

the county department of social services. Approximately 5% of his time involved program responsibility for the Job Corps, including selection, referral and follow-up of trainees. The rest of appellant's duties and responsibilities involved in a "line" function of interview, referral and placement of other employment applicants and associated tasks such as employer and community relations and testifying at unemployment compensation hearings.

The appellant's October 26, 1975, reallocation was part of a large-scale reallocation of many job service positions which followed a survey conducted by the Bureau of Personnel. Prior to the reallocation, there were a number of positions included at the Manpower Specialist 2 level, including those identified by the working titles of Lead Interviewer, Veterans' Employment Representative and Employer Relations Representative. In addition to their "line" functions working with general employment applicants, the first position carried lead work duties and responsibilities while the second two had program responsibilities in their respective areas.¹

The Employer Relations Representative's program responsibilities involve working with employees for the purposes of securing job orders, collecting labor market information and sharing job market

¹Inasmuch as the class specifications clearly identify the lead work as a sufficient qualifying factor for classification at Job Service Specialist 3 level, further discussion of this position is not necessary.

information, providing information about potential trainees available for recruitment selection for a particular employer and generally maintaining communications between the private sector and the Job Service Office. The representative's activities include monitoring and accounting to the employer for the services rendered by the Job Service Office. The representative is free to plan and schedule his or her employer visiting based on his or her knowledge of the market, hiring practices, seasonal trends in employment and the nature of a particular employer's collective bargaining agreement, if any. Within the Job Service Office, the representative has a planning and monitoring function concerning job orders that are processed and filled by other employes in that office.

The Veterans' Employment Representative is responsible for monitoring, planning and coordinating services provided veterans by other staff to insure that they give preference to veterans. He or she also coordinates and works with veterans' organizations and with employees to promote the employment of veterans. The representative must also prepare quarterly reports concerning the services provided veterans by the district office. In his line work with employment applicants, he or she works with both veterans and non-veterans.

The current position standards for the job service specialist series (Respondent's Exhibit 4) are attached to this opinion and incorporated by reference.

CONCLUSIONS OF LAW

At the prehearing conference held in this case on March 9, 1976, the parties stipulated that the following issue was presented for the board by this appeal:

"Whether or not the duties and responsibilities of appellant's position as of October 26, 1975, are properly classified as job service specialist 2 or job service specialist 3."

At the hearing, it became apparent that appellant's concerns were somewhat broader than that set forth in the foregoing stipulation:

"Mr. Main: I would like to know, do you think those other people are overclassified or do you think you are underclassified?"

Mr. Roth: I concluded that they are overclassified.

Mr. Main: So you think your classification is proper, you just think something should be done about them, is that correct?"

Mr. Roth: No, I don't. I don't think I would quite put it that way.

* * *

I am seeking to get the same recognition as other line workers got in the Sheboygan Job Service Office for their work. I am seeking that for my own work.

* * *

I tried to state it to you in another way, that I am seeking to be on the same classification level as other line personnel in the Sheboygan Job Service Office whose work is comparable to my work whether it be at the Job Service Specialist 2 level or the Job Service Specialist 3 level." Transcript, pp. 121-123.

While we reach the conclusion that the appellant did not sustain his burden of proof to demonstrate that his classification should be Job Service Specialist 3, he did raise certain questions about the propriety of the Job Service Specialist 3 classifications of other positions in the Sheboygan district office. However, because of the

above stipulation on the issue, we conclude that the respondent did not receive sufficient notice concerning the classification of these other positions to permit us to reach a final conclusion without running afoul of Section 227.09, Stats.: "Every party to a contested case shall be given a clear and concise statement of the issues involved."² General Electric Co. v. Wisconsin Employment Relations Board, 3 Wis. 2d 227 (1958).

With regard to appellant's position, we do conclude that his proper classification was the one to which he was reallocated, Job Service Specialist 2. His line staff functions certainly fell within the Job Service Specialist 2 definition:

"Positions in the field offices allocated to this class function at the full performance level with responsibility for developing jobs, placing job seekers, and performing related job service program functions of a comparable level of complexity and responsibility."

The appellant's other duties do not place him within the Job Service Specialist 3 definition: "Functions include responsibility for planning, developing, and monitoring the applications of program policies and procedures . . . Work at this level typically differs from work at the Job Service Specialist 2 level in impact and complexity of decision making required." (Emphasis supplied.)

One somewhat troublesome aspect of this case relates to two of the other employees in the Sheboygan Office classified at the Job Service Specialist 3 level, discussed above (Employer Relations

²While this provision was changed by Chapter 414, Laws of 1975, it was in effect at the time of the hearing and provides the governing law.

Representative and Veterans' Employment Representative). These positions do not meet two of the "typical" attributes of their level of classification set forth in the Job Service Specialist 3 definition:

"Positions in the field offices allocated to this level are typically located in one of the largest field job service offices with full-time responsibility for one or a combination of the following job service programs" (Emphasis supplied.)

These positions are not in a large field office and do not have full-time responsibility for their programs. While they do fit within the broader definitional language which follows, "planning, developing, and monitoring the application of program policies and procedures," the specifications would be somewhat clearer if they identified specifically the associated small office components as was the case with the large office situation. This is particularly so because the specifications do discuss positions at this level in other areas of the job service, e.g., "lead workers over small placement or job development units" and "positions in the administrative office specializing in such work as complex benefit claims," etc.

Another confusing aspect of these specifications as they relate to this case is the description of the Special Applicant Services Specialist. The distinction between a Food Stamp Specialist and the Veterans' Employment Representative is sustainable on a functional basis, i.e., "plans, monitors, and coordinates all district office services for special applicant group(s)" However, the distinction the Bureau apparently draws between such groups as

veterans and food stamp recipients seems tenuous. That is, we understand from the evidence that the job service as a matter of policy gives priority to veterans' placement and that the Veterans' Employment Representative has office-wide responsibilities that the food stamp specialist does not. However, in terms of the complexity of the characteristics of the client group, from the standpoint of the services required of the job service, it is difficult to perceive that veterans or other persons, for example, would present more complexity than the food stamp recipients.

One final point involves a concern expressed by the appellant that the class specifications for this series are unsuitable for a smaller office such as Sheboygan. In a smaller office there tends to be less specialization and compartmentalization of duties. The job service specialists do not spend full time on the program specialities they may have, but must perform line duties with "non-special" applicants, work that in and of itself clearly is at the specialist 2 level. Confusion or dissatisfaction with the various levels established by this classification series is further compounded in such a smaller office and for a worker of substantial experience and ability such as the appellant. He believes, undoubtedly correctly, that he is performing his duties as efficiently as his higher classified colleagues and has, except for relatively limited areas of subject matter specialization, as much basic expertise in job service functions, and could relatively easily assume their duties and responsibilities if required or given the opportunity. However,

these factors are at most peripheral to the principles embodied in the series, which, on the record developed in this hearing, do provide a conceptual basis for making classification distinctions among the various positions at the Sheboygan Office. It is important to bear in mind that classification of positions must deal in conceptual and theoretical terms. The statute, Section 16.07, provides that classifications "shall include positions similar in respect to authority, responsibility and nature of work required." The capabilities and level of performance of the individual employee filling a particular position normally are not relevant to these criteria. Furthermore, if it were established that Job Service Specialist 3's in the Sheboygan Office were not in fact "planning, developing, and monitoring the application of program policies and procedures," and generally performing work of greater impact and requiring more complex decision making than positions identified at the specialist 2 level because of the blurring of the distinctions among the positions discussed above, then the conclusion might well be required that these positions are overclassified. Unless the appellant could establish, which he did not, that he planned, developed and monitored the application of program policies and procedures and was generally performing work of greater impact and requiring more complex decision making than other positions at the specialist 2 level, or as compared to other employees properly classified at the specialist 2 level, he would not be entitled to reclassification.

In conclusion, we note that while we do not mean to imply that the Job Service Specialist 3 positions we discussed above are over-classified, we would encourage the bureau to give some consideration to our comments concerning the class specifications for this series.

ORDER

IT IS HEREBY ORDERED that the decision of the respondent is affirmed and this appeal is dismissed.

Dated March 4, 1977.

STATE PERSONNEL BOARD

Laurene DeWitt
Laurene DeWitt, Chairperson