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EDWARD L. DUESTERHOEFT,  
 Appellant,

v.  
 Secretary, DEPARTMENT OF  
 EMPLOYMENT RELATIONS,  
 Respondent.

Case No. 90-0343-PC

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DECISION  
AND  
ORDER

Nature of the Case

This is the appeal of a denial by respondent of a request to reclassify appellant's position. A hearing was held before Gerald F. Hoddinott, Commissioner, and the parties were permitted to file post-hearing briefs.

Findings of Fact

1. At all times relevant to this matter, appellant has served in a classified position which functions as the head of the Microforms Center at the University of Wisconsin-Madison Memorial Library. This position's duties and responsibilities are accurately described as follows:

<u>TIME %</u>	<u>GOALS AND WORKER ACTIVITIES</u>
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- |     |  |
|-----|--|
| 35% | <p>A. Reference and public service functions</p> <p>A1. Develops and oversees the implementation of operations procedures for the Microforms Center. General policies and procedures governing such matters as circulation of microform materials, cataloguing of microform materials, inter-library loaning of microform materials are not developed by this position but this position would oversee the implementation of such general policies and procedures by staff in the Microforms Center.</p> |
|-----|--|

- A2. Provides access to Microforms Center collections.
  - A3. Assists users in identification of alternative resources held in campus collections.
  - A4. Assures accuracy of holdings information of Microforms Center collections.
  - A5. Amplifies cataloguing information by providing additional access points to large microform sets.
  - A6. Prepares new acquisition lists.
- 20%      B. Intra-library liaison.
- B1. Communicates cataloguing and technical service needs for the Microforms Center to the appropriate personnel in Central Technical Services.
  - B2. Determines needs for additional cataloguing and provides bibliographic searching to the cataloguing department to facilitate the cataloguing.
  - B3. Tracks missing material, initiates claims, replacement requests and oversees inventory.
  - B4. Works closely with bibliographers and interlibrary loan staff in the use of microforms and the filling of loan requests.
  - B5. Acts as a resource within the General Library System and for other campus libraries on the subject of microforms materials and equipment.
- 30%      C. Maintenance of collections and facility
- C1. Establishes policy and procedure questions in relation to maintenance of collection.
  - C2. Provides appropriate preservation techniques for the collection.
  - C3. Provides appropriate housing, packaging and storage of the collections and delegates work to subordinate staff.

- C4. Provides appropriate instruction to staff and patrons in handling of the microforms and the equipment.
  - C5. Responsible for arrangement and functioning of equipment which includes calling for repair and replacement.
- 5%            D. Administrative functions.
- D1. Maintains and interprets operational statistics.
  - D2. Anticipates machine replacement and future needs of the facility, making recommendations in relation to growth patterns.
  - D3. Responsible for, or delegates, opening and closing of the facility.
- 5%            E. Supervisory functions.
- E1. Supervises 3600 hours/ fiscal year of student assistant staff, including hiring, training, scheduling and assigning work.
  - E2. Directs and corrects the performance of staff to insure accuracy of procedure, policy and record keeping.
  - E3. Effectively recommends discipline or dismissal to appropriate supervisors.
- 5%            F Miscellaneous

The changes in the duties and responsibilities of appellant's position since it was first classified at the Librarian 1 level are described in goals A1., B2., and C1. The supervisor of appellant's position is the Head of User Services at Memorial Library which is an academic staff, not a classified, position.

3. The collection of materials maintained in the Microforms Center includes some materials also available in the form of written books/ documents/ periodicals on the shelves of Memorial Library. The majority of the materials maintained in the Microforms Center are available in the Memorial Library only in microform format either because the written form is considered too fragile to be placed on the shelves for general circulation or because the Memorial Library does not possess the written form. Appellant's

position is not responsible for determining which materials will be included in the collection of the Microforms Center. Appellant's position is not responsible for determining which materials are fragile or for determining how they should be preserved. Appellant's position is not responsible for overseeing the reproduction of materials in microform formats.

4. The collection of materials maintained in the Microforms Center includes some sets of materials which are considered unique because the materials appear as a set in few, if any, other libraries; or because many or most of the individual materials in the set appear in few, if any, other libraries. These materials do not constitute the majority of materials in the collection of the Microforms Center.

5. Appellant's position does not have responsibility for the original cataloguing of the materials in the Microforms Center. Appellant's position does have responsibility on occasion for providing bibliographic information he has assembled to the cataloguing department for the purpose of assisting with the cataloguing of these materials. In other parts of the Memorial Library, this function is performed by positions assigned to the Library Associate classification which is in a lower level series than the Librarian series. Appellant's position also has the responsibility for developing and maintaining a listing of these materials which is organized in such a way that it permits the efficient location of materials in the Microforms Center collection. Appellant's position trains Center staff in the interpretation and application of this listing.

6. The Microforms Center receives inquiries through the Inter-Library Loan unit of the Memorial Library for information which has been the subject of a request from another library in the state or in the nation. Appellant's position, in responding to such a request, may have to conduct research to determine if such information exists within the Microforms Center collection. Such research requires general familiarity with the collection as well as extensive familiarity with the manner in which the materials in the collection are organized.

7. The materials in the Microforms Center collection consist of approximately 800,000 items.

8. Appellant requested the reclassification of his position to the Librarian 3 level. This request was denied at the Memorial Library level, the

University of Wisconsin-Madison campus level, and by respondent. Appellant filed a timely appeal of respondent's denial with the Commission.

9. The position standard for the Librarian series states as follows, in pertinent part:

I. INTRODUCTION

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F. Glossary of Terms

All of the terms listed here may not be used in the position standard. However, for purposes of allocating positions to this standard, commonly used terms are listed below:

\* \* \*

ACQUISITION WORK - The process of securing materials for the library's collection. Materials can be secured by purchase, as gifts, or through exchange programs.

\* \* \*

AGENCY LIBRARY - A library located in a State department which has a primary purpose to serve the department staff in support of the department's mission.

\* \* \*

BIBLIOGRAPHY - A list of books or periodical articles, usually on a particular subject. National bibliographies may include all books published in a particular geographic area or written in a particular language.

\* \* \*

CATALOG - A list of the holdings of a particular library or group of libraries.

CATALOGING - The process of describing "a work" and assigning a call number. Includes determine the main entry, describing the work, and assigning added entries, subject entries, and a call number.

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COLLECTION DEVELOPMENT - The process of identifying the strengths and weaknesses of a library's information resources with respect to patron needs and community resources, and of attempting to correct the weaknesses. It requires a continual

examination and evaluation of the library's resources. Further, it requires a constant study of patron needs and changes in the community the library services.

\* \* \*

INSTITUTION LIBRARY - A library located in a state institution such as Central Wisconsin Center, Green Bay Reformatory, or Wisconsin School for the Deaf.

INTERLIBRARY LOAN - The lending of material or copies of material by one library to another library.

\* \* \*

MICROFORM - A photographic miniature reproduction on film that must be magnified on special machines in order to be read. Also called "microreproductions". Microform formats include aperture cards, microfiche, microfilm, and ultramicrofiche.

\* \* \*

SELECTION - The process of deciding which information items to acquire for a library collection. It may involve decisions between items that provide information about the same subject; it may involve deciding whether the information contained in an item is worth the price; it may be a matter of deciding whether the item can stand up to the use it will receive. In essence, selection deals with decisions about quality and value.

\* \* \*

#### G. Classification Factors

Because of the variety of library programs and their varying degrees of complexity, individual position allocations have and will be based upon general classification factors such as those listed below:

1. Organizational status as it relates to the level of responsibility assigned and accountability assumed for program policy development and/or implementation functions;
2. Availability and applicability of established guidelines, procedures, precedents, and legal interpretations;
3. Potential impact of policy and/or program decisions on the public, patrons, other governmental entities, and the state's resources;
4. Degree of internal and external coordination required to accomplish objectives;

5. Availability of other nonsubordinate staff whose authority it is to make the most difficult and unprecedented program decisions or interpretations; and
6. Scope, variety and complexity of decisions considering the number and nature of the variables that are relevant to the specific decision.

## II. CLASS DESCRIPTIONS

The following class descriptions define the basic class concept for each classification level and use specific position allocations to elaborate on each concept. 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, several different areas of specialization and position categories exist within this occupational area and it is recognized that this position standard cannot describe every eventuality or combination of duties and responsibilities. Therefore, these class descriptions are also intended to be used as a framework within which positions not specifically defined can be equitably allocated on class factor comparison basis with other positions which have been specifically allocated.

### Librarian 1

PR13-03

This is professional library work in a state agency or state institution library. Positions allocated to this level function independently either as 1) a specialist, responsible for performing a wide range of library functions such as reference, collection development or cataloging within a specialized program or subject area; or 2) a generalist, performing a variety of professional library functions such as reference, circulation, and original cataloging. Positions may in addition function as leadworkers of lower level personnel. Positions allocated to this level function under limited supervision received from higher level professional library staff.

### Representative Positions

#### Specialist - Health & Social Services - Central Wisconsin Center

Identifies and selects a variety of materials dealing in one of a variety of different mental health subjects to be used by parents and community groups; produces materials in a particular area, including writing scripts, processing video tapes, and developing circular; classifying and cataloging a variety of materials; and providing reference services to community persons and agencies.

Generalist-Department of Justice

Responsible to a Librarian 2 - provides reference and research services; trains department staff in the use of an automated legal retrieval system; develops a documents collection; checks in new library materials; and prepares pamphlets and periodicals for binding.

Librarian 2

PR13-05

This is professional library work in a state agency or institution. Positions allocated to this level function either as 1) the chief librarian in a state agency responsible for all library operations including cataloging, circulation, acquisitions, reference, and in addition performs a variety of administrative tasks associated with planning, organizing, and directing all department library operations; 2) a subject matter specialist performing a wide range of library functions in addition to establishing policies and procedures affecting their speciality area, which transcends departmental boundaries. Positions may in addition function as lead-workers of lower level personnel. Positions at this level function under the general supervision of administrative staff or higher level supervisory librarians. It should also be noted that positions of a similar kind, level scope and complexity will also be allocated to this classification.

Representative Positions

Department of Industry, Labor and Human Relations - Chief Librarian

Coordinates acquisitions and circulation activities; researches reference documents to answer informational and reference questions; provides inter-library loan activities; evaluates and selecting new materials; manages funds for the Government Printing Office deposit account; establishes library policies and procedures; and plans and develops library references.

Department of Natural Resources - Chief Librarian

Develops library policies and procedures; coordinates library services between outlying districts; prepares the library budget; coordinates library reference services; and catalogs and classifies library materials.

H&SS - Mendota - Specialist

Audio-Visual (AV) provides research and reference services to institution staff and members of the general public; provides consultation to community mental health centers on referral services, equipment, collection development, etc.;



develops budget requests for AV materials; and selects and catalogs AV materials.

Legislative Reference Bureau - Specialist

Assembles, organizes and classifies newspaper and legislative magazine clippings on a variety of subject areas; recatalogs committee hearings, reports and bills; and updates the periodical and series collection.

Librarian 3

PR13-06

This is advanced professional library work. Positions allocated to this level are highly specialized and are responsible for providing professional library services to any statewide library system. Positions are responsible for providing professional library services to patrons on a nationwide basis and in addition function as a depository for unique or specialized materials. Positions may in addition function as leadworkers of lower level personnel. Positions at this level function under the general supervision of a Librarian Supervisor. It should also be noted that positions of a similar kind, level, scope and complexity will also be allocated to this level.

Representative Positions

DPI - Reference & Loan

Audio-visual Librarian - provides AV materials; develops policies and procedures as they relate to providing statewide AV reference and loan services; coordinates the selection and acquisition of AV materials; maintains a weeding program; catalogs a variety of AV materials; and answers specialized AV reference questions.

Historical Society - Assistant Government Publications

Librarian - Reviews and directs the work of the State Provincial, and Local Government publications unit; catalogs Wisconsin government serials; instructs and reviews the descriptive cataloging of retrospective materials and assigns call numbers; and determines the units conservation needs.

10. Positions offered for comparison purposes in the hearing record include:

a. Clarence Brown--Librarian 1--UW-Madison Memorial Library. This position is responsible for original cataloguing of bibliographic materials acquired by the Social Science Cluster in English and other Western European languages (with a concen-

tration on French), for input onto the international OCLC data base and requiring complex bibliographic searches on the OCLC data base to verify that the material has not yet been catalogued, determining whether the material will receive full or minimal level cataloguing, describing the item in such a manner that it is unique and distinguishable from all other items in the collection, determining descriptive access points and their proper form to enable library users to search the material on the OCLC and local NLS data bases, analyzing the subject matter of the material being catalogued and determining subject access points stated in terms of standard subject headings provided by the Library of Congress, assigning a classification number to the item based on its main subject matter in order to provide for a systematic subject arrangement of Cluster materials, creating cross references for access points used locally but not included in the Library of Congress's authority file, and supplying classification numbers and subject headings where necessary for records which lack them and are already on the OCLC data base (60%); participating in Cluster meetings and making recommendations in the areas of cataloguing, budgeting, collection development, bibliographic instruction and references (15%); providing reference services to patrons (25%).

b. Elisabeth Boehnen--Librarian 2--Department of Health and Social Services. This position is responsible for administering the agency library which includes responsibility for establishing and enforcing policies and procedures for all areas of library services and functions; directing the daily operations of the library; developing and implementing a long-range plan for library development; anticipating and planning for the short and long term information needs of agency staff through regular consultations; maintaining awareness of national and state trends in the areas of health, welfare, vocational rehabilitation, mental health, and juvenile justice; developing library collection in response to results of user surveys; analyzing requests for specific data, information, and publications from agency staff, other state and local agencies, UW staff, and the general public; filling requests for information through the means of library resources, database searches, or interlibrary loan; selecting and acquiring materials for library; and maintaining the collection, circulation system, and card catalogue.

c. Philip E. Sager--Librarian 2--Department of Public Instruction. This position is responsible for providing and coordinating the delivery of public services in the DPI Micro-computer Center/Library (MCL) which includes developing library policies and procedures; providing specialized reference services including searching the Educational Resources Information Center and/or other appropriate databases using Bibliographic Retrieval Services, DIALOG, or Lexis/Nexis; preparing bibliographies for reference and research use; planning the development of the library collection and acquiring new materials; maintaining state-of-the-art knowledge regarding micro-

computers and related technologies; providing statewide leadership for Wisconsin Dissemination Program and online searching for Wisconsin educators.

d. Craig Cramer--Librarian 3--State Historical Society. This position is responsible for developing, coordinating, and managing the services provided by the microforms unit, including developing and implementing policies and procedures for the microforms unit and functioning as liaison with microforms units in other city and academic libraries (30%); providing public services in the microform reading room, including assisting patrons in identifying, locating, and interpreting materials useful for their research and recommending other resources held in other divisions or sections of the Historical Society or in other institutions, and acquiring new materials for the microforms collection--in particular, this position applies a high degree of knowledge and expertise regarding resources, methods and techniques of conducting genealogical research--the State Historical Society is the repository of the fourth largest genealogical collection in the United States (30%); administering the technical services carried out in the microforms unit including determining the need for additional cataloguing (beyond that furnished by the catalogue section) to increase access to microforms by the public, performing original cataloguing of some materials, and recommending changes to the catalogue section and newspaper unit in the methods and procedures used in cataloguing microforms materials, and overseeing the maintenance of the card catalogue and shelf list (20%); and directing the work activities of support staff.

11. The duties and responsibilities of appellant's position are better described by the language of the Librarian 1 classification than that of the Librarian 2 or 3 classification and appellant's position is not comparable for classification purposes to the Librarian 2 and Librarian 3 positions offered for comparison purposes in the hearing record.

#### Conclusions of Law

1. This matter is properly before the Commission pursuant to §230.44(1)(b), Stats.
2. The appellant has the burden to show that respondent's denial of his request for the reclassification of his position was incorrect.
3. The appellant has failed to sustain this burden.
4. Respondent's denial of appellant's reclassification was correct and appellant's position is appropriately classified at the Librarian 1 level.

### Opinion

The issue to which the parties agreed is:

Whether respondent's decision to deny the request for reclassification from Librarian 1 to Librarian 3 was correct.

Subissue: Whether appellant's position is more properly classified as Librarian 1, 2, or 3.

The basic authority for the classification of positions is the position standard and, within a position standard, the specifications for each classification. The specification providing the "best fit" is used to determine the actual classification. The "best fit" is determined by the specification reflecting job duties and activities within which the employee routinely spends a majority of his/her time. DER & DP v. PC (Doll), Dane County Circuit Court, 79-CV-3860, 9/21/80; appeal settled, Court of Appeals, 80-1689, 2/9/81.

In order to be classified as a Librarian 2, a position must function either as (1) the chief librarian in a state agency responsible for all library operations including cataloguing, circulation, acquisitions, reference, and in addition perform a variety of administrative tasks associated with planning, organizing, and directing all department library operations; or (2) a subject matter specialist performing a wide range of library functions in addition to establishing policies and procedures affecting their specialty area, which transcends departmental boundaries.

It is clear from the record that appellant's position does not function as the chief librarian in a state agency. In addition, it is clear that appellant's position does not have responsibility for all library operations at the Memorial Library or even at the Microforms Center, i.e., his position is not responsible for original cataloguing, for determining circulation policies and procedures, or for acquisitions. The duties and responsibilities of appellant's position do not meet the requirements of the first allocation of the Librarian 2 classification.

In regard to the second allocation, appellant's position does not function as a subject matter specialist, i.e., a position which concentrates in a relatively narrow academic discipline or field of study such as American literature or Western European history or Middle Eastern languages. The specialty of appellant's position is a technical specialty or an administrative specialty, not

a subject matter specialty. In addition, the policies and procedures established by appellant's position are operational policies limited to the operation of the Microforms Center, i.e., they do not transcend departmental boundaries.

The specification for the Librarian 2 classification goes on to state that "positions of a similar kind, level, scope, and complexity" should also be allocated to this classification. However, the professional library work performed by appellant's position primarily involves secondary cataloguing work, i.e., work to assist those doing original cataloguing or work augmenting the original cataloguing done by the cataloguing department; and reference work which depends not on appellant's expertise in a particular subject matter but on his administrative expertise in regard to the manner in which the Microforms Center collection has been organized. In contrast, the Librarian 2 positions offered for comparison purposes in the hearing record (See Findings of Fact 10.b. and 10.c., above) perform collection development and acquisition; establish library-wide policies and procedures; have expertise (in the case of the Boehnen position) in the subject areas of health, welfare, vocational rehabilitation, mental health, and juvenile justice, and (in the case of the Sager position) in the area of education; and perform complex research in their respective subject areas on a statewide basis. The professional librarian responsibilities of appellant's position do not compare favorably with the professional librarian responsibilities of these positions.

In order to be classified at the Librarian 3 level, a position must be responsible for providing professional library services to any statewide library system, for providing professional library services to patrons on a nationwide basis, performing in a unit which is a depository for unique or specialized materials; and functioning under the general supervision of a Librarian Supervisor. Appellant's position does not function within a statewide library system and while he functions under an academic position filled by a professional librarian, appellant does not function under the general supervision of a Librarian Supervisor. Appellant's position on occasion performs research and provides materials to patrons on a nationwide basis although, again, this research is not based on appellant's expertise in a particular subject matter but on his administrative expertise in regard to the manner in which the Microforms Center collection has been organized. Appellant's position does perform in a unit which is a depository for unique or

specialized materials. Appellant's position does meet some of the requirements for classification at the Librarian 3 level, but the majority of his functions (based on time percentages) are not defined at the Librarian 3 level.

The Librarian 3 classification also states that "positions of a similar kind, level, scope and complexity will also be allocated to this level." The Librarian 3 position offered for comparison purposes (see Finding 10b) appears to have greater involvement in the development of policies and procedures governing the functioning of the State Historical Society (SHS) microforms unit; has a subject matter expertise in the area of genealogy and genealogical research and performs complex research in this area on a nationwide basis; and performs some original cataloguing. The professional library responsibilities of appellant's position do not compare to those of this position both when compared to the definition of a Librarian 3 and the classification factors identified in the specifications (Finding #9) as they relate to internal and external contacts, organizational status and development of program policies. While appellant's unit is certainly important, its input is internal to its patrons and is accomplished using either the policies, procedures and guidelines set by the Memorial Library or other governmental agencies. Appellant has certainly developed an internal organization of his materials which provides both an effective and efficient basis for use by academic staff. However, this is not the scope or the level of impact envisioned in the Librarian 3 classification specifications.

Lastly, the appellant contends that his position description was not accurate. Based on the record, the Commission concludes that appellant is not arguing that his position description did not accurately define appellant's duties and responsibilities per se, but rather that the scope, level, and complexity of these duties were not properly understood or analyzed in relation to the classification specifications. As indicated above, appellant has not shown that the majority of his duties and responsibilities are best defined at the Librarian 2 or at the Librarian 3 level.

The specification for Librarian 1 positions identifies generalist positions which perform a variety of professional library functions such as reference, circulation, and original cataloguing. Appellant's position does perform extensive reference and circulation functions as a generalist within the Microforms Center and does some secondary cataloguing. This specification

appears to better describe the primary emphasis of appellant's position than the Librarian 2 or Librarian 3 classification specifications.

The issue before the Commission is one of which classification best describes those duties and responsibilities to which appellant's position devotes the majority of time. While the record is clear that appellant's performance is more than satisfactory and his work valuable and of significant assistance to the academic community, these are not matters recognized by the relevant classification specifications in determining the appropriate classification of appellant's position. The Commission looks at the classification specifications and comparison positions to determine the "best fit" for a given position. Factors related to a perceived bias on the part of the respondent in opposition to having jobs in the classified service above the Librarian 1 level are not determinative because the actual duties and responsibilities assigned to a position are what the Commission reviews.


Argument was presented relating to the Librarian 3 requirement that positions report to a position classified as a Librarian Supervisor. Appellant argued that, since higher level professional librarian positions at the Memorial Library are unclassified, academic staff positions, this was an impossible requirement for him to satisfy. However, in view of the fact that appellant's position did not meet the other Librarian 3 requirements, it was not necessary for the Commission to address this argument. In addition, in general, it would appear that this requirement could be met by showing that a position is supervised by a position which is comparable to a Librarian Supervisor position.

Based on the above, the Commission concludes that the majority of appellant's duties and responsibilities are most appropriately identified at the Librarian 1 level.

Order

The action of respondent is affirmed and this appeal is dismissed.

Dated: December 17, 1992 STATE PERSONNEL COMMISSION

  
LAURIE R. McCALLUM, Chairperson

LRM/lrm/gdt

  
DONALD R. MURPHY, Commissioner

  
GERALD F. HODDINOTT, Commissioner

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NOTICE  
OF RIGHT OF PARTIES TO PETITION FOR REHEARING AND JUDICIAL REVIEW  
OF AN ADVERSE DECISION BY THE PERSONNEL COMMISSION

**Petition for Rehearing.** Any person aggrieved by a final order may, within 20 days after service of the order, file a written petition with the Commission for rehearing. Unless the Commission's order was served personally, service occurred on the date of mailing as set forth in the attached affidavit of mailing. The petition for rehearing must specify the grounds for the relief sought and supporting authorities. Copies shall be served on all parties of record. See §227.49, Wis. Stats., for procedural details regarding petitions for rehearing.

**Petition for Judicial Review.** Any person aggrieved by a decision is entitled to judicial review thereof. The petition for judicial review must be filed in the appropriate circuit court as provided in §227.53(1)(a)3, Wis. Stats., and a copy of the petition must be served on the Commission pursuant to



§227.53(1)(a)1, Wis. Stats. The petition must identify the Wisconsin Personnel Commission as respondent. The petition for judicial review must be served and filed within 30 days after the service of the commission's decision except that if a rehearing is requested, any party desiring judicial review must serve and file a petition for review within 30 days after the service of the Commission's order finally disposing of the application for rehearing, or within 30 days after the final disposition by operation of law of any such application for rehearing. Unless the Commission's decision was served personally, service of the decision occurred on the date of mailing as set forth in the attached affidavit of mailing. Not later than 30 days after the petition has been filed in circuit court, the petitioner must also serve a copy of the petition on all parties who appeared in the proceeding before the Commission (who are identified immediately above as "parties") or upon the party's attorney of record. See §227.53, Wis. Stats., for procedural details regarding petitions for judicial review.

It is the responsibility of the petitioning party to arrange for the preparation of the necessary legal documents because neither the commission nor its staff may assist in such preparation.