

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

CINDY K. SCHULTZ, Appellant,

v.

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

Case 5

No. 64589

PA(der)-109

Decision No. 31326-A

Appearances:

Richard F. Rice, Fox & Fox S.C., 124 West Broadway, Monona, WI 53716, appearing on behalf of Cindy Schultz.

Howard Bernstein, Legal Counsel, Department of Workforce Development, P. O. Box 7946, Madison, WI 53707-7946, appearing on behalf of the Department of Workforce Development and the Office of State Employment Relations.

DECISION AND ORDER

This matter is before the Wisconsin Employment Relations Commission on an appeal of Respondents' decision to reallocate Ms. Schultz' position from Information Systems (IS) Technical Services – Senior to IS Network Services – Senior, rather than IS Network Services – Specialist, effective January 23, 2005. Kurt M. Stege of the Commission's staff was designated as the hearing examiner and conducted a hearing on September 13, 2005. The parties filed post-hearing briefs and the final brief was submitted on January 18, 2006. The hearing examiner issued a proposed decision on February 23, 2007. No objections were filed by the requisite due date of March 26, 2007.

At all relevant times, Cindy Schultz has been employed in the Division of Administrative Services of the Bureau of Information Technology Services in the Department of Workforce Development (DWD). Steve Mueller, chief of the Bureau's Network Infrastructure Services Section, has served as her supervisor since 2001.

Ms. Schultz's responsibilities relate to both the voice and the data communication systems relied upon by DWD. Her primary duties are to add, remove or otherwise change voice communications equipment, lines and services for DWD locations and partners within one of several geographic regions of the state, and to provide data connectivity services, including T1 and DSL lines, for the same locations. There are a total of approximately 30

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to 40 different sites in her region. She provides hardware and software support for the DWD-owned computers in the region, allowing her to address connectivity problems. She coordinates the voice and the data connections for DWD and partner entities when the employees who use the equipment move locations, either within a building or to a different building. In some instances, Ms. Schultz actually performs the installation work and in other instances she arranges to have the phone company do the work and later checks to confirm that the equipment is operating correctly. Appellant's voice communication responsibilities include taking the steps to change phone numbers for her region in the State's Centrex phone system. In contrast to other DWD employees in the network management area who are more involved in the configuration (i.e. making ready for installation) of the equipment, Ms. Schultz is more involved in removing and installing equipment and making sure that it works once installed.¹

Prior to 2001, Ms. Schultz's responsibilities related solely to DWD's voice network. In 2001, voice and data responsibilities were combined.

Since 2001, Ms. Schultz, Jim Pautz and Gary Whirry have performed substantially identical duties for three different geographical areas of the State. Generally described, these areas are northwestern Wisconsin (Appellant's region), northeastern Wisconsin and southern Wisconsin. Dane County is segregated from the three areas and the corresponding responsibilities for the Dane County "region" are shared by other individuals as explained more fully below.

Ms. Schultz, Jim Pautz and Gary Whirry cross-trained each other in 2001 because Pautz and Whirry had substantial experience with data communications while Schultz had comparable experience with voice communications.

Although Mr. Mueller has been Appellant's supervisor, Cindy Thorne, whose position is classified as IS Network Services Consultant/Administrator, is the "team leader" for the data communications responsibilities assigned to Schultz, Pautz and Whirry. Connie Rainbolt served as the Telecommunications (i.e. Voice Communications) Manager for DWD and she coordinated the work that Schultz, Pautz and Whirry performed relating to voice communications. Mr. Mueller supervised Ms. Thorne throughout the relevant time period. However, Ms. Rainbolt's position was moved out of Mr. Mueller's bureau in 2003.

¹ The record includes an exhibit that is sufficiently misleading to warrant clarification. Respondent's Exhibit 4 is a four-page document, the first page of which identifies it as the 1998 position description for the Appellant's position. However, the final three pages of the exhibit describe the position of Chief of the Telecommunications Section of the Bureau of Information Technology Services, and not the Appellant's position.

The relevant portions of the IS Network Services classification² read as follows:

E. Entrance Into and Progression Through This Series

Employees enter positions within this classification series by competition. Progression to the IS Network Services Senior level will occur through reclassification. A progression series means a classification grouping whereby the class specifications specifically identify an entry and full performance senior level. The full performance senior level within a progression series means the classification level that any employee could reasonably be expected to achieve with satisfactory performance of increasingly complex duties or the attainment of specified training, education, or experience.

An employee may have his/her senior level position considered for reclassification from the IS Network Services Senior classification to the IS Network Services Specialist classification. . . .

A position assigned to the IS Network Services Consultant/Administrator classification is the principal technical authority for an agency or campus in the assigned IS area. . . .

II. Definitions

B. Levels³

IS SENIOR

Positions at this level work under general supervision. The technical work performed by a position at this level may be reviewed by the position's assigned supervisor for agreement with the agency's or campus' established technical direction, policies and standards. This is the full performance level, and it is the level that an employee in this series can reasonably expect to attain. An employee at this level has acquired a broad knowledge of general IS concepts,

² The Commission has placed no weight on a one-page spreadsheet of uncertain provenance that purports to reflect distinctions between Senior, Specialist and Consultant/Administrator class levels.

³ Network services is one "job family" within the IS specifications maintained by OSER. Other categories include 1) data services, 2) technical services, and 3) systems development services. Each category is broken down into four levels: professional, senior, specialist and consultant/administrator. The definitions in section II.B. of the IS Network Services specifications are general definitions that apply within every job family. More specific definitional statements for each of the four class levels in the IS Network Services family are set forth in section II.C. of the specifications.

principles, practices and techniques **and** broad knowledge of the job family and classification to which the position is assigned. Positions at this level may lead positions at the Professional and Senior level in the completion of projects and work assignments. Positions at this level may support the activities of IS Specialists, Consultants, and/or Administrators and may work under the day-to-day direction of IS Specialists, Consultants, and/or Administrators.

IS SPECIALIST

Positions at this advanced level work under general review with objectives and priorities established by overall work unit directives. There is little review of technical recommendations and solutions by a supervisor. Positions at this level will assist Information Systems Consultants/Administrators and management by implementing technical policies, standards and procedures which impact on agency/campus IS functions. The employee possesses and applies comprehensive knowledge of agencywide/campuswide IS architectures as well as IS concepts, principles and practices in the specialized functional area. The position independently resolves conflicts and problems through the skilled application of theoretical and practical knowledge of the specialized area as well as the application of general policies and agencywide/campuswide IS policies and standards. Work assignments are difficult and complex and focus on IS as defined under the Classification Definitions section of this specification. Positions at this level interact with agency or campus business managers and IS customers as well as other professional IS managers and staff in the completion of assigned duties. . . .

C. Classification Definitions

IS NETWORK SERVICES SENIOR

Positions in this classification perform professional IS work related to software, hardware and connectivity which supports the functions of computers in network configurations. Networking considerations addressed by positions in this classification may include assisting Network Administrators with projects for network design and maintenance, problem/change management and definitions, installation and maintenance of network and/or server software. Positions in this classification support networks and/or servers for a majority of the time. Senior level positions spend the majority of their time performing any combination of the following duties:

- Design and install agency internet access.
- Install appropriate firewall security.

- Ensure backup of files required for network configuration/recovery.

- Coordinate projects for installation and maintenance of vendor releases of network and/or server software.
- Install LAN/s and/or WAN/s.
- Diagnose and resolve problems related to applications and systems software and/or hardware (may include gateways, hubs, routers, switches, servers, and bridges) and communications between connected computer platforms.
- Monitor and control production systems and support equipment, activities, and performance of mainframe networks as well as perform problem determination for the network.
- Implement LAN Hardware and software changes.
- Participate in the design of LAN's and/or WAN's.
- Coordinate the use of LAN/WAN connectivity media.
- Investigate and diagnose problems related to telecommunications.
- Coordinate the installation and delivery of voice telecommunications hardware and software.
- Participate in the design of new telecommunications services and hardware.
- Install, program, and maintain telecommunications equipment.
- Assist Network Services Specialists and/or Consultants with their responsibilities.

This classification includes, but is not limited to, the following representative positions or job types. Positions do not need to exactly match one of these representative positions in order to be appropriately classified at this level.

Representative Positions

IS Network Support Senior – Positions are responsible for supporting established, operational Local Area Networks (LAN) and/or Wide Area Network/s (WAN) or assigned aspects of established, operational mainframe networks. Positions may also be responsible for designing and installing LAN's or WAN's; may install, diagnose and resolve problems related to applications and systems software and/or hardware (may include gateways, hubs, routers, switches, servers and bridges) and communications between connected computer platforms; and monitor operation of the networks and oversee installation of network software and maintenance by vendor as assigned. Mainframe positions also monitor and control production systems and support equipment, activities, and performance for mainframe networks as well as perform problem determination for the network.

IS Telecommunication Senior – Positions provide telecommunications facility planning, design, configuration management, consulting and support to the Agency. Duties include support of Telecommunications technology and network related functions to ensure adequate telecommunications resources are available to the agency and its customers. Positions have in-depth knowledge of the telecommunications field and are responsible for the full scope of agency telecommunication systems.

IS NETWORK SERVICES SPECIALIST

Positions in this classification perform advanced professional IS work related to software, hardware and connectivity which supports the functions of computers in network configurations. Networking considerations addressed by positions in this classification may include coordinating network design and maintenance for assigned agency/campus customers with the LAN Project Manager, Network Administrator, or IS Supervisor and coordinating projects for network problem/change management and definitions, installation and maintenance of network and/or server software through the management of IS Network Professionals. Positions in this classification work with and support data networks for a majority of the time. Positions in this classification spend the majority of their time performing any combination of the following duties:

- Coordinate the operation of agency/campus LANs with Wide Area Network (WAN) connectivity.
- Direct IS Professionals or Technicians in the performance of systems diagnostics and capacity monitoring.
- Oversee the network configuration and manage security.
- Develop backup and recovery procedures for network configurations.
- Provide direction on LAN hardware and software changes/problem definitions.
- Coordinate the installation and maintenance of vendor releases of network software.
- Develop and support Local Area Networks (LAN) and/or Wide Area Networks (WAN).
- Configure or assist in the configuration of networks.
- Coordinate the installation of networks on multiple agency/campuswide basis.
- Diagnose and resolve complex problems related to computer network software, applications and system software and/or hardware (may include gateways, hubs, routers, switches, servers, and bridges) and communications between connected computer platforms.

- Analyze network capacity data and usage.

- Consult with agency/campus Security Officer on LAN/WAN security.
- Identify and resolve network traffic problems.
- Coordinate and ensure the installation of network software and maintenance by vendors.
- Design LANs or WANs.
- Develop and implement network management tools for network performance and traffic analysis.
- Coordinate network monitoring and operation.
- Implement firewall configurations.
- Develop telecommunications practices and procedures to manage customer needs.
- Work with other IS staff to ensure integration of telecommunications services and consistency across architectures.
- Recommend Computer Telephone Integration solutions to meet customer needs.
- Work with IS Staff, customers, and vendors to coordinate the delivery of telecommunications services.

Representative positions

IS Network Specialist – Positions are responsible for developing and supporting Local Area Networks (LAN) and/or Wide Area Network/s (WAN). Positions configure or assist the Network Administrator in the configuration of networks, coordinate the installation of networks on multiple agency/campuswide basis, diagnoses and resolution of complex problems related to computer network software, applications and systems software and/or hardware (including gateways, servers and bridges) and communications between connected computer platforms. Positions oversee and monitor usage, manage security and storage capacity, ensure backup files, provide access to files and consult on LAN hardware, software, changes/problem definitions; and develop and implement solutions to network traffic problems and ensure the installation of network software and maintenance by vendors.

The classification specifications also incorporate a separate document setting forth “Information Systems/Technology Definitions” which include the following:

Complex: In the Information Systems (IS) occupational area, complicated and difficult work delineated by the variety of distinctive tools, applications, customers, platforms or other IS factors which an individual position has to comprehend and employ successfully to complete the assigned duties.

Local Area Network (LAN): A group of computers linked together so that they may communicate with one another and share resources. In this environment, users can access hard disk drives, printers and other peripherals and take advantage of special network services such as access to a mainframe system. All of these devices are shared and are available to anyone on the network.

Network: The collection of communications hardware (wires, fiber optics, cables, routers servers, hubs, boards, etc.); data communications software; workstations; printers and applications software connected together so that customers can access the same IS services and information from many locations. Networks come in many sizes and configurations.

Telecommunications: The electronic transfer of information from one location to another using analog and digital transmissions including data, voice and video.⁴

Wide Area Network (WAN): A network which covers a broad geographic area. Data communications which link two or more geographically separated locations which may include at each node a Local Area Network (LAN).

One aspect of Appellant's work is to serve as on-call technical support during both prime and non-prime shifts. The "Network On-Call" assignment sheets for six-month periods beginning in November 2001 and November 2004 show that Appellant was added to the rotation sometime in the interim. The others on the November 2004 list are Thorne, Hedden, Whirry, Pautz, Tom Helke and Pete Wagner. Some of these individuals occupy positions that are classified at or above the Specialist level. There is nothing in the record specifying whether the person who is "on-call" when a problem call comes in will invariably answer the question that is posed by the caller, or whether the staff person may refer the more complicated questions to other staff. In the absence of such evidence and given the reference on the Hedden position description indicating he handles the "most complex" issues, we assign little weight to the fact that the Appellant is in the "on-call" rotation.

The Appellant's position is comparable, from a classification standpoint, to the Senior level position in DWD's Bureau of Information Technology Services (BITS) held by Carol

⁴ Mr. Mueller equates telecommunications with voice communications and distinguishes it from data communications. This apparent difference between a common use of the term telecommunications and the definition in the specifications makes classification analysis more difficult.

McCann which has a working title of “Intel Server Specialist.” Ms. McMann’s position is also supervised by Mr. Mueller. The position summary provides, in part:

[T]his position provides LAN and WAN support in the Technical Services Section of DWD BITS. Responsibilities include the research, evaluation, software and hardware configuration, capacity planning, implementation and on-going support of server hardware and operating systems, print and file services, tape backup systems, mainframe gateway services, directory services, application services, web services, and other related network services.

The Appellant’s position is not comparable from a classification standpoint, to the following positions classified at the Specialist level:

1. The position, also in DWD’s BITS bureau, occupied by James Stahl, with the following position summary:

Under the general supervision of the Network Infrastructure Supervisor, this position provides advanced level systems software and server operating system support, and project management in the Technical Services Section of DWD BITS. Responsibilities include the research, evaluation, project planning, software and hardware configuration, capacity planning, implementation and on-going support of operating systems, client/server software, and infrastructure systems, such as file/print, network-base FAX and CD-ROM, directory services, 3270 gateways, security, virus protection, and related networking products.

2. The Specialist position in DWD BITS occupied by James Hedden with responsibilities for data communication (but not voice communication) within Dane County. His activities include:

A7. Trouble shoot and solve network related hardware and software problems, including the most complex problems.

B4. Trouble shoot hardware and software problems for standalone and networked systems to ensure client productivity, including the most complex problems.

B9. Upgrade network hardware and software on all platforms to ensure correct configurations with the goal of maintaining network stability and reliability.

3. Richard Manteufel has both voice and data responsibilities but he is primarily responsible for voice communications. His position summary includes the following:

The position initiates, recommends, and develops departmental telecommunications policies and procedures; ensures compliance and compatibility with agency and enterprise-wide telecommunications standards; and serves on statewide project teams.

4. Thomas Brisky. The position summary describes the level of independence as “operating with a wide latitude of independent decision making.” The summary also includes the following language:

This position will advise the Section Supervisor and District Directors on information technology applications that will support the achievement of goals and objectives. . . . Provide leadership with the division’s information planning activities, cost benefit analyses for proposed technology applications, and assist division program managers with analysis of project hardware/software requirements.

The Commission issues the following

ORDER⁵

Respondents’ decision to reallocate the Appellant’s position to IS Network Services – Senior rather than IS Network Services – Specialist is affirmed and this matter is dismissed.

Given under our hands and seal at the City of Madison, Wisconsin, this 10th day of April, 2007.

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

⁵ Upon the issuance of this Order, the accompanying letter of transmittal will contain the names and addresses of the parties to this proceeding and notices to the parties concerning their rehearing and judicial review rights. The contents of that letter are hereby incorporated by reference as a part of this Order.

DWD & OSER (Schultz)

MEMORANDUM ACCOMPANYING DECISION AND ORDER

This appeal arises from Respondents' decision, made in 2005, to "correct an error" in the action of reallocating Ms. Shultz's position to the IS Technical Services – Senior classification as of December of 2000. The effective date of the 2005 decision reallocating Appellant's position from IS *Technical* Services – Senior to the IS *Network* Services – Senior class was January 23 of that year, so in its review, the Commission is seeking to determine whether, based on the permanently assigned duties at that time,⁶ Appellant's position is better described at the IS Network Services – Senior (hereafter referred to as Senior) or IS Network Services Specialist (hereafter referred to as Specialist) class level.

The Appellant has the burden of proof and must establish by a preponderance of the evidence that the Respondents' decision to reallocate her position to Senior rather than Specialist, was incorrect. *MAYER ET AL. V. DHSS & DER, CASE NO. 95-0002-PC (PERS. COMM. 12/7/95)*.

Effect of the Pautz comparison position

The primary argument raised by the Appellant in this matter is that her position must be classified at the same IS Network Services-Specialist level that has been assigned to the Jim Pautz position because the two positions perform substantially identical work.

The parties agree that since 2001, Appellant, Mr. Pautz and Gary Whirry have been performing the same work but for different geographic regions of the State. Appellant is assigned the Northwest region, Mr. Whirry handles the Northeast, and Mr. Pautz is assigned to the Southern region.⁷ All three address both the voice and data networks in their respective regions. All three positions have the working title of "WAN Installer." Nevertheless, prior to the decision that is the subject of this appeal, the three positions were assigned to three different classifications. Effective January 2005, Respondent reallocated Appellant's position so that it was consistent with the Whirry classification of IS Network Services-Senior.⁸ However, the Appellant contends her position should be classified at the same level (Specialist) as Mr. Pautz's position.

⁶ OSER (ROH), DEC. NO. 30951-A (WERC, 10/04) (the classification analysis is based on duties assigned as of the effective date of the decision being reviewed).

⁷ None of the three is responsible for Dane County.

⁸ A position may be reallocated for various reasons, one of which is for "[t]he correction of an error in the previous assignment of a position." Sec. ER 3.01(2)(e), Wis. Adm. Code.

At the time of the hearing in this matter, Mr. Pautz's position continued to have a position description that had been prepared in 1998, when his duties were limited to data networks and included project management responsibilities. The Position Summary portion of the 1998 description reads:

Under the general direction of the Network Infrastructure Unit supervisor, this position provides advanced technical assistance, consultation, project management & support of software & hardware on various platforms. The primary responsibility & expertise is in the area of research, implementation & support of the statewide data network & the coordination & scheduling of network changes. This position is also responsible for the research, implementation & integration of software & hardware on various platforms at DWD.⁹

The Pautz position was reclassified to the Specialist level in March 1998, which was nearly three years before the current specifications for the IS Network Services Classifications became effective in December of 2000. The record does not include a copy of the 1998 version of the specifications. The current version indicates that the changes in 2000 included collapsing the specification.

The 1998 Pautz position description has been inaccurate since no later than 2001 when voice and data responsibilities were consolidated between Pautz, Whirry and Schultz.¹⁰ DWD asserts that the Pautz position has been misclassified since 2001 but has not pursued reallocating or reclassifying the position from the Specialist class level so as to reflect the change in duties. The Whirry position remains classified at the Senior level.¹¹

Comparison positions are an appropriate tool for use when classifying positions. SANDERS & HUBBARD v. WIS. PERS. COMM., 94-CV-1407, 1408, DANE COUNTY CIRCUIT COURT, 11/27/96. They are especially important when a position can plausibly be described by the definition statements of both of the classifications that are in issue. RHODES v. DOT & DER, CASE NO. 96-0024-PC (PERS. COMM. 8/5/96). Consequently, it is quite understandable that Ms. Schultz and/or Mr. Whirry would become disenchanted with the class level for their own positions and that Ms. Schultz would pursue an appeal of the January 23, 2005 decision to move her classification from the Technical Services family to the Network Services family but to leave it at the Senior level.

⁹ This language is identical to that found in the 1998 Hedden position description.

¹⁰ It is unclear whether the 1998 position description was accurate for the three years between 1998 and 2001.

¹¹ The position summary for the Whirry PD dated May 2000 also fails to reflect any voice communication responsibilities but it reflects several distinctions from the 1998 Pautz PD. The Whirry PD deletes the words "advanced," "project management" and "research" in the position summary and reflects similar changes in the itemized goals and work activities. DWD had not officially updated Mr. Whirry's 2000 PD prior to hearing.

However, a *misclassified* comparison position should not be relied upon to misclassify a second position. The Commission explained this principle in DER (CHIAPETTA), DECISION No. 30760 (WERC, 1/2004):

Appellant points to the Zielesch position as an FS [Financial Specialist] 5 that has responsibilities similar to hers. There was clear testimony from the author of the class specifications that this position was not properly classified at the FS5 level and had been placed there as a result 1) of an administrative support survey that eliminated another series and 2) a policy that the survey would not result in a lowering of pay ranges for anyone. The classification was changed after Ms. Zielesch left the position. The fact that Zielesch was misclassified cannot form the basis for further misclassification of personnel. As the Commission stated in LULLING & ARNESON v. DER, 88-0136, 0137-PC, 9/13/89:

The Commission, in deciding the instant case, follows that line of cases, which establish that classification specifications should prevail over equitable considerations or instances of improper application of the specifications. (ZHE ET AL. v. DHSS & DP, 80-285-PC (11/19/81), affirmed by Dane County Circuit Court, ZHE ET AL v. PC, 81-CV-6492 (11/2/82); KENNEDY ET AL v. DP, 81-180, ETC-PC (1/20/83); MCCORD v. DER, 85-0147-PC (3/13/86)

There is an obvious discrepancy between the Specialist class level assigned to the Pautz position and the Respondents' contention that the Appellant's position is better described at the Senior level, the same as the Whirry position. Yet to the extent the tendered evidence shows that the Pautz position is *misclassified*, the Appellant's substantially identical position should not mimic the Pautz error, in the same way that if the evidence showed the Whirry position to be misclassified, Ms. Schultz's position would not be locked into Mr. Whirry's current class level. The classification analysis in this matter must reflect the fact that all three positions perform substantially identical duties, that the Pautz position is classified at the Specialist level *and* that the Whirry position is classified at the Senior level.

The language of the class specifications

The basic authority for classifying positions is the classification specifications as they are written and approved by the Office of State Employment Relations. ASLAKSON ET AL. v. DER, CASE NOS. 91-0135-PC, ETC. (PERS. COMM. 10/22/96). The relevant portions of the

specification for the Network Services classification are set out above. While the Senior and Specialist levels include some common language, there are some noteworthy differences.¹²

One distinction is the reference in the Specialist definition to “*advanced* professional IS work,” whereas the Senior level merely refers to “professional IS work.” Rather than trying to pluck terminology from Appellant’s position description that might be categorized as either “advanced” or something less than advanced, the Commission will look at the more specific evidence of record relating to the Appellant’s responsibilities. This approach is at least partially a function of the fact there is no single position description the parties have agreed upon.¹³ Fortunately, the record contains a range of work samples and descriptive summaries of Appellant’s work.

One exhibit is a lengthy spreadsheet that lists work assignments performed at various sites within the Northwest region by the Appellant over the course of several years. The exhibit listed, with few exceptions, network installation and maintenance projects and showed a high percentage that related to voice, rather than data, communication. For the period from late 2004 until early 2005, the spreadsheet reflects the following tasks: confirming that customer’s voice mailbox was configured as desired, installing a DSL line and disconnecting another line; adding voice lines; performing the phone work for moving an office or helping Mr. Pautz on the work; installing new phone numbers, voice mail fax numbers and a DSL line; deleting a controller from a router and picking up equipment; shutting down circuits and removing a controller; installing a new phone number; updating WAN sites for conversion; coordinating the move of a printer and connecting it to a new personal computer; installing and disconnecting a circuit and picking up equipment; reviewing billing spreadsheets; delivering a new computer station and connecting it to the firewall; deleting two phone numbers; disconnecting 19 phone numbers including long distance and voice mailboxes; installing a new phone number and phone set; reprogramming the main voice mail application at a site and moving two phone lines; preparing an inventory of all the WAN sites including the type of lines serving the sites; merging spreadsheet information; reviewing billing; fixing the cable connection to a work station; reprogramming a front desk phone; adding voice mail for various phone numbers; and making billing changes.

While this is not an exhaustive list of the work reflected in the relevant portion of the spreadsheet, it indicates that Ms. Schultz spent a very significant portion of her time on voice communication matters rather than on data communication assignments, and that she spent

¹² In their post-hearing brief, Respondents argued that Schultz is not properly classified at the Specialist level because she “is not the single Department expert or specialist in the functions that she provides, and this is the difference between her classification and the classifications of the employees [at the Specialist level].” Respondents’ classification analyst did not articulate this distinction during the course of her testimony and there is nothing on the face of the specifications that would bar an employee with regional rather than state-wide responsibilities from the Specialist classification.

¹³ Respondents’ classification analyst based her reallocation decision on Appellant’s 1998 position description. The Appellant began performing data network responsibilities in 2001, so the analyst’s conclusion has little relevance to the Commission’s analysis.

much more of her time on installation and maintenance responsibilities, rather than on analysis, planning and design of the data network.

Other exhibits,¹⁴ as explained in related testimony, offer support for this conclusion.

- Appellant was involved in creating spreadsheets breaking down voice communication costs for the individual work units at the Chippewa County Job Center, which was preparing for a location change. Related spreadsheets compared the costs associated with moving the existing phone system versus installing a new Centrex system. While the Appellant contends that these spreadsheets reflect “research” at the Specialist level, they are focused on costs rather than technological capabilities/compatibilities and the testimony showed that Mr. Mueller was actively involved in this project, thereby undercutting any argument that it is best described at the Specialist level.
- An e-mail exchange relating to a router at a county courthouse indicates that someone other than the Appellant was responsible for making the key decisions regarding the necessary changes and that while the Appellant provided some basic cost information, configuration of the equipment was handled elsewhere.
- Appellant’s role relating to moving the Phillips Job Center encompassed installation of the on-site hardware and then checking the system. The remote site was connected by a DSL line, at substantial savings from the standard T1 line. In order to secure the DSL line, DWD had to use Virtual Private Network (VPN) technology. DWD’s Tom Helke, rather than Appellant, was responsible for installing the VPN components and all the configuring.

Another distinction between the Senior and Specialist levels is in the level of knowledge that is required. At the Senior level, the employee must have “broad knowledge of general IS concepts, principles, practices and techniques and broad knowledge of the [Network Services] job family. . . .” An employee at the Specialist level must possess and apply “comprehensive knowledge of agencywide . . . IS architectures as well as IS concepts, principles and practices in the specialized functional area.” According to a document relating to Appellant’s work performance¹⁵ during the period ending in June 2003, she took “several courses during the past

¹⁴ Appellant offered these documents as evidence of performance at the Specialist level. However, the record shows that other employees played major roles related to these exhibits and Appellant’s responsibilities were more limited in scope and complexity than might otherwise appear.

¹⁵ In this case and generally speaking, the quality of an employee’s work is not an appropriate classification factor. Compare, *McNOWN [WILLIAMS] v. DILHR & DER*, CASE NO. 94-0828-PC (PERS. COMM. 11/14/95). The Commission’s reference to Ms. Schultz’s evaluation is made solely to assess the scope of the technical knowledge required to fill the position.

year to learn more about how routers and switches work, and general data networking concepts.” Even though this was written approximately 18 months before the effective date of the reallocation, it indicates that the Appellant’s knowledge had not reached the “comprehensive” level at that time and there is nothing of record to suggest that the Appellant possessed and applied “comprehensive” knowledge of network technology by the January 2005 effective date of the reallocation.

The IS Senior level includes the following work examples (paraphrased in some instances):

- Install LANs and/or WANs and participate in their design
- Diagnose and resolve network-related problems
- Investigate and diagnose problems related to telecommunications.
- Coordinate the installation and delivery of voice telecommunications
- Install, program and maintain telecommunications services and hardware

These accurately describe the Appellant’s position which spends the majority of time installing LANs or WANs and installing or coordinating the installation of voice communication hardware. Appellant’s other duties are secondary and she has failed to show that she spends the majority of her time performing work that is better described at the Specialist level.

The Appellant contends that because some of her work involves dealing directly with “customers,” her position is more appropriately classed at the Specialist level:

Senior level employees typically do not interact with Customers and Client[s] as the definition for a Senior is silent about such interaction. However, a Specialist is defined as an employee who “interact[s] with agency or campus business managers and IS customers as well as other professional IS managers and staff in the completion of assigned duties.”

While this argument has some superficial appeal, we believe that some degree of contact with customers is implicit at the Senior level. It is difficult to believe that the Senior definition is only broad enough to include those installers who complete all of their work in the utility closets of the offices connected to the agency network, without having exchanged important information directly with the customers.

Comparison positions

Mr. Mueller, the Appellant’s supervisor, was the direct supervisor of both IS Seniors and Specialists. He was in an excellent position to distinguish his subordinate positions and would have no incentive to attempt to understate one employee’s position relative to another’s.

Mueller supervises the Senior-level McCann position, which has responsibilities that are comparable to Appellant and relate to “research, evaluation, software and hardware configuration, capacity planning, implementation and on-going support” of various network services. Mueller also supervises the Specialist-level position occupied by James Hedden, who is responsible for troubleshooting and solving “the most complex” network-related problems. According to Mr. Mueller, Mr. Hedden spends the majority of his time on duties, such as having primary responsibility for the data communications for the agency’s data center at GEF 1, that are dissimilar to the duties performed Ms. Schultz. Hedden is the person in charge of cooling and electrical systems for the DWD Data Center, as well as the Center’s network connectivity. He performs work that is unique to the Center such as maintaining DHCP scopes and the UPS system.

James Stahl occupies another Specialist-level position within the Bureau of Information Technology Services. He provides “advanced level systems software and server operating system support, and project management.” Emblematic of some of Mr. Stahl’s higher level duties¹⁶ are the following activities:

A7. *Pilot* new products and coordinate product implementation with DOA Info Tech for use in the client/server and DWD mainframe environment, such as TCP/IP software.

B2. *Maintain advanced technical expertise* in the use of the DWD BITS hardware/software system facilities, such as operating systems, network communications, and Internet software.

B4. *Serve as a technical consultant* for review and verification of technical feasibility and the integration of new systems and software into DWD’s technical architecture.

These responsibilities extend well beyond those performed by Ms. Schultz.

Mr. Manteufel, another Specialist, has a higher reporting level than Ms. Schultz. His duties are also differentiated because he *leads* research, installation, testing and implementation; develops, customizes and integrates new voice communication system facilities into the existing corporate automation environment; *leads* troubleshooting and solving telecommunications-related hardware and software problems; coordinates the evaluation and development of long and short-range strategic voice communications systems goals, and related standards and guidelines; and serves in the role of “technical consultant” for review and verification of technical feasibility and integration of new voice communication systems.

¹⁶ According to activity B6, Mr. Stahl *assists* with prime and non-prime shift on-call technical support. This description indicates that the use of “assist” when describing an employee’s role handling on-call technical support is not determinative of class level.

Mr. Brisky, also a Specialist, performs various tasks to plan and implement enhancements and to expand and manage a large-scale local area network that are more advanced than those tasks performed by Ms. Schultz. He tests and analyzes hardware and software to determine if the product meets the needs of the division. He assesses the relative efficiency of the equipment and software and conducts feasibility studies.

Summary

The bulk of the evidence shows that DWD's action of continuing to classify the Pautz position at the Specialist level is an anomalous situation that is inconsistent with the operative class specifications, and that the Commission would be furthering the erroneous Pautz classification if we were to also place the Appellant's position at the Specialist level. Mr. Pautz moved into the role of a regional WAN installer when he exchanged duties with another DWD employee, Terence Thompson.¹⁷ At the time, Pautz was experiencing health problems. Management maintained his classification level but has alluded to the prospect of a reorganization that would address the classification inconsistency. Given the record before us, there is insufficient basis for rejecting the Respondents' decision to reallocate the Appellant's position to the Senior rather than the Specialist level.

Dated at Madison, Wisconsin, this 10th day of April, 2007.

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

¹⁷ As an attachment to her post-hearing reply brief, Appellant supplied a copy of one of Mr. Thompson's position descriptions. The document is extra-record and the Commission cannot consider it.