

STATE OF WISCONSIN

PERSONNEL COMMISSION

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 *
 JOAN RATCHMAN, *
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 Appellant, *
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 v. *
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 President, UNIVERSITY OF *
 WISCONSIN SYSTEM (Oshkosh), *
 and Secretary, DEPARTMENT OF *
 EMPLOYMENT RELATIONS, *
 *
 Respondents. *
 *
 Case No. 86-0219-PC *
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 * * * * *

FINAL
ORDER

This matter is before the Commission following the issuance of a proposed decision and order by the hearing examiner. The Commission adopts the proposed decision and order, a copy of which is attached hereto, as its final disposition of this matter, and adds the following to clarify certain points in that decision.

The following is found at p. 15 of the proposed decision:

The Commission has found that decisions made at the Program Assistant 1 classification level are of a clerical or administrative nature and are not substantive. Clover v. Division of Personnel, Case Nos. 79-PC-CS-165, 153, 235, 891, 940, 934, 16, 17, 19 (1/27/82).

While the Commission indeed included this in a finding based on the record made in a hearing on appeals of certain cases, such a finding is not equivalent to an amendment to the position standards. While it may be that most decisions made at the PA 1 level are clerical or administrative in nature, the PA 1 position standard is not completely inconsistent with some decisions at that level being programmatic or substantive in nature. For

example, while most of the "examples of work performed" which are set forth in the PA 1 position standard are of a clerical or administrative nature, the examples also include:

Counsels and assists the public when applying for services provided by the program, and may interview applicants to determine eligibility for program benefits and/or services.

The proposed decision also states, with respect to the appellant's lead work responsibilities for computer technology for other science departments, as follows:

...these responsibilities were not brought to the attention of respondent at the time of its reclassification decision....

To the extent that in the context of this decision this language might be construed as holding that such lead work could not be considered by the Commission if it were not explicitly brought to the attention of the personnel analyst when the position was being audited, it should be kept in mind that appeals of reclassification denials are heard on a de novo basis. Jallings v. Smith, Wis. Pers. Bd., 75-44 (8/23/76). That is, the Commission does not simply review the reclassification decision on the basis of the evidence that was before the analyst at the time of the decision, but it allows both parties to present at the hearing whatever evidence is relevant to the classification question. This does not mean that respondent has no recourse if, for example, the appellant were to present at the hearing an entirely new aspect of the job that was not even alluded to in the position description or during the audit. The respondent could argue, for example, that the appellant is estopped from raising this now, or that that element of the job was only added to the position after the decision was made. Such issues have to be dealt with on a case by case basis.

ORDER


The proposed decision and order, a copy of which is attached hereto and incorporated by reference, is adopted as the final disposition of this appeal.

Dated: November 18, 1987 STATE PERSONNEL COMMISSION


DENNIS P. MCGILLIGAN, Chairperson

AJT:jmf
JMF07/2

Attachment


DONALD R. MURPHY, Commissioner

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PROPOSED
 DECISION
 AND
 ORDER

NATURE OF THE CASE

This is an appeal from respondent's decision denying the reclassification of the appellant's position from Technical Typist 2 to Program Assistant 2. At the prehearing conference held on February 13, 1987, before Dennis P. McGilligan, Chairperson, the parties agreed to the following issue for hearing:

Whether the decision of respondent to reclassify appellant from Technical Typist 2 to Program Assistant 1 instead of a Program Assistant 2 was correct.

Hearing in the matter was held on July 9, 1987, before Chairperson McGilligan. The parties did not file written briefs.

FINDINGS OF FACT

1. At all times relevant to this appeal, appellant has been employed in the classified civil service by the University of Wisconsin-Oshkosh (UW-Oshkosh) while acting as the principal support person to the chairperson of the Chemistry Department and its faculty.

2. In April of 1980, appellant was initially hired in the Department of Chemistry as a 3/4 time Technical Typist 2. In September of 1984, appellant's position was increased to full-time. Her position description in effect at the time reflected the following duties and responsibilities: production of technically typed material (75%); production of typed copy (15%); serve as receptionist for the office (5%) and coordination of miscellaneous office activities (5%).

3. Effective July 6, 1986, the UW-Oshkosh Personnel Office reclassified appellant's position from the Technical Typist 2 level to the Program Assistant 1 level. Appellant requested a re-review of the decision made by UW-Oshkosh. Said decision was subsequently upheld by Gary Martinelli, Personnel Specialist, University Personnel Relations, University of Wisconsin System in a letter dated November 25, 1986 to appellant.

4. On December 19, 1986, appellant filed a timely appeal of this decision with the Commission.

5. Appellant's July 6, 1986, reclassification was based upon her position description dated June 26, 1986. The June 26th position description reflected the following duties and responsibilities: administrative responsibilities for the management of the department office (40%); receptionist/liaison for chairperson, faculty, students (25%); preparation/production of instructional/research materials and departmental correspondence (25%); supervision of work-study students and/or student assistants (5%) and coordination of miscellaneous duties (5%).

6. Since becoming a full-time employe in the fall of 1984, appellant has been delegated additional programmatic functions by the department chairperson, Dr. Kenneth J. Hughes, thereby becoming more involved with the

program area. Technological innovations in the department have enabled appellant to produce typewritten documents in less time also allowing her, in turn, to become more involved in the overall operations of the department. The job changes in appellant position during this period include:

a. Added responsibility for the coordination and implementation of the Chemistry Department's Cooperative Academic Placement Program (CAPP) which permits high school students to take college courses at their own schools for both college and high school credit. Appellant must develop a schedule for production of instructional materials, oversee their actual production, and assure timely mailing of same to the high school teachers. Appellant also monitors the program's progress including alerting teachers of last-minute changes in course schedules, exam materials, exam keys and experiment modifications, as well as submission of final grades.

b. Added responsibility for the development, coordination and implementation of the College of Letters and Science (COLS) Outreach program. The Outreach program has a three-fold purpose: deliver science (including chemistry) to the UW-Oshkosh service area; encourage the best young scientists to go to UW-Oshkosh and highlight UW-Oshkosh as an institution with a special commitment to science and its relationship to society. This Outreach purpose is accomplished through numerous chemical "magic" show presentations to schools throughout the state as well as other special programs and presentations. The Outreach office is housed in the Chemistry Department, represents all the science departments and is staffed by a half-time coordinator and a half-time LTE Program Assistant 1.

Appellant was instrumental in setting up the Outreach office along with interviewing, hiring and training the half-time LTE. She has overall responsibility to keep the office operating efficiently. She directs the work activities of the LTE.

c. Increased responsibility for the development, coordination and implementation of personal computing applications. In Fall, 1983, the Chemistry Department was selected as one of four departments in COLS to become part of the pilot Office Automation (microcomputer) project on the campus. As part of this pilot project, appellant investigated, developed and implemented computer technology (both software and hardware) for the Chemistry Department. Her success and initiative in the pilot program led to her selection as the lead resource person for computer technology for five other science department programs in the COLS. These duties include: hardware functions and applications, software functions and applications, word processing functions and applications and mainframe access and applications. This expertise has helped her to solve problems in new and existing equipment applications and programs.

d. General increase in the level of personal programmatic involvement involving various department functions including, but not limited to, the following:

(1) Development of electronic gradebook for department courses designed to choose various exams, quizzes, lab grades, weight of grades, cutoffs, percentages and t-scores with final and grade being derived from same.

(2) Create and install Greek characters and special technical chemical symbols to print along with word processing

software in order to produce desktop publishable material for communication with chemists worldwide. She is the only person on campus who does this.

(3) Increased responsibilities involving chairperson's administrative functions - budget monitoring, class schedules, textbook orders, promotion/renewal/nonrenewal cycles.

(4) Added responsibility for the development and implementation of the student evaluation (of teachers) program.

e. Supervision of work- study students and/or student assistants.

7. The position standards for the Program Assistant series provide, in material part, as follows:

II. 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 1

(PR2-06)

This is work of moderate difficulty providing program support assistance to supervisory, professional or administrative staff. Positions allocated to this level serve as the principal support staff within a specific defined program or a significant segment of a program. Positions at this level are distinguished from the Clerical Assistant 2 level by their identified accountability for the implementation and consequences of program activities over which they have decision-making control. Therefore, although the actual tasks performed at this level may in many respects be similar to those performed at the Clerical Assistant 2 level, the greater variety, scope and complexity of the problem-solving, the greater independence of action, and the greater degree of personal or procedural control over the program activities differentiates the Program Assistant functions. The degree of programmatic accountability and involvement is measured on the basis of the size and scope of the area impacted by the decision and the consequence of error in making such decisions, which increases with each

successive level in the Program Assistant series. Work is performed under general supervision.

PROGRAM ASSISTANT 2

(PR2-07)

This is work of moderate difficulty providing program support assistance to supervisory, professional or administrative staff. Positions are allocated to this class on the basis of the degree of programmatic involvement, delegated authority to act on behalf of the program head, level and degree of independence exercised, and scope and impact of decisions involved. Positions allocated to this level are distinguished from the Program Assistant 1 level based on the following criteria: (1) the defined program area for which this level is accountable is greater in scope and complexity; (2) the impact of decisions made at this level is greater in terms of the scope of the policies and procedures that are affected; (3) the nature of the program area presents differing situations requiring a search for solutions from a variety of alternatives; and (4) the procedures and precedents which govern the program area are somewhat diversified rather than clearly established. Work is performed under general supervision.

PROGRAM ASSISTANT 1 - WORK EXAMPLES

Plans, assigns and guides the activities of a unit engaged in specialized clerical duties.

Serves as acknowledged expert who resolves the most difficult problems of a complex clerical nature.

Performs most intricate clerical operations, processing documents and performing other clerical operations where comprehensive knowledge of legislation, or organization is required.

Sets-up, maintains detailed budget ledgers posting debits and credits, issuing credits and refunds, and generally insures all records are accurate and up-to-date.

Purchases and requisitions supplies, including capital purchases and services, and follows up to insure merchandise or services are received and priced accurately.

Gathers and organizes information into summary reports, as assigned.

Maintains department or program schedule.

Develops and revises operating procedures affecting the immediate work unit.

Composes and types correspondence, requiring knowledge of departmental operations and regulations, which may not be reviewed by a superior.

Counsels and assists the public when applying for services provided by the program assigned, and may interview applicants to determine eligibility for program benefits and/or services.

PROGRAM ASSISTANT 2 - WORK EXAMPLES

Provides administrative assistance to supervisory, professional and administrative staff, head of a department or program.

Schedules department facilities usage.

Maintains inventory and related records and/or reports and orders supplies.

Conducts special projects: analyzes, assembles, or obtains information.

Maintains liaison between various groups, both public and private.

Directs public information activities and coordinates public or community relations activities.

Prepares budget estimates, plans office operations, controls bookkeeping functions and handles personnel transactions.

Plans, assigns and guides the activities of subordinate employees engaged in clerical program support work.

Corresponds with various outside vendors or agencies to procure goods or information for program operation.

Develops and recommends policies, procedures, guidelines and institutions to improve administrative or operating effectiveness.

Screens and/or reviews publications; drafts or rewrites communications; makes arrangements for meetings and maintains agendas and reports; arranges schedules to meet deadlines.

Maintains extensive contact with other operating units within the department, between departments or with the general public in a coordinative or informative capacity on a variety of matters.

Prepares informational materials and publications for unit involved, and arranges for distribution of completed items.

Attends meetings, workshops, seminars.

8. The position standards for the Program Assistant series also provide, in material part, that individual position allocations in this series will be based on the four following classification factors:

1. Accountability;
2. Know-How;
3. Problem-Solving; and
4. Working Conditions

which include:

- a. The diversity, complexity, and scope of the assigned program, project, staff responsibilities, or activities;
- b. The level of responsibility as it relates to: type and level of supervision received, status within the organization, and degree to which program responsibility and accountability are delegated and/or assigned;
- c. The degree to which program guidelines, procedures, regulations, precedents, and legal interpretations exist and the degree to which they must be applied and/or incorporated into the program and/or activities being carried out by the position;
- d. The potential impact of policy and/or program decisions on state and non-state agencies, organizations, and individuals;
- e. The nature and level of internal and external coordination and communication required to accomplish objectives;
- f. The difficulty, frequency, and sensitivity of decisions which are required to accomplish objectives and the level of independence for making such decisions.

9. From a classification standpoint, the appellant's position is at the same level as the following positions which are classified as Program Assistant 1:

a. Lynn M. Grancorbitz presently occupies such a position in the Department of Economics at UW-Oshkosh. Like appellant Grancorbitz serves as the principal support person to the chair of the Economics Department. Her position description in effect on July 10, 1985, reflected the following duties and responsibilities: serve as administrative assistant in the Economics Department (40%) which includes providing administrative assistance to the chair and professional staff of the department, serving as resource person for the Economics Department and providing administrative assistance to the Director for Economic Education (including CAPP program); coordination of Economic's Department operations (30%) including overseeing office administration and department operations; prepare Department correspondence and course materials and maintain records (20%) and miscellaneous duties (10%). Like appellant Grancorbitz was a member of the pilot project on office automation. However, Grancorbitz does not currently have any automation responsibilities outside of Economics. Also unlike appellant, Grancorbitz does not create symbols/characters with respect to her word processing and correspondence responsibilities. Grancorbitz serves an academic department with twelve staff members as compared to sixteen staff members in Chemistry.

b. Vilas Genke currently occupies a position with this classification in the Political Science Department at UW-Oshkosh. According to her position description, Genke provides

secretarial/clerical and receptionist services to the chair of the Political Science Department. Specific duties include: coordination of administrative office activities (40%); provision of secretarial support (30%); supervision of office staff (15%), primarily two student assistants; and maintenance of department records (15%). Genke's secretarial/clerical and receptionist duties and responsibilities seem less complex, more routine and less responsible than appellant's.

c. Patricia A. Wagner also occupies a position with this classification in the Foreign Languages Department at UW-Oshkosh. Wagner provides secretarial/clerical support to the Department chair as follows: provision of secretarial support to chair and twelve faculty members (35%); coordination of office activities (35%); provide student services (25%) and maintain department records (5%). Wagner's secretarial duties are of a routine nature. Wagner also does not perform a wide variety of secretarial/clerical duties. She supervises and oversees a work-study student(s). Computer literacy is required for her administrative work. However, her administrative and/or programmatic duties do not appear to be particularly diverse, complex or difficult.

d. Darlene Witkowski is a Program Assistant 1 with the Kolf Sports Center, Division of Health, Physical Education and Recreation (HPER), UW-Oshkosh. According to her position description, Witkowski spends 75% of her time in the performance of administrative duties including preparation and monitoring of budget, ordering of supplies, equipment and textbooks, assigns faculty advisers for 300 HPER students, correspondence and supervision of subordinate clerical

employees. Witkowski also develops and recommends policies, procedures and guidelines to the department chair to improve the administrative and operating effectiveness of the division. She spends 25% of her time in basic office management functions including serving as typist for eighteen HPER faculty members located in Kolf Sports Center.

e. Theresa Hering is a Program Assistant 1 functioning as Chemistry Department secretary at UW-Whitewater. The position summary portion of her position description describes the major goals of her position as provision of program support services to the Department in all phases of administrative, instructional, budgetary and professional activities. Knowledge of the Wang word processing system and associated software is a required skill to perform these duties. However, the "goals and worker activities" section of the position description indicates that many of these goals are accomplished through the performance of routine and simple secretarial and clerical tasks. For example, "goal A" which is the provision of program and secretarial support to the department chair in carrying out administrative activities constitutes 35% of Hering's work time. Most of the worker activities listed thereunder are accomplished through typing and the performance of clerical tasks. Likewise, "goal B" which is the provision of program and secretarial services to the faculty and chair of the department in their instructional and other university functions and amounts to 30% of her work time is largely secretarial and clerical in nature. The rest of Hering's position description reveals a predominance of typing, record keeping and clerical tasks. Except for some word processing responsibilities, the record does not support a finding that Hering has any budget

responsibilities or difficult, complex and/or responsible programmatic duties.

f. Judy A. Stitt is a Program Assistant 1 who serves as secretary to the Chemistry Department chair and seventeen chemistry faculty/staff and a stockroom manager at UW-Eau Claire. Typing and word processing are her main duties. 40% of her work time is spent in the preparation of classroom materials. Most of this preparation involves typing and some simple graphics, including drawing three-dimensional molecular structures precisely and accurately. Another 40% of Stitt's work time is involved in academic support activities. Again this activity is mainly accomplished by routine typing and other clerical tasks. Finally, Stitt performs some receptionist, transcription and filing duties and has some work-study (student) personnel responsibilities (students help perform office functions).

g. Mary A. Sempf provides administrative and secretarial assistance to the Chemistry Department chair and twelve staff members at UW-River Falls. She spends 20% of her time providing administrative assistance to department faculty including service on department and university committees, purchasing, grant submissions, preparation of class schedules and attendance at seminars and classes. 14% of her time is spent in the supervision of 25 student assistant and work-study students. Sempf also spends 15% of her time in the maintenance of chemistry department and student assistant budget accounts as well as 15% on the management of the chemistry department office and 8% of her time in the coordination of special projects such as coordination of Fall and Spring Science Day programs involving 1200

students and teachers from area schools for the UW-River Falls science departments and coordination of the UW System Chemistry Faculties Meeting. Finally, Sempf performs certain secretarial/clerical duties such as the development and maintenance of departmental files (11%) and production of typed copy via typewriter and word processor (17%).

10. On the basis of a comparison of appellant's duties and responsibilities with the class specifications for the Program Assistant series and with the duties and responsibilities of other positions classified at the Program Assistant 1 level, the record indicates that the duties and responsibilities of appellant's position are more accurately described by the Program Assistant 1 class specifications and appellant's position is more appropriately classified as a Program Assistant 1.

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.
3. The appellant has not sustained her burden of proof.
4. The respondent's decision reclassifying appellant's position from Technical Typist 2 to a Program Assistant 1 instead of a Program Assistant 2 was not incorrect.

DECISION

The question before the Commission is whether the appellant's position should be classified as a Program Assistant 1 or a Program Assistant 2. In order for appellant to prevail, Ratchman must satisfy her burden of proving that her position meets the Program Assistant 2 definition and is more properly classified in that classification.

According to the class specifications, positions allocated to the Program Assistant 2 level are distinguished from the Program Assistant 1 level based on the following criteria: (1) scope and complexity of the program area; (2) the impact of decisions made; (3) the nature of the program area presents differing situations requiring a search for solutions from a variety of alternatives and (4) the procedures and precedents which govern the program area are somewhat diversified rather than clearly established. Positions allocated to the Program Assistant 1 level "serve as the principal support staff within a specific defined program." Positions are allocated to the Program Assistant 2 level "on the basis of the degree of programmatic involvement, delegated authority to act on behalf of the program head, level and degree of independence exercised, and scope and impact of decisions involved."

Applying the above standards in the instant case, the Commission finds that appellant's position is more appropriately classified at the Program Assistant 1 level. In this regard, the record indicates that appellant provides the principal clerical and program support within the Department of Chemistry.^{FN} In addition, appellant performs many tasks that are clerical in nature. Examples of these clerical tasks include: functions as a receptionist for chairperson, faculty and students greeting the public, screening and directing visitors, answering telephones, and receiving and dispensing a variety of information; composes correspondence

^{FN} The Program Assistant 1 class specifications state that positions allocated to this level serve as the principal support staff within a specific defined program.

and types straight copy; keeps records and make reports; maintains inventories and orders supplies as needed; trains and guides student help; screens calls, refers visitors, maintains schedules and agendas, pulls records, answers questions and performs related tasks. Appellant's position, however, is differentiated from a clerical level by the variety of tasks she performs, the independence of action she has been delegated as well as the personal control appellant exerts over program activities as the principal support person for the Department of Chemistry.

Appellant argues that her control over program activities places her at the Program Assistant 2 level. Indeed, the record indicates that appellant has a great deal of responsibility over several program areas including coordination and implementation of the Chemistry Department's Cooperative Academic Placement Program (CAPP); development, coordination and implementation of the College of Letters and Science Outreach program; and lead resource person for computer technology for five other science departments. Respondent considered all of the above program responsibilities except the lead worker duties for computer technology in denying appellant's reclassification. Those duties appear to be primarily administrative in nature and are not substantive. The Commission has found that decisions made at the Program Assistant 1 classification level are of a clerical or administrative nature and are not substantive. Clover v. Division of Personnel, Case Nos. 79-PC-CS-165, 153, 235, 891, 940, 934, 16, 17, 19 (1/27/82).

Appellant's lead worker responsibilities for computer technology for other science departments appear to be of a substantive programmatic nature. However, as noted above, these responsibilities were not brought

to the attention of respondent at the time of its classification decision. Nor does the record support a finding that said duties by themselves, or in combination with appellant's other programmatic responsibilities, warrant classification at the higher level.

A conclusion that appellant's position is better classified at the Program Assistant 1 level is consistent with allocation patterns in the Program Assistant series.

Appellant's position compares most favorably to Lynn M. Grancorbitz's position in the Economics Department at UW-Oshkosh and Mary A. Sempf's position in the Chemistry Department at UW-River Falls. All three positions serve as the principal support person to the departmental chair. All three positions have extensive administrative and programmatic responsibilities. All three positions are involved in special projects and programs which extend beyond departmental lines and in some cases involve students and teachers outside of the university campus. In addition, all three positions are assigned many duties which can be found under "Work Examples" at the Program Assistant 2 classification level. However, both Grancorbitz's and Sempf's positions are classified at the Program Assistant 1 level. Based on same, and in the absence of persuasive evidence from the appellant to the contrary, the Commission finds that appellant's position also should be classified at the Program Assistant 1 level.

The Commission notes, however, the aforesaid three positions appear to be at the upper end of the scale with respect to positions allocated to the Program Assistant 1 level. On the other hand, positions occupied by Patricia A. Wagner in the Foreign Languages Department at UW-Oshkosh, by Vilas Genke in the Political Science Department at UW-Oshkosh and by

Theresa Hering in the Chemistry Department at UW-Whitewater seem to be at the lower end of such a scale. In some aspects (i.e. responsibilities and duties pertaining to specialized departmental programs and projects), appellant's position bears little resemblance to either Wagner, Genke or Hering's position.

The Commission also notes that appellant failed to introduce any positions classified at the Program Assistant 2 level which she felt her position compared favorably to.

Based on all of the foregoing; namely one, that appellant serves as the principal support person for the Chemistry Department program; two, that appellant's duties and responsibilities are largely clerical and administrative in nature; three, that her position most favorably compares to other positions classified at the Program Assistant 1 level; four, that appellant failed to cite any positions at the Program Assistant 2 level similar to her position; and five, that appellant failed to establish that her leadworker duties regarding computer technology placed her in the higher classification; the Commission finds that the answer to the issue as stipulated to by the parties is YES, the decision of respondent to reclassify appellant from Technical Typist 2 to a Program Assistant 1 instead of a Program Assistant 2 was correct.

ORDER

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

Dated: _____, 1987 STATE PERSONNEL COMMISSION

DENNIS P. MCGILLIGAN, Chairperson

DPM:rcr
RCR01/2

DONALD R. MURPHY, Commissioner

LAURIE R. McCALLUM, Commissioner

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