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JANIS L. TAYLOR,
 Appellant,

v.
 Secretary, DEPARTMENT OF
 EMPLOYMENT RELATIONS,
 Respondent

Case No. 91-0232-PC

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DECISION
 AND
 ORDER

Nature of the Case

This is an appeal of a decision by respondent, in response to a request to reclassify appellant's position from Program Assistant 3 (PA 3) to Management Information Technician 3 (MIT 3), to reclassify appellant's position to Program Assistant 4 (PA 4). A hearing was held before Gerald F. Hoddinott, Commissioner.

Findings of Fact

1. At all times relevant to this matter, appellant has been employed by the Department of Industry, Labor and Human Relations (DILHR) in a classified position in the Bureau of Benefits, Central Processing Section.

2. At the time of the subject reclassification request, the duties and responsibilities of appellant's position were accurately described in a position description signed by appellant on January 22, 1991, as follows:

<u>Time %</u>	<u>Goals and Workers Media</u>
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30%	A. <u>Processing of Automated Media</u>
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A1.	Thorough knowledge of Flagstaff software to read magnetic tapes and copy wage data to the PC hard disk for processing. During a quarter (3 months), 750 tapes are processed and returned.
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- A2. Analyze, review and resolve incorrect data formatting problems using knowledge of SPF, Lotus, PEE, Slice and other PC programs to correct
- A3. Resolve technical problems with Main Computer Data Processing staff with regard to cartridge and unreadable reel tapes.
- A4. Maintain operating procedures to ensure prompt and accurate processing of automated media using Kennedy Tape Drives.
- A5. Apprise wage record coordinator/supervisor of overnight mainline processing problems.
- A6. Monitor 24 hour dial-up phone system for wage detail and perform backup procedures to bring system down to copy dial-up data on a disk and then bring the system back up.
- A7. Responsible for all steps of processing 100,000 wage records received via diskettes to the mainframe data base quarterly
- A8. Responsible for processing all cartridge tapes and problem reel tapes via the downloading program on the PC.
- A9. Backup person for processing Scanner Wage and Insurance Tapes.

25%

B. Leadworker Responsibilities for Wage Record Automated Media Unit

- B1. Determine priorities and assign work to ensure data is processed timely to avoid penalties to Employers.
- B2. Train new staff in procedural operations, train existing staff in methods/procedures changes as required.
- B3. Responsible for the verification of 1.1 million wage records processed via tape, disk and dial-up. Of the 1.1 million records processed, 10% or 100,000 wage records are adjusted/corrected inhouse prior to our allowing the wage records to be transmitted to our data base
- B4. Inform supervisor of work progress/problems. Suggest solutions to individual problems and program enhancements or procedural changes to increase efficiency.
- B5. Assist supervisor in establishing unit and individual performance standards.
- B6. Participate with supervisor in the evaluation and monitoring of staff performance.

- B7 Contact all employers/service bureaus via telephone & follow with correspondence to discuss tape dumps, technical problems or any other difficulties that occur when automated media cannot be processed and must be returned.
- B8. Responsible for ongoing promotion of converting employers reporting on paper by advising them of the many advantages of filing on automated media.
- B9. Analyze, review and evaluate employers for certification of magnetic media. Data is submitted by an employer via tape, diskette or dial-up using one of the five programming formats acceptable with a combination of up to 15 variations of the following: record lengths, block sizes, labeled, unlabeled, EBCDIC or ASCII

20%

C. Adjustments to Wage File

- C1. Monitor the submission of 1.1 million wage items submitted via tape, disk & dial-up to ensure the quality of data to maintain the integrity of the data base system as 100,000 wage records are adjusted inhouse each quarter.
- C2 Assist in the analysis of "out of balance" accounts with Tax and Accounting staff to identify and resolve the discrepancies.
- C3 Interpret replacement tapes/diskettes from employers or payroll service agencies to determine if it will correct the problem.
- C4. Analyze wage files to determine the impact of tape/diskette adjustments.
- C5. Access the appropriate wage detail to enter adjustments using FixI, FixM, AddI, AddM, delete or move data

15%

D. Extraction of Wage Records from Diskettes

- D1 Lotus spread sheets submitted on diskettes must be converted to the accepted wage format using a multi step procedure using the PC.
- D2. Some PC software systems insert different symbols and when we attempt to process the data we must delete the characters that interfere in the processing of wage records Example, a control Z will stop the conversion of data, the PEE program on the PC is the only

program that will allow you to correct this problem

- D3 Outdated data is sometimes not removed from the diskette prior to submitting current wage detail. The SPF program using the PC will allow you to delete the unwanted data.
- D4. Each acceptable format for reporting wage data must end with a carriage line return, when this is not supplied you must use the Slice program using the PC to insert them. The submitted format will determine if the data should be sliced at 80 or 128.

5%

E. Correspond with Employers and Payroll Service Agencies

- E1. Thorough knowledge of DBASE III to update file for employers filing on diskette. We produce 500 labels, quarterly and mail to the employer for filing the next quarter data
- E2. Retrieve information from the employer/payroll service agency to resolve complex tape/disk coding problems and solicit submission in acceptable formats
- E3. Thorough knowledge of PC Office Writer to draft correspondence to the 10 percent of the employers/payroll service agencies informing them of the corrections we have made to their submitted data each quarter.
- E4 Respond to employers/payroll service agencies on all aspects of the Wage Reporting program via telephone
- E5 Clarify discrepancies concerning wage adjustments/replacement tapes or diskettes with employers/payroll service agencies

5%

F. Promotion of Wage Record Program

- F1 When in contact with employers and payroll service agencies strongly encourage their participation in magnetic media.
- F2 Assist in the development of brochures or other educational instructional materials for employers.
- F3. Provide employers with wage record informational materials, tape, postage paid canister, transmitter report and labels.

3. The Wage Record Program, which appellant's position supports, collects and processes approximately 2.5 million wage records from 110,000 Wisconsin employers on a quarterly basis. The data base system for this

program is utilized by DILHR to calculate each employer's Unemployment Compensation (UC) tax rate base and to determine a UC claimant's benefit entitlement. The Wage Record Program is the only computer application with which appellant's position works, although, in working with this application, appellant's position is required to be familiar with certain hardware, including certain main frame computers, micro-computers, and mini-computers and the diskettes and tapes utilized by each; the diskette and tape drives utilized as part of this hardware as well as the software for these drives; certain packaged software, including spread sheet software such as Lotus and Quattro, database software such as Dbase, word processing software such as Word Perfect, editing software such as Program Editor and SPF/PC; certain in-house software programs such as CICS and TSO; and JCL modules which are a series of batch commands for initiating main frame computer programs

4. Appellant's position handles most hardware and software problems which arise. Those which she cannot diagnose or resolve utilizing standard troubleshooting techniques, she will refer to a management information professional in DILHR's Bureau of Systems and Data Processing.

5. Appellant's position serves as a lead worker for one position which is classified as a MIT 1. This MIT 1 position functions under close supervision.

6. The following positions were offered for comparison purposes in the hearing record:

a. Kristi Ballweg--MIT 3--Department of Revenue, Bureau of Information Systems. This position is responsible for performing data processing tasks comparable to those performed by appellant's position but does so for approximately 12 computer applications, including sales tax, year-end income tax, inheritance tax, revenue accounting, gift tax, audit statistics, and W-2 records. The sales tax application is this position's primary assignment and is significantly more complex than the Wage Record application due to the number of jobs run in each cycle, the number of separate databases, its interface with other systems such as the delinquent tax control system, and its critical subfunctions such as the county sales tax system. The W-2 application is comparable to the Wage Record application but consumes only 15% of this position's time.

b. Sylvia Thornton--MIT 3--DILHR Bureau of Systems and Data Processing. This position is responsible, under the general supervision of the second shift supervisor, for data control mainframe activities related to the timely and accurate processing of mainframe input and output for all divisions of

DILHR. Tasks performed by this position the majority of the time are comparable to those performed by appellant's position except that this position works with more than one application, in more than one program area, and works with a broader range of software.

From a classification standpoint, these positions are somewhat stronger than appellant's position based both on the number of agency programs supported and the scope and complexity of the processing activities.

7. The MIT position standard states as follows, in pertinent part:

I. INTRODUCTION

B. Inclusions

This Position Standard includes positions which are performing data control, programming, forms design, tape librarian and/or other specialized data processing work which is considered to be "technical" in nature. In most instances, organizationally these positions will be located within the agency's data processing operation providing direct technical data processing supportive services to the professional data processing staff or to users.

C. Exclusions

This Position Standard excludes the following types of positions:

- 1) All positions whose primary functions are clerical rather than technical in nature and, therefore more properly identified within a clerical classification. In such cases, the positions may have to apply some technical data processing knowledge. However, such interaction will usually be in support of the positions majority functions which may include responsibility for maintaining a statistical reporting system, issuing licenses or other similar clerical activities.
- 2) All positions more appropriately identified with another technical series such as Computer Operator, Peripheral Equipment Operator or Data Processing Operations Technician.
- 3) All positions performing programming work which is considered to be "professional" in nature, as identified in the Management Information Specialist and Management Information Specialist-Confidential series.
- 4) All other positions which are more appropriately identified by other class series.

E. . Within this Standard, the most commonly used areas of specialization will be:

1. Data Control
2. Tape Librarian
3. Programming
4. Forms Design

F. Definitions

The following are the basic definitions for the previously identified areas of specialization. Please note that any given position functioning under one of these areas may not necessarily perform all the functions listed but should perform a majority of them. Leadwork positions may perform the functions listed or may direct other employees in the performance thereof.

Data Control

A majority of the positions identified by this series will function as data control technicians. These positions will normally be located within the agency data control entity and will perform a variety of complex functions.

II CLASS DEFINITIONS AND SPECIFIC ALLOCATIONS

Management Information Technician 1

Definition:

This is either an entry or objective level. Positions identified here will perform routine management information technician work which in the case of entry-level positions is structured to provide their incumbents with the training and experience necessary to progress to a higher level. The entry level work is performed under close supervision while that at the objective level is performed under general supervision.

Management Information Technician 3

PR6-12

Management Information Technician 3-Confidential

PR1-12

Definition:

This is typically a lead or objective level. Positions identified here in a lead capacity are responsible for leading other technicians engaged in

complex management information technician work. Positions identified here as an objective level perform very complex management information technician work under general supervision.

Specific Allocations:

Data Control- This is either a lead or objective level. Positions identified here in a lead capacity will be responsible for leading an organizational unit or shift of data control technicians engaged in the full range of complex data control functions. Positions identified here in an objective level capacity will be responsible for performing a full range of very complex data control functions a majority of the time.

* * *

8. The Program Assistant position standard states as follows, in pertinent part.

I INTRODUCTION

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B. Inclusions

This series encompasses both generalized and specialized staff assistance in a wide range and combination of activities. Positions in this classification series are characterized by their involvement in and accountability for carrying out significant and recognizable segments of program functions or organizational activities. Positions are assigned related staff functions and complete phases of whole activities where discretion and decision making can not be standardized. Positions typically function in the capacity of a coordinator for an event or activity that lends significantly to the program involved. Positions normally assist a program head, supervisor or other official who is ultimately responsible for the entire program area involved

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II. CLASS DESCRIPTIONS

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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 judgement required by the position. Work is performed under direction

9. The duties and responsibilities of appellant's position are distinguishable from those of the MIT 3 positions offered for comparison purposes in the hearing record and are better defined by the specifications for the PA 4 classification than by the MIT 3 classification specifications.

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 respondent's decision reclassifying her position to the PA 4 level rather than the MIT 3 level was incorrect.
3. The appellant has failed to sustain this burden
4. The respondent's decision not to reclassify appellant's position to the MIT 3 level was correct and appellant's position is more appropriately classified at the PA 4 level

Opinion

The basic authority for classification decisions are the classification specifications or the position standards for the relevant series. The MIT 3 specification requires that positions classified at that level either be a leadworker ". . . responsible for leading other technicians engaged in complex management information technician work" or function at an objective level performing ". . . very complex management information technician work under general supervision."

It is undisputed that appellant's position leads the work of only one other position and that position is classified at the MIT 1 level. By definition, an MIT 1 performs "routine management information technician work" and not the "complex" MIT work required for identification as a lead worker at the MIT 3 level. In addition, the record reflects that this position works under

close supervision of appellant. As a consequence, appellant's lead work duties do not qualify her position for classification at the MIT 3 level

To determine whether the duties and responsibilities of appellant's position constitute "complex management information technician work" within the meaning of the second allocation of the MIT 3 classification, the Commission will look to the duties and responsibilities of the MIT 3 positions offered for comparison purposes in the hearing record. Both these positions (See Finding of Fact 6, above) perform tasks comparable to those of appellant's position but do so for a number of applications, not for a single application [wage records] as appellant's position does. In addition, it is clear from a review of the Ballweg position that the application to which she [Ballweg] devotes the most time, i.e., sales tax, is a significantly more complex application than the Wage Record application with which appellant's position works. In addition, it is apparent from the record that the application with which the Ballweg positions works which appellant feels is comparable to the Wage Record application, i.e., the W-2 application, is considered by the Ballweg position's supervisor to be one of the less complex applications assigned to the Ballweg position and consumes only 15% of her time. In regard to the Thornton position, it is apparent from the record that this position works on applications in more than one program area (i.e. all divisions of DILHR) while appellant's position is program-specific, and that the Thornton position works with a broader range of software (i.e. IDMS, CICS, TSO, SDSF, TLMSII, SAS, CSAR, NETMAN) than appellant's position. The record does not show that the level of management information work performed by appellant's position is comparable from a classification standpoint to the management information work performed by these two MIT positions. Appellant has failed to show that the duties and responsibilities of her position satisfy the objective level definition for the MIT 3 classification.

The Program Assistant position standard describes a variety of positions providing "generalized and specialized staff assistance in a wide range and combination of activities" which is "characterized by their involvement in and accountability for carrying out significant and recognizable segments of program functions or organizational activities." Program Assistant positions "are assigned related staff functions and complete phases of whole activities where discretion and decision making can not be standardized" and "typically function in the capacity of a coordinator for an event or activity that lends

significantly to the program involved." The duties and responsibilities of appellant's position are described by this general language and are of "considerable difficulty," "coordinative and administrative in nature," and require the "exercise [of] a significant degree of independence and latitude for decision making" and involve leadworker functions within the meaning of the Program Assistant 4 (PA 4) definition. There were no PA 4 positions offered for comparison purposes in the hearing record.

Based on the record before it, the Commission concludes that appellant's position is more appropriately classified at the PA 4 level than the MIT 3 level.

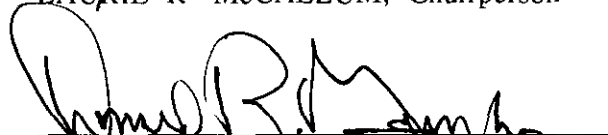
Order

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

Dated February 8, 1993 STATE PERSONNEL COMMISSION


LAURIE R. McCALLUM, Chairperson

LRM:rcr:dkd


DONALD R. MURPHY, Commissioner


GERALD F. HODDINOTT, Commissioner

Parties

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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.