



and in a memorandum dated August 22, 1991, informed Topf Wells, Executive Director, WCC, of her decision.

6. Mr. Wells and Ms. Van Wyhe filed appeals of DOA's reclassification denial to the Commission within 30 days of receiving notice of the denial.

7. Appellant's position is directly supervised by Mr. Wells. Three other positions appear on the organizational chart in line with appellant's position. They are the Energy Team manager, the Personnel Coordinator, and the Projects Coordinator, and none has line authority over the others. All four positions are currently classified at the AA 4 level.

8. Appellant directs the work activities of a Management Information Specialist 3, a Program Assistant 2, a half-time LTE Publications Editor position, a half-time Clerical Assistant 2 position, and two work study students.

9. Appellant's duties as presented in the reclassification request and expressed in her Position Description, dated 6/6/91, are as follows:

<u>TIME%</u>	<u>GOALS AND WORKER ACTIVITIES</u>
50%	A. Financial Management
	A1. Assist Executive Director in the development, preparation, and presentation of the agency's biennial budget request, with primary responsibility for numerical analysis.
	A2. Establish budget management program for agency utilizing Lotus 1-2-3 or other appropriate software, monitor all expenditures, and maintain comprehensive agency budget records.
	A3. Supervise, analyze, and approve all agency expenditures.
	A4. Act as primary agency liaison officer in all fiscal matters with other agencies, including DOA Division of Administrative Services, Legislative Fiscal Bureau, and Legislative Audit Bureau.
	A5. Act as secondary liaison officer (after Executive Director) in all budget/policy matters with State Budget Office, Legislative Fiscal Bureau, and legislators.
	A6. Prepare quarterly financial reports for Executive Director and WCC Board.

- A7. Coordinate agency procurement of all goods and services.
- A8. Examine and verify Energy Team expenditures and fiscal records.
- A9. Assist Executive Director and Energy Team Manager in preparation of annual budget and budget requests for Energy Team.

50% B Agency Management

- B1. Assume all functions and responsibilities of Executive Director in his/her absence or temporary incapacity.
- B2. Interview, appoint, and supervise agency's Management Information Specialist, Publications Editor, two permanent clerical positions and all clerical and data entry LTEs and/or work-study employees.
- B3. Prepare and maintain comprehensive program operations manual
- B4. Institute and oversee comprehensive agency record-keeping system consistent with statutory and program requirements.
- B5. Develop and initiate operating plans and procedures designed to enhance record-keeping system.
- B6. Participate in program development and planning activities.
- B7. Provide other administrative assistance to Executive Director and program staff as necessary.
- B8. Develop, implement, and maintain a method of encumbering agency funds for implementation of WCC projects.
- B9. Maintain accurate fiscal records on each contract.
- B10. Monitor trends within agency (eg. corps enrollee attrition) with fiscal implications; make or recommend appropriate changes in response to those trends.
- B11. Propose initiatives or program modifications designed to strengthen WCC.
- B12. Train and perform spot checks on four Regional Crew clerical assistants.

- B13. Take lead role in working with DOA Division of State Facilities Management to lease office space for four Regional Crew Leaders.
- B14. Participate in screening and/or interviewing when agency fills central or Energy Team staff positions.
- B15. Perform other duties as assigned by Executive Director.

10. Appellant's Position Description dated June 6, 1991, differed from her prior PD, dated July 9, 1987. Major goal changes were:

- Goal A was increased from 40% to 50%
- Goal B was increased from 40% to 50%.
- Goal C in 1987 PD -- 10% Contract Administration -- was deleted.
- Goal D in 1987 PD -- 10% Special Project Development -- was deleted.

Additions to the 1991 PD were:

under Goal A, items A8 and A9; under Goal B, items B2, B8, B10, B12 and B13.

11. The specific items in Appellant's 1987 PD not included in her 1991 PD were:

10% C Contract Administration

- C1. Prepare, in conjunction with the WCC Projects Coordinator, contracts with project sponsors (i.e., federal, state, or local units of government and non-profit organizations) with primary responsibility for all fiscal provisions.
- C2. Prepare and maintain accurate computerized fiscal records on each contract
- C3. Develop policies and procedures, including specialized contracts, for entering into program revenue reimbursement agreements with state and local agencies and individuals.
- C4. Develop and monitor reimbursement rate schedules for program revenue reimbursements (fees for service).
- C5. Prepare and maintain accurate accounting system for potential reimbursable emergency services (i.e., forest fire or tornado clean-up assistance).

C6. Initiate applications and coordinate provision of required information for potential emergency services reimbursement with Department of Natural Resources, Division of Emergency Government, Federal Emergency Management Agency, and similar agencies, and monitor for necessary follow-up.

10% D. Special Projects Development

- D1. Develop proposals for foundation or corporate grants to fund special program initiatives.
- D2. Coordinate special surveys or studies, including an economic analysis of program benefits.
- D3. Coordinate research and development of potential program initiatives, including proposals for an energy conservation unit and model residential camps.
- D4. Propose other initiatives or program modifications designed to strengthen WCC.

12. The Administrative Assistant 5 Position standard provides a class description as follows:

This is responsible line administrative and/or professional staff assistance work in a large state agency. Employees in this class direct an important function of the department and/or provide staff services in management areas such as accounting, purchasing, personnel or budget preparation. Employees in this class may be responsible for supervising a staff of technical, semi-professional or professional employees in directing the assigned program. Employees have a great deal of latitude in areas of decision making and initiating action within a broad framework of laws and rules. Work is evaluated by administrative superiors through conferences, personal observations and reports.

13. The Position Standard description of the Administrative Assistant 4 classification is:

This is line supervisory and/or staff assistance work in a state agency or segment of a large state agency. Employees in this class have supervisory responsibilities over a large, moderately complex records processing and maintenance unit...and/or supervise and perform staff services in records, accounting, personnel, budgeting, or purchasing. Employees are responsible for interpretations of laws, rules and department policies in carrying out their assigned functions. Work is performed with a minimum of supervision which is received through staff conferences or general written or oral instructions. Employees are

expected to carry out assigned functions with a considerable amount of initiative and independence with the results of their work reviewed through oral or written reports and personal conferences.

14. The AA 5 position description of positions in the Department of Natural Resources (Appellant's Exhibits 11-16) entered into evidence, unlike appellant's position, are in a large state agency, most have limited budgetary responsibilities and operate under federal and state statutes, codes, policies, and regulations.

15. AA 5 positions in the Wisconsin Arts Board and the State Ethics Board, small state agencies similar in size to WCC, function as a line deputy administrator or supervise all agency staff members, with few exceptions.

16. Appellant's position is more comparable to the Connie Miller, AA 4 position (Respondent's Exhibit 6) in the Arts Board, which coordinates the agency's financial budget and purchasing services.

17. Appellant's position is more appropriately classified at the AA 4 level.

#### CONCLUSIONS OF LAW

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

2. Appellant has the responsibility of affirmatively proving respondent's decision denying reclassification of her position from AA 4 to AA 5 was incorrect.

3. Appellant has failed to prove respondent's decision denying reclassification of her position to the AA 5 level was incorrect.

4. Appellant's position is more appropriately classified at the AA 4 level.

#### DISCUSSION

This Commission consistently has held that class specifications are the basic authority for making decisions regarding the appropriate classification of a position. Zhe v. DOA & DP, Case No. 80-0285-PC (11/19/81), affirmed Cty. of Dane, Cir. Ct., Zhe et al. v. PC, 81-CV-6492 (11/2/82). Accordingly, in the instant case, the Commission looks to the Position Standards for AA 4 and AA 5 positions in deciding this matter.

The AA 5 classification specifications require positions at this level perform "responsible line administrative and/or professional staff assistance work in a large agency." In contrast, the specifications of AA 4 positions require "line supervisory and/or staff assistance work in a state agency or segment of a large state agency." WCC is not a large state agency. Consequently, appellant's position, which is in WCC, does not meet the AA 5 requirement of being located in a large state agency. Correspondingly, it would be difficult to compare appellant's positions with those in a large agency, such as the Department of Natural Resources, because of this clear distinction provided in the specification, between AA 4 and AA 5 positions, based on agency size.

Another tool used by the Commission in determining proper position classification is position allocation patterns. In the instant case, the allocation pattern shows AA 5 positions also in small agencies. Based on the evidence presented, these positions in small agencies function as Deputy Director and/or supervise the day-to-day operations of the agency.

Appellant's position does not fit the allocation pattern of AA 5 positions in small agencies. Unlike these positions, the appellant's position is not responsible for supervising the daily operations of the agency, nor for supervising the administrative section of the agency. The appellant does have authority to act as head of the agency in the absence of the Executive Director. However, this activity takes up a small percentage of her time and is not a new function.

The Commission concludes appellant's duties fit neither the AA 5 classification specifications nor the allocation pattern of AA 5 positions in small agencies; therefore, we must affirm respondent's decision.

ORDER

Respondent's decision denying reclassification of appellant's position to the Administrative Assistant 5 position is affirmed, and this appeal is dismissed.

Dated: September 22, 1992 STATE PERSONNEL COMMISSION

  
LAURIE R. McCALLUM, Chairperson

DRM:rcr

  
DONALD R. MURPHY, Commissioner

  
GERALD F. HODDINOTT, Commissioner

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**NOTICE  
OF RIGHT OF PARTIES TO PETITION FOR REHEARING AND JUDICIAL REVIEW  
OF AN ADVERSE DECISION BY THE PERSONNEL COMMISSION**

**Petition for Rehearing.** Any person aggrieved by a final order may, within 20 days after service of the order, file a written petition with the Commission for rehearing. Unless the Commission's order was served personally, service occurred on the date of mailing as set forth in the attached affidavit of mailing. The petition for rehearing must specify the grounds for the relief sought and supporting authorities. Copies shall be served on all parties of record. See §227.49, Wis. Stats., for procedural details regarding petitions for rehearing.

**Petition for Judicial Review.** Any person aggrieved by a decision is entitled to judicial review thereof. The petition for judicial review must be filed in the appropriate circuit court as provided in §227.53(1)(a)3, Wis. Stats.,



and a copy of the petition must be served on the Commission pursuant to §227.53(1)(a)1, Wis. Stats. The petition must identify the Wisconsin Personnel Commission as respondent. The petition for judicial review must be served and filed within 30 days after the service of the commission's decision except that if a rehearing is requested, any party desiring judicial review must serve and file a petition for review within 30 days after the service of the Commission's order finally disposing of the application for rehearing, or within 30 days after the final disposition by operation of law of any such application for rehearing. Unless the Commission's decision was served personally, service of the decision occurred on the date of mailing as set forth in the attached affidavit of mailing. Not later than 30 days after the petition has been filed in circuit court, the petitioner must also serve a copy of the petition on all parties who appeared in the proceeding before the Commission (who are identified immediately above as "parties") or upon the party's attorney of record. See §227.53, Wis. Stats., for procedural details regarding petitions for judicial review.

It is the responsibility of the petitioning party to arrange for the preparation of the necessary legal documents because neither the commission nor its staff may assist in such preparation.