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SCHRAM et al.,  
 (Betty Schram, Patricia Thorstad,  
 Rebecca Reible, Mary Fentzlaff,  
 Nancy Beyler (Fitzgibbon),  
 Kathrine Sachs, Karen Stark,  
 Norma Kasmarek, Bonnie Beyler,  
 Jeanne Bauknecht, Cheryl Imhoff,

Appellants,

v.

Secretary, DEPARTMENT OF  
 TRANSPORTATION, and Secretary,  
 DEPARTMENT OF EMPLOYMENT  
 RELATIONS,

Respondents.

Case No. 87-0197-PC

\* \* \* \* \*

INTERIM  
 DECISION  
 AND  
 ORDER

NATURE OF THE CASE

This matter is before the Commission following issuance of a proposed decision and order by the hearing examiner. The Commission has considered the objections and arguments of the parties and consulted with the hearing examiner.

This case involves a denial of a request for reclassification from MVR 4 (Motor Vehicle Representative 4) to MVR 5. The position standard for this series includes a FES (factor evaluation system) point range of 210-255 for MVR 4 and 260-310 points for MVR 5. In denying the reclassification, DOT evaluated appellants' positions at 230 points. The proposed decision upheld all of DOT's factor evaluations that were at issue except impact, which it found rated an I-2 rather than an I-1. This change would have placed the appellants' positions' point total at 260, within the

MVR 5 range, although the examiner misread the scope and impact chart and erroneously came up with a rating of 255, which is within the MVR 4 range.

The only question before the Commission at this point is whether the proposed decision is correct in finding that these positions should have been rated I-2 rather than I-1.

In its objections dated September 7, 1988, DOT contends that based on certain aspects of how the unit functions, the maximum percentage of time spent by appellants in responding to calls from district office staff is 8%, and that this is not significant enough to warrant moving the positions from I-1 to I-2. In a response submitted September 16, 1988, appellants contest the accuracy both of the percentage suggested by respondent and the facts underlying that percentage.

The Commission has been unable to locate in the record the information provided by either party in the record, so it is unable to consider these contentions in deciding this case. However, it is noted that even if respondent's figure of 8% were correct, this would not be considered an insignificant amount in evaluating whether these positions should be at I-1 or I-2 under a Factor Evaluation System.

Respondent also argues that appellants do not meet the following language from the I-2 definition: "directly fosters a safe driving environment for the general public and a lessening of property damage, injury and loss of life due to motor vehicle accidents." However, the record reflects that DOT has by no means strictly enforced this requirement, which, it should be noted, is prefaced by: "[i]n the broadest terms...." The lead-worker in the Inquiry and Tracing Unit, whose position is no more safety-related than appellants', is also rated by DOT at the I-2 level. Furthermore, the IRP (International Registration Plan) positions, which also are no more safety-related, are at the I-2 level. As discussed below, the

Commission does not accept respondent's contention that the placement of the IRP positions at I-2 must be ignored in evaluating the positions in question because the IRP positions constituted some kind of exception to the position standard.

In its objections to the proposed decision, DOT also attempts to compare appellants' positions to those in Zerbel v. DOT & DER, Wis. Pers. Comm. No. 87-0032-PC (2/11/85), which were found to be at the I-1 level. However, while those positions provided information to other units, they did not have the impact on other subprograms as do appellants' positions.

The proposed decision discusses the I-2 language "activities having significant economic and personal impact upon a large and diverse segment of the motoring public or their representatives," as follows:

...the distinction between 'affects the safety and economic well-being of a limited number but diverse segment of the state's population...' (I-1), and having significant economic and personal impact upon a large and diverse segment of the motoring public...' (I-2), is somewhat murky. However, inasmuch as the IRP positions are at the I-2 level and presumably meet this criterion, there is no apparent reason why appellants' positions would not also satisfy this requirement.

In its objections to the proposed decision, DOT makes this argument:

The hearing Examiner improperly relies upon the factor evaluation of positions in the Motor Carrier Services Section as supporting assignment of level 2 of the subfactor Impact to the Appellants' positions. The positions referred to in the Motor Carrier Services Section process registration of commercial motor vehicles under the International Registration Plan. In evaluating those positions, the Department of Transportation did place them at level 2 in the subfactor Impact. However, the testimony of Personnel Specialist Billie Johnson made clear that this assignment was not based upon application of the language of the subfactor definition. The IRP positions are unique in that the registration decisions of the unit employes have an impact on the registration revenues of all states and Canadian provinces participating in the International Registration Plan. At the present time this involves 35 states and provinces. It was because of the direct extra-territorial impact of this program, that it was felt appropriate to place these positions at a higher level than that normally assigned to title and registration processing positions within the Department of Transportation. The language of the position standard created in 1983 does not address this characteristic of the IRP program. The factor

evaluation of the IRP positions represents a new allocation pattern not reflected in the current language of the position standard.

The IRP positions are not an appropriate norm for comparison purposes and do not in fact represent a determination by the Department of Transportation as to what constitutes a "large and diverse segment of the motoring public" as asserted by the Hearing Examiner.

However, in its memo denying the reclassification requests (Joint Exhibit 1), respondent specifically stated:

The positions do not compare with positions classified at the MVR 5 level. The MVR 5 positions in the International Registration Plan Unit for example, are appropriately classified at a higher level than these positions based on the greater scope and impact of the work. The IRP Unit's provision of information regarding the motor vehicle registration laws of all 50 states, all Canadian provinces, Mexico, etc.; and their registration of individual trucks, fleets and multiple carriers under the reciprocity agreements of 32 states and one Canadian province illustrates the greater scope and impact of their work.

This does not mention that the assignment of the IRP positions to the I-2 level was not based on the language set forth in the factor definition. Furthermore, the Commission was unable to find any testimony to this effect in the hearing record. All that Mr. Johnson testified to was how the extraterritorial impact of the IRP positions justified their I-2 rating. Finally, the MVR position standard (Joint Exhibit 3) specifically identifies the IRP positions as representative positions and identifies the IRP subprogram, and there was no testimony that there had been changes in these jobs since the survey.

While the Commission concludes the IRP positions are an appropriate comparison based on the foregoing, it also notes that because appellants' positions' work product or service "affects the accuracy, reliability, acceptability, integrity, efficiency and effectiveness of several subprograms (emphasis added), "as opposed to positions at the I-1 level which have such an effect on only one subprogram, this would provide some basis

for a conclusion that appellants' positions fit within the I-2 language: "activities having significant economic and personal impact upon a large and diverse segment of the motoring public...."

ORDER

The proposed decision, a copy of which is attached hereto, is adopted by the Commission with the following changes:

1. In Finding #3, Cecelia Weber is incorrectly identified as appellants' supervisor. This is changed to Donna Adams.

2. Finding #13 is revised to read as follows:

13. Based on the entire record, it is found that appellants' positions are better described by the FES factor definitions for S-2, I-2, and K-2. The revised FES point total (260) is within the MVR 5 range (260-310), and appellants' positions are more appropriately classified as MVR 5 rather than MVR 4, and respondents erred in denying their reclassification request.

3. Conclusion of Law #3 is revised to read as follows:

3. Appellants having sustained their burden of proof, respondents' decision to deny the request for reclassification of their positions to MVR 5 must be rejected and this matter must be remanded to them for action in accordance with this decision.

4. The Conclusion section on p. 11 is revised to read as follows:

Moving Impact from I-1 to I-2 adds 30 points to appellants' FES total, see chart, p. 4 of Master Guidechart, MVR position standard, Joint Exhibit 3. This moves the total from 230 to 260, which is within the MVR 5 range (260-310). Therefore, on remand appellants are entitled to have their positions reclassified from MVR 4 to MVR 5.

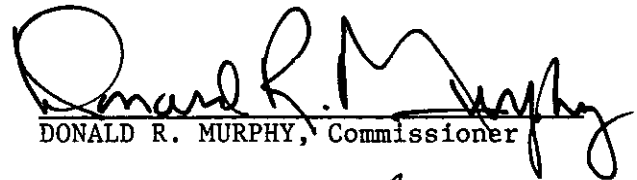
5. The Order on p. 12 of the proposed decision and order is revised to read as follows:

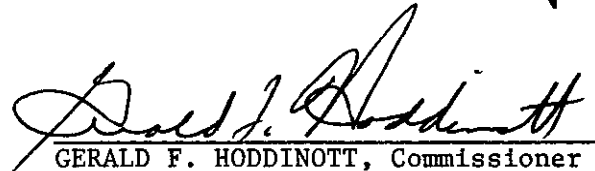
Respondent's decision to deny this reclassification request is rejected and this matter is remanded for action in accordance with this decision.

Dated: Sept 26, 1988 STATE PERSONNEL COMMISSION

AJT:jmf  
JMF11/2

Attachment

  
DONALD R. MURPHY, Commissioner

  
GERALD F. HODDINOTT, Commissioner

\* \* \* \* \*

SCHRAM et al.,  
 (Betty Schram, Patricia Thorstad,  
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Appellants,

v.

Secretary, DEPARTMENT OF  
 TRANSPORTATION, and Secretary,  
 DEPARTMENT OF EMPLOYMENT  
 RELATIONS,

Respondents.

Case No. 87-0197-PC

\* \* \* \* \*

PROPOSED  
 DECISION  
 AND  
 ORDER

NATURE OF THE CASE

This is an appeal pursuant to §230.44(1)(b), of the denial of a request for reclassification of appellants' positions from Motor Vehicle Representative 4 (MVR 4) to MVR 5. Respondent Department of Transportation (DOT) effected this transaction on a delegated basis from respondent Department of Employment Relations (DER) pursuant to §230.05(2)(a), Stats.

FINDINGS OF FACT

1. At the time this reclassification request was denied, appellants were employed by DOT in the classified civil service in the Division of Motor Vehicles (DMV), Bureau of Central Vehicle Services, Inquiry and Tracing Unit.

2. The basic duties and responsibilities of these positions are accurately set forth in Joint Exhibit 2, a representative position

description which was submitted with the instant reclassification request. This PD contains the following "position summary" and primary "goals and worker activities":

This position is responsible for providing verbal information to the public, from a central information area for any types of vehicle registration and titling transactions. This position assists the Bureau of Field Services by telephone with problem applications on sensitive issue resolution. Provide expertise to the Division of State Patrol. The work performed directly affects the accuracy and consistency of motor vehicle registration and titling information and assistance service provided for over 270,000 verbal and written contacts annually. The provision of the services directly affects the ability of all walk-in customer areas and mail-in-application processing areas to efficiently perform their work.

\* \* \*

65% A. Provide informative responses relating to any and all types of vehicle registration and titling transactions. Make independent decisions regarding the processing of applications.

\* \* \*

10% B. Processing of all types of registration and title applications for all motor vehicles, mobile homes, and trailers received as a result of telephone inquiries. The processing often involves applications which have been processed in error and need to be corrected; or may be extremely complicated applications which require extensive expertise in problem resolution and direction. Prepare less complicated applications (with clear processing instructions) for leadworker who will route to one-stop processors.

\* \* \*

20% C. Trace, search, and retrieve applications for vehicle registration and titling that are not found in the normal processing flow of work.

\* \* \*

5% D. Maintenance of internal information flow.

3. Appellants are not lead workers. They are guided by a lead worker, Wendy Margenau, MVR 6, and work under the general supervision of their supervisor, Cecelia Weber, a Motor Vehicle Supervisor 6 (MVS 6) who heads their unit. Due to appellants' advanced levels of experience,



expertise and capabilities, they receive relatively little actual direction or input from their lead worker or supervisor, but both are consulted from time to time. The most difficult or complex processing matters are transferred to other units.

4. Appellants' positions were reallocated to the MVR 4 level effective March 6, 1983, as a result of a survey.

5. Subsequent to this reallocation, there were the following changes that affected appellants' positions:

a) Prior to the survey, Inquiry and Tracing was a subunit. Subsequent to the survey, it was made a unit, but this did not affect its organizational level.

b) Due to new legislation, several new Motor Vehicle programs were added that affected appellants' work, namely, field services inquiry telephone line for field services, DOT collection of wheel and sales tax for local governments, vehicle inspection and maintenance requirements for 6 southeastern counties (emission control), checks for compliance with Heavy Vehicle Use Tax, reissuance of license plates over a 7 year period rather than once every 7 years, the introduction of graphic plates, and the introduction of the TV & RP unit and program. The only old law that was abolished during this period was the Kenosha wheel tax; however, this was re-enacted.

6. The definition statements and representative positions for MVR 5 and MVR 6 as set forth in the MVR position standard, Respondents' Exhibit 1, are as follows:

MOTOR VEHICLE REPRESENTATIVE 4

(PR2-08)

Definition Statement: This is full performance Motor Vehicle Representative work. This class has a point range of 210 to 255 points.

This is normally a lead work level, but also may be used as a full performance level. Positions allocated to this level in full performance capacity perform highly complex processing and public contact work in the area of driver and vehicle registration and licensing. Positions at this level perform the most difficult and complex license and registration transactions, compose correspondence, and prepare reports on organization activities.

Positions allocated to this level in a lead work capacity assign and review the work of lower level Motor Vehicle Representatives in program areas involving computerized application processing procedures, departmental records research and retrieval, general application of motor vehicle laws, procedures, and departmental operations in situations requiring minimal or occasional face-to-face or direct public contact, or may have frequent public contact in a more specialized program function. Work is performed under general supervision.

\* \* \*

MOTOR VEHICLE REPRESENTATIVE 5

(PR2-09)

Definition Statement: This is lead work level Motor Vehicle Representative work. This class has a point range of 260 to 310 points.

Positions allocated to this level in a lead work capacity perform highly complex clerical processing and public contact work in the area of driver [sic] and vehicle registration and licensing. Positions are responsible for assigning and reviewing the work of lower level personnel and for responding to the difficult and complex license and registration transactions, composing correspondence, and preparing reports on organizational activities. Positions typically lead in program areas involving computerized application processing procedures, research skill in evaluating departmental records, and application of motor vehicle laws. Positions at this level are distinguished from lower level lead work positions in this series by the scope of the subunit activities, the variety and complexity of work processed by the subunit, the application of knowledge in a broader array of motor vehicle laws, procedures, and departmental operations, and a higher volume of public contact. Work is performed under general supervision.

7. When appellants' positions were analyzed by DOT personnel in response to their request for reclassification a Factor Evaluation System

(FES) point total of 230 was assigned, as compared to a survey rating of 210. Both are within the MVR 4 range (210-255 points).

8. The parties agreed that only the factors of Scope and Impact and Knowledge and Skill were at issue on this appeal. Respondent rated appellants' position for Scope at level two (S-2) and Impact at level one (I-1). Appellants contend these should be at level three (S-3) and level two (I-2) respectively. Respondent rated appellants' position at level two (K-2) for Knowledge and Skill while appellants contend this should have been at level three (K-3).

9. The material factor definitions for Scope and Impact are:

Level S-2 The work involves the performance of Division of Motor Vehicles assignments identified at Level S-1, but related to all segments of one DMV specialized sub-program OR the performance of assignments related to limited segments of several DMV specialized subprograms or the performance of lead work duties for employees identified at Level S-1. Employees at this level perform technical vehicle registration and/or developmental driver license examination and road testing assignments and/or other equivalent work that requires interpretation and application of a variety of DMV laws, rules and policies that are usually well defined by manuals, procedures or guidelines.

Level S-3 The work involves the performance of DMV work related to all segments of several specialized subprograms or to a major subprogram or the performance of lead work duties for employees identified at Level S-2. Employees at this level perform DMV assignments involving a vehicle registration or central office subprogram or the provision of the full range of vehicle registration, drivers license examination and road testing, identification card and related services or technical specialized DMV work involving driver improvement counseling, or regulation and compliance services or other similar specialized assignments requiring problem solving and the frequent interpretation and application of a wide variety of laws, rules and policies.

\* \* \*

Level I-1 The work product or service affects the accuracy, reliability, acceptability, integrity, efficiency and effectiveness of one specialized subprogram.

Specifiially [sic], the results of the product or service facilitate the work of higher-level DOT, DMV and bureau staff by providing technical information or assistance regarding a specialized subprogram to be used as a basis for further decisions or actions.

Level I-2

The work product or service affects the accuracy, reliability, acceptability, integrity, efficiency and effectiveness of several subprograms or the planning, evaluation and leadwork of a DMV sub-unit providing subprogram services to the motoring public and/or their representatives, or the program coordination of a statewide subprogram service. The results of the product or service contribute to the overall effectiveness of the DMV program by providing technical information, assistance, compliance and problem-solving to facilitate the work of higher-level DMV staff and other DOT, State agency, Federal and local governmental representatives, business and industry personnel, court official [sic] and the general public or their representatives through the performance of complex record or data exchange, application, examination, licensure, road testing, titling, compliance reviews, inspections, technical assistance seminars and other complex vehicle registration and drivers license examination activities having significant economic and personal impact upon a large and diverse segment of the motoring public or their representatives. In the broadest terms, the work activity directly fosters a safe driving environment for the general public and a lessening of property damage, injury and loss of life due to motor vehicle accidents.

10. The material factor definitions for Knowledge and Skill are:

Level K-2

\* \* \*

Program Knowledges typically required and applied at Level K-2 include:

Working to Considerable Knowledge of the chapters, sections and subsections of DMV and related statutes, administrative rules, policies, procedures, manuals, practices and fee schedules pertaining to all segments of one specialized subprogram and of the organizational structure, general operations, policies and procedures of the section, unit and subunit.

\* \* \*

Level K-3

\* \* \*

Program Knowledges typically required and applied at Level K-3 include:

Extensive Knowledge of the chapters, sections and subsections of DMV and related statutes, administrative rules, policies, procedures, manuals, practices and fee schedules pertaining to all segments of several specialized subprograms.

-or-

Considerable Knowledge of the chapters, sections, and subsections of DMV and related statutes, administrative rules, policies, procedures, manuals, practices and fee schedules pertaining to limited segments of one major program.

Considerable Knowledge of the organizational structure, general operations, policies and procedures of the section, unit and subunit.

11. The MVR 5 positions in the International Registration Plan (IRP) Unit are responsible for processing all types of vehicle registrations in that area. The result of their work assures carriers of legal operation in Wisconsin and a number of other jurisdictions. Mistakes may result in carriers suffering costly delays, fines or imprisonment in various jurisdictions. As a result of these aspects, these positions were placed at the MVR 5 level based on the perceived greater scope and impact of their work.

12. The MVR position standard identified Registration Inquiry, Research and Correction as a major subprogram as of the date of the survey. Since this subprogram was separated into two units (Inquiry and Tracing and Research and Correction), Inquiry and Tracing is considered a specialized subprogram.

13. Based on the entire record, it is found that appellants' positions are better described by the FES factor definitions for S-2, I-2, and K-2. The revised FES point total (255) is within the MVR 4 range

(210-255), and appellants' positions are more appropriately classified as MVR 4 than MVR 5, and respondents did not err in denying this reclassification request.

#### CONCLUSIONS OF LAW

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

2. Appellants have the burden of proof to establish by a preponderance of the evidence that their positions are more appropriately classified at the MVR 4 than at the MVR 5 level and, accordingly that respondents' decision to deny the request for reclassification of their position to MVR 5 was incorrect and must be rejected.

3. Appellants having failed to sustain their burden of proof, respondents' decision to deny the request for reclassification of their position to MVR 5 must be sustained and this appeal must be dismissed.

#### DISCUSSION

##### SCOPE

In order for appellants' positions to be at the S-3 level, it is necessary that the "work involve the performance of DMV work related to all segments of several specialized subprograms...." (emphasis added) Appellants do not meet this requirement because they are not handling the most complex processing matters, but instead are referring them to other units responsible for other subprograms. This point was made in the testimony of appellants' unit supervisor:

"Q: When technical questions arise, are they always transferred to other areas?

A: No, they are not. There are some that might be, if there's a difficult question on a bankruptcy or a bond or something like in the involuntary transfer unit, then they might transfer it, but they generally will give the answer to any of the questions that are asked of them."

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This also was the conclusion of the personnel specialist who audited the positions: "Complex problems are sent to other units which specialize in that area (for instance, TV & RP, Involuntary Transfers, etc.)." (Joint Exhibit 1)

#### IMPACT

The key language from the I-1 definition is: "The work product or service affects the accuracy, reliability, acceptability, integrity, efficiency and effectiveness of one specialized subprogram...." (emphasis added) The key language from the I-2 definition is: "The work product or service affects the accuracy, reliability, acceptability, integrity, efficiency and effectiveness of several subprograms...." (emphasis added)

Respondent's rationale for denying an I-2 level was two-fold. First, respondent's personnel specialist testified that appellants' work did not meet the definition of "The work product or service affects the accuracy, reliability, integrity, efficiency and effectiveness of several subprograms....," because it did not affect the policies and procedures of other subprograms. However, there is simply nothing in the aforesaid I-2 definition that expressly or impliedly requires such an effect. Respondent also contends that because the position standard recognizes inquiry and tracing as a separate subprogram, it could not be considered to impact other subprograms as required by the I-2 definition. Again, the Commission does not perceive how this follows. Appellants are providing services which include, for example, giving advice to field service personnel with regard to processing certain kinds of applications. This advice is relied on in determining how to process the application in the other subprograms. The service provided by appellants thus goes beyond simply providing data or information that provides a basis for action by other subprograms, as

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encompassed within level I-1, see Zerbel v. DOT & DER, 87-0032-PC (2/11/88).

Respondent also makes the point that appellants' leadworker is at the I-2 level. In Zerbel, the Commission said it would be anomalous to have both the leadworker and the appellants at level I-2. However, in that case the Commission viewed the leadworker's position as squarely within the I-2 definition: "leadwork of a DMV subunit providing subprogram services to the motoring public and/or their representatives...." Here, the subprogram services are provided not only to the motoring public but also to various other units within DOT.

With respect to another aspect of the I-1 and I-2 definitions, the distinction between "affects the safety and economic well-being of a limited number but diverse segment of the state's population ..." (I-1), and "having significant economic and personal impact upon a large and diverse segment of the motoring public..." (I-2), is somewhat murky. However, inasmuch as the IRP positions are at the I-2 level and presumably meet this criterion, there is no apparent reason why appellants' positions would not also satisfy this requirement.

Therefore, appellants' positions should have been assessed at level I-2.

#### KNOWLEDGE

While appellants' required program knowledge has expanded due to the addition of a number of program areas by the legislature, it is still not at the K-3 level:

"Extensive knowledge of the chapters, sections and subsections of DMV and related statutes, administrative rules, policies, procedures, manuals, practices and fee schedules pertaining to all segments of several specialized subprograms."



The position standard defines "extensive knowledge" in the glossary of terms as:

" ... implies an advanced knowledge of the subject matter so as to permit solution of unusually difficult work problems or issues, advising on technical questions and planning methods for resolving these problems or issues."

The record does not support a finding that these jobs require the extensive program knowledge as set forth in the K-3 definition. Even their position description, which lists 21 items under "KNOWLEDGE AND SKILLS REQUIRED BY THE POSITION" only puts two of those in the "extensive" category. Appellants' supervisor testified as follows:

"Q: What knowledge level do you feel that your staff is at?

A: I believe they have to have a considerable knowledge of any and all programs that are out...."

Also, the fact that appellants refer the most complex issues to more specialized areas is inconsistent with extensive program knowledge.

#### CONCLUSION

Moving Impact from I-1 to I-2 adds 25 points to appellants' FES total, see chart, p. 4 of Master Guidechart, MVR position standard, Joint Exhibit 3. This moves the total from 230 to 255, but this is still within the MVR 4 range (210-255).

Finally, while class level under the MVR position standard rests primarily on FES points, it should be noted that appellants' positions do not exceed the MVR 4 general definition statement:

This is normally a leadwork level, but also may be used a full performance level. Positions allocated to this level in full performance capacity perform highly complex processing and public contact work in the area of driver and vehicle registration and licensing. Positions at this level perform the most difficult and complex license and registration transactions.... (emphasis added)

ORDER

Respondents' decision to deny this reclassification request is sustained and this appeal is dismissed.

Dated: \_\_\_\_\_, 1988 STATE PERSONNEL COMMISSION

AJT:rcr  
DPM/2

\_\_\_\_\_  
DONALD R. MURPHY, Commissioner

\_\_\_\_\_  
LAURIE R. McCALLUM, Commissioner

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