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 BEN L. MARTIN,  
                   Appellant,  
 v.  
 DEPUTY DIRECTOR, Bureau of Personnel  
 and SECRETARY, Department of Industry,  
 Labor and Human Relations,  
                   Respondent.  
 Case No. 76-147  
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**OFFICIAL**

OPINION AND ORDER

Before: James R. Morgan, Calvin Hessert and Dana Warren, Board Members.

NATURE OF THE CASE

This is an appeal from a reallocation of appellant's position from Manpower Specialist 4 (PR 12-04) to Training Officer 1 (PR 7-04).

FINDINGS OF FACT

1. Appellant began state employment in 1969 in an Area Services Specialist 1 position with the Department of Industry, Labor and Human Relations (DILHR).
2. Through a series of job changes and reclassifications appellant began working for the Employment Security Division of DILHR in March, 1974 as a Manpower Specialist 4.
3. In October, 1975 the Bureau of Personnel completed a survey of all Job Service Division, DILHR positions. The results of the survey were implemented October 26, 1975.
4. As a result of the Bureau survey appellant's position was reallocated to Training Officer 1, effective October 26, 1975.

5. Appellant perfected an appeal from the reallocation.

6. In May, 1975 Ralph Spaulding was appellant's supervisor. Sometime thereafter Gerald Guenther replaced Spaulding.

7. The duties and responsibilities actually being performed by appellant and assigned to him by his supervisor were:

25% Administers career development program in Job Service for purpose of career development on-the-job training and to upgrade clerical and paraprofessional staff. Confer with Job Service supervisory staff, Field Operations, and DILHR personnel to determine outline and scope of program. Compiles and analyzes data for use in writing training manuals, handbooks and other training aids required for program. Reviews career development plans. Trains Job Service staff members in proper training techniques and methods. Maintains records of career development training activities, amount of inservice training each enrollee receives, and evaluates effectiveness and application of program. Conducts other training programs not directly involving career development such as Defensive Driving. Monitors and reviews training program progress of individuals and submits recommendations for changes to supervisor. Submits recommendations for changes to Training Officer (Career Ladder Program).

30% Implements and monitors Career Development program in Job Service. Confers with DILHR Bureau of Personnel, Equal Opportunity and other Job Service work units involved in career development activities. Confers with Job Service Directors and Job Service Field Operations staff to clarify goals and objectives of career development program and to determine if they are being met. Confers with Job Service Equal Opportunity Director to communicate problems in hiring minorities, women, and disadvantaged. Selects and recommends procedures and techniques to be used in achieving program goals designed to upgrade clerical, paraprofessional and professional staff. Meet with Job Service Administrators and Directors, WIN Supervisory staff and/or Job Service Field Operations to review career development and on-the-job training programs available within specific time frames.

30% Monitor and evaluate Job Service Center Development Program activities. Review and analyze Job Service progress reports on participants in career development program to assess program operation and achievement of goals. Conducts on-site visits to Job Service offices to assure program objectives are being carried out according to Job Service guidelines. Compiles written reports of visits and recommends action needed.

10% Provision of Assistance to Career Development Participants. Confers with individuals to identify problems in Career Ladder, such as promotions and reclassifications. Confers with supervisors of individuals regarding specific career ladder problems and recommends appropriate action.

5% Serves as a source of recruitment for minority groups for Job Service.

8. The overall description of appellant's position can be summarized as follows:

Under supervision of Training Officer administers Job Service career ladder staff development program designed to upgrade Clericals to Paraprofessionals - Paraprofessionals to Professionals and Entry Professionals to Objective level positions. Manages, implements and monitors inservice and outservice training programs for career ladder positions. Gives special emphasis to career development plans for WIN funded PSE positions and Minority ethnic groups. Recruits minority ethnic groups for Job Service. Conducts staff training programs. (Respondent's Exhibit #16.)

9. The definitions of the classifications at issue in this appeal are as follows:

Training Officer 1

This is professional work concerned with the developing, conducting, and implementing of training programs in a large agency or in a central personnel agency. The emphasis at this level is upon preparing and conducting programs involving orientation, basic supervision, public relations, safety, etc.; it also involves arranging for, and coordinating the presentation of basic technical training peculiar to the specific agency including the development and adaptation of staffs in program arrangements. Work at this level differs from lower levels in that the individual operating as a Training Officer 1 must be able to independently undertake classroom instruction and effectively present pre-developed courses. The work differs from higher level classes in that those classes become involved in writing and developing new programs as well as analyzing needs with agency or operating unit representatives. Supervision of technical arrangements for training programs is exercised over line persons engaged in local training activities. Supervision is received from a training or personnel officer who reviews work for conformity with established training activities. (Respondent's Exhibit #1; Appellant's Exhibit #1.)

#### Training Officer 2

This is professional and technical training work involving specific responsibility for the development of training programs to assist in meeting the training needs of a large agency or a central personnel agency. An employe in this class develops, promotes, conducts and evaluates training programs involving a moderate variety of technical, professional, supervisory and clerical courses. An employe makes contacts with management to verbalize and interpret education and training policies in terms of programs produced or to gain support and assistance for programs that should be produced. Work is performed under the general direction of a higher level training officer or personnel officer. Review of completed work is to secure conformance with policies and objectives and for coordination and overall effectiveness of the program. (Appellant's Exhibit #2.)

#### Job Service Specialist 4

This is very responsible specialized and/or lead professional job service work in the Department of Industry, Labor and Human Relations.

Positions in the field offices allocated to this level typically 1) lead the work of a small-medium sized staff engaged in advanced professional work or 2) lead the work of a medium sized staff specializing in placement activities. In rare instances, field office positions with full-time responsibility for planning, developing, and implementing a job service program activity are allocated to this level when program is broad in scope, policies and procedures are not well defined or established, and the exercise of broad discretion is required.

Positions in the administrative office at this level 1) plan, monitor, evaluate, and provide professional assistance in field job service programs which may involve responsibility for a specialized statewide job service program; 2) develop, maintain and coordinate the maintenance of all procedural manuals and instructional memoranda relating to a major segment of the total job service program; or 3) carry responsibility for large projects analyzing operating procedures to increase effectiveness of program operations.

Work at this level is performed under general supervision.

Job Service Specialist 5

This is very responsible and advanced professional work in the direction of job service program activities of the Department of Industry, Labor and Human Relations. Positions allocated to this class are typically located in the administrative office and are responsible for planning, monitoring, and evaluating 1) a specialized statewide job service program requiring the exercise of considerable independent judgment in the development of program objectives and methods to be carried out at the field office level or 2) a major segment of the total job service program on an area-wide basis. Also allocated to this level are positions responsible for planning and guiding all activities in a statewide job service program area which involves leading the work of a medium unit in advanced professional-level program activities. Work is performed under general administrative supervision.

Job Service Specialist 6

This is highly responsible professional job service work in the direction of job service program activities of the Department of Industry, Labor and Human Relations. Positions allocated to this class are located in the Administrative Office and are responsible for planning, monitoring, and evaluating a large, complex, statewide job service program carried at the field office level. Frequent, difficult, and unprecedented policy interpretation; and program decisions which have a significant impact on overall Field Office job service activities are typical at this level. Leadwork may be a responsibility of positions at this level. Work is performed under general administrative supervision of a Bureau Director.

CONCLUSIONS OF LAW

1. The Personnel Board has jurisdiction to hear this appeal under s. 16.05(1)(f), Wis. Stats., (1975).
2. Appellant has the burden of showing to a reasonable certainty by the greater weight of the credible evidence that his position should have been reallocated

to Training Officer 2, Job Service Specialist 4 or Job Service Specialist 6.

Reinke v. Personnel Board, 53 Wis. 2d 123 (1971); Alderden v. Wettengel,  
Case No. 73-87 (6/2/75).

3. Appellant's position was improperly reallocated to Training Officer 1.

4. Appellant's position is more properly classified as Job Service  
Specialist 4 effective October 26, 1975.

#### OPINION

In this case there exists a gap between what management and appellant visualize as the purpose of appellant's position. Management is aware of the gap and has taken steps to clarify its intent and bring the two concepts together. The duties and responsibilities in the findings reflect accurately what appellant does. It is amalgam of what management and appellant ideally want the position to be doing.

We conclude that appellant's position is better identified by the Job Service Specialist series than by the Training Officer series. We recognize that appellant does conduct a defensive driving course and that appellant has revised two training books (Basic Manpower Training "Placement Process" - On The Job Training, Trainers Guide and Trainees Work Book; Appellant's Exhibit #37). The latter revision was thorough and as a result thereof the training program was implemented. However, the main thrust of appellant's position (over 60%) is the implementation, monitoring and evaluation of the career development program. His involvement in any other training programs has been tangential to his responsibilities to the career ladder program. That our conclusion as to what series is appropriate is emphasized by reviewing the examples of work performed and sections of the class specifications for Training Officer 1 and 2. (Appellant's Exhibit #1 and #2.)

It is clear to us in reviewing the class specifications for Job Service Specialist 4 through 6 that appellant's position should be classified at the 4 level. The career ladder program is a specialized statewide job service program. Appellant is in charge of this program. While this is an important program, we conclude that it is not of the nature contemplated by either the 5 or 6 level classification.

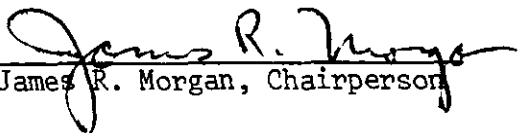
Therefore, we conclude that appellant's position is incorrectly classified as Training Officer 1 and is more properly classified as Job Service Specialist 4.

ORDER

IT IS HEREBY ORDERED that respondent's reallocation action is rejected and that this matter is remanded to the Administrator of the Division for action in accordance with the above opinion.<sup>1</sup>

Dated: June 16, 1978

STATE PERSONNEL BOARD

  
James R. Morgan, Chairperson

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1. The Board amended the order to reflect the change in nomenclature reflected in Chapter 196, Laws of 1977.