift in duties and responsibilities to her after Mr. Bolin's departure to constitute an abrupt change in her duties and responsibilities. In contrast, the appellant maintained that she had become so involved in the activities of the credit course program by 1975, that she was already largely responsible for the program and that the official shift of program responsibility upon Bolin's leaving was just part of a gradual and logical progression.

The Board recognizes that the change in the appellant's duties and responsibilities in 1975 was significant in nature. However, this change cannot be considered significant enough to outweigh all of the other considerations in the appellant's favor. The facts in this case are rather unique and they bring to light many rather unusual considerations that support the appellant's position. For example, the appellant remained in the same position for a period of five years during which time her duties and responsibilities grew and progressed to a point where she was eventually responsible for coordinating

Rennert v. Bur. of Pers.
Case No. 77-76
Page Five

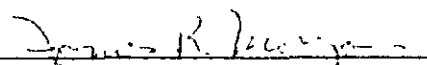
the credit class program and was involved in almost all facets of that program. Furthermore, for the following two years, the appellant had full program responsibility for the entire credit class program. Again, it might be added that the appellant's position was still classified at the Clerk 4 level during this time. In fact, it was not until the appellant requested a reclassification that the present concerns about the appellant's eligibility to remain in the position were raised.

In light of the particular nature of the development of the appellant's duties and responsibilities, the Board concludes that the 1975 change in duties and responsibilities was not so significant or abrupt to make reclassification improper here. For this reason, the Board rejects the Director's denial of the appellant's reclassification request. For this same reason, the Board also rejects a proposed opinion and order which was previously prepared by a hearing examiner and which found the reclassification denial to be justified because of an abrupt change in duties and responsibilities.

ORDER

IT IS HEREBY ORDERED that respondent's action denying appellant's reclassification request to Educational Services Intern-Education is rejected.

Dated: April 11, 1978. STATE PERSONNEL BOARD



James R. Morgan, Chairperson