

STATE OF WISCONSIN

PERSONNEL COMMISSION

SANDRA KAMINSKI (ERICKSON),
Appellant,

v.

**President, UNIVERSITY OF WISCONSIN
SYSTEM and Secretary, DEPARTMENT OF
EMPLOYMENT RELATIONS,**

Respondents.

Case No. 01-0023-PC

**FINAL DECISION AND
ORDER**

The Commission consulted with the hearing examiner and adopts her decision as the final decision, with changes denoted herein by alphabetical footnotes. The changes are not based on credibility factors.

A hearing was held in the above-noted case on July 30, 2001. A schedule was established for filing post-hearing briefs, with the final brief due on October 29, 2001 (see hearing examiner letter dated July 31, 2001).

The parties agreed to the following statement of the issue for hearing (see Conference Report dated May 15, 2001):

Whether respondents' decision to deny the appellant's request to reclassify her position from Program Assistant 3 (PA 3) to PA 4 was correct.

I. Position Standard

The position standard (hereafter, Standard) governing classification of PA positions (Exh. R-103) is dated April 1979. According to the testimony of Roland Juhnke, Director of Personnel Services on the Stevens Point campus, certain tasks were not contemplated when the Standard was written.^A For example, it does not take into account later technological changes,

^A The sentence previously indicated that the "Standard is out of date." This was deleted and replaced with other language for clarification.

such as duties related to website maintenance or duties related to creating and maintaining computer databases. (Testimony of Roland Juhnke.)

The Standard defines PA 3 and PA 4 levels as noted below (Exh. R-103).^B The terms in bold type are defined in the classification specification as reflected in the footnotes.

Program Assistant 3: This is **paraprofessional**¹ work of **moderate difficulty**² providing a wide variety of program support assistance to supervisory, professional or administrative staff. Positions are delegated authority to exercise judgment and decision making along program lines that are governed by a variety of complex rules and regulations. Independence of action and impact across program lines is significant at this level. Positions at this level devote more time to administration and coordination of program activities than to the actual performance of clerical tasks. Work is performed under **general supervision**³.

Work Examples (PA 3)

- Prepares reports, research project data, budget information, mailing lists, record keeping systems policies and procedures, training programs, schedules and generally oversees operations.
- Plans, assigns and guides the activities of a unit engaged in clerical support of the program assigned.
- Develops and/or revises selected policies and procedures affecting the administration of the program.
- Answers questions regarding the program or division via telephone, correspondence or face-to-face contact.

^B The work examples contained in the Standard were added for clarity.

¹ The term "paraprofessional" is defined in the Standard as shown below:

A type of work closely relating to and resembling professional level work, with a more limited scope of functions, decision-making and overall accountability. A paraprofessional position may have responsibility for segments of professional level functions, but is not responsible for the full range and scope of functions expected of a professional position.

² The term "moderate difficulty" is defined in the Standard as shown below:

The employee is confronted with a variety of breadth of duties susceptible to different methods of solution which in turn places a correspondingly higher demand on resourcefulness. Supervisors of employees engaged in routine assignments, journey-level personnel and paraprofessional employees usually perform work of moderate difficulty.

³ The term "general supervision" is defined in the Standard as noted below:

The employee usually receives general instructions with respect to the details of most assignments but is generally free to develop own work sequences within established procedures, methods and policies. The employee may be physically removed from the supervisor and subject to only systematic supervisory checks.

- May serve as an Assistant in charge of secretarial and administrative tasks in an operation handling cash procedures, equipment orders, inventory, program preparation, pricing, etc.
- Composes correspondence, maintains files of program related data, sets up schedules and performs any related administrative support function necessary to the operation of the program.
- May be in charge of public relations, preparing and sending out pamphlets, brochures, letters and various program publications.

Program Assistant 4: This is **paraprofessional** staff support work of **considerable difficulty**⁴ 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 [PAs] on the basis of the size and scope of the program involved, the independence of action, degree of involvement and impact of decisions and judgment required by the position. Work is performed under **direction**⁵

Work Examples (PA 4)

- Plans, assigns and guides the activities of a unit engaged in current projects or programs.
- Researches and produces, as recommended by federal regulations and through the direction of an immediate supervisor, necessary data and information to prepare grant applicants based on federal, state and local funding regulations.
- Interprets rules, regulations, policies and procedures for faculty, other employers and the public.
- Prepares various informational, factual and statistical reports.
- Assists in the development and revision of policies, laws, rules, and procedures affecting the entire program or operation.

⁴ The term "considerable difficulty" is defined in the Standard as shown below:

Refers to duties which require independent judgment; many factors must be considered and weighed before a decision can be reached. Usually positions requiring the planning, development or coordination of activities or programs or part thereof and the direction or coordination of employees fall into this category.

⁵ The term "direction" is defined in the Standard as noted below:

The employee usually receives only a general outline of the work to be performed and is free to develop own work sequences and methods within the scope of established policies. New, unusual or complex work situations are almost always referred to a superior for advice. Work is periodically checked for progress and conformance to established policies and requirements.

- Coordinates units within the department, between departments, or with the general public, in an informative capacity for a variety of complex matters.
- Conducts special projects; analyzes, assembles or obtains information.
- Prepares equipment and material specifications, receives bids and authorizes the purchase of an operating department's equipment, material and supplies.
- Analyzes, interprets and prepares various reports.
- Administers and scores admission placement tests; administers nationally scheduled examinations; confers with applicants regarding test interpretation.

II. Appellant's Duties at Time of Request for Reclassification at the PA 4 Level

The appellant's position was classified as a Program Assistant 2 (PA 2) when she was hired. Her position was reclassified to the PA 3 level in July 1998 (Exh. A2, p. 11). The PA 3 reclassification decision was based on the duties assigned to the position as reflected in a new position description (PD) bearing a 1998 date. (Exh. R-105). On February 7, 2000, the appellant requested reclassification of her position to the PA 4 level, based on the duties reflected in a new 2000 PD (Exh. R-104). Respondents reviewed but denied the request (Exhs. R-101 & R-102).

The appellant reports directly to Fred Hebert, the Associate Dean of the School of Health, Exercise Science and Athletics. This school is part of the College of Professional Studies. She functions as the assistant to Hebert and provides support for the school's academic and recreational components. She does not function as a leadworker. Her duties were summarized (Exh. R-104, p. 2) as noted below:

Provides administrative, paraprofessional, advanced administrative program and technical support to the School of Health, Exercise Science and Athletics and to the Associate Dean. The School encompasses: a) academic majors of physical education and athletic training and minors in coaching, health education and physical education adapted add on; b) Health Enhancement Center which includes two gymnasiums, multi-activity center (indoor track, tennis courts, archery range, climbing wall), aquatic center (pool, deep diving well, therapeutic warm water pool), dance studios, racquetball courts, wrestling gym, classrooms, strength fitness center; and c) athletic programs.

This position coordinates and administers program activities including; prepare budget information; supervise special and ongoing projects; monitor administra-

tive, academic, facility and foundation budgets; research information and data for reports and papers; prepare, edit, and maintain documents; assist faculty, staff, students, and public; provide technical applications software and hardware advice, support and training for faculty and staff; and supervise other office employees.

The position requires a self-motivated individual with the ability to work independently (with very limited or no supervision), with sound judgment, with extensive computer capability (word processing, spreadsheet, database, and graphics), and with thorough knowledge of School and University procedures and practices.

III. PA 4 Positions

Three PDs for PA 4 positions are in the record for comparison. The incumbents in these positions are Kathleen Paulson (PD, Exh. R-106), Paulette Rogers (PD, Exh. R-107) and Nancy Wachowiak (PD, Exh. R-108). As discussed below, the appellant's position does not compare favorably to any of these positions.

The Wachowiak position has some responsibilities that are similar to the appellant's. For example both positions must be proficient in computer technology, both have a degree of budgetary tasks and both have responsibilities for constructing and maintaining databases. The appellant's position, however, does not compare favorably to the Wachowiak position on the factors of their supervisor's positions, as well as the size and scope of the program involved. The reporting relationship of the appellant's position involves a lower-level supervisor (an Associate Dean) as compared to the Wachowiak position (Dean). The appellant also works in a smaller program function or organization activity (a school within a college) as compared to the Wachowiak position (the largest college on campus).

The Rogers' position⁶ reports to either Randy Alexander, Director of Housing on the Steven's Point campus (per page 1 of the PD) or to Mike Zsido, Assistant Director of Facilities Operations (per organizational chart attached to the PD). Roland Juhnke, Director of Personnel Services for the Stevens Point campus (now retired) testified that the Rogers' reporting relationship was equivalent to the appellant's reporting relationship. Respondents contend its deci-

⁶ To the best of Commissioner Rogers' knowledge, the incumbent of this position is not related to Commissioner Rogers.

sion with regard to the Rogers' position was correct and, accordingly, it must be concluded that appellant's similar reporting relationship also meets the PA 4 requirement.⁷

The Rogers' position has some responsibilities that are similar to the appellant's. Both positions have purchasing and budget responsibilities but the program in which Rogers works has an annual budget of \$20-30 million (Juhnke testimony), as compared to the \$900,000 to \$1 million budget where the appellant works (appellant testimony). Both positions have some security responsibilities. The appellant is responsible to keep track of keys for the 650 door locks in the school. The Rogers' position has responsibility for keys and cards used in lieu of keys for residence halls, resident rooms and basements. The appellant's responsibilities for keys does not compare favorably with the Rogers' position due to the greater size and scope of the program for which Rogers is responsible.

The Paulson position has some responsibilities that are similar to the appellant's. Both positions have budgetary responsibilities but the budget for the Paulson position is 45% larger than the budget for appellant's position. Both positions have responsibilities for keys, but such duties for the Paulson position include re-keying, a more complex task which is not performed by the appellant's position. Paulson reports to the Associate Director of Operations for University Centers.^c

IV. PA 3 Positions^d

Lori L. Fuller is a classification expert in the UW System Office of Human Resources. She provided the final internal review of the appellant's reclassification request and determined that appellant's position was best described at the PA 3 level. (See Exh. R-102.) She provided testimony comparing appellant's position to other positions classified at the PA 3 level.

Debra Moen, like the appellant, reports to an Associate Dean. Moen's position is classified as a PA 3 and her duties are as noted in her PD (Exh. R-109). A greater percentage of

⁷ Juhnke appeared to hold different requirements between PA positions held in a campus academic setting as opposed to a campus business setting. He provided little explanation for making such a distinction and failed to persuasively explain how the wording of the Standard would support it.

^c The reporting relationship for the Paulson position was added for clarity.

^d This section was added to provide a more complete analysis.

her job duties are basic, clerical tasks as compared to the duties of the appellant's position (Exh. R-104).

A PA 3 position held by Paula Gonyo performs the duties noted in her PD (Exh. R-112). The duties of her position are similar to those of the appellant's position. For example, both positions function as office manager, both have budget-related duties; both coordinate activities related to faculty hiring, retention, tenure, promotion and merit decisions; both have responsibility for keys and both oversee the work of student employees. Gonyo reports to a dean, which is a higher reporting relationship than the appellant's position.

A PA 3 position held by Barbara Maenpaa performs the duties noted in her PD (Exh. R-114). The duties of her position are similar to those of the appellant's position. For example, both function as office manager; both have budget-related duties; both oversee the work of student employees and both coordinate activities related to faculty hiring, retention, tenure, promotion and merit decisions. Maenpaa spends a greater amount of her time performing budget tasks (55%) than the appellant (25%). Maenpaa, unlike the appellant, has responsibility to supervise permanent clerical staff. Maenpaa reports to a department chair, which is a lower reporting relationship than the appellant's position.

A PA 3 position held by Jean Price performs the duties noted in her PD (Exh. R-113). The duties of her position are similar to those of the appellant's position. For example, both function as office manager; both coordinate activities related to hiring new faculty and evaluating current faculty; both develop class schedules; both oversee work of student employees and both have budget-related responsibilities. Price reports to a department chair, which is a lower reporting relationship than the appellant's position.

The above comparisons show that complainant's position is stronger from a classification standpoint than the PA 3 position held by Moen, but is comparable to the PA 3 positions held by Gonyo, Maenpaa and Price.

V Conclusion

The appellant has not met her burden of establishing by a preponderance of the evidence that her position should be classified at the PA-4 level. See, for example, *Ellingson v. DNR & DER*, 93-0057-PC, 5/28/98.

ORDER

Respondents' decision is affirmed and this case is dismissed.

Dated: January 24, 2002.

STATE PERSONNEL COMMISSION

JMR:010023Adec1


JUDY M. ROGERS, Commissioner


ANTHONY J. THEODORE, Commissioner

Chairperson McCallum did not participate in the consideration of this case.

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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.)

2/3/95