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MARGARET A. BEAUMIER,
 Appellant,

v.

Secretary, DEPARTMENT OF
 NATURAL RESOURCES, and Secretary,
 DEPARTMENT OF EMPLOYMENT
 RELATIONS,
 Respondents.

Case No. 90-0203-PC

* * * * *

DECISION
AND
ORDER

NATURE OF THE CASE

This is an appeal pursuant to §230.44(1)(b), stats., of the denial of a request for reclassification from Program Assistant 3 (PA 3) (PR2-10) to Program Assistant 4 (PA 4)(PR2-11).

FINDINGS OF FACT

1. Appellant at all relevant times has been employed by respondent Department of Natural Resources (DNR) in the classified civil service in the Lake Michigan District (LMD) Headquarters in Green Bay in a position classified as PA 3.

2. Appellant's position is accurately described by the position description (PD) she signed by August 22, 1989, (Respondent's Exhibit 4) which contains the following "Position Summary":

Maintain control over District Contingent Fund with annual expenditures exceeding \$1,000,000. Preaudit direct charge expenditures. Audit travel advances and insure repayment. Audit moving expenses. Act as District Travel Coordinator assisting District personnel in making long distance travel arrangements.

A copy of the complete PD is attached to this decision as an appendix. Those activities which have been assigned since her prior (1983) PD (Respondent's Exhibit 5) are marked with asterisks. Each of these changed activities

constitutes about 5% or less of appellant's total time. In addition to these specific changes reflected on the PD, the amount of money involved in the operation of the contingent fund has increased substantially (from about \$400,000 to over \$1,000,000) due to policy changes which have resulted in increased delegation to the district level for approval and payment of items. Additional changes include the computerization of many aspects of fund reconciliation that previously had been performed manually. Also, appellant performs less "hands-on" functions than previously had been the case, as she no longer types checks or fund summaries, but now directs other staff who do this.

3. Appellant's position is located in the finance unit and reports to the Assistant Supervisor of Services, a position classified as Accountant 2-Supervisor, who in turn reports to the Supervisor of Services (Gerald M. Rand for most of the period in question). Program Services includes: "budgets/fiscal control, personnel matters, fleet management, accident/incident reports, insurance claims, confiscated weapons, disposal of surplus equipment, grants and aids audits, and Fox Locks system." (Appellant's Exhibit H-2).

4. Certain of the duties and responsibilities of appellant's position are basically similar to duties and responsibilities assigned to certain finance oriented positions within DNR, as set forth on their PD's as follows:

a) Appellant: manage contingent fund.

1) Accountant 2-Supervisor (Carol A. Hollister, incumbent) (Appellant's Exhibit F-2):

A2. Supervise finance personnel in the use of the contingent fund and proper cash controls to ensure compliance with DOA procedures.

* * *

A4. Supervise the preparation of additional justification for purchases which do not comply with purchasing guidelines.

2) Account 1-Supervisor (Rose E. Hanson, incumbent) (Appellant's Exhibit G-2):

A3. Direct work unit in the use of the Contingent Fund, approve payments and sign checks issued to vendors and employees. Supervise the computerized check writing and account payable system for Finance.

b) Appellant: pre-audit and process vendor payments.

1) Accountant 2-Supervisor (Carol A. Hollister, incumbent) (Appellant's Exhibit F-2):

A4. Supervise the preparation of additional justification for purchases which do not comply with purchasing guidelines.

A5. Review vendor statements for discrepancies and assign the research to finance personnel. Correspond with vendor as necessary.

* * *

A7. Establish and implement cost allocations for invoices with multiple budgets, fiscal years and/or class codes.

A8. Process payment of invoices with complex cost allocations.

A9. Establish procedures and guidelines for chargebacks of film, postage and phone costs done on AJE systems.

A10. Prepare adjusting journal entries (AJE's) for STS phone charges and other services and supplies charged to one program.

A11. Assist district personnel in the interpretation of financial reports.

c) Appellant: processing of travel advances, vouchers, and temporary lodging and moving expense reimbursements.

1) Accountant 2-Supervisor (Carol A. Hollister, incumbent) (Appellant's Exhibit F-3):

B1. Audit travel vouchers for all District employees to ensure compliance with DOA policy and union contracts.

B2. Maintain records of travel advances and ensure timely repayment is received from employees.

B3. Establish and maintain warden phone rates for reimbursement on travel vouchers.

2) Accountant 1-Supervisor (Rose E. Hanson, incumbent) (Appellant's Exhibit G-2):

A8. Audit/code travel vouchers for North Central District personnel.

d) Appellant: District travel coordinator.

1) Accountant 1-Supervisor (Rose E. Johnson, incumbent) (Appellant's Exhibit G-3):

E8. Travel coordinator for District working closely with the contract travel agency and District personnel and Madison personnel.

5. While appellant does not function as a supervisor, she does function as a lead worker.

6. The Supervisor of Services has delegated management of the contingent fund to appellant, who operates it effectively independently of her immediate supervisor, the Assistant Supervisor of Services, and appellant reports directly to the Supervisor of Services in regard to this activity.

7. The Supervisor of Services has delegated management of the travel and moving expense operation to appellant, who manages it effectively independently of her immediate supervisor, the Assistant Supervisor of Services, and appellant reports directly to the Supervisor of Services in regard to this activity.

8. The PA position standard (Respondent's Exhibit 3) contains the following definitions and examples of work performed:

PROGRAM ASSISTANT 3

(PR2-10)

This is paraprofessional work of moderate difficulty providing a wide variety of program support assistance to supervisory, professional or administrative staff. Positions are delegated authority to exercise judgment and decision making along program lines that are governed by a variety of complex rules and regulations. Independence of action and impact across program lines is significant at this level. Positions at this level devote more time to administration and coordination of program activi-

ties than to the actual performance of clerical tasks. Work is performed under general supervision.

PROGRAM ASSISTANT 4

(PR2-11)

This is paraprofessional staff support work of considerable difficulty as an assistant to the head of a major program function or organization activity. Positions allocated to this class are coordinative and administrative in nature. Positions typically exercise a significant degree of independence and latitude for decision making and may also function as leadworkers. Positions at this level are differentiated from lower-level Program Assistants on the basis of the size and scope of the program involved, the independence of action, degree of involvement and impact of decisions and judgment required by the position. Work is performed under direction.

* * *

PROGRAM ASSISTANT 3 - WORK EXAMPLES

Prepares reports, research project data, budget information, mailing lists, record keeping systems policies and procedures, training programs, schedules and generally oversees operations.

Plans, assigns and guides the activities of a unit engaged in the clerical support of the program assigned.

Develops and/or revises selected policies and procedures affecting the administration of the program.

Answers questions regarding the program or division via telephone, correspondence or face-to-face contact.

May serve as an Assistant in charge of secretarial and administrative tasks in an operation handling cash procedures, equipment orders inventory, program preparation, pricing, etc.

Composes correspondence, maintains files of program related data, sets up schedules and performs any related administrative support function necessary to the operation of the program.

May be in charge of public relations, preparing and sending out pamphlets, brochures, letters and various program publications.

PROGRAM ASSISTANT 4 - WORK EXAMPLES

Plans, assigns and guides the activities of a unit engaged in current projects or programs.

Researches and produces, as recommended by federal regulations and through the direction of an immediate supervisor, necessary data and information to prepare grant applications based on federal, state and local funding regulations.

Interprets rules, regulations, policies and procedures for faculty, other employers and the public.

Prepares various informational, factual and statistical reports.

Assists in the development and revision of policies, laws, rules, and procedures affecting the entire program or operation.

Coordinates units within the department, between departments, or with the general public, in an informative capacity for a variety of complex matters

Conducts special projects; analyzes, assembles or obtains information.

Prepares equipment and material specifications, receives bids and authorizes the purchase of an operating department's equipment, material and supplies.

Analyzes, interprets and prepares various reports.

Administers and scores admission and placement tests; administers nationally scheduled examinations; confers with applications regarding test interpretations.

9. Respondent DNR, acting on a delegated basis from respondent DER pursuant to §230.04(1m), stats., denied a request for reclassification of appellant's position from PA 3 to PA 4 in a memo dated April 24, 1990 (Respondent's Exhibit 6).

10. Primarily because the Supervisor of Services has delegated to appellant independent responsibility for the contingent fund and travel and moving expense operations, which typically are the responsibility at the district level of the Assistant Supervisor of Services, which is classified at a higher level than PA 3, and that other functions of appellant's position are at the PA 4 level (B-11, "Research and compile data for Federal IRS 1099 reporting for non-incorporated vendors;" part of goals D: "Supervision of program functions," and E "act as District Travel Coordinator." (Respondent's Exhibit 4), appellant's position is more appropriately classified as a PA 4 than a PA 3, and respondent DNR's decision set forth in respondent's Exhibit 6 denying reclassification from PA 3 to PA 4 was incorrect.

CONCLUSIONS OF LAW

1. This matter is properly before the Commission pursuant to §230.44(1)(b), stats.
2. Appellant has the burden of proof.
3. Appellant has sustained her burden, and the decision denying reclassification of appellant's position from PA 3 to PA 4 was incorrect.

DECISION

The general language of the PA position standard is of little utility in resolving this dispute. The record reflects that the activities of appellant's position fit within a number of the work examples for both the PA 3 and PA 4 levels.

The key factor in this case was the testimony of Gerald Rand, former LMD Supervisor of Services. He testified that he had delegated directly to the appellant responsibility for programs that typically would be the responsibility of the Assistant Supervisor of Services, an Accountant 2-Supervisor:

Melva [Lindauer, Assistant Supervisor of Services], was the supervisor for the finance section, however, the workload was so great and we were short of people there, that some of the facets, some of the parts of the finance section, I kept under my own guidance. For a number of other reasons, the contingent fund was one of these . . . so Melva . . . had very little if anything to do with the contingent fund, with the day-to-day operation of the contingent fund, and I, because of my duties did not have the time to spend with it, with the nuts and bolts of it, I delegated the entire contingent fund operation to Peggy. As the manager of the contingent fund, of course she had a significant degree of independence, wide latitude in her decision making, and her decisions that she made had a great deal of impact on people in the field . . . she was acting very independently. We discussed it and talked about it, but she was the manager of the contingent fund with very little supervision from myself. . . . The travel and moving expense responsibility fell pretty much along the same thing as the contingent fund. I delegated that all to Peggy.

This testimony is essentially undisputed in the record. It is not contradicted by anything in appellant's PD, which shows that appellant's immediate supervisor is the Assistant Supervisor of Services, but that appellant's position is responsible for management of the contingent fund and travel and moving expense reimbursements. The fact that the PD does not explicitly detail the degree of independent responsibility exercised by this position in these areas to which Mr. Rand testified can be considered inconsistent with that testimony, but in itself the omission can not outweigh his testimony and the other evidence supporting this account of how appellant's position functions. The PD of the Assistant Supervisor of Services, which could be expected to throw some light on this issue, was not an exhibit in this record. Furthermore, some of appellant's exhibits were examples of her reporting directly to the Supervisor of Services or responding for the District directly to Madison in these areas (e.g., Appellant's Exhibits A-5, A-16, and E-7).

Independent responsibility for these programs is at a higher level from the standpoint of classification analysis than PA 3 because work of this nature and level of independence is normally performed by a higher level Assistant Supervisor of Services. The fact that appellant is not a supervisor means that her position is not directly comparable to an Accountant 2-Supervisor with respect to her responsibility for these program areas, but it does not negate the point that this level of responsibility is above the PA 3 level.

It should be noted in this connection that the PA 4 definition states that these positions "may also function as leadworkers." (Respondent's Exhibit 3). Respondent disputed that this position was a leadworker, but the PD, while it does not refer explicitly to lead work, uses language that is consistent with that role ("Plan, prioritize, assign and guide the activities of Fiscal Clerks," Respondent's Exhibit 4), and appellant's leadwork role was further supported by the testimony of her immediate supervisor, which also was undisputed.

The two program functions discussed above, the contingent fund and the travel and moving expense operation, amount to 50% of appellant's position. There were other aspects of her position which were at the PA 4 level. Respondent more or less conceded the PA 4 level for activity B-11, "Research and compile data for Federal IRS 1099 reporting for non-incorporated vendors," Respondent's Exhibit 4. Part of Goal D, "Supervision of program functions," relates to the Contingent Fund and travel and moving expense programs. Goal E, "act as district travel coordinator, was performed by an Accountant 1-Supervisor. The Commission does not agree with appellant that Goal B, Pre-audit and processing vendor payments," is at the PA 4, level, because while it can be compared functionally to an Accountant 2-Supervisor position, this goal has not been shown to be carried out with the level of independent responsibility associated with a position at that level, as was the case with Goals A and C, Contingent Fund and travel and moving expenses.

Another aspect of this matter that supports appellant's case is that one of the things respondent relied on in denying reclassification was the conclusion that appellant was performing a significant amount of hands-on work, but the specific testimony of appellant and her immediate supervisor reflected that the amount of hands-on work performed by appellant decreased substantially since her previous (1983) PD.

In order for a position to be eligible for reclassification, there has to be a "logical and gradual change to the duties or responsibilities of a position." (emphasis added) §ER 3.01(3), Wis. Adm. Code. Respondent's denial of reclassification (Respondent's Exhibit 6) was based on an analysis of the classification level duties and responsibilities of the position, as perceived by respondent, and did not address one way or another the question of whether the changes in the position had been logical and gradual. All that the Commission can do on this appeal of this decision is to reject the decision and remand it "for action in accordance," §230.44(4)(c), stats., with the Commission's decision. Presumably at that point the respondent will make a determination as to whether there has been a logical and gradual change in the duties and responsibilities of appellant's position and take further action with respect to this transaction.

ORDER

Respondent's decision denying reclassification of this position from PA 3 to PA 4, as set forth in the April 24, 1990, memo, is rejected, and this matter is remanded for action in accordance with this decision.

Dated: January 24, 1991

STATE PERSONNEL COMMISSION


LAURIE R. McCALLUM, Chairperson

AJT/gdt/2


DONALD R. MURPHY, Commissioner


GERALD F. HODDINOTT, Commissioner

Parties:

Margaret A. Beaumier
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Lake Michigan Dist. Hdq.
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Carroll Besadny
Secretary, DNR
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Jon E. Litscher
Secretary, DER
137 E. Wilson St.
P.O. Box 7855
Madison, WI 53707

POSITION DESCRIPTION

DER-PERS-10 (Rev. 5-84)
 State of Wisconsin
 Department of Employment Relations

1. Position No 830109	2. Cert/Reclass Request No UPDATE	3. Agency
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4. NAME OF EMPLOYEE Margaret A. Beaumier	5. DEPARTMENT, UNIT, WORK ADDRESS Department of Natural Resources Lake Michigan District Headquarters 1125 N. Military Ave., P.O. Box 10448 Green Bay, WI 54307
6. CLASSIFICATION TITLE OF POSITION Program Assistant 3	
7. CLASS TITLE OPTION (To be Filled Out By Personnel Office)	8. NAME AND CLASS OF FORMER INCUMBENT
9. AGENCY WORKING TITLE OF POSITION Program Assistant	10. NAME AND CLASS OF EMPLOYEES PERFORMING SIMILAR DU
11. NAME AND CLASS OF FIRST-LINE SUPERVISOR Melva J. Lindauer Accountant 2 (Supv)	12. FROM APPROXIMATELY WHAT DATE HAS THE EMPLOYEE PERFORMED THE WORK DESCRIBED BELOW? August 1988
13. DOES THIS POSITION SUPERVISE SUBORDINATE EMPLOYEES IN PERMANENT POSITIONS? AND ATTACH A SUPERVISORY POSITION ANALYSIS FORM (DER-PERS-84) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> IF YES, COMI	

14. POSITION SUMMARY - PLEASE DESCRIBE BELOW THE MAJOR GOALS OF THIS POSITION
 Maintain control over District Contingent Fund with annual expenditures exceeding \$1,000, Preaudit direct charge expenditures. Audit travel advances and insure repayment. Audit moving expenses. Act as District Travel Coordinator assisting District personnel in making long distance travel arrangements.

15. DESCRIBE THE GOALS AND WORKER ACTIVITIES OF THIS POSITION (Please see sample format and instructions on back of last page.)

- GOALS: Describe the major achievements, outputs, or results List them in descending order of importance
- WORKER ACTIVITIES: Under each goal, list the worker activities performed to meet that goal.
- TIME %: Include for goals and major worker activities.

TIME % GOALS AND WORKER ACTIVITIES

(Continue on attached sheets)

SEE ATTACHED

Exhibit 4

RECEIVED
 SEP 5 1990
 Personnel
 Commission

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

- a. The supervision, direction, and review given to the work of this position is [] close [] limited general
- b. The statements and time estimates above and on attachments accurately describe the work assigned to the position (Please initial and date attachments.)

Signature of first-line supervisor Melva J. Lindauer Date August 22, 1989

17. EMPLOYEE SECTION - TO BE COMPLETED BY THE INCUMBENT OF THIS POSITION

I have read and understand that the statements and time estimates above and on attachments are a description of the functions assigned my position. (Please initial and date attachments.)

Signature of employe Margaret A. Beaumier Date 8-22-89

18. Signature of Personnel Manager [Signature] 4/22/90

MB
8-22-89

MB
8-22-89

30%

A. Management of Contingent Fund.

- A.1. Determine which payments are eligible for contingent fund payment.
- * A.2. Plan, prioritize, assign and guide the activities of Fiscal Clerks engaged in processing payments through the District contingent fund system. Review completed payments for accuracy in dollar amount and budgetary coding.
- * A.3. Oversee contingent fund summary upload program. Verify upload. Provide guidance in correction of complex problems.
- * A.4. Cooperate with Bureau of Finance in immediate correction of invalid coding on all payments. Ensure that preventative action is taken by advising field personnel and district finance staff of corrections.
- A.5. Correct erroneous payments and reconcile accounts. Make collections and obtain credits for returns and overpayments. Credit proper budgetary account.
- A.6. Arrange for printing of pre-numbered checks, disposition of voided checks and deposit of collections, unused, undelivered and uncashed checks with State Treasurer or DNR, as appropriate. Arrange with bank to stop payments of lost checks and erroneous payments and arrange for replacement checks.
- A.7. Maintain control over district imprest funds (24). Audit reimbursement claims for accuracy. Determine eligibility and approve requests for fund increases.
- A.8. Maintain control over district change funds (4). Review requests for change funds and arrange for disbursement of monies. Collect change funds at end of each season.
- A.9. Maintain complete district files to provide transaction documentation upon request.
- A.10. Prepare annual report on bank account activity and petty cash and change fund accounts to Bureau of Finance.
- * A.11. Implement computer programs for contingent fund operations. Arrange for alterations and redesign of program with district data management coordinator to fit district needs.
- A.12. Recognize problem areas in State and District policies and procedures regarding fund operations. Innovate and recommend policy changes to Bureau for revision of policies, laws, rules, and procedures affecting State and District finance operations.

35%

B. Pre-audit and processing vendor payments.

- B.1. Preaudit invoices, checking prices, quantities and computations, and verify required budgetary approvals. Verify that taxes are not included, and that discounts and credits are taken. Consult with vendors regarding discrepancies.
- * B.2. Enforce compliance with Prompt Payment Legislation. Verify documentation of receipt dates. Determine when interest payments are due vendors and compute interest payments on daily basis. Inform vendors of legislation and how interest was computed. Ensure corrective action is taken on late payments so that future payments can be made promptly.
- B.3. Determine that disbursement data is consistent with authorized programs, coding is to the proper class and correct fiscal year, goods were received and services were performed, and billing was computed accurately.

MB
8-22-89

M.J.P.
8-23-84

15%

- * B.4. Determine which purchases are required to be inventoried, Compile required information and submit to Property and Fleet.
 - B.5. Interpret local purchasing regulations and guidelines for District Personnel.
 - B.6. Contact public, vendors and field offices, largely by telephone, regarding accounts, invoices and disbursements.
 - B.7. Arrange for payments by invoice voucher or Contingent Fund as appropriate.
 - B.8. Audit invoice vouchers prepared by fiscal clerk and field personnel.
 - B.9. Maintain support documents to prevent improper and duplicate payments.
 - B.10. Reconcile monthly vendor statements for accuracy and take corrective action when necessary.
 - * B.11. Research and compile data for Federal IRS 1099 reporting for NON-incorporated vendors.
- C. Processing of travel advances and repayment vouchers, travel vouchers, temporary lodging and moving expense reimbursements.
- C.1. Audit travel advance requests and travel vouchers involving travel advances.
 - C.2. Check for necessary authorizations.
 - C.3. Verify computations and correct budgetary coding.
 - C.4. Ensure and enforce compliance with State Statutes, rules and regulations, collective bargaining agreements, DER travel schedule amounts, and DNR processing and policy procedures.
 - C.5. Approve requests for special allowances to determine reasonableness and necessity, and proper documentation.
 - C.6. Direct typing of checks for travel advances, travel vouchers with advances, and processing of summary to Fiscal Clerk.
 - C.7. Ensure all advances are repaid. Collect and process refunds of monies unused from travel advances.
 - C.8. Determine monthly telephone reimbursement rate for eligible wardens. Advise fiscal clerk and Bureau of Finance of changes.
 - C.9. Consult with employees before moving and give instructions on obtaining estimates and proper procedures.
 - C.10. Provide moving companies with letter of authorization for charging moving expenses.
 - * C.11. Maintain log of temporary lodging expenses ensuring approved duration is not exceeded.
 - C.12. Authorize direct charge of motel rooms. Provide letter of authorization to motels as needed.

5%

- *D. Supervision of program functions.
- D.1. Oversee district travel voucher auditing program. Provide guidance to fiscal clerk on complex problems.
 - D.2. Oversee district postage stamp inventory program.
 - D.3. Guide fiscal clerks in implementation of computer programs for contingent fund operations.
 - D.4. Interpret union contracts and advise fiscal clerk and district personnel of authorized expenditures.
 - D.5. Assist in hiring of finance personnel.

5%

- *E. Act as District Travel Coordinator.
- E.1. Contact contract vendor and arrange for airline tickets required by District personnel.
 - E.2. Determine if contract vendor quotes lowest fare available. If not, pursue double the difference refund through Bureau of Finance.

TMB
8-22-87
779P
8-22-89

E.3. Determine necessity of car rentals and make arrangements through contract vendor.

E.4. Receive airline tickets from special courier and ensure they are sent to employees.

E.5. Provide assistance to employees if tickets are lost.

E.6. Make arrangements through contract vendor for motel rooms.

5%

F. Preparation of special reports and finance documents.

F.1. Compile data for reports. Prepare and distribute reports.

F.2. Prepare transfer memoranda, memoranda receipts, refunds of expenditures, and other finance documents.

F.3. Prepare transfer vouchers for interagency payments.

F.4. Innovate various finance forms to be used in District and recommend for Statewide use.

5%

G. Miscellaneous.

G.1 Assist in training district personnel in finance procedures at training sessions and as situations arise.

G.2. Be knowledgeable of license sales in order to act as back-up when needed.

G.3. Assist in arranging for public depository of license fees monies.