



II. Respondent has argued that the changes in appellant's position between 1984 and 1990 represented a change in volume of work alone and that such a change cannot under any circumstances serve as the basis for a reclassification. The Commission agrees with the conclusion in the Proposed Decision and Order that the changes in appellant's position did not represent changes in volume alone, i.e., the primary change was the change from limited to general supervision. The Commission also agrees with the conclusion in the Proposed Decision and Order that, under certain circumstances, a change in volume may result in the change in the relative emphasis of certain aspects of the positions' duties and responsibilities and, if this results in increased emphasis on higher level duties and responsibilities such that they now consume a majority of the position's time, this could support a reclassification of the position. In the instant case, this shift in emphasis does not appear to have resulted in a significant strengthening of appellant's position from a classification standpoint. Moreover, the addition of the worker activity in the 1990 position description relating to leadwork responsibilities constitutes a change in the position description but not a change in the duties and responsibilities of the position since appellant has performed lead work duties since 1984. However, the change in level of supervision does constitute a significant change in appellant's position from a classification standpoint in view of the distinctions between the SMC 1 and SMC 2 classification specifications.

III. In the second full paragraph on page 7 of the Proposed Decision and Order, the words "1987 to 1991" should be substituted for the words "1984 through 1987."


IV. Respondent cited in its objections certain statistics relating to the number of hours appellant has devoted to leadwork activities since April of 1991. It should be noted that these statistics are not reflected in the hearing record and were not considered by the Commission in reaching a decision in this matter. Moreover, even if they were considered, they simply substantiate that appellant has performed lead work duties during that period of time

equivalent to the lead work duties carried out by the SMC 2 positions offered for comparison purposes in the hearing record.

Dated: November 14, 1991 STATE PERSONNEL COMMISSION

  
LAURIE R. McCALLUM, Chairperson

LRM/lrm/gdt/2

  
DONALD R. MURPHY, Commissioner

  
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EDWARD RIPP,  
 Appellant,

v.

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

Case No. 91-0057-PC

\* \* \* \* \*

PROPOSED  
 DECISION  
 AND  
 ORDER

Nature of the Case

This is an appeal of respondents' denial of appellant's request for the reclassification of his position. A hearing was held on August 26, 1991, before Laurie R. McCallum, Chairperson.

Findings of Fact

1. At all times relevant to this appeal, appellant has held a position in the state classified civil service which functions as the shipping and mailing clerk for the School of Music within respondent UW-Madison's College of Letters and Science.

2. Appellant's position was classified at the Shipping and Mailing Clerk 1 (SMC 1) level when appellant assumed the position in August of 1984. At that time, appellant's position functioned under limited supervision and the duties and responsibilities of this position consisted of the following, in pertinent part:

40% A. Receive and deliver campus mail for the departments within the School of Music.

25% B. Process outgoing U.S. mail from all the departments, including responsibility for maintaining records of postage costs by department and informing each department of such costs on a monthly basis.

- 10% C. Process bulk mailings from the various departments.
- 5% D. Process United Parcel mail from all departments.
- 5% E. Responsible for operation of the mail room and loading area.
- 15% F. Additional duties, as assigned, including delivery of messages and final grade lists and assisting in maintaining inventory and storage of supplies.

3. Some time during September of 1990, appellant requested that his position be reclassified from the SMC 1 level to the SMC 2 level. The position description which accompanied such request was signed by appellant on September 19, 1990. There are three primary differences between this 1990 position description and the 1984 position description:

- a. The Goals listed on the 1990 position description are the same as the Goals listed on the 1984 position description but the time percentages reflect the following changes: Goal A changed from 40% to 60%; Goal B changed from 25% to 15%; Goal C changed from 10% to 7%; Goal D changed from 5% to 7%; Goal E changed from 5% to 10%; Goal F changed from 15% to 1%.
- b. The following worker activity was added under Goal E: Train and supervise student help to assist in mail room operations.
- c. The supervision of appellant's position changed from limited to general. The three types of supervision, in ascending order of independence, are close, limited, and general.

4. Appellant's 1990 position description also noted the following:

- \*outgoing U.S. mail up approximately 50% in 5 years
- \*Afro-American Department has grown 2-3 times
- \*Overall number of mailboxes has doubled in 5 years
- \*UPS volume up approximately 25%
- \*Special deliveries have tripled in the past 5 years

Respondents denied this request for reclassification and appellant filed a timely appeal of such denial with the Commission.

5. From 1984 through 1987, appellant's position was assisted by one student hourly employee who worked approximately 15 to 20 hours per week. Between 1987 and April of 1991, appellant's position was provided with no assistance from student hourly employees due to lack of available funds. Beginning in April of 1991, appellant's position was assisted by two student

hourly employees who worked approximately 12 hours per week during the summer and 15 to 20 hours per week during the school year. The School of Music includes 6 departments and appellant's position has responsibility for maintaining records for 10 postage accounts. Appellant is the only permanent employee assigned to this mailing and shipping operation and does not have an on-site supervisor.

6. Relevant SMC positions offered for comparison purposes in the hearing record include:

a. Guadalupe Avila - SMC 1 - this position is responsible for receiving, sorting and delivering incoming mail; collecting outgoing campus and U.S. Mail from the departments for pick-up by campus mail trucks; receiving and signing for truck deliveries and delivering to the proper departments; and arranging for pick-up of large items by campus truck service for the seven UW departments housed in Helen White Hall. This position does not have responsibility for maintaining postage cost records for the departments or for serving as a lead worker.

b. John Flatman - SMC 1 - this position performs routine mailing and shipping services and serves as a laborer assistant for UW-Madison's Wisconsin Center for Education Research (WCER), a multidepartmental building unit of the School of Education. Although this position "records billing data of various customer accounts on appropriate mail forms," this function does not appear to be comparable to the department postage cost record-keeping function of appellant's position. This position does not have any lead work responsibilities and works under the close supervision of a Program Assistant 3-Supervisor position which functions as the WCER Copy/Mail Services Coordinator.

c. Arnold Gudel - SMC 2 - this position manages all aspects of handling incoming and outgoing mail for 21 departments in Van Hise Hall; develops and maintains a billing system for 65 postage and 32 UPS accounts (35%); and has responsibility for hiring and training one student hourly employee.

d. Edward Malin - SMC 2 (1984 position description) - this position is responsible for the shipping and mailing operation for the UW-Madison's Social Sciences Building which houses 14 departments. This position is not responsible for maintaining department postage cost records. This position has no ongoing lead work responsibilities but simply trains student hourly employees assigned to replace him when he is on leave. This position functions under general supervision.

e. Sandy Abel - SMC 2 (1988 position description) - this position is responsible for the shipping and mailing operation for the

UW Madison's Middleton Medical Library. This position is responsible for "keeping postage records and statistics for exchange materials" but this function does not appear to be comparable to appellant's position's responsibility for maintaining department postage cost records. This position has no lead work responsibilities.

7. During the hearing, respondent's representative indicated that the Abel (See Finding of Fact 6. e., above) position was not properly classified a the SMC 2 level since it did not function as a leadworker. During final argument, respondent's representative indicated that the Malin (See Finding of Fact 6. d., above) position was not properly classified at the SMC 2 level since it did not function as a leadworker. During final argument, respondent's representative indicated that, in order to satisfy the lead work requirement of the SMC 2 classification specification, a position must have ongoing lead work responsibilities and must perform such responsibilities during the entire 40-hour work week. This is not reflected in the hearing record.

8. The position standard for the SMC series states as follows, in pertinent part:

Shipping and Mailing Clerk I

Class Description

Definition:

This is routine manual and clerical work in a shipping and mailing operation. Under close supervision or guidance employees in this class perform routine mail handling and processing, pickup and delivery of inter office or campus mail, and assist in the shipping and mailing of letters, packages, parcels and other materials. Work assignments are routine and repetitive in nature.

Shipping and Mailing Clerk 2

Class Description

Definition:

This is lead work guiding a small, relatively simple shipping and mailing room or campus mail operation; or operation of large complex shipping and mailing room equipment. Under limited supervision or guidance, employees in this class function as lead workers in routine mail handling and processing, pick up and delivery of inter office or campus mail and shipping and mailing letters, packages, parcels and other materials. In the operation of complex shipping and mailing room equipment, employees would set up, operate and maintain large multiple station inserting machines and multipurpose labeling machines. Work is reviewed by superiors through general examination of records and procedures.

9. The duties and responsibilities of appellant's position are better described by the specifications for the SMC 2 classification than those for the SMC 1 classification and are more closely comparable to those of the SMC 2 positions than those of the SMC 1 positions offered for comparison purposes.

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 show that respondents' denial of appellant's request for the reclassification of his position from SMC 1 to SMC 2 was incorrect.
3. The appellant has sustained this burden.
4. Respondents' denial of the subject reclassification request was incorrect and appellant's position is more appropriately classified at the SMC 2 level.

Opinion

In the context of this appeal, reclassification means the assignment of a filled position to a different class based upon a logical and gradual change to the duties or responsibilities of the position. §ER 3.01(3), Wis. Adm. Code. Respondent argues in this regard that the primary changes in the duties and responsibilities of appellant's position between 1984 and 1990 constitute



changes in the volume of materials handled by appellant's position but not substantive changes in the duties and responsibilities themselves and that such changes in volume alone cannot support a reclassification. Respondent seems to be ignoring the fact that a change in volume, if it results in a change in the relative emphasis of certain duties and responsibilities, can result in a substantive change in the position. That is the situation here. The changes in time percentages devoted to the Goals of appellant's position between 1984 and 1990 represent an increased emphasis, by a difference of as much as 20%, on certain functions and a decreased emphasis, by a difference of as much as 14%, on other functions. This may have been the result of a change in volume in regard to certain types of materials handled by appellant's position but, from a classification standpoint, the result is a substantive change in the duties and responsibilities of appellant's position. In addition, lead work responsibility was added as a worker activity to appellant's position description and the level of supervision over appellant's position was reduced from limited to general. These constitute further substantive changes in appellant's position. Respondent does not argue that any change was not logical or gradual and the record does not support such a conclusion. The Commission concludes that the duties and responsibilities of appellant's position underwent a logical and gradual change between 1984 and 1990 within the meaning of §ER 3.01(3), Wis. Adm. Code.

The remaining question in this appeal relates to the appropriate classification of appellant's position. In answering a question as to the appropriate classification of a position, it is appropriate to first turn to the language of the SMC position standard which is the ultimate authority for classification decisions. The SMC 1 classification generally describes a position which is closely supervised and which performs a narrow range of routine, well-defined mailing and shipping tasks not requiring the independent exercise of discretion. The relevant allocation<sup>1</sup> of the SMC 2 classification generally describes a position which has independent authority for managing a small mailing and shipping operation requiring considerable knowledge of postal and shipping regulations and involving the independent exercise of

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<sup>1</sup> The other allocation relates to the "operation of large complex shipping and mailing room equipment" and is clearly not applicable here.

discretion in regard to a variety of tasks. This distinction is also illustrated by a review of positions at the UW-Madison classified at the SMC 1 and SMC 2 level. The SMC 1 Avila position (See Finding of Fact 6.a., above) is responsible for performing a narrow range of routine, well-defined tasks. The SMC 1 Flatman position (See Finding of Fact 6.b., above) performs routine mailing and shipping duties and, although the range of these duties is not as narrow as those of the Avila position, they are performed under close supervision. The SMC 2 Gudel position (See Finding of Fact 6.c., above) independently manages a mailing and shipping operation involving the exercise of discretion in regard to a variety of tasks. Although this mailing and shipping operation involves a substantially larger number of departments and a substantially larger billing system than the other positions offered for comparison purposes, it is not possible to conclude from the record whether this operation would still be considered a "small, relatively simple" operation within the meaning of the SMC 2 classification specifications. The SMC 2 Malin position (See Finding of Fact 6.d., above) independently manages a shipping and mailing operation involving a wider variety of tasks than the Avila or Flatman positions and certain limited training responsibilities. The SMC 2 Abel position (See Finding of Fact 6.e., above) independently manages a shipping and mailing operation involving a wider variety of tasks than the Avila or Flatman positions.

Appellant's position is stronger from a classification standpoint than any of the positions offered for comparison purposes other than the Gudel position. Not only does appellant's position have independent authority for managing a small mailing and shipping operation but the range of tasks is wider than those of these other positions, the knowledge of mailing and shipping regulations and procedures which is required is at least as great, and the position is assigned lead work responsibilities, as will be discussed below.

Respondents argue that appellant's position cannot be classified at the SMC 2 level since appellant did not lead the work of any employees from 1987 through 1991. This argument raises two questions: Did appellant's position have lead work responsibilities during the time period relevant to this appeal? What type of lead work responsibility is necessary for classification at the SMC 2 level?

Respondents have made a practice in regard to SMC positions at the UW-Madison of recognizing the training and oversight of student hourly employ-

ees as lead work. This was acknowledged by respondents in the hearing record. It can be inferred from the record that, as opposed to a permanent or project or limited term employee who is appointed to a particular position in a particular unit for a particular number of hours per pay period, a student hourly employee is not appointed to a particular position but becomes part of a pool of employees whose assignments and hours vary depending on funding and relative workload. As a result, the number of student hourly employees assigned to a particular unit and the number of hours such employees work in that particular unit may vary significantly from one week, month, or year to the next. Due to these characteristics, it would be illogical to consider positions with assigned lead work responsibilities as lead workers only during those times that they are actually overseeing the work activities of student hourly employees. The record shows that appellant's position has been assigned lead work responsibilities since 1984; that this assignment was acknowledged in appellant's 1990 position description; that this lead work assignment was included in appellant's 1990 position description by respondent UW-Madison at a time when appellant did not have a student hourly employee assigned to his unit; and that the ongoing and continuing nature of this assignment was illustrated by the assignment of a student hourly employee to appellant's unit in April of 1991. The Commission concludes on this basis that appellant's position has been a leadworker within the meaning of the SMC 2 classification specifications at all times relevant to this appeal.

The Commission also regards respondents' belated protestations during hearing and final argument that the Abel and Malin positions were improperly classified, and respondents' spontaneous definition of "lead work" during final argument, as self-serving and unconvincing. It is obvious from the record that respondents have never applied this definition of lead work in classifying positions within the SMC series. For example, even the Gudel position, which is acknowledged by respondents to be a strong SMC 2 position, only leads the work of one student hourly employee. Since it is apparent from the record that student hourly employees do not routinely work 40-hour work weeks, the Gudel position would not satisfy the definition of lead work offered by respondents during final argument. It is also obvious from the record that respondents were comfortable with the classification of the Malin and Abel

positions at the SMC 2 level, and made no effort to change such classifications, prior to the instant hearing.

Finally, respondents' argument that appellant's position is better described by the classification specifications for the SMC 1 classification than those for the SMC 2 classification ignores the fact that the duties and responsibilities of appellant's position do not satisfy the clear "close supervision" language of the SMC 1 classification specification.

The Commission concludes, based on the above, that the duties and responsibilities of appellant's position are better described by the specifications for the SMC 2 classification than those for the SMC 1 classification and are more closely comparable to those of the SMC 2 positions than those of the SMC 1 positions offered for comparison purposes in the hearing record.

Order

The action of respondents is reversed and this matter is remanded for action in accordance with this decision.

Dated: \_\_\_\_\_, 1991      STATE PERSONNEL COMMISSION

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