

STATE OF WISCONSIN

PERSONNEL COMMISSION

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DIANE KUNDIGER, OPAL MAYNE,
 & JOYCE RULSEH,

Appellants,

v.

Administrator, DIVISION OF
 PERSONNEL,

Respondent.

Case No. 79-PC-CS-327, 329,
 & 703

* * * * *

DECISION
 AND
 ORDER

NATURE OF THE CASE

This is an appeal from the decisions of the Administrator of the Division of Personnel to reallocate the appellants' position as part of the statewide survey of clerical positions conducted in 1979. A consolidated hearing on the merits was held by Commissioner Gordon H. Brehm on July 30, 1981.

FINDINGS OF FACT

1. Appellants are employes in the state classified civil service and at all times relevant to these appeals were employed by the Department of Health and Social Services (DHSS) at the Winnebago Mental Health Institute.

2. The appellants were all employed as canteen workers in the canteen at the Institute, and their immediate supervisor since June, 1979, is John Stoll, an account supervisor.

3. As part of the statewide clerical survey, appellants' positions were reallocated from Assistant Cashier (PR 2-03) to Clerical Assistant 1 (PR 2-04), effective August 26, 1979. The appellants subsequently filed timely appeals of their reallocations (Resp. Ex. A).

4. Sometime early in 1981, following a re-review of appellants' positions, respondent corrected the reallocations from Assistant Cashier 1 to Clerical Assistant 2 (PR 2-05), effective August 26, 1979.

5. The issue, as agreed to by the parties at the hearing, is as follows:

"Whether or not the decision of the administrator to reallocate the appellants' positions from Assistant Cashier (PR 2-03) to Clerical Assistant 2 (PR 2-05) was correct. If not, should the appellants' positions have been reallocated to Program Assistant 1 (PR 2-06)?"

6. The three appellants operated the canteen at the Institute seven days a week, working rotating shifts. Their primary duty was to sell merchandise to the patients and employees of the Institute.

7. As part of their jobs, the appellants ordered and received merchandise from suppliers, priced items for sale, maintained inventories, dispensed such items as popcorn, candy, gum, etc., and assisted customers in selecting such merchandise as watches, jewelry, radios, toiletry items, etc., and also held special sales on certain merchandise at certain times of the year.

8. The position standards for the relevant classifications are as follows:

"CLERICAL ASSISTANT 2

This is lead and/or advanced clerical work of moderate difficulty in completing a variety of assigned clerical tasks consistent with established policies and procedures. Positions allocated to this level have some freedom of selection or choice among learned things, which generally follow a well-defined pattern. However, positions at this level are distinguished from the Program Assistant 1 level by the limited degree of personal and procedural control over the nature and scope of the tasks which they perform. The variety and complexity of decisions made at this level are limited. Positions may function as lead workers, directing lower-level positions, as well as performing a variety of the more complex clerical operations.

Receptionist positions which serve in an informative capacity as the primary or sole public contact for a state facility(s) are allocated to this level. A variety of secretarial functions may be incidentally performed for the professional staff for a small percentage of the time. Work is performed under general supervision.

PROGRAM ASSISTANT 1

This is work of moderate difficulty providing program support to supervisory, professional, or administrative staff. Positions allocated to this level serve as the principal support staff within a specific defined program or a significant segment of a program. Positions at this level are distinguished from the Clerical Assistant 2 level by their identified accountability for the implementation and consequences of program activities over which they have decision-making control. Therefore, although the actual tasks performed at this level may in many respects be similar to those performed at the Clerical Assistant 2 level, the greater variety, scope and complexity of the problem-solving, the greater independence of action, and the greater degree of personal and procedural control over the program activities differentiates the Program Assistant functions. The degree of programmatic accountability and involvement is measured on the basis of the size and scope of the area impacted by the decision and consequence of error in making such decisions, which increases with each successive level in the Program Assistant series. Work is performed under general supervision.

9. The variety and complexity of the duties and responsibilities performed by the appellants, as well as the level of supervision provided, are best described by the position standards for Clerical Assistant 2.

10. Appellants' positions are not properly defined as Program Assistant positions because of the lack of sufficient independence and program-related decision-making in the jobs.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over these appeals pursuant to §230.44(1)(a), Wisconsin Statutes.

2. The burden of proof is upon the appellants to show by the greater weight of credible evidence that the decision of the administrator was

incorrect.

3. The appellants have not met their burden of proof.

4. The decisions of the administrator in reallocating the appellants' positions from Assistant Cashier to Clerical Assistant 2 were correct.

OPINION

There is no question that the appellants in these cases have some decision-making responsibilities on their jobs. Since their immediate supervisor is located in a separate building some distance away, they have to exercise a certain degree of independent decision-making. However, the Commission believes that this decision-making is very limited and thus the overall duties and responsibilities of the positions are best described by the position standards for Clerical Assistant 2.

These standards state that, "this is lead and/or advanced clerical work of moderate difficulty . . . positions allocated to this level have some freedom of selection or choice among learned things . . .", and that "the variety and complexity of decisions made at this level are limited."

Appellant Joyce Rulseh, whose testimony the parties agreed would stand for the other two appellants, admitted that suggested price lists, supplied to the appellants, largely determined the prices of most merchandise sold by the appellants. She also admitted that the appellants had to obtain permission from their supervisor before they could raise prices on most items.

John Stoll, their immediate supervisor, testified that he had to approve the holding of special sales and the ordering of new merchandise, and that he regularly reviewed the inventory sheets.

He said that he assisted in counting each day's receipts and that he normally visited the canteen several times daily.

There is little doubt that the appellants in these cases, because of their competence and willingness to accept responsibility, did exercise a degree of independence in operating the canteen, however, they did not have the authority to make important decisions on their own, as described by the Program Assistant 1 position standards.

For all of the above reasons, the Commission believes that the appellants were properly reallocated to the Clerical Assistant 2 classification.

ORDER

The decisions of the administrator to reallocate the appellant's position to Clerical Assistant 2 is affirmed and these appeals are dismissed.

Dated: October 2, 1981

STATE PERSONNEL COMMISSION

GHB:nwb

Parties

Charles Grapentine
149 East Wilson Street
Madison, WI 53702

Diane Kundiger
1713 N. Main Street, Apt 204
Oshkosh, WI 54901

Upal Mayne
5132 N. Shore Drive
Oshkosh, WI 54901

Joyce Rulseh
857 Jackson Street
Oshkosh, WI 54901

Gordon H. Brehm
GORDON H. BREHM
Chairperson *icms*

Charlotte M. Higbee
CHARLOTTE M. HIGBEE
Commissioner *CH*

Donald R. Murphy
DONALD R. MURPHY
Commissioner