

BEFORE THE ARBITRATOR

 :
 In the Matter of the Arbitration :
 of a Dispute Between :
 : Case 88
 PORTAGE COUNTY COURTHOUSE, HEALTH : No. 46004
 CARE CENTER, HUMAN SERVICES AND : MA-6840
 LIBRARY EMPLOYEES LOCAL 348, :
 AFSCME, AFL-CIO :
 :
 and :
 :
 PORTAGE COUNTY :
 :

Appearances:

Mr. Guido Cecchini, Staff Representative, Wisconsin Council 40, AFSCME, AFL-CIO, appearing on behalf of the Union.
Mr. Philip H. Deger, Personnel Director, Portage County, appearing on behalf of the County.

ARBITRATION AWARD

Local 348, AFSCME, AFL-CIO, herein the Union, on July 19, 1991, requested the Wisconsin Employment Relations Commission to designate a member of its staff as Arbitrator in the captioned matter. The County concurred in the Union's request and hearing in the matter was held on September 30, 1991. The hearing was not transcribed and the County filed its posthearing brief on October 31, 1991. On February 17, 1992, the undersigned received a letter from the Union requesting that the attached sealed statement from the Director of the Portage County Human Services Department be included in the record because she had not been offered the opportunity to testify in this proceeding. On February 20, 1992, I advised both parties that absent an agreement between them to reopen the record to allow the statement in evidence or reconvene the hearing to take additional testimony a showing must be made that the testimony concerned matters not known at the time of hearing or other good cause existed to reopen the record or the request would be denied. No such agreement or showing was made, and the statement has not been opened or considered. On April 2, 1992, the Union filed its reply brief.

ISSUE:

At hearing, the parties stipulated to the following statement of the issue to be resolved by the undersigned:

Should Judy Jaworski and Judy Mattlin be awarded a wage "upgrade" pursuant to Article 23 of the labor agreement? If so, what should it be?

PERTINENT CONTRACT LANGUAGE:

ARTICLE 23 - RECLASSIFICATION PROCEDURE

A) A request for reclassification may be initiated by: (1) the employee, with department head concurrence; (2) the supervisor or department head; (3) the appropriate governing committee; (4) the Personnel Committee; or (5) the Union. A request for reclassification should include the following supporting documentation: A current job description, organization chart for the appropriate work unit, suggested classification or pay grade, reason for the reclassification request, and an indication of other positions performing comparable work.

B) In general, reclassification requests shall be processed in the following manner:

(1) The appropriate governing committee shall recommend a proposed new classification or pay grade;

(2) An audit will be conducted by the Personnel Department to determine what adjustment, if any, should be made in the classification;

(3) The recommendation contained in the above-referenced audit shall be acted on by the Personnel Committee.

Requests for reclassification will be accepted each year no later than May 15. Audits will be conducted by the Personnel Department by September 1 and recommendations forwarded to the Personnel Committee for action in September. However, the Personnel Committee may initiate a reclassification at any time it feels a particular department would benefit from it. A report on the fiscal impact of upgrade and/or reclassification will be forwarded to the Finance Committee for review. If a reclassification is granted, the appropriate wage upgrade shall be effective July 1 of the year initiated.

By the end of May, the Employer shall provide the Union with a list of all bargaining unit employees and positions for whom a reclassification request has been made. The Employer shall furnish the Union with a copy of the results of the Personnel Department's audit. The Personnel Committee shall make a decision to approve or to reject the reclassification by the end of September. The decision shall be communicated promptly to the Union. The decision of the Personnel Committee shall be subject to the grievance procedure.

C) There are three primary reasons for considering the reclassification of a position or upgrade of a classification; (1) If it is felt that the position was improperly classified or graded when it

was first placed on the salary schedule; (2) If the duties and responsibilities of a position undergo a major alteration, either expansion or curtailment, it may be necessary to amend the class plan to reflect such changes; and (3) more commonly, there is a gradual growth of a position as additional duties and responsibilities are assigned.

If the duties and responsibilities of a position gradually increase to the extent that they substantially exceed the normal requirements for the class, a reclassification may be in order. It must be understood that the classification is based on the kinds and levels of duties assigned to the position, not the employee's skills or level of performance. Reclassification should not be used as a performance award.

Memorandum of Understanding

During the negotiations leading to the 1990-1991 contract, the following agreements were reached that are not part of the contract text:

. . .

4. The County shall process the following reclassification requests under article 23 of the Agreement, as soon as possible (any approved request to be effective 7-190)

<u>Dept</u>	<u>Position</u>	<u>Incumbent(s)</u>
CHSD	Bookkeeper II	S. Haasl
CHSD	Typist II	J. Mattlin
CHSD	Typist II	J. Jaworski
Dist. Atty.	Fraud Investigator	C. Davies

. . .

BACKGROUND

In 1989, Hintz, supervisor of Jaworski and Mattlin, prepared a position reclassification request seeking the reclassification of Jaworski and Mattlin from Typist II to Account Clerk II. The rate of pay under the 1988-89 collective bargaining agreement for a Typist II was \$7.21 per hour whereas the rate in effect for an Account Clerk II was \$7.58 per hour. The subject of their reclassification was also discussed during negotiations for a successor collective bargaining agreement which was to be effective January 1, 1990 through December 31, 1991. In those negotiations the parties agreed in a memorandum of understanding that the County would process the Mattlin and Jaworski reclassification request pursuant to Article 23 of the contract as soon as possible and that any approved request was to be effective July 1, 1990.

In April of 1991, the County Personnel Director reviewed the Human Services Department request for reclassification of Jaworski and Mattlin. Subsequent to his review, the Personnel Director recommended to the County Personnel Committee that the reclassification be denied at that time and that the County consider a County-wide audit of all clerical positions prior to the 1992 labor negotiations. The Personnel Director's recommendation was based upon his analysis of a comparison of the Typist II position in the Human

Services Department with Typist II positions in the Department of Aging, Planning and Zoning and the UW extension departments as well as other positions within the Human Services Department. At its June 24, 1991 meeting, the County Personnel Committee agreed with the Personnel Director's recommendation and denied Jaworski and Mattlin's request for reclassification. Thereafter, on May 7, 1991, Jaworski and Mattlin filed the subject grievance contesting the Personnel Committee's denial of their reclassification request.

Their supervisor, Hintz, testified as to the many changes which had occurred in the Typist II position in the Human Services Department since the reorganization in 1985, combining two departments and maintaining the two existing typist positions. Hintz testified that she believed the duties and responsibilities had grown as a natural outgrowth of an increase or growth in programs in the area of mental health and general assistance. She testified that the basis for the request was the aggregate of added programs and a growth of the job over several years while there had been no reclassification request previously made. She gave as an example the additional training that was required of these two individuals involving crisis intervention and how to deal with the mentally ill and the homeless. She went on to state that she did not believe that the title Typist II reflected the duties and responsibilities of the position and suggested that the position be more appropriately titled Receptionist Specialist, because the two employees were required to assess human needs in crisis and emergency situations, and to have other specialized knowledge, more than that required of the stereotypical receptionist or Typist II. Hintz stated that she had asked that the two employees be reclassified to Account Clerk II's because it is the Account Clerk II who relieves them during periods of absence for illness, vacation or at any other time they are away from their desks, and consequently concluded that was the appropriate pay range to which they should be moved. Further, Hintz indicated that the switchboard operator Typist II had never been asked to substitute for either of these two individuals and that the duties and responsibilities of that Typist II were less responsible than those of Jaworski and Mattlin. She gave as an example, that if the switchboard operator Typist II received a suicide call, she would transfer the call to an intake worker or to one of the two grievants until an intake worker was available.

The County position description for the Typist II position held by Jaworski and Mattlin contains the following position summary and description of duties:

PORTAGE COUNTY POSITION DESCRIPTION

Ms. Kaminski functions as the primary switchboard operator for the Department. Responsibilities include directing telephone calls to appropriate section personnel, performs miscellaneous typing, administrative, and recordkeeping duties as assigned. Supervision is provided by the Client Support Program Manager.

DESCRIPTION OF DUTIES

Objectives and Tasks/Knowledge, Skills and Abilities

- 75% A. Provision of administrative support services to the public.
- A1. Acts as switchboard operator.
 - A2. Answers all telephone calls.
 - A3. Takes accurate messages for staff.
 - A4. Refers calls to staff.
 - A5. Provides information to staff and

- the public as required.
- A6. Makes appropriate pages/announcements over the telephone system.
- 15% B. Provision of administrative support services to staff.
- B1. Files correspondence, forms, reports, and other materials, either alphabetically or numerically.
- B2. Prepares statistics for interoffice surveys.
- (sic) B4. Prepares postpartum packets for mailing and keeps the index card file in order.
- B5. Sets up new files and records for clients in the Community and Home Health Services and Mental Health Clinic sections.
- B6. Prepares mailings for various sections.
- 5% C. Provision of relief coverage in the absence of client support staff services.
- C1. Provides support services to other program areas. These include: mailing recertification notices with applications to households; verifies, sorts, and distributes CRN materials; prepares mail returns for AFDC checks, decision letters, food stamps, etc; checks on benefit holds; responds to questions, provides information, and resolves problems regarding these program areas.
- 5% D. General Duties
- D1. Attends scheduled staff meetings, conferences, and training sessions.
- D2. Operates other office machines.
- D3. Other related duties as assigned.
- D4. Miscellaneous clerical duties - typing, stamping, folding, etc.

Knowledge, Skills, and Abilities

Knowledge of modern office practices, procedures, and equipment. A1-5, B2-6, C1, D2-4

Ability to communicate effectively orally and in writing. A1-6, D1

Ability to record data accurately. A3, B2-4, D4

Ability to type neatly and accurately from corrected copy or rough draft. B2, C1, D4

Knowledge of program procedures and policies. A1-6, C1

Ability to deal with the public and the ability to resolve problems that arise. A1-6, C1

Knowledge of business math, grammar, and spelling. A3, B1, D4.

That position description compares to the Kaminski Human Services Department switchboard operator Typist II position description which is set forth below:

Ms. Jaworski acts as receptionist, answers phones, refers calls, makes appointments for financial services and psychotherapy staff, and provides information to

the public. Has initial and ongoing contact with acute and chronic psychiatric patients through phone and walk-in contacts and crisis intervention. Maintains all files for the psychotherapy staff and performs typing and recordkeeping duties. Supervision is provided by the Administrative Assistant/Administrative Services.

DESCRIPTION OF DUTIES

Objectives and Tasks/Knowledge, Skills and Abilities

- 70% A. Provision of administrative support services to the public.
- A1. Acts as receptionist.
 - A2. Answers phone calls.
 - A3. Takes accurate messages for staff.
 - A4. Refers persons to appropriate staff.
 - A5. Provides information as required.
 - A6. Schedules appointments for clients with appropriate staff and follows up with appointment slips as necessary.
 - A7. Assesses emergency calls or emergency drop-in patients to determine severity of crisis.
 - A8. Attempts to deal with psychiatric emergency if clinician is unavailable through encouragement, catharsis, problem-solving, etc., face-to-face or by phone.
 - A9. Issues receipts for water samples.
- 25% B. Provision of administrative support services to staff.
- B1. Types letters, memos and forms, from handwritten copy, and/or tapes.
 - B2. Establishes daily staff logs for clinicians and pulls corresponding folders.
 - B3. Sets up new client files and records.
 - B4. Maintains and keeps current client information for clinic records.
 - B5. Completes catalog listing and check out list for clinic library.
 - B6. Files clinic folders and all correspondence, test results, clinician notes, and other pertinent information on each client.
 - B7. Schedules and administers all pencil-paper psychological tests and helps reduce anxiety and resistance in the patients.
 - B8. Distributes mail.
- 5% C. General Duties
- C1. Operates photocopying and other office machines.
 - C2. Attends scheduled staff meetings, conferences, and training sessions.

C3. Performs other related duties as assigned.

Knowledge, Skills, and Abilities

Knowledge of modern office practices, procedures, and equipment. A1-9, B1-8, C1-3
Ability to communicate effectively orally and in writing. A1-9, B1, B5, B7, C2
Ability to record data correctly and accurately. A3, A6, A9, B1-2, B5, B7, C2, C3
Ability to type neatly and accurately from corrected copy or rough draft, or tapes. B1, C1, C3
Knowledge of program procedures and policies. A1-9, B1-8, C1-3
Ability to deal with difficult, belligerent, agitated clients and patients while in waiting area. A1, A4, A5-8, B7
Knowledge of business math, grammar, and spelling. A1-9, B1-7, C1-3
Ability to work independently on special projects and reports. C3.
Knowledge of and understanding of acute and chronic psychiatric patients. A7-8
Ability to administer and score psychological testing. B7

It is the County's position that the grievants must demonstrate under the criteria established in Article 23 a compelling need to change the status quo. In this case, the grievants' proposed remedy to reclassify the two Typist II's to Account Clerk II's is too radical a departure from the current wage structure to be warranted, and also may create inequities in addition to those that allegedly exist. More specifically, the County believes that there was no "clear cut consensus on this matter," and therefore a change in the status quo was not recommended. While acknowledging that Jaworski and Mattlin sincerely believe that their positions are worth more to the County, that cannot be the controlling factor in determining whether reclassification is appropriate. The County also states that the Human Services Department Head and the governing County Board Committee on Human Services were silent as to the issue regarding the reclassification request, while the Personnel Department and Personnel Committee responsible for county-wide compensation concluded that because similar receptionist positions exist in other county departments, reclassification was not warranted in this instance. Further, the County contends that the basis for the reclassification request really pertains to quantitative changes in the jobs performed by Jaworski and Mattlin, not qualitative changes that might form the basis for a reclassification or upgrade request e.g. the distinction between scheduling cholesterol tests, and rendering medical advice. It concludes therefrom that a mere increase in the volume of work performed by the two grievants is not unique to them and is an insufficient basis for granting an upgrade. In response to the grievants' claim that the two individuals are required to deal with difficult clients on a daily basis and become involved with crisis or emergency situations including acute and chronic psychiatric patients, the County asserts that is not unique to this position, and is also an insufficient basis upon which to grant an upgrade request. Furthermore, there are other receptionist positions within this bargaining unit which function as a first line of contact with clients, handle telephone and/or walk in inquiries, must have knowledge of numerous departmental programs and services, and must exercise discretion and judgement in dealing with people, who are paid at the same Typist II level as the

grievants. Finally, the County contends that the grievants' assertion that Account Clerk II's act as backup to the grievants does not justify the upgrade request.

DISCUSSION

Article 23 of the collective bargaining agreement establishes three "primary" reasons for granting reclassification or position upgrade requests: (1) the position was initially improperly classified or graded (2) the duties and responsibilities of the position have undergone major alteration or (3) that there has been a gradual growth of a position as additional duties and responsibilities are assigned. The contract goes on to provide that with respect to reason (3) if the duties and responsibilities have increased to the extent that they "substantially exceed the normal requirements for the class" a reclassification might be in order. In this case the supervisor submitted a reclassification request on behalf of Jaworski and Mattlin because she believed the duties and responsibilities of their Typist II positions had undergone major change and that these changes resulted in the gradual growth of the position, thus meeting criteria (2) and (3) of Article 23.

In reviewing the documentary evidence and testimony in this case, the undersigned does not have before him what the class specifications are for a Typist II. By class specifications I am referring to the "normal requirements for the class" language of Article 23 C). 1/ The contract clearly contemplates that there are or will be some established normal requirements for each classification such that any requests for reclassification, because of the gradual growth of a position due to the addition of new duties and responsibilities, can be evaluated in terms of determining whether the position has now become substantially more responsible to warrant reclassification. In this case I have before me a position description for the disputed Typist II positions as well as position descriptions for other Typist II positions within County government. This evidence clearly allows for a comparison between positions because the position descriptions set forth the duties, but does not permit a determination as to whether any one of the Typist II positions performs duties and responsibilities sufficiently more responsible than the normal requirements for the class to warrant reclassification or upgrading. Also, there is neither a position description for Account Clerk II nor classification specifications for that position in evidence. Consequently, it is not possible to determine if the positions should be reclassified.

However, in reviewing the testimony and documentary evidence in this case, the undersigned is persuaded that the duties, responsibilities, knowledge, skills, and abilities, set forth in the position descriptions of

1/ Examples would be: Positions in this classification are characterized by their involvement in an accountability for carrying out significant and recognizable segments of program functions or organizational activities. Individual position allocations will be based upon the following four classification factors: (1) Accountability; (2) Know-how; (3) Problem-solving; and (4) Working conditions which include for example the difficulty, frequency, and sensitivity of decisions which are required to accomplish objectives and the level of independence for making such decisions.

Mattlin and Jaworski are at a higher level than those for the Department of Aging Typist II/Receptionist and the other Typist II/Receptionist within the Human Services Department. However, the question is whether they "substantially exceed the normal requirements for the class," thus warranting an upgrade or reclassification as requested. That determination cannot be made without knowing the "normal requirements for the class" because it may be that while the positions are as responsible as noted, the other positions mentioned may be classified at too high a level. For example, it may be that the Typist II/Receptionist in the Department of Aging is more appropriately a Typist I. Further, it is impossible to know if the reclassification requested, i.e., Account Clerk II is the appropriate classification for Mattlin and Jaworski as opposed to some other classification level.

Therefore, the undersigned has not been persuaded by a preponderance of the evidence in this case that the County violated Article 23 C) by denying the reclassification request involving Jaworski and Mattlin. While the requests might be meritorious and should be granted additional proof is required.

Based upon the foregoing and the record as a whole the undersigned enters the following

AWARD

The Jaworski and Mattlin reclassification grievance is denied.

Dated at Madison, Wisconsin this 2nd day of April, 1992.

By _____
Thomas L. Yaeger, Arbitrator