

STATE OF WISCONSIN

PERSONNEL COMMISSION

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JANE KINGZETT,  
                                   Appellant,

v.

President, UNIVERSITY OF  
 WISCONSIN SYSTEM (Stout), and  
 Secretary, DEPARTMENT OF  
 EMPLOYMENT RELATIONS,  
                                   Respondents.

Case No.          90-0417-PC

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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 of appellant's position from Payroll and Benefits Assistant 3 (PBA 3) to Payroll and Benefits Assistant 4 (PBA 4).

FINDINGS OF FACT

1. At all times relevant to this appeal, appellant has been employed at the University of Wisconsin-Stout (UW-Stout) in a position in the classified civil service in the Personnel/Payroll Office classified at the PBA 3 level following its reclassification from PBA 2 in 1982.

2. Appellant's position reports to a Payroll and Benefits Supervisor 1 (Rowena Buckley) who in turn reports to the UW-Stout Director of Personnel and Payroll and Staff Benefits (Wayne Argo).

3. In 1982, appellant's position description (Respondent's Exhibit #2) reflected in summary 35% for processing the classified payroll, 25% for processing the unclassified payroll, 20% fringe benefit program for classified and unclassified staff, 10% for maintenance of the Employee Data Base (EDB), 5% for miscellaneous preparation of reports and records, and 5% for performance of miscellaneous duties related to payroll and fringe benefits.

4. Appellant's 1989 position description, which was submitted in connection with this reclassification request, reflects in summary, 40% for processing the classified payroll, 25% for maintaining the EDB and overseeing the

master position control reports, 15% for classified benefit program activities, 10% for classified leave system activities, and 10% for the provision of back-up support services.

5. The primary changes in appellant's position between 1982 and 1989 have been the deletion of the unclassified payroll as a result of the addition of another PBA 3 position which assumed this responsibility, increased budgetary-related activities with respect to the EDB, the addition of classified position control, and the transition to an on-line computerized payroll system as a result of a system-wide change.

6. While appellant's 1989 PD, Respondent's Exhibit 3, has the following activity at (C2): "[s]chedule and conduct fringe benefit orientation sessions for new classified employes in absence or unavailability of benefits coordinator," appellant solely has been performing this function in recent years due to a resignation which increased her supervisor's workload in other areas and caused her supervisor to relinquish this activity completely.

7. The work appellant performs in the area of EDB and position control is important and is heavily relied on by the UW-Stout budget office.

8. The PBA position standard, Respondent's Exhibit 1, includes the following definitions of PBA 3 and 4 and examples of work performed:

#### PAYROLL AND BENEFITS ASSISTANT 3

This is payroll work of moderate difficulty involving payroll and fringe benefit activities in small state institutions or in small state agencies. Positions located at small institutions perform all the steps necessary to produce the payroll for a multi-unit, multi-shift operation. The work involves responsibility for providing fringe benefit information upon request, and may involve the coordination of lower-level personnel such as unit timekeepers located in other work units. Coordinators with assigned accountability for the payroll and benefits program in a small state agency perform all payroll functions, provide fringe benefit information and develop all payroll reports required by the federal government, other state departments or private benefit vendors. Work is performed under general direction.

#### PAYROLL AND BENEFITS ASSISTANT 4

This is payroll work of considerable difficulty involving payroll and fringe benefit activities. Positions performing payroll and fringe benefit functions for the classified and unclassified service at a medium-sized university campus or school, or for

a comparably sized segment of the classified or unclassified service at a large campus or school are allocated to this level. Positions performing payroll and fringe benefits functions for a medium-sized state institution are also allocated to this level. Positions which function in specialized support capacities in either agency payroll offices or in central payroll system offices are allocated to this level. Positions perform all payroll and fringe benefit duties for an identified segment of the payroll, or are responsible for performing certain aspects such as payroll reporting or payroll preparation for the entire agency or system. Work is performed under general direction.

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#### PAYROLL AND BENEFITS ASSISTANT 3 - WORK EXAMPLES

Participates in the basic fringe benefit orientation sessions for new employes in the classified or unclassified service.

Guides the work of lower-level payroll personnel and explain timekeeping procedures to unit timekeepers.

Reconciles advance payroll runs with input documents.

Generates payroll input documents for new hires, including any payroll deduction forms.

Works with personnel manager to establish answers to specific inquiries regarding fringe provisions.

Reconciles centrally generated reports on tax withholdings and benefit deductions to unit or agency records.

Researches interpretations of various bargaining unit agreements.

Develops and maintains record systems, which are used in the determination of personnel costs, preparation of budget forecasts, and related payroll data.

#### PAYROLL AND BENEFITS ASSISTANT 4 - WORK EXAMPLES

Establishes, revises and implements internal operating policies and procedures relating to payroll processing.

Guides and participates in the preparation of a variety of complex employe and payroll deduction reports.

Develops and maintains record systems, which are used in the determination of personnel costs, preparation of budget forecasts, and related payroll data.

Guides subordinates in the administration of a major segment of a complex payroll process, such as payroll audit.

Recommends, establishes and revises departmental policies and procedures affecting the payroll operation.

Prepares, submits, and maintains specialized payroll controls such as complex reports and records.

Interprets laws and policies pertaining to the payroll process for departmental employes and the general public.

Provides initial orientation sessions for employes regarding various provisions of the fringe benefit program.

9. Appellant's position is responsible for some payroll and fringe benefit functions for an identified segment of the payroll at a large campus, but because it does not have responsibility for all payroll and fringe benefit functions for such segment, her position does not fit within the PBA 4 definition.

10. Appellant's position is somewhat more significant from a classification standpoint than the following positions.

a. PBA 3, UW-Eau Claire, Kristine Bremness, incumbent (Respondent's Exhibit #7). The "position summary" for this position is as follows:

This position is responsible for the processing of classified and LTE payrolls at UW-Eau Claire. It is also responsible for the management of the Classified Benefits Program, leave accounting for classified employees, and the management of the limited term employe benefits program.

b. PBA 3-Confidential, UW-Whitewater, Betty J. Hardy, incumbent (Respondent's Exhibit 8). The position description for this position has the following "position summary:"

Performance of all payroll functions, provision of fringe benefit information and counseling, and preparation of all payroll related reports for the classified staff . . . as well as 25-50 LTE employes. This position requires expertise in the operation of a Wang PC and associated software.

This position is also responsible for leave accounting.

c. PBA 3-Confidential, UW-Oshkosh, Beth Tiptanatoranin, incumbent (Respondent's Exhibit 9). The position description for this position includes the following "position summary:"

Under general direction, this position coordinates unclassified payroll processing procedures to generate monthly payroll checks . . . . This position is also responsible for the diverse dissemination of fringe benefit information in counseling all new and current UW Oshkosh employes (approximately 1200 unclassified and classified), and for expediting and/or processing insurance claims.

11. Appellant's position is at a relatively lower level from a classification standpoint than the PBA 4-Confidential position at UW-Eau Claire, Donna J.

Weber, incumbent (Respondents' Exhibit 10). The position description for this position has the following "position summary:"

The primary responsibility of this position is the administration of all payroll activities (unclassified, classified, student, limited term and critic teacher) at UW-Eau Claire. This position supervises three permanent employes and 4-6 student assistants and is responsible for the supervision and administration of the University Leave Accounting program, Unemployment Compensation program, Savings Bond program, and fringe benefit program for Classified and limited term employes. This position is also responsible for the supervision of the Personnel Data System and the classified position control.

12. A classification review of appellant's position was conducted at both the campus and UW-System levels. Both concluded that the position was properly classified at the PBA 3 level, as opposed to PBA 4.

13. Appellant's position is better described by the PBA 3 definition than the PBA 4 definition and is more appropriately classified as PBA 3 rather than as PBA 4.

#### CONCLUSIONS OF LAW

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

2. Appellant has the burden of proving by a preponderance of the evidence that respondent's erred in denying the request for reclassification of her position from PBA 3 to PBA 4.

3. Appellant has not sustained her burden of proof and it is concluded that respondents did not err in denying the request for reclassification of appellant's position from PBA 3 to PBA 4.

#### DISCUSSION

The resolution of this case revolves around this language in the PBA 4 definition: "[p]ositions perform all payroll and fringe benefit duties for an identified segment of the payroll." (emphasis added). Appellant is not responsible for all the fringe benefit duties associated with classified personnel. Notwithstanding her supervisor's uncontradicted testimony that she (Ms. Buckley) does not do orientation sessions for new classified employes anymore because of a staff shortage that has required her to pick up other

duties, and that this function has fallen entirely to appellant, there are other parts of the fringe benefits program for which appellant is not responsible. Therefore, appellant's position does not fit within the literal requirements set forth in the PBA 4 class specification.

Appellant's primary argument is that her duties with respect to EDB and position control are significant enough to be recognized by a higher level classification for her position. The difficulty with this argument is that the PBA 4 definition has a very specific requirement (responsibility for all of the payroll and fringe benefit programs for an identified segment of the overall payroll) which appellant's position does not meet. Without language in the class specification that would allow this, the Commission is not free to substitute EDB and position control responsibilities for this requirement. The Commission's role in a reclassification denial appeal is to decide whether the reclassification denial was correct based on the duties and responsibilities of the appellant's position and the class specifications which are in effect. The Commission does not have the authority to "rewrite" the class specifications. Section 230.09(2)(am), Stats., specifically vests this authority in the Secretary of the Department of Employment Relations. While this Commission has statutory authority pursuant to §230.44(1)(b), Stats., to hear appeals of decisions of the Secretary under §230.09(2)(a), Stats., with respect to reclassifications of specific positions, it has not been given authority to hear appeals of decisions of the Secretary pursuant to §230.09(2)(am), to modify or create classifications. Kennedy v. DP, 81-180-PC (1/6/84); Zhe v. DP, 80-285-PC (11/19/81); affd., Zhe v. PC, Dane Co. Cir. Ct. 81CV6492 (11/2/82).

The Commission also notes that while the inclusion of the EDB and position control responsibilities enhance appellant's position to some extent in comparison to the other PBA 3 position descriptions in the record, there is no basis upon which to conclude that these responsibilities (which constitute 25% of the position) are of sufficient magnitude to justify a higher pay range for appellant's position, even if the Commission had the authority to ignore the specific requirements of the PBA 4 class specification. While apparently similar responsibilities are identified in the position description for the PBA 4 position at UW-Eau Claire (Respondent's Exhibit 10), that position has a number of other responsibilities which appear independently to justify the PBA 4 level. Also, both the PBA 3 and PBA 4 work examples include this entry:

"[d]evelops and maintains record systems, which are used in the determination of personnel costs, preparation of budget forecasts, and related payroll data." It also is noted that while appellant's position lacks leadwork responsibilities, this is not the primary barrier to a PBA 4 classification for her position. While the PBA 4 work examples include some leadwork activities, this is not required by the PBA 4 definition, and therefore is not a requirement for classification at that level.


ORDER

Respondent's decision to deny the request for reclassification of appellant's position from PBA 3 to PBA 4 is affirmed and this appeal is dismissed.

Dated: January 24, 1992 STATE PERSONNEL COMMISSION

  
LAURIE R. McCALLUM, Chairperson

AJT/gdt/

  
DONALD R. MURPHY, Commissioner

  
GERALD F. HODDINOTT, Commissioner

Parties:

Jane Kingzett  
1105 Ballantine Rd  
Menomonie WI 54751

Katharine Lyall  
Acting President UW  
1730 Van Hise Hall  
1220 Linden Dr  
Madison WI 53706

Jon E Litscher  
Secretary DER  
137 E Wilson St  
P O Box 7855  
Madison WI 53707