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DONNA L. MAC KENZIE,

Appellant,

v.

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

Respondents.

Case No. 91-0028-PC

* * * * *

DECISION
AND
ORDER

NATURE OF THE CASE

This case involves an appeal pursuant to §230.44(1)(b), Stats, of respondent's denial of appellant's request to reclassify her position from Program Assistant 3 to Program Assistant 4.

FINDINGS OF FACT

- 1. At all times relevant to this matter, appellant has been employed in the Department of Educational Policy Studies in the School of Education at the University of Wisconsin-Madison.
- 2. Appellant was hired into her current position on August 4, 1986. The duties and responsibilities of her position at that time are accurately reflected in the following position description signed by appellant on July 28, 1986.

Position Summary

The Assistant to the Chair is responsible to and assists the faculty Chairperson in formulating and implementing a wide range of programmatic, bureaucratic, and financial policies. The Assistant to the Chair exercises independent judgment and broadly delegated authority in ordering supplies and capital equipment, accounting for the departmental budget, submitting course actions and timetable, supervising clerical staff, allocating space, counselling graduate students, orienting new faculty and assistants, composing and submitting numerous reports, and acting upon complex rules & regulations.

<u>TIME %</u>	<u>GOALS AND WORKER ACTIVITIES</u>
20%	A. Management of Financial Transactions
5%	B. Administration of Personnel Actions
15%	C. Coordination of Clerical Work (1 full-time program assistant, one or two third-time departmental student assistants)
10%	D. Coordination of Teaching Program Actions
10%	E. Assistant to the Chairperson Roles
10%	F. Miscellaneous Administrative and Counseling Roles
20%	G. Participation in General Classified Roles

3. On June 12, 1990, a request for reclassification of appellant's position to Program Assistant 4 was submitted to the UW-Madison Classified Personnel Office. Included with this request was the following position description signed by appellant on May 16, 1990, which accurately describes the current duties and responsibilities assigned to the position:

Position Summary

The Assistant to the Chair is responsible to and assists the faculty Chairperson in formulating and implementing a wide range of programmatic, bureaucratic, and financial policies. The Assistant to the Chair exercises independent judgment and broadly delegated authority in accounting for the departmental budget, submitting course actions and Timetable, administration of personnel action, ordering supplies and capital equipment, allocating space, counselling graduate students, orienting new faculty and assistants, composing and submitting numerous reports, and acting upon complex rules and regulations.

<u>TIME %</u>	<u>GOALS AND WORKER ACTIVITIES</u>
25%	A. <u>BUDGET</u>
	A-1. Administer budget and answer all questions from Chairperson, other faculty, and classified staff regarding budget. This includes but is not limited to: keeping record of monies committed and expended for within the budget for individual travel, BAVI, duplicating, phone and postage allowances and

- expenditures and, in consultation with the Chair, approving exceptions; balancing monthly budget control sheets and keeping the chairperson informed of current budget balances. Provide the Chair with a quarterly summary accounting report.
- A-2. Receive requests from department faculty for supplies, services, or travel reimbursements, compile necessary documentation, interpret University rules, settle ambiguous points with University officials, and compose requisitions and expense reports for the Chairperson's signature, for both departmental and extra-mural funds.
 - A-3. Plan and determine appropriate allocations from the supplies and expenses budget to Stores, BAVI, IMDC, and other accounts, place necessary blanket orders and all subsequent supply and service orders, keep account of the supplies and expenses accounts, and advise Chairperson of policies necessary for managing the budget, sheparding scarce resources into the most educationally pressing categories of expenditures.
 - A-4. At request of project directors, prepare, and submit all requisitions for expenditures of various grant funds; also do all record keeping for these funds.
 - A-5. Interpret and analyze for the Chairperson and Principal Investigators regulations and procedures regarding expenditures for travel, supplies and services.
 - A-6. Direct the monthly expenditures within the supplies and expenses budget, insuring that crucial services are maintained and that the amount allotted for the year is expended wisely and accounted accurately.
 - A-7. Investigate and determine equipment specifications, receive bids, and recommend capital purchases to the Chairperson, arrange purchase and service of office equipment.
 - A-8. Receive and coordinate faculty requests for audiovisual equipment, do all record keeping for these requests, confirmations, funding, etc., and maintain contacts with the Bureau of Audio Visual Affairs.

A-9. Monitor faculty and students request for and use of departmental travel funds.

5%

B. ADMINISTRATION OF PERSONNEL ACTIONS

B-1. Obtain all information necessary to prepare PVL's, position descriptions, authorization to hire forms, related search forms, and IADS.

B-2. Preparation of all required forms for new hires or transfers. Complete and submit information on the appropriate IADS forms for clerical, academic and faculty appointments.

B-3. Approve time sheets, schedules, vacations and leaves for LTE clerical staff and student hourlies.

B-4. Keep records on sick leave and vacation for faculty and academic personnel. Interpret various employment rules for employees concerning such matters.

B-5. Maintain data and prepare necessary reports on faculty searches upon request, interpreting requirements of federal affirmative action programs.

B-6. Responsible for all new personnel completing the I-9 form and maintaining files.

B-7. Determines pay scale and raises for student help in consultation with the Chair.

B-8. Oversees departmental files and confidential reports.

5%

C. COORDINATION OF CLERICAL WORK (One 25% time LTE Typist, and one third-time departmental student assistant, and student hourlies)

C-1. Interview and screen classified applicants for LTE position and select one for hiring.

C-2. Organize departmental office filing systems, develop, revise, and maintain policies and procedures affecting the administration of the program.

- C-3. Training of new employees in all aspects of their positions or assigning such training duties to other classified employees where appropriate. In particular, training in WordPerfect and use of the departmental computer network to access the laser printer. Training in other software packages and the DOS operating system as required.
- C-4. Coordinate tasks, guide work flow of LTE clerical staff, student hourlies, and generally oversee operation of departmental office.

15%

D. COORDINATION OF TEACHING PROGRAM ACTIONS

- D-1. Solicit information for timetable to Department faculty and collate into a working tentative timetable. Check courses for proper credit and length of time offered. Figure module course dates and make recommendation on number offered during each period. Check number of credits taught by faculty for appropriate load. Check courses for time conflicts within programs of study. Make tentative room assignments based on estimated course size and faculty preferences. Prepare final draft for approval of Department Chair and faculty.
- D-2. Enter all timetable information on University mainframe using Academic Data Processing transactions in accordance with Instructional Space Office guidelines. Includes entering all information for courses and sections to be taught, footnote information and placement, room requests, registration limits, modular course information, and registration controls.
- D-3. Submit periodic revisions of bulletin statements.
- D-4. During Touchtone Registration period, track enrollments in all sections, adjusting registration limits as required and opening and, closing, cancelling, or creating sections as warranted by student demand.
- D-5. Assist in the formulation of new course proposals or course change actions, supervise their submission, and maintain department files on courses.

- D-6. Coordinate teaching program, timetable, and budget details with the several departments that cross-list courses with Educational Policy Studies.
- D-7. Prepare Departmental Instruction Report and enter on mainframe, using ADP transactions in accordance with ISO instructions.
- D-8. Supervise classroom changes and assignments throughout the instructional period.

25%

E. ASSISTANT TO THE CHAIRPERSON ROLES

- E-1. Compose letters and memos for Chairperson. Upon request, type Chairperson's and Departmental correspondence on Leading Edge computer using WordPerfect 5.0 software.
- E-2. Assist the Chairperson in communication with department faculty and other University offices, obtain, assemble, and analyze rules, requirements, or opportunities pertinent to departmental activities.
- E-3. Advise Chairperson on timing, strategies, and procedures for departmental activities.
- E-4. Handle all mail addressed to Chairperson and the Department. Decide whether to refer to Chairperson or act independently upon various requests for publicity or reporting of departmental activities. Supervise mailing procedures, track postage usage and ensure that requisitions are prepared for postage in a timely fashion.
- E-5. Initiate, compose, and follow up on correspondence on a variety of departmental matters, for example, with new faculty, visiting faculty, and faculty on leave of absence.
- E-6. Prepare various reports and surveys.
- E-7. Coordinate election of Faculty Senators and report results to Faculty Secretary.
- E-8. Ensure compliance with all conditions of the TAA contract.

E-9. Coordinate and make all necessary arrangements for summer housing for visiting faculty.

10%

F. MISCELLANEOUS ADMINISTRATIVE AND COUNSELING ROLES

F-1. Answer questions regarding the program via telephone, correspondence or face to face contact, sharing primary responsibility for public relations for the program.

F-2. Provide information and advice about the department, by phone and in person.

F-3. Solicit request for agenda items for monthly meetings, prepare and distribute agendas. Attend regular faculty meetings, as well as those of Executive Committee. Serve as sole counter of confidential signed ballots regarding personnel decisions. Draft minutes of these meetings for Chair's approval.

F-4. Monitor and make recommendations concerning physical plant maintenance or remodelling.

F-5. Responsible for departmental facilities including space assignments, furniture and equipment allocations and acquisitions, and coordination of equipment usage.

F-6. Maintain inventories of all equipment and furnishings.

F-7. Maintain all department records, including some classified, student hourly and all unclassified personnel files.

F-8. Secure necessary maintenance for all departmental equipment.

F-9. Organize departmental receptions and special events at the request of the Chairperson.

F-10. Supervise the publicity of job openings, and publicity about departmental activities.

- 5% G. PARTICIPATION IN GENERAL CLASSIFIED ROLES
- G-1. Become familiar with special duties of clerical staff and departmental graduate assistant and act in their absence in such roles as admissions or financial assistance secretary.
- G-2. Participate in general duties of staff, such as answering phone or advising students, typing and work-processing.
- 10% H. NETWORK ADMINISTRATION AND OTHER COMPUTER-RELATED DUTIES
- H-1. Responsible for physical security of all departmental computer equipment. Coordinate with Risk Management, IMDC staff and Program Assistant 2 responsible for key assignments to ensure that all hardware is secure. Review any new security methods for possible implementation and purchase if warranted.
- H-2. Evaluate and purchase software packages for departmental use, maintaining compatibility with existing hardware and software wherever possible.
- H-3. Evaluate computer hardware for increased performance capabilities and purchase or recommend for capital equipment purchase where justified. Arrange for setting up new equipment, affix property control decals.
- H-4. Arrange for maintenance of all departmental computer equipment.
- H-5. Ensure that all departmental computer hard drives are regularly backed up and train staff in the use of backup software.
- H-6. Utilize ADP transactions for access to student information, registration, and timetable on University mainframe. Train or arrange training for other staff members on appropriate transactions and authorize access to same.
- H-7. Make recommendations to Chairperson on the need for new capital equipment or replacement of current equipment, taking

comparative costs of replacement versus enhancement and projected maintenance costs into consideration and evaluating potential increases in productivity.

4. The major differences between the 1986 and 1990 position descriptions (PD) as reflected on the 1990 PD are as follows:

Goal A - The title was changed from "Management of Financial Transactions" to "Budget" and the time increased from 20% to 25%

New or expanded duties are identified by A.1, A.4, A.7, A.8, & A.9

Goal B - The time for this goal remained unchanged

New or expanded duties are identified by B.1, B.2, B.4, B.6, B.7, & B.8

Goal C - The time spent on this goal decreased from 15% to 5%

New or expanded duties are identified by C.1 & C.3

Goal D - The time spent on this goal increased from 10% to 15%

New or expanded duties are identified by D.1, D.2, D.4, D.7 & D.8

Goal E - The time spent on this goal increased from 10% to 25%

New or expanded duties are identified by E.1, E.4, E.6, E.7, E.8, & E.9

Goal F - The time spent on this goal remains unchanged

New or expanded duties are identified by F.3, F.5, F.6, F.7, F.8, & F.10

Goal G - The time spent on this goal decreased from 20% to 5%

No change in duties performed

Goal H - This is a new goal

New or expanded duties are identified by H.5, H.6, & H.7

5. Many of the changes which occurred in appellant's position are due to the establishment of new automated systems, i.e. Automated Touchtone Registration and Integrated Appointment Data System (IADS); the increased emphasis on budget activities related to the security, operation, maintenance, and evaluation of computer hardware and software; and the additional

responsibility in gathering and adjusting information for use in the automated timetable process relating to course offerings, room assignments and sections.

6. In 1986, appellant was responsible for supervising a Program Assistant 2 and varying numbers of LTE's, graduate assistants and student hourlies. Subsequently, the Program Assistant 2 position (occupied by Mary Jo Gessler) was placed under the supervision of the department chair. Appellant maintained responsibility for supervising a 1/3 time LTE Typist, a .5 Graduate Associate and student hourlies.

7. Appellant is responsible for the operating budget and assists the department chair in the development of budget requests. The department's 1990-91 budget over which appellant, at the time of the reclassification request, had responsibility was \$733,019. This included all of the department's budget except for approximately \$25,000 which involved a specific department project for which Ms. Gessler has oversight responsibility.

8. The responsibility for providing direct support to the faculty members is divided equally between Ms. Gessler and appellant with each being assigned seven faculty. They each receive and process requests for supplies and services, compose requisitions and expense reports for department and extramural funds, process travel reimbursements, and perform other clerical support activities as requested by the assigned faculty members.

9. The responsibilities of Ms. Gessler's position are accurately summarized in the position summary of her position description which she signed on May 17, 1990.

The Departmental Assistant is solely responsible for the administration of both financial aids and admissions processes within the department. The Departmental Assistant is delegated the authority to exercise judgment and decision making along program lines that are governed by a variety of complex rules and regulations as well as increased time and responsibility for administration and coordination of program activities.

Other than the shared responsibilities identified in finding of fact #7, Ms. Gessler does work with touchtone registration and registration limits during the registration period but does not become involved with the timetable, IADS, or coordination of teaching programs for the department.

10. The position standard for Program Assistant provide in pertinent part, the following under the section entitled "Introduction."

A. Purpose of this Position Standard

This Position Standard is intended to be used for making classification decisions relative to present positions performing program activities while still being flexible enough to classify future positions which may involve different programs and/or program emphasis. This Position Standard will not specifically identify every eventuality or combination or duties and responsibilities of positions that currently exist or those that result from changing program emphasis in the future. Rather, it is designed to serve as a basic framework for classification decision making in this occupational area.

* * *

D. Classification Factors

Individual position allocations in this series will be based on the four following classification factors:

1. Accountability;
2. Know-How;
3. Problem-Solving; and
4. Working Conditions

which include:

- a. The diversity, complexity, and scope of the assigned program, project, staff responsibilities, or activities;
- b. The level of responsibility as it relates to: type and level of supervision received, status within the organization, and degree to which program responsibility and accountability are delegated and/or assigned;
- c. The degree to which program guidelines, procedures, regulations, precedents, and legal interpretation exist and the degree to which they must be applied and/or incorporated into the program and/or activities being carried out by the position;

- d. The potential impact of policy and/or program decisions on state and non-state agencies, organizations and individuals;
- e. The nature and level of internal and external coordination and communication required to accomplish objectives;
- f. The difficulty, frequency, and sensitivity of decisions which are required to accomplish objectives and the level of independence for making such decisions.

E. Definition of Terms Used in this Standard

Terms that are used in conjunction with the above classification factors within this series are:

* * *

Moderate Difficulty

The employe is confronted with a variety of breadth of duties susceptible to different methods of solution which in turn places a correspondingly higher demand on resourcefulness.

Supervisors of employes engaged in routine assignments, journey-level personnel and paraprofessional employes usually perform work of moderate difficulty.

Considerable Difficulty

Refers to duties which require independent judgment; many factors must be considered and weighed before a decision can be reached. Usually positions requiring the planning, development or coordination of activities or programs or part thereof and the direction or coordination of employes fall into this category.

General Supervision

The employe usually receives general instructions with respect to the details of most assignments but is generally free to develop own work sequences within established procedures,

within established procedures, methods and policies. The employe may be physically removed from the supervisor and subject to only systematic supervisory checks.

Direction

The employe usually receives only a general outline of the work to be performed and is free to develop own work sequences and methods within the scope of established policies. New, unusual or complex work situations are almost always referred to a superior for advice. Work is periodically checked for progress and conformance to established policies and requirements.

11. The definitions contained under the "Class Description" section of the Program Assistant Position Standard provides for the following for Program Assistant 3 and 4.

* * *

Program Assistant 3

(PR2-10)

This is paraprofessional work of moderate difficulty providing a wide variety of program support assistance to supervisory, professional or administrative staff. Positions are delegated authority to exercise judgment and decision making along program lines that are governed by a variety of complex rules and regulations. Independence of action and impact across program lines is significant at this level. Positions at this level devote more time to administration and coordination of program activities than to the actual performance of clerical tasks. Work is performed under general supervision.

Program Assistant 4

(PR2-11)

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

independence of action, degree of involvement and impact of decisions and judgment required by the position. Work is performed under direction.

* * *

PROGRAM ASSISTANT 3 - WORK EXAMPLES

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

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

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

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

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

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

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

PROGRAM ASSISTANT 4 - WORK EXAMPLES

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

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

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

Prepare various informational, factual and statistical reports.

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

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

Conducts special projects; analyzes, assembles or obtains information.

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

Analyzes, interprets and prepares various reports.

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

12. At hearing the following Program Assistant 4 (PR2-11) positions were submitted by appellant for comparison purposes:

- a) Julie Graf - Program Assistant 4, Department of Pathobiological Sciences, School of Veterinary Medicine.

This position coordinates all departmental activities in the areas of budget, personnel, extra-mural support, and general department operations. The position reports directly to the department chairman and is supported by student hourlies which she supervises.

- b) John Boyer, Program Assistant 4, Waisman Center on Mental Retardation and Human Development

This position is responsible to the Assistant to the Director/Management for all building inventory and management, mailroom and shipping operations, security and overall physical plant needs, including maintenance for the Waisman Center. The position supervises assigned students and patients.

- c) Kathleen Baer, Program Assistant 4, UW-Hospitals

This position is responsible for collecting funds from patients/guarantors for outstanding hospital accounts. This position is one of six collectors that work at UW-Hospitals. Work is assigned on the basis of an alphabetic breakdown. There is no supervisory responsibility for this position.

- d) Mary Beschta, Program Assistant 4, UW Physical Plant

This position serves as the principal liaison between the Physical Plant and the Purchasing Department at UW-Madison and coordinates all purchases of materials and services. The position also provides budget information on account balances, maintains records on capital equipment inventory and processes insurance claims. This position has no supervisory responsibility.

- e) Patricia Wendt, Program Assistant 4, Department of Materials Science and Engineering, College of Engineering

This position is responsible to the department chair for the day-to-day operation and management of the office; performance of personnel functions related to benefits, payroll submission, leave accounting and related activities for

faculty, classified, LTE and student hourlies; coordinate academic activities related to the timetable, student grades, scholarships, admissions, and orientation of new graduate students; and assists in budget preparations and administrations. This position does not have supervisory responsibilities. The position does have signatory authority for the chair for processing all department and program appointees.

The positions identified under b), c) and d) above are very specialized in nature and make comparison to appellant's position very difficult since the nature of the work is so different. The positions identified in a) and e) above appear very similar in terms of duties and responsibilities including being responsible only for student hourlies and/or graduate assistants. The only significant differences is that these positions are the sole support to the department chair and appear from a comparison basis to be at a higher level than appellant's position on this basis.

13. The following Program Assistant 4 (PR2-11) positions were offered for comparison purposes by respondent:

- a) Carole Maddox, Program Assistant 4, Graduate School, Waisman Center Business Office

This position is responsible for Waisman Center Copy Center including serving as leadworker for the business office receptionist, temporary help, and student hourlies. The position keeps and reconciles all accounts for the office, assists in identifying equipment needs, and maintains records for 82 grants totaling \$8 million.

- b) Cheryl Fish, Program Assistant 4, Computing Services Center, School of Business

This position reports to the Director of the Center and is responsible for the administration of the microcomputer laboratory including coordination of equipment maintenance, hiring and evaluating temporary staff, establishing hours of operation, and preparing annual budgets; support of instructional programs, including determining faculty and student needs and insuring that equipment and necessary instructional materials are available; and providing general administrative support to the department, including report preparation, space utilization, and the assignment of hardware and software to faculty and other agencies.

- c) Joyce Collins, Program Assistant 4, Lafollette Institute of Public Affairs, College of Letters and Science

This position has a working title of business manager. The position is responsible for budget preparation and monitoring for instructional services, research/outreach/public service, and gift and grant accounts; personnel and payroll activities for student hourlies, faculty and academic staff and teaching assistants; supervision of 2 full time clerical and 2 student hourlies; and general administration and clerical support to the Director and professional staff.

The positions in a) and b) above represent fairly specialized activities, i.e. copy center or micro-computer laboratory. While these positions do not have supervisory responsibility, they are the sole classified support for the program director and do not share these functions in any form with other classified employees.

The activities of the position in c) above are more closely aligned with appellant's position in terms of budget, personnel and general administrative support. While the position does not deal with the timetable or touchtone registration, it is the sole classified administrative support for the institute. This distinction causes this position (as well as a) and b) above) to be recognized at a higher level by the Program Assistant position standard on the basis of accountability.

14. Appellant introduced the following positions for comparison purposes at the hearing.

- a) Janet Lunda, Program Assistant 3, (PR2-10) Department of Counseling and Guidance, School of Education

This position is responsible for all payroll, personnel, budget and purchasing related to the Guidance for Talented Students (GIFTS) program. The position reports to the Director of the program and handles all administrative and clerical support for the Director and Assistant Director.

This position is somewhat weaker from a classification standpoint both in terms of the size (budgetary and staff) and the types of functions performed (more clerical tasks assigned) when compared to appellant's position.

- b) Sharon Brown, Program Assistant Supervisor 2 (PR1-11), Department of Educational Psychology, School of Education

This position is responsible to the department chair for all budget preparation and monitoring activities; maintenance and access to student records; providing assistance to students; handling or directing student admission activities; timetable and touchtone registration activities; network administration and other computer related activities; general administrative support to the chair; and supervision of a Program Assistant 2, 3 Program Assistant 1's, and a Clerical Assistant 2.

From a classification standpoint, the functions performed by Ms. Brown (exclusive of her supervisory responsibilities) are very similar to those of appellant. The major difference are the size of the budget (\$1,332,000 for Ms. Brown versus \$733, 000 for appellant) and the supervisory responsibility of Ms. Brown.

The Program Assistant Supervisor 2 position standard states that "the work performed at this level is comparable to that allocated to the Program Assistant 3 level, with the additional supervisory responsibilities."

- c) Donna Schleicher, Administrative Assistant 3-Supervisor (1-12), Department of Curriculum and Instruction, School of Education

This position reports to the department chair and is responsible for the day-to-day administration of the business office including supervision of 1 Student Status Examiner, 1 Program Assistant 2, 3 Program Assistant 1's, and 2 Typists; assisting in the preparation and maintenance of necessary account records for a \$2,655,000 budget; and other administrative tasks such as space, building maintenance and security for the Teacher Education Building.

This position is stronger from a classification standpoint based both on budget and size of staff supervised.

15. Based on the current organizational structure, the duties and responsibilities of appellant's position are best described by the position standard for the Program Assistant 3 classification, and are not comparable to the Program Assistant 4 positions offered for comparison purposes on the hearing record.

CONCLUSIONS OF LAW

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

2) The appellant has the burden of proof of showing by the preponderance of evidence that respondent's decision denying her request for the reclassification of her position was incorrect.

3) Appellant has not met this burden of proof.

4) Respondent's decision denying appellant's request for reclassification from the Program Assistant 3 to Program Assistant 4 level was not incorrect, and appellant's position is more appropriately classified at the Program Assistant 3 level.

DISCUSSION

The parties agreed that the following issue would govern the proceedings in this matter:

Whether respondent's decision denying reclassification of appellant's position from Program Assistant 3 to Program Assistant 4 was correct. If not, what is the correct classification and effective date.

In cases involving the correctness of a position classification action, the Commission has consistently held that they will give primary consideration to the clear language of the classification specification. Zhe et al. v. DHSS AND DP, 80-285-PC (11/19/81); aff'd by Dane County Circuit Court, Zhe et al. v. PC, 81-CV-6492 (11/2/82). If the specification (or position standard) does not provide a clear basis to distinguish positions, then the Commission will look at comparable positions. Saindon v. DER, 85-0212-PC, 10/9/86.

It is clear from the record that there have been changes in the duties and responsibilities of appellant's position. Appellant has had to acquire new skills and knowledges in working with the automated touchtone registration system, the Integrated Appointment Data System (IADS), and the automated timetable process. While guidelines are available for use of these systems, the appellant had to receive considerable training and the functions she performs related to these systems have added complexity to her job.

In addition, appellant has increased responsibility for computer related tasks, such as security and ensuring hard drives are regularly backed up;

soliciting information for the timetable from faculty, tracking enrollments, and identifying classroom assignments and making changes; publicizing job openings and processing personnel and payroll forms for faculty and academic staff and student hourlies; and providing administrative support to the department in terms of space assignments, maintenance of facilities and equipment inventory.

The question to be resolved in this case is whether these changes are sufficient to warrant reclassification of the position to the Program Assistant 4 level. There is no evidence that the changes to appellant's position have not been gradually and logical, and therefore, the Commission need only address whether the changes in the position's functions are significant enough to cause the majority of its duties and responsibilities to be at a different classification level, (Ghilardi & Ludwig v. DER, 87-0026, 0027-PC, 4/14/88).

In cases involving the Program Assistant series the position standard provides some guidance. Both the Program Assistant 3 and Program Assistant 4 refer to paraprofessional work. The Program Assistant 3 specification identifies:

paraprofessional work of moderate difficulty providing a wide variety of program support assistance to supervisory, professional or administrative staff. . . . Positions at this level devote more time to administration and coordination of program activities than to the actual performance of clerical tasks. Work is performed under general supervision. (emphasis added)

By comparison the Program Assistant 4 specification identifies:

paraprofessional staff support of considerable difficulty as an assistant to the head of a major program function or organization activity. . . . Positions at this level are differentiated from lower-level Program Assistants on the basis of the size and scope of the program involved, the independence of action, degree of involvement and impact of decisions and judgment required by the position. Work is performed under direction. (emphasis added)

The specifications provide for a distinction based on the level of difficulty of work (moderate versus considerable) and the level of supervision (general supervision versus direction) as these terms are further defined in the specification (See Finding #10). In addition, the Program Assistant 4

specification provides some criteria for differentiating it from lower level program assistants, e.g. size and scope of program and degree of involvement.

In general, meaning is best given to these words/distinctions by looking at comparison positions to determine under what organizational and programmatic circumstances positions are found at the Program Assistant 3 (PA-3) and Program Assistant 4 (PA-4) level. The record contains a number of position comparisons and it is clear that functions performed by these positions, as well as those of appellants, can be found at both the Program Assistant 3 and 4 level. This is not an unusual circumstance in this classification series and the final decision on the appropriate classification level is made based on a "best fit" basis.

The respondent argued that many of the functions performed by the appellant could be identified at the Program Assistant 2 level or lower and that the position was at best a weak Program Assistant 3. The Commission does not agree with the analysis. The position was originally filled at the PA 3 level and had responsibility as the assistant to the Chair to supervise a PA 2, graduate assistant and student hourlies. While the Program Assistant 2 position was subsequently removed from under appellant's supervision, the remaining functions, as well as the newly assigned functions, fall at a minimum squarely into the PA 3 classification. These functions are certainly of "moderate difficulty," and are "coordinative and administrative in nature" involving the "exercise of a significant degree of independence and latitude for decision making." In addition, appellant's position is stronger than the PA 2 position in her office held by Ms. Gessler both in terms of scope and complexity of functions.

In looking at appellant's position in comparison to other Program Assistant 4's (or comparable level positions), the organizational relationship of these positions to subordinate staff is significant. All of the Program Assistant 4 positions used as comparison function as an assistant to the head of a program (chair or director) and either have specialized responsibility for a major function or providing overall administrative support to the program head. It is this later group (administrative support to a program head) that most closely relates to appellant's position.

The major distinction between PA 4 positions like Julie Graf and Patricia Wendt (See Finding #12a and e) and Carole Maddox, Cheryl Fish, and Joyce

Collins (see Finding #13) and appellant's position is that these positions have full responsibility to the department's chair for administrative support functions. While the record does not provide any information on academic staff in this departments and the impact they might have on the functions assigned to these PA 4's, it is clear from the record that there are no other classified positions also providing administrative support to the chair.

In those cases where there are other classified staff providing administrative support they report through the assistant to the chair position. For example, the position held by Sharon Brown in the School of Education which is classified as a Program Assistant Supervisor 2 (PR1-11) performs (over 50% of the time) very similar tasks to those of appellant. However, the addition of supervision appropriately places this position at the PA Supv 2 level because the PA Supv 2 specification identifies the work as being similar to a PA 3 with the addition of supervisory responsibility.

The appellant argues that the organization shift of the PA 2 position (Mary Jo Gessler) shouldn't be overriding in considering the reclassification. While appellant retains overall control of the budget (except for one project) and other administrative support programs, she is not involved with admission and financial aid programs which Ms. Gessler handles directly with the department chair. While other PA 4's or PA Supv may not be directly involved in admission or financial aid work, if that work is assigned to classified staff, that staff reports to them. This is not the case in appellant's situation.

Appellant also submitted a PA 3 position (Finding #14a.) to show that she had a stronger position. The Commission agrees that her (appellant's) position is stronger than the position held by Janet Lunda. However, since all classifications will contain a range of positions, a showing that one position is stronger than another in the same classification does not automatically move the stronger position to next higher level. In this case, this comparison does not mandate a conclusion that appellant's position should be at the PA 4 level.

As provided by the PA 4 specification, appellant's position does provide "paraprofessional staff support . . . as an assistant to the head of a major program . . . or organization" However, the major weakness of appellant's position in meeting the "considerable difficulty" requirement and other distinguishing criteria of the PA 4 classification is the organizational structure. The removal of the admissions, financial aids, and support to 7 faculty

members functions performed by Ms. Gessler from under appellant's direction distinguishes her position from other PA 4's or PA Supv 2's. While the Commission finds, in general, that the size of the department's budget, the scope of responsibilities performed, the independence of action and the judgment required of the appellant could well fall within the PA 3 or PA 4 level, the bifurcation of responsibilities between appellant and Ms. Gessler has a significant impact on the level of appellant's position.

It is noted that appellant was recognized as a valued member of the workforce by respondent, and that appellant was complimented on her performance. However, under the current organizational structure, the Commission finds that appellant's position is most appropriately identified at the PA 3 level based on the classification specification and the comparison positions submitted. Therefore, respondent's denial of appellant's request for reclassification to PA 4 was not incorrect.

Since the respondent's decision was found to be correct, the Commission need not address the effective date issue raised in this case.


ORDER

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

Dated: January 24, 1992 STATE PERSONNEL COMMISSION


LAURIE R. McCALLUM, Chairperson

GFH:gdt


DONALD R. MURPHY, Commissioner


GERALD F. HODDINOTT, Commissioner

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