

STATE OF WISCONSIN

PERSONNEL COMMISSION

**MARY ALBEDYLL,**  
*Appellant,*

v.

**Secretary, DEPARTMENT OF  
EMPLOYMENT RELATIONS,**  
*Respondent.*

DECISION  
AND  
ORDER

Case No. 95-0087-PC

This matter is an appeal pursuant to §230.44(1)(b), Stats., of the denial of appellant's request that her position be reallocated from the Payroll and Benefits Specialist 3 (PBS 3) classification to the PBS 4 classification. The Commission, having reviewed the Proposed Decision and Order and the record, and having consulted with the hearing examiner, issues the following Decision and Order. It should be noted that, in developing this Decision and Order, the Commission did not modify or overturn any factual findings made by the hearing examiner.

Appellant's position is assigned to the Payroll and Benefits unit, Bureau of Personnel, Division of Administrative Services, Department of Administration (DOA). Appellant has been employed as a PBS in this unit since 1989. At all times, appellant's position has been directly supervised by the supervisor of the Payroll and Benefits unit. Cheryl Brigowatz has held this supervisory position since early 1992.

On January 1, 1990, as legislated in the 1989-91 State Budget, 71 county district attorneys, along with their deputies and assistants, became state employees. Also as a part of this legislation, the State Prosecutors Office (SPO) was created in the Division of Administrative Services, DOA, to provide administrative support for this unit of new state employees. The Director of SPO is Stuart Morse. He is supervised by Linda Seemeyer, Administrator of the Division of Administrative Services. Appellant's position is responsible for coordinating a full range of payroll and benefit programs for the district attorneys and their subordinate state employees.

As a consequence of updated Payroll and Benefit Specialist Classification Specifications, effective June 26, 1994, appellant filed a request for the reallocation of her position. The position description signed by appellant on October 28, 1994, and used by respondent in the initial review of her reallocation request includes the following goals and worker activities:

- 25% A. Preparation of biweekly payroll and associated reports for employes of the prosecutor system including numerous elected officials.
- 20% B. Performance of lead worker role.
- 20% C. Coordination of projects under the guidance of the State Prosecutors Office.
- 15% D. Counseling of employes on fringe benefits.
- 5% E. Coordination of the leave accounting program for the state prosecution system.
- 10% F. Coordination and verification of information with other governmental units.
- 5% G. Provision of assistance to the payroll Section Chief and/or Personnel Director.

By letter dated March 29, 1995, from Judith Burke, a Classification and Compensation Analyst for respondent DER, appellant was informed that the reallocation request for her position was denied. On May 1, 1995, appellant filed a timely appeal with the Commission of this denial. Subsequently, appellant rewrote her position description (PD), changing some of the language and highlighting her personnel functions. This PD was signed by appellant on July 28, 1995. Although appellant's duties had not changed between October of 1994 and July of 1995, she believed the new PD better described her duties in relationship to the updated classification specifications. After review by Brigowitz, Morse, and Peter Olson, the Director of the Bureau of Personnel, this PD was sent to respondent to replace the PD submitted with the reallocation request. Respondent did not change its original decision.

The Classification Specification for the Payroll and Benefits Specialist 3 classification states as follows, in relevant part:

This is the objective level for the following four allocations. The work is performed under general supervision.

The heading of each of the four (4) allocation patterns provides:

This is the objective level for very complex positions that are in Main Payroll and Benefits Offices and have responsibility for a total complex payroll and

benefits program. The majority (more than 50%) of the job duties typically performed are analogous to . . .

This is followed by bulleted headings describing a particular function, and underneath each, a paragraph detailing duties.

The Classification Specifications for the Payroll and Benefits Specialist 4 classification state as follows, in relevant part:

These are lead work and/or advanced level positions in a very complex payroll and benefit environment within either a DOA agency Main Payroll and Benefits Office or DOA Central Processing Center. . . .

. . . IN ADDITION, positions allocated to this level must also meet one of the following three allocations:

A. The Program Director in a small or medium-sized agency (less than 1,000 allocated FTE positions) reporting to a supervisor whose primary responsibility is not Payroll and Benefits; responsible for planning and implementing the full range of payroll and benefit programs (i.e., payroll processing, benefits counseling, unemployment and worker's compensation, benefit and tax reports, etc.) for the entire department requiring the application of a wide variety of law provisions, rules, policies, and procedures; and leading/directing the performance of more routine payroll/benefit activities, or

B. A lead worker in a large agency (more than 1,000 allocated FTE positions) main payroll office, with primary responsibility as the program expert and program policy resource for a significant portion of the agency overall payroll and/or benefit program. Program expert responsibilities primarily includes analyzing, investigating, and resolving payroll/benefit administration problems; interpreting and developing program policy; developing and performing payroll and benefit staff training; recommending and participating in the development and enhancement of complex automated systems; developing operating procedures; providing procedural assistance to other payroll and benefit staff; maintaining agency procedural manuals; and leading/directing the performance of related payroll/benefit activities; or

C. The Statewide Compensation Coordinator in the DOA Central Payroll Processing Center responsible for coordinating and implementing represented, nonrepresented, and unclassified statewide compensation adjustments and assisting in developing, analyzing, and designing payroll subsystems.

In addition, positions at the Payroll and Benefits Specialist 4 level differ from those at the lower levels in that these positions require a broader range of knowledge of policies, procedures, rules, regulations, and systems; function

independently with significant discretion, authority, responsibility, and control over the duties they perform; have frequent contacts with individuals outside the agency; and are usually the program expert and point of contact for information and guidance.

OR

This is the objective level for the position performing very complex advanced payroll and benefit work at the WARF Central Processing Center.

### Representative Positions

Department of Health and Social Services - (Main Payroll and Benefit Office)  
Lead Worker for the Systems Unit. Act as liaison with the DOA Central Payroll, DOA Budget Office, and the Office of Policy and Budget. Provide technical assistance, consultation and training in the Automated Timekeeping System and for coordination of the position control function.

Department of Health and Social Services - (Main Payroll and Benefit Office)  
Lead Worker for the Reporting Unit. Act as liaison with BFS, DOA, and ETF. Prepare and reconcile fringe benefit reports.

Appellant contends that her position meets the criteria of both allocations A and B. With respect to allocation A, appellant states it is undisputed that she works in an advanced “very complex payroll and benefits environment,” performs the full range of payroll and benefits programs for the “Department of District Attorneys,” and leads and directs others, including Brenda Brandl, Kim Taylor and Milwaukee County personnel in the performance of routine payroll and benefit activities.

With reference to allocation B criteria, appellant begins with the assumption that she works for a large agency, DOA. Then she contends she has primary responsibility as the program expert and program policy resource for the “Department of District Attorneys,” and performs lead work duties 25% of her time.

A position under PBS 4 allocation pattern A, must meet the following requirements:

1. Function as Program Director in a small or medium-sized agency (less than 1,000 FTE positions);
2. Report to a supervisor whose primary responsibility is not Payroll and Benefits;

3. Responsibility for planning and implementing a full range of payroll and benefit programs for the entire department requiring the application of a wide variety of law provisions, rules, policies and procedures;

4. Lead/direct the performance of more routine payroll/benefit activities.

Here there are three questions central to this controversy:

1. In what size agency is appellant's position located?

2. Is the primary responsibility of the supervisor for appellant's position something other than payroll and benefits?

3. Is appellant's position responsible for planning and implementing a full range of payroll and benefit programs for an entire department?

The more credible evidence establishes appellant's position as being located in the Payroll and Benefits unit of DOA's Bureau of Personnel, and it is undisputed here that DOA is a "large" agency within the meaning of the PBS specifications.

Regarding the second question, appellant presented testimony and an unofficial organizational chart indicating that her position is supervised by SPO Director Morse. However, other evidence causes the Commission to reach a different conclusion. Peter Olson, the Director of the Bureau of Personnel, confirmed that the official organizational chart of the bureau (R#2) showing Cheryl Brigowatz as appellant's supervisor, was accurate. Brigowatz, the Payroll and Benefits unit supervisor, testified that appellant's position was one of four payroll positions she supervises. Morse's testimony included the statement that he was not "formally" the supervisor of the appellant or the other employees performing duties for his office. Clearly, the preponderance of the credible evidence supports a conclusion that, while Morse supervises programmatic responsibilities in SPO, Brigowatz is the official supervisor of appellant's position, as the concepts of a "supervisor" and "lead worker" were explained in testimony by Michael Soehner, Administrator of DER's Division of Classification and Compensation. Also, historically appellant's position had been supervised by the Payroll and Benefits unit supervisor and no evidence was presented showing a reorganization of that unit. It must be concluded then that appellant's position reports to a supervisor whose primary

responsibility is payroll and benefits and, as a result, that it does not meet the relevant requirement of allocation A.

The dispute between the parties as to whether the third requirement in allocation A was met by appellant need not be resolved here in view of the above conclusion. However, regarding this point, respondent argues that appellant's position is responsible for payroll and benefit programs for SPO and the district attorneys and their subordinate state employees, but that neither entity is a department as described in §15.02(2), Wis. Stats., which provides:

The principal administrative unit of the executive branch is the "department" or an "independent agency". Each unit shall bear the title beginning with the words "State of Wisconsin" and continuing with "Department of . . ." or with the name of the independent agency. A department may be headed by a constitutional officer, a secretary, a commission or a board. An independent agency may be headed by a commission, a commissioner or a board.

No convincing evidence was presented establishing that either the SPO or the entity comprised of the district attorneys and their subordinate state employees met this description of a department in state government. This further supports the conclusion reached above that appellant's position does not satisfy the requirements of PBS 4 allocation A.

Although there was extensive discussion relating to whether appellant's position's lead worker activities were sufficiently strong to meet the requirements of PBS 4 allocation B, it is not necessary resolve that question since the record shows that appellant's position clearly does not have the program or policy responsibilities described in the language of allocation B or illustrated in the representative PBS 4 lead worker positions. Appellant's position operates in a payroll and benefits area affecting only a subset of the agency's employees, not in one which has agency-wide impact. Allocation B requires that positions function as "the program expert and program policy resource for a significant portion of the agency overall payroll and/or benefit program." This is illustrated by the representative PBS 4 lead worker positions cited above. These positions are responsible for a significant component of the overall agency payroll and/or benefit program, not simply for coordinating the payroll and benefits function as it pertains to a subset of agency employees. Appellant has failed to show that the scope of the function she coordinates or the level of her program and policy responsibilities are comparable to those of lead worker positions classified at the PBS 4 level.

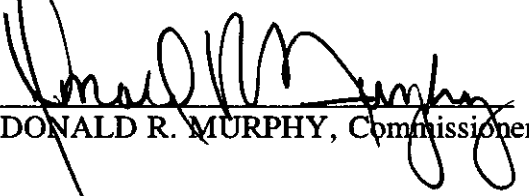
ORDER

Respondent's action denying the request for reclassification of appellant to Payroll and Benefits Specialist 4 is sustained and this matter is dismissed.

Dated: May 21, 1997

STATE PERSONNEL COMMISSION

  
LAURIE R. McCALLUM, Chairperson

  
DONALD R. MURPHY, Commissioner

  
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 (except an order arising from an arbitration conducted pursuant to §230.44(4)(bm), Wis. Stats.) 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.)

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