

STATE OF WISCONSIN

PERSONNEL COMMISSION

\* \* \* \* \*  
 \*  
 GLENN R. WEDUL, \*  
 \*  
                   Appellant, \*  
 \*  
 v. \*  
 \*  
 Secretary, DEPARTMENT OF \*  
 TRANSPORTATION and Secretary \*  
 DEPARTMENT OF EMPLOYMENT \*  
 RELATIONS, \*  
 \*  
                   Respondents. \*  
 \*  
 Case No. 85-0118-PC \*  
 \*  
 \* \* \* \* \*

DECISION  
 AND  
 ORDER

NATURE OF THE CASE

This is an appeal from respondents' decision denying the reclassification of the appellant's position from Program Assistant Supervisor 1 to Administrative Assistant 3 - Confidential. At the prehearing conference held on July 24, 1985, before Anthony J. Theodore, General Counsel, the parties agreed to the following issue for hearing:

Whether the respondent's decision of May 26, 1985, to reclassify appellant's position from Program Assistant Supervisor 1 to Program Assistant Supervisor 2, rather than to Administrative Assistant 3 - Confidential, was correct.

Hearing in the matter was held on October 14, 1985, before Dennis P. McGilligan, Chairperson. The parties completed their briefing schedule on November 14, 1985.

FINDINGS OF FACT

1. On August 8, 1983, Glenn R. Wedul, hereinafter appellant, was hired as a Program Assistant Supervisor 1 (PAS 1) by the Department of Transportation (DOT) in the Division of State Patrol at the District No. 2 office in Waukesha, Wisconsin. Appellant's position can best be described as office manager for the District Headquarters. There are similar positions in the other State Patrol Districts and at the State Patrol Academy.

2. The duties and responsibilities of appellant's position are accurately described in the position description signed by the appellant on November 9, 1984, a copy of which is attached hereto and incorporated by reference as if fully set forth as a part of this finding.

3. The Program Assistant Supervisor 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 supervisory 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 supervisory 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 cannot be standardized. Positions typically function in the capacity of a supervisor of an event or activity that lends significantly to the program involved. Positions normally assist a program head,

or other official who is ultimately responsible for the entire program area involved.

C. CLASS DESCRIPTIONS

The following class descriptions for the various class levels within the Program Assistant series are designed to provide basic guidelines for the allocation of both present and future positions, as well as to serve as a basis for comparisons with positions in other class series.

PROGRAM ASSISTANT SUPERVISOR 1

(PR1-08)

This is paraprofessional supervisory work of moderate difficulty providing program support assistance to professional or administrative staff, which involves the supervision of subordinate staff performing diverse but inter-related program activities. The work performed at this level is comparable to that allocated to the Program Assistant 1 and/or 2 levels, with additional supervisory responsibilities. This level is distinguished from the Clerical Supervisor 3 level on the basis of the following criteria: (1) the primary emphasis is on program assistance functions, with attached supervisory responsibility, while the primary emphasis in the Clerical Supervisor 3 level is on the supervision of a systematic audit, review and processing operation; (2) the procedures are somewhat diversified rather than clearly established, so there is greater opportunity for discretion and judgment; (3) in terms of organizational structure, this level is responsible for supervising and coordinating the full range of diverse but inter-related activities, which, taken in aggregate, define a cohesive, identifiable and self-contained program area as opposed to supervising one segment that is contributory to rather than responsible for the accomplishment of a complete program area objective; and (4) there is a greater degree of personal or procedural control over the program activities, a greater independence of action, and a greater variety, scope and complexity of problem-solving expected at this level. Work is performed under general supervision.

PROGRAM ASSISTANT SUPERVISOR 2

(PR1-09)

This is paraprofessional supervisory work of considerable difficulty providing program support assistance to professional or administrative staff, which involves the supervision of subordinate staff performing diverse but inter-related program activities with some latitude regarding program-related decisions. The work performed at this level is comparable to that allocated to the Program Assistant 3 level, with the additional supervisory responsibilities. This level differs from the Program Assistant Supervisor 1 level on the basis of the increased scope, breadth and complexity of the work performed, as indicated by the following criteria: (1) the work performed at this level involves specialized, though generally nontheoretical skills, rather than procedural or systematic proficiency; (2) the procedures are substantially diversified, and the program area is defined by specialized standards rather than established precedents; and (3) there is a greater degree of independence of action, which impacts across program lines rather than within one program area. Work is performed under direction.

4. The class specifications for an Administrative Assistant 3 - Confidential/Supervisor position is as follows:

ADMINISTRATIVE ASSISTANT 3 - CONFIDENTIAL/SUPERVISOR (PR1-11)

Class Description

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.

All positions allocated to this class must meet the definitions of "Confidential" and "Supervisor" as contained in §111.81 Stats.

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, employes, 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.

Qualifications

The qualifications required will be determined on a position-by-position basis at the time of recruitment. Such determinations will be made based on an analysis of the objectives and tasks performed and on an identification of the education, training, work, or other life experience which would provide reasonable assurance that the skills required to perform the tasks and the knowledge required upon appointment have been acquired.

5. On June 10, 1985, respondent DOT notified appellant that his position was reclassified from Program Assistant Supervisor 1 to Program Assistant Supervisor 2, rather than to Administrative Assistant 3 - Confidential/Supervisor effective May 26, 1985. On June 13, 1985, appellant

filed a timely appeal of this reclassification with the Commission, contending that his position should have been reclassified to the aforesaid AA 3 level.

6. From August of 1983 to the date of appellant's reclassification request on November 15, 1984, the appellant's duties changed as he was assigned duties previously performed by state patrol officers. Appellant also assumed greater responsibility for the administration and management of the District No. 2 office. As noted in Finding of Fact No. 2 the duties and responsibilities of appellant's position are accurately described in the position description which is attached hereto.

7. The appellant's position does not perform the following duties or have the following responsibilities:

- a. Appellant does not approve disbursements for DOT.
- b. Appellant does not act as a liaison between DOT and other departments, employes and the director (Division Administrator).
- c. Appellant does not keep the director (Division Administrator) and assistants advised of legislation, legal opinions, court decisions and precedents.
- d. Appellant has not conducted a hearing of any kind for DOT.
- e. Appellant does not develop training programs.
- f. Although appellant exercises some independent judgment in performing the administrative and management duties described in his position description noted above, final authority for directing the business management of the District office rests with Captain Hlavacka, and to a lesser extent to Major Wenzel, Director, Bureau of Operations, State Patrol.

8. Other "office managers" who perform the same or similar duties as appellant in State Patrol District offices around the state are classified at the Program Assistant Supervisor 2 or 1 level except in one instance (District 6) where a lieutenant is performing those duties.

9. The duties and responsibilities of appellant's position are more accurately described by the class specifications for a Program Assistant Supervisor 2 and appellant's position is more appropriately classified as a Program Assistant Supervisor 2.

#### CONCLUSIONS OF LAW

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

2. The appellant has the burden of proof of establishing that the respondent's decision reclassifying his position was incorrect.

3. The appellant has not sustained his burden.

4. The respondent's decision to reclassify appellant's position from Program Assistant Supervisor 1 to Program Assistant Supervisor 2, rather than to Administrative Assistant 3 - Confidential/Supervisor was not incorrect.

#### OPINION

In order to reclassify a position, there must be logical and gradual changes in the duties or responsibilities. ER-Pers. 3.01(3), Wis. Adm. Code. When applied to the facts of the case, this requires the appellant to show that his position has changed sufficiently so as to resemble the duties and responsibilities of an Administrative Assistant 3 - Confidential/Supervisor more closely than those of a Program Assistant Supervisor 2.

According to the class specifications, a Program Assistant Supervisor 2 provides "program support assistance to professional staff... with some latitude regarding program-related decisions." The Program Assistant 2's work is coordinative in nature and "involves the supervision of subordinate staff performing diverse but inter-related program activities."

On the other hand Administrative Assistant 3 - Confidential/Supervisor does "administrative work of more than ordinary difficulty and responsibility requiring the exercises of a considerable amount of individual initiative and independent judgment in directing the business management of a division..."

Appellant argues that he should be reclassified as an Administrative Assistant 3 - Confidential/Supervisor because of the unique responsibilities attached to his position in District No. 2. In this regard appellant maintains that he must function as a "Jack-of-All-Trades" in carrying out administrative and supervisory duties which are found at the higher classification level. The record, however, does not support a finding regarding same. To the contrary, the record evidence supports a finding that the appellant is appropriately classified at the Program Assistant Supervisor 2 level. Appellant basically functions as an "office manager" for the State Patrol in District 2. In this capacity appellant primarily prepares certain reports regarding District operations, plans for and administers to the District's physical plant and office operations and supervises a small staff to accomplish these duties as noted in Findings of Fact No. 2. As such, appellant's job duties fit the class specifications for a Program Assistant Supervisor 2 noted above. Appellant does not perform the type of work listed in the class specifications for an Administrative Assistant 3 Confidential/Supervisor which would indicate "administrative work of more than ordinary difficulty and responsibility requiring ... considerable amount of individual initiative and independent judgment." See Findings of Fact Nos. 4 and 7. In addition, the testimony indicated that the state has an established allocation pattern with respect to the "office manager" positions at the District level so that these positions which all perform

the same or similar work are classified at the Program Assistant Supervisor 2 or 1 level with one exception. Appellant's attempt to show that there were substantial differences among the districts as to extent and complexity of programs was unsuccessful.

Contrary to the above, appellant argues that although he has supervisory responsibilities he is "paid two pay grades less than the next lowest paid supervisor EVEN though my scope of responsibility is more broad and encompassing." However, comparison to this position (Police Communications Supervisor) has very little weight from a classification standpoint, because of the substantial differences in the nature of the basic work being performed by these two jobs. Much more than the supervisory aspects of a job are considered in determining classification.

Appellant also argues that his position should have been personally audited (with a visit to the District) prior to the reclassification decision and that the reclassification decision was based on a lack of knowledge of District 2 needs. However, the record evidence clearly supports a finding that appellant's PD referred to in Finding of Fact No. 2 accurately described the duties and responsibilities of his position. As noted previously, the class specifications for Program Assistant Supervisor 2 best describe those job duties. In addition, appellant offered no persuasive evidence that respondent acted improperly by not conducting an onsite audit of his position prior to the reclassification decision or that this failure to conduct such an audit would have affected the outcome of respondent's decision.

Finally, appellant maintains that the quality of his work as well as his heavy workload warrant classification at the Administrative Assistant 3 - Confidential/Supervisor level. However, as previously noted, appellant's



duties satisfy the Program Assistant Supervisor 2 class specifications. The quality and quantity of appellant's work is not an issue before the Commission. Nor is it an issue recognized by respondent DOT when making its aforesaid classification decision. Appellant appears to disagree with the classification specifications for "office manager" positions at the District level within the State Patrol Division of the aforesaid Department. Since the Commission can only hear appeals from specific classification decisions, and in so doing must adhere to the existing class specifications or position standards, it cannot address this kind of contention. Changes in the fundamental structure of classifications within the State Civil Service must be made by the Secretary of the Department of Employment Relations. Section 230.09(2)(am), Stats. (1983-84).

In view of all of the foregoing, the Commission finds that the answer to the issue as stipulated to by the parties is YES, respondent's decision to reclassify appellant's position from Program Assistant Supervisor 1 to Program Assistant Supervisor 2, rather than to Administrative Assistant 3 - Confidential/Supervisor was correct.

ORDER

The respondent's classification decision is affirmed and the  
appellant's appeal is dismissed.

Dated: February 6, 1986 STATE PERSONNEL COMMISSION

  
DENNIS P. MCGILLIGAN, Chairperson

  
DONALD R. MURPHY, Commissioner

DPM:jmf  
JANE/2  
Attachments

  
LAURIE R. MCCALLUM, Commissioner

Parties:

Glenn Wedul  
Wisconsin State Patrol  
21115 Hwy 18  
Waukesha, WI 53186

Lowell Jackson  
DOT, Secretary  
P. O. Box 7910  
Madison, WI 53707

Howard Fuller  
DER, Secretary  
Madison, WI 53707  
Madison, WI 53707

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POSITION DESCRIPTION

ERS-10 (Rev. 1-78)  
Wisconsin  
Department of Employment Relations  
DIVISION OF PERSONNEL

|                                  |   |                             |
|----------------------------------|---|-----------------------------|
| 1. Position No.<br><b>022003</b> | 2. Cert./Reclass Request No.<br><b>154-85</b> | 3. Agency No.<br><b>395</b> |
|----------------------------------|---|-----------------------------|

NAME OF EMPLOYEE  
**Glenn R. Wedul**

5. DEPARTMENT, UNIT, WORK ADDRESS  
**Department of Transportation  
Division of State Patrol  
District No. 2  
21115 Highway 18  
Waukesha, WI 53186**

CLASSIFICATION TITLE OF POSITION  
*Program Asst Supv 2*

8. NAME AND CLASS OF FORMER INCUMBENT  
**Glenn R. Wedul  
Program Assistant Supervisor I**

CLASS TITLE OPTION (To be Filled Out By Personnel Office)

10. NAME AND CLASS OF EMPLOYEES PERFORMING SIMILAR DUTIES  
**None**

AGENCY WORKING TITLE OF POSITION

12. FROM APPROXIMATELY WHAT DATE HAS THE EMPLOYEE PERFORMED THE WORK DESCRIBED BELOW?  
**August 8, 1983**

NAME AND CLASS OF FIRST-LINE SUPERVISOR  
**Lieutenant Donald R. Holt  
Deputy District Commander**

DOES THIS POSITION SUPERVISE SUBORDINATE EMPLOYEES IN PERMANENT POSITIONS? Yes  No  IF YES, COMPLETE AND ATTACH A SUPERVISORY POSITION ANALYSIS FORM (DER-PERS-84).

POSITION SUMMARY - PLEASE DESCRIBE BELOW THE MAJOR GOALS OF THIS POSITION:  
**This position is responsible for communicating, designing, implementing, planning and follow-through of necessary changes, renovations, and/or the development of new programs and facilities to meet the changing needs of the Wisconsin State Patrol, District 2, including the conversion of programs to word processors and computers;  
(Continued on Attached Sheets)**

DESCRIBE THE GOALS AND WORKER ACTIVITIES OF THIS POSITION (Please see sample format and instructions on back of last page.)  
GOALS: Describe the major achievements, outputs, or results. List them in descending order of importance.  
WORKER ACTIVITIES: Under each goal, list the worker activities performed to meet that goal.  
TIME %: Include for goals and major worker activities.

| TIME % | GOALS AND WORKER ACTIVITIES  |
|--------|--|
| 0%     | <p>A. Communicating, recommending and justifying, lead the planning, participating in designing, implementing, and follow-through of necessary changes, renovations, and/or developing of new programs and facilities to meet the changing needs of the Wisconsin State Patrol, District No. 2. Supervise the conversion of new programs to a word processor and computers.</p> <p>Al. Evaluate, communicate, design, implement, and follow through of a district-wide activity report system reflecting the individual, the troop and the district on a weekly, monthly,</p> <p><i>100%</i></p> <p>(Continued on Attached Sheets)</p> |

SUPERVISORY SECTION - TO BE COMPLETED BY THE FIRST LINE SUPERVISOR OF THIS POSITION (See Instructions on Back of last page)  
The supervision, direction, and review given to the work of this position is [ ] close [ ] limited [ ] general.  
The statements and time estimates above and on attachments accurately describe the work assigned to the position. (Please initial and date attachments.)  
Signature of first-line supervisor: *Donald R. Holt* Date: *10/9/85*

EMPLOYEE SECTION - TO BE COMPLETED BY THE INCUMBENT OF THIS POSITION  
I have read and understand that the statements and time estimates above and on attachments are a description of the functions assigned to this position. (Please initial and date attachments.)  
Signature of employee: *Glenn R. Wedul* Date: *10/9/85*  
Signature of Personnel Manager: *[Signature]* Date: *5-24-85*  
A [ ] DA [ ]

## 4. POSITION SUMMARY -- Continued

for the supervision and evaluation of those employees assigned under the position; for overseeing the processing of submitted field reports; the maintenance of the headquarters and scale buildings and grounds, and for assuring smooth efficient procedures for the completion of on-going fleet repairs; for the development of the District budget in concert with the District Commander and Deputy Commander; for organizing and writing administrative memos for their signatures; for providing input into the decision-making process for State Patrol District 2; for participating in confidential interviews; and for the supervision and/or participation in District 2 Headquarters activities as needed.

## 15. GOALS AND WORKER ACTIVITIES -- Continued

annual basis. Work with Central Headquarters Personnel in computerizing the program, including follow-through training in information input and retrieval.

A2. Enter and store the following in the word processor: all form letters, supplies and equipment inventories, duty schedules and District No. 2 activities.

- 25% B. Supervision and evaluation of the Program Assistants, Stock Clerk, and Facilities Repair Worker.
- B1. Confer, plan, schedule and direct the daily assignments of the Program Assistants, Stock Clerk, and Facilities Repair Worker on an individual and group basis.
- B2. Meet and discuss with the employees, on an on-going basis, in order to resolve and/or give direction relating to procedures and statutes; and to ensure the attainment of adequate knowledge and skills in relation to the performance of duties.
- B3. Review employee's work for quality, accuracy, completeness, and compliance with policies, procedures, and statutes on an on-going basis. Initiate corrective action as deemed necessary.
- B4. Evaluate the employee's work. Prepare performance improvement plans through review of work, consultation, and mutual goal and timeline setting with the employee.
- B5. Interview and appoint new personnel in coordination with the District Commanders.
- 20% C. Maintenance of the headquarters and scale buildings and grounds; and for assuring a smooth efficient procedure for the completion of on-going fleet repairs.

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## C1. Supervise the reception, dissemination and/or filing of:

Traffic Accident Reports  
 Traffic Citations  
 Arrest, Incident and Juvenile Reports  
 Warrants  
 Mail (incoming and outgoing)  
 Payroll Records and Reports

## C2. Supervise the development of and participate, when needed, the following on-going reports and forms to be forwarded to Wisconsin State Patrol Headquarters and/or DOT.

1. All AS-1s and any orders originating from the District No. 2 Supply Section and give approval of same. Supervise and approve Monthly Gas Inventories, FOS Vehicle Reports, and Quarterly Receipt Reports.
2. All reports pertaining to the Program Assistants, including FOS Reports, Payroll, Expense Vouchers, Sergeants' Reports, Leave Accounting Reports, Arrest Reports, OWI Reports and miscellaneous Insurance and Benefit Reports.

## C3. Supervise the reception, dissemination, and/or storage of all supplies and equipment.

## C4. Communicate with District No. 2 and Safety Supervisor for Bureau of Management Services to insure that needed maintenance is accomplished within the district. Organize, seek input, and justify needed changes when necessary. Communicate verbally and in writing with those necessary in order to meet District 2 needs.

## C5. Keep records of issuance and transfer of all motor vehicles assigned to District No. 2 personnel in coordination with DOT Fleet Supervisors.

## C6. Communicate with District No. 2 and Madison personnel to insure that all needed fleet repairs are completed in a smooth, efficient manner.

## C7. Make recommendations for changes in fleet operating or repair policies.

10X D. Development of the District Budget in concert with the District Commander and District Deputy Commander, for organizing and writing administrative memos for signatures; for providing input into the decision-making process for District 2 Commanders, and participating in confidential interviews as requested.

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 (10)

- D1. Communicates with all District No. 2 personnel in relation to individual needs and reasons.
- D2. Organizes needs into budgetary categories. Seek and correlate input into written form, according to Wisconsin State Patrol Guidelines, Procedures, and stated short and long range goals.
- D3. Participates in on-going meetings with District No. 2 commanders and supervisors in order to discuss needs and prioritize budgetary items.
- D4. Recommends alternative solutions to situations and/or problems along with discussing possible results of each decision.
- D5. Communicates with District No. 2 and Madison personnel, and those from other Wisconsin State Patrol Districts in relation to evaluating, reorganizing, developing procedures for access, etc., of a central file system that will meet the needs of all that use them.

5%

- E. Responsible for the supervision and/or participation in District No. 2 Headquarters activities as needed.
  - E1. Acts as a receptionist for persons calling district headquarters or coming into district headquarters in person for appointments, complaints, and/or requests for assistance.
  - E2. Provides general information to the public, via phone or in person, regarding highway and traffic conditions and routes, rules of the road, vehicle equipment requirements, and court procedures. Refers to available individuals to answer technical questions when necessary.
  - E3. Receives and supervises requests by mail, by phone and in person from insurance complaints and the public for copies of accident reports on file. Supervises the allocation of fees and insures that copies of reports are supplied to the public as requested.

# # #

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C.W.