

FINDINGS OF FACT

1. At all times relevant to this matter, the appellant was employed in the planning section of the Eau Claire District Office (District 6) of the Division of Highways in the Department of Transportation. Appellant's first line supervisor was Mr. Terry Pederson, a Civil Engineer-Transportation-Supervisor who in turn reports to Mr. Martz Bechman, who serves as Chief of the Planning Section.

2. Upon assuming her current position, appellant was responsible a majority of her time for coordinating the district transportation assistance program. Specifically, this includes the State 85.21 (County) and the Federal 16(b)(2) and State 85.22 (Private, non-profit corporations) specialized transportation assistance program, and the Federal and state urban Mass Transit Operating Assistance Program. The remainder of appellant's time was spent on planning related activities.

3. There was a position similar to appellant's in each of the other District Offices of the Division of Highways. These positions were classified as Community Services Technician 2's (PR1-12), or if the position had a significant minority of their work in the planning area (as appellant did), the position was classified as a Planning Analyst 2.

4. The transportation assistance work assigned to these positions was performed under the direction of the Transit Bureau located in the Division of Transportation Assistance. Appellant's position was funded entirely by the Division of Highways. While this arrangement continued for some time, the Division of Highways eventually expressed concern about funding the activities of another division. As a result, the amount of time allocated to transportation assistance type of work was reduced to less than a majority and other activities related to Division of Highway functions assigned.

5. In relation to appellant's position, these new duties involved public relations types of activities either on an ongoing or project-by-project basis. Specifically, the new duties assigned involved:

- a) Coordinating the annual district Department of Transportation (DOT) exhibit at the Norther Wisconsin State Fair;
- b) Coordinating local meetings, conferences, and conventions held in the District;

- c) Coordinating the design and production of public information statewide such as those related to the Great River Road maps, rustic roads, highway maps, and tourism booklet;
- d) Maintaining the District public information library consisting of materials like those identified in "c" above; and
- e) Researching, developing and installing vision displays in Menomonie Area.

6. In addition to the new duties identified in Finding of Fact 5 above, appellant became involved in reviewing and making recommendations, and doing surveys and studies related to the location and operation of Park-and-Ride lots in the District.

7. Appellant was initially employed in the Office of Highway Safety where she was classified as a Community Services Technician 2. Subsequently, she transferred to the Eau Claire District office where she served as the Business Manager. Appellant's classification in this position was Administrative Assistant 3. When appellant assumed her current position, her classification changed to Planning Analyst 2.

8. The positions in the Office of Highway Safety were subsequently moved from Community Services Technician 2 to Community Services Specialist 1 (PR1-13).

9. Respondent agreed [as part of a settlement of another claim appellant had brought against DOT] to review appellant's position to determine its appropriate classification. In implementing this agreement, respondent (DOT), conducted an onsite audit to ascertain the actual duties and responsibilities assigned to appellant's position and the time percentages associated with them.

10. Appellant refused to sign a position description dated 11/25/91 on the grounds that it didn't accurately identify her duties and responsibilities. This position description resulted from the audit conducted by the respondent DOT. During the audit, both appellant and her supervisor had drafted a proposed position description. The personnel analyst concluded that the differences between these drafts was only minor and opted to use the language and format proposed by the appellant in making the classification decision.

11. The position description developed by appellant (Respondent's Exhibit #24) accurately describes the appellant's duties and responsibilities of the position as follows:

Position Summary:

Under minimal supervision of the District Director, the Chief of Planning and the Planning Supervisor, manage all Specialized and Mass Transit activities for the district, coordinate Public Relations/Information activities for the district; Research and develop visual displays, design public information material, establish and maintain Audio Visual/speech reference material; responsible for ordering and dissemination of public information books and brochures.

Time % Goals and Worker Activities

- 60% A. Coordinate Public Relations activities of the District at the direction of the District Director and the Chief of Planning.
- A.1 Establish lines of communications with various news media, and maintain an effective working relationship with editors, news executives, editorial writers, radio, television and print media reporters.
 - A.2 Establish effective working relationships with local government officials, business leaders, communications media and other community leaders to secure their early participation in district plans and programs
 - A.3 Assist in development of responses to inquiries from the public for district staff, Department Secretary and otherwise as required. (5%)
 - A.4 Coordinate the district DOT exhibit at the Northern Wisconsin State Fair, annually. Supervise the installation of the display, staffing schedules, media appointments, hand-out material, computer installations, telephone availability. Evaluate and monitor display effectiveness and recommend changes. Participate in planning meetings with central office State Fair Team. (sic) as the district representative. (15%)
 - A 5 District coordinator for the design and production of public information materials, including news releases, brochures, maps, graphics, audio-visual programs, media information kits, and photos. (15%)

- A.6 Research, develop and install visual displays for the Rest Areas at Menomonie. Monitor effectiveness. Change displays semi-annually to reflect (sic) seasonal activities.
 - A.7 Function as district liaison for arrangements for local meetings, conventions, conferences held in the district. These would include, but not be limited to, 6 year Program meetings, State Conventions, Ribbon Cuttings, media interviews, appearances by the Secretary of the Department, Public Hearings, etc. (20%)
 - A.8 Establish and manage a District Public Information Library of material available to the public. Must include information on Rustic Roads, Great River Road, Highway Maps, Tourism booklets, as a minimum. Order replacements as necessary. Distribute as needed. (This duty, along with A.1, A.2, A.6 and A.8 account for 5% combined; not 5% each.)
- 30% B. Coordinate the State 85.21 (County) and Federal 16(b)(2) and State 85.22 (Private Non-Profit Corporations) Specialized Transportation Assistance Programs in the District Coordinate the Federal and State Urban Mass Transit Operating Assistance Programs for buses and taxis in the District.
- B.1 Provide District liaison between the Bureau of Transit and program recipients.
 - B.2 Represent the district at city, county, area and State meetings relative to Urban and Specialized Transit Programs - monthly, quarterly and annually as required. Prepare and present Transit (sic) information to groups verbal or written.
 - B.3 Provide technical Transit assistance to applicants and recipients of Federal and State Grants. Assist providers in preparation of annual applications. Review draft and final applications for accuracy and completeness.
 - B.4 Monitor operations of projects which have received program funds.
 - B.5 Conduct annual inventory of all funded equipment to determine its continual use and availability for program activities as outlined in approved grants. Prepare reports as needed.
 - B.6 Schedule annual inter-agency application review meetings for proposed projects. Participate in

district and area review meetings to determine compliance with the goals of all agencies affected.

B.7 Manage lending library of tapes relating to Transit programs, monitor tape usage, update lists of tapes available, inform clients of library.

10% C Responsible for miscellaneous Planning activities in district.

C.1 Provide information to the public on availability of Handicapped parking permits. Issue forms for applying for permits.

C.3 [sic] Provide information to the public on Handicapped Parking signs, state laws, Administrative rules, where and how signs may be purchased, installation guidelines, etc.

12. The respondent (DOT) informed appellant in a memorandum dated October 9, 1991 (Respondent's Exhibit #2), that it was recommending that appellant's position be classified as an Administrative Assistant 3. Appellant filed a timely appeal of respondent's decision.

13. The specifications for Administrative Assistant 3 and Administrative Assistant 4 provide, in pertinent part, as follows:

Administrative Assistant 3 (Appellant's Exhibit #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, employees, 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.

Administrative Assistant 4 (Appellant's Exhibit #4):

Class Description:

Definition:

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 involving a variety of functions and having large clerical staffs with a number of subordinate levels of supervision, and/or supervise and perform staff services in records, accounting, personnel, budgeting or purchasing. Employees are responsible for interpretations of laws, rules and departmental 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.

Examples of Work Performed:

Assumes full responsibility for supervising a large records maintenance and processing section involving a variety of functions and a number of subordinate organizational units with a large number of employees.

Supervises and prepares special administrative surveys and studies for reports to aid in program development and improvement or other studies to increase the efficiency of work flow and/or production.

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

Reviews and analyzes reports of assistants or field staff to determine effectiveness of operations and needed areas of improvement.

Interprets laws, rules and departmental policies to employees, other governmental agencies, and the general public or their legal representatives.

Supervises departmental records and accounts; approves disbursements, maintains cash receipts or budget records.

Acts as a liaison officer between department and other agencies in regard to a variety of administrative services.

Interviews, appoints and assigns personnel and establishes clearly defined work assignments and responsibilities.

Keeps records and makes reports and performs related work as required.

14. The specification for Public Information Officer 4 provides, in pertinent part, as follows:

Public Information Officer IV (Respondent's Exhibit 16):

Characteristic Work of the Class

Definition:

This is highly responsible professional administrative public information work. Employees in this class are responsible for directing a comprehensive public information program of a large state department or for directing a major phase, comparable in scope and complexity to a large department program, of one of the largest departmental information and education programs. The work involves a great deal of public contact, writing or supervising the writing of news articles, feature stories, television and radio scripts, pamphlets and brochures, and planning special promotion and publicity programs. The work involves planning and reviewing the work of a professional staff. Employees in this class determine, to a great degree, the department's public information policies and programs. (Emphasis added.)

15. The specifications for Community Service Specialist 1 and 2 provide, in pertinent part, as follows:

Community Services Specialist 1 (Appellant's Exhibit 13):

Class Description

Definition:

This is general advisory and technical assistance work with local units of government and their personnel within the state. Employees in this classification are responsible for providing a broad range of technical assistance and information to requesting local units in an assigned geographic area. The work includes coordinating the flow of information and services

between local governmental units and appropriate state and federal agencies, providing information concerning available federal resources and making recommendations concerning local program development and implementation. Work is reviewed through conferences and staff meetings. (Emphasis added.)

Examples of Work Performed:

Maintain contacts with local government officials in the assigned geographic area and act as a general consultant in all matters relating to community improvement.

Respond to local unit requests for various types of technical assistance, such as: providing information about state and federal aids and programs; making recommendations concerning management and organizational problems; assisting in the preparation and submission of Workable Programs for Community Improvement and applications for federal and state funds; and coordinating and providing information in other areas of community concern and involvement.

Perform as liaison and coordinative function for all of the state and federal agencies which deal directly or indirectly with local governmental units.

Attend local meetings to present information about available state and federal funds and services, make recommendations concerning proposed local programs, point out the need for and the alternative methods of instituting local improvement projects, and gather information about the activities and needs of communities within the assigned geographic area.

Explain the role of the Bureau of Community Services and the Department of Local Affairs and Development to interested citizens, groups, and local governments.

Community Services Specialist 2 (Appellant's Exhibit 14):

Class Description

Definition.

This is responsible general advisory and technical assistance work in all matters relating to the operations of local units of government within the state. Employees in this classification are responsible for providing a broad range of technical assistance and information to requesting local units in an assigned geographic area of the state and acting as a statewide consultant in one or more of the specialty areas related to community development and local government operations. The work includes providing technical assistance and information to local units in the same manner as a Community Services Consultant 1 and for providing specialized information and technical

assistance to local governmental units and organizations, state agencies, and other Community Services Consultants on a statewide basis. Requests are acted upon independently and work is reviewed through conferences and staff meetings, primarily for informational purposes. (Emphasis added.)

Areas of Specialization.

Data Processing, Recreation, Solid Waste Disposal, Sewer and Water Grants, Community Planning and other areas of specialization requiring a statewide specialist.

Examples of Work Performed:

Perform duties similar to a Community Services Consultant 1.

Provide coordination and liaison between state agencies and local units of government and other local organizations in the area(s) of specialization.

Attend agency staff meetings, conferences, and workshops pertaining to the specialty area(s) and plan and coordinate informational meetings designed for local governmental, state agency, and bureau personnel.

Provide specialty program information to individuals, groups, and agencies upon request.

Abstract and summarize current informational materials in the area(s) of specialization, compile reports, and conduct research or surveys to obtain new data.

Represent the bureau in the various capacities which may be required for a particular specialty, such as attending hearings, reviewing legislation and serving on committees.

16. At hearing, a number of Administrative Assistant 3 positions were offered into the record, some showing positions with "administration" type of functions while others showed "program direction or coordination" type of activities. The following is a representative position for each type.

- a. Administrative (Appellant's Exhibit #6)
Mary McFarlane, Administrative Assistant 3, Highway Safety Policy Analysis Section, DOT

Position Summary

Provides administrative assistance to management and staff of the Highway Safety Policy Analysis Section, Division of Planning and Budget. Compiles, maintains and processes data for the Department's traffic safety management system, and assists Section staff with issue and data analyses. Prepares annual statistical digests and provides editing, graphics and summary report formatting assistance for Section staff. Researches and

documents background informational materials for Division staff and management.

Most work products are for use by Department personnel, but many work products receive broad external distribution. The incumbent must exercise considerable judgement in establishing work methods, performing project assignments, applying data processing techniques, and selecting and applying graphic display techniques for presentation of project results. The incumbent must communicate effectively in both written and oral form with Department staff and management. Project assignments are of moderate difficulty. The incumbent is responsible to the Chief of the Highway Safety Policy Analysis Section for performance of the work described in this position description.

- | Time % | Goals and Worker Activities |
|--------|---|
| 40% | A. Compile, maintain and process data used in the Department's traffic safety management system. <ul style="list-style-type: none">A1. Assist Section management and staff in responding to requests for traffic safety data. This will involve determining what information is pertinent to meet the request and designing procedures to procure, analyze and summarize the data.A2. Provide data and information management services for the Section. This will include analyzing data, entering and manipulating data stored in a computerized environment, collecting, compiling and classifying data, and documenting data collection and analyses and will include use of the Department's electronic mail system.A3. Represent the Section on Division/Department committees working with traffic safety management system data or issues. This will involve attending workshops, seminars and conferences in order to maintain a current awareness of relevant issues and data collection and processing methods and to maintain communication with other Department personnel involved in traffic safety management. |
| 30% | B. Compile, process, edit and distribute annual statistical digests of traffic safety management data. <ul style="list-style-type: none">B1. Produce the Department's annual digest of facts and trendline analyses on traffic crashes known as "Wisconsin Traffic Crash Facts". This will involve: |

1. Maintaining, editing and executing SAS and Mark IV code programs on the Department's mainframe computer system;
2. Researching and compiling all non-computer based data required for the document;
3. Downloading data for transmittal to outside vendors for document production;
4. Coordinating all production timelines and resources with outside vendors and other Department staff;
5. Developing enhancements to document production methods, data summaries, and document format, content and appearance based on input from Department management and users;
6. Maintaining and updating distribution lists; and
7. Coordinating the distribution of the work product, including responding to ad hoc requests for copies of the document;

B2 Produce the Department's annual digest of facts and trendline analyses on traffic safety-related alcohol and other drug issues known as "Wisconsin Alcohol Facts." This will involve:

1. Researching and compiling all data required for the report;
2. Producing graphic summaries and/or downloading data for transmittal to outside vendors for document production;
3. Coordinating all production timelines and resources with outside vendors and other Department staff;
4. Developing enhancements to document production methods, data summaries, and document format, content and appearance based on input from Department management, data resource contributors in other state agencies and users;
5. Maintaining and updating distribution lists; and
6. Coordinating the distribution of the work product, including responding to ad hoc requests for copies of the document.

30% C. Provide administrative staff support for Section management and staff.

C1. Conduct research appropriate to the assignment. This may include off-site visits to other Department offices, state and local agencies, public interest agencies and private industry.

- C2. Prepare graphics to document results of analyses performed by Section personnel. This will include a wide range of data types, complexity and formats.
 - C3. Provide document review and editing of reports written by Section personnel. This will include reports on a wide range of topics, levels of technical complexity and types of intended audiences.
 - C4. Write correspondence for Department/Division management and staff. This may include letters for the Secretary's signature in response to substantive inquiries and will involve use of WordPerfect word processing software.
 - C5. Gather and enter data on PC or mainframe in support of Section management and staff. This will involve the use of Powerbase, Lotus 1-2-3, Harvard Graphics, Mark IV or SAS program language.
- b. Program Direction/Coordination (Respondent's Exhibit #8)
Alice M. Weiss, Administrative Assistant 3, Bureau of Driver Licensing, DOT.

Position Summary

This position is responsible for independent research and response to questions or complaints of a complex and technical nature about driver records, operating procedures, statutory and administrative law. In addition, the position coordinates a major bureau administrative function: the management of the bureau's training system. The position also coordinates two major bureau program function (sic), one by determining the eligibility of Group Dynamics-Traffic Safety School, Multiple Offender Program and Regular Traffic Safety School instructors and issue certifications to instructors, two by managing the Bureaus' Employee of the Month program. (Emphasis appears in the original.)

A small portion of this position is dedicated to staff support for the Program Development Section and the Office of the Director.

Time %	Goals and Worker's Activities
25%	A. Conduct research and analysis to respond to questions or complaints of complex and technical nature about driver records, operating procedures, statutory and administrative law.

* * *

- 20% B. Coordinate the Bureau of Driver Licensing Training System.
- B.1 Notify supervisors on changes regarding registration policies for DER or DOT courses.
 - B.2 Ensure supervisors are knowledgeable about available DOT or DER courses for employes and department policies regarding attendance at these courses.
 - B.3 Register and coordinate all Bureau of Driver Licensing training requests and enter registrations for Hill Farms Regional Center, DOT Human Resource, and DER sponsored courses in the agency's IMS computerized training record system.
 - B.4 Maintain and closely monitor all Bureau employe confirmations, cancellations and wait list records.
 - B.5 Produce reports of training record information for individual employes.
 - B.6 Provide managers with reports on training participation for performance evaluation and planning and employe development (PEPED).
 - B.7 Facilitate employe computer Base Training (CBT) registrations, including working with the Administrator's Office, the Regional Computer Center, and providing employes with training materials.
 - B.8 Maintain a computer tutorial library for bureau employes and assist employes in using tutorials.
 - B.9 Staff the committee that coordinates the annual bureau inservice.
- 20% C. Coordinate the Group Dynamics-Traffic Safety School, Multiple Offender Program and Regular Traffic Safety School instructor and school certification programs.
- C.1 Determine eligibility of individuals to be certified as instructors in Group Dynamics, Traffic Safety, and Multiple Offender courses, by reviewing applications and transcripts.
 - C.2 Research and respond to inquiries concerning standards and eligibility requirements for instructors and schools, independently interpreting applicable statutes, administrative rules, and operating procedures.

- C.3 Develop and maintain an effective computerized certification issuance and renewal system.
- C.4 Issue instructor certifications.
- C.5 Online driver record changes to the driver record file for traffic safety and point reduction purposes.
- C.6 Resolve conflicts between students, schools and other units within the bureau.
- C.7 Collect statewide data on the program and compile a yearly report for distribution to the VTAE districts.
- C.8 Participate in the development or revision of administrative rules and operating procedures related to the Group Dynamics/Traffic Safety School, Multiple Offender and Regular Traffic Safety School programs.

- 15% D. Provide program support to the Program Development Section and the Office of the Director.

* * *

- 10% E. Coordinator of the Bureau of Driver Licensing Employee of the Month Program.

* * *

- 10% F. Provide technical assistance to division employees as they respond to requests for information from outside agencies and individuals. Technical assistance includes information on "how to respond" to inquires and content of response.

* * *

17. The following positions are representative of those submitted at hearing as comparison positions.

- a. Ronald L. Thompson, Administrative Assistant 4, Bureau of Transportation Safety, DOT (Respondent's Exhibit #6)

The employee in this position is responsible for managing the Motorcycle Safety Program as identified in Trans 503 of the Wisconsin Administrative Code and Chapter 85.30 of the Wis. Statutes and other directives. The position is located in the Department of Transportation (DOT), Office of Transportation Safety (OTS). The employee reports to the Director of Transportation Safety and is staff liaison to DOT in-house Motorcycle Safety Committee and the Secretary's Motorcycle Safety Advisory Council. Specific activities include managing the Wisconsin

motorcycle, moped and motor bicycle program (50%) which involves, for example, the following: manage training funds, evaluate applications for funds, and review/approve curriculum used by VTAE, UW, and local school districts; coordination of the program within DOT, with other agencies and the public (30%); and prepare, review and distribute public information and material via mass media and meetings (20%).

- b. Lloyd T. Gleason, Administrative Assistant 4, Bureau of Management Services, DOT (Appellant's Exhibit #11)

This employe works under close supervision and serves as appointed under s. 15.04(i)(j) and 16.61(2) as DOT's Records and Forms Officer and manages the Department forms and records management program. Activities related to forms management (40%) and records management (45%) comprise the majority of this position's time. The remaining 5% is devoted to providing technical assistance to department staff in forms design.

- c. Bernice E. Buchen, Administrative Assistant 4, Division of Planning and Budget, Bureau of Budget and Program Analysis, DOT (Appellant's Exhibit #10)

This position serves as the Division's Special Services Coordinator position which is responsible for independently managing the Division-wide support programs of: Purchasing (20%), Fiscal Services and Control (20%), Administrative Management Assistance (20%), Administrative Budget Development (10%), Division Coordinator for Training and Employee Development (15%), Space and Facilities Management (5%), Publications and Printing Forms Management (5%) and Records Management (5%).

18. Appellant introduced the position description for Community Services Specialist 1 for Thomas Loeffler, Peter Dugal, and Bill Fearing (Appellant's Exhibits 15, 16 and 17), all employed in the Office for Highway Safety, DOT. All these position descriptions are identical and provide the following:

Position Summary

Administer state highway safety programs as they apply to federal, state and local government within an assigned geographical area. Provide professional and technical consultant services to/for governmental agencies, industry, non-profit and civic organizations to coordinate, promote, implement, audit and assess traffic safety activities and countermeasures including comprehensive community based highway safety programs. Represent the Secretary of the Department of Transportation and/or the state Highway Safety Director on County and

City Traffic Safety Commissions and before other organizations. Trains program participants and entry level employees.

Time % Goals and Worker Activities

35% A. Administers state highway safety programs as they apply to federal, state and local government within an assigned geographical area.

* * *

35% B. Provides professional and technical consultant services to/for governmental agencies, industry, non-profit and civic organizations to coordinate, promote, implement, audit and assess traffic safety activities and countermeasures for comprehensive community based highway safety programs.

* * *

15% C. Represents the Secretary of the Wisconsin Department of Transportation and/or the State Highway Safety Director on County and City Traffic Safety Commissions and before other organizations.

* * *

10% D. Provides leadership in training program participants and entry level employees.

* * *

5% E. Professional development by participating in conferences, workshops, seminars and formal training to increase and update knowledge and skills on "State of the Art" countermeasures to improve traffic safety administrations, management and evaluation.

* * *

19. Based on the classification specifications, appellant's position is best identified at the Administrative Assistant 3 level.

CONCLUSIONS OF LAW

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

2. Appellant has the burden of proof to show by the preponderance of the evidence that respondents' decision to classify her position at the Administrative Assistant 3 level was incorrect.

3. Appellant has not sustained her burden of proof.

4. Respondents' decision to classify appellant's position at the Administrative Assistant 3 level was not incorrect.

DISCUSSION

Appellant conceded in her post-hearing briefs that classification as Public Information Officer 4 was inappropriate for her position. She also rejected the appropriateness of any Administrative Assistant (AA) classification and, instead, argued that her position should be classified either as a Community Services Specialist (CSS) 1 or 2.

The appellant did not establish that the CSS 1 or 2 classification was most appropriate for her position for two main reasons. Each reason is discussed below.

First, the appellant failed to establish that she performed a majority of her duties in a specialized program area. Only about 33% of her time was spent on the Transit program (claimed specialized area), which includes (referring to Respondent's Exhibit 24) all of section B (30%) and 90% of A.2 (about 3%) tasks listed on her position description.

Second, the appellant failed to establish that she performed duties of the complexity, scope and responsibility required at the CSS level. The comparable position descriptions for CSS 1 offered by appellant provide a dramatic contrast to her own position and illustrate this point. (Appellant Exhibits 15, 16 and 17). Accordingly, the CSS classifications would be rejected here even if the majority of appellant's position-description duties related to the Transit program. For example, a CSS1 may be assigned a geographic region, but would have all Highway Safety Programs not just transportation assistance.

Appellant argued that her interpretation of the CSS class specifications should be given great weight because she worked in those positions previously (See Appellant's initial post-hearing brief, p. 6). Appellant's interpretation was considered but not found controlling, at least in part because the prior position to which she refers (in the Office of Highway Safety) was classified as a Community Services Technician (CST) while she was the incumbent. The duties of the CST position changed after she left for other employment and the

reallocation to CSS1 was based on the changed duties. In short, appellant's work in the prior position did not occur at the CSS level.

Appellant also took issue with word choices used in her position description. Specifically, she believed the words "coordinate" and "assist" used to describe her program responsibilities were better replaced by the word "directs". The words used in the position description, however, do not control the outcome. Rather, the nature of the appellant's work is determined based upon the record as a whole.

The above discussion reflects adoption of the major legal-analytical principles advanced by the appellant. Specifically, the entire record was considered, not just the information considered by the analyst. Also, the categorization of duties shown in appellant's position description (Respondent's Exhibit 24, for example) was not considered as being set in stone. Rather, reorganization of the categories was considered but was insufficient to support the appellant's desire for reclassification to CSS1, CSS2, AA4, or PIO4.

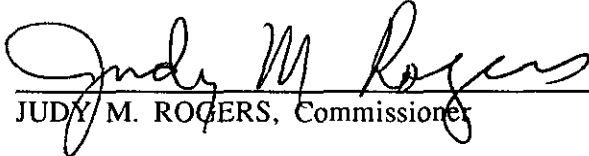
ORDER

Respondents' decision to reallocate appellant's position from Program and Planning Analyst 2 to Administrative Assistant 3 was correct and, accordingly, the appellant's appeal is dismissed.

Dated: June 25, 1993 STATE PERSONNEL COMMISSION


LAURIE R. McCALLUM, Chairperson

GFH:jmr


JUDY M. ROGERS, 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.