STATE OF WISCONSIN   PERSONNEL COMMISSION

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DWIGHT POORE,                  *
                               *
              Appellant,       *
                               *
v.                             *
                               *                    DECISION
Secretary, DEPARTMENT OF       *                      AND
INDUSTRY, LABOR AND HUMAN      *                     ORDER
RELATIONS, and Secretary,      *
DEPARTMENT OF EMPLOYMENT       *
RELATIONS,                     *
                               *
              Respondents.     *
                               *
Case No.  88-0007-PC           *
                               *
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NATURE OF THE CASE

This is an appeal pursuant to §230.44(1)(b), Stats., of a decision to reclassify appellant's position from Management Information Specialist (MIS) 3 to MIS 4 instead of MIS 5.

FINDINGS OF FACT

1.   Appellant has been employed at all relevant times in the classified civil service in the Department of Industry, Labor and Human Relation (DILHR), Division of Worker's Compensation (DWC), Program Support Bureau, as Data Processing Manager.

2.   The duties and responsibilities of appellant's position are summarized on the current position description (PD) (Appellant's Exhibit 1):

> Under the general direction of the Program Support Bureau Director, act as data processing manager for the Division of Worker's Compensation. Assume responsibility for automated system design, implementation, maintenance, and modification of all systems residing on the Division's minicomputer including the statewide Claims Monitoring System which monitors over 140,000 new and ongoing claims yearly. Consult with other state agencies, Worker's Compensation agencies throughout the country, insurance companies, and self-insured employers

in issues relating to automation. Direct the maintenance and operation of the Division's minicomputer and related peripherals. Develop specifications and justifications necessary for the acquisition of new or enhanced hardware and software. Advise the Administrator regarding current and future data processing issues and priorities. Develop and monitor the Division's short- and long-term data processing plan. Direct the work of any outside contractors and other Division staff with data processing assignments.

3. In performing the aforesaid duties and responsibilities, appellant's supervisor provides no technical review of his work, but reviews it from the standpoint of whether the end result works as desired. There is no one else in DWC to provide technical review or assistance to appellant. Some projects may be assigned directly to appellant by other members of management -- e.g., the division administrator -- without going through the bureau director.

4. With respect to that part of the position summary set forth above in Finding #2 which involves the acquisition of new hardware and software, at the time this reclass request was decided appellant was deeply involved in work on a request for proposal (RFP) for a new data processing system for DWC. This was consuming in excess of 50% of his time. This was not a constant task, inasmuch as he would not be working constantly on RFP's of this magnitude. However, once the new system would be acquired, it could be estimated that the acquisition process, including work on an RFP, would be repeated in about 5 years. Also, other equipment, less extensive than a complete system, probably would be acquired in the interim.

5. The MIS position standard (Respondent's Exhibit 1) includes the following:

    I.   INTRODUCTION

        A.   Purpose of Position Standard

            This position standard is intended to be used to classify professional positions engaged in the analysis, development,

and/or implementation of management information systems.
Because of the wide variety of ways in which positions can
be structured in this occupational area, it is recognized
that this Position Standard will not specifically identify
every eventuality or combination of duties and responsibil-
ities which may exist either now or in the future. Rather,
it is designed to serve as a basic framework for classifica-
tion decision-making by specifically identifying and allo-
cating to classification levels those groupings of duties
and responsibilities which occur most frequently....

* * *

C.   Classification Factors

Because of the wide variety of management information
programs and activities and the range and scope of the
duties and responsibilities which may be assigned, every
combination of duties and responsibilities can not be
addressed and expressed in the class descriptions. As such,
when allocating a position to a classification level within
these series, the same classification factors which were
used to establish the classification levels in this standard
should be used to compare the position to positions which
have already been allocated to or specifically identified at
a certain classification level. The general classification
factors are:

1.   Responsibility/Accountability - relates to the latitude
     to select alternatives and assign work and priorities;
     and the finality of the decisions made. Some specific
     questions to consider are:

     a.   the organizational level of the position;

     b.   the nature and type of supervision received;

     c.   the nature and type of direction given to subordi-
          nate staff and the size of such staff;

     d.   the availability of other non-subordinate staff
          whose authority it is to make the most difficult
          and unprecedented program or technical decisions
          or interpretations;

     e.   the degree of impact decisions and work efforts
          have on end results; and

     f.   the consequence of error.

2.   Scope/Complexity - relates to the nature, number,
     variety, and intricacy of tasks, steps, processes, or
     methods in the work performed; the difficulty in
     identifying what needs to be done; the difficulty and

originality involved in performing the work; and the
effect of the work product or service both within and
outside the organization. Some specific factors to be
considered are:

    a.   the number and nature of the data elements,
inputs, outputs, terminals, and programs which
must be considered in the decision-making process;

    b.   the organization, structure and characteristics of
the information base involved;

    c.   the number and nature of the subsystems which are
components of the overall system and the degree to
which a system currently integrates or will be
required to integrate with other systems;

    d.   the environment within which and the extent to
which a system uses on-line or real-time process-
ing as compared to batch processing;

    e.   the unusual requirements imposed on the system
such as special information security and privacy
requirements;

    f.   the degree of problem definition received and the
availability and applicability of established
guidelines, routines, procedures, assistances,
etc.; and

    g.   the extent of the area of impact (i.e., program-
wide, agency-wide, other state agencies, agencies
external to state government, public, etc.)

3.   Miscellaneous Factors

    a.   the accumulated specific (technical, professional,
managerial, etc.) and general (program) knowledge
necessary to perform the work satisfactorily; and

    b.   the nature and level of internal and external
coordination and communication required to accom-
plish objectives.

II.   CLASS DESCRIPTIONS

The following class descriptions define the basic class con-
cept(s) for each classification level and use specific position
allocations to elaborate on each concept where it is necessary.
To develop a full understanding of these class descriptions, they
should be used in conjunction with the definitions provided under
Section I.F. As previously mentioned, many different areas of
specialization and position categories exist within this occupa-
tional area and it is recognized that this position standard can

not describe every eventuality or combination of duties and responsibilities. Therefore, these class descriptions are intended to also be used as a framework within which positions which are not specifically defined can be equitably allocated on a class factor comparison basis with other positions which have been specifically allocated.

* * *

MANAGEMENT INFORMATION SPECIALIST 4,
MANAGEMENT INFORMATION SPECIALIST 4 - CONFIDENTIAL and
MANAGEMENT INFORMATION SPECIALIST 4 - MANAGEMENT (PR 1-14)

This is either a progression, objective, advanced or project leader level depending upon the following areas of specialization:

Applications Specialist -

> Systems Analyst, Analyst/Programmer - Positions are allocated to this class as an objective (full performance) level and are responsible for performing a full range of systems analysis functions a majority of the time. Objectives, priorities and deadlines are normally established by a project leader who also reviews the work for technical soundness and conformance to objectives and priorities. Some assignments may be project in nature, but do not involve the ongoing coordination and review of the work of other objective level systems analysts or analyst/programmers. However, positions at this level may occasionally guide or instruct lower-level staff.

> Applications Programmer - Positions are allocated to this class as either an advanced analytical or project leader level. Objectives, priorities and deadlines are normally established by a unit leadworker or supervisor, but the review of the technical soundness of decisions made by these positions is limited.

>> (Advanced Level) - Positions at this level perform advanced applications programming work which is distinguished from that performed at the objective level by its greater complexity. Work at this level involves independently developing and writing programs for systems where the systems requirements and problem definitions have not been well defined; the number of data elements, inputs and outputs are very large; and the programming routines involve a great number of steps and must be compatible with other programming routines.

>> (Project Leader) - Positions at this level are responsible for the ongoing coordination and

review of the work of applications programmers on
a specific applications programming project(s).

Office Systems Specialist - Positions are allocated to
this class as an objective (full performance) level and
are responsible for performing the full range of office
systems analysis functions. Objectives, priorities and
deadlines are normally established by a lead worker or
supervisor who also reviews the work for technical
soundness and conformance to objectives and priorities.
Some assignments may be project in nature, but do not
involve the ongoing coordination and review of the work
of other objective level office systems specialists.
However, positions at this level may occasionally guide
or instruct lower-level staff.

Technical Support Specialist - Positions are allocated
to this class as an experienced entry or progression
level.

MANAGEMENT INFORMATION SPECIALIST 5,
MANAGEMENT INFORMATION SPECIALIST 5 - CONFIDENTIAL and
MANAGEMENT INFORMATION SPECIALIST 5 - MANAGEMENT

This is either an objective, advanced, project leader or
leadwork level depending on the following areas of speciali-
zation:

Applications Specialist -

Systems Analyst, Analyst/Programmer - Positions are
allocated to this class as either an advanced analyt-
ical, project leader, or leadwork level. Objectives,
priorities and deadlines are normally established by a
unit leadworker or supervisor, but the review of the
technical soundness of decisions made by these posi-
tions is limited.

(Advanced Level) - Positions at this level perform
advanced systems analysis work a majority of the
time. Work is distinguished from that performed
at the objective level by its greater complexity.
Work at this level involves independently working
with a large number of users to determine systems
requirements and developing the systems design,
etc. for a major departmental system. Such
systems typically involve or require a large
number of data elements, inputs and outputs; an
on-line or real-time processing environment; and
the integration of the system with existing
systems or subsystems. Work at this level also
involves justifying system design and concepts to
users.

(Project Leader) - Positions at this level are
responsible for the ongoing coordination and
review of the work of systems analysts or analyst/
programmers on a specific complex project which
typically involves both systems analysis and
applications programming responsibility.

(Leadworker) - Positions at this level are respon-
sible for a small organizational unit of 3-8
full-time equivalent systems analysts and/or
analyst/programmers engaged in performing a full
range of systems analysis functions a majority of
the time.

Office Systems Specialist - Positions are allocated to
the class as either an advanced analytical or project
leader level. Objectives, priorities and deadlines are
normally established by the section leadworker or
supervisor, but the review of the technical soundness
of decisions made by these positions is limited.

(Advanced Level) - Positions at this level perform
advanced office systems analysis work which
requires considerable knowledge of the program
areas being analyzed. Work at this level is
distinguished from that performed at the objective
level by its significantly greater complexity.
Input of systems designed at this level is typi-
cally agencywide and involves many levels of users
between divisions. Because of the dramatic nature
of changes which may result from system recommenda-
tions, justification of such changes to the users
by positions at this level will typically require
considerable persuasion.

(Project Leader) - Positions at this level are
responsible for the ongoing coordination and
review of the work of other office systems ana-
lysts and in some cases analyst/programmers or
other agency staff who are assigned to a complex
project.

(Leadwork) - Positions at this level are respon-
sible for an organizational unit of 3-8 full-time
equivalent office systems analysts engaged in
performing a full range of office systems functions.

Technical Support Specialist - Positions are allocated
to this class as an objective (full performance) level
and are responsible for performing complex technical
support functions. Objectives, priorities and dead-
lines are normally established by a leadworker or
supervisor, who also reviews the work for technical
soundness and conformance to objectives and priorities.

Some assignments may be project in nature, but typically
they will not involve the ongoing coordination of the
work of other technical support specialists. However,
positions at this level may occasionally be involved in
guiding or training lower-level staff.

6. The position description for the MIS 4 Specialized Applications

Programmer position in the Office of UC Policy Research in DILHR occupied

by James Schelly (Respondent's Exhibit 6) contains the following "position

summary":

Under the general direction of the Director, Office of UC Policy
Research and Development, design and write research computer models
and systems, manage VAX-750 research computer system and serve as
expert computer systems resource person to support UC analysts and UC
management. The models and systems are utilized in estimating the
statewide impact of various UC tax and benefit policies on state
government operations, employers, and claimants. The position serves
as liaison with Administrative Systems and Data Processing to develop
programs and provide for VAX-750 backup support and system enhance-
ment. The incumbent utilizes knowledge of the UC system; expertise in
systems analysis, programming and system management; and knowledge of
statistical and accounting skills.

7. The substantive data processing work for which the foregoing

(Schelly) position is responsible is more complex than that associated with

appellant's position because the Schelly position involves the use not only

work with a VAX-750 minicomputer but also an IBM 3081 and a microcomputer.

However, appellant's position is at a higher level from a classification

standpoint with respect to the class factors of Responsibility/Accountability

because of its greater independence and lack of technical review of the

work performed. Appellant's position also is at a higher level in terms of

"scope," primarily because of its independent responsibility for an MIS 5

level RFP.

8. The PD for an MIS 4 programmer/analyst position in the Division

of Employment and Training Policy in DILHR occupied by Thomas Spease

(Appellant's Exhibit 6) contains the following position summary:

Applications programmer analyst for both the WIMS system and Division
systems in the Division of Employment and Training Policy. This
position is responsible for applications program development, mainte-
nance and documentation activities. The position reports to the Unit
Supervisor. The position must coordinate with the [sic] provide
support to other programming staff with general supervision.

9. This position is about on a par with appellant's position with

regard to the complexity of the substantive data processing work involved.

Appellant's position is at a higher level in terms of "responsibility/

accountability" and "scope" for essentially the same reasons set forth

above under Finding #7.

10. The position description for the MIS 5 analyst position in the

Bureau of Benefits Methods and Procedures, UC Division, DILHR, occupied by

Kenneth Rierson (Respondent's Exhibit 8) contains the following position

summary:

Under the general direction of the Methods and Procedures Section
Chief, this advanced level analyst position is responsible for the
most complex tasks relating to the design, implementation, maintenance
and modification of the Benefit Information Processing System. These
responsibilities are generally necessitated by changes enacted or
pending in either Federal or State law and regulation. The incumbent
is expected to exercise significant program knowledge of the UC
Benefits Delivery System in advising the Methods and Procedures
Section Chief, Benefits Bureau Director and UC Administration on the
effect of changes in law or policy on both the automated system and
Central and Local Office operations. Furthermore, this analyst is
expected to independently assess the on-going operational and manage-
ment needs of the UC, UCX, UCFE, IB, CWC, DUA, EB, WSB, FSC, TRA and
child Support Intercept Programs and develop enhancements or modifica-
tions as needed. The UC program in Wisconsin is currently converting
to a wage record system which will require extensive and radical
changes in every aspect of the UC monetary entitlement legislation and
many aspects of the nonmonetary eligibility legislation. This analyst
is responsible for ensuring that a viable Benefits Delivery System is
in place and operational by the conversion date of April 1, 1989.

11. The substantive data processing work associated with this posi-

tion is more complex than appellant's in that the Rierson position is

involved with a larger number of systems and subsystems and interfaces with

tax and accounting. Appellant's position is about on a par with the

Rierson position with respect to "Responsibility/Accountability" but is at

a higher level with respect to scope, due primarily to its independent

responsibility for a MIS 5 level RFP.

12. The PD for the MIS 5 leadworker position in the Automation Unit,

Management Support Bureau, Job Service Division, occupied by Thomas Meier

(Respondent's Exhibit 10) contains the following position summary:

> Under the general direction of the Management Support Bureau Director,
> provide direction for the design, implementation, maintenance, and
> modification of all Job Service Division automated systems relating to
> Automated Matching Systems, Management Information Systems, Employer
> Relations, and Automated Resume System. Ensure the necessary systems
> are in place for local office operations and for management informa-
> tion needs of all Job Service programs (including ES Grants, WEOP,
> Food Stamp, Refugee, JTPA, LMI and other present and future Job
> Service programs). Develop, review and approve proposals affecting
> automated systems. Redesign and redirect automation efforts to meet
> the needs of local office operations and promote program staff produc-
> tivity and to meet management information needs efficiently. Serve as
> assistant Job Service Division Security Officer in matter relating to
> automated systems security. Serve as Job Service Division liaison
> with other divisions within the department and other state departments
> in matters concerning Job Service automation efforts.

13. The PD for the MIS 5 project leader position in the MIS Bureau,

Governor's Employment and Training Office, occupied by Gary Muldoon,

contains the following position summary:

> This position has the lead responsibility for analysis and design of
> all system and subsystem components, applications programming efforts
> and user training and related efforts for the Wisconsin Information
> Management System, (WIMS).

> The incumbent will work under the direction of the MIS Bureau Director
> in the development of overall and specific applications design specifi-
> cations. The incumbent will participate in the setting of programming
> standards and operational procedures; will have a major responsibility
> for designing and creating effective testing methods for application
> programs; will assist in the coordination of data processing and word
> processing data applications; will coordinate development of training
> and documentation materials for use by internal and user staff members;
> and will assist the Bureau Director in scheduling programming assign-
> ments as needed for both new applications and for maintenance of
> existing applications.

> The incumbent reports to the Management Information Supervisor 5, MIS
> Bureau Director, with general supervision and review.

14. The duties and responsibilities of the MIS 5 Management Informa-

tion Officer in the Office of the State Public Defender (SPD), a small

state agency, are summarized in a reclassification justification (Appel-

lant's Exhibit 9) as follows:

> ... responsibility for approximately 55 microcomputers located in 26
> offices throughout the state. As a result of the acquisition of this
> equipment, greatly increased responsibilities for analysis, design,
> and development of management information systems have taken place and
> will continue as a permanent part of this position. These responsi-
> bilities will continue to grow with the purchase of computer equipment
> in the Appellate Division and with the increase in the Trial Division
> staffing levels. The systems analysis duties are ongoing as the
> office continually looks for more efficient ways to operate utilizing
> current and future computer resources. Because of the great increase
> in the size of the data processing program, additional persons have
> been hired to assist in operating the program, under the direction of
> the incumbent. The incumbent works independently under the direction
> of the State Public Defender, the Deputy State Public Defender and the
> Administrative Officer.

15. Appellant's position is more complex primarily because it uti-

lizes a minicomputer as opposed to micros, and relies less on packaged

software. The positions are comparable in terms of "Responsibility/

Accountability." Appellant's position is at a higher level in terms of

scope because the SPD position was not involved in a comparable RFP.

16. The duties and responsibilities of the MIS 5 position responsible

for management information systems for the Department of Regulation and

Licensing (DRL) can be summarized as follows:

> "This position is responsible for assessing, developing, coordi-
> nating and maintaining all computerized management information systems
> for the Department of Regulation and Licensing." Appellant's Exhibit 10.

17. The PD for the MIS 5 Data Processing Coordinator position in the

Division of Care and Treatment Facilities (DCTF), DHSS, occupied by Allan

Nettleton (Appellant's Exhibit 11) contains the following position summary:

> Under the supervision of the Deputy Administrator, the Data Processing
> Coordinator for the Division of Care and Treatment Facilities, will be
> responsible for a broad range of information system, research, and

evaluative functions. This position will coordinate requests for EDP
services from the Office of Information Systems and DSC Office of
Management Information; will develop DCTF system requirements and
justifications; will conduct and coordinate information needs analyses
for the institutions administered by the Division; and will advise the
Division Administrator regarding current and future EDP issues in
establishing priorities. In addition, the incumbent will serve as the
coordinator and liaison for the joint Division of Care and Treatment
Facilities and Division of Community Services piloting of the new DHSS
Fiscal Management System and conduct a variety of fiscal analysis
studies including required time studies for Federal Cost Allocation
Plans.

18. The PD for the MIS 5 Minicomputer Support Specialist position at

UW-Madison, Administrative Data Processing (Appellant's Exhibit 12)

contains the following position summary:

Responsible for providing, coordinating and maintaining operating
systems software and utilities, and generalized application software
and aids for mini computers and distributed processing systems such as
a Wang VS 100.

19. DILHR Personnel determined to reclassify appellant's position

from MIS 3 to MIS 4, rather than the requested MIS 5, by memo dated

December 28, 1987 (Respondent's Exhibit 5).

20. Appellant's position is better described by the MIS 5 than the

MIS 4 position standard, and is more appropriately classified as MIS 5.

CONCLUSIONS OF LAW

1. This matter is properly before the Commission pursuant to

§230.44(1)(a), Stats.

2. The appellant has the burden of proof.

3. The appellant having satisfied his burden of proof, the

Commission concludes that respondent erred in reclassifying appellant's

position to the MIS 4 level rather than the requested MIS 5 level.

DISCUSSION

This case presents great difficulty in decision. This is due in part

to the fact that the MIS position standard does not identify positions in

appellant's category (Data Processing Manager) in its allocation pattern of

representative positions. Therefore, in order to determine the correct

level for appellant's position, it is necessary to compare it to represen-

tative positions described in the position standards and other actual

positions identified at both the MIS 4 and 5 levels in connection with the

class factors contained in the position standards. Going through this

process reveals that there is evidence favoring each party's contentions --

i.e., MIS 4 or MIS 5 -- and it is necessary to weigh this conflicting

evidence.

Appellant's position involves work in areas covered by a number of the

representative positions identified in the position standard at each level.

Since appellant does work in a number of difficult areas, none will occupy

a majority of his time, and this term (majority of duties) in the position

standard, which is used to describe more specialized positions, must be

considered in this context. This approach is consistent with the position

standard at page 8:

C. Classification Factors

Because of the wide variety of management information programs
and activities and the range and scope of the duties and
responsibilities which may be assigned, every combination of
duties and responsibilities can not be addressed and expressed in
the class descriptions. As such, when allocating a position to a
classification level within these series, the same classification
factors which were used to establish the classification levels in
this standard should be used to compare the position to positions
which have already been allocated to or specifically identified
at a certain classification level....

At the MIS 4 level, the description of the Applications Specialist,

Systems Analyst/Programmer is as follows:

Positions are allocated to this class as an objective (full perfor-
mance) level and are responsible for performing a full range of
systems analysis functions a majority of the time. Objectives,
priorities and deadlines are normally established by a project leader
who also reviews the work for technical soundness and conformance to

objectives and priorities. Some assignments may be project in nature, but do not involve the ongoing coordination and review of the work of other objective level systems analysts or analyst/programmers. However, positions at this level may occasionally guide or instruct lower-level staff. (emphasis added)

The same type of position at the MIS 5 level is described as follows:

Positions are allocated to this class as either an advanced analytical project leader, or leadwork level. Objectives, priorities and dead-lines are normally established by a unit leadworker or supervisor, but the review of the technical soundness of decisions made by these positions is limited.

(Advanced Level) - Positions at this level perform advanced systems analysis work a majority of the time. Work is distinguished from that performed at the objective level by its greater complexity. Work at this level involves independently working with a large number of users to determine systems requirements and developing the systems design, etc. for a major departmental system. Such systems typically involve or require a large number of data elements, inputs and outputs; an on-line or real-time processing environment; and the integration of the system with existing systems or subsystems. Work at this level also involves justifying system design and concepts to users. (emphasis added)

Appellant's work is at a higher level than the MIS 4 level because there is no project leader and his work is not reviewed for technical soundness by anyone, but rather solely on the basis of whether it works to achieve the general goals established by higher authority.

Appellant's position can be distinguished in this respect from another MIS 4 position in DILHR that respondent identified as a systems analyst, analyst/programmer, see Appellant's Exhibit 6, PD for the Spease position. This position reports to a Management Information Supervisor 5 and its responsibilities include:

"A.1. Design and write computer programs and subroutines from specifications provided by the senior staff and subject to review and instruction from the supervisor." (emphasis added)

In contrast, appellant does not get technical specifications, and his work receives only the most general form of review from his supervisor, a Bureau Director classified as Administrative Assistant 5 - Management. Similarly,

appellant's position also can be distinguished on this basis from the other

MIS 4 position in DILHR relied on by respondent, the Policy Applications

Programmer position in the Office of UC Policy Research occupied by James

Schelly (Respondent's Exhibit 6). Nothing in the record specifically

addressed the nature of the technical review accorded his work. Since

respondent cited this position as "clearly identified in the position

standards as a MIS 4," Respondent's Exhibit 5, in the absence of any

contrary evidence the Commission must presume that the level of review is

as set forth in the MIS 4 class description -- i.e., reviewed to "technical

soundness."

Appellant's position also is distinguishable from Mr. Spease's posi-

tion since appellant reports to a bureau director while Mr. Spease reports

to a unit supervisor. This reporting relationship is apparently similar to

Mr. Schelly's, who reports to an office director who, like appellant's

supervisor, reports to a division administrator.

Another distinction between the MIS 4 and 5 levels is that the MIS 4

level Systems Analyst/Programmer is considered objective or full perfor-

mance level as far as the complexity of the work is concerned, while the

MIS 5 level is considered advanced level in complexity. This is part of

the "Scope/Complexity" class factor. The MIS 5 level description contains

the following:

> "... Work at this level involves independently working with a
> large number of users to determine systems requirements and developing
> the systems design, etc., for a major departmental system. Such
> systems typically involve or require a large number of data elements,
> inputs and outputs; an on-line or real-time processing environment;
> and the integration of the system with existing systems or subsystems
> ...." (emphasis added)

Respondent argues that appellant's position does not involve work with

a major departmental system. This is undisputed, but not dispositive. As

set forth in the position standard (p. 9):

> "... many different areas of specialization and position cate-
> gories exist within this occupational area and it is recognized that
> this position standard can not describe every eventuality or combi-
> nation of duties and responsibilities. Therefore, these class
> descriptions are intended to also be used as a framework within which
> positions which are not specifically defined can be equitably
> allocated on a class factor comparison basis with other positions
> which have been specifically allocated."

A position which is being classified solely on the basis of being a

Systems Analyst, Analyst/Programmer arguably might require systems

development for a major departmental system to be classified at the MIS 5

level. However, with a more generalized position like appellant's whose

work covers a number of the representative positions, and which is not

specifically identified in the allocation of representative positions, it

would be inconsistent with the above-quoted language to rigidly apply such

specific requirements from identified, more specialized, representative

positions, to conclude a position is not at a specific level. Rather, the

fact that appellant's position does not have responsibility for developing

major departmental systems as does the representative Systems Analyst,

Analyst/Programmer position set forth in the MIS 5 class description is

simply one piece of evidence to be weighed in evaluating the position with

respect to the class factors. This approach is very much reinforced by the

fact that the key MIS 5 PD relied on by respondent (Rierson, Respondent's

Exhibit 8) is not involved with a department-wide system but with a

divisional (UC) system. This is also the case with a MIS 5 in DHSS,

Appellant's Exhibit 11. Therefore, appellant's position is strengthened by

comparison to two actual MIS 5 positions which also are responsible for

division-wide systems.

Another indication of MIS 5 level complexity according to the position

standard is a system that utilizes on-line versus batch processing. It is

undisputed the WC system managed by appellant utilizes on-line processing.

The MIS 5 class description also mentions the integration of a system

with existing systems or subsystems. Appellant testified, and this was

uncontradicted, that the WC system involves the integration of 4

subsystems.

The class description also refers to "a large number of data elements,

inputs and outputs...." Obviously, the phrase "large number" is relative

in nature. Appellant testified that the WC system had a large number of

data elements, inputs and outputs. The system involves 24 terminals and a

a large quantity of data elements as set forth in appendix 2 to the request

for proposal appellant prepared for the new system (Appellant's Exhibit 4).

However, when appellant's position is compared to the Rierson MIS 5

position, the record supports respondent's contention that the Rierson

position is more complex. As set forth in the DILHR analysis of this

reclassification request (Respondent's Exhibit):

> "... There are 4 basic major systems with many subsystems which
> all inter-relate and interact. (The initial claims system, the
> monitary [sic] system, the disputed claims system and the appeal
> process). These systems decide weekly whether or not to pay on the
> following claims: UCX, UCFE, interstate, combined wage, extended
> benefits, TRA, child support intercept, etc. These systems also
> interfaces [sic] with Tax and Accounting and impact employers...."

While appellant's position on this record is less complex than the

Rierson MIS 5 position, it compares favorably with another MIS 5 position.

Appellant presented very convincing evidence, including the testimony of

the former incumbent (now his supervisor) of the Management Information

Officer of the Office of the State Public Defender (SPD) (Appellant's

Exhibit 9), that that MIS 5 position was less complex than appellant's

position. Respondent seemed to dismiss this comparison because that
position managed a departmental system versus an agency system for appel-
lant. However, it is obvious that a small agency system like the SPD's is
not _ipso_ _facto_ more complex than a divisional system, a conclusion rein-
forced by the fact that there are other MIS 5's at the divisional level.
The SPD utilizes microcomputers and mostly prepackaged software while the
WC system employs a more complex minicomputer and relies less on pre-
packaged software.

Appellant attempted to compare his position to several other MIS 5
positions -- at Department of Regulation and Licensing (DRL), Division of
Care and Treatment Facilities (DCTF), DHSS, and the Administrative Data
Processing operation at UW-Madison. There was too little information
provided about the first two positions to permit any meaningful compari-
sons. However, the DCTF position does illustrate the point that it is not
necessary that a position have departmental-wide responsibility to be
classified at the MIS 5 level. The UW-Madison position appears to be too
specialized and technical in nature to be a very useful comparison.

With respect to the MIS 4 positions on which respondent relies, there
is nothing to distinguish the Spease position from appellant's position in
terms of complexity. As to the Schelly position, respondent's analysis as
set forth in Respondent's Exhibit 5 concluded:

> "... Mr. Poore's job duties do cover other specialization areas,
> but Mr. Poore's system is smaller and more standardized. Put very
> simplistically, Mr. Schelly researches the financial impact of law
> changes to the unemployment compensation program and state by utiliz-
> ing the computer system."

This amounts to a conclusion that the substantive nature of Mr. Schelly's
work is more complex than appellant's, and this conclusion is supported by
the record. Whereas appellant works with a 4-phase Motorola 490

minicomputer, Mr. Schelly not only manages a VAX-750 minicomputer system,

but also utilizes an IBM 3081 and microcomputers in developing programs.

He is also more involved in analytical work than appellant in terms of

projecting the results of changes in variables that impact the UC division.

The next allocation is for Office System Specialist which the position

standard at the MIS 4 level describes as follows:

> Positions are allocated to this class as an <u>objective (full perfor-
> mance) level</u> and are responsible for performing the full range of
> office systems analysis functions. <u>Objectives, priorities and dead-
> lines are normally established by a lead worker or supervisor who also
> reviews the work for technical soundness and conformance to objectives
> and priorities.</u> Some assignments may be project in nature, but do not
> involve the ongoing coordination and review of the work of other
> objective level office systems specialists. However, positions at
> this level may occasionally guide or instruct lower-level staff.
> (emphasis added)

The MIS 5 level Office System Specialist is described as follows:

> Positions are allocated to the class as either an <u>advanced analytical</u>
> or project leader level. <u>Objectives, priorities and deadlines are
> normally established by the section leadworker or supervisor but the
> review of the technical soundness of decisions made by these positions
> is limited.</u>

> > (Advanced Level) - Positions at this level perform <u>advanced
> > office systems analysis work</u> which requires considerable
> > knowledge of the program areas being analyzed. Work at this
> > level is distinguished from that performed at the objective level
> > by its <u>significantly greater complexity. Input of systems
> > designed at this level is typically agencywide and involves many
> > levels of users between divisions.</u> Because of the dramatic
> > nature of changes which may result from system recommendations,
> > justification of such changes to the users by positions at this
> > level will typically require considerable persuasion. (emphasis
> > added)

Appellant compares favorably to the part of the MIS 5 description that

calls for limited review of the technical soundness of decision.

Evaluation of the actual substantive complexity of the work involved is

difficult because the record does not include any other Office Systems

Specialists whose work can be scrutinized. However, some comparison can be

made to one of the more generalized MIS 5 positions, at SPD. This position,

like appellant's, can be said to partake of some of the Office System

Specialist description, and as discussed above the appellant's position

compares favorably with it with regard to overall complexity.

The description of the MIS 5 Office Systems Specialist refers to

"typically agencywide" input of systems and "involves many levels of users

between divisions." Again, however, this language must be evaluated from

the standpoint that it describes a specialized position, solely devoted to

this kind of work, while appellant's position partakes of several areas of

specialization. While appellant's position is not as strong as it would be

if it had agency-wide responsibility, it should not be evaluated as if it

were solely an Office Systems Specialist and automatically precluded from

MIS 5 status because it lacks agency-wide responsibility.

The last allocation is for Technical Support Specialist. The position

standard describes this type of position at the MIS 4 level as an "experi-

enced entry or progression level." The MIS 5 level is described as

follows:

> Positions are allocated to this class as an objective (full
> performance) level and are responsible for performing complex
> technical support functions. Objectives, priorities and deadlines are
> normally established by a leadworker or supervisor, who also reviews
> the work for technical soundness and conformance to objectives and
> priorities. Some assignments may be project in nature, but typically
> they will not involve the ongoing coordination of the work of other
> technical support specialists. However, positions at this level may
> occasionally be involved in guiding or training lower-level staff.
> (emphasis added)

Appellant has made out a fairly strong case that his work in this area

is at the MIS 5 level. While the class description refers to review of

work for "technical soundness," it is undisputed that appellant's work does

not get this kind of review and he operates more independently.

As to the substantive complexity of his work, there is no question but

that his work on the RFP (Appellant's Exhibit 4) is at the MIS 5 Technical

Support Specialist level. Respondent downgraded this aspect of his job by characterizing it as essentially "one-shot" in nature. The Commission disagrees with this characterization for two reasons.

First, the class description specifically provides that: "... [s]ome assignments may be project in nature...." Second, the record reflects that it was anticipated that the computer system sought by the RFP would probably be good for about 5 years. A major project like this, which consumed almost all of appellant's efforts for an extended period of time, should not be disregarded because it may only occur every several years. It can still be a substantial part of the overall responsibilities of the position on a recurring basis.

In the foregoing analysis, the Commission has not referred to two of the MIS 5 Applications Specialist positions cited by respondent, Muldoon (Respondent's Exhibit 9) and Meier (Respondent's Exhibit 10). As respondent pointed out in its analysis of this reclass request (Respondent's Exhibit 5), these positions:

> "... are both clearly identified in the MIS 5 position standard under Applications Specialist. Mr. Muldoon is a project leader over MIS staff. Mr. Meir [sic] is a leadworker over MIS staff."

As project leader or leadwork positions, they have limited probative value for a classification analysis of a generalist-type position like appellant's.

In comparing appellant's position to the specific class allocations set forth in the MIS position standard, it is important not to lose sight of the overall scope of appellant's position. The concept of scope is part of the "scope/complexity" class factor, but is not adequately reflected in the evaluation of appellant's position if one simply focuses on comparing appellant's position to the class allocations, which essentially are

specialized positions, and fails to consider the fact that appellant's
position covers several of these specialized allocations.

For example, while the substantive data processing performed under
appellant's management is less complex than that associated with the MIS 4
Schelly position, appellant's position has greater scope, primarily because
it is independently performing MIS 5 level work in connection with the RFP
outside of the Systems Analyst, Analyst/Programmer allocation. The same
observation can be made with regard to the MIS 5 (Rierson) position.
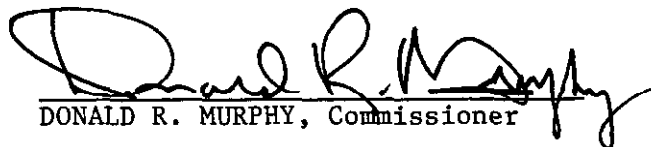
In conclusion, while this is a close case, the Commission believes
appellant has satisfied his burden of proof. It is of particular
significance that in denying the MIS 5 classification, respondent
essentially ignored appellant's work on the RFP, clearly MIS 5 level work,
an approach which the Commission has concluded is unjustified. While
appellant's substantive data processing work is less complex than the
Schelly MIS 4 position and the Rierson MIS 5 position, it has more scope
than either and benefits in "Responsibility/Accountability" from reporting
directly to a bureau director and in some cases a division administrator,
and from a complete absence of any technical review. Appellant's position
compares quite favorably with an MIS 5 position at the Office of the SPD.
While this job is responsible for an independent agency, it is a small
agency. Appellant's position compares favorably in terms of complexity,
particularly when it is considered that SPD does not have a minicomputer,
but works solely with micros. This position provides a good basis of
comparison because it is conceptually more similar to appellant's
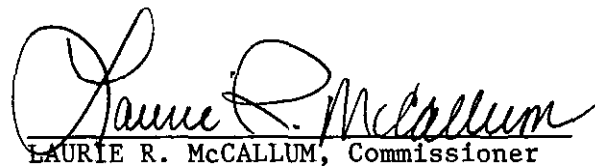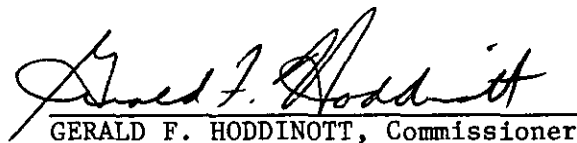generalist, data processing manager job, than many of the other positions.

ORDER

Respondent's action reclassifying appellant's position to MIS 4 rather than MIS 5 is rejected and this matter is remanded for action in accordance with this decision.

Dated: _____, 1988   STATE PERSONNEL COMMISSION

AJT:rcr
DPM/2

_____
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_____
LAURIE R. McCALLUM, Commissioner

_____
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