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 FAITH E. SVENSSON,
 Appellant,
 v.
 Secretary, DEPARTMENT OF
 EMPLOYMENT RELATIONS,
 Respondent.
 Case No. 86-0136-PC
 * * * * *

DECISION
 AND
 ORDER

This matter is before the Commission as an appeal of a reclassification decision. At a prehearing conference held on July 28, 1986, the parties agreed to the following issue for hearing:

Was the decision of respondent denying appellant's reclassification from Tourist Promotion Representative 3 (PR1-13) to Administrative Assistant 5 (PR01-15) correct?

After a hearing was held and a proposed decision issued pursuant to §227.46(2), Stats., the respondent filed objections thereto. After consulting with the examiner, the Commission has made those findings and reached those conclusions set out below.

FINDINGS OF FACT

1. Respondent conceded that the appellant's position does not meet the definition of the Tourist Promotion Representative 3 (TPR 3) specification, and that, therefore, the appellant's position is not properly classified at the TPR 3 level.

2. At all times relevant to this matter, the appellant has been employed by the Division of Tourism, Department of Development. At the

time of hearing the appellant was supervised by Shirley Rae Van Wyhe whose position is classified at the Administrative Officer 1 level.

3. In 1981, the appellant's position description summarized the major goals of her position as follows:

Provide supervision of one professional and seven clerical staff located in Chicago and in five information centers on highway locations near the state border. Reports to the Bureau Director. This position is responsible for maintaining communication between the main office and six field offices. Monitors and evaluates personnel and operation of the field offices. Make recommendations for changes and improvement in operations.

In 1981, appellant's position was classified at the Tourist Information Representative 3 level, and she reported to the Director of the Bureau of Information Services, Donald Niva, whose position was classified at the Administrative Assistant 5 level. Mr. Niva was one of three bureau directors reporting directly to the administrator of the Division of Tourism, whose position is assigned to an executive salary group.

4. Since 1981, the appellant's duties have expanded, reflecting, in part, the various technological changes encountered in the tourist information field.

5. In 1982, Mr. Niva's position was eliminated due to budget constraints. The appellant subsequently took over the bulk of Mr. Niva's responsibilities. The responsibilities assumed by the appellant included:

- A. The office in Madison, including toll-free lines for receiving tourist inquiries via telephone.
- B. Monitoring of the mailroom function.
- C. Total supervision of the information centers in the Northwestern portion of the state.
- D. The computerized inquiry response system (which was developed after the departure of Mr. Niva)
- E. The microfiche operation.
- F. Supervision of the Chicago office.

The only responsibility of Mr. Niva that the appellant did not take over was the budget monitoring. This function was assumed by appellant's supervisor, Ms. Van Wyhe, who is Director of the Bureau of Development and Marketing within the Division of Tourism.

6. Since the departure of Mr. Niva, the appellant's position has been given the working title of Information Services Coordinator. While the appellant reports to Ms. Van Wyhe as to most matters, she also reports directly to the division administrator with respect to preparing certain reports and various feasibility studies and preparing policies regarding bulk distribution of division literature, representing approximately 15% of appellant's time.

7. The appellant's current position description summarizes her position as follows:

Manages the information services program consisting of a mail operation, 7 highway information centers, information offices in Madison and Chicago, and a computerized response system. Supervises a staff of 12 full-time permanent employees; 5 half-time permanent. Responsible for information program budget.

A copy of appellant's position description is attached hereto and incorporated by reference as if fully set forth as part of this finding.

8. The classification specification for Administrative Assistant 4 (PR1-13) states:

This is line supervisory and/or staff assistance work in a state agency or segment of a large state agency. Employees in this class have supervisory responsibilities over a large, moderately complex records processing and maintenance unit involving a variety of functions and having large clerical staffs with a number of subordinate levels of supervision, and/or supervise and perform staff services in records, accounting, personnel, budgeting or purchasing. Employees are responsible for interpretations of laws, rules, and departmental policies in carrying out their assigned functions. Work is performed with a minimum of supervision which is received through staff conferences or general written or oral instructions. Employees are expected to carry out assigned functions with a considerable amount of initiative and

independence with the results of their work reviewed through oral or written reports and personnel conferences.

The specification also provides the following work examples:

Assumes full responsibility for supervising a large records maintenance and processing section involving a variety of functions and a number of subordinate organizational units with a large number of employes.

Supervises and prepares special administrative surveys and studies for reports to aid in program development and improvement or other studies to increase the efficiency of work flow and/or production.

Develops and installs operating procedures, deadlines and priorities and makes recommendations concerning policies, rules, and proposed legislation.

Reviews and analyzes reports of assistants or field staff to determine effectiveness of operations and needed areas of improvement.

Interprets laws, rules, and departmental policies to employes, other governmental agencies, and the general public or their legal representatives.

Supervises departmental records and accounts; approves disbursements, maintains cash receipts or budget records.

Acts as liaison officer between department and other agencies in regard to a variety of administrative services.

Interviews, appoints and assigns personnel and establishes clearly defined work assignments and responsibilities.

Keeps records and makes reports and performs related work as required.

9. The Administrative Assistant 5 classification includes the following language:

Administrative Assistant 5

PR1-15

Class Description

Definition:

This is responsible line administrative and/or professional staff assistance work in a large state agency. Employes in this class direct an important function of the department and/or provide staff services in management areas such as accounting, purchasing, personnel or budget

preparation. Employees in this class may be responsible for supervising a staff of technical, semi-professional or professional employees in directing the assigned program. Employees have a great deal of latitude in areas of decision making and initiating action within a broad framework of laws and rules. Work is evaluated by administrative superiors through conferences, personal observations and reports.

Areas of Specialization:

Staff services, general administration, specialized program administration, or any comparable specialization or combination thereof.

Examples of Work Performed:

Plans, organizes, and supervises the work of technical, semi-professional, or professional personnel; reviews and analyzes operating procedures; evaluates program and installs improvements.

Directs the administrative services of a moderate sized department or specialized services of a major department such as budgeting, accounting, personnel and purchasing.

Performs a wide variety of top level staff assignments in many broad areas for the head of a major department, often acting with full authority of a director or commission.

Directs a function or program of a department which may involve the supervision of technical or professional personnel and the responsibility for law enforcement or for program review of other agencies functions in a specialized area.

Conducts responsible statistical, financial, program and other research; recommends program improvements or changes in program direction or emphasis.

Represents the department in important public relations work involving program promotion, coordination and cooperation of other private and governmental agencies, and public appearances.

Performs related work as required.

10. The following positions may be used as comparisons for determining the proper classification of the appellant's position:

a) The position held by Gerald Ziegler as the supervisor of the Document Sales and Bulk Mail Unit, Printing and Publications Section, Department of Administration. Mr. Ziegler's position is classified at the AA 4 level. He supervises 13 positions responsible for providing total bulk mail services, document sales and distribution activities

and the warehousing and sales of forms utilized statewide. Mr. Ziegler has three major work objectives: 1) marketing and customer relations (30%), including monitoring of services, developing new markets and new business, establishing customer relations policies and procedures and answering customer complaints; 2) supervisory management (30%), including monitoring the unit's financial status and implementing financial changes, preparing productivity reports and then recommending and implementing needed changes, preparing budget requests, supervising the processing of monies received from sales and supervising over-the-counter and mail order sales and statutorily required distribution of official state documents and other state publications; 3) selecting, training and supervising staff (35%), including evaluating staff and recommending discipline. Mr. Ziegler's position is similar to the appellant's (in that both distribute information/materials) except as follows:

1. Appellant's information centers and offices are spread out geographically.
2. The appellant has responsibility for negotiating rental agreements.
3. The information requests filled by the appellant's subordinates require ordering and distribution systems that are more advanced technologically.

b) The AA 5 position of Assistant to Bureau Director, Bureau of Market Regulation, Office of the Commission of Insurance. This position, hereafter referred to as ABD, serves as the principal staff person and executive assistant to the bureau director. The position summary includes the following language:

Position functions with a high degree of independence. ...Represents the Bureau Director to the Commissioner and serves as liaison to other bureau[s] and the Division of Administrative Services and Policy Analysis. Serves as a principle [sic]

resource and information contact point with insurance industry, media and advisory councils and directs bureau public information program.

The position description shows that 50% of the position's time is spent serving in the role of the executive assistant to the bureau director, including performing "sensitive and highly complex" special assignments, providing recommended courses of action, directing special projects and negotiating problem areas between units in the bureau. The other half of the position's time is spent providing general staff assistance and serving as the bureau's public affairs representative. The ABD position description closely follows three of the work examples set out in the AA 5 classification. It is written so as to indicate a substantially broader range of assignments and more initiative than is included in the appellant's position.

c) The AA 5 position in the Office of the Commissioner of Insurance responsible for licensure of agents, hereafter referred to as the licensure position. The position description provides for 37% of the incumbent's time to be spent in the direction and administration of all licensing activities for resident and non-resident agents and the administration of the collection of all licensing and listing fees. Another 25% of the incumbent's time is spent developing programs and policies regarding licensure in order to assure minimal standards for applicants and protection of the consumer. This responsibility includes developing proposed legislation and rules, maintaining working relationships with other sections in the office, direct involvement in enforcement and licensure proceedings, working with industry representatives in a variety of settings including the joint promotion of legislative initiatives, and monitoring licensure

activities in other states. The other large (20%) component of time spent by the incumbent is in coordinating test development to ensure content validity and to reflect current industry practice and law. The remaining 18% of the incumbent's time is split between providing technical expertise for responding to inquiries relating to insurance marketing regulation, developing recordkeeping procedures and assisting with the agency's affirmative action program. The licensure position reports to an Administrative Officer 3, in contrast to the appellant, who reports to an AO 1. In addition, the purpose of the licensure position is to regulate an industry within which there is a vast potential for fraudulent services.

CONCLUSIONS OF LAW

1. This matter is appropriately before the Personnel Commission pursuant to §230.44(1)(b), Stats.
2. The appellant has the burden to show that the respondent's denial of the subject reclassification request was incorrect.
3. The appellant has failed to sustain this burden.
4. The respondent's decision denying appellant's request for the reclassification of her position from Tourist Promotion Representative 3 to Administrative Assistant 5 was not incorrect.

DECISION

The proposed decision and order in this matter reached the conclusion that the appellant's position was not properly classified at the Tourist Promotion Representative 3 level, that the only alternative available was the other classification (AA 5) set out in the issue for hearing and that there was no language in the AA 5 specification that would prevent classification of the appellant's position at that level. In its objection to

the proposed decision, the respondent concedes that the appellant's position did not meet the TPR 3 specification and that the appellant's position was not properly classified at the TPR 3 level. However, the respondent contends that the appellant has failed to meet her burden of showing that her position is properly classified at the AA 5 level. The proposed decision has therefore been substantially revised both to reflect the respondent's concession and to address the arguments relating to the AA 5 classification.

Based upon the wording of the agreed upon issue for hearing as well as on general principles regarding burden of proof, it is the appellant's burden to show that her position is correctly classified at the AA 5 level rather than merely showing that the decision to classify her position at the TPR 3 level was incorrect. In addition, the respondent has offered various evidence in an effort to show that appellant's position is not properly classified at the AA 5 level. Therefore, the Commission must perform a more extensive analysis than that used in the proposed decision. The more extensive analysis, based primarily upon comparisons with other positions classified within the AA series, indicates that the appellant has failed to sustain her burden.

The AA series is broadly written to include a variety of positions. Three positions which serve as guideposts for determining the appropriate level for the appellant's position (at least as between the AA 4 and AA 5 classifications) are described in finding 10. In addition, the Niva position, which had been classified at the AA 5 level, is described in findings 3 and 5.

The closest comparison appears to be with the Ziegler position. While some distinctions are noted, the Ziegler and the appellant's position are

programmatically alike in that both are responsible for getting information to clients/customers, even though neither position is responsible for the development or creation of the underlying information. In contrast, the AA 5 licensure position in the Office of the Commissioner of Insurance has responsibilities for licensure testing as well as providing information about the licensure standards. The ABD position in the Office of the Commissioner of Insurance has substantially more independence and flexibility than the appellant. The remaining comparison is with the Niva position. While it is clear that the appellant assumed most of the day-to-day responsibilities formerly performed by Mr. Niva, the appellant reports to Ms. Van Wyhe who, as an Administrative Officer 1, is the Director of the Bureau of Tourism Development and Marketing, one of two bureaus within the Division of Tourism. In contrast, Mr. Niva reported directly to the division administrator. This difference in reporting relationship is an important distinction between the two positions and serves as a justification for different classification levels.

Based upon the position comparisons, the Commission concludes that the appellant's position is not correctly classified at the AA 5 level.

ORDER

The respondent's decision denying appellant's request to reclassify her position to the AA 5 level is affirmed.

Dated: July 22, 1987 STATE PERSONNEL COMMISSION

Dennis P. McGilligan
DENNIS P. MCGILLIGAN, Chairperson

Donald R. Murphy
DONALD R. MURPHY, Commissioner

Laurie R. McCallum
LAURIE R. MCCALLUM, Commissioner

KMS:jmf
JGF004/2

Attachment

Parties:

Faith E. Svensson
DOD, Rm. 907
123 W. Washington Ave.
Madison, WI 53702

John Tries
Secretary, DER
P. O. Box 7855
Madison, WI 53707

POSITION DESCRIPTION

WISCONSIN DEPARTMENT OF EMPLOYMENT RELATIONS
DER-PERS-10 (Rev. 5-84)

New PD

Respondent's Exhibit # 2

1. Position No. 018264		2. Cert/Reclass Request No. 86-12	3. Agency No. 143
4. NAME OF EMPLOYEE Faith Svensson		5. DEPARTMENT, UNIT, WORK ADDRESS Department of Development Division of Tourism 123 W. Washington Ave. Madison, WI 53702	
6. CLASSIFICATION TITLE OF POSITION Tourist Promotion Rep. 3		8. NAME AND CLASS OF FORMER INCUMBENT Don Niva, AAS	
7. CLASS TITLE OPTION (To be Filled Out By Personnel Office)		10. NAME AND CLASS OF EMPLOYEES PERFORMING SIMILAR DUTIES None	
9. AGENCY WORKING TITLE OF POSITION Information Services Coordinator		12. FROM APPROXIMATELY WHAT DATE HAS THE EMPLOYEE PERFORMED THE WORK DESCRIBED BELOW? June 1982	
11. NAME AND CLASS OF FIRST-LINE SUPERVISOR Shirley Rae Van Wyhe Administrative Officer 1		DOES THIS POSITION SUPERVISE SUBORDINATE EMPLOYEES IN PERMANENT POSITIONS? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> IF YES, COMPLETE AND ATTACH A SUPERVISORY POSITION ANALYSIS FORM (DER-PERS-84).	

POSITION SUMMARY - PLEASE DESCRIBE BELOW THE MAJOR GOALS OF THIS POSITION:

Manages the information services program consisting of a mail operation, 7 highway information centers, information offices in Madison and Chicago, and a computerized response system. Supervises a staff of 12 full-time permanent employees; 5 half-time permanent. Responsible for information program budget.

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	(Continue on attached sheets)
40%	A. Administers the tourist information services.	
	A1. Manages overall operation of centers including liaison with Department of Transportation in rental agreements and provision of services. Chambers of commerce, cities, Hayman Co. (Chicago).	
	A2. Liaison with tourism industry and other state agencies and centers regarding distribution of literature and information. Determine acceptance/rejection of new literature requests and justify rejection as needed. Develops proposals for policy of nondivision literature distribution. Implements approved policy.	(See attached)

6. SUPERVISORY SECTION - TO BE COMPLETED BY THE FIRST LINE SUPERVISOR OF THIS POSITION (See Instructions on Back of last page)

- a. The supervision, direction, and review given to the work of this position is close limited general.
- b. 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: Shirley Rae Van Wyhe Date: 6/7/85

7. 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 my position. (Please initial and date attachments.)

Signature of employee: Faith Svensson Date: 6/7/85

8. Signature of Personnel Manager: Barbara Jill Thomas Date: 1/8/86

TIME % GOALS AND WORKER ACTIVITIES

A. Continued

- A3. Prepares annual and biennial budget request for tourism information services including Tourist Information Centers, LTEs, and contractual agreement with DOA for mailroom services.
- A4. Monitors spending of funds against approved budget on a monthly basis. Approves payment for Tourist Information Center bills. Investigate questionable charges for services provided other agencies and approve payment for services rendered upon satisfactory reconciliation.
- A5. Contact appropriate DOT, county and municipal authorities to resolve maintenance problems.
- A6. Forecast bulk literature needs. Maintain inventory of literature and DOA Tourism mailroom supplies. Communicate needs to appropriate person (mailroom, printer, etc.)
- A7. Provides reports to administrator regarding all centers and mailroom functions, e.g., summary monthly and annual contact reports, LTE need forecasts, monthly mailroom inventory, etc.
- A8. Coordinates information services activities with other division departmental and interdepartmental programs such as DNR Parks Division, DOT Information Services Division, etc.
- A9. Recommend to other agencies actions to improve/enhance TIC programs.

25%

- B. Supervises personnel in all seven highway information centers and offices in Chicago and Madison.
 - B1. Maintains communications between centers and administrative office. Implements divisional policies and procedures.
 - B2. Develops annual training and employee development program. Plan familiarization training tour for information managers. Coordinates with tourism industry. Identify and recommends training for all permanent employees.
 - B3. Evaluates TIC managers. Provides direction to managers for evaluation of LTE staff.

20%

C. Manages the tourism mailroom function.

- C1. Monitor the operation of contract mail services in concert with DOA.
- C2. Monitors volume of work and coordinates staffing levels with promotional efforts, providing additional staff when required.

JAN 22 1987

TIME % GOALS AND WORKER ACTIVITIES

Economic
Commission

C. Continued

- C3. Administers bulk distribution of division literature. Recommends distribution plan and policy to Division Administrator for division literature based on supply and demand.
- C4. Coordinates the development of management information applications to information services program, e.g., computer inventory system, computerized request response system.
- C5. Administers sale of bulk quantities of auto tour literature to banks, realtors, etc.

10% D. Conduct feasibility studies, researching the various possibilities for improvement of services provided by the TIC staff and make recommendations to Bureau Director/Division Administrator for implementation.

- D1. Examine the possible expansion of TIC WATTS line in order to meet increasing demands.
- D2. Study the feasibility of using touch technology in the Information Centers for securing vendor information and/or for making or confirming reservations.
- D3. Study the feasibility of expansion of/or moving current TIC facilities to other locations.
- D4. In conjunction with DOT, study the feasibility of remodeling, weatherizing or making current facilities more attractive and accessible.

2. (D5) Examine the feasibility of modernization of DOA mailroom facilities to ensure smooth, timely response to inquiries.

5% E. Performance of other assigned duties.

- E1. Coordinate information services program participation in promotional activities of the division (i.e., sport shows, familiarization tours).
- E2. Coordinate staffing of information center personnel at promotion shows (approximately seven shows annually).
- E3. Represents State of Wisconsin at national meetings of State Tourism Information Center Directors' Association, an organization of representatives from 25 states.
- E4. Division representative on the MATC Advisory Board for Tourism recreation program.
- E5. Serve as Division contact for bulk mail requests from Governor's Office and legislators.

(p3) Print of Ex #2