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RICHARD M. JERRICK,

Appellant,

v.

Secretary, DEPARTMENT OF  
EMPLOYMENT RELATIONS,

Respondents.

Case No. 90-0392-PC

\* \* \* \* \*

DECISION  
AND  
ORDER

Nature of the Case

This is an appeal of respondent's denial of appellant's request for the reclassification of his position from Administrative Officer 3 (AO 3) to AO 4. A hearing was held before Laurie R. McCallum, Chairperson, on April 16, 1991.

Findings of Fact

1. At all times relevant to this matter, appellant has been employed in an AO 3 position as the Director of the Department of Industry, Labor, and Human Relation's (DILHR's) Bureau of General Services. On or around February 19, 1990, appellant requested the reclassification of his position to the AO 4 level. This request was denied by respondents and appellant filed a timely appeal of this denial with the Commission.

2. DILHR's Bureau of General Services consists of three sections:

a. Facilities Management Section--responsible for telecommunications, space acquisition, lease negotiation, coordination of building construction, and the remodeling and/or maintenance of owned and leased facilities. DILHR has 150 offices and owns fourteen buildings. This section has 8 employees.

b. Purchasing Section--responsible for procurement of supplies, furniture, equipment, and services; printing procurement and recordkeeping; operation of a stores warehouse for distribution of forms and supplies; and management of DILHR's inventory, property and surplus property disposal systems. DILHR's annual purchasing budget is \$22 million. The annual value of DILHR's printing orders is \$1 million.

c. Office Support Section--responsible for mailroom operations; operation and maintenance of an offset press; fleet management; management of parking in General Executive Facility 1 in Madison; and building access. DILHR's fleet includes 154 vehicles which are owned and maintained by the Department of Administration. DILHR's mail processing operation is the largest of any state agency in Madison--total postal revenue averages \$3.5 to \$4 million per year and over one million pieces of first class mail are processed monthly.

3. In addition, appellant's position is responsible for DILHR's safety and health program. DILHR has approximately 2,340 full-time equivalent (FTE) employees and the Bureau of General Services has 34 FTE employees. Appellant's position's first-line supervisor is John Rader, Administrator, Division of Administrative and Management Services.

4. Since appellant's position was first classified at the AO 3 level, the following changes in assigned duties and responsibilities have occurred:

a. added responsibility for implementing an agency-wide space improvement program involving a comprehensive statewide construction, renovation, and maintenance effort;

b. added responsibility for implementing the systematic renovation of the fourteen buildings owned by DILHR in a continuing cycle;

c. responsibility for overseeing the leasing of rental sites now involves the design of specifications and plans utilizing Computer Aided Design (CAD) equipment;

d. additional authority delegated from the Department of Administration to manage all building construction and renovation projects of \$30,000 or less;

e. additional authority delegated from the Department of Administration for letting bids for all commodities, regardless of dollar amount, and for procurement of contractual services up to \$10,000.

5. The following positions were offered for comparison purposes in the hearing record:

a. AO 3--Richard Fox--Department of Natural Resources (DNR)--Director, Bureau of Program Services--this position supervises five sections employing 62 FTE--this position is responsible for managing the DNR's radio communications and telecommunications; warehouse distribution center; property management, including inventory management, surplus equipment disposal, property, maintenance, risk management, and worker's compensation; mail operations; supplies procurement; printing operations and photocopying services (25-35% of the printing is done for other state agencies); fleet management; safety and health program; central word processing center; and the Aeronautics program. DNR's Aeronautics program includes an air fleet consisting of 18 aircraft and 10 pilots and the oversight of this program involves directing and evaluating adherence to pertinent FAA regulations and state policies and procedures and has a significant impact on the overall risk management/safety program of the DNR. DNR's radio communications program is currently valued at \$3.5 million and furnishes communication services to forestry (fire control), law enforcement, fish and wildlife, and environmental quality programs; and involves responsibility for coordinating radio communications with the Division of Emergency Government, Wisconsin State Patrol, and other law enforcement agencies throughout Wisconsin. DNR's fleet (other than aircraft) consists of 1,800 vehicles (cars, trucks, and heavy equipment) which are owned and serviced by the DNR in the agency's own repair shop. DNR has approximately 2,700 FTE employees.

b. AO 4--James McKinnon--Department of Transportation (DOT)--Director, Bureau of Management Services--this Bureau has 64.5 FTE employees--this position is responsible for DOT's telecommunications; facilities management (including building construction, remodeling, office layout, leasing, management of rent and utility accounts, and administration of capital budget); purchasing; printing; inventory; property management and surplus property disposal; fleet management (including the gasoline program); risk and safety management programs; records and form management; map, film, and publication sales; audio-visual and graphics programs; and hazardous materials program. DOT owns 344 facilities and leases 162 facilities; has an annual purchasing budget of \$72 million; has a fleet of 1,304 vehicles (cars, trucks, and heavy equipment) which are owned and serviced by DOT; and its statewide gasoline program (located at various State Patrol headquarters, highway district headquarters, weigh stations, etc.) utilizes 1.8 million gallons of gasoline annually. DOT's audio-visual/graphics program includes a staff of graphic artists, CAD operators, and photographers involved in generating state and county road maps; and producing TV tapes for internal departmental training, public

education, public promotional purposes, and desk-top and corporate publishing. DOT's printing shop is one of the largest in a state agency. DOT's hazardous materials program involves such things as paints, chemicals, waste oil, and ammunition; requires the implementation of additional safety/risk management procedures as well as additional contracting and coordinating activities for hazardous material shipments; and includes responsibility for informing employees and the public of potential hazards, insuring protective gear is available, and maintaining compliance with regulations for the use, transportation, storage, and disposal of hazardous materials and waste. DOT's purchasing program involves a wide variety of commodities including such things as supplies, equipment, and ammunition for the State Patrol; and paints, chemicals, and supplies and equipment for the road program. DOT has approximately 3,800 FTE employees.

c. AO 4--Beverly Balakhovskiy--Department of Corrections (DOC)--Director, Bureau of Administrative Services--this position is responsible for telecommunications; space management; purchasing; printing; a central warehouse; inventory control; mail services; fleet management; risk management; word processing; and development and maintenance of the central financial management systems (accounting systems, audit services, fiscal monitoring, reporting and financial controllership). DOC has nearly 4,000 FTE employees in institutions, regional offices, and central operations; and administers state, federal, and program revenue funds of \$200 million annually.

d. AO 4--Wynn Davies--Department of Health and Social Services (DHSS)--Director, Bureau of Facilities and Management--(Note: the position description for this position which is a part of the hearing record is dated in 1988 and predated the separation of the Division of Corrections from DHSS)--this position is responsible for telecommunications; institution food service; space management; engineering; records and forms management; and oversight and coordination of the bidding, contracting and construction monitoring of approved building program projects at DHSS institutions. DHSS at this time owned 781 facilities and leased 129 facilities; and had 10,000 to 11,000 FTE employees.

6. The position standard for the AO 3 classification states, in pertinent part:

Administrative Officer 3

Class Description

Definition:

This is highly responsible administrative and managerial work in providing highly complex executive, liaison, and staff functions and services. An employee in this class is responsible for major management functions including program development and evaluation. The work involves responsibility for management functions as they affect the programs of numerous complex organizational segments with professional or technical programs, and for the evaluation and improvement of such operations in any management area. An employee develops departmental policies and regulations, recommends the establishment and revision of legislation, and makes responsible management decisions within a broad framework of laws, rules and policies which have a great effect upon departmental programs. The work is performed with a high degree of independence, subject only to administrative review by the department head. Positions allocated to this class differ from those allocated to Administrative Officer 2 in the amount of authority delegated by the agency head, the influence of the administrative officer's decisions on the line functions of the agency, the variety, complexity, and professional nature of the agency's programs, the relationship of the administrative officer to professional program administrators and the nature and complexity of the agency's organizational structure.

7. The position standard for the AO 4 classification states, in pertinent part:

Administrative Officer 4

Characteristic Work of the Class

Definition:

This is highly responsible administrative and managerial work in providing complex and diversified liaison, and staff functions and services. An employee in this class is responsible for the direction of all business management functions in a large department, including the administration of the business management aspects of all personnel, fiscal, purchasing, data processing and systems, and budget programs, or the employee is

responsible for the executive administration of several business management functions in a major department composed of several semi-autonomous divisions each of which is concerned with diversified major professional or technical programs. The employe plans, determines, and directs or assists in the direction of the implementation of departmental policies and regulations in the sphere of business management for the department. The employe is required to make high level management decisions which have major impact upon departmental policy, programs and operations as they relate to business management. The employe determines and evaluates departmental recommendations for the establishment and revision of legislation. The work is performed for the most part independently, subject only to administrative direction and review by the department head.

8. The duties and responsibilities of appellant's position are more closely comparable to those of the AO 3 positions than those of the AO 4 positions offered for comparison purposes in the hearing record and appellant's position is more appropriately classified at the AO3 level than at the AO 4 level.

#### Conclusions of Law

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

#### Opinion

In determining the appropriate classification of a position, the classification specifications are the primary authority. In a case such as this, however, where the language of the AO 3 and AO 4 position standards is general and where the language of either position standard could describe the duties and responsibilities of appellant's position, it is appropriate to compare appellant's position to those of the AO 3 and AO 4 positions offered in the hearing record for comparison purposes.

Appellant argues that his position is stronger from a classification standpoint than the Fox AO 3 position at the DNR (See Finding of Fact 5.b., above) due to the fact that appellant's position has responsibility for a much larger and more complex mail operation and for a much larger and more complex procurement and purchasing operation. The Commission agrees with appellant that these differences exist but concludes as well that these differences are counterbalanced by the significantly larger number of FTE employees for which the Fox position is responsible, by the Fox position's responsibility for the DNR's Aeronautics and radio communications programs for which there is no counterpart responsibility in appellant's position, and by the significantly larger and more diverse vehicle fleet for which the Fox position is responsible.

Appellant argues that the duties and responsibilities of his position are comparable to those of the McKinnon position at the DOT (See Finding of Fact 5.b.). The Commission does not agree. Not only is the McKinnon position involved in more program areas than appellant's position, including map, film, and publication sales; a gasoline program; and audio-visual and graphics programs for which there is not counterpart responsibility in appellant's position, but those areas for which there are counterpart responsibilities are not comparable. For example, the McKinnon position is responsible for twice as many FTE employees as appellant's position; is responsible for almost four times as many facilities as appellant's position; has an annual purchasing budget more than three times as large as that for which appellant's position is responsible; is responsible for almost ten times as many vehicles as the fleet supervised by appellant's position; and has a much more complex hazardous waste program involving paints, chemicals, waste oil, and ammunition in addition to the facilities-related hazardous waste (such as asbestos) for which appellant's position is responsible.

Appellant's position is also not comparable to the Balakhovsky position at DOC. (See Finding of Fact 5.c) Not only is this DOC position responsible for supervision of the same administrative programs as appellant's position for a larger agency but it also has responsibility for the DOC's financial management systems, including accounting systems, audit services, fiscal monitoring, financial reporting, and financial controllership. There is no counterpart responsibility in appellant's position.

Appellant also argues that his position is comparable to the Davies position at DHSS (See Finding of Fact 5.d.). However, although the tasks involved in carrying out the facilities management function may be similar, this position carries out this task for more than five times as many facilities, and for facilities such as correctional institutions which have more diverse and complex needs than the office facilities for which appellant's position is responsible; this position carries out many of the same administrative tasks but for an agency five times as large; and this position carries out administrative tasks, such as that relating to institution food service, for which there is no counterpart in appellant's position.

Appellant argues that the size of the administrative operations supervised should not affect the classification level of a position. However, it seems apparent to the Commission that an administrative operation, such as those under consideration here, which is twice as large or five times as large or 10 times as large as another is not comparable to this other operation in terms of scope, impact, complexity, or diversity. At this level of supervision and administration, this difference does not translate into a difference in volume alone because it is not just more of the same. For example, managing a much larger fleet of vehicles entails more planning and more coordination, among other things, not just more volume.

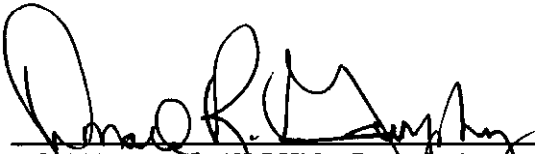
Finally, appellant argues that the delegation of authority from DOA relating to small renovation and construction projects and to bidding and procurement of contractual services elevates this function to a higher level than the facilities management and/or procurement functions of the positions offered for comparison purposes. Although this delegated authority has certainly strengthened appellant's position from a classification standpoint, the record does not show that it does so sufficiently to bridge the gap between the duties and responsibilities of appellant's position and those of the AO 4 positions offered for comparison purposes in the hearing record.



Order

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

Dated: June 12, 1991 STATE PERSONNEL COMMISSION

  
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DONALD R. MURPHY, Commissioner

LRM:lrn:dah

  
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GERALD F. HODDINOTT, Commissioner

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