

STATE OF WISCONSIN

BEFORE THE STATE PERSONNEL BOARD

Robert M. Bair,)
Appellant,)
vs.)
C. K. Wettengel, Director,)
State Bureau of Personnel,)
Respondent.)

MEMORANDUM DECISION

Appellant is and was at all times pertinent to this Appeal employed by the Department of Industry, Labor and Human Relations, Unemployment Division as an Unemployment Compensation Analyst 2 in salary range 1-10.

On July 10, 1970, the Department formally requested the Respondent to reclassify Appellant's position to that of Unemployment Compensation Analyst 3 in salary range 1-11.

The Respondent audited and analyzed the position and on December 9, 1970, denied the request. It is from that action of the Respondent that this appeal has been taken pursuant to s. 16.05 Wis. Stats.

Appellant works in the Unemployment Compensation Division's Bureau of Benefit Payment Control. This Bureau is responsible for determining when fraud is involved in unemployment claims and for collection of overpayments to unemployment compensation claimants.

The Appellant's major responsibility is in activities relative to the collection of overpayments. He corresponds with employers, Local Office Examiners, Attorneys and various agencies through telephone calls, letters and personal contacts on collection matters. Apparently, he has a good system of practices and procedures for collection and helps and advises the field people as to what to do and how to perfect a collection.

He, however, has no one working under him and does not supervise the people who use his services.

Probably 25% of Appellant's work is the review of and initial issuance of determinations in cases involving potential fraud. It does not appear that he does anything in regard to fraud cases except initially processing them.

The position is not a legal position or an active collector's. It is what is called in personnel administration a "staffing" position.

The Board has no doubt that Appellant has performed in an outstanding manner in his assignments. He has a background of legal education and law practice that coupled with his interest in his work, should render him most effective in a field that involves the application of substantive and procedural law to given factual situations.

It would seem that he may well be performing at a level higher than that of other Unemployment Compensation Analysts 2 who review local office investigations involving disputed cases. It does not appear to be fair to compare Appellant's position with that of welfare investigators even if an adjustment of one range is considered because of the greater complexity of Appellant's work.

The reclassification request was to make Appellant's position that of Unemployment Compensation Analyst 3. It is obvious to the Board that such would be improper. An Analyst 3 is usually an assistant local office director in the district office. An Analyst 3 must be a lead worker. Appellant is neither an assistant local director nor a lead worker. He

is in the central office and on fraud determinations works almost autonomously and on collection of overpayments renders a service to other persons rather than supervises or works with them.

This Board has consistently ruled that an employe who has performed in an outstanding manner or who has been able to develop his job into something greater than its concept, cannot be rewarded by having his position placed in a class to which it does not belong.

The Board does not know what other equations might be made or how valid they might be, but possibly a better case could be made for a reclassification to some other class than Unemployment Compensation Analyst 3.

This appeal should be dismissed and Counsel for the Respondent shall prepare Findings of Fact and Conclusions of Law consonant with this Memorandum.

March 19, 1971.

STATE PERSONNEL BOARD

BY

James H. [unclear]
William [unclear]
Jim [unclear]
John A. [unclear]

Member Brecher did not participate.