

\* \* \* \* \*

RONALD J. NEUMAN,  
 Appellant,

v.  
 Administrator, DIVISION OF  
 PERSONNEL,  
 Respondent.

Case No. 79-373-PC

\* \* \* \* \*

DECISION  
 AND  
 ORDER

NATURE OF THE CASE

This is an appeal of the reallocation of appellant's position as a result of a survey of data processing positions conducted by the Administrator of the State Division of Personnel. A hearing on the merits was conducted by a hearing examiner appointed by the Commission.

FINDINGS OF FACT

1. Appellant has been, at all times relevant to this appeal, a classified employe of the Wisconsin Department of Revenue (DOR), Bureau of Systems and Data Processing (Bureau), with permanent status in class as a Management Information Supervisor 6-Management (PR 1-17).

2. As a result of an occupational classification survey conducted by respondent, appellant's position was reallocated to Management Information Supervisor 6-Management (PR 1-17), so that there was no change in classification or pay range of appellant's position. Appellant filed an appeal with the Personnel Commission concerning the reallocation decision.

3. Appellant functions as an assistant Bureau director, reporting directly to the Bureau director, but he is not a line deputy with comprehensive responsibilities (Appellant's Exhibit A-3). His duties do require recurring contact with DOR line divisions, other state agencies and non-state users of DOR software and other services.

4. The DOR runs most of its data systems through the major computer center called the Hill Farms Regional Computer Center (HFRCC), located in Department of Transportation facilities. The DOR is therefore not a full-scope data processing operation because the actual computer equipment for most of its data processing is off-site. Full-scope operations include data processing services in all major areas with the existence of a computer which provides for a majority of the agency's processing needs (Respondent's Exhibit 4).

5. Appellant has line-supervision responsibilities for the operations of the computers DOR operates on its own premises, which are two permanently installed mini-computers which it uses for data entry in-house and one small computer on which it runs two or three of its systems on an exclusive basis.

6. In addition to supervising in-house computer operations, appellant also supervises the Data Entry Section, Data Center Section and Administrative Support Section of the Bureau.

7. The Data Center Section is responsible for establishing and monitoring production schedules, maintaining production quality controls and providing technical support and standards administration for main-

taining the integrity of DOR's database. The functions of this section include both mechanical production elements and policy and program decisions related to technical and support elements.

8. The Data Entry Section is primarily concerned with keying data into machine-readable form.

9. In addition to responsibility for the sections cited in Finding 6, the appellant is also involved in budget decisions as part of a management team which develops the Bureau budget.

10. Appellant also functions as a coordinator, advisor or consultant for projects outside of the scope of the sections he supervises, such as coordinating a major project involving the conversion of regional computer facilities and systems from the Department of Administration to the HFRCC; participation in drafting contracts under which DOR provides software packages to local governments but retains control over individual users' modifications of the software systems; consulting with line divisions of the DOR about design modifications in individual applications ["applications" refers to specific line division programs such as individual income tax, sales tax, property valuation systems, etc.] processing systems.

11. Appellant's duties and responsibilities regularly include participation in policy decisions for functioning of the Bureau, in programs or systems-related projects, and in the budget process.

12. The position standard for Management Information Supervisor 6- Management describes a position which functions as a supervisor in one

of the following specialized areas: Applications Development, Technical Support, Office Systems or Production (Respondent's Exhibit 3). Where a position is not specifically described under one of these areas, the correct classification must be determined by applying the position classification factors on an individual basis (Resp. Exh. 3).

13. Appellant does not fit squarely into the description of Management Information Supervisor 6-Management (MIS 6-Mgmt) because the class definition is geared to fit an individual working in a discrete area of specialization such as:

"Technical Support

Positions allocated to this class will function as either:

- (1) The supervisor of a section of specialists who are performing a full range of technical support specialist functions in support of a large computer system as characterized at the Management Information Supervisor 2 level. Positions at this level have considerable discretion in establishing objectives, priorities and deadlines under the general administrative review of the manager of the data processing operation.
- (2) The supervisor of a unit of specialists who are performing specialized technical support functions in support of a major computer system as characterized at the Management Information Supervisor 3 level. Objectives, priorities and deadlines are normally established by the technical supervisor, but the review of the technical soundness of decisions made by these positions is limited.

Production

Positions allocated to this class will supervise a production section that includes a major computer system as identified at the Management Information Supervisor 3 level plus data control and data entry entities. Positions at this level have considerable discretion in establishing objectives, priorities and deadlines under the general administrative review of the manager of the data processing operation."

(Respondent's Exhibit 3)

14. The appellant does not supervise the provision of services for a major or a large computer system, since he has no direct supervisory responsibility for the major system at HFRCC on which most DOR programs are run.

15. The Management Information Manager 3 position standard states:

"Positions allocated to this class will function as either: 1) the manager of a less-than full-scope data processing operation requiring the supervision of 35-80 full-time equivalent positions. Organizationally, this will typically include at least a large applications development staff plus a variety of other positions engaged in a variety of miscellaneous support functions. 2) the manager of a full-scope data processing operation requiring the supervision of 20-40 full-time equivalent positions. Organizationally, such an operation will typically include at least a medium computer system and related technical support staff plus a medium size applications development section. 3) the line-deputy in an operation as described at the Management Information Manager 4 level." (Respondent's Exhibit 4)

16. Appellant is not the manager of a less than full-scope operation; his supervisor, the director of the Bureau, has responsibility for the entire DOR operation, and exercises direct-line supervision over three sections of the Bureau. Appellant is also not a line-deputy "with authority and responsibility for the planning, direction, policy development and implementation of all of the bureau...." (Respondent's Exhibit 4)

17. Appellant's production-related responsibilities include technical support functions which are Bureau-wide but do not include the HFRCC, although considerable inter-agency coordination is required.

18. The size and scope of the DOR data processing operation does not meet the requirements of either the Management Information Supervisor 6-Management position standard or of the Management Information Manager 3 position standard, and the less than full-line responsibilities of appellant also preclude classifying his position at the MIM 3 level.

19. The respondent classified appellant's position at the MIS 6-Management level because the position includes a wider variety of responsibilities than technical support or production, which compensates for the smaller than required size of the entire operation by enlarging the scope and complexity of the position responsibilities. The Commission agrees with respondent's analysis and finds that appellant's position is properly classified at the level of Management Information Supervisor 6-Management.

#### CONCLUSIONS OF LAW

1. This appeal is properly before the Commission under §230.44(1)(a), and §230.45, Wis. Stats.

2. The appellant has the burden to show by the greater weight of credible evidence that the respondent incorrectly reallocated his position.

3. The appellant has failed to carry his burden of proof.

4. The decision of the administrator to reallocate appellant's position from Management Information Supervisor 6-Management, to Management Information Supervisor 6-Management was correct.

OPINION

The parties to this appeal have disagreed about the impact on appellant's classification decision of the extent of his technical support functions and his participation in planning and policy decisions. The class specifications for the MIS 6-Management and the MIM 3 positions do not contain a satisfactory definition of technical support and the position standard for Management Information Specialist was introduced in evidence to provide such a definition.

The definition of technical support does not add to the force of appellant's arguments. There was not substantial dispute at the hearing about the fact that appellant provides technical support functions. The greater areas of dispute concerned the policy and planning responsibilities of appellant, and those disputes are resolved in his favor. Even having resolved some issues in appellant's favor, the Commission finds that his position was correctly classified by the respondent. The Commission further agrees with respondent that appellant's position is not an easy one to classify because of the range of his responsibilities. Nevertheless, the position standard for Management Information Manager 3 clearly does not describe appellant's position. The Management Information Supervisor 6-Management definition, interpreted in this individual case by application of the enumerated classification factors, does provide the better classification result.

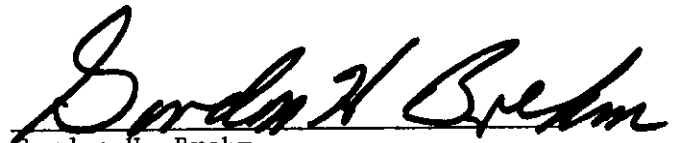
Neuman v. DP  
Case No. 79-373-PC  
Page 8

ORDER

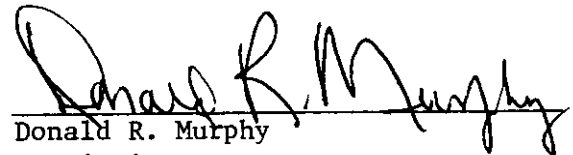
The decision and action of the administrator is affirmed and  
this appeal is dismissed.

Dated June 3, 1981

STATE PERSONNEL COMMISSION



Gordon H. Brehm  
Chairperson



Donald R. Murphy  
Commissioner

AR:mek

Parties:

Mr. Ronald Neuman  
5876 Valley High Drive  
Madison, WI 53704

Mr. Charles Grapentine  
Division of Personnel  
149 E. Wilson St.  
Madison, WI 53702