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VIRGINIA R. WOJCIECHOWSKI,  
 Appellant,

v.  
 Administrator, DIVISION OF  
 PERSONNEL,  
 Respondent.

Case No. 79-PC-CS-907

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DECISION  
 AND  
 ORDER

NATURE OF THE CASE

This is an appeal of respondent's decision regarding the proper allocation of appellant's position. Appellant argues that her position should have been reallocated to Job Service Assistant 4 (JSA 4) rather than Job Service Assistant 3 (JSA 3).

FINDINGS OF FACT

1. During the period in question, the appellant was employed as an Adjudication Claims Control Clerk in the Adjudications Unit of Job Service's downtown Milwaukee office, in the Department of Industry, Labor and Human Relations. As a consequence of a statewide survey of clerical positions conducted by the respondent Division of Personnel in the fall of 1979, appellant's position was reviewed but the classification remained at the JSA 3 level.

2. The appellant's position description dated April 20, 1979, accurately describes the goals and activities of the position. Forty percent of the appellant's time was spent in processing initial determinations (I.D.'s) for the various unemployment insurance programs administered by the agency. The term "processing" in this instance includes proofreading the ID's for accuracy and determining whether additional materials needed to be attached.

The appellant also spent ten percent increments of her time in each of the following duties: 1) Processing appeal documents, 2) reviewing higher decisions of higher authorities with respect to the effect on the benefit claim, 3) scheduling of disputed claims interviews, 4) answering public inquiries for employes, claimants or general public regarding technical as well as substantive questions of eligibility, 5) providing leadwork services to the unit's clerical staff consisting of two file clerks and one typist.

3. The class descriptions for JSA 3 and JSA 4 provide:

JOB SERVICE ASSISTANT 3

(PR2-07)

This is entry-level paraprofessional or advanced and/or lead level job service work of moderate difficulty in the State Job Service programs. Paraprofessional positions at this level provide direct services to clients and employers or support services to professional staff requiring the exercise of considerable discretion and judgment in tailoring services to meet client/employer needs and Job Service program objectives. Work is performed under general supervision.

Advanced and/or lead positions at this level 1) perform advanced clerical work characterized by the application of a wide variety of complex, interrelated Job service program policies and procedures and may train staff in area of speciality; 2) lead a medium unit of clerical employes engaged in complex, specialized clerical activities; or 3) lead a small unit of clerical employes engaged in complex and varied clerical activities. Clerical work at this level is performed in accordance with established Job Service program policies and procedures. Work is performed under general supervision.

JOB SERVICE ASSISTANT 4

(PR2-08)

This is paraprofessional and/or lead job service work of considerable difficulty in the State Job Services programs. Staff positions at this level provide direct services to clients and employers or support services to professional staff requiring the exercise of considerable discretion and judgment in tailoring services to meet client/employer needs and Job Service program objectives.

Lead work positions at this level guide: 1) a medium clerical unit in complex and varied Job Service program activities, 2) a large clerical unit engaged in complex specialized Job Service program activities. Major responsibilities include coordinating activities

JOB SERVICE ASSISTANT 4 (continued)

(PR2-08)

internally and with other work units setting priorities and recommending new methods for accomplishing work. Work is performed under direction.

4. The position standard for the JSA series also establishes the following position allocation:

JOB SERVICE ASSISTANT 4 - Current Position Allocations and Work Examples

Paraprofessional Field Office Positions - performs a combination of the following tasks:

(In adjudications units) taking statements from claimants/employers concerning disputed claims, counseling claimants on combined claims, investigating cases for possible fraud, taking appeals on initial determinations, determining continuing eligibility for claimant who has failed to register for work or return claim card on time, contacting affected claimants/employers to collect delinquent taxes, fees, and benefit overpayments. Reviewing initial determinations for logicalness, coordinating with the administrative office and county officials the filing of warrants and garnishments, providing information to interested parties on all aspects of the Unemployment Compensation law.

5. For the purposes of the JSA position standard, a "small" clerical unit is one that includes four or fewer employes, a "medium" clerical unit has from five through nine employes and a "large" clerical unit has ten or more employes.

6. The appellant leads a small clerical unit.

7. The JSA paraprofessional positions found within an adjudications unit typically spend at least 50% of their time conducting investigations, taking statements from claimants and employers and making initial determinations.

8. The appellant does not perform these paraprofessional duties to any significant extent.

9. In the course of reviewing adjudicator's work product, assuring the accuracy of the information and determination that were being sent out and the scheduling of cases, the appellant performed an advanced clerical function.

10. The appellant's position is better described at the JSA 3 level than at the JSA 4 level.

#### CONCLUSIONS OF LAW

1. This matter is appropriately before the Commission pursuant to §230.44(1)(c), Wis. Stats.

2. The appellant has the burden of proving that the respondent's decision to allocate the appellant's position to the JSA 3 classification was incorrect and that instead, her position should have been classified as JSA 4.

3. The appellant has failed to meet that burden of proof.

4. The respondent's decision to allocate appellant's position to JSA 3 was correct.

#### OPINION

##### Evidentiary Question

At the hearing in this matter, the appellant sought to introduce an undated document (marked as Appellant's Exhibit #1) appearing to be an undated position description of Laura Kwieczynski, employed in the Milwaukee Hearing Office of DILHR and classified at the JSA 3 level. The appellant testified that the position description had been prepared in 1979, prior to the clerical survey, and that the appellant had been told that in approximately February of 1981, Ms. Kwieczynski's position had been reclassified to the JSA 4 level. The respondent objected to the admission of the exhibit on the grounds that it was undated. The hearing examiner reserved ruling.

The respondent's objection is overruled in that the appellant testified that the document had been prepared prior to the clerical survey. However, appellant's testimony regarding Ms. Kwieczynski's current classification shall not be considered in light of the appellant's statement that she had no personal knowledge on that point.

Merits

The respondent established that there are three ways for an employe to be properly classified at the JSA 4 level; The employe can be performing certain paraprofessional work, can lead the work of a medium clerical unit in complex and varied program activities, or can lead the work of a large clerical unit engaged in complex specialized program activities. In this case, the appellant leads a maximum of three clerical employes which means that she leads a small rather than either a medium or large clerical unit. Therefore, the only remaining question is whether the appellant performs paraprofessional duties (above the entry level). The evidence showed that the appellant provides a limited public information function and also contacts claimants and employers to obtain specific information needed to complete UC-203 forms (request for work record). However, the evidence is undisputed that the appellant did not carry out more general investigations or prepare initial determinations. These are paraprofessional functions within the adjudication unit that are carried out by Adjudications Assistants, whose classification within the JSA series reflects their role as paraprofessionals.

Therefore, the Commission must conclude that the majority of the appellant's duties are not paraprofessional in nature and that her position is better described within the JSA 3 definition as encompassing "advanced clerical work characterized by the application of a wide variety of complex, interrelated Job Service program policies."


ORDER

The respondent's decision is affirmed and appellant's appeal is dismissed.

Dated: October 14, 1982 STATE PERSONNEL COMMISSION

  
DONALD R. MURPHY, Chairperson

  
LAURIE R. McCALLUM, Commissioner

  
JAMES W. PHILLIPS, Commissioner

KMS:jmf

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