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JAN BREITZMAN,
 Appellant,

v.

Administrator, DIVISION OF
 PERSONNEL,
 Respondent.

Case No. 81-61-PC

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DECISION
 AND
 ORDER

NATURE OF THE CASE

This matter is before the Commission as an appeal from respondent's decision to reclassify the appellant's position from Educational Services Assistant-1 Supervisor (ESA-1 Sup) to ESA-2 Sup. Appellant argues that, at the time of the decision, her position should have been classified as ESA-3 Sup or Administrative Assistant-4 Supervisor (AA-4 Sup).

FINDINGS OF FACT

1. In March of 1977, the appellant obtained a permanent appointment to the position of manager of the Reservations and Catering Department of the University of Wisconsin-Milwaukee (UW-Milwaukee) Student Union,

2. The UW-Milwaukee Student Union is housed in a 300,000 square foot building. Approximately 25,000 persons use the building daily.

3. Ultimate responsibility for the operation of the various activities within the building lies with the Director of Associated Union Services, Mr. Stanat. Mr. Stanat is the first line supervisor for five managers in five separate functional areas:

Union Operations, Union Food Service, Bookstore, Parking and Transit, and Financial Management.

4. The current manager of Union Operations is Tim Wilmot, whose position is functionally equivalent to that of Union Director on other UW-System campuses. Mr. Wilmot, in turn, is first-line supervisor for five area managers, including the appellant. Among the other departmental managers are Donald Wagner, Operations Manager, and Scott Gore, Program Manager. Both are currently classified as ESA-2 Sups. The remaining managers under Mr. Wilmot's supervision are in the areas of recreation and night and weekend management.

5. Three major functional changes have affected the appellant's position since March, 1977. At that time, all reservation requests had to be forwarded to the appellant's department from another university office. When that office closed in September of 1977, appellant assumed additional responsibility for direct contact with facility user groups. In late 1977 or early 1978, appellant was also assigned to supervise the call directory function which acts as the union's central information desk. Finally, in October of 1979, the appellant assumed direction of the Department of Staff Services, which has responsibility for evening and weekend supervision as well as security and safety for the union's staff, patrons and facilities.

6. With one exception, the appellant's current position description (PD) accurately describes her duties and responsibilities as of the time that the reclassification decision was made; the PD fails to reflect the time spent by the appellant acting on behalf of her supervisor when Mr. Wilmot is absent or unavailable.

These additional duties comprise approximately 5-10% of appellant's time. A copy of appellant's PD is attached hereto and incorporated by reference as if fully set forth as a part of this finding.

7. The class descriptions for Administrative Assistant 4, Educational Services Assistant II and Educational Services Assistant III provide:

Administrative Assistant 4

This is line supervisor and/or staff assistance work in a state agency or segment of a large state agency. Employees in this class have supervisory responsibilities over a large, moderately complex records processing and maintenance unit involving a variety of functions and having large clerical staffs with a number of subordinate levels of supervision, and/or supervise and perform staff services in records, accounting, personnel, budgeting or purchasing. Employees are responsible for interpretations of laws, rules and departmental policies in carrying out their assigned functions. Work is performed with a minimum of supervision which is received through staff conferences or general written or oral instructions. Employees are expected to carry out assigned functions with a considerable amount of initiative and independence with the results of their work reviewed through oral or written reports and personal conferences.

Educational Services Assistant II

Positions allocated to this class are found in large complex operating units such as schools, stores, student activities, etc. Employees in this class are given a wide variety of assignments in a number of areas. Specific assignments may concentrate in one such as book store operations, union activities, student financial assistance or counseling, etc. At this level the employees would act as assistants to the director or higher level administrators. Employees usually serve as a staff assistant to faculty personnel and are responsible for interpreting laws, rules and departmental policies in carrying out their assigned function and may develop new techniques. Supervision is limited with a review of work only for the purpose of ascertaining if it follows department philosophy.

Educational Services Assistant III

Positions allocated to this class are found in centralized business offices of educational facilities or serve as principal assistants to unit managers or directors. They may serve as either line or staff assistants in large and complex campus operations. Employees in this class are responsible for developing operating procedures and making recommendations on policies for review by higher level administrators. After approval, it is their responsibility to implement the plans and recommendations.

8. There is no specific class definition for ESA-Supervisor.
9. Appellant's position is comparable in terms of level of duties, authority and responsibility to the following positions, classified at the ESA-2 level:
 - a. UWM Union Program Manager. This position "manages the day, night and weekend program in the Union Building," and is responsible for development, implementation and facilitation of the Union's program schedule. This position reports to the Union Manager, Mr. Wilmot.

b. UWM Union Operations Manager. This position "is responsible for the independent administration of the custodial and maintenance programs for the UWM Union." This position reports to the Union Manager, Mr. Wilmot.

c. Insurance Manager, UWM. This position is responsible for administering and implementing University property and liability insurance programs.

10. Appellant's position is at a lower level in terms of duties, authority and responsibility than the position of Financial Manager for Associated Union Services, UWM, classified at the ESA-3 level. The latter position is responsible for budget coordination, preparation, review and presentation for the Associated Union Services, for business management of the UWM Union and for fiscal coordination of the Union, Food Service, Parking and Transit and Bookstore units. This position reports to the Director, Associated Union Services.

11. The appellant's position is best described and most appropriately classified as Educational Services Assistant-2 Supervisor.

12. The administrator's decision to reclassify the appellant's position from ESA-1 Sup to ESA-2 Sup was correct.

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 decision to reclassify the appellant's position from ESA-1 Sup to

ESA-2 Sup was incorrect and that instead, her position should have been classified as ESA-3 Sup.

3. The appellant has failed to meet that burden of proof.

4. The respondent's decision to reclassify the appellant's position from ESA-1 Sup to ESA-2 Sup was correct.

OPINION

The appellant performs a wide variety of activities in her position. Her predominant function is as Manager of the Reservations and Catering Department. As such, she oversees the full range of space, catering, audiovisual, entertainment, recreational, housing, and related matters that are necessary for the conferences that are held at the facility. Approximately 10% of appellant's time is spent in supervisory function over call directory and staff services operations. For another 5 to 10% of her time, appellant fills in for her supervisor, Mr. Wilmot, when he is absent or unavailable.

Of the three classification standards that are at issue in this appeal, two make specific reference, in either the definition statement or in the work example, to work within a student union. Only the Administrative Assistant 4 classification fails to mention student union responsibilities. Therefore, primary consideration will be given to the ESA-2 and ESA-3 classifications.

The appellant's position meets the definitional requirements of the ESA-2 classification. Her assignments concentrate in a specific area of student union activities although she also fills some functions outside of that specific area. She acts as an

assistant to the director of the union and does have limited responsibility for laws and rules as well as departmental policy in carrying out her assigned functions. Appellant's position clearly fits within one of the examples of work performed at the ESA-2 level: "Engages in administering phases of student union activities."

Appellant's position does not fit quite as well within the ESA-3 classification. While there was testimony that the appellant served as Mr. Wilmot's "principal assistant," this status is not reflected in either the appellant's PD or in the appropriate organizational chart. In addition, testimony was clear that only a small percentage of appellant's time was spent directly assisting Mr. Wilmot in Union-wide activities, while the vast majority of her time was spent carrying out her responsibilities in the Reservations and Catering Department.

This result is supported by comparing appellant's position with other positions within the union. On the organizational chart, appellant's position is shown at the same stratum as two other positions classified at the ESA-2 level: Program Manager, and Operations Manager. Appellant argued that the Program Manager position should also be classified at the ESA-2 level. However, that would cause additional problems with the definition's "principal assistant" description. Appellant's position is also comparable to that of UWM's Insurance Manager, who is also classified at the ESA-2 level. Other positions from outside of UWM that were used by respondent as comparable to appellant's position are less reliable

comparisons. They are not included in the Commission's analysis.

The only position used as a comparison for the ESA-3 level is that of the UWM Associated Union Services' Financial Manager. This position is specifically referred to in the ESA-3 work example. The supervisor of the position is Mr. Stanat rather than Mr. Wilmot. In addition, the Financial Manager's responsibilities include the financial aspects of the entire range of operations within the Associated Union Services. Appellant's position is clearly not comparable.

For all of the above reasons, the Commission concludes that the appellant's position is properly classified at the ESA-2 Sup level.

ORDER

Respondent's decision to reclassify the appellant from Educational Services Assistant-1 Supervisor to Educational Services Assistant-2 Supervisor is affirmed, and this appeal is dismissed.

Dated: June 27, 1982 STATE PERSONNEL COMMISSION


LAURIE R. McCALLUM
Commissioner


DONALD R. MURPHY, Chairperson

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