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BARBARA JEAN LaSAVAGE,

Appellant,

v.

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

Respondents.

Casc No. 90-0378-PC

\* \* \* \* \*

DECISION  
AND  
ORDER

NATURE OF THE CASE

This is an appeal pursuant to §230.44(1)(b) of respondent's denial of appellant's request to be reclassified from Housekeeping Services Supervisor 1 (HSS 1) to Housekeeping Services Supervisor 2 (HSS 2).

FINDINGS OF FACT

- 1) Appellant laterally transferred into her current position at the J. F. Friedrich Center at the HSS 1 level on January 2, 1989
- 2) The J. F. Friedrich Center is one of three conference centers operated by the University of Wisconsin Extension. The other two conference centers are Lowell Hall and the Wisconsin Center. All of the conference centers are located on the University of Wisconsin-Madison campus and have both housing and conference/meeting facilities. The J. F. Friedrich Center has 75 guest rooms.
- 3) The position held by appellant just prior to her transfer was also classified as a HSS 1. In this position appellant was responsible for supervising a crew of Building Maintenance Helper 2's performing housekeeping services at Science Hall, Radio Hall, North Hall and the Old Education Building. She reported directly to a HSS 2 and was responsible for keeping attendance, inspecting work, writing repair orders and scheduling and training subordinates. Appellant was not involved in hiring, but did do evaluations and kept track of incidents which could lead to a recommendation for discipline. (Appellant's Exhibit #7).

4) At the time of appellant's transfer, the HSS 1 position at the J. F. Friedrick Center had just been newly created. The duties and responsibilities initially assigned to appellant are accurately reflected as follows in the Position Description she signed on January 19, 1989: (Appellant's Exhibit #3).

#### POSITION SUMMARY

Supervision of the staffs (sic) responsible for maintaining the appearance of all areas of the Friedrick Center according to custodial maintenance standards Work schedule - flexible. This position has 24 hour responsibility for custodial operations in assigned areas.

TIME %	GOALS AND WORKER ACTIVITIES
75%	<p>A. Provide supervision of housekeeping services staff in cleaning of guest rooms, classrooms and public areas of building.</p> <ol style="list-style-type: none"><li>1. Clean and maintain classrooms; set up furniture and equipment as requested.</li><li>2. Perform and direct cleaning of storage, food service, public areas and bathrooms in building.</li><li>3. Schedule duties of BMH II, LTE and student help responsible for cleaning of 1 and 2.</li><li>4. Direct activities of BMH III, 2 BMH II's, LTE's, students responsible for cleaning of 75 guest rooms.</li><li>5. Train employees in proper work methods and use of materials.</li><li>6. Effectively recommend hiring, transfer, suspension, evaluation, and salary adjustment of subordinate employees</li></ol>
10%	<p>B. Maintain Audio visual equipment.</p> <ol style="list-style-type: none"><li>1. Clean, deliver, set up, and inventory A/V equipment; ensure proper storage and handling.</li><li>2. Arrange for repairs, additional equipment needs through Wisconsin Center Media Services.</li></ol>
10%	<p>C. Maintain and monitor building and building equipment.</p> <ol style="list-style-type: none"><li>1. Check building mechanical equipment and report necessary repairs.</li><li>2. Perform and direct minor repairs to building fixtures and furniture as necessary; supervise and schedule duties of BMH II responsible for this area. (see A.3.)</li><li>3. Maintain records of maintenance performed.</li><li>4. Perform and direct cleaning of outside grounds area--snow removal, trash pick up, etc.</li></ol>

- 5%            D. Assist in department planning.
1. Recommend, order, inventory and distribute appropriate building and cleaning supplies.
  2. Develop cleaning schedules and staff schedules to cover all events and areas of the building.

5) In a memorandum dated March 28, 1990, Ms. Pat Gaffney requested UW-Extension review appellant's position for reclassification. Ms. Gaffney is the Manager of the J. F. Friedrich Center and appellant's immediate supervisor. At the time of the request for reclassification, appellant's duties and responsibilities were accurately described as follows by the Position Description she signed on December 27, 1989: (Respondent's Exhibit #2)

#### POSITION SUMMARY

Supervises all staff responsible for the Custodial/Maintenance/  
Audio Visual Operations of the J. F. Friedrich Center. Work  
Schedule flexible. 24 Hour Responsibility

#### TIME %            GOALS AND WORKER ACTIVITIES

- 40%            A. SUPERVISES CUSTODIAL OPERATIONS
- a1. Schedule duties of BMH III, BMH II'S, LTE's and student help responsible for cleaning 75 guest rooms, and all other areas of the J. F. Friedrich Center.
  - a2. Determine staffing levels based on types of areas cleaned, degree of usage, size, obstructions, and type of floor surfaces.
  - a3. Evaluate use of areas cleaned to determine priority level and frequency of cleaning.
  - a4. Establish work assignments according to the time when the job can best be accomplished.
  - a5. Recommend methods to be followed for specific jobs.
  - a6. Provide direction to subordinate BMH 3 leadworker in carrying out policies and what jobs are to be done.
  - a7. Inspect building to determine if the work being done meets with the predetermined standard.
  - a8. Arrange for extra labor and equipment for set-ups of non-routine events.
  - a9. Train BMH 3 and BMH 2's, LTE's and Students in the use of new equipment, materials and supplies.
  - a10. Keep BMH 3 informed of special work assignments, rules changes, personnel activities and problems, job opportunities, schedules, safety precautions, etc.

- 15%      **B. SELECTION AND SUPERVISION OF CUSTODIAL STAFF**
- b1. Place advertisements, and interview and evaluate applicants for initial employment, and make final selections.
  - b2. Provide initial information for new appointments to Personnel Officer.
  - b3. Provide initial orientation for new employees outlining job duties, benefits, and responsibilities.
  - b4. Initiate probationary service reports and employee performance evaluation.
  - b5. Counsel subordinate BMH 3 and employees on work performance, work rules, and disciplinary matters.
  - b6. Take disciplinary action, including written reprimands or recommend suspensions, when appropriate.
  - b7. Recommend dismissal of employees to high level supervisors when appropriate.
  - b8. Terminate LTE or Student staff when necessary.
  - b9. Receive requests for leaves of absence and recommend approval or disapproval.
- 10%      **C. PREPARATION AND MAINTENANCE OF RECORDS**
- c1. Keep daily records of employee absences, i.e. vacation, sick leave, leave without pay, personal holidays, overtime, etc.
  - c2. Prepare biweekly report for payroll, to include preparation of time cards, and time sheets for all employees.
  - c3. Maintain records of certain expendable supplies purchased in large volume from vendors.
  - c4. Maintain inventory records on all capital equipment.
  - c5. Monitor expenditures for supplies and equipment to stay within budget.
- 10%      **D. PROCUREMENT OF SUPPLIES AND EQUIPMENT**
- d1. Requisition supplies from U.W. Stores or outside vendors.
  - d2. Requisition new equipment.
  - d3. Order replacement parts for equipment.
  - d4. Meet with salesmen to discuss new equipment and products available.
  - d5. Test and evaluate new products and equipment.
  - d6. Arrange for equipment demonstrations for subordinate BMH 3 and all other employees.
  - d7. Provide written or oral product evaluation reports to Purchasing Department.
- 10%      **E. SUPERVISES AUDIO VISUAL OPERATION**
- e1. Maintain audio visual equipment.
  - e2. Clean, deliver, set up, and inventory A/V equipment; ensure proper storage and handling.

- e3. Arrange for repairs, additional equipment needs through Wisconsin Center Media Services.
- e4. Meet with coordinator's regarding complaints, or request for special equipment or services.
- e5. Initiate training program for audio visual equipment and set-up.

10%

F. SUPERVISES MAINTENANCE IN BUILDING

- f1. Maintain and monitor building and building equipment.
- f2. Check building mechanical equipment and report necessary repairs.
- f3. Perform and direct minor repairs to building fixtures and furniture as necessary; supervise and schedule duties of BMH II responsible for this area.
- f4. Maintain records of maintenance performed.
- f5. Perform and direct cleaning of outside grounds area-snow removal, trash pick up, etc.
- f6. Perform and direct cleaning of all windows in the J. F. Friedrich Center.
- f7. Maintain all outside furniture, bike racks, etc.
- f8. Procure new keys as needed, keep inventory of all keys used in the J. F. Friedrich operation.
- f9. Coordinates a schedule for the periodic maintenance of all filters, washers, gaskets, etc., in operation.

5%

G. ASSIST IN DEPARTMENT PLANNING

- g1. Recommend, order, inventory and distribute appropriate building and cleaning supplies.
- g2. Pickup supplies from vendors as needed.
- g3. Drive the Shuttle Car to U.W. Hospital for guests on a as needed basis.
- g4. Fill in at the Front Desk for minimal tasks and periods of time, on as needed basis.
- g5. Run errands as needed.

6) The following changes in appellants position were identified by respondent in their denial of appellant's reclassification request (Respondent's Exhibit #5)

- 1. You hire rather than recommend the hiring of subordinate employees.
- 2. You have authority to requisition supplies and small equipment purchases
- 3. You research and recommend purchase of capital items.
- 4. You have been delegated more decision making authority regarding who and when to call regarding maintenance problems.

7) The specification for Housekeeping Services Supervisor 1 and Housekeeping Services Supervisor 2 provide the following:

**HOUSEKEEPING SERVICES SUPERVISOR 1**

SR1-09

Class Description

Definition:

This is responsible supervisory housekeeping work. Employees in this class have 24 hour responsibility for: 1) a custodial operation in an assigned area such as residence halls, academic buildings, or a student center - food service operation, or 2) depending upon the size of the institution, all custodial operations in an institution. Work involves planning, assigning and directing a variety of cleaning activities. Work is generally performed under the supervision of higher level maintenance personnel.

Examples of Work Performed:

Effectively recommends the hiring, transfer, suspension, layoff, recall, promotion, discharge, assignment, evaluation, discipline, and adjustment of grievances of subordinate employees.

Checks work completed for quality and completeness.

Trains new employees and interprets housekeeping methods and procedures.

Keeps personnel records of employees work time, vacations, sick leaves and evaluations.

Develops procedures, programs, schedules, and priorities related to the work to be performed.

Orders and keeps records of supplies used in the daily operation of the institution and recommends equipment purchases.

Makes physical arrangements for conferences or special events held at the institution.

Other assigned work may include tasks not specifically enumerated above which are of a similar kind and level.

**HOUSEKEEPING SERVICES SUPERVISOR 2**

SR1-11

Definition:

This is very responsible supervisory housekeeping work. Employees in this class have 24-hour responsibility for: 1) a complex custodial operation in an assigned area of one of the state's largest institutions such as the University of Wisconsin - Madison, or 2) a housekeeping program which includes all custodial and laundry operations for an entire institution, such as found in the University of Wisconsin System. Work involves

planning, assigning, directing and reviewing a variety of custodial activities which may involve related housekeeping operations. Positions at this level are distinguished from those at the one level by the fact that the scope of the custodial operation is more complex in terms of the staffing pattern utilized, or that the program responsibility involves more than just a custodial operation. Work is generally performed under the supervision of higher maintenance personnel.

Examples of Work Performed:

Efficiently (sic) recommends the hiring, transfer, suspension, layoff, recall, promotion, discharge, assignment, evaluation, discipline and adjustment of grievances of subordinate employees.

Develops procedures and schedules priorities of work to be performed

Investigates and keeps daily reports of complaints as to the quality of work being performed by the housekeeping staff and reports findings to higher level personnel.

Keeps inventory control records and orders custodial supplies as needed such as solutions, mops, towels, brooms and compounds.

Conducts orientation for new employes and instructs as to the proper use of solutions and equipment.

Other assigned work may include tasks not specifically enumerated above which are of a similar kind and level.

8) At hearing, the appellant introduced the following HSS 1 and HSS 2 positions for comparison purposes.

a) Walter J. Marty, HSS 1, UW-Madison, Physical Plant.

This position reports to an HSS 2 and is responsible for supervision of a crew of 10-12 employes, including 1 Custodial Supervisor 1 and 9-11 BMH 2's, providing housekeeping services to the Educational Science Building. Activities include participation in interviewing new employes and conducting employe evaluations, and making recommendations for discipline (15%); supervising custodial activities (30%); performing administrative duties such as writing repair orders and purchase requests for supplies, and scheduling vacations, overtime and compensatory time (30%); keeping records of activities and inventories, and maintaining employe time records (15%); and other miscellaneous duties as assigned (10%).

This position is identical to the one appellant held prior to her transfer to the J. F. Friedrich Center. This position differs from appellant's current position in that it does not have independent hiring authority; responsibility

for doing minor maintenance; authority to contact physical plant to arrange for maintenance work, or outside sales persons to purchase supplies; or responsibility for work outside the building, e.g. window washing.

b) Daniel E. Steinhofer, HSS 1, The Wisconsin Center, UW-Extension

This position reports to the Director of the Wisconsin Center and supervises a crew of 12. Responsibilities include planning and directing the cleaning and set up for classes, banquets, displays and other events held at the Wisconsin Center and Alumni House (40%); supervision of staff in the washing of windows and walls, stripping and waxing of floors, setting up of meeting rooms including provision of audio-visual equipment (20%); scheduling employes, keeping necessary time reports and records for payroll, assigning work to crew members and night foreman, and instructing new employes on use of equipment and overall operations (27 1/2%); ordering supplies, keeping inventory and maintenance records, reporting on necessary equipment repair to appropriate departments, and checking equipment for safety hazards (10%); and arranging for installation of new equipment and functions (2 1/2%).

This position supervises a larger number of employes, but does not have the same scope of maintenance and audio visual responsibilities that appellant does. This position, like appellant's, reports to an academic staff director.

c) Connie M. Tabor, HSS 1, University of Wisconsin-Madison, University Housing-Hellery Hall

This position reports to a higher level Housekeeping Supervisor and is responsible for the supervision of Building Maintenance Helper 2's performing custodial services for Sellery Hall dormitory (25%); coordination of custodial services with maintenance and student affairs including generation of bills for student damage and responding to billing appeals (25%); maintenance of inventory and control of supplies and equipment (20%); evaluation of need for repair and/or replacement of furnishings and facilities and writing up necessary work orders (10%); analysis of personnel requirements for special cleaning periods, (10%); and production of necessary operational documents including time reports, work plans and needed repairs/replacement of equipment (10%)

d) Florence Hasse, HSS 2, University of Wisconsin-Madison, Physical Plant/Custodial Department

This position reports to an HSS 3 and is responsible for from 45-60 employes assigned to one of 5 crews each of which is



headed by an HSS 1. Responsibilities include supervision of staff including performance evaluations, training, participation in employment interviews, taking or recommending (if above oral or written reprimand level) disciplinary actions, and assisting subordinate supervisors in interpretation of rules and policies and resolution of problems (35%); developing procedures, programs and work priorities, investigating complaints, and testing new cleaning methods, products and equipment (35%); maintaining employe time and attendance, payroll, inventory and supply records (15%); inspecting custodial work and services provided by staff (5%); and miscellaneous duties, such as filling in for other supervisors (10%).

This position has a much larger staff and physical area of responsibility. This position also is involved in the hiring process and the testing of new products like appellant. Appellant has actual authority to hire (as opposed to recommending only), and has more responsibility in the areas of audio-visual equipment and maintenance of facilities.

e) Roger P. Stone, HSS 2, University of Wisconsin-Superior

This position reports to the Director of the Physical Plant and is responsible for supervising 23 Building Maintenance Helpers and 5 Facility Repair Workers engaged in custodial and maintenance activities (45%) and 4 Laborer Specials engaged in grounds maintenance and landscaping, and moving office furniture and equipment (45%) for the entire UW-Superior Campus. The remainder of this position's time (10%) is spent in maintaining employe time and attendance reports, payroll records, and making recommendations to line supervisors regarding hiring, disciplining and other personnel transactions.

This position has a larger staff and physical area of responsibility. In addition, the position has grounds responsibilities and directly supervises employes (Facilities Repair Workers) who perform maintenance activities. Appellant does have a higher level of authority in regard to personnel actions, e.g. hiring, additional responsibility for audio visual equipment, and the ability to review and evaluate new products which this position does not have.

f) Tim M. Schlinsky, HSS 2, Department of Veterans, Wisconsin Veterans Home

This position reports to the Institution Business Administrator and is responsible for supervision the cleaning and maintenance of the entire institution (50%); conducting training and inservice education (20%); maintaining adequate

inventory of supplies, maintaining employe time and leave accounting records, and preparing budgets (18%); serving as a member of Infection Control, Member Orientation Room Assignment, and Fire Safety Committees (10%); and preparing employe evaluations, probationary reports and conducting first step grievance meetings (2%).

This position has more staff and a larger physical area of responsibility. The supervisory tasks are the same as the appellants, except that appellant has hiring authority. This position does not have the maintenance, audio-visual or new product evaluation responsibilities performed by appellant.

9) The following HSS 1 and HSS 2 positions were submitted at hearing for comparison purposes by respondent:

a) Stephen Hartung, HSS 1, University of Wisconsin-Madison, Wisconsin Center Guest House

This position reports to a maintenance supervisor and is responsible for supervising a staff of 5 building Maintenance Helpers and 1 Facility Repair Worker in the cleaning of 73 guest rooms (50%); cleaning of public areas, office space, pool, sauna, and classrooms (35%); ordering supplies and establishing work schedules (10%); and performing other miscellaneous tasks (5%). The position has the ability to make recommendations regarding personnel transactions such as hiring, discipline and salary adjustments.

This position is comparable to appellants in terms of the size and scope of operation; i.e. they both have guestroom and classrooms. Since this position reports to a maintenance supervisor, the incumbent is less involved in evaluating and performing maintenance activities. However, the position does supervise a Facility Repair Worker who performs some maintenance activities. This position has a more limited role in personnel actions, e.g. hiring, and does not evaluate new products, contact physical plant and arrange for work to be done by crafts workers or become involved with audio-visual equipment.

b) Mark Dawson, HSS 1, University of Wisconsin-Madison, Physical Plant, Custodial Department

This position reports to an HSS 2 and is responsible for supervising a crew of 9 Building Maintenance Helpers engaged in cleaning academic buildings. Responsibilities involve supervising and inspecting housekeeping activities, training and instructing employes, making physical arrangements for conferences and special events, performing basic mechanical

equipment maintenance and repair, and testing new cleaning methods and products (30%); writing purchase requests and work orders for maintenance, reporting security discrepancies, and contacting appropriate maintenance shops in emergencies (30%); supervising staff including evaluations, scheduling work hours and vacation, and making recommendations concerning certain personnel transaction, e.g. hiring and discipline (15%); maintaining various employe, quality assurance, and inventory records (15%); and miscellaneous duties such as filling in for absent supervisors (10%).

This position has many of the same responsibilities as appellant in the area of maintenance and testing of new products. Appellant has a slightly stronger role in directing maintenance activities and contacting maintenance shops directly. In addition, this position has no responsibility for audio-visual equipment and does not have authority to make hiring decisions.

c) William Wood, HSS 2, University of Wisconsin-Parkside,  
Physical Plant

This position reports to the Director of the Physical Plant and is responsible for all custodial operations on the campus. The position supervises one Custodial Supervisor, 27 Building Maintenance Helpers and 1 Laborer Special. Responsibilities include supervision of staff including scheduling of work hours, inspecting work and evaluating staff performance, processing and coordinating specialized cleaning requests, and recommendations regarding personnel transactions such as hiring and discipline (25%); developing and implementing campus custodial maintenance program including development of procedures and recommendations for staffing levels (25%), monitoring inventory control, payroll, and equipment and supply records, and developing an operating budget (20%); developing and implementing a product testing program (10%); conducting and coordinating safety and security training sessions and new employe orientations (15%); and directing the custodial equipment maintenance program (5%).

This position has a much larger staff and a larger physical area of responsibility. In addition, this position has overall responsibility for testing new products. Appellant's position does have a larger role in maintenance, in addition to responsibility for hiring new staff and audio-visual equipment which this comparison position does not have.

d) Raymond A. Francis, HSS 2, University of Wisconsin-Eau  
Claire, Facilities Management.

This position reports to the Director of Facilities Management and is responsible for all custodial service in Academic and GPR-supported space on the campus. This position supervises 2 Custodial Supervisors, 57 Building Maintenance Helpers, 1 Maintenance Mechanic 2, as well as a number of LTE's and Students. Responsibilities involve management of personnel resources including staff training, performance evaluation, scheduling of work, hiring staff, and serving as the first step in the grievance procedures (40%); establishing work priorities and standards of quality and inspecting work performed (35%); maintaining appropriate inventory of equipment and supplies and testing of new products (20%); and preparing and administering the operating budget for custodial services.

This position does not have the involvement in the maintenance and audio-visual areas that appellant does. However, this position does have all the other responsibilities that appellant does in a much larger operation, i.e staff and size of facility. In addition, this position has significant responsibility for the operating budget.

10) Appellant's position has responsibilities that are normally not found in other HSS 1 positions, e.g. authority to hire staff, testing of new products, facility maintenance, including contacting of crafts personnel at Physical Plant directly, and requisitioning of supplies. Other HSS 1 positions, however, have more staff and a larger physical area of responsibility.

11) The specification for HSS 2, and the comparison position submitted at hearing, identify size and/or the number of functions performed as the chief distinguishing factor between an HSS 1 and HSS 2.

12) The duties and responsibilities of appellant's position are more appropriately identified by the classification specification for HSS 1.

#### CONCLUSIONS OF LAW

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

2) Appellant has the burden of proof to show that respondent's denial of her request to reclassify her position from HSS 1 to HSS 2 was incorrect.

3. Appellant has failed to sustain this burden.

4. Appellant's position is appropriately classified as an HSS 1.

### DISCUSSION

In reclassification cases such as the instant case, the proper classification of a position involves a weighing of the classification specifications against the actual work performed to determine which classification best fits the position. It is not uncommon to find that the duties and responsibilities of a position may be described by two or more classifications or found in other position descriptions for positions classified at higher or lower levels than the position under review. The classification which "best fits" a position is that which describes the duties and responsibilities to which the position devotes a majority of time. [Bender v. DOA and DP, Case No. 80-210-PC (7/1/81); Division of Personnel v. State Personnel Commission (Marx), Court of Appeals District IV, 84-1024 (11/21/85); DER & DP v. State Personnel Commission, Dane County Circuit Court, 79-CV-3860 (9/21/80)].

Appellant argues that there has been a gradual and logical change in her duties and that these changes make her position so different than other HSS 1 positions that it is no longer appropriately classified as an HSS 1. To support this appellant points to her hiring authority, maintenance responsibilities including being on call if maintenance problems occur, involvement with audio-visual equipment, and ability to test new products and make independent purchases of supplies and capital items. While other HSS 1 positions are involved in some of these matters, they have higher level supervisors to whom they make recommendations and/or need the approval of before taking action.

Appellant references her own experience in this regard when she transferred into her current position from another HSS 1 position (See Finding # 3). Other than the fact that her current position involved day shift work, she assumed that the job would be primarily custodial (cleaning) in nature like her previous position. The record reflects that the PD appellant signed when taking her current position (See Finding #4) identified responsibility for maintaining audio-visual equipment (Goal B) and performing and directing minor repairs to building fixtures and furnishings (Goal C). Based both on testimony and the current PD for appellant's position (Finding #5), there has been an expansion of activities and independence of authority in these areas. In addition to these areas, appellant's responsibility for hiring staff and for contacting salespersons and testing new products are functions not normally found at the HSS 1 level.

This argument (difference with other HSS 1 positions) can not, however, finally dispose of this matter. Showing that position is different than other positions does not automatically lead to a conclusion that the position should be classified at a higher level. Rather, there must be a showing that the change which has occurred causes the majority of the position's duties and responsibilities to be appropriately classified at a different (higher) classification level. (Ghilandi & Ludwig v. DER, 87-0026, 0027-PC, 4/14/88)

The specifications for HSS 2 provide the following:

Class Description

Definition:

. . . Positions at this level are distinguished from those at the one level by the fact that the scope of the custodial operation is more complex in terms of the staffing pattern utilized, or that the program responsibility involves more than just a custodial operation. . . .

This distinction between HSS 1's and HSS 2's is highlighted in the position comparisons submitted at hearing. All of the HSS 2 positions had larger staffs and a larger physical area of responsibility, up to and including an entire UW campus (See Finding 9c) or an institution (See Finding 8f). In addition, one of the HSS 2 positions also had responsibility for the ground operations for an entire campus (See Finding 8e). Based on size and physical area of responsibility, appellant's position is weaker from a classification standpoint than the comparison positions at the HSS 2 level introduced at hearing or anticipated by the specification language.

Appellant argues that she was being penalized because she didn't have a subordinate level supervisor. This lack of a subordinate supervisor is not determinative of appellant's classification. Based on the classification specifications, it is the size of the operation and the responsibility for other areas such as grounds, that distinguished position at the HSS 2 level from those at the HSS 1 level. While it is true that all of the HSS 2 positions introduced as comparisons at the hearing had subordinate supervisors, this is a function of the size of the operation. Changing the classification of one of appellant's subordinate employees to that of a supervisor or adding a supervisory position to appellant's

staff does not in and of itself justify moving appellant's position to the HSS 2 level.

Appellant's arguments could be construed as suggesting that there should be some equivalency at the HSS 2 level to recognize the diversity of her responsibilities (classrooms, offices, meeting/conference rooms and guest rooms versus just classrooms and offices), and the additional level of responsibility she has to hire staff, perform maintenance activities and contact the craftworkers at physical plant directly, audio-visual repair and set up, and contact salespersons about new products and services. This argument fails because the classification specification for HSS 2 does not recognize these equivalencies, and the Commission is bound by the classification specification in existence and cannot reject or modify them in reaching a decision. [Zhe et al. v. DHSS & DP, Case No. 80-285-PC (11/19/81); affirmed by Dane County Circuit Court, Zhe et al. v. State Personnel Commission, 81-CV-6492 (11/2/82)]. Even if the appellant could show that the classification specification are outdated or in need of revision to recognize program changes, the authority to create and revise classification specifications is vested statutorily with the Secretary of the Department of Employment Relations.

The majority of appellant's duties and responsibilities are defined at the HSS 1 level as . . . "24-hour responsibility for: 1) a custodial operation in an assigned area such as residence halls, academic building or student center - food services operations, . . . ." The duties and responsibilities that appellant has outside of her custodial operation and the expanded authority in certain areas of the custodial operation are certainly important but they do not in and of themselves warrant a higher classification level. Appellant also argues in this regard that these additional duties and responsibilities are normally performed by an HSS 2, and in some cases, such as final hiring authority, even HSS 2's do not have this responsibility or authority. While the record factually supports this argument, the decision regarding the appropriate classification of appellant's position is based on the majority of the duties and responsibilities assigned to the position and the classification specification that best defines them.

The appellant's position spends 40% of its time supervising a custodial operation (Goal A) and 10% in preparation and maintenance of records (Goal

C). This is 50% of the position's time which is identical to other HSS 1 positions offered as comparison during the hearing. In addition, some portions of Goal B — Selection and Supervision of Custodial Staff — 15%; Goal D - Procurement of Supplies and Equipment - 10%; and Goal F - Supervises Maintenance in Building - 10% are also similar to the duties and responsibilities of other HSS 1 positions. Even if only 10% of the 35% attributed to these goals involve tasks similar to other HSS 1 positions, appellant's position would spend 60% of its time allocation on activities identified at the HSS 1 level.

Respondent has indicated on the record that appellant's performance is not at issue and that she is a valued employe and has shown considerable initiative in performing her job. The Commission takes note of this assessment and would indicate its concurrence. Appellant's efforts and conscientiousness are evidenced in part by the considerable amount of compensatory time she has accrued.

The issue before the Commission, however, is the appropriate classification of appellant's position. Based on the classification specification and the comparison positions submitted at the hearing, appellant's position is more appropriately classified at the HSS 1 level rather than at the HSS 2 level.

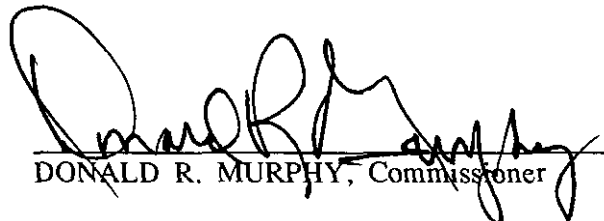
ORDER

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

Dated: May 14, 1992 STATE PERSONNEL COMMISSION

  
LAURIE R. McCALLUM, Chairperson

GFH/gdt/2

  
DONALD R. MURPHY, Commissioner

  
GERALD F. HODDINOTT, Commissioner



Parties:

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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.