

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

KAY SCHMIDT, Appellant,

vs.

**Secretary, DEPARTMENT OF CORRECTIONS, and Director, OFFICE OF STATE
EMPLOYMENT RELATIONS**, Respondents.

Case 610
No. 62915
PA(der)-70

Decision No. 31134

Appearances:

Kay Schmidt, McNaughton Correctional Center, 8500 Rainbow Road, Lake Tomahawk, Wisconsin 54539, appearing on her own behalf with **Ron McAllister**, same address.

Robert G. Pultz, Assistant Legal Counsel, Department of Corrections, P.O. Box 7925, Madison, Wisconsin 53707-7925, appearing on behalf of Respondents.

FINAL DECISION AND ORDER

This matter is before the Wisconsin Employment Relations Commission on Appellant's appeal of Respondents' decision which denied her request to reclassify her position with the Department of Corrections from Program Assistant 2 (PA 2) to Program Assistant 4 (PA 4). The appeal was filed August 28, 2003. A hearing was held in this matter on April 8, 2004 before Paul Gordon, Commissioner, who was serving as the designated hearing examiner. Written briefs were filed by the parties and the record was closed on July 19, 2004, when the final post-hearing brief was received. The hearing examiner issued a proposed decision on November 5, 2004. Objections were filed and the final date for submitting a written response was December 17, 2004. For the reasons set forth below, the decision of the Respondents is affirmed.¹

Dec. No. 31134

¹ Substantive changes to the proposed decision are described in footnotes.

Kay Schmidt holds a position classified as a PA 2 with the Wisconsin Department of Corrections (DOC) at the McNaughton Correctional Center (MCC) in Lake Tomahawk, Wisconsin. She has been in that position for approximately 4 years and has been with the DOC since the early 1990s. She is the only PA at MCC, which houses about 90 inmates and has approximately 20 employees.

In September of 2002 Ms. Schmidt submitted a request that her position be reclassified from PA 2 to PA 4. Part of her request was a copy of her Position Description (PD) that both she and MCC Superintendent Dave Burton had signed on August 14, 2002. She also submitted a PD they had both signed on September 4, 2002, as well as a document titled Reclassification Justification and a memorandum from Supt. Burton supporting the reclassification request. The justification document mentioned, among other things, increased work duties and responsibilities, classification levels of other PAs in other DOC areas, staffing levels, use of technological advances, and the skills and independence of activities performed. The Burton memorandum reflected his 24 years of experience working with PAs and referenced, among other things, a steady and substantial workload increase, a dramatic change in the nature and complexity of work duties, decision making independent of direct supervision, handling of all center business functions, accounting skills and problem solving. His memorandum also contained the following:

If we continue to compensate them as secretaries and receptionists, we should be prepared to expect little else.

If we expect to attract and to retain folks who are qualified, capable, and willing to perform these more advanced business duties, we must compensate them fairly.

The Program Assistants position in WCCS is long overdue for a reclassification.

Appellant's initial reclassification request was denied, without stating a rationale, in a memorandum of December 19, 2002, from Andrea Bambrough, Human Resources Director at the personnel office for the Wisconsin Correctional Camp System. Appellant sought review of that decision with DOC's Bureau of Personnel and Human Resources (BPHR). By letter dated July 23, 2003, Katy J. Walters, Human Resources Specialist at BPHR denied reclassification. That decision, which had an effective date of September 9, 2002, for the purpose of any reclassification that might result, generated this appeal.

Appellant's work duties and activities as of the effective date are accurately described in the PD dated September 4, 2002. It states in pertinent part:

POSITION SUMMARY

Under the general supervision of the Center Superintendent, provides program support of moderate difficulty to the administrative staff at the McNaughton Correctional Center. This position has responsibility for inmate accounts, payroll and canteen reports; uses a variety of computer programs and applications to compile reports, transmit information such as inmate transfers and daily center count; maintains center supply inventories; produces memos and monthly reports; and performs miscellaneous clerical duties.

TIME GOALS AND WORKER ACTIVITIES

- 40% A. Use of computer programs, software and bookkeeping to prepare, maintain and produce inmate accounts, payroll, canteen reports and records.
- A1. Maintain and prepare inmate account records on a regular basis using bookkeeping practices and the Inmate Account Program.
 - A2. Prepare Time Sheets using MS Excel Spreadsheet. Audit Time Sheets completed by sergeants for correct hours worked. Resolve any discrepancies. Make sure to include inmates in programming, school and lock up.
 - A3. Prepare inmate payroll, ensuring proper credit for hours worked.
 - A4. Enter Project Payroll hours for all Trusty positions, making sure the correct Administrative Fee is deducted.
 - A5. Give notification letter to each inmate being released from center, stating when his account will be closed. Gather closeout information from work supervisor, work release sergeant and social worker.
 - A6. Closeout inmate accounts prior to release or transfer. Prepare inmate closeout balance sheets and e-mail to WCCS Business Office. Track and do additional closeouts on inmates receiving money after original closeout is completed.

- A7. Maintain current ledger for each inmate, posting credit and debit amounts from both the regular and work release account. Process money transmittals, posting to individual inmate ledger any additions and subtractions.
- A8. Reconcile inmate account statements with WITS statements on a monthly basis.
- A9. Check canteen orders to see if inmate has sufficient funds. Record canteen spending in inmate account on a weekly basis.
- A10. Meet with inmates to explain inmate account information, answering any questions and rectifying any problems they may have.
- A11. Write and implement center policies and procedures regarding inmate accounts and spending.
- A12. Enter Project Payroll hours for all Trusty Positions, making sure the correct Administrative Fee if(sic) deducted.
- A13. Prepare Time sheets using MS Excel Spreadsheet. Audit Time sheets completed by sergeants for correct hours worked. Resolved(sic) any discrepancies.
- A14. Monitor inmate's accounts and inform the Assistant Superintendent of any overspending. Write Conduct Reports for inmates who consistently spend over the monthly limit.
- A15. Produce inmate WITS Statements and distribute on a weekly basis as required by DOC Administrative Rule.
- A16. Prepare instructional packet for incoming inmates explaining how their accounts are kept and the importance of keeping track of their accounts on the ledger sheet supplied. Enter each new arrival in the Inmate Account Program.
- A17. Delete outgoing inmates from Inmate Account Program after they have been gone one month.
- A18. Assure that inmate purchasing is within State Administrative Code Guidelines.

- A19. Assist Superintendent/Assistant Superintendent with investigations regarding inmate payroll complaints.
 - A20. Complete Statement of Collections weekly for Work Release General Fund, and State Collections. Ensure that all money is accounted for and that all checks and money orders are endorsed.
 - A21. Purchase a money order for all incoming wood sales and receipt. Endorse and receipt all checks and money orders for projects made/sold at MCC and lunch tickets. Record on Statement of Collections (SC) and send to WCCS Business Office.
 - A22. Access WITS to verify when inmate's funds have been transferred from previous center/institution.
- 25% B. Preparation and maintenance of records and reports in a number of program areas.
- B1. Collect and compile data for the various center reports stated below, on a daily, monthly and quarterly basis for submission to WCCS-Business Office and DAI.
 - B2. Prepare and maintain records of center operations and programs including daily inmate population report, daily changes to inmate work assignment schedule, weekly inmate list, TLU report, monthly center report, monthly obligation report, and other reports as needed.
 - B3. Enter program review committee information into computer. Print and distribute PRC forms.
 - B4. Access CIPIS for information about transfers of inmates and inmates to be received at the center.
 - B5. Compile and send daily anticipated releases report via computer for three months in advance, making corrections when changes occur.
 - B6. Enter Religious Preference for inmates into WITS.
- 15% C. Maintenance of center supply inventories, monitoring proper usage of supplies.

- C1. Determine needs and order center supplies for office, and inmate clothing. Ensure that proper inventories are kept to meet program or menu requirements.
 - C2. Receive requests for needed supplies from center employees and check purchasing bulletins to prepare requisitions and invoices for submission to WCCS-Business Office.
 - C3. Verify invoices and check billings for errors. Inspect receiving reports against goods received. Rectify and resolve any billing errors with vendors.
 - C4. Maintain purchasing bulletins for the center. Review purchasing bulletins, keeping them current and in proper sequence via VendorNet.
 - C5. Assure maintenance, upgrades, and research in the purchase of and surplus of computers and equipment for the center.
- 15% D. Production of typed copy by word and data processor, typewriter and copy machine.
- D1. Become proficient in the use of various software, and use on a daily basis to produce reports, memos, letters, etc. Also train staff on use of software.
 - D2. Transcribe and produce reports, letters and various forms for the center superintendent, social worker and security supervisor, including inter-department correspondence.
 - D3. Produce a variety of monthly reports for submission to the WCCS Business Office and DAI, which include purchasing estimates, inmate job descriptions, work release timesheets, and reports for the following subjects; administrative and Inmate postage, meal tickets, contraband, canteen, inmate payroll, obligation, doctor and hospital, gasoline, vehicle, offender assaults on staff, offender assaults on offenders, furloughs, and monthly center reports.
 - D4. Produce quarterly topic reports concerning the center, credit card usage, motor vehicle travel and inmate complaint investigations.

- D5. Produce confidential employee probationary service reports, annual Performance, Planning and Development (PPD) reports, and other related personnel forms.
- 5%
- E. Coordination of center communications and miscellaneous duties.
 - E1. Answer incoming telephone calls. Take telephone messages, ensuring that the proper staff receives the message.
 - E2. Attend training, particularly in the computer area, on an ongoing basis. Attend WCCS-wide meetings.
 - E3. Set up and maintain current files for center requisitions, estimates, purchase orders and receiving reports.
 - E4. Become proficient in and on a regular basis, send and transmit messages and forms on e-mail.
 - E5. Receive and disseminate FAX transmissions. Assist staff in the operation of the FAX machine.
 - E6. Log and post all state job announcements, including WCCS job postings from the Internet. Remove as required by timeframes.
 - E7. Greet visitors and direct them appropriately, including deliveries.
 - E8. Maintain Center Superintendent appointment calendar, scheduling and changing appointments and meetings as needed.
 - E9. Process all incoming and out going mail for center and inmates, determine cost of mailing inmate packages and forward all inmate mail when necessary.
 - E10. Prepare and process all inmate records, files (social services and medical) and medications.
 - E11. Conduct tours of facility.
 - E12. Participate in staff decisions on center policies and procedures.
 - E13. Update Inmate Handbook.
 - E14. Participate in center meetings and workgroups.

- E15. In emergency situations, assist in security functions as directed by the superintendent or assistant superintendent.
- E16. Observe inmate conduct and performance, preparing incident or conduct reports as necessary.
- E17. Counsel and mentor inmates on spending, money management and life skills.
- E18. Teach and mentor security staff in computer and business skills.
- E19. Perform other related duties as assigned by supervisor.
- E20. Maintain confidentiality of information at all times.
- E21. Delegate work to inmate clerk.
- E22. Serve as Records Disposition Manager, fill out report and submit to WCCS and DAI on a yearly basis.
- E23. Serve as backup for social worker and work release sergeant.

SKILLS, KNOWLEDGE, AND ABILITIES

Knowledge of modern office methods and procedures.

Knowledge of Department and Division programs, operations and policies with respect to general functions performed.

Knowledge of business English, proper punctuation, spelling and grammar.

Knowledge of inmate account principles.

Knowledge of record keeping practices.

Ability to read, compute and use numerical data rapidly and accurately.

Ability to attain a high degree of accuracy in posting correct amounts to/from proper inmate accounts.

Ability to establish and meet deadlines.

Knowledge of requisitions, vouchers and purchase order forms.

Knowledge of various filing systems and methods.

Knowledge of general office procedures.

Knowledge of Microsoft Word, Excel, Access.

Knowledge of Internet and Intranet.

Knowledge of other computer principles/software.

Knowledge of maintenance, upgrading, researching and purchasing of computers and printers.

Knowledge of multiply-line(sic) phone systems.

Knowledge of staff and their responsibilities.

Effective written and verbal communication skills.

Special Requirement: Ability to type 45 words per minute.

DOC provides information technology (IT) support to PAs for programs, operations, problem solving, applications and hardware and software issues. Appellant has used this support occasionally and as needed for a variety of IT related matters.

The PA 2 and PA 4 Class Descriptions are set out in the Program Assistant Position Standard, which states in pertinent part:

D. Classification Factors

Individual position allocations in this series will be based on the four following classification factors:

1. Accountability;
2. Know-How;
3. Problem-Solving; and

4. Working Conditions

which include:

- a. The diversity, complexity, and scope of the assigned program, project, staff responsibilities, or activities;
- b. The level of responsibility as it relates to: type and level of supervision received, status within the organization, and degree to which program responsibility and accountability are delegated and/or assigned;
- c. The degree to which program guidelines, procedures, regulations, precedents, and legal interpretations exist and the degree to which they must be applied and/or incorporated into the program and/or activities being carried out by the position;
- d. The potential impact of policy and/or program decisions on state and non-state agencies, organizations, and individuals;
- e. The nature and level of internal and external coordination and communication required to accomplish objectives;
- f. The difficulty, frequency, and sensitivity of decisions which are required to accomplish objectives and the level of independence for making such decisions.

E. Definitions of Terms Used in this Standard

Terms that are used in conjunction with the above classification factors within this series are:

| | |
|------------------|--|
| Paraprofessional | 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. |
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|-------------------------|--|
| Moderate Difficulty | The employe is confronted with a variety of breath of duties susceptible to different methods of solution which in turn places a correspondingly higher demand on resourcefulness. Supervisors of employes engaged in routine assignments, journey-level personnel and paraprofessional employes usually perform work of moderate difficulty. |
| Considerable Difficulty | 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 employes fall into this category. |
| General Supervision | The employe 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 employe may be physically removed from the supervisor and subject to only systematic supervisory checks. |
| Direction | The employe 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. |

II. CLASS DESCRIPTIONS

The following class descriptions for the various class levels within the Program Assistant series are designed to provide basic guidelines for the allocation of both present and future positions, as well as to serve as a basis for comparisons with positions in other class series.

PROGRAM ASSISTANT 2

This is work of moderate difficulty providing program support assistance to supervisory, professional or administrative staff. Positions are allocated to this class on the basis of the degree of programmatic involvement, delegated authority to act on behalf of the program head, level and degree of independence exercised, and scope and impact of decisions involved. Positions allocated to this level are distinguished from Program Assistant 1 level based on the following criteria: (1) the defined program area for which this level is accountable is greater in scope and complexity; (2) the impact of decisions made at this level is greater in terms of the scope of the policies and procedures that are affected; (3) the nature of the program area presents differing situations requiring a search for solutions from a variety of alternatives; and (4) the procedures and precedents which govern the program area are somewhat diversified rather than clearly established. Work is performed under general supervision.

PROGRAM ASSISTANT 4

This is paraprofessional staff support work of considerable difficulty as an assistant to the head of a major program function or organizational 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 judgment required by the position. Work is performed under direction.

PROGRAM ASSISTANT 2 - WORK EXAMPLES

- Provides administrative assistance to supervisory, professional and administrative staff, head of a department or program.
- Schedules department facilities usage.
- Maintains inventory and related records and/or reports and orders supplies.
- Conducts special projects: analyzes, assembles, or obtains information.
- Maintains liaison between various groups, both public and private.
- Directs public information activities and coordinates public or community relations activities.
- Prepares budget estimates, plans office operations, controls bookkeeping functions and handles personnel transactions.

- Plans, assigns and guides the activities of subordinate employees engaged in clerical program support work.
- Corresponds with various outside vendors or agencies to procure goods or information for program operation.
- Develops and recommends policies, procedures, guidelines and institutions (sic) to improve administrative or operating effectiveness.
- Screens and/or reviews publications; drafts or rewrites communications; makes arrangements for meetings and maintains agendas and reports; arranges schedules to meet deadlines.
- Maintains extensive contact with other operating units within the department, between departments or with the general public in a coordinative or informative capacity on a variety of matters.
- Prepares information materials and publications for unit involved, and arranges for distribution of completed items.
- Attends meetings, work shops, seminars.

PROGRAM ASSISTANT 4 - WORK EXAMPLES

- 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 applications based on federal, state and local funding regulations.
- Interpret 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.
- 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 materials 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 and placement tests; administers nationally scheduled examinations; confers with applicants regarding test interpretations.

Of the duties and activities performed by Appellant, the majority are of moderate difficulty and are not at the paraprofessional level.² Other positions within WCCS that are classified at the PA 2 level perform duties that are comparable to those of the Appellant.

Appellant's position is better described at the PA 2 classification level and is properly classified as a PA 2.

ORDER

Respondents' decision to deny Ms. Schmidt's request to reclassify her position from Program Assistant 2 to Program Assistant 4 is affirmed and the appeal is dismissed.

Given under our hands and seal at the City of Madison, Wisconsin, this 18th day of March, 2005.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Judith Neumann /s/

Judith Neumann, Chair

Paul Gordon /s/

Paul Gordon, Commissioner

Susan J. M. Bauman /s/

Susan J. M. Bauman, Commissioner

Parties:

Kay Schmidt
MCC
8500 Rainbow Road
Lake Tomahawk, WI 54539

Matthew Frank
Secretary, DOC
PO Box 7925
Madison, WI 53707-7925

Karen Timberlake, Director
Office of State Employment
Relations
PO Box 7855
Madison, WI 53707-7855

² For the reasons explained in the Memorandum, the Commission has deleted a sentence relating to level of supervision.

DOC & OSER (Schmidt)

MEMORANDUM ACCOMPANYING DECISION AND ORDER

The underlying question raised by this appeal is whether, based on the duties that were assigned to Ms. Schmidt, her position was better described at the PA 2 or PA 4 level, effective September 9, 2002.

In classification appeals a classification specification must be reviewed in its entirety as one document. Segmenting a specification and attempting to find specific words or phrases which can be attached to the duties and responsibilities assigned to a position is not dispositive of the appropriate classification of a position. The duties and responsibilities of the position and the classification specification must be reviewed in their entirety to determine the best fit. *FORIS v. DHSS & DER*, 90-0065-PC (PERS. COMM. 1/24/92). Classification specifications are comparable to administrative standards. Their application to a particular position involves first determining the facts as to the position and then exercising judgment as to which classification best describes, encompasses or fits the position. Although that process involves some discretion in weighing factors against each other, it is essentially the application of a standard to a set of facts. The overlap of two or more job specifications in describing a given position is usual and expected. Once a factual determination has been made as to the specifics of an incumbent's job they must be applied to the various specifications. The specification providing the "best fit" is used to determine the actual classification. The "best fit" is determined by the specification reflecting job duties and activities within which the employee routinely spends a majority of his or her time. *DER & DP v. PC (DOLL)*, DANE COUNTY CIRCUIT COURT, 79-CV-3860, 9/21/80. Where an appellant's position can plausibly be described by the definition statements of both of the classifications in issue, determination of the appropriate level rests primarily on the examples of work performed and a comparison to other positions in the series. *FAY v. DER*, 92-0438-PC (PERS. COMM 7/7/94); *RHODES v. DOT & DER*, 92-0024-PC (PERS. COMM. 8/5/96).

As noted above, Ms. Schmidt's responsibilities are accurately summarized in the "Position Summary" in her PD, which provides, in part:

This position has responsibility for inmate accounts, payroll and canteen reports, uses a variety of computer programs and applications to compile reports, transmit information such as inmate transfers and daily center count; maintains center supply inventories; produces memos and monthly reports; and performs miscellaneous clerical duties.

The PA 2 and PA 4 class descriptions identify 3 key distinctions between the two levels. The PA 2 description refers to “work of moderate difficulty” that “is performed under general supervision.” In contrast, the PA 4 description references “paraprofessional” work of “considerable difficulty” that is performed “under direction.” All of these terms are defined in the PA Position Standard.

According to the classification specifications, work performed at the PA 4 level must be of “considerable difficulty,” which refers to work requiring consideration and weighing of many factors before making an independent judgment: “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.” The reference at the PA 2 level to “moderate difficulty” describes work usually performed by “supervisors of employees engaged in routine assignments, journey-level personnel and paraprofessional employees.”³ Ms. Schmidt’s September 4, 2002 position description specifies that her work is of “moderate difficulty.” Appellant may perform some work that fits in the definition of “considerable difficulty” but, as reflected in her PD, that work does not constitute a majority of her time.

Another key distinction between the two classifications at issue is the level of supervision provided to the employee. A PA 4 classification requires that the work be performed under direction, where the employee “usually receives only a general outline of the work to be performed.” PA 2 work is performed under general supervision which means the employee “is generally free to develop own work sequences within established procedures, methods and policies.” Appellant’s PD specifies that she works under general supervision.⁴ The Appellant’s responsibilities are, to a large extent, routinized and subject to significant constraints by established procedures, methods and policies, such as the requirements of the Inmate Account Program, WITS, Statement of Collections and the CIPIS system. The Commission acknowledges Supt. Burton needs to spend only a very limited amount of time looking over her shoulder and, given Appellant’s experience, need not instruct her on details of most of her assignments. Supt. Burton’s role relative to Ms. Schmidt’s work duties falls within the definition of “direction” rather than “general supervision,” but this conclusion is of little moment when, for purposes of the PA classification specifications, the underlying duties

³ The ambiguous reference to paraprofessional employees in the definition of “moderate difficulty” appears to be inconsistent with the use of the word “paraprofessional” to define both the PA 3 and 4 classifications and the absence of “paraprofessional” in the definitions of PA 1 and 2. Given the wide variety of criteria that show Ms. Schmidt’s position is better described at the PA 2 level, the Commission declines to focus further on this apparent inconsistency in the language of the specifications.

⁴ Appellant argues that the specific reference in her September 2002 position description to working under “general supervision” was an unintended oversight, and that “direct supervision” should be substituted. Appellant’s submission dated December 5, 2004, p. 2. The Commission assumes that Appellant desired to substitute “direction” rather than “direct supervision.”

are only moderately difficult. A key reason that Appellant is able to work under “direction” is that her work assignments lack the level of complexity and difficulty in decision-making that would be expected at the PA 4 level.⁵

In order to be properly classified at the PA 4 level, a position must also be assigned paraprofessional work, i.e. work “resembling” but more limited than professional level work in terms of “scope of functions, decision-making and overall accountability.” Superintendent Burton testified that he felt Appellant performed paraprofessional work. Mr. Burton has been a supervisor for 12 years and has worked at MCC for 26 years but he is not a human resources specialist. He testified without having considered the definition of “paraprofessional” in the PA position standard. While he verified that Ms. Schmidt performed various activities, he failed to identify or explain which duties were segments of professional level functions as referenced by the paraprofessional definition. For example, she prepares and updates the inmate handbook and the inmate account system but her work in these areas has to comply with policy and procedural changes that are established by other individuals. This is the case for a great deal, certainly the majority, of her work. Even though the financial impact of all the programs Ms. Schmidt works on is significant, her work is more clerical than paraprofessional. The degree of independence, the scope and impact of her decisions, the delegated authority and the complexity of her work are all encompassed by the PA 2 class description. In her initial brief, pp. 3-4, Ms. Schmidt lists those parts of her work activities that she contends are paraprofessional. The list corresponds to 19 different activities in her PD (A1, A6, A7, A8, A16, A18, A21, B2, C2, C3, C5, D5, E3, E13, E16, E17, E18, E20, E22). There are no time percentages assigned to the individual activities listed in the Appellant’s PD.⁶ However, if the Commission divides the percentage of time associated with each goal by the number of activities listed within that goal,⁷ Ms. Schmidt spends about

⁵ The Commission has modified this paragraph to reflect the Commission’s conclusion relating to the nature of the supervision and to better reflect the record. The first page of the position description form has only three choices in terms of a level of supervision: close, limited or general. The Commission assumes that the use of “general supervision” in the position summary found on the second page of the position description was not a conscious effort to differentiate “general supervision” from “direction” as those terms are defined in the PA specifications.

⁶ In response to the proposed decision, Appellant supplied her own version of time percentages after categorizing those responsibilities she considers to be of “considerable difficulty” as daily, monthly or yearly duties. This information was not provided during the course of the administrative hearing and it would be inappropriate for the Commission to rely on the new information when Respondents have not had an opportunity to either question Appellant or offer arguments regarding her observations. In addition, the Commission disagrees with Appellant’s characterization of many of these duties as involving “considerable difficulty.”

⁷ In the absence of any evidence to the contrary, the Commission assumes that each worker activity within a goal listed on Appellant’s position description is performed for the same percentage of time. *ACKLEY V. DNR & DER*, 00-0135-PC (PERS. COMM. 8/1/01).

28% of her time on those activities, which is well below the majority needed to justify classification at the higher level. This percentage is strikingly similar to the percentage found by the DOC review as to potential PA 3, PA 4 and Financial Specialist duties.

Appellant failed to offer evidence that would support the conclusion that she spends a majority of her time performing duties that are described at the PA 4 level. Superintendent Burton testified in support of Appellant. However, as previously noted, he is not a Human Resources Specialist and did not analyze her position in the context of the PA class specifications. Appellant also called Andrea Bambrough as a witness. Ms. Bambrough offered general support for classifying Appellant's position at the PA 3 level, but the PA 3 classification is not at issue and Ms. Schmidt has the burden to establish that her position belongs at the PA 4 level.

Respondents' denial of the reclassification request also considered several comparable positions. While the actual PDs for some of these positions were not introduced into the record, the duties are summarized in the July 23rd denial and there is no suggestion that these summaries are inaccurate.⁸ Appellant notes that the PA 2 comparables are in settings where there is more than one PA, and as the sole PA at MCC she performs more work and therefore bears more responsibility than the other employees who have PA assistance. However, work volume is not a factor established by the class specifications for differentiating PA 2 and PA 4 positions. *MANNING V. UW & DER*, 89-0102-PC (PERS. COMM. 12/13/90) (volume of work was not a relevant classification factor distinguishing the Library Services Assistant 1 and 2 levels). Ms. Schmidt has not challenged the appropriateness of the classification level assigned to these comparable PA 2 positions. The Rhonda Ampe (PA 4) comparison position in DOC's Office of Procurement Services is responsible for administering the entire department-wide "Purchase Plus" purchasing system and managing a variety of DOC purchasing programs, including DOC's surplus property program. It has a greater scope and impact than Ms. Schmidt's position. There are no PA 4 positions of record that perform duties comparable to the majority of Appellants' work. Ms. Schmidt also supplied the PD for a Financial Specialist 2 position in the WCCS Business Office as a comparable. However, a position in another classification series is of very limited utility in this case where there are other comparables available in the PA series.⁹

⁸ In fact, Appellant noted that the position descriptions for PA 2 positions at the St. Croix Correctional, the Robert E. Ellsworth Correctional Center and the Marshall Scherrer Correctional Center are "almost identical" to her own PD. App. Exh. 10, p. 18.

⁹ The Commission has modified this paragraph of the proposed decision to better describe the PA 4 comparison position.

An additional reason for denying reclassification of the position to the PA 4 level is that many more of Ms. Schmidt's duties are consistent with the PA 2 work examples than with the PA 4 work examples. Appellant's September 4th PD indicates that she spends 40% of her time using computer programs and bookkeeping to produce and update inmate accounts, payroll, canteen reports and records. These responsibilities track the following PA 2 work examples:

- Provides administrative assistance to supervisory, professional and administrative staff, head of a department or program.
- Conducts special projects: analyzes, assembles, or obtains information.
- Prepares budget estimates, plans office operations, controls bookkeeping functions and handles personnel transactions.
- Maintains extensive contact with other operating units within the department, between departments or with the general public in a coordinative or informative capacity on a variety of matters.

According to her PD, Ms. Schmidt also spends 25% of her time preparing and maintaining records and reports in several program areas (Goal B). Equivalent work examples at the PA 2 level include the following:

- Conducts special projects: analyzes, assembles, or obtains information.
- Prepares budget estimates, plans office operations, controls bookkeeping functions and handles personnel transactions.
- Maintains extensive contact with other operating units within the department, between departments or with the general public in a coordinative or informative capacity on a variety of matters.

Another goal (Goal C) identified in Appellant's PD is the 15% of her duties that involve maintaining center supply inventories and monitoring the use of supplies. Comparable work examples for the PA 2 level describe these types of activities:

- Maintains inventory and related records and/or reports and orders supplies.
- Corresponds with various outside vendors or agencies to procure goods or information for program operations.
- Prepares information materials and publications for unit involved, and arranges for distribution of completed items.

The remaining 20% of her time from her PD contains a similar corresponding relationship between duties and work examples at the PA 2 classification. Conversely, there are many PA 4 work examples that Appellant does not perform. Those include planning, assigning and guiding activities of a unit; researching and producing applications for grants; assisting in the development of policies, laws, rules and procedures affecting the entire program or operation; preparing equipment and materials specifications; and administering and scoring admission and placement tests or nationally scheduled examinations.

The Commission acknowledges that there have been changes to Appellant's work over time. This is reflected in the increased use of computers, programs and information technology. These work tools allow Appellant to perform an increasing amount of moderately difficult work with greater efficiency and effectiveness. To be sure, Appellant does have an increasing amount of work to do but, as noted above, the volume of work is not identified as a factor in the PA position standard.

Based upon all of the above, the best fit for appellant's position is at the PA 2 classification.

Ms. Schmidt has pointed out that the initial denial of her reclassification request by Ms. Bambrough of the personnel office for the Wisconsin Corrections Center System (WCCS) merely notified Appellant of the denial and failed to explain the reasoning behind the decision. However, this did not hinder or prejudice Ms. Schmidt in any way. Ms. Bambrough's decision was merely an initial determination that Appellant could appeal to the DOC's Bureau of Personnel and Human Resources (BPHR) which held department-wide authority to review reclassification requests. Ms. Schmidt exercised her right to place her request before BPHR. It is Ms. Schmidt's appeal of the BPHR decision that has brought the classification question before the Commission. Appellant has not identified any authority, law or rule that requires or imposes any penalty for the absence of a rationale in the WCCS decision. In an appeal of a reclassification decision, the proceeding before the Commission is a de novo review of the classification of the position in question. The procedure followed by the Respondents in reviewing the request for reclassification need not be evaluated in order to resolve the appeal. *KLEIN V. UW & DER*, 91-0208-PC, 2/8/93. The lack of a reason for the WCCS denial does not justify changing the classification of Appellant's position. Additionally, at the pre-hearing conference the parties stipulated to the issue to be decided in this case and the rationale at the first level was not such an issue. Accordingly, the Respondent's decision is not incorrect on the basis that Bambrough did not supply a reason for the initial decision denying the reclassification request.¹⁰

¹⁰ The next paragraph found in the proposed decision has been deleted by the Commission because it addressed an argument that, as indicated in her subsequent submission, Appellant has never advanced.

Based upon the above, the Appellant has not shown that the Respondent's decision denying her request for a reclassification was incorrect.

Dated at Madison, Wisconsin, this 18th day of March, 2005.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Judith Neumann /s/

Judith Neumann, Chair

Paul Gordon /s/

Paul Gordon, Commissioner

Susan J. M. Bauman /s/

Susan J. M. Bauman, Commissioner