

STATE OF WISCONSIN

PERSONNEL COMMISSION

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 ELLION BORNFLETH, \*  
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 Appellant, \*  
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 v. \*  
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 Secretary, DEPARTMENT OF \*  
 EMPLOYMENT RELATIONS, \*  
 \*  
 Respondent. \*  
 \*  
 Case No. 85-0200-PC \*  
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DECISION  
 AND  
 ORDER

NATURE OF THE CASE

This is an appeal of a decision by respondent to reallocate appellant's position from Property Assessment Specialist 4 (PR1-14) to Property Assessment Specialist 2 (PR1-13). A hearing was held on February 25, 1986, before Laurie R. McCallum, Commissioner, and the briefing schedule was completed on April 4, 1986.

FINDINGS OF FACT

1. At all times relevant to this appeal, appellant has been employed in a position classified as a Property Assessment Specialist (PAS) and has been assigned to the Department of Revenue's (DOR), Division of State-Local Finance, Manufacturing Property Assessment Section, Western District Office (Eau Claire).

2. In 1981, DOR completed a study in which it was concluded that the number of PAS 4 positions assigned to certain district offices (including Eau Claire, Wausau, and Fond du Lac) was larger than necessary in view of the volume and complexity of the work performed in such offices.

3. In June of 1985, respondent DER completed a personnel management survey of the PAS series and reached the same conclusion regarding the number of PAS 4 positions assigned to the Eau Claire office as DOR's 1981 study had reached. At the time the survey was being conducted, the Eau Claire office had three PAS 4 positions. The survey identified a need for only two PAS 4 positions in the Eau Claire office.

4. As a result of DER's personnel management survey of the PAS series, new classification specifications were developed. The former PAS 4 (PR1-14) level became the new PAS 3 (PR1-14) level and the former PAS 3 (PR1-13) level became the new PAS 2 (PR-1-13) level. The new PAS 3 position standard states in pertinent part:

This is advanced district or central office professional property appraisal/assessment work performed in the areas of equalization, manufacturing, or assessment practices. Employees in this class investigate, conduct, review, and defend the most complex determinations associated with property appraisal/assessment program activities. Positions allocated to this class in the district office perform complex property appraisal/assessment assignments, conduct special studies related to property tax issues, and field train new staff in all phases of appraisal/assessment work for equalization and manufacturing. Positions in the central office are assigned advanced level statewide program support duties for a large program function or organizational activity within manufacturing, equalization, assessment practices, or a comparable program area. The work of this class differs from that of lower level property assessment specialists in the complexity of the work or the sensitivity of contacts as an advanced level professional providing judgmental guidance, analysis, and monitoring in the application of technical standards, systems, and procedures with minimal guidelines. Work is performed independently under the general direction of a property assessment supervisor.

The new PAS 2 position standard states in pertinent part:

This is responsible professional property appraisal/assessment work in the Bureau of Property Tax central office or in a district property tax office. Employees in this class work at the full performance level performing professional appraisal/assessment work in the areas of equalization, manufacturing, or assessment review. Work at this level can be differentiated from the preceding level by the greater variety and complexity of appraisal activities performed and the independence of action in

performing these activities. The property appraisal/assessment functions are carried out in accordance with state guidelines and the final product is generally subject to review of a higher-level specialist and/or supervisor.

5. A PAS position has three primary functions: annual assessments, field audits, and appeals. Annual assessment in the manufacturing section concerns the establishment of manufacturing values for all municipalities in a given district. The field audit function concerns the auditing of real property in the area every five years. Both the annual assessment and the field audit activities must involve an audit of corresponding personal property accounts. The appeals function involves the investigation of appeals assigned by the Board of Assessors and testifying as an expert witness before the Tax Appeals Commission. Standard position descriptions were developed on or around September 10, 1985, for the new PAS 1 through PAS 4 levels outlining the differences among the classifications in regard to the primary functions performed by PAS positions as follows:

<u>Major Goal</u>	<u>PR-12 PAS I</u>	<u>PR-13 PAS II</u>	<u>PR-14 PAS III</u>	<u>PR-15 PAS IV</u>
A. <u>Annual Assessment</u>				
Time %	25%	20%	20%	15%
RE Value & corres. PPC accts.	less than \$200,000 at least 50% of the time	more than \$200,000 at least 50% of the time	more than \$350,000 at least 50% of the time	more than \$500,000 at least 50% of the time

B. Field Audit

Time %	50%	60%	45%	30%
RE Value & sq. ft. & corres. PP accts.	less than \$400,000 or 50,000 s.f. at least 50% of the time	\$400,000 to \$2 million & 30,000-150,000 at least 50% of the time	\$2 million to \$30 million & over 100,000 at least 50% of the time	\$5 million to \$30 million over 200,000 at least 50% of the time

C. Appeals

Time %	-0-	10%	20%	40%
RE Value & Sq. ft.	N/A	less than \$1 million or 100,000 s.f. at least 50% of the time	more than \$1 million or 100,000 s.f. at least 50% of the time	more than \$1 million or 100,000 s.f. at least 50% of the time

D. Related Work

Time%	25%	10%	15%	15%
Tasks	sales fldg. class. work rcvg. trng.	sales fldg. class. work training committees analyses	sales fldg. class. work training committees analyses	sales fldg. class. work training committees analyses

6. Prior to the effective date of DER's personnel management survey of the PAS series, appellant was classified as a PAS 4. As a result of the survey, appellant's position was assigned duties and responsibilities best described by the new PAS 2 position standard and consistent with the new PAS 2 standard position description and was reallocated to the new PAS 2 level. Appellant's position was selected for the reassignment of duties and reallocation due to the fact that appellant had fewer years of continuous state service than the individuals who occupied the other two positions in the Eau Claire office classified at the PAS 4 level prior to the survey. This was the same procedure followed in the Wausau and Fond du Lac offices.

7. On October 25, 1985, appellant filed a timely appeal of this reallocation of his position.

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 showing that respondent's decision reallocating appellant's position was incorrect.
3. Appellant has not sustained this burden.
4. Respondent's decision reallocating appellant's position from PAS 4 to PAS 2 was correct.

OPINION

Appellant advances several arguments in support of his position in this appeal. Appellant takes issue with the conclusions reached in DER's personnel management survey of the PAS series. Appellant specifically alleges in this regard that the actual workload and complexity of the work performed in the Eau Claire office justifies the assignment of three PAS 3 positions to such office, and not two PAS 3 positions as the survey concluded. However, in a case such as the instant appeal in which the issue is the correctness of a reallocation decision, it is not the Commission's charge to review the bases for DER's conclusions in the subject survey but to apply these conclusions, i.e., to compare the duties assigned to appellant's position with the position standards developed in the survey to determine the correct classification of appellant's position.

Appellant further takes issue with the fact that his position was selected for the reassignment of duties and reallocation, contending that, even though he had fewer years of continuous state service than the other

two individuals in the Eau Claire office occupying PAS 4 positions prior to the survey, he had more years of service as a PAS 4, he had performed more complex and demanding work than the other two individuals, and he had functioned as an informal leadworker and the other two individuals had not. Again, this is outside the proper scope of the Commission's review in a case such as this. The issue in this case involves the correctness of a reallocation decision, not whether there was just cause for a demotion. Even so, respondent has shown that there was a rational basis for the selection of appellant's position for the reassignment of duties and reallocation, i.e., seniority, and that the same procedure was followed in relation to the selection of positions for the reassignment of duties and reallocation in the other district offices affected by the survey in the same manner as the Eau Claire office was affected. It should also be noted in this regard that the right of an employer to assign duties is recognized in §230.06(1)(b), Stats.

Finally, appellant argues that he completed the Certified Wisconsin Assessment Specialist Program (CWAS) with the understanding that the promotion he would be granted as a result of his completion of such program would be permanent. Again, this argument does not relate to the issue in this appeal, i.e., the proper classification of appellant's position. As stated above, the issue in this appeal is not whether there was just cause for a demotion. However, it is interesting to note in this regard that appellant nowhere alleges or shows that DOR made or implied any guarantee of permanence but only that this had been appellant's understanding.

It appears from the record to be uncontroverted that appellant has been assigned different duties and responsibilities as a result of the subject DER survey and that these duties and responsibilities are best

described by the position standard for the new PAS 2 classification. The Commission concludes, therefore, that appellant's position is properly classified at the PAS 2 level and that respondent's decision to reallocate appellant's position to the PAS 2 level was correct.

ORDER

The action of respondent is affirmed and this appeal is dismissed.

Dated: May 29, 1986 STATE PERSONNEL COMMISSION

  
DENNIS P. MCGILLIGAN, Chairperson

  
DONALD R. MURPHY, Commissioner

LRM:jmf  
ID3/1

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