

STATE OF WISCONSIN

PERSONNEL COMMISSION

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 RALPH GUMS,
 Appellant,
 v.
 Administrator, DIVISION OF
 PERSONNEL,
 Respondent.
 Case No. 79-PC-CS-299

DECISION
 AND
 ORDER

* * * * *
 GWENDOLYN SMART,
 Appellant,
 v.
 Administrator, DIVISION OF
 PERSONNEL,
 Respondent.
 Case No. 79-PC-CS-695

NATURE OF THE CASE

These appeals result from the statewide survey of clerical positions conducted by the Division of Personnel in 1979. The positions of both of the appellants were reallocated from Administrative Assistant 2 - Confidential (PR 1-09) to Program Assistant 4 - Confidential (PR 1-09). Appellant Gums argues that his position should have been reallocated to either Administrative Assistant 3 - Confidential (PR 1-11) or Program Assistant Supervisor 3 - Confidential (PR 1-10). Appellant Snart argues that her position should have been reallocated to the AA 3 - Conf classification. A consolidated hearing was held on December 3, 1981.

FINDINGS OF FACT

1. At all times relevant to this appeal, the appellants were employed by the Administrative and Management Services Section, District 2, Department of Transportation, in Waukesha.

2. From January, 1978 to January, 1980, Mr. Frederick J. Smith was the acting chief of the Administrative and Management Services Section. The section included approximately 20 employees and served the needs of the entire district staff. The section was divided into specific units with responsibility over approximately eighteen functions: executive services to district, labor relations, personnel, affirmative action, employee assistance, data processing, typing pool/word processing, payroll, timekeeping and expense vouchers, purchasing, permanent property/inventory, fleet management, workers compensation/unemployment compensation and safety, benefits, buildings and grounds, central files, equipment issuance, and office management.

3. Mr. Smith was the first line supervisor of both appellants.

4. Each appellant had responsibility for some of the eighteen functions performed by the unit, and the respective responsibilities of the appellants overlapped to some extent. However, when combined, the appellants' responsibilities did not cover all of the section's functions. Some of those functions remained the responsibility of Mr. Smith.

5. The appellants' positions are adequately described by their respective position descriptions, copies of which are attached hereto and incorporated by reference as if fully set forth as part of this finding.

6. The class definitions for Program Assistant 4 - Confidential and Administrative Assistant 3 - Confidential provide:

PROGRAM ASSISTANT 4 - CONFIDENTIAL

This is paraprofessional staff support work of considerable difficulty as an assistant to the head of a major program function

or organization activity. Positions allocated to this class are coordinative and administrative in nature. Positions typically exercise a significant degree of independence and latitude for decision making and may also function as leadworkers. Positions at this level are differentiated from lower-level Program Assistants on the basis of the size and scope of the program involved, the independence of action, degree of involvement and impact of decisions and judgment required by the position. Work is performed under direction.

ADMINISTRATIVE ASSISTANT 3

Under general direction to do administrative work of more than ordinary difficulty and responsibility requiring the exercise of a considerable amount of individual initiative and independent judgment in directing the business management of a division engaged in a comprehensive non-professional program or activity; and to perform related work as required.

7. At the time of their reallocation, neither appellant fulfilled a supervisory function. Appellant Gums performed "lead work" but did not "effectively recommend the hiring ... evaluation, discipline and adjustment of grievances of subordinate employes."

8. Each of the eight Transportation Districts' within the state has an Administrative and Management Services Section. In all but two of the Districts, there is only one position at the office manager level reporting to the Section Chief. These positions as sole manager level reporting responsibility over the entire range of functions performed by the section. Appellant's positions share those responsibilities between themselves and with Mr. Smith.

9. The appellants' positions did not "direct the business management" of the organizational division but assisted the acting chief in performing that function.

10. The appellants' positions are better described by the position standard for PA 4 - Conf than for AA 3 - Conf.

CONCLUSIONS OF LAW

1. These matters are appropriately before the Commission pursuant

to s.230.44(1)(a), Wis. Stats.

2. The appellants have the burden of proving that the respondent's decisions to reallocate their positions were incorrect and that, instead, their positions should have been classified as Administrative Assistant 3 - Confidential or Program Assistant Supervisor 3 - Confidential.

3. The appellants have failed to meet that burden of proof.

4. The respondent's decisions to reallocate the appellants' positions from Administrative Assistant 2 - Confidential to Program Assistant 4 - Confidential were correct.

OPINION

The determining factor in these two appeals is the comparison of the appellants' positions with positions in other districts. Respondent introduced two position descriptions for purposes of comparison. The position of office supervisor of the La Crosse District is classified as an AA 3 - Conf and is summarized as follows:

As a line member of management, the District Office Supervisor advises and assists the District Chief of Administration in administrative, budget, and financial matters, and with the supervision of accounting, auditing, purchasing, inventory, payroll, employment, forms management, records management, space management, and other office and clerical activities.

The position of office supervisor of the Eau Claire District is also classified as an AA 3 - Conf. The position description summary reads:

Under the general direction of the Chief, Administration and Management services, perform general administrative and supervisory duties.

While both appellant's positions include some of the responsibilities performed by office supervisors in other districts, neither position is assigned the majority of the office supervisor duties. It would be inappropriate to assign appellants to the same classification as that of the office

supervisors in other districts.

The appellants' positions are also distinguishable from the office supervisor positions on the basis of supervisory responsibilities. Testimony clearly established that neither Mr. Gums nor Ms. Snart had supervisory responsibilities at the time of the reallocation. While Mr. Gums did function in a lead work capacity, he did not have full supervisory authority as defined in the PA Sup 3 position standard:

Supervise: To effectively recommend the hiring, transfer, suspension, layoff, recall, promotion, discharge, assignment, evaluation, discipline and adjustment of grievances of subordinate employees.

In contrast, the office supervisor positions in both the La Crosse and Eau Claire Districts include supervisory responsibilities.

A final basis for the Commission's conclusion is found within the classification definitions. The definition statement for the AA 3 level requires the incumbent to direct "the business management of a division engaged in a comprehensive non-professional program or activity." Testimony showed that the appellants did not direct the section's business management but merely assisted the acting chief in its direction. Appellant's positions are, therefore, better described by the definition for the PA 4 classification which includes "an assistant to the head of a major program function or organization activity."


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ORDER

The respondent's reallocation decisions are affirmed and the appeals
of both Mr. Gums and Ms. Snart are dismissed.

Dated: Jan 27, 1981

STATE PERSONNEL COMMISSION


Laurie R. McCallum, Commissioner


DONALD R. MURPHY
Chairperson

KMS:ers

Parties

Ralph Gums
Transportation District 2
P.O. Box 649
Waukesha, WI 53187

Gwendolyn Snart
1201 N. Bel Ayr Dr.
Waukesha, WI 53186

Charles Grapentine
149 E. Wilson St.
Madison, WI 53702

POSITION DESCRIPTION

DER PERS-10 (Rev 1 78)

State of Wisconsin
Department of Employment Relations
DIVISION OF PERSONNEL

1 Position No 009875	2 Cert/Reclass Request No	3 Agency No 395
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4 NAME OF EMPLOYEE Ralph J. Gums	5 DEPARTMENT, UNIT, WORK ADDRESS Transportation, District 2 310 S. West Avenue Waukesha, WI 53187
6 CLASSIFICATION TITLE OF POSITION Administrative Assistant 7-Confidential To Program Assistant 4-Conf 8/24/78	
7 CLASS TITLE OPTION (To be Filled Out By Personnel Office)	8 NAME AND CLASS OF FORMER INCUMBENT
9 AGENCY WORKING TITLE OF POSITION	10 NAME AND CLASS OF EMPLOYEES PERFORMING SIMILAR DUTIES
11 NAME AND CLASS OF FIRST-LINE SUPERVISOR Frederick J. Smith Civil Engineer 5 Transportation-Supervisor	12 FROM APPROXIMATELY WHAT DATE HAS THE EMPLOYEE PERFORMED THE WORK DESCRIBED BELOW?
13 DOES THIS POSITION SUPERVISE SUBORDINATE EMPLOYEES IN PERMANENT POSITIONS? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> IF YES, COMPLETE AND ATTACH A SUPERVISORY POSITION ANALYSIS FORM (DER-PERS 84)	

14 POSITION SUMMARY - PLEASE DESCRIBE BELOW THE MAJOR GOALS OF THIS POSITION

Acts as lead worker in organizing and directing general office management activities.

RESPONDENT'S

15 DESCRIBE THE GOALS AND WORKER ACTIVITIES OF THIS POSITION (Please see sample format and instructions on back of last page)

- GOALS Describe the major achievements, outputs, or results List them in descending order of importance
- WORKER ACTIVITIES Under each goal, list the worker activities performed to meet that goal
- TIME % Include for goals and major worker activities

EXHIBIT # 2

(Continue on attached sheets)

TIME %	GOALS AND WORKER ACTIVITIES
20%	A. <u>Purchasing, Budgeting, Permanent Property</u> A1. Coordinate the purchasing program of the District with DOT Purchasing Unit. Interview salesmen for special equipment needs. A2. Assists in the preparation of operational budgets. A3. Responsible for preparation and control of biennial permanent property budget. A4. Responsible for implementation of accepted accounting and auditing procedures in the conduct of office management business.
20%	B. <u>Timekeeper, Employee Indoctrination, Payroll Administration</u> B1. Direct activities related to payroll and expense voucher processing.

(continued on attached sheet)

16 SUPERVISORY SECTION - TO BE COMPLETED BY THE FIRST LINE SUPERVISOR OF THIS POSITION (See Instructions on Back of last page)

- a. The supervision, direction, and review given to the work of this position is close limited general
- b. The statements and time estimates above and on attachments accurately describe the work assigned to the position (Please initial and date attachments)

Signature of first line supervisor: FJ Smith Date: 12/6/78

17 EMPLOYEE SECTION - TO BE COMPLETED BY THE INCUMBENT OF THIS POSITION

I have read and understand that the statements and time estimates above and on attachments are a description of the functions assigned my position (Please initial and date attachments)

Signature of employee: RJ Gums Date: 12/6/78

Signature of Personnel Manager: Alan K. Ferguson Date: _____

POSITION DESCRIPTION
DER-PERS-10

Ralph J. Gums

15. Continued

- B2. Provide fringe benefit information to employees concerning all insurance programs, wages, leave time, retirement and related.
- B3. Monitors time reporting for accuracy and correctness.
- B4. Implements the appropriate provisions of Union Contracts and Civil Service Law concerning wages, expenses and related benefits.

30% C. Buildings and Grounds Maintenance

- C1. Directs activities of staff assigned to housekeeping and grounds-keeping work.
- C2. Engages contractors for the repair of property and equipment and to provide services associated with heating, air conditioning, plumbing, painting, snowplowing, carpentry and electrical work.
- C3. Implements provisions of the Building Lease.
- C4. Coordinates space use and maintains office communications systems.

10% D. Occupational Safety

- D1. Maintains the premises in conformance with safety regulations and specifications as required by OSHA, DILHR, D.O.A., DOT, Union Contract and other local regulatory agencies.
- D2. Administers the protective clothing policies of DOT and Union Contracts to include safety shoes, glasses, hard hats, vests, etc.

20% E. Inventory and Stores

- E1. Maintains a current inventory of District equipment and permanent property. Utilizes the Data Processing Unit to document inventory control data.
- E2. Keeps forms and records to control the purchase of materials for the District stores.
- E3. Responsible for the repair and maintenance of engineering equipment issued through stores.

F. Reprographics

- F. Responsible for operation, maintenance and supply needs associated with blueprint, Xerox, tape viewing and related office machinery.

POSITION DESCRIPTION

DER-PERS 10 (Rev. 1 78)
State of Wisconsin
Department of Employment Relations
DIVISION OF PERSONNEL

1 Position No 022638	2 Cert/Reclass Request No	3 Agency No 395
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Update

4 NAME OF EMPLOYEE
Gwendolyn M. Snart

5 DEPARTMENT, UNIT, WORK ADDRESS
Transportation, District 2
310 S. West Avenue
Waukesha, WI

6 CLASSIFICATION TITLE OF POSITION
~~Administrative Assistant 2 Confidential~~
to Program Assistant 4 - CONF 8/26/79

7 CLASS TITLE OPTION (To be Filled Out By Personnel Office)

8 NAME AND CLASS OF FORMER INCUMBENT

9 AGENCY WORKING TITLE OF POSITION

10 NAME AND CLASS OF EMPLOYEES PERFORMING SIMILAR DUTIES
None in district

11 NAME AND CLASS OF FIRST-LINE SUPERVISOR
Frederick J. Smith
Civil Engineer 5 Transportation-Supervisor

12 FROM APPROXIMATELY WHAT DATE HAS THE EMPLOYEE PERFORMED THE WORK DESCRIBED BELOW?
5/78

13 DOES THIS POSITION SUPERVISE SUBORDINATE EMPLOYEES IN PERMANENT POSITIONS? Yes No IF YES, COMPLETE AND ATTACH A SUPERVISORY POSITION ANALYSIS FORM (DER PERS-84)

4 POSITION SUMMARY - PLEASE DESCRIBE BELOW THE MAJOR GOALS OF THIS POSITION

Personnel, Affirmative Action, Employee Assistance, Training, Payroll and Labor-Management.

RESPONDENT'S

5 DESCRIBE THE GOALS AND WORKER ACTIVITIES OF THIS POSITION (Please see sample format and instructions on back of last page)

- GOALS Describe the major achievements, outputs, or results List them in descending order of importance
- WORKER ACTIVITIES Under each goal, list the worker activities performed to meet that goal
- TIME % Include for goals and major worker activities

EXHIBIT # 1

(Continue on attached sheets)

TIME %	GOALS AND WORKER ACTIVITIES
70%	<p>A. Personnel</p> <p>A1. Prepares and processes reclassification papers, promotion, position requests, performance ratings, vacation schedules, job applications and all other related personnel activities.</p> <p>A2. Maintains personnel records and files.</p> <p>A3. Assist in formulating proposals for policies and procedures pertaining to personnel and employee-related matters.</p> <p>A4. Recruits, interviews and refers individuals to section heads for future employment.</p> <p>A5. Coordinates the employment of summer L.T.E.s, S.E.T.s, CETA and student employees for district use as requested by the district sections.</p>

(continued on attached sheet)

14 SUPERVISORY SECTION - TO BE COMPLETED BY THE FIRST LINE SUPERVISOR OF THIS POSITION (See Instructions on Back of last page)

a The supervision, direction, and review given to the work of this position is [] close [] limited [] general

b The statements and time estimates above and on attachments accurately describe the work assigned to the position. (Please initial and date attachments)

Signature of first-line supervisor FJ Smith Date 5/31/79

17 EMPLOYEE SECTION - TO BE COMPLETED BY THE INCUMBENT OF THIS POSITION

I have read and understand that the statements and time estimates above and on attachments are a description of the functions assigned my position (Please initial and date attachments)

Signature of employee Gwendolyn M. Snart Date 5/31/79

Signature of Personnel Manager James A. Rogers Date 6-1-79

POSITION DESCRIPTION
DER-PERS-10

Gwendolyn M. Snart

15. Continued

- A6. Serve as a member on oral review boards for Department of Transportation.
- A7. Respond to verification requests from banks, Savings & Loans Associations, etc. concerning present and past employees.
- A8. Advise supervisors and employees on matters concerning their classification, salary, leave balances, etc.
- A9. Process on-the-job injury and unemployment compensation forms.
- A10. Performs personnel and related duties in conformance with Statutes, Administrative Code and Department of Transportation Policy.

10%

B. Affirmative Action and Employee Assistance

- B1. Act as the District Affirmative Action Program Coordinator. Advise section heads of the program and utilization thereof.
- B2. Implement affirmative action in hiring practices through contacts with other minority referral and related agencies.
- B3. Complete quarterly reports as required, plus special reports when requested for both Affirmative Action and Employee Assistance programs.
- B4. Acts as District Employee Assistance Coordinator.
- B5. Meets with employees and supervisors who have indicated a desire for guidance or help in work-related situations.
- B6. Contacts other agencies as needed to provide employee assistance.
- B7. Attends training sessions concerning both Affirmative Action and Employee Assistance as provided.

5%

C. Training

- C1. Act as the District Training Coordinator.
- C2. Process and keep files on employee requests to attend various training programs.
- C3. Record all training completed by district personnel and submit to Madison for permanent records.

5%

D. Payroll

- D1. Completes non-standard report.
- D2. Receives reports of hours worked by all L.T.E. employees.

10%

E. Labor-Management

- E1. Advises staff supervisors and employees of applicable bargaining unit agreements related to all personnel matters.
- E2. Prepares reports of labor-management meetings.
- E3. Maintains files of grievances and related labor-management correspondence.