




ORDER

The proposed decision and order, a copy of which is attached hereto and incorporated by reference as if fully set forth, is adopted as the Commission's final resolution of this matter

Dated: February 8, 1993 STATE PERSONNEL COMMISSION

  
LAURIE R. McCALLUM, Chairperson

LRM/AJT: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.



TIME %

GOALS AND WORKER ACTIVITIES

60 %

A. Administrative Support and Assistance

- A. 1. Coordinate the gathering of data and other pertinent information required for the preparation of reports, presentations, policy papers, sourcebooks, brochures, publications, etc. Check materials for accuracy and completeness. Compile the data or information, develop format and coordinate the final production of materials produced by the office.
- A. 2. Schedule meetings and conferences. Assist with duties associated with the planning and chairing of meetings and conferences. Preparing and mailing agendas and accompanying materials, scheduling meeting locations, making reservations, attending meetings to record actions, and following through on actions required including collections and disbursements.
- A. 3. Coordinate staff assignments and follow-up on the assignments so that deadlines will be met on a timely basis. Monitor projects with deadlines to insure all responses are received. Maintain liaison with systemwide directors and coordinators to facilitate processing of various reports.
- A. 4. Assist with the responsibilities associated with classroom teaching including the preparation of reading lists, syllabi, testing materials and recording grades and assisting students with material location from the office library.
- A. 5. Screen and schedule appointments and maintain calendar for the Assistant to the President keeping her informed of events, deadlines and scheduled obligations. Gather necessary materials for meetings and appointments. Make foreign and domestic travel arrangements and hotel reservations. Respond to

telephone and mail requests for information. Explain policies and procedures to faculty, other employees and the public when requested. Review mail and screen correspondence formulating responses when appropriate. Attach background information when appropriate. Finalize correspondence for mailing.

- A. 6. Set-up and maintain databases to contain necessary information for committee memberships, conference registrations, mailing lists, and directories used for programs or activity functions. Distribute materials produced by the office as required. Maintain the office's reference and historical library made up of reports, policy documents, papers, brochures, and statistical references. Keep subscriptions, policy documents and statistical references current.
- A 7. Maintain resource library of sexual assault, harassment and gender equity videotapes and materials. Provide listing of resources available for loan to campuses. Schedule bookings and timely return of materials to the office.
- A. 8. Review requests from campuses for auxiliary aid funding from the UW System Contingency Fund for Students with Disabilities [sic] for accuracy and completeness. Inform Assistant to the President of requests made and available funds. Process requests and guidelines for funding to the review committee. Compose letters to the requesting campus to approve or deny the request. Initiate budget transfer for approved funding to the campus. Maintain records of all transactions. Prepare detailed reports of disbursements.
- A. 9. Coordinate the fall and spring conferences. Handle administrative details of scheduling conference sites, establish conference fees and budget, assist with development of program, obtaining keynote speakers, and

printing and distribution of conference materials. Make all arrangements for accommodations and food.

- A. 10. Arrange for the printing of newsletters and publications with vendors by obtaining bids, making specifications for paper and printing service, and writing printing orders. Expedite delivery.
- A. 11. Attend meetings or workshops for the Assistant to the President as necessary. Present agenda items at meetings on her behalf. Report on actions taken.

5%

B. Lead Work Functions

- B. 1. Recruit, interview and hire LTE and student help. Process necessary authorizations, personnel and payroll materials for employees.
- B. 2. Plan, assign, and direct work flow of LTE's and student help. Train LTE's and student help in word and data processing procedures necessary to accomplish tasks assigned, including database management. Delegate as appropriate clerical responsibilities related to activities listed under goals and activities A and D.

30%

C. Fiscal Control

- C. 1. Maintain departmental budgets. Monitor and control expenditures under the general office supply and expense account, the equal opportunity program special projects account, LTE/student help, the Contingency Fund for Services to Students with Disabilities, the Summer Affirmative Action Intern Program, the Wisconsin Foundation account, and the Elizabeth Conrad Trust Fund account. Inform the Assistant to the President monthly or as requested of balances, expenditures and encumbrances.

- C. 2. Reconcile monthly accounting detail reports with department records. Perform audits of telephone charges and all other expenses charged. Bring discrepancies or potential problems to the attention of the Assistant to the President. Resolve discrepancies with controller's office.
- C. 3. Reconcile monthly bank statement for the Wisconsin Women in Higher Education Administration program. Collect conference fees and make deposits to the bank account. Monitor expenses charged to this account. Write checks for expenses charged to this account. Inform state coordinator of balances monthly or as requested.
- C. 4. Provide timely billing for sales of books and publications produced by the office. Follow-up to collect past-due amounts. Make deposits to appropriate accounts.
- C. 5. Prepare reports of sales, collections received, amount and date deposited, amount invoiced, and total sales to date of publications produced by the office. Provide feedback to Assistant to the President on income, both actual and anticipated, for purposes of budget projections.
- C. 6. Make deposits to Elizabeth Conrad trust fund account from sales of essays. Arrange disbursement of funds for expenses.
- C. 7. Assist in development of the office supply and expense, equal opportunity special projects, LTE/student help, and contingency fund for students with disabilities budgets. Make budget projections to meet needs of the office.

5%

D. Office Management and Personnel Responsibilities

- D. 1. Evaluate and make recommendations for purchases of furniture, telephone system and service modifications,



equipment, supplies, and modifications to office work environment. Obtain bids as required and prepare purchase orders. Salvage items replaced and follow-up to be certain credit for the sale of those items has been received. Maintain office inventory and prepare reports.

- D. 2. Initiate requisitions, purchase orders, budget transfers, and inter-institutional agreements; route to appropriate administrative offices. Verify that correct appropriation has been charged for transactions.
- D. 3. Monitor and report to appropriate department sick leave and vacation time and attendance reports. Maintain staff schedules. Prepare staff expense accounts.
- D. 4. Serve on internal committees dealing with personnel policies, parking, or word processing. The Assistant to the President should be kept informed of any problems that might occur in these areas and propose solutions.
- D. 5. Write work orders for repairs and modifications that need to be made. Expedite service and follow-up to be certain that repairs are made as requested.
- D. 6. Analyze computing equipment and software needs and make recommendations. Prepare purchase requests and/or justification for capital budget items. Verify delivery and installation of equipment and software.
- D. 7. Maintain filing system of materials consisting of correspondence from campuses, internal and outside agencies, Regents meetings, programs, budget files, and special projects.
- D. 8. Assist system administration staff as resource person in areas of word and data processing, and personal computing needs.

4. Dr. Swoboda, in her capacity as Director of the Office, serves as the UW System Affirmative Action Officer, UW System Coordinator of Services for Students with Disabilities, Title IX Coordinator, Child Care Coordinator, Compliance Coordinator for Wisconsin Acts 186 and 177, Liaison to Wisconsin Women's Studies Consortium, State Coordinator of Wisconsin Women in Higher Education Administration, and Chair of the Governor's Educational Approval Board.

5. The duties and responsibilities of appellant's position have undergone a logical and gradual change since classification at the PA 3 level in 1989. These changes have involved the addition of new duties under Goal A (specifically Worker Activities A.7 through A.11), Goal C (specifically Worker Activities C.4 through C.7) and Goal D (specifically Worker Activities D.5 through D.7). In addition to these new duties, the other major change is that the percentage of time for Goal A and Goal B have each been reduced 10% and the time percentage for Goal C (Fiscal Control) has been increased from 10% to 30%. (Respondent's Exhibit #5).

6. Appellant's position's interpretation of Office policies and procedures consists of communicating Dr Swoboda's interpretation to those contacting the Office with inquiries.

7. Appellant's position's role in setting Office policy consists of soliciting and drawing together the ideas of others for Dr. Swoboda's review and decision-making. This is accomplished by appellant's position through the drafting of correspondence to those whose input is sought, the establishment of deadlines for their response, presentation of their responses to Dr. Swoboda, proofreading draft policies, and similar administrative tasks.

8. Appellant's position's role in the preparation of reports issued by the Office is generally limited to verifying, at Dr. Swoboda's direction, information provided by others; soliciting data from sources by drafting letters of request, setting deadlines for response, suggesting response format, and drafting questionnaires; developing formats for data reporting; tabulating data received from sources; and proofreading reports before publication. Generally, drafts of letters, questionnaires, data reporting formats, etc., prepared by appellant's position are reviewed for approval by Dr. Swoboda before issuance. Generally, Dr. Swoboda determines the type of data to be solicited and tabulated and the sources from which such data is to be solicited.

9. Appellant's position is responsible for performing the clerical support duties for the Office, including typing or word processing, copying, serving as the Office receptionist, and filing. Appellant's position sometimes delegates these clerical duties to student helpers

10. At the time period relevant to this matter, the Office, in addition to appellant's position and the Director position, consisted of one academic staff position, two or three part-time limited term employees engaged in policy research, and one or two student helpers.

11. Appellant's position has responsibility for maintaining and monitoring seven relatively small operating budgets and for projecting future budget requirements based on past expenditures for each of these.

12. Appellant's position has responsibility for assessing the equipment needs of the Office, gathering information on available equipment to determine if and how it could meet those needs, and making equipment acquisition recommendations to Dr Swoboda.

13. Positions offered for comparison purposes in the hearing record include:

a. PA 3--Susan Riley--Affirmative Action office-UW La Crosse--this position has responsibility for: 45%--Monitors recruitment of unclassified positions, including verifying that Authorization to Recruit forms received from vice chancellor, deans, and department chairs satisfies applicable requirements; reviewing and approving Position Vacancy forms to determine if position description, salary, and credentials meet applicable requirements; releasing recruitment information for advertising and approving content of advertisement; developing and compiling all forms for recruitment file; consulting with recruiting department to identify minorities in applicant pool and determining compliance with applicable affirmative action regulations and procedures; coordinating and implementing changes in interview/appointment process for non-routine interview/ appointments; composing and organizing a monthly listing of all unclassified and graduate assistant vacancies; independently monitoring, approving, and advancing all graduate assistantship appointments from initial recruitment to final hiring; recommending new procedures to monitor unclassified personnel recruiting actions to improve operating efficiency. 20%--Coordinate and implement visa application process for non-immigrant employees, including researching and maintaining current knowledge of visa policies and procedures; monitoring changes in policies and disseminating information to campus community; interpreting state and federal rules and regulations for non-immigrant faculty and academic staff; preparing federal application forms, including supporting

documentation. 15%--Compilation and production of computerized statistical data, including developing and implementing system to maintain and revise information data on unclassified new hires including titles, salaries, hiring statistics, and personnel information; developing and implementing system to maintain and revise data based information on unclassified minority staff; compiling and extracting data base information to be used for various local, UW-System, state, and federal reports; compiling and computing data using statistical methods and verifying all statistical data. 15% Maintenance of faculty and academic staff information, including maintaining personnel files and determining what, if any, requested information may be released from faculty and academic staff personnel files. 5%--General office procedures, including verifying and balancing the budgets for Affirmative Action, and committees of Organization for Campus Women, Sexual Harassment/Assault Prevention Education, Minority Recruitment, and Classroom Climate; supervising and training student help, work study students, and graduate interns; scheduling and maintaining office calendar; composing letters and memos to on- and off-campus offices and personnel; and supervising ordering for office through supply orders and purchase orders.

b. PA 3--Beverly Brooks--Equal Opportunity Office, University of Wisconsin-Extension--this position has responsibility for: 45%--administrative functions, including responding to questions from deans, directors, department chairperson, classified and academic staff members and outside agencies regarding affirmative action policies and procedures; independently responding to requests for information and making referrals; preparing statistical data, agendas, and miscellaneous materials for the Director's use in conducting county Affirmative Action Compliance Reviews, coordinating travel and lodging arrangements for the Director; maintaining budget control sheets and monitoring for accuracy of information/balances; developing budget projections for next fiscal year; maintaining and coordinating appointment calendar for the Director; and composing correspondence for Director's signature. 40%--Preparation and coordination of data and reports, including researching and compiling data for annual New Hires Report for Extension; researching and compiling data for Applicant Flow Data Report, utilizing data obtained from ethnic reply count summaries and from applicant interview appraisal forms; researching and analyzing materials gathered from USDA reports and county compliance reviews for the Director's use in the orientation of new Cooperative Extension staff and independently, after reviewing reports, determine the most relevant information to use; analyzing data from handicapped survey questionnaires and assembling data from questionnaires in report form; preparing recruiting packets for Extension units/departments for their use in announcing new open positions; making independent decisions in the preparation of materials to ensure that the proper equal opportunity/affirmative action procedures are included; updating and

revising Equal Opportunity guidebook and responding to inquiries relating to EO/AA procedures and policies; assisting Director in preparing data for federal and state and system compliance reports. 15%--Office support functions, including initiating requisitions for supplies and equipment; initiating orders for the duplicating and printing of materials; maintaining and recommending changes in complex filing system; typing correspondence; coordinating assembling and issuance of mailings; making meeting arrangements for EO Counselor Group, EO Liaison Committee, Affirmative Action Interns/Mentors.

c. PA 4--Bettie Peavy--UW-Madison Office of Affirmative Action and Compliance--this position has responsibility for providing administrative assistance and support to the Director and four (4) professional staff responsible for ensuring compliance with federal, states, and UW-System affirmative action/equal employment opportunity laws, policies, and regulations for the more than 14,000 staff of the UW-Madison campus as follows: 45% Administrative assistance, including assisting the Director in monitoring budgets and expenditures and maintaining Office operating budgets; preparing and routing requisitions, duplicating orders, work orders, travel accommodations, travel expense reports, and car fleet authorization forms; conducting initial intake and referral of discrimination complaints from faculty, academic staff, classified employees, graduate students, and other employees and students, independently responding to inquiries which frequently requires consulting with campus and external offices to obtain information and prepare reports; assisting in the coordination of conferences and workshops; maintaining the Director's calendar; assisting the Director in staffing the campus Sexual Harassment Policy Committee. 20%--Special projects, reports, and research duties, including assisting the Director and staff in developing and revising campus-wide AA/EO policies and regulations; assisting staff in conducting specialized projects, employee surveys, and analyses of data to comply with federal, states, and UW-System requirements; receiving, processing, and preparing requests for minority student data and mailing labels; compiling and preparing aggregate statistical reports on minority student enrollment; preparing reports relating to complaint and grievance procedures, personnel policies and procedures, hiring goals, and programs designed to provide equal employment opportunity in response to inquiries from deans, director, department chairs, employees, and students concerning AA/EO; responding verbally and in writing to a wide variety of inquiries. 20% Personnel responsibilities, including maintaining all files on personnel matters, orienting all new Office staff; coordinating and supervising two (2) student hourly employees; 15%--Clerical assistance and support, including maintaining and updating office files; composing, reviewing, and preparing correspondence for Director's signature, proofreading and editing correspondence for staff members; drafting, preparing,

reviewing, and sending correspondence related to requests for data, office services, booklets, publications, etc.

d. PA 4--Nancy Westrom--UW System Administration, Office of the Executive Vice President--this position has responsibility for: 60%--Administrative support, including coordinating the flow of materials, correspondence and information to/from System Administration, System Chancellors, Regents, the Governor's Office, federal and state agencies, legislators, etc. from/to the Executive Vice President; reviewing incoming materials and advising the Exec. V.P. as to content, important deadlines, disposition; maintaining a thorough knowledge of UW System policies, procedures, rules and regulations in order to provide information and interpretation regarding same, serving as a resource person to individuals calling or coming into the office; researching files, minutes, by-laws, rules, policy documents, etc., to provide background and support material for decision-making; editing reports prepared by staff members for format, structure, content, and grammatical correctness; requesting information from various sources within and outside the UW System, collecting, analyzing, tabulating materials gathered and preparing reports; developing and implementing office procedures. 10%--Participation in special projects, including providing support for systemwide task force activities; serving on System committees or task forces as appropriate; providing assistance for the Board of Regents' committee activities in preparation for Board agenda mailing, serving on internal System Administration committees dealing with such issues as personnel policies and procedures; affirmative action, word processing applications; alerting the Exec. V.P. to problems and suggesting solutions. 30% Office management and secretarial support, including monitoring and reconciling office accounts; maintaining Exec. V.P.'s calendar and making scheduling decisions; making travel/lodging arrangements; developing and maintaining a comprehensive filing system in order to have resources available from which to gather data and answer questions; arranging meetings and conferences.

e. AA 3--Margaret Ries--UW System Administration, Office of Information Systems--this position has responsibility for: 27%--Assisting in planning, budgeting, and analysis efforts, assuming responsibility for departmental budget, accounting, and cost reports, including, developing, analyzing, and maintaining monthly accounting system; developing cost allocation reports, billing non-UW users for Information System resources; assisting in developing the annual budget, providing information and writing initial proposals; obtaining projected cost increase information for supplies, services, equipment, and software; independently collecting information from external and internal sources, analyzing that information, and drafting the department's annual report, OIS plan, and product availability reports. 27%--serving as purchasing agent for computing supplies, equipment, and services requested by System

Administration offices. 27%--supporting the Office Systems Coordinator by configuring software and hardware, contacting vendors, arranging maintenance, providing expertise, and developing and maintaining software and product libraries, 10%--maintaining inventory system for all System Administration computing equipment; 4%--assisting the Director by advising on issues involving publications, policy, and personnel; reviewing and screening mail and independently answering as much as possible. 3%--independent program responsibility in areas such as a checkwriting security operation and as site administrator for WARFVS1, etc. The Office of Information Systems consists of approximately 30 permanent positions.

14. The position standard for the PA series states as follows, in pertinent:

PROGRAM ASSISTANT 3

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 administrative and coordination of program activities than to the actual performance of clerical tasks. Work is performed under general supervision.

PROGRAM ASSISTANT 4

This is paraprofessional staff support work 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 operation.

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.

Prepares 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

15 The position standard for the AA series states as follows, in pertinent part:

#### ADMINISTRATIVE ASSISTANT 3

##### Characteristic Work of the Class

##### Definition:

Under general direction to do administrative work of more than ordinary difficulty and responsibility requiring the exercise of a considerable amount of individual initiative and independent judgment in directing the business management of a division engaged in a comprehensive non-professional program or activity; and to perform related work as required.



Examples of Work Performed:

Supervises record and account keeping; approves disbursements; maintains budget records.

Interviews, appoints and assigns personnel.

Acts as liaison officer between departments, employes, and the director.

Develops and installs operating procedures and makes recommendations concerning policies, rules and proposed legislation.

Supervises special surveys and studies; drafts orders; reviews and analyzes reports of assistants or field staff.

Develops training programs; interprets department policies and regulations; keeps director and assistants advised of legislation, legal opinions, court decisions and precedence.

Conducts hearings; occasionally acts as technical consultant in a specialized field.

Keeps records and makes reports.

16. The duties and responsibilities of appellant's position are more accurately described by the language of the PA 3 classification specifications than those of the PA 4 or AA 3 classifications; and are more closely comparable to those of the PA 3 positions offered for comparison purposes than those of the PA 4 or AA 3 positions.

Conclusions of Law

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

2. Appellant has the burden to show that respondent's decision denying her request for the reclassification of her position was incorrect.

3. Appellant has failed to sustain this burden.

4. Respondent's decision denying appellant's request for the reclassification of her position was correct and appellant's position is appropriately classified at the PA 3 level.

Opinion

The issue to which the parties agreed is:

Whether the respondent's decision to deny the appellant's request to reclassify her position from Program Assistant 3 was correct. If not, whether the appellant's position is more appropriately classified as either a Program Assistant 4 or Administrative Assistant 3

In order to be classified at the AA 3 level, a position must direct "the business management of a division engaged in a comprehensive non-professional program or activity." Certainly, the Office of Equal Opportunity Programs and Policy Studies for the UW-System is not a "comprehensive non-professional program or activity" within the meaning of the AA 3 classification specifications but, instead, is a professional program dealing with certain narrow aspects of the University of Wisconsin's affirmative action/equal employment opportunity program. An example of a comprehensive non-professional program or activity would be the UW System Administration, Office of Information Systems (See Finding of Fact 13.e., above). The duties and responsibilities of appellant's position do not satisfy the requirements for classification at the AA 3 level.

Within the meaning of the PA 3 classification specifications, appellant's position provides a "variety of program support assistance" to the Director of the Office; is delegated some "authority to exercise judgment and decision-making along program lines that are governed by a variety of complex rules and regulations;" and exercises some "independence of action," particularly in the fiscal area. Comparing the duties and responsibilities of appellant's position to those of the PA 3 positions offered for comparison purposes, the Riley position (See Finding of Fact 13.a. above) appears to function more independently than appellant's position, to have more extensive data development and data analysis responsibilities, but to have less responsibility in the budget area due to the smaller number of funds for which the Riley position is responsible and has no apparent responsibility for developing budget projections. The Brooks position (See Finding of Fact 13.b., above) appears to function more independently in the report preparation area, to have more extensive data development and data analysis functions, to function more independently in the procurement area, but to have less responsibility in the budget area due to the apparently smaller number of funds for which the Brooks position is responsible. All three positions, however, carry out similar program support responsibilities. In addition, although appellant's position performs program support functions for a program at the System level, the record does not show that this fact renders this program of significantly greater scope or complexity than the programs supported by the Riley or Brooks positions. Although the program supported by appellant's

position may touch individuals throughout the UW System, its scope is very limited and the contacts made are primarily for dissemination of information and data gathering purposes. Balancing these factors, the Commission concludes that appellant's position is comparable, from a classification standpoint, to the PA 3 positions offered for comparison purposes in the hearing record.

For classification at the PA 4 level, a position must function as the "assistant to the head of a major program function or organization activity." An example of such a major program function would be the Office of the Executive Vice President for which the PA 4 position held by Ms. Westrom (See Finding of Fact 13.d., above) provides program support. The Office of Equal Opportunity Programs and Policy Studies does not constitute a major program function or organizational activity within the meaning of the PA 4 classification specifications. The PA 4 specifications also state that "[p]ositions 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." The program supported by appellant's position is very small in size consisting of only two permanent professional positions. As discussed above, the scope of the program is very narrow compared to the major program functions typically supported by PA 4 positions.

In addition, other than in the fiscal area, appellant's position does not function independently in interpreting policies and procedures, in developing policies, in preparing reports or substantive responses to inquiries, in conducting program research, or even in an administrative area such as scheduling. In contrast, the Westrom position independently interprets a wide range of policies, procedures, rules, and regulations; has more independent and more extensive research and report preparation responsibilities in a wider range of substantive program areas; has independent responsibility for developing office procedures; independently serves on System committees and task forces; and has more independence in administrative areas such as scheduling, procurement, file system maintenance and development, etc. The Commission concludes that appellant's position does not satisfy the requirements for classification at the PA 4 level.

Much discussion in the record focused on the procedure followed by respondents in reviewing appellant's request for the reclassification of her

position. However, since the instant proceeding constitutes a de novo review of the classification of appellant's position, the Commission does not need to evaluate the procedure followed by respondents in order to resolve the issue before the Commission.

Nothing in this decision is meant to imply that the programs supported by appellant are not important or that the appellant is not a valued and competent assistant to the Director. However, the issues to be resolved is what is the most appropriate classification for appellant's position based on the classification specifications and the comparison positions which were introduced into the hearing record. Based on this information, the Commission concludes that appellant's position is most appropriately classified at the Program Assistant 3 level.

Order

The action of respondents is affirmed and this appeal is dismissed

Dated: \_\_\_\_\_, 1992      STATE PERSONNEL COMMISSION

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LAURIE R. McCALLUM, Chairperson

LRM/lrm/rcr

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DONALD R. MURPHY, Commissioner

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GERALD F. HODDINOTT, Commissioner

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