

STATE OF WISCONSIN

PERSONNEL COMMISSION

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IRENE CUFF,

Appellant,

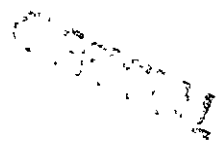
v.

Administrator, DIVISION
OF PERSONNEL,

Respondent.

Case No. 79-PC-CS-100

* * * * *



DECISION
AND
ORDER

NATURE OF THE CASE

This is an appeal of the reallocation of appellant's position as a result of a statewide survey of clerical positions conducted by the Administrator of the Division of Personnel. The appeal on the merits was heard by a hearing examiner appointed by the Commission.

FINDINGS OF FACT

1. On or about late August or early September, 1979, the position of appellant was reallocated from Clerk 4-Supervisor to Clerical Supervisor 2. The working title of her position at all relevant times was supervisor of film library for the Division of Health of the Department of Health and Social Services.

2. Appellant filed a timely appeal from this reallocation decision.

3. At times relevant to this appeal, the duties of appellant's position included selection and hiring of new employes; effectively recommending formal discipline; coordination and assignment of workload to subordinate staff; training subordinate staff to perform tasks related to inspection, cleaning, splicing, storage, shipping of film

and slides, and minor maintenance of film keeping equipment.

4. Appellant supervised three full-time permanent employes and a limited term employe.

5. Appellant was responsible for purchasing supplies for the library; booking audio-visual media to media users such as schools, health services, fire departments and law enforcement programs; consulting with users primarily on the telephone and sometimes by mail, with respect to availability of specific media for their needs, including recommending alternatives if a specific item was unavailable; handling consumer complaints orally and in writing.

6. Appellant made recommendations to the professional staff for purchasing equipment and additional or replacement copies of films, as well as recommending purchases of films by topic.

7. Appellant prepared reports concerning film inventory and film library activity, for submission to her supervisor for approval. (Appellant's Ex. 4).

8. Appellant sometimes contributed summaries of films, based on pamphlets or actual previews, for consideration in purchase decisions or for inclusion in the film catalogue prepared by health care professionals under supervision of the chief of health education.

9. Appellant's activities in the areas of film reviewing and topical purchasing recommendations were not a major part of her duties and she had no final accountability for such decisions.

10. Appellant's public contact consultation work constituted

approximately 10% of her time (Appellant's Ex. 1) and did not carry final accountability for decision-making.

11. Positions in the Clerical Supervisor 2 classification perform supervisory work which includes development and implementation of policies and procedures in the work unit. The primary focus of a Clerical Supervisor 2 position is on supervision of clerical activities; in a small operation the subordinates are expected to perform advanced and complex functions. (Joint Ex. 1)

12. The Program Assistant Supervisor 1 performs paraprofessional work which provides program support to professional or administrative staff by supervision of subordinate staff performing inter-related program activities (Joint Ex. 2). The primary emphasis is on program assistance functions.

13. Appellant does some program-related decision-making but not as a primary function of her position and only within defined guidelines and limits; she sometimes recommends topical film purchases and sometimes writes film summaries for the film catalogue but all of such work is subject to review at several levels, and is not fully paraprofessional work.

14. Appellant's position in August or September, 1979, was properly classified as Clerical Supervisor 2.

CONCLUSIONS OF LAW

1. This appeal is properly before the Commission pursuant to §230.44(1)(a), Wis. Stats.
2. The appellant has the burden to show by the greater weight of credible evidence that the decision of the Administrator was incorrect.
3. Appellant has failed to carry the burden of persuasion.
4. Appellant's position was properly reallocated to Clerical Supervisor 2.

OPINION

Appellant's position at the time of the reallocation did involve some program-related functions. Performance of these functions does not bring the position into the Program Assistant Supervisor series because of the limited discretion allowed appellant in performing these functions and because the time spent performing those duties is much less than a majority of appellant's working time. As set out in the Findings of Fact, making media selection recommendations to customers constitutes approximately 10% of appellant's duties. This activity is a limited form of program related decision-making, since it serves to carry out the program, rather than help formulate it. The other program-related functions of the position are in the area of recommending film purchases and reviewing and summarizing films. These duties constitute a small portion of appellant's position and do not constitute paraprofessional work since the level of accountability is

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not related to professional level work. For these reasons, the Commission holds that appellant's position does not best fit into the Program Assistant Supervisor series.

ORDER

The decision of the Administrator to reallocate appellant's position to Clerical Supervisor 2 is affirmed and this appeal is dismissed.

Dated: 12/17, 1980.

STATE PERSONNEL COMMISSION

Charlotte M. Higbee / mek
Charlotte M. Higbee
Chairperson

Donald R. Murphy / mek
Donald R. Murphy
Commissioner

Gordon H. Brehm / mek
Gordon H. Brehm
Commissioner

AR:jmg

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