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PATRICIA P. HILLESTAD,
 Appellant,

v.

Secretary, DEPARTMENT OF
 ADMINISTRATION, and
 Secretary, DEPARTMENT OF
 EMPLOYMENT RELATIONS,
 Respondents.

Case No. 92-0823-PC

* * * * *

DECISION
AND
ORDER

This case arises from the respondents' decision to deny appellant's request to reclassify her position from Administrative Assistant 4-Supervisor (AA 4-Sup) in pay range 1-13 to AA 5-Sup in pay range 1-15.

Appellant serves as the section chief for the Management Services Section, Bureau of Administrative Services, Division of Facilities Development in the Department of Administration. The services provided by the Management Services Section are in support of the State's building program. The section is responsible for conducting bid openings, completing contract documents, providing purchasing services for the Division of Facilities Development, providing support services for the Division and maintaining accurate ledgers for state building project budgets. The section consists of two units: 1) the Contract Administration Unit, which includes one Program Assistant 4 (PA 4) in pay range 11, one PA 3 in pay range 10, one PA 2 in pay range 9 and two Fiscal Clerk 2s in pay range 8; 2) the Support Services Unit, which includes a PA 2-Sup in pay range 11, one PA 3, two PA 1s in pay range 8, one Clerical Assistant 2 in pay range 7 and one Stock Clerk 2 in pay range 5. In addition to overseeing the functions of the Section, appellant's responsibilities also include preparation of the annual budget for the Bureau of Administrative Services. This budget totals approximately \$850,000 annually and includes two appropriations.

The relevant language from the AA 4-Sup specifications reads as follows:

Definition:

This is line supervisory 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....

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 report 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.

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

The relevant language from the AA 5-Sup specifications reads as follows:

Definition:

This is responsible line administrative and professional staff assistance work in a large state agency. Employees in this class direct an important function of the department and/or provide staff services in management areas such as accounting, purchasing, personnel or budget preparation. Employees in this class may be responsible for supervising a staff of technical,

semi-professional or professional employes in directing the assigned program....

Examples of Work Performed:

Plans, organizes, and supervises the work of technical, semi-professional, or professional personnel; reviews and analyzes operating procedures; evaluates program and installs improvements.

Directs the administrative services of a moderate sized department or specialized services of a major department such as budgeting, accounting, personnel and purchasing.

Performs a wide variety of top level staff assignments in many broad areas for the head of a major department, often acting with full authority of a director or commission.

Directs a function or program of a department which may involve the supervision of technical or professional personnel and the responsibility for law enforcement or for program review of other agencies' functions in a specialized area.

Conducts responsible statistical, financial, program and other research; recommends program improvements or changes in program direction or emphasis.

Represents the department in important public relations work involving program promotion, coordination and cooperation of other private and governmental agencies, and public appearances.

The subordinate employes in appellant's section are better described as clerical rather than as "technical, semi-professional or professional" employes. The highest pay range assigned to these subordinates is pay range 11. The appellant's section cannot be said to provide all of the administrative services to a moderate sized department or even all of one or more specialized services to one major department. In addition, the appellant does not perform top level staff services to the head of a major department. In contrast, the appellant's duties are consistent with the work examples listed for the AA 4-Sup level. The records maintenance and processing carried out by appellant's section relate to the State's building program, and appellant supervises records and accounts for that program.

The positions offered for comparison purposes in the hearing record include the following:

1. The AA 4-Sup position filled by Rose Ann Coltharp, with responsibilities for managing the Central Mail and Transportation unit, in DOA's Printing & Publications Section. Ms. Coltharp has approximately 20 subordinate employes, includ-

ing two Shipping and Mailing Supervisor 2s. The unit provides comprehensive mail processing, package handling and transportation of materials to State agencies in the Madison area. Ms. Coltharp prepares her unit's annual operating budget of approximately \$1 million.

2. The AA 5-Sup position filled by Gerald Ziegler, as chief of the Transportation Services Section, Bureau of Transportation, Division of State Agency Services, DOA. Mr. Ziegler's subordinates include two AA 4-Sups and one PA3. He has responsibility for "planning, directing, controlling, and evaluating the administration and maintenance of the general fleet [of vehicles] and Transplan [van pool] services for the State." He is responsible for an operating budget in excess of \$8 million annually, including \$3 million for the purchase of vehicles.

3. The AA 5-Sup position filled by Debra Tribbey, who serves as chief of Administration and Management Services for the Department of Transportation's District 2, providing administrative services to 500 employees. These services include data processing, payroll, purchasing, training, personnel, clerical support, records management and a business office. Ms. Tribbey has approximately 30 subordinates divided between three units. The Automation Services unit is headed by a Management Information Supervisor 4 in pay range 15, the Business Office Services unit is headed by an AA 3-Sup, and the Administrative Support Services unit is headed by a Clerical Supervisor 3.

4. The AA 5-Sup position filled by Thomas Conway, who serves as chief of the Budget and Management Services Section in the Division of Health, Department of Health and Social Services. Mr. Conway has between 10 and 15 subordinates including more than one subordinate supervisory levels. One subordinate is an Account Supervisor, in pay range 12 or 13. The management services provided by the section to the bureau include budget development and monitoring, fiscal management, purchasing, personnel management, audit resolution, space and property management. The position is responsible for the bureaus' annual operating budget of \$50 million from 18 different appropriations.

The appellant's position is readily distinguishable from the various comparable AA 5-Sup positions in terms of the scope of responsibilities assigned to subordinate staff, the pay ranges of the subordinate staff and the relative size and, therefore, complexity of the budgets being developed.

From an organizational perspective, the appellant is a section chief while the AA 4-Sup comparable filled by Ms. Coltharp only heads a unit and reports to a section chief. However, the level of responsibilities assigned to Ms. Coltharp's subordinate positions are not inconsistent with the level of re-

sponsibilities assigned to the appellant's subordinates in the sense that they also cannot be said to be "technical, semi-professional or professional" employees.

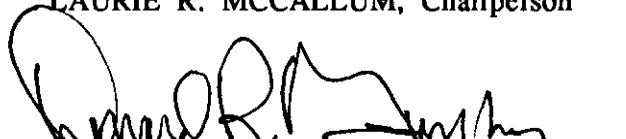
ORDER

Respondents' decision denying the appellant's request to reclassify her position from AA 4-Sup to AA 5-Sup is affirmed and this appeal is dismissed.

Dated: March 29, 1994 STATE PERSONNEL COMMISSION


LAURIE R. MCCALLUM, Chairperson

KMS:kms
K:D:Merits-reclass (Hillestad)


DONALD R. MURPHY, Commissioner


JUDY M. ROGERS, 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.

Pursuant to 1993 Wis. Act 16, effective August 12, 1993, there are certain additional procedures which apply if the Commission's decision is rendered in an appeal of a classification-related decision made by the Secretary of the Department of Employment Relations (DER) or delegated by DER to another agency. The additional procedures for such decisions are as follows:

1. If the Commission's decision was issued after a contested case hearing, the Commission has 90 days after receipt of notice that a petition for judicial review has been filed in which to issue written findings of fact and conclusions of law. (§3020, 1993 Wis. Act 16, creating §227.47(2), Wis. Stats.)
2. The record of the hearing or arbitration before the Commission is transcribed at the expense of the party petitioning for judicial review. (§3012, 1993 Wis. Act 16, amending §227.44(8), Wis. Stats.)