

STATE OF WISCONSIN

PERSONNEL COMMISSION

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OESTREICHER et al,

Appellants,

v.

Administrator, DIVISION  
OF PERSONNEL,

Respondent.

Case No. 83-0077-PC

\* \* \* \* \*

DECISION  
AND  
ORDER

NATURE OF THE CASE

This is an appeal, pursuant to §230.44(1)(a), Wis. Stats.(1981-1982), of a reallocation decision. At the prehearing conference held on July 8, 1983, before Kurt M. Stege, Hearing Examiner, the parties agreed to the following issue for hearing:

Whether or not the respondent's decision classifying the appellants' positions as Motor Vehicle Representative 4's was correct. If not, whether the appellants' positions are more appropriately classified as Program Assistant 4's.

FINDINGS OF FACT

1. The appellants' positions were reallocated from Motor Vehicle Representative (MVR) 3 (PR 2-07) to MVR 4 (PR 2-08) effective March 6, 1983 as a result of the State Division of Personnel's survey of the driver licensing and motor vehicle registration occupational category.

2. The survey of driver license and motor vehicle registration positions began in late 1981 and was completed in early 1983. Pursuant to the survey process, representatives of the State Division of Personnel first met with Department of Transportation (DOT) officials to determine which positions shared a community of interest. It was determined that

positions in driver licensing, motor vehicle registration and licensing, motor carrier permit issuance and other related areas performed similar type of work. Next, 21 benchmark positions were identified, evaluated in detail and ranked by a panel of 10 raters. The benchmark positions were representative of the principal groupings of jobs covered by the survey; included positions from the top to the bottom in the agency involved; and were occupied by a significant number of employees. The panel of raters was comprised primarily of DOT program experts and personnel specialists from the DOT and the Department of Employment Relations (DER). Raters were selected on the basis of their broad knowledge of the occupational category being reviewed. The positions were rated on both a whole job basis and based on ratings given in 7 factors. Based on this rating system, class factors and specifications were developed and the classes were assigned to pay ranges.

3. The appellants' positions were covered by the survey. Position descriptions in the factor format were developed for their positions. Each position was individually point rated. The positions were then placed in the MVR series which is a paraprofessional and clerical support series encompassing positions responsible for a wide variety of driver and motor vehicle licensing, motor carrier permit issuance and related processing work. They were so placed because the positions in question require a broad knowledge of motor vehicle and DOT rules and regulations which is applied on a regular basis in the issuance of certain permits.

4. The appellants' positions are located in the Traffic Permit unit which is part of an engineering oriented bureau, the Traffic Section, located in the Division of Highways and Transportation Facilities in the DOT. The appellants receive and review applications for single trip and

annual permits for oversize or overweight loads as well as other specific permits such as radioactive moves. They then issue permits after carefully establishing a route so as to minimize interference with the flow of traffic and to avoid property damage to highways. Most importantly, they must issue permits so as to ensure the safety and well-being of the people using the highways and the general public. In order to establish a route, the appellants must use a number of very current data resources on the conditions of the weather and of the highways and bridges provided to them by other units in DOT.

5. The appellants' positions require them to have and apply considerable knowledge of motor vehicle and related statutes and rules, in particular Chapter 348, Wisconsin Statutes, covering size, weight and load of vehicles. The appellants work independently in carrying out their responsibilities. Each person is solely responsible for the oversize permits which she has issued. None of the appellants acts as a lead worker.

6. The MVR position standard provides:

A. Purpose of This Standard

This position standard is the basic authority for classifying positions whose primary functions are to perform driver licensing, vehicle registration and licensing, motor carrier permit issuance and related processing work. This position standard includes the Master Guidechart for the Driver Licensing and Motor Vehicle Registration Occupational Category; reflects the results of the factor evaluation process; and provides for the evaluation of a wide variety of combinations of duties and responsibilities that make up Motor Vehicle Representative positions that function at the full performance level. Also included in this standard are guides for classifying entry, developmental and lead worker positions in this series.

B. Inclusions

This position standard encompasses positions responsible for a wide variety of motor vehicle processing involving specialized clerical activities and assistance in driver licensing,

motor vehicle registration and licensing, motor carrier permit issuance and other related clerical support work.

C. Exclusions

Excluded from this series are the following types of positions:

- 1) Clerical positions which do not require or apply specialized knowledge of motor vehicle laws, regulations and procedures and which are better identified by the Program Assistant or Clerical Assistant series;

\* \* \*

- 4) All other positions which are more appropriately identified by other class series.

7. The general type of position held by the appellants was identified by the Respondent on the MVR position standard at the MVR 3 level based in particular on the following underlined language:

Definition Statement: This is full performance level Motor Vehicle Representative work. This class has a point range of 160 to 205 points.

This is normally full performance level, but also may be used as an entry or developmental level for highly complex journey and/or lead level processing and public contact work in the area of driver and vehicle registration and licensing. Positions at the objective level perform work providing direct assistance and complete processing to the public in the broadest application of motor vehicle registration and licensing laws, or driver control laws. Work is performed under general supervision.

8. However, the appellants were placed at the MVR 4 level due to their extensive contact with the public. The MVR 4 level for non-lead work positions is defined as follows:

Definition Statement: This is full performance Motor Vehicle Representative work. This class has a point range of 210 to 255 points.

This is normally a lead work level, but also may be used as a full performance level. Positions allocated to this level in full performance capacity perform highly complex processing and public contact work in the area of driver and vehicle registration and licensing. Positions at this level perform the most difficult and complex license and registration transactions, compose correspondence, and prepare reports on organization activities.

9. The Program Assistant position standard provides, in relevant part, as follows:

A. Purpose of this Position Standard

This Position Standard is intended to be used for making classification decisions relative to present positions performing program activities while still being flexible enough to classify future positions which may involve different programs and/or program emphasis. This Position Standard will not specifically identify every eventuality or combination of duties and responsibilities of positions that currently exist or those that result from changing program emphasis in the future. Rather, it is designed to serve as a basic framework for classification decision making in this occupational area.

B. Inclusions

This series encompasses both generalized and specialized staff assistance in a wide range and combination of activities. Positions in this classification series are characterized by their involvement in and accountability for carrying out significant and recognizable segments of program functions or organizational activities. Positions are assigned related staff functions and complete phases of whole activities where discretion and decision making can not be standardized. Positions typically function in the capacity of a coordinator for an event or activity that lends significantly to the program involved. Positions normally assist a program head, supervisor or other official who is ultimately responsible for the entire program area involved.

C. Exclusions

Positions that are not identified by the concepts of Program Assistant class series are:

\* \* \*

- 4) Positions that are more appropriately identified by another class series (such as any specialized class series where the majority of time is spent in the functions of the specialty).

II. CLASS DESCRIPTIONS

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PROGRAM ASSISTANT 4

(PR 02-09)

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.

10. The appellants' positions are best described by the MVR position standard at the MVR 4 level, and are most appropriately classified as MVR 4.

#### CONCLUSIONS OF LAW

1. This appeal is properly before the Commission pursuant to §230.44(1)(a), Wis. Stats.(1981-82).
2. The appellants have the burden of proof.
3. The appellants have not sustained their burden of proof.
4. The respondent's decision reallocating appellants' positions from Motor Vehicle Representative 3 to Motor Vehicle Representative 4 was not incorrect.

#### OPINION

At issue is whether the appellants' positions should be classified as Program Assistant 4's or MVR 4's. In order for the appellants to prevail, they must satisfy their burden of proving that their positions meet the Program Assistant 4 definition and are more properly classified in that classification.

The record, however, supports an opposite conclusion. The introduction statement in the MVR position standard provides that said standard is to be used as "the basic authority for classifying positions whose primary functions are to perform driver licensing, vehicle registration and licensing, motor carrier permit issuance and related processing work." (emphasis added) More specifically, the inclusion statement in the MVR position standard states that this position standard "encompasses positions respon-

sible for a wide variety of motor vehicle processing involving specialized clerical activities and assistance in ... motor carrier permit issuance and other related clerical support work." The appellants are primarily concerned with the issuance of oversize permits for motor vehicle operation on the Wisconsin highway system. The appellants' jobs require in-depth knowledge of motor vehicle and related laws and regulations. Given the above it seems clear that the appellants' positions are properly identified in the MVR series.

The appellants argue to the contrary that their job responsibilities have been unfairly underrated in placing them in the MVR series. However, the appellants' positions are specifically identified within the position standards for the MVR series. In this regard the Commission notes that the MVR 3 level is full performance level MVR work. Work at this level is defined as providing direct assistance and complete processing to the public in the broadest application of motor vehicle registration and licensing laws, or driver control laws. Indeed, the respondent instead placed the appellants at the higher MVR 4 level recognizing the difficulty or significant degree of responsibility attached to their positions as well as their broad contact with the public in carrying out their duties. As noted previously, the MVR 4 level for non-lead work positions is defined as the performance of "highly complex processing and public contact work in the area of driver and vehicle registration and licensing." (emphasis added) Positions at the MVR 4 level "perform the most difficult and complex license and registration transactions, compose correspondence, and prepare reports on organizational activities."

The appellants also argue that they are the only MVR's within the Division of Highways and Transportation Facilities while there are other

program assistant positions in said division with whom they are more compatible in terms of classification.<sup>1</sup> In this context the appellants ask rhetorically "If unification was one goal of the reallocation survey, then why were we not reallocated to program assistants?"

It seems clear that the purpose of a survey is not to group similar positions into the same classification within a division as argued by the appellants. Rather, a survey's purpose in general terms is defined as a job evaluation and occupational analysis of a group of jobs whose community of interest or nature is being reviewed to determine their ranking with one another and how they are paid based on internal equities and external factors, if applicable. (Unrebutted testimony of James Pankratz, survey leader) The record indicates that Division of Personnel representatives met with DOT officials to determine the scope of the survey. A decision was made to initiate a Personnel Management Survey of the Driver Licensing and Motor Vehicle Registration occupational category based upon an analysis of the following three factors: 1) Division of Motor Vehicle program changes; 2) Division of Motor Vehicles organizational changes; and 3) Classification and Compensation problems. Respondent's Exhibit 7. As noted above, the appellants' positions were covered by the survey and properly included in the MVR series at the MVR 4 level.

It is true that appellants perform work which meets some of the very general language requirements of the Program Assistant position standard. It is also true that if the MVR series did not exist, the appellants might well be classified as program assistants. However, a comparison of the MVR

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<sup>1</sup>However, the appellants offered no evidence as to the actual duties of these Program Assistant positions thereby preventing the Commission from making any comparison to appellants' duties.



series and the Program Assistant series leads to the conclusion, noted above, that appellants' positions are more appropriately included in the MVR series. In addition, it should be pointed out that the Program Assistant position standard specifically excludes positions "that are more appropriately classified by another class series (such as any specialized class series where the majority of time is spent in the functions of the specialty)." (emphasis added) This language combined with the very general language found elsewhere in the Program Assistant series (see Finding of Fact 9) indicates that positions are only to be included in the Program Assistant series when a more specific series is inappropriate.

The revision of existing class specifications and position standards, and the reassignment of classification to new pay ranges, is the function of the Administrator, Division of Personnel<sup>2</sup>, with the approval of the personnel board, see §230.09(2)(a)(b), Stats. This Commission, in deciding appeals pursuant to §230.44.(1)(a), Stats., of classification decisions, must apply the existing class specifications and position standards as they have been approved by the personnel board. Zhe v. DP, Wis. Pers. Commn. No. 80-285, 286, 292, 296-PC (11/19/81), affirmed, Zhe v. Personnel Commission, Dane Co. Circuit Court, No. 81 CV 6492 (11/2/82). The MVR position standard clearly encompasses the appellants' positions. It also excludes "clerical positions which do not require or apply specialized knowledge of motor vehicle laws, regulations and procedures ..."

It should further be noted that the level within the MVR series is not at issue. That is, once the decision is made by the Commission that the MVR series is appropriate, then the 4 level is also correct.

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<sup>2</sup>This is now the responsibility of the Secretary of DER; see 1983 Wisconsin Act 27, §1609 b, dm.

Based on all of the above, the Commission finds that the answer to the issue as framed by the parties is YES, the respondent's decision classifying the appellants' positions as Motor Vehicle Representative 4's was correct and should be affirmed.

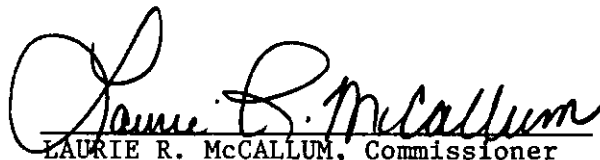
ORDER

The respondent's reallocation decision is affirmed and appellants' appeals are dismissed.

Dated: April 11, 1984 STATE PERSONNEL COMMISSION

  
DONALD R. MURPHY, Chairperson

DPM:jat

  
LAURIE R. McCALLUM, Commissioner

  
DENNIS P. MCGILLIGAN, Commissioner

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\*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.