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NANCY OLSON,

Appellant,

v.

President, UNIVERSITY OF
WISCONSIN SYSTEM (Eau Claire),
and Secretary, DEPARTMENT OF
EMPLOYMENT RELATIONS,

Respondents.

Case No. 90-0114-PC

* * * * *

DECISION
AND
ORDER

This matter is before the Commission on an appeal of respondents' decision denying the request for reclassification of appellant's position from Medical Technologist 2 to Medical Technologist 3. A hearing was held on appellant's appeal, testimony was given, exhibits were received into evidence and the parties presented closing oral arguments. The following findings of fact, conclusions of law, opinion and order are based on the evidentiary record made at the hearing. To the extent any of the opinion constitutes a finding of fact, it is adopted as such.

FINDINGS OF FACT

1. The appellant, Nancy Olson, was initially appointed as a Laboratory Technologist 1 - 60%, by the respondent on August 16, 1976. She was assigned to work in Student Health Services, University of Wisconsin - Eau Claire. Appellant's position is a state classified civil service position and respondent is a state agency.

2. On June 18, 1978, appellant was reclassified to Laboratory Technologist 2 - 60%, and on August 24, 1981, she was promoted to Medical

Technologist 2 - 71%. Later, on July 5, 1987, appellant's position received an increase in allocation from 71% to 79%.

3. On April 22, 1988, a request for reclassification of appellant's position from Medical Technologist 2 to Medical Technologist 3 was received by UW - Eau Claire, Personnel Services.

4. Personnel Services audited appellant's position and on June 20, 1989, sent appellant's supervisor, Ms. Shelley Bratholdt, the Director of Student Health Services, a memo denying the reclassification request.

5. Appellant appealed her reclassification denial by a letter dated July 18, 1989, to Mr. James Cimino, Personnel Administrative Officer, University Personnel Relations -- respondent UW's central personnel office.

6. Mr. Cimino immediately acknowledged receipt of appellant's appeal and informed appellant her position would be re-reviewed.

7. Mr. Cimino re-reviewed appellant's position, which included a desk and field audit. On February 26, 1990, Mr. Cimino wrote appellant, advising her that her request for the reclassification of her position was denied.

8. After receiving Cimino's reclassification denial letter, appellant made a timely appeal of the reclassification denial to this Commission.

9. Appellant's goals and worker activities, as described in her position description, dated October 31, 1988, are:

60% A. Provision of laboratory support to health care providers.

1. Collect/examine/analyze clinical specimens to aid in the diagnosis of disease.
2. Provide current laboratory testing materials and expertise by researching and testing new products, attending pertinent continuing education programs, and networking with peers.

3. Act as laboratory director under the Wisconsin Administrative Code H 38.21.
4. Maintain state lab certification by performing proficiency testing and quality control programs.
5. Perform maintenance and trouble shooting of laboratory instruments and equipment.
6. Comply with State Statutes regarding confidentiality of medical records.
7. Provide laboratory work for research projects.
8. Perform other duties as directed by the Director.

40% B. Performance of laboratory operations.

1. Provide information to Director for and participate in preparation of the laboratory budget.
2. Procure laboratory supplies and equipment.
3. Interview and recommend for hire laboratory personnel.
4. Train/evaluate/supervise other professional, technical, and student laboratory personnel.
5. Coordinate/maintain laboratory financial record keeping system.
6. Develop and maintain all laboratory test record keeping systems.
7. Develop and maintain laboratory policy and procedure manual.
8. Compile/tabulate daily, monthly, and yearly laboratory statistics.

10. State position standards describe Medical Technologist 2 (Med.

Tech. 2) positions as:

Positions [that] perform responsible professional medical technology work. This includes all usual procedures and determinations required in a laboratory engaged in the examination and analysis of clinical specimens as an aid to the diagnosis of disease. Positions at this level are usually filled by employees who have had sufficient experience to acquaint them with the wide variety of more complex test performed and which enables them to perform independently at this level with general supervision received from laboratory or unit supervisors.

Examples of Work Performed:

Makes numerous tests of varying complexity in urinalysis, hematology, basal metabolism, spinal fluid analysis, gastric analysis, parasitology, stool examinations, simple bacteriology and serology, and the examination of miscellaneous fluids.

Types, cross matches, and issues blood for transfusions, bleeds donors.

Fixes, sections, and stains tissues for microscopic study.

Collects a variety of specimens.

Prepares reagents as required.

Under supervision, assists with autopsies and necropsies.

Demonstrates procedures and techniques to students; observing, evaluating, and checking student's performance and results.

Keeps test records and makes reports on findings.

11. State positions standards describe Medical Technologist 3

positions as:

Positions [that] perform advanced professional Medical Technology work including the performance of all usual procedures and complex determinations. Employees in this class ordinarily work independently in a specified area and are accountable for test results obtained by laboratory personnel. In addition, positions may be responsible for instructing and guiding lower level laboratory personnel and student workers in laboratory operations. General supervision is received from a higher level laboratory or unit supervisor.

Examples of Work Performed:

Personally performs the most difficult and complex laboratory operations; trains and may guide technical and professional workers and students in laboratory procedures.

Under direction and supervision of a physician, guides laboratory staff in the collection of specimens.

Guides laboratory staff in the care and cleaning of laboratories and all laboratory equipment.

Reviews test reports and maintains program records.

12. Appellant's position reports directly to the Director of Health Services. Appellant is responsible for the coordination and performance of all phases of Health Services laboratory operations.

13. The Health Services laboratory provides services in a specialized area of medicine. Its recipients are students in the 18-25 age group.

14. Appellant has 1-2 limited term employe positions under her supervision. She also supervises any medical assistants and nurses who perform simple laboratory procedures.

15. The laboratory instrumentation is:

- 1 Coulter Counter Model Homo W
- 1 Microscope
- 1 Incubator
- 1 Centrifuge (4 place)

16. Laboratory tests which cannot be performed at the Health Services laboratory, because of limited equipment and personnel, are referred to Marshfield Medical Laboratory Center. For example, Pap smears are referred out because the Health Services laboratory does not have the personnel -- a cytologist, equipment or space to perform such tests. Similarly, other more complex tests are referred to Marshfield.

17. The function of UW - Eau Claire Health Services, including its laboratory, is similar to student health centers at other U.W. cluster campuses.

18. Appellant's position compares favorably with Medical Technologist 2 positions in student health centers at other U.W. cluster campuses. This is exemplified by the position of Vicki Wampole, a Medical Technologist 2 at UW - Stout.

19. Vicki Wampole reports to the Director of Health Services and is responsible for the operation of the laboratory. Wampole's goals, worker activities, and percentages of time are described as follows:

- 70% A. Provision of laboratory support to health care providers.
 - A1. Collect, examine, and analyze various clinical specimens to aid in the diagnosis of disease.
 - A2. Collect and prepare specimens to be sent to various reference laboratories.
 - A3. Record laboratory test results in appropriate manner.
 - A4. Perform required maintenance and trouble shooting of laboratory instruments and equipment.

- A5. Maintain state lab certification by participating in the State Proficiency Testing Program.
- A6. Develop and implement sexually transmitted disease protocol including notification of the State Division of Health of positive cases, and the required contact interviews.
- A7. Maintain confidentiality of records in compliance with State Statutes.
- A8. Research and test new laboratory products, attend continuing education programs, and meet with laboratory peers to assure updated laboratory procedures.
- A9. Inform physician with newest information on available laboratory procedures to better serve our patient's needs.
- A10. Participate in, and provide laboratory specimens/or information for research projects.
- A11. Participate in various health fairs, workshops on campus as part of the health education program.
- A12. Perform any other duties as requested by the director.

30% B. Provision of related services.

- B1. Procure and maintain adequate supply of laboratory materials and equipment.
- B2. Provide information to the director to facilitate preparation of the laboratory budget.
- B3. Compile and tabulate monthly and yearly laboratory statistics to be used as needed.
- B4. Compile and update laboratory policy and procedure manual including quality control procedures.
- B5. Maintain all laboratory test record keeping systems and financial record keeping systems.
- B6. Assist with job interview, training and supervision of other medical/laboratory personnel.
- B7. Establish guidelines for medical/laboratory personnel to help ensure safety during collection, processing, and disposal of laboratory specimens.
- B8. Dispose of hazardous waste to Myrtle Werth Medical Center for incineration.

20. Positions at the Medical Technologist 3 level in the U.W. System, with few exceptions, work in a specialized area of a larger laboratory, such as Clinical Hematology, University of Wisconsin Hospitals and Clinics in Madison, Wisconsin.

21. Carol Hebert is a Medical Technologist 3 at UW - Stevens Point, University Health Center. In contrast to appellant, Hebert is leadworker for

permanent classified employees, including 1 Medical Technologist 2 and 1 licensed Practical Nurse.

22. Appellant's position best fits the position standard for Medical Technologist 2 and is more appropriately classified at that level.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over this matter pursuant to §230.44(1)(b), Stats.

2. Appellant has the burden of proving respondents' decision to deny reclassification of her position was incorrect.

3. Appellant has failed to meet the burden of proof.

4. Respondents' decision denying reclassification of appellant's position was correct.

OPINION

The question here is whether appellant's position meets the specifications of a Medical Technologist 2 (Med. Tech. 2) or a Medical Technologist 3 (Med. Tech. 3). The position standards for these classes distinguish Med. Tech. 2 positions from Med. Tech. 3 positions on the basis of complexity of work, area of work and relationship to other laboratory personnel.

Appellant is responsible for managing a laboratory that primarily provides services for college students. The laboratory is equipped with 4 pieces of testing equipment, limiting the medical technology work performed. Other medical technology work is referred to Marshfield Clinic because of the limited equipment and small size of the laboratory. She supervised the work of 1 or 2 part-time limited term employees and any medical assistants or nurses who might use the facility. Most of the tests appellant performed were positive and varying in complexity from simple to complex. By appellant's own

testimony, the bulk of her medical technology work was in the middle range of complexity, involving standard medical technology work.

Other positions in the university system with similar duties to appellant's are located in student health centers at other campuses. With one exception, these positions are classified at the Medical Technologist 2 level. They are distinguished from Medical Technologist 3 positions, which are more specialized, perform the most complex tests, supervise the work of permanent laboratory staff and may instruct students or other medical personnel as a part of their professional training.

The Medical Technology position allocation pattern places appellant's position at the Medical Technology 2 level.

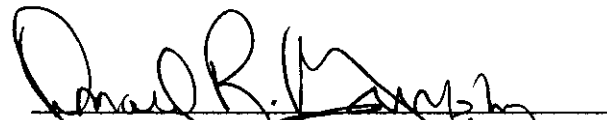
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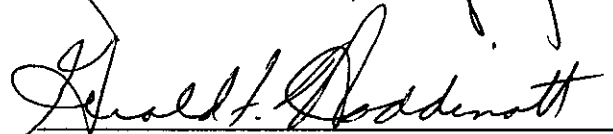
Respondents' decision is affirmed and this appeal is dismissed.

Dated: January 11, 1991 STATE PERSONNEL COMMISSION


LAURIE R. McCALLUM, Chairperson

DRM:rcr


DONALD R. MURPHY, Commissioner


GERALD F. HODDINOTT, Commissioner

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