

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

CATHERINE METNIK, Appellant,

vs.

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

Case 609
No. 62914
PA(der)-69

Decision No. 31135

Appearances:

Catherine Metnik, Flambeau Corrections Center, N671 County Rd. M, Hawkins, Wisconsin 54530, 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. No objections were filed by the requisite due date of December 6, 2004. However, the Commission chose to address this matter at the same time as the companion appeal of Schmidt v. DOC & OSER, Case 609 No. 62914 PA-69, which had been heard on the same date. The final date for submitting a written response to the objections filed in that matter was December 17, 2004. For the reasons set forth below, the decision of the decision of the Respondents is affirmed.¹

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

Catherine Metnik holds a position classified as a PA 2 with the Wisconsin Department of Corrections (DOC) at the Flambeau Correctional Center (FCC) in Hawkins, Wisconsin. She has held that position since August of 2001, and has been with the DOC since the early 1990s, mostly as a PA 1 or PA 2.

FCC houses about 90 offenders and employs 12 officers and 8 administrative staff.

Ms. Metnik fills the only position at FCC assigned to the Program Assistant series. On September 4, 2002, she requested that her position be reclassified to PA 4 and submitted a revised Position Description (PD) (titled by Appellant as PA 4) along with a reclassification justification and memorandum of support from the FCC Superintendent, Leslie J. Mlsna. The justification document cited, among other things, the increased scope and complexity of performing her duties, the need for specialized skills and a greater degree of independence reflected in direction, rather than general supervision, by the superintendent. The Mlsna memorandum summarized the changes to the position. It states in pertinent part:

The duties listed in the PA job descriptions assigned to the Centers has (sic) drastically changed over the years, which is reflected in the amount of time they are now involved in doing things other than what used to be the general PA duties. This has come about because of our relying on center PA's to move from shoveling paper work to using computers and electronic mail to enter information and provide necessary accounting information so other WCCS departments can get their work done.

Also, we rely on our PA's to deal [with] more and more confidential information and processing of it.

Mlsna subsequently retired, and since December of 2002, John Clark has been the superintendent at FCC.

The Department of Corrections provides information technology (IT) support to PAs for programs, operations, problem-solving, applications and hardware and software issues.

For the most part, Ms. Metnik's revised PD, dated September 4, 2002, accurately describes her duties and responsibilities as of that date. The PD states in pertinent part:

POSITION SUMMARY

Under general supervision of the Superintendent, this position is responsible for coordinating office management, administrative and confidential support. In addition, this position is responsible for administering fiscal support, managing

computer systems, processing all inmate payroll which includes work crew, project payroll, community service crew and work release. Administrative tasks involve equipment orders, inventory, processing meal ticket and statement of collections, process and verification of billings for payment. This position exercises a considerable amount of individual initiative, independent judgment, and decision-making ability, while adhering to strict confidentiality.

TIME % GOAL AND WORKER ACTIVITIES

- 40% A. Use of computer programs, software and bookkeeping principles to prepare, maintain, and produce inmate account, payroll and other monthly reports, using WCCS Inmate Financial Tracking System program, as well as the Wisconsin Inmate Tracking System program.
- A1. Maintain and prepare inmate account records on a regular basis using bookkeeping practices and the Inmate Account Program as well as the Wisconsin Inmate Tracking System (WITS).
 - A2. Close out inmate account prior to release or transfer. Prepare inmate closeout balance sheets listing outstanding debits, credits and wages earned, forwarding account sheet to new institution or WCCS-Business Office. Also, prepare any secondary closeouts as required to achieve accurate balance of accounts.
 - A3. Process money transmittals, including canteen purchased (sic), posting to individual inmate ledgers any additions or subtractions.
 - A4. Process receipts for work release and general funds, posting to individual inmate ledgers any additions or subtractions
 - A5. Ensure all institution unassigned inmates are properly accounted for and paid.
 - A6. Add all new inmates and delete all reconciled and closed accounts in the Inmate Financial Tracking System.
 - A7. Post wages for all inmates being released or transferred out in a timely manner.
 - A8. Explain inmate account information to inmates, answering any questions the inmate may have.
 - A9. Review and reconcile inmate account statements each month.
 - A10. Assure that inmate purchasing is within State Administrative Code guidelines.

- 30% B. Preparation and maintenance of records, and reports in a number of program areas, including provision of a wide range of administrative and confidential support to the superintendent and assistant superintendent.
- B1. Produce and maintain weekly schedule for the superintendent, assistant superintendent, and nurse on staff which includes inmates' medical appointments.
 - B2. On a daily basis, identify and disseminate administrative, HSU and other confidential mail, to include staff time sheets and leave accounting information assuring strict confidentiality.
 - B3. Collect and compile data for the various center reports stated below, on a daily, monthly and quarterly basis for submission to the superintendent and WCCS-Business Office.
 - B4. Prepare and maintain records of center operations and programs including daily inmate population, safe-keeper for tour sheet/log, and other reports as needed.
 - B5. Manage computer program for compiling and data entry for the submission of billings of the community service crew and the work crew on a monthly basis to WCCS-Business Office.
 - B6. Access CIPIS for information regarding transfers of inmates and inmates being received at the center.
 - B7. Review of center count and accurately enter any changes to the population.
 - B8. Compile and send daily-anticipated releases report via computer.
 - B9. Commissioned as a Notary Public and to adhere to those duties as required.
- 15% C. Maintenance of center supply inventories, financial management of orders/requisitions and monitoring proper usage of supplies.
- C1. As purchasing agent for miscellaneous operations needs, acquire appropriate bids and budget financial acquisitions for submission to WCCS-Business Office.
 - C2. Compile and catalog purchase orders/requisitions in regard to center financial management.

- C3. Determine needs and order center supplies for office, and inmate clothing. Ensure that proper inventories are kept to meet program requirements.
 - C4. Audit invoices and billings for center purchases, verifying for payment. Inspect receiving reports against goods received.
 - C5. Maintain purchasing bulletins for the center. Review purchasing bulletins, keeping them current and in proper sequence.
 - C6. Sell meal tickets to staff and guests. Reconcile amounts collected to tickets sold forwarding receipts and checks to the WCCS-Business Office for processing.
 - C7. Manage system related to development, inventory, storage and distribution of forms as used by the center.
 - C8. Provide staff education on electronic form usage and accessibility.
 - C9. Maintain and acquisition funds for the postage machine to include processing of all out-going mail for the Center.
- 5% D. Production, development and maintenance of software programs to include production of various reports for center superintendent and assistant superintendent.
- D1. Become proficient with the various software and uses on a daily basis to produce reports, memos, letters, etc.
 - D2. Develop and produce reports, letters and various forms for the center superintendent and assistant superintendent, including interdepartmental correspondence.
 - D3. Produce a variety of monthly reports for submission to the WCCS-Business Office, which may include purchasing estimates.
 - D4. Produce quarterly topic reports concerning the center, which includes hobby purchase report.
 - D5. Maintain the automated computer systems, which includes two servers, one for administration use and one for education.
 - D6. Maintain scheduling for servers back-up system and provide written documentation and instruction for users.

- D7. Provide data to administrator to assist in back up of servers.
 - D8. Provide administrative support in the development & implementation of policies, procedures and programs.
- 5%
- E. Coordination of Center communications and miscellaneous duties.
 - E1. Answer incoming telephone calls, taking messages and ensuring that the proper staff receives messages as back up.
 - E2. Attend training, particularly in the computer area, on an ongoing basis. Attend DAI statewide meetings when able.
 - E3. Set up and maintain current files for center requisitions, estimates, purchase orders and receiving reports.
 - E4. Send and transmit messages and forms on e-mail.
 - E5. Receive and disseminate facsimile transmission and assist staff in the operation of the machine.
 - E6. Log and post all state job announcements, including WCCS job postings with removal as required according to timeframes.
 - E7. Greet visitors and direct them appropriately, including deliveries.
 - E8. Answer and/or use state radio when officer staff is not available, or as directed.
 - E9. Answer inquiries by staff about personnel transaction forms.
 - E10. Perform other related duties as assigned by supervisor or assistant supervisor.
 - E11. Maintain liaison between vendors in local communities.
 - E12. Screen and/or review publications, draft or write, or rewrite written communications.
 - E13. Prepare information materials and publications for center staff and arrange distribution of same.
 - E14. Maintain confidentiality of information at all times.

5% F. Maintain working relationships with supervisors, administrative staff, co-workers, other employees and the public to accomplish the duties and responsibilities of this position, and the overall goals of the Corrections Center.

F1. Work with co-workers and staff. Assist and/or ask for assistance when needed.

F2. Work as part of the center team, with emphasis on continuous team building efforts and interaction.

F3. Cooperate and effectively interact with staff and the public.

SKILLS, KNOWLEDGE, AND ABILITIES

Knowledge of modern office methods and procedures

Knowledge of modern record keeping practices

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

Knowledge of various filing systems and methods

Knowledge of written and oral communications skills/techniques

Knowledge of staff and their responsibilities

Knowledge of human relations dynamics and interpersonal relations

Ability to exercise independent judgment

Knowledge of inmate accounting principles

Knowledge of state requisitions, voucher and purchase order form

Knowledge of fiscal management

Knowledge of time management and organizational skills

Knowledge of problem-solving techniques

Knowledge of various computer principles and software

Some of the language used in the position description suggests a higher level of responsibility than was actually assigned to Ms. Metnik: 1) She did not “manage” the computer program referenced in activity B5; 2) she was not responsible for the “production, development and maintenance of software programs” (Goal D) as that language is generally used in connection with computer software; 3) she did not “maintain the automated computer systems” (activity D5); and 4) she did not “prepare information materials and publications” (activity E13) in the sense that she did not write those materials.

The original request for reclassification to the PA 4 level was submitted to Andrea Bambrough, Human Resources Director for the Wisconsin Corrections Center System, who initially recommended that the position be considered for classification as a PA 3. However, by memorandum of December 19, 2002, Bambrough notified Appellant that her reclassification request had been denied. The reasons for the denial were not included in the memo, but Appellant’s right to appeal the decision to the Director of the Bureau of Personnel and Human Resources in DOC’s Central Office was noted. Ms. Metnik requested a review of her request by that Office. The review was completed by Katy J. Walters, Human Resources Specialist, which resulted in a July 23, 2003 written review and denial of the request. The review considered both the PA 4 and PA 3 levels as alternatives to the existing PA 2 classification, and compared Appellant’s PD with other PA positions. It is that denial which forms the basis for this appeal.

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 potential impact of policy and/or program decisions on state and non-state agencies, organizations, and individuals;

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.
Moderate Difficulty	The employe 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 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 performed by Appellant, the majority are not at the paraprofessional level and are better described by the PA 2 classification. The majority of Ms. Metnik's duties are of moderate difficulty.²

Ms. Metnik's position is comparable, for classification purposes, to PA 2 positions assigned to other correctional centers within the Wisconsin Correctional Center System. There are PA 2 positions at the St. Croix Correctional Center (with 50 FTE positions), Robert E. Ellsworth Corrections Center (108 FTE positions), and Marshal Scherrer Correctional Center (18 FTE positions). These positions report to the Center Superintendent or Assistant and have responsibilities that are very similar to those assigned to Appellant, including 1) providing administrative support for the Superintendent, 2) using a variety of computer programs similar to those used by Appellant to compile reports and produce memos and monthly reports, and 3) performing clerical duties.

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

Ms. Metnik's position is not comparable to the PA 4 position that serves as the Agency Administrator for the Office of Procurement Services. That position is responsible for the Purchase Plus System (40%), managing DOC's purchasing related programs (25%), and serving as the office technical expert on Intranet and Internet activities related to DOC procurement (25%).

Ms. Metnik's position is also not comparable to a PA 3 position at Southern Oaks Girls School that is responsible for managing fileserver/computer installation and services for the institution (35%), maintaining all of the school's court records in accordance with applicable laws, policies, procedures and standards, researching and preparing informational, factual and statistical reports (20%), providing program support for the Office of Juvenile Offender Review and Reintegration Social Workers (20%), and managing the telecommunications system for the institution (15%).

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. Metnik'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

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DOC & OSER (Metnik)

MEMORANDUM ACCOMPANYING DECISION AND ORDER

The underlying question raised by this appeal is whether, based on the duties that were assigned to Ms. Metnik, 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 read 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 factual determinations have 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 explained further below, the best fit for the duties and responsibilities assigned to Appellant's position is the PA 2 classification. A majority of Ms. Metnik's duties are within that classification and are not paraprofessional in nature. The work is of moderate difficulty.³

Ms. Metnik's duties include updating and reconciling a variety of accounts, producing the weekly calendars for the several FCC employees, distributing the mail, entering data in various computer programs and retrieving data and preparing reports from those programs, often using standard computer software. She uses, but does not develop, specific programs such as the WCCS Inmate Financial Tracking System and the Wisconsin inmate tracking program. She receives considerable technical support from DOC on the use of these programs, on information technology generally and on standard programs such as Word, Access and Excel.

³ For the reasons explained below, the Commission has deleted a phrase relating to level of supervision.

The PA 2 and PA 4 class descriptions identify three 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.

In order to be properly classified at the PA 4 level, a position must 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.” Appellant’s work is not paraprofessional even though Supt. Clark testified to the contrary. Supt. Clark is not a Human Resources Specialist, he was unfamiliar with the concept that a position is classified based on the majority of its duties and he did not apply the position standard’s definition of paraprofessional when expressing his opinion. Supt. Clark does not have expertise in making classification decisions. Although Appellant’s work is integral to the operation of FCC, her job duties are not closely related to, nor do they resemble, professional level work. There are few if any segments of professional level functions performed by Appellant. Even if some of her responsibilities are considered paraprofessional, they would not comprise a majority of her time. Respondents also correctly considered that the paraprofessional duties performed at the PA 4 and PA 3 level are coordinative and Appellant’s duties are not as coordinative and administrative as they are clerical.

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.” Although Appellant’s work relates to many of the activities at FCC and the DOC, her duties are not coordinative in nature. She has had some involvement in the development of some activities, such as the section on inmate accounts in the inmate handbook, but these are infrequent and only a small part of her duties. As noted above, her position also receives considerable support and technical assistance from technical staff at DOC as to computer hardware, software and program application. Appellant places considerable weight on her argument that her work is more and more computer-oriented. While this is true, the duties she is performing on the computers and different programs are still duties at the PA 2 level. Mlsna’s memorandum describes this as “relying on center PA’s to move from shoveling paper work to using computers and electronic mail to enter information and provide necessary accounting information so other WCCS departments can get their work done.” Appellant is using different tools that allow her to be more efficient and complete more work, but the nature of the duties she performs with those tools is not at the PA 4 level or of considerable difficulty. Her duties are, indeed, varied and are susceptible to different methods of solution, which is work of moderate difficulty.

The third 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.” In submitting her reclassification request, Appellant and Superintendent Mlsna prepared and signed the PD dated September 4, 2002. The position summary specified that Ms. Metnik worked under general supervision and Mr. Mlsna, in section 16a, specified that he provided “general” supervision to the position. In contrast, Appellant’s justification document maintains the work is performed under the direction, rather than the general supervision, of the superintendent. The Commission acknowledges that the superintendent of the center needs to spend only a very limited amount of time directly engaged with Appellant’s work responsibilities and, given Appellant’s experience and the extensive set of procedures and policies established by DOC for all of the correctional centers, need not instruct her on details of most of her assignments. Supt. Clark’s role relative to Ms. Metnik’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 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. ⁴

The work examples for the PA 2 classification cover most of Appellant’s duties as set out in her PD. The Commission agrees with the statement in the denial memorandum that approximately 24% of her duties would be considered at the PA 3 or PA 4 level or the Financial Specialist 2 (PR 02-10) classification. But this is less than a majority of her time and duties. She performs a great deal of bookkeeping and financial record keeping, particularly in such areas as inmate accounts, community service, special projects, supplies and services and inmate status. The majority of the duties within those functions is consistent with various work examples for the PA 2 classification including:

- Provides administrative assistance to supervisory, professional and administrative staff, head of a department or program.
- Maintains inventory and related records and/or reports and orders supplies.
- Conducts special projects: analyzes, assembles, or obtains information.
- Prepares budget estimates, plans office operations, controls bookkeeping functions and handles personnel transaction.
- Develops and recommends policies, procedures, guidelines and institutions to improve administrative or operating effectiveness.

⁴ 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. Line 16a on the first page of the position description form provides 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.

- Maintains liaison between various groups, both public and private.
- Corresponds with various outside vendors or agencies to procure goods or information for program operation.
- Schedules department facilities usage.
- Attends meetings, work shops, seminars.

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.

A final basis for determining the appropriate class level for Ms. Metnik's position is by comparing her position to other positions classified at both the PA 2 and PA 4 levels. Even though the PDs of the comparable positions referenced in Respondents' July 23rd reclassification denial are not of record, the duties are summarized in the denial and respondent elicited testimony on the subject. Ms. Metnik has not suggested that the summaries are inaccurate. The closest comparisons are to PA 2 positions at each of three other correctional centers. Appellant contends that the PA 2 comparables are in settings where there is more than one PA, and that because she is the sole PA at FCC she has more work and more responsibility. This is true. While Ms. Metnik may have a greater volume and variety of work, those duties are still of the same nature as the work performed by the three comparison positions. Appellant did not challenge the accuracy of the class levels assigned to the comparable positions. The appropriately classified PA 4 comparison position is responsible for managing and administering entire purchasing systems and programs. There are no PA 4 (or even PA 3) positions of record that perform the type of duties which comprise the majority of Appellants' work. Where the language of the position standard is quite general and an appellant has not produced evidence of any comparable position at the requested level, it is very difficult to conclude that the decision denying the reclassification was incorrect. SCHMIDT V. SEC. OF STATE & DER, 89-0129-PC, 1/11/91 (reclassification request from PA 3 to PA 4).

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

Ms. Metnik has raised certain arguments or topics that need to be addressed directly. She 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. Metnik 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. Metnik exercised her right to place her request before BPHR. It is Ms. Metnik's appeal

of the BPHR decision that has brought the classification question before the Commission. Appellant has failed to point to any authority, law or rule that requires a rationale 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.

Ms. Metnik also requests compensatory damages for non-compliance with the State of Wisconsin Human Resources handbook because the reasons for the initial denial of her request on December 19, 2002 were not provided to her. Appellant fails to cite any statute granting the Commission the authority to award compensatory damages as a remedy for a claim filed under Sec. 230.44(1)(b), Stats. As an administrative agency, the Commission has only those powers that are expressly conferred or necessarily implied from the statutory provisions under which it operates. *CONWAY V. BOARD OF POLICE AND FIRE COM'RS OF CITY OF MADISON*, 2003 WI 53, 262 WIS.2D 1, 662 N.W.2D 335. The statutory provisions relating to the remedial authority of the Commission in State civil service appeals are Sec. 230.43(4) and .44(4)(c) and (d), Stats. None of these provisions supply the Commission with the authority to grant the award being sought by the Appellant.

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

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