

STATE OF WISCONSIN

PERSONNEL COMMISSION

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 *
 RONALD JOHNSON, *
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 Appellant, *
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 v. *
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 DIVISION OF PERSONNEL, *
 *
 Respondent. *
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 Case No. 79-45-PC *
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DECISION

NATURE OF THE CASE

This is an appeal from a reallocation decision wherein the appellant's position was reallocated from Administrative Assistant 1 - Supervisor (PR 1-08) to Personnel Assistant 1 (PR 1-08) as the result of appellant's reclassification request. The matter was heard before Charlotte M. Higbee, Commissioner on June 1, 1979, pursuant to §230.44(1)(a). The principle issue is whether or not the appellant's position was properly reallocated to PA-1, with the attendant sub-issue of whether the position should have been reclassified as Administrative Assistant 2 - Supervisor (PR 1-09).

FINDINGS OF FACTS

1. Appellant was employed by the University of Wisconsin - Center for Health Sciences, Department of Family Medicine and Practice (DFMP) as an AAL - Supervisor (PR 1-08), beginning October 24, 1977, with the working title of Administrative Assistant for Personnel (formerly Department Secretary/Personnel).

2. At the time of hire the appellant worked under limited supervision

of the department chairman. Fifty percent of his time was devoted to personnel responsibilities, primarily relating to classified staff; twenty percent, to overall department supervision of the clerical staff, including disciplinary action up to and including dismissal; ten percent, to payroll; and twenty percent, to miscellaneous administrative support functions.

3. In October, 1977, the DFMP consisted of seven operational units; the central administration, three clinics comprising the Madison residency program, and three autonomous residency programs with one clinic each in Eau Claire, Milwaukee, and Waukesha.

4. During the first year of appellant's employment, three changes occurred in the DFMP: the establishment of a central business unit with centralized authority; the addition of new clinic at Wausau, bringing the total to seven; and a twenty - twenty-five percent increase in payroll positions within the department. As a result of these changes, the responsibility of the clinic business offices was reduced and appellant's responsibility grew as he took over personnel and budget functions that had been the responsibility of the individual units.

5. Appellant's position description was updated in March-May, 1978, to reflect these changes in duties (Respondent's Exhibit 4). It provides that he works under general supervision of the administrator. The same percentage of time is assigned to direct supervision of employes (20%); there is an increase from 10% to 20% for maintenance of departmental and payroll functions; and the remaining 60% are personnel-related under both the old and new position descriptions.

The major changes in the new position description were the independence of action and the expanded areas of responsibility as set forth in the Supervisory Analysis Form (Respondent's Exhibit 4b) and the August 23, 1978, DFMP request for reclassification of appellant's position (Commission's Exhibit 2).

6. On January 10, 1979, the reclassification request was rejected and appellant's position was reallocated from AA 1 (PR 1-08) to PA 1 (PR 1-08). (Respondent's Exhibit 1 and 2).

7. The appellant's duties are not comparable to those set forth in the classification factors of the position standard for AA-2 (Respondent's Exhibit 8) and the position descriptions of the AA-2's to whom his position was compared (Respondent's Exhibit 9 and 13).

8. Appellant's position is broader in responsibility and scope than the PA-1 classification as detailed in the Position Standard (Respondent's Exhibit 5).

9. There are no objective criteria for distinguishing between the PA-1 and PA-2 classifications; however, the PA-2 has more complex and independent program responsibilities.

10. The PA-1 positions to which appellant's position was compared are much more limited in both scope and responsibility than that of appellant.

a. The comparable DHSS PA-1 (Respondent's Exhibit 1) works under the close supervision of the department assistant personnel manager; the level of duties is very similar to those

delineated in the PA-1 standard.

b. The UW-Extension PA-1 (Respondent's Exhibit 10) had been reclassified from Payroll Clerk 2 - Confidential, effective January 1, 1978; she works under limited supervision and continues to perform primarily clerical functions.

11. The responsibilities of the appellant's position are comparable to the Class Description for PA-2 (Respondent's Exhibit 6); and the Examples of Work Performed listed in the standards for that classification closely parallel the appellant's position description.

12. The PA-2 position in DILHR to which appellant's position was compared (Respondent's Exhibit 12) is substantially similar to that of the appellant. Prior to February 21, 1978, the previous incumbent of the DILHR PA-2 position had been an AA-1.

13. The nature of supervision (close, limited, general) is a classification factor if so denoted in the class specifications. The PA-2 standards specify independent decision making in the areas for which appellant has responsibility; appellant's position description conforms to this standard in that he works under general supervision.

CONCLUSIONS OF LAW

1. The Personnel Commission has jurisdiction over this appeal pursuant to §230.44(1)(a), Wis. Stats.

2. The appellant has the burden of proving to a reasonable certainty by the greater weight of credible evidence that his position should not have been reallocated from Administrative Assistant 1 - Supervisor to Personnel Assistant 1.

Martin v. DILHR and Bureau of Personnel 76-147-PB (616/78)

Saviano v. Div. of Personnel 78-49-PC (6/72/79)

3. The appellant has failed to meet his burden as to reclassification to Administrative Assistant 2.

4. The appellant has carried his burden of proof as to the improper reallocation of his position to Personnel Assistant 1. He has established that the proper classification for his position is Personnel Assistant 2 and that the respondent was incorrect in refusing to reclassify his position to that level.

5. Respondent's action in reallocating appellant's position to Personnel Assistant 1 should be modified.

OPINION

The facts as set forth above clearly establish that the more appropriate classification for appellant's position is Personnel Assistant 2. Both the classification standards and the position descriptions used as comparables in the course of the respondent's audit of appellant's position support this conclusion.

As the result of organizational and staffing changes which had occurred in the DFMP during the year following the appellant's hire, there were significant changes in the appellant's position both as to scope and responsibility. It is apparent that the appellant's new position description was developed to reflect these changes. The appointing authority stressed this fact in requesting reclassification, pointing to the growth of appellant's responsibility for statewide personnel activity and his new involvement with academic staff personnel matters.

That such a reclassification from AA 1 to PA 2 is not unprecedented is demonstrated by Respondent's Exhibit 12, one of the PA 2 position descriptions examined as a comparable in the course of respondent's audit. The previous incumbent of that position had been an AA 1; and there is substantial similarity between the objectives and tasks described in that position description and those set forth in the appellant's position description.

As the predecessor Personnel Board pointed out in Kailin v. Weaver and Wettengel, 73-124-PB (11/28/75):

"Personnel classifications is not an exact science. In appeals of reclassification denials, it is usually the case that the employe's duties and responsibilities overlap in some respects both of the class specifications in question. The employe is not entitled to reclassification because some aspects of his work fall within the higher class. Resolution of the question involves a weighing of the specifications and the actual work performed to determine which classification best fits the position. An exact fit is very rarely possible."

In the instant case the Personnel Assistant 2 classification best fits the appellant's position.

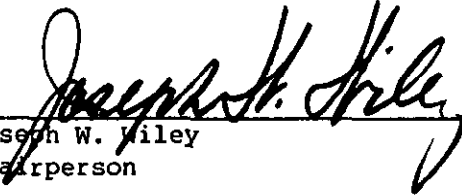
It is therefore determined that the appellant's position is more properly identified at the Personnel Assistant 2 level to which it should have been reclassified.

ORDER


IT IS HEREBY ORDERED that the action of respondent in denying the appellant's request for reclassification to Administrative Assistant 2 - Supervisor is affirmed. The action and decision of the respondent in reallocating appellant's position to Personnel Assistant 1 are modified and this matter is remanded to the administrator for action in accordance with this decision, pursuant to §230.44(4)(c). The effective date of reclassification shall be the date of the original reallocation action, October 10, 1978.

Dated: Sept. 14, 1979.

STATE PERSONNEL COMMISSION



Joseph W. Wiley
Chairperson



Charlotte M. Higbee
Commissioner

CMH:jmg

8/9/79