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 DIANE M. MESCHEFSKE, \*  
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 Appellant, \*  
 \*  
 v. \*  
 \*  
 Administrator, DIVISION OF \*  
 PERSONNEL, \*  
 \*  
 Respondent. \*  
 \*  
 Case No. 80-37-PC \*  
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 \* \* \* \* \*

OFFICIAL

DECISION  
AND  
ORDER

NATURE OF THE CASE

This is an appeal pursuant to §230.44(1)(a), Wis. Stats., of the reallocation of the appellant's position from Area Services Specialist 1 (PR 12-01) to Program Assistant 4 (PR 2-09). Appellant alleges that she should have been reallocated to Administrative Assistant 3 (PR 1-11). Hearing was held on October 13, 1980 before Commissioner Gordon H. Brehm. No post-hearing briefs were filed. In accordance with §227.10, Wis. Stats., the Hearing Examiner makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Appellant has been employed as Foster Grandparent Supervisor at the Winnebago Mental Health Institute, Winnebago, Wisconsin, since about August, 1974. She had previously been employed as a Licensed Practical Nurse at the institute.
2. Appellant's position is a permanent part-time position, working 20 hours a week, consisting of one 12-hour day and one 8-hour day each week.

3. Appellant supervises approximately 13 Foster Grandparents who are employed at the institute through a federally funded program. These Foster Grandparents, who are paid volunteers, work with the 35 to 60 developmentally disabled children who are patients at the institute. The Foster Grandparents work 5 four-hour shifts each week.

4. Appellant's position was reallocated in November, 1979, as a result of a survey made of individuals at the Department of Health and Social Services, Division of Community Services, who are responsible for administering the Foster Grandparent Programs at four centers and institutions.

5. As a result of that survey, three Foster Grandparent Supervisors at Northern Wisconsin Center, Central Wisconsin Center and Southern Wisconsin Center for the Developmentally Disabled, were reallocated from Area Services Specialist 3 to Administrative Assistant 3's while appellant was reallocated from Area Services Specialist 1 to Program Assistant 4 (See Respondent's Exhibit 5).

6. The Foster Grandparent programs at the three centers are considerably larger than the program at Winnebago Institute. Comparison of the size of the programs is as follows:

Northern Wisconsin Center

About 75 Foster Grandparents and 120 to 125 resident children. Budget of about \$156,000. Support staff of two persons supervised by Foster Grandparent supervisor, an Area Services Specialist 1 and a typist.

Central Wisconsin Center

About 78 Foster Grandparents and 120 to 125 resident children. Budget of about \$142,000. Support staff of one, an Area Services Specialist 1.

Southern Wisconsin Center

About 65 Foster Grandparents and 120 to 125 resident children. Budget of about \$127,000. Support staff of two, an Area Services Specialist 1 and a typist.

Winnebago Mental Health Institute

About 14 Foster Grandparents and 40 to 60 resident children. Budget of about \$36,000. No support staff.

7. The definition section of the position standard for Program Assistant 4 contains the following language:

"PROGRAM ASSISTANT 4

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.

PROGRAM ASSISTANT 4 - WORK EXAMPLES

Plans, assigns and guides the activities of a unit engaged in current projects or programs.

Researches and produces, as recommended by federal regulations and through the direction of an immediate supervisor, necessary data and information to prepare grant applications based on federal, state and local funding regulations.

Interprets rules, regulations, policies and procedures for faculty, other employers and the public.

Prepares various informational, factual and statistical reports.

Assists in the development and revision of policies, laws, rules, and procedures affecting the entire program or operation.

Coordinates units within the department, between departments, or with the general public, in an informative capacity for a variety of complex matters.

Conducts special projects; analyzes, assembles or obtains information.

Prepares equipment and material specifications, receives bids and authorizes the purchase of an operating department's equipment, material and supplies.

Analyzes, interprets and prepares various reports.

Administers and scores admission and placement tests; administers nationally scheduled examinations; confers with applicants regarding test interpretations." (See Respondent's Exhibit 3).

8. The definition section of the class specification for Administrative Assistant 3 contains the following language:

"Administrative Assistant 3

Characteristic Work of the Class

Definition:

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.

Examples of Work Performed:

Supervises record and account keeping; approves disbursements; maintains budget records.

Interviews, appoints and assigns personnel.

Acts as liaison officer between departments, employees, and the director.

Develops and installs operating procedures and makes recommendations concerning policies, rules and proposed legislation.

Supervises special surveys and studies; drafts orders; reviews and analyzes reports of assistants or field staff.

Develops training programs; interprets department policies and regulations; keeps director and assistants advised of legislation, legal opinions, court decisions and precedence.

Conducts hearings; occasionally acts as technical consultant in a specialized field.

Keeps records and makes reports." (See Respondent's Exhibit 4).

9. The duties and responsibilities of appellant's position are better described by the position standards for Program Assistant 4, Respondent's Exhibit 3, than by the class specifications for Administrative Assistant 3, Respondent's Exhibit 4.

#### CONCLUSIONS OF LAW

1. This matter is appropriately before the Commission pursuant to §230.44(1)(a), Wis. Stats.

2. The appellant has the burden of proving that the respondent's action in reallocating appellant's position from Area Services Specialist 1 to Program Assistant 4 was not correct.

3. The appellant failed to sustain that burden.

4. The respondent's denial of the request by appellant for reallocating her position to Administrative Assistant 3 was correct.

#### OPINION

Appellant contended that she should have been reallocated to Administrative Assistant 3, the same classification that the Foster Grandparent Supervisors at Northern, Central and Wisconsin Centers were reallocated to because she performs the same duties and has the same responsibilities as they do, except that she only works half-time and has no support staff to assist her.

Appellant cited §230.09, Wis. Stats., which states:

"Classification (1) The administrator shall ascertain and record the duties, responsibilities and authorities of, and establish grade levels and classifications for all positions in the classified service subject to the approval of the board. He or she shall

use job evaluation methods which in his or her judgment are appropriate to the class or occupational groups. Each classification so established shall include all positions which are comparable with respect to authority, responsibility and nature of work required. Each classification shall be established to include as many positions as are reasonable and practicable..." (emphasis supplied)

The above statute specifies that "positions which are comparable with respect to authority, responsibility and nature of work required" should all be in the same classification. In this instance, there is no question that appellant's authority and responsibility are less than the three persons in similar positions at the centers because of the different size of the programs and staff at the different institutions.

The Foster Grandparent programs at the three centers are more than three times the size of the program at appellant's facility. In addition, the Foster Grandparent supervisors at the three centers have the additional authority and responsibility of directly supervising their support staffs.

ORDER

The respondent's action in reallocating appellant from Area Services Specialist 1 to Program Assistant 4 is affirmed and this appeal is dismissed.

Dated January 8, 1981

STATE PERSONNEL COMMISSION

Parties:

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Donald R. Murphy  
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Gordon H. Brehm  
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