

STATE OF WISCONSIN

PERSONNEL COMMISSION

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 *
 MARTIN M. HENERT, *
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 Appellant, *
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 v. *
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 Administrator, DIVISION *
 OF PERSONNEL, *
 *
 Respondent. *
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 Case No. 82-134-PC *
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DECISION
AND
ORDER

This case concerns a denial of a request for reclassification of a position from Administrative Officer 2 (AO-2) (PR1-17) to Administrative Officer 3 (AO-3) (PR1-18). The appellant filed an appeal to the Personnel Commission pursuant to §230.44(1(a), Wis. Stats. The following findings are the result of a hearing on the question of whether or not the decision of the respondent denying the request for reclassification of appellant's position from AO-2 to AO-3 was correct.

FINDINGS OF FACT

1. In April 1980, the appellant, Martin Henert, was appointed to the position of Administrative Officer 2 (AO-2) for the Division of Management Services (DMS), one of four divisions in the Department of Natural Resources (DNR). While DMS is the second largest in scope and size, its primary function is to provide support services to the department, in contrast to the other divisions which have programmatic responsibilities.

2. In January, 1982, a classification specialist for DNR recommended that respondent reclassify the appellant's position and regrade the incumbent to AO-3, effective November 29, 1981. A copy of

appellant's position description, dated January 1, 1981, was attached to the request and included the following information

Position Summary

Under the general supervision of the Division Administrator, perform highly responsible administrative work in the development, implementation and monitoring of department-wide policy and procedures affecting DNR employees and the general public. Direct Division functions in the absence of the Administrator. Assume sole responsibility for department-wide functions upon assignment from the Secretary. Develop and implement Affirmative Action Program for the Division. The Division of Management Services consists of the Bureaus of Personnel, Information Management, Environmental Impact, Information and Education, Program Services, and the Affirmative Action Office and the Employe Development Section.

Goals and Worker Activities

- 20% A. Coordination and Management of General Division Operations, including Decentralized Administrative Services.
- A1. Monitor the progress of Division functions in terms of Division objectives and short and long-range plans. Coordinate the development of program objectives for each Division function.
 - A2. Monitor decisions and actions of Division staff to ensure compliance with Division policies.
 - A3. Effectively recommend changes in Division operations to increase effectiveness.
 - A4. Determine with the Administrator the most appropriate method of implementing major policy changes within the Division in order to minimize potential organizational, programmatic, procedural, and personnel problems.
 - A5. Establish necessary inter-bureau, inter-division, and inter-agency communication and procedural linkages to maximize Division program effectiveness/efficiency and to assure inter-bureau/division/agency cooperation. Coordinate regular meetings with the District Supervisors of Services to ensure close communication and interaction between the Districts and the Division.
 - A6. Coordinate Department decentralization efforts, as they relate to personnel, collective bargaining and administrative matters. (See C.2.)

- 20% B. Plan, Direct and Coordinate Department-wide Programs or functions as Assigned by the Office of the Secretary.
 - B1. Coordinate and administer the Department's Student Intern Program. (The student intern program involves the placement each summer of 70 student interns from seven cooperating universities with a budget over \$100,000.)
 - B2. Coordinate the utilization of volunteers throughout the Department, including resolution of the workman's compensation issue regarding volunteer personnel. (The Department utilizes over 6,000 volunteers who donate over 9,900 workdays to Department programs.)
 - B3. Coordinate Department-wide reporting on lobbying activities. Prepare necessary reports to the Secretary of State's Office.
 - B4. Develop and implement a department-wide program providing incentives and recognition to landowners who cooperate in Department program efforts.

- 20% C. Plan, Direct and Coordinate Division Programs or Functions.
 - C1. Oversee Division efforts to coordinate information processing, including the coordination of the word processing and data processing functions.
 - C2. Examine the services and support programs of the Department (including the Finance and Legal Services programs outside of the Division) to determine those responsibilities which should be decentralized in conjunction with the Department's overall program of decentralization.
 - C3. Examine the need for and proper organizational location for a manual systems analysis capability within the Department.
 - C4. Oversee the workload analysis by the Bureau of Program Services of clerical personnel in the Madison office.
 - C5. Provide guidance and review the workload analyses being conducted by the Bureaus of Environmental Impact and Information and Education in response to Secretary Besadny's instructions of May 7, 1981.

- 25% D. Coordination and Evaluation of Division Planning, Budgeting, Policy-making and Objective-setting
 - D1. Coordinate and direct Division planning and budget preparation activities.
 - D2. Review and effectively recommend (to the Division Administrator) approval, rejection, or modification of proposed short and long-range plans affecting Division programs.
 - D3. Establish budget development guidelines for the Division.
 - D4. Plan and implement and reductions in service programs and personnel necessitated through federal funding cutbacks.
 - D5. Prepare and administer Division objectives and priorities to sustain or modify Division programs within the context of the biennial and annual review budget. Prepare appropriate management reports and documentation necessary to direct or redirect programs.
 - D6. Initiate and coordinate the development of major new Division policies and rules.
 - D7. Prepare fiscal notes on legislation or rules affecting Division programs.
 - D8. Direct and review functional audits involving Division programs.
 - D9. Evaluate and respond to OPA or outside audits of Division programs.

- 7% E. Coordination of Responses to Inquiries, Internal and External (from the public), regarding Complex Division and/or Department Programs.
 - E1. Answer inquiries from public officials, groups and individuals regarding highly complex programs, by correspondence, telephone and personal appearance.
 - E2. Act as Division representative in difficult and potentially controversial contacts with members of the Legislature, representatives of environmental organizations, and the general public.
 - E3. Represent the Division/Department at legislative hearings.
 - E4. Represent the Division/Department at meetings of the Wisconsin Administrative Officers Council.

- E5. Act as liaison for the Division/Department to the Office of Computing Resources, Department of Administration.
- 8% F. Establishment and Maintenance of the Division Affirmative Action Program.
 - F1. Development and implementation of the Division's Affirmative Action Plan; including goals, timetables, and program implementation.
 - F2. Advise the Division Administrator on Affirmative Action planning and policy or procedural initiatives or revisions to facilitate affirmative action.
 - F3. Direct Division staff to ensure compliance with Affirmative Action Plan and civil rights laws.

3. On March 2, 1982, a classification analyst of the respondent agency conducted a field audit of the appellant's position and discussed the matter with the appellant, his supervisor and the DNR classification analyst. As a part of the audit, similar positions were compared with the appellant's by reviewing corresponding position descriptions. By memorandum dated May 11, 1982, the respondent notified the appellant that his request for reclassification was denied. The appellant appealed the decision of reclassification denied by the Administrator of the Division of Personnel to the Commission on June 8, 1982.

4. Since the appellant was appointed in 1980, a number of new programs and functions have been added to DMS, including department-wide management of vehicles and heavy equipment, statewide supervision of inventory and insurance, development and implementation of a statewide data processing communications network, and responsibility for the department's Affirmative Action office. Concomitantly and as a result of the appointment of a new division administrator, the appellant was delegated more responsibility and authority. Specifically, the appellant was

delegated authority to act as the division's executive officer in the absence of the division administrator. He was delegated responsibility for division budget development and monitoring, and decentralizing data processing and public information personnel. In addition, the Secretary of DNR assigned the appellant the responsibility for developing policies and procedures for coordinating the department's use of volunteers and student interns.

5. The state class specifications for Administrative Officer 2 and 3 contain the following descriptions:

Administrative Officer 2

This is highly responsible and difficult administrative and/or advanced staff assistance work in a major state agency. An employe in this class is responsible for providing all administrative and managerial services for the agency, including directing such staff services as personnel, budget preparation, fiscal management and purchasing; and/or for administering a complex departmental program. Employes exercise broad supervision and control over large numbers of technical, professional and clerical people. An employe in this class often serves as the principle advisor to the department head in developing departmental policies and rules and in promoting needed legislation. Within a broad framework of laws, rules, and policies, employes are responsible for many decisions affecting the department's program. The work is performed with a high degree of independence subject to administrative review by the department head.

Administrative Officer 3

This is highly responsible administrative and managerial work in providing highly complex executive, liaison, and staff functions and services. An employe in this class is responsible for major management functions including program development and evaluation. The work involves responsibility for management functions as they affect the programs of numerous complex organizational segments with professional or technical programs, and for the evaluation and improvement of such operations in any management area. An employe develops departmental policies and regulations, recommends the establishment and revision of legislation, and makes responsible management decisions within a broad framework of laws, rules and policies which have a great effect upon departmental programs. The work is performed

with a high degree of independence, subject only to administrative review by the department head. Positions allocated to this class differ from those allocated to Administrative Officer 2 in the amount of authority delegated by the agency head, the influence of the administrative officer's decisions on the line functions of the agency, the variety, complexity, and professional nature of the agency's programs, the relationship of the administrative officer to professional program administrators, and the nature and complexity of the agency's organizational structure.

6. Appellant's position is comparable to AO-3 positions in the other three divisions of DNR.

7. The duties and responsibilities of appellant's position are more appropriately classified at the AO-3 level than at the AO-2 level.

CONCLUSIONS OF LAW

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

2. The appellant had the burden of proving that respondent's action of denying the reclassification of appellant's position from AO-2 to AO-3 was not correct.

3. The appellant has sustained that burden.

4. The respondent's denial of the request for reclassification of appellant's position was incorrect.

5. The appellant's position is more appropriately classified at the AO-3 level.

OPINION

The respondent makes the following arguments for denying the reclassification of appellant's position from Administrative Officer 2 to Administrative Officer 3: 1) The appellant's original position description encompassed appellant's later added responsibilities and programmatic

changes; 2) Appellant's added responsibilities do not cost-out to the equivalence of an Administrative Officer 3 and his position is not comparable to other Administrative Officer 3 positions in state government. These arguments are germane only to the degree that they are applicable to the issue in this matter.

The question here is whether or not appellant's position meets the specifications of an Administrative Officer 2 or an Administrative Officer 3. Under the state classification specifications, Administrative Officer 3 positions are distinguished from Administrative Officer 2 positions on the following bases:

The authority delegated to the position;

The influence of the position on the line functions of the agency;

The variety, complexity and professional nature of the programs involved;

The relationship of the administrative officer to professional program administrators.

The appellant's supervisor testified, and it was also documented, that in February, 1981, the appellant was delegated additional decision-making authority and increased program responsibility. Implicit in the supervisor's testimony was the fact that, regardless of the language in the original position description of the appellant signed by the DNR Personnel Manager in September, 1979, in 1981 the appellant had been delegated total responsibility for coordinating and directing several division programs including budget preparation and information management planning. In addition, he had complete authority to act in her absence.

A key witness in the hearing was the Secretary of the Department of Natural Resources, who during his thirty years with the agency held a variety of positions including bureau chief and division administrator. He testified that the programs of the Division of Management Services, where

the appellant is employed, have a significant impact upon the line functions of the agency. He testified that these programs were highly technical and complex, in some instances ranking higher in complexity than other departmental programs because they cut across and interlaced with all departmental functions. Many of the DMS programs enumerated by the Secretary in his testimony were those delegated to the position of the appellant and for which the appellant was responsible.

Upon review of the position descriptions placed in evidence of Administrative Officer 3 positions in other divisions of DNR, it is the examiner's belief that appellant's position compares favorably with them in respect to scope and impact. Respondent's argument that the functions of DMS were not as important to the department as the programs of the other DNR divisions was refuted by the testimony of the Secretary of that agency.

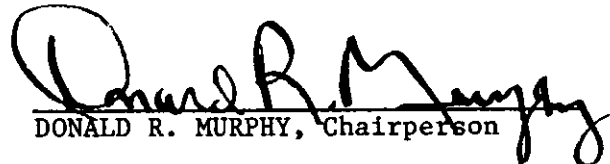
Respondent's argument that appellant's position was not equivalent to Administrative Officer 3 positions in other state agencies was not substantiated by the evidence. None of these positions, cited for comparison with the appellant's, had program responsibilities in data processing, human resources or public relations and the scope of the programs assigned to these positions were substantially smaller than that of appellant's unit.

In summary, the evidentiary record in this matter supports the position of the appellant. The respondent's decision should be rejected and the matter remanded for reclassification of the position to the Administrative Officer 3 level.

ORDER

The action of the respondent denying the request for reclassification of the appellant's position from Administrative Officer 2 to Administrative Officer 3 is rejected and this matter is remanded for processing in accordance with this decision.

Dated: September 16, 1983 STATE PERSONNEL COMMISSION


DONALD R. MURPHY, Chairperson

DRM:jmf


LAURIE R. McCALLUM, Commissioner


DENNIS P. MCGILLIGAN, Commissioner

Parties:

Martin M. Henert
DNR
P. O. Box 7921
Madison, WI 53707

Howard Fuller, Secretary
DER*
P. O. Box 7855
Madison, WI 53707

*Pursuant to the provisions of 1983 Wisconsin Act 27, published on July 1, 1983, the authority previously held by the Administrator, Division of Personnel over classification matters is now held by the Secretary, Department of Employment Relations.