

* * * * *
 *
 LYNNE PIOTROWSKI, *
 *
 Appellant, *
 *
 v. *
 *
 Secretary, DEPARTMENT OF *
 EMPLOYMENT RELATIONS, *
 *
 Respondent. *
 *
 Case No. 84-0010-PC *
 *
 * * * * *

DECISION
 AND
 ORDER

This an appeal of a reallocation decision. Appellant, a Community Services Technician 2 (PR1-12), believes that the appropriate classification for her position is Program and Planning Analyst 3 PR1-13). The following findings are based upon evidence presented at a hearing on this matter.

FINDINGS OF FACT

1. Lynne Piotrowski, appellant, has been working continuously for the Department of Industry, Labor and Human Relations, since September, 1980. She began in classified civil service as a clerical, later became Job Services Specialist and then transferred to the Division of Employment and Training in Stevens Point, Wisconsin and became a program manager. Currently she is a Community Services Technician 2 having acquired that position in May, 1983.

2. In response to respondent's Personnel Management Survey, appellant's reallocation request to change the classification of her position from Community Services Technician 2 (CST 2) to Program and Planning Analyst 3 (PPA 3) was submitted in late September, 1983, by the DILHR personnel manager to respondent.

3. By a handwritten memo from Mr. Tony Milanowski to Mr. Bill Komarek, dated October 4, 1983, respondent advised appellant's appointing authority

that her reallocation request was denied. Appellant was given notice of this action by her appointing authority on or shortly after December 27, 1983. On January 11, 1984, appellant appealed respondent's reallocation denial to the Commission.

4., The basic duties of appellant's position as described in the position summary of her September 1983 position description are:

Under the direction of the District Director, this position is responsible for development and analysis of employment and training data and recommendations for consideration by the Planning, Monitoring and Evaluation Committee and the District Private Sector Training Board for Area Employment and Training implementation; and for grant administration and monitoring. The work of this position, mainly through the production of the District's Annual Plan, affects the programs design, program mix and delivery; the operations of the subcontracted organizations and the delivery of employment and training services to designated populations; and cost effectiveness and conformance to regulations.

5. The major goals and worker activities of appellant's position are:

- 45% A. Provision of assistance to District Director and staff support to District private sector Training Board in the functional areas strategic planning.
- 30% B. Implementation of District Annual Plan and Grant Administration activities.
- 15% C. Planning review and monitoring of area plan and grantee performance.
- 5% D. Produces District evaluations on grantee demonstrated effectiveness.
- 5% E. Performance of related duties assigned.

6. The appellant works under general supervision.

7. Community Service Technician 2 positions are described in the state classification specifications as:

Responsible professional program coordination, professional staff specialist, or assistant field consultant work in a specialized community services or related program in the Department of Local Affairs and Development or in a comparable program in another state agency. Employees in this classification function in one of the

following capacities or perform a combination of these functions:
1) As the coordinator and administrator of a specialized community services program or major subprogram with responsibilities for program development, operation, evaluation, and analysis; 2) As a professional staff specialist in an area such as planning; research; training program development, evaluation, and review; or in a similar area; 3) As an assistant or junior field consultant with responsibility for providing assistance to other field consultants and to local units of government; or 4) As an Emergency Government Technician.

8. The work of a Community Services Technician 2 may include planning, coordinating, and implementing all segments of a program; organizing governmental and private resources; promoting and coordinating activities with state, federal and local agencies and private industries; and training or planning the training of local volunteers.

9. Program and Planning Analyst classes, as expressed in the state position standard, include positions having the primary purpose of performing policy analysis, facilities planning, land use or regional planning, program planning, program evaluation or a combination of these functions. These positions must perform analysis of information, issues, problems, or proposals in order to develop alternatives or compare their impact, develop plans or policies, and recommend appropriate courses of action based on the results of analysis, typically to others with the responsibility for carrying them out.

10. Specifically excluded from Program and Planning Analyst classes are:

positions in which planning, evaluation, and analysis functions are subsidiary to carrying out other responsibilities such as provision of direct services to clients or patients, the administration of grant programs, or the administration of a program of direct or administrative services; positions primarily responsible for examining programs or decisions for compliance of operation or conclusions with established laws, regulations, or standards.

11. Program and Planning Analyst 3 positions are full performance objective or advanced level positions.

12. At the time appellant began her job in May, 1983, as a CST 2, her employing unit, the Division of Employment and Training Services, was undergoing transition, the CETA program was being closed out, and a new job training program - Job Training Partnership Act - was being established.

13. The appellant, at the local level, was involved in closing out CETA, assessing the programmatic needs of the area, determining that other state and local agencies could provide job training services to CETA program recipients.

14. Appellant's position is more accurately described by class specifications for a Community Services Technician 2 than the position standards for a Program and Planning Analyst 3.

CONCLUSIONS OF LAW

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

2. The appellant has the burden of proving that the respondent's decision to deny the appellant's reclassification request was incorrect.

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

4. The respondent's decision to deny the reclassification of appellant's position from Community Services Technician 2 to Program and Planning Analyst 3 was correct.

OPINION

In Haberman v. Administrator, Division of Personnel, Case No. 81-334-PC (11/11/82) the Commission stated:

The proper classification of a position involves a weighing of the class specifications and the actual work performed to determine which classification best fits the position. In appeals of reclassification denials, it is frequently the case that the duties and responsibilities of the subject position overlap in some respects both of the class specifications in question. The position is not

entitled to reclassification because some aspects of the work involved fall within the higher class, Kailin v. Weaver and Wettengel, 73-124-PC (11/28/75), particularly if those aspects constitute less than a majority of the total duties and responsibilities of the position.

While the present case before the Commission involves reallocation from one classification series to another, the principles expressed in Haberman are applicable.

There is no dispute about the duties performed by appellant. She testified that her duties are as indicated in her position description of September, 1983, and this testimony was not controverted by respondent. The issue is whether the majority of appellant's duties constitute planning as that term is meant in the Program and Planning Analyst (PPA) position standard.

Based upon the testimony, the Commission is persuaded that appellant spent the majority of her time actively closing out the CETA program at the local level. Appellant's witness, Jan Van Vleck, Division Administrator, testified that she was responsible for closing out the CETA program and assisting CETA recipients obtain jobs. Appellant was involved in this same activity at the local level. The planning that took place was subsidiary to meeting CETA programmatic needs. Language in the exclusions section of the Program and Planning Analyst position standard specifically excludes positions in which planning is a subsidiary function of the primary position responsibility.

The Commission concludes that appellant's position is not at the Program and Planning Analyst 3 classification and respondent's decision should be affirmed.

ORDER

Respondent's reallocation decision is affirmed and this appeal dismissed.

Dated: Dec-20, 1984

STATE PERSONNEL COMMISSION


DONALD R. MURPHY, Chairperson


LAURIE R. McCALLUM, Commissioner


DENNIS P. MCGILLIGAN, Commissioner

DRM:ers
EFORM1/2

Parties

Lynne Piotrowski
c/o Wayne Goter
1025 Clark St.
Stevens Point, WI 54481

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