

Table of Contents

A Classification Compliance Audit Report on the Texas Courts of Appeals Districts 1 through 14

April 1996

Key Points of Report

Overview	1
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Section 1:

No Recommendations For The First Court of Appeals	3
--	---

Section 2:

Two Recommendations For The Second Court of Appeals	3
--	---

Section 3:

Two Recommendations For The Third Court of Appeals	4
---	---

Section 4:

One Recommendation For The Fourth Court of Appeals	5
---	---

Section 5:

No Recommendations For The Fifth Court of Appeals	6
--	---

Section 6:

No Recommendations For The Sixth Court of Appeals	6
--	---

Table of Contents

Section 7: One Recommendation For The Seventh Court of Appeals	6
Section 8: No Recommendations For The Eighth Court of Appeals	7
Section 9: No Recommendations For The Ninth Court of Appeals	7
Section 10: No Recommendations For The Tenth Court of Appeals	7
Section 11: One Recommendation For The Eleventh Court of Appeals	7
Section 12: No Recommendations For The Twelfth Court of Appeals	7
Section 13: Five Recommendations For The Thirteenth Court of Appeals	8
Section 14: One Recommendation For The Fourteenth Court of Appeals	11
Appendix Objective, Scope, and Methodology	13

Key Points Of Report

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Overall Conclusion

The Texas Courts of Appeals Districts 1 through 14 have an overall 90 percent rate of compliance with the Position Classification Plan. The Courts were reviewed to monitor their compliance with the Position Classification Plan.

Key Facts And Findings

- Thirteen of 122 positions reviewed were inappropriately classified.

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This review of all 122 full-time classified positions with Districts 1 through 14 was conducted in accordance with the Position Classification Act, Texas Government Code, Chapter 654.

Overview

Thirteen positions out of 122 at the Texas Courts of Appeals Districts 1 through 14 were found to be misclassified. The Courts have a 90 percent rate of compliance with the

Position Classification Plan. To correct misclassified positions, the Courts may either classify the positions according to our recommendations or restructure them.

Recommendations			
	*Position Number	Class Number	Title
Present: Recommended:	21	0131-05 0006-05	Secretary I Switchboard Operator/Receptionist
Present: Recommended:	22	0051-02 8001-02	Clerk I Building Custodian I
Present: Recommended:	31	1504-15 3564-13	Administrative Technician IV Appellate Secretary III
Present: Recommended:	32	1502-11 3562-11	Administrative Technician II Appellate Secretary II
Present: Recommended:	33	3556-17 1551-18	Deputy Clerk IV Staff Services Officer II
Present: Recommended:	73	1004-10 1161-11	Accounting Clerk IV Accountant I
Present: Recommended:	97	0051-02 8001-02	Clerk I Building Custodian I
Present: Recommended:	103	3556-17 1551-18	Deputy Clerk IV Staff Services Officer II
Present: Recommended:	108	0133-06 3560-09	Secretary II Appellate Secretary I
Present: Recommended:	109	1504-15 3564-13	Administrative Technician IV Appellate Secretary III
Present: Recommended:	110	1504-15 3564-13	Administrative Technician IV Appellate Secretary III
Present: Recommended:	111	1501-08 3560-09	Administrative Technician I Appellate Secretary I
Present: Recommended:	122	1506-17 3564-13	Executive Assistant I Appellate Secretary III

*In order to protect the confidentiality of those employees whose positions were reviewed, each incumbent was assigned a position number. A listing of each employee and his or her assigned number has been provided to the applicable Court of Appeals.

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Section 1:

No Recommendations For The First Court of Appeals

We found no misclassifications of positions during our review.

Section 2:

Two Recommendations For The Second Court of Appeals

The Second Court of Appeals has an 85 percent rate of compliance with the Position Classification Plan.

Section 2-A:

Position Number 21 is Misclassified

The Secretary I (0131-05), Position Number 21, should be a Switchboard Operator/Receptionist (0006-05). The incumbent is responsible for answering the telephone, preparing outgoing mail, and opening and sorting incoming mail. These duties, which comprise the majority of the incumbent's time, fall within the Switchboard Operator class.

The position should not be classified as a Secretary I because the incumbent does not type letters, memoranda, and reports; take and transcribe dictation; keep records of due dates; and/ or maintain files.

Section 2-B:

Position Number 22 is Misclassified

The Clerk I (0051-02), Position Number 22, should be a Building Custodian I (8001-02). The incumbent is responsible for emptying wastebaskets, cleaning, vacuuming and dusting offices, and cleaning bathrooms.

This position should not be classified as a Clerk I because the incumbent does not check documents for completeness and accuracy, make postings to agency records, prepare simple summaries, or assemble and file materials by predetermined categories. The majority, 65 percent, of the incumbent's duties are considered custodial.

Management's Response:

With respect to the recommendation that two of our positions be reclassified, position number 21, Secretary I (0131-05), will be reclassified to a Switchboard Operator/Receptionist (0006-05) and position number 22, (Clerk I (0051-02), will be reclassified to a Building Custodian I (8001-02).

Two Recommendations For The Third Court of Appeals

The Third Court of Appeals has a 78 percent rate of compliance with the Position Classification Plan.

Section 3-A:

Position Number 31 is Misclassified

The Administrative Technician IV (1504-15), should be an Appellate Secretary III (3564-13). The majority of the incumbent's duties involve typing and editing court opinions and orders, preparing judgements, and making copies of opinions and orders. These duties compare favorably with the duties of appropriately classified Appellate Secretaries across courts.

This position should be classified as an appellate secretary because the Appellate Secretary III classification is occupationally specific to the duties performed.

Management's Response:

We disagree with the recommendation on this employee. Since this employee is responsible for all work done by the other appellate secretary and monitors the work flow for all the judges and staff attorneys we believe that this employee's duties are comparable to the duties performed by a secretary of a Supreme Court Judge and they are classified as Executive Assistant I.

Auditor's Follow-up Comment:

The incumbent provides secretarial support for court legal staff and functions as an intermediary in carrying out administrative duties and preparing legal opinions and documents. These duties and responsibilities correspond directly with the Appellate Secretary class series. This class series was created for the Courts in order to properly classify their clerical staff and provide an occupationally specific series.

The incumbent should not be classified as a Executive Assistant I because the incumbent does not develop administrative procedures, standards, and/or methods. The incumbent also does not prepare technical aspects of manuals and publications or supervise technical and/or clerical staff. We continue to believe that the duties performed by the incumbent support the Appellate Secretary III class and the duties provided by the Court do not justify the Executive Assistant I classification.

Section 3-B:

Position Number 32 is Misclassified

The Administrative Technician II (1502-11), should be an Appellate Secretary II (3562-11). The majority of this position's duties involve preparing legal correspondence and

court orders, maintaining the Court's docket calendar, and coordinating the Court's alternative dispute resolution service. This is appellate secretary work and is comparable to appropriately classified Appellate Secretaries in the various courts.

This position should be classified as an appellate secretary because the Appellate Secretary II classification is occupationally specific to the duties performed.

Management's Response:

We believe that the duties performed by this employee were quite broad and varied and would fit either category. We do not disagree with your recommendation on the classification chosen for this position.

Section 4:

One Recommendation For The Fourth Court of Appeals

The Fourth Court of Appeals has a 90 percent rate of compliance with the Position Classification Plan.

Section 4-A:

Position Number 33 is Misclassified

The Deputy Clerk IV (3556-17), should be a Staff Services Officer II (1551-18). The incumbent is responsible for maintaining the local area network, and installing hardware and software. The incumbent functions as a case manager by providing upgrades. The incumbent also functions as a payroll and accounting manager by preparing monthly payroll reports and monitoring the agency budget. The incumbent supervises a diverse group including an Accountant, Deputy Clerks, and Appellate Secretaries. The Staff Service Officer class series is intended for positions such as these which are responsible for planning, directing, and coordinating several staff functions such as: LAN maintenance, personnel management, payroll, and accounting functions.

Whereas duties performed by the Deputy Clerks in the various courts could only be performed in a court setting (drafting judgements and mandates, case management), the duties performed by the incumbent are found in other state agencies by persons performing similar multiple functions.

Management's Response:

We concur with your recommendation that the Deputy Clerk IV in our agency should be reclassified to a Staff Services Officer II. The reclassification of this employee will be undertaken immediately.

Section 5:

No Recommendations For The Fifth Court of Appeals

We found no misclassifications of positions during our review.

Section 6:

No Recommendations For The Sixth Court of Appeals

We found no misclassifications of positions during our review.

Section 7:

One Recommendation For The Seventh Court of Appeals

The Seventh Court of Appeals has an 88 percent rate of compliance with the Position Classification Plan.

Section 7-A:

Position Number 73 is Misclassified

The Accounting Clerk IV (1004-10), should be an Accountant I (1161-11). The majority of this position's duties involve preparing payroll reports, annual financial reports and budget requests, purchase, travel, deposit and journal vouchers, and reconciling accounts. These duties match the job description for an Accountant I as well as match the duties performed by properly classified accountants within the other Courts of Appeals.

This position should not be classified as an Accounting Clerk IV because the duties performed by the incumbent require greater independent decision-making responsibility, and because the incumbent has the responsibility of resolving all accounting matters for the entire Court. The incumbent does not merely function in a "lead" accounting/clerical capacity.

Management's Response:

Although the incumbent's responsibility for resolving the accounting matters of the Court is under the supervision and with the concurrence of the Clerk of the Court and when necessary, by the direction of the Chief Justice, the duties performed by the incumbent, particularly in light of the comparatively recent innovations in State-wide accounting procedures, more accurately match the description for an Accountant I. Therefore, the position is being reclassified from an Accounting Clerk IV to an Accountant I.

Section 8:

No Recommendations For The Eighth Court of Appeals

We found no misclassifications of positions during our review.

Section 9:

No Recommendations For The Ninth Court of Appeals

We found no misclassifications of positions during our review.

Section 10:

No Recommendations For The Tenth Court of Appeals

We found no misclassifications of positions during our review.

Section 11:

One Recommendation For The Eleventh Court of Appeals

The Eleventh Court of Appeals has an 80 percent rate of compliance with the Position Classification Plan.

Section 11-A:

Position Number 97 is Misclassified

The Clerk I (0051-02), should be a Building Custodian I (8001-02). The incumbent performs cleaning and maintenance work in the Court's offices, in addition to shelving books in the Court's library.

This position should not be classified as a Clerk I because the incumbent does not check documents for accuracy, make simple postings to agency records, prepare simple summaries of statistical reports, or perform general clerical duties.

Management's Response:

We agree with your recommendation to reclassify the above employee. We will begin procedures to get this accomplished.

Section 12:

No Recommendations For The Twelfth Court of Appeals

We found no misclassifications of positions during our review.

Five Recommendations For The Thirteenth Court of Appeals

The Thirteenth Court of Appeals has a 45 percent rate of compliance with the Position Classification Plan.

Section 13-A:

Position Number 103 is Misclassified

The Deputy Clerk IV (3556-17), should be a Staff Services Officer II (1551-18). The incumbent is responsible for maintaining the local area network, performing case management, and processing purchase orders. The incumbent is also the payroll and accounting agent for the Court. The Staff Service Officer class series is intended for positions such as these which are responsible for planning, directing, and coordinating several staff functions such as: LAN maintenance, personnel management, payroll, and accounting functions.

This position should not be classified as a Deputy Clerk IV since the duties performed by the incumbent are not found in the Deputy Clerk job description, nor are they comparable with other Deputy Clerks across the other Courts. Whereas duties performed by the Deputy Clerks in the various Courts could only be performed in a court setting (drafting judgements and mandates, case management), the duties performed by the incumbent are found in other state agencies by employees performing similar multiple functions.

Management's Response:

We agree that this position would be better classified as a Staff Services Officer II (1551-18).

Section 13-B:

Position Number 108 is Misclassified

The Secretary II (0133-06), should be an Appellate Secretary I (3560-09). The duties performed by the incumbent involve preparing docket sheets for trial, typing and finalizing opinions, and providing clerical assistance to attorneys. These duties match those performed by other Appellate Secretaries in the other Courts and are occupationally specific to the appellate secretary field.

Management's Response:

At the time of employment, we determine the position title which is most appropriate for the duties to be performed by the employee. We also try to put our employees on a career ladder of sorts by placing them in an entry level position and then giving them the opportunity for advancement by assuming new duties and responsibilities. We believe that the SAO's recommendations which appear to require us to only use

Appellate Secretary positions too limiting and will restrict our employees' advancement opportunities.

Additionally, the SAO's recommendations for position number 108 would require a substantial pay increase. We are limited to the funding appropriated by the legislature, and, under our current appropriations, we do not have the funds to pay the increased salaries for the positions recommended by the SAO.

Auditor's Follow-up Comment:

The Appellate Secretary class series was designed specifically for the Courts in order to properly classify employees who provide secretarial support for court legal staff and who function as an intermediary in carrying out administrative duties for the Court. Inherent in this class series is a career ladder which will assist the Court in providing career development while ensuring the proper classification of its employees. Issues of funding need to be addressed at the appropriate time during the next legislative session. The incumbent should not be classified as a Secretary II because the duties performed, such as finalizing opinions and preparing submission sheets are of a higher level than the Secretary II. Only 40 percent of the incumbent's duties match the Secretary II classification description. A full 60 percent of the duties performed by the incumbent correspond to the Appellate Secretary class series. As a point of clarification, the phrase "occupationally specific" relates to the overall environment in which the work is performed and denotes the specialized career ladder that has been established for the Courts.

Section 13-C:

Position Number 109 is Misclassified

The Administrative Technician IV (1504-15), should be an Appellate Secretary III (3564-13). The majority of the duties performed by the incumbent involve checking transcripts, motions, briefs, and other documents for compliance; pulling briefs from files; making and mailing out opinions; and performing data entry. In addition, the duties performed are occupationally specific to the appellate secretary field. The duties performed are similar to those performed by Position Number 106 which is properly classified as an Appellate Secretary III within the same Court. The duties performed are also comparable to those performed by properly classified appellate secretaries across the other Courts.

Management's Response:

At the time of employment, we determine the position title which is most appropriate for the duties to be performed by the employee. We also try to put our employees on a career ladder of sorts by placing them in an entry level position and then giving them the opportunity for advancement by assuming new duties and responsibilities. We believe that the SAO's recommendations which appear to require us to only use

Appellate Secretary positions too limiting and will restrict our employees' advancement opportunities.

Auditor's Follow-up Comment:

The duties performed are similar to those performed by Position Number 106 which is an appropriately classified Appellate Secretary III within the same Court. A full 70 percent of the duties performed by the incumbent correspond to the Appellate Secretary class series. The Appellate Secretary class series was designed specifically for employees of the Court who provide secretarial support for Court legal staff and who function as an intermediary in carrying out administrative duties for the Court. Inherent in the design of the class series is a career ladder which will assist the Court in providing career development opportunities while ensuring the proper classification of its employees. State agencies should not misclassify employees in order to compensate them at a higher level.

Section 13-D:

Position Number 110 is Misclassified

The Administrative Technician IV (1504-15), should be an Appellate Secretary III (3564-13). The majority of this position's duties involve preparing opinions and judgements; submitting letters, judges' sheets, and mandates; and disposing of exhibits. In addition, the duties performed are occupationally specific to the Appellate Secretary career field. The duties performed are also comparable to those performed by properly classified appellate secretaries across the other Courts.

Management's Response:

We agree that this position is misclassified as an Administrative Technician IV and should be an Appellate Secretary III.

Section 13-E:

Position Number 111 is Misclassified

The Administrative Technician I (1501-08), should be an Appellate Secretary I (3560-09). The majority of this position's duties involve receiving and entering transcripts and original proceedings, entering correspondence, and reviewing civil records. These duties are comparable to properly classified appellate secretaries in other Courts. The duties performed are occupationally specific to the appellate secretary career field.

Management's Response:

At the time of employment, we determine the position title which is most appropriate for the duties to be performed by the employee. We also try to put our employees on a career ladder of sorts by placing them in an entry level position and then giving them

the opportunity for advancement by assuming new duties and responsibilities. We believe that the SAO's recommendations which appear to require us to only use Appellate Secretary positions too limiting and will restrict our employees' advancement opportunities.

Additionally, the SAO's recommendations for positions number 108 and 111 would require a substantial pay increase. We are limited to the funding appropriated by the legislature, and, under our current appropriations, we do not have the funds to pay the increased salaries for the positions recommended by the SAO.

Auditor's Follow-up Comment:

The duties performed are similar to those performed by Position Number 106 which is an appropriately classified Appellate Secretary III within the same Court. The Appellate Secretary class series was designed specifically for employees of the Court who provide secretarial support for Court legal staff and who function as an intermediary in carrying out administrative duties for the Court. Inherent in the design of the class series is a career ladder which will assist the Court in providing career development opportunities while ensuring the proper classification of its employees.

Section 14:

One Recommendation For The Fourteenth Court of Appeals

The Fourteenth Court of Appeals has a 91 percent rate of compliance with the Position Classification Plan.

Section 14-A:

Position Number 122 is Misclassified

The Executive Assistant I (1506-17), should be an Appellate Secretary III (3564-13). The majority of this position's duties involve typing drafts, opinions, orders, and judgements; copying case opinions; and answering phones and taking messages. The incumbent does not develop administrative procedures, standards and/or methods; prepare technical aspects of manuals and publications; or supervise the review and evaluation of work content for the purpose of developing administrative practices and formulating of policies. These duties form the essential functions of the Executive Assistant I job description.

The duties performed by the incumbent are occupationally specific to the appellate secretary classification: type from drafts, opinions, orders, judgements and mandates for attorneys and judges; copy assigned case opinions; answer phones and take messages; and keep a filing system. These duties are comparable to the duties and responsibilities of properly classified appellate secretaries across the Courts. For these reasons, the Appellate Secretary III classification is the most appropriate.

Management's Response:

The Court has inherited a situation from our former Chief Justice where the above position was misclassified. The Court will restructure the duties for the Executive Assistant I position. In order to accomplish this the employee will advise the Chief Justice on administrative matters for the Court and provide technical assistance to the Chief Justice. These additional duties will help ensure the Court to be in compliance with the Position Classification Plan.

Auditor's Follow-up Comment:

We continue to believe that the duties performed by the incumbent support the Appellate Secretary III classification and the duties provided by the Court do not justify the Executive Assistant I classification. State agencies should not misclassify employees in order to compensate them at a higher level.

Appendix:

Objective, Scope, and Methodology

The Courts of Appeals for Districts 1 through 14 were selected for review in order to monitor their compliance with the Position Classification Plan.

In determining whether all full-time classified positions within Districts 1 through 14 were appropriately classified, we reviewed:

- state job descriptions
- position questionnaires completed by incumbents
- organizational reporting relationships
- internal salary relationships
- classification usage across the Courts

In addition, we conducted telephone interviews with 32 employees and three supervisors.

This review was conducted in accordance with the Position Classification Act, Texas Government Code, Chapter 654.