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ALFRED PASQUALUCCI,  
 Appellant,

v.

Secretary, DEPARTMENT OF  
 INDUSTRY, LABOR AND HUMAN  
 RELATIONS, and

Administrator, DIVISION OF  
 PERSONNEL,  
 Respondents.

Case No. 81-237-PC

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DECISION  
 AND  
 ORDER

NATURE OF THE CASE

This is an appeal pursuant to §230.44(1)(b), stats., of the denial of appellant's request for reclassification of his position from Industry and Labor Training Coordinator (ILTC) 1 to ILTC 2.

FINDINGS OF FACT

1. The appellant's employment, as relevant to this case, has been with the Department of Industry, Labor and Human Relations (DILHR), Division of Apprenticeship and Training, in a position represented by a union and subject to a collective bargaining agreement.
2. During the period of July, 1979, until July 10, 1981, when he bumped into a district position in a lower classification in lieu of layoff, the appellant occupied a position in the division's central office in Madison classified as Industry and Labor Training Coordinator 1 (ILTC 1) (PR 12-04).
3. The duties and responsibilities of appellant's position as afore-said included work with the newly formed promotion and development section which began functioning on July 7, 1980. The work in this area was primarily

of a planning and orientation nature. The section never became fully operational because of budgetary cutbacks and eventually was disbanded. The chief of the section was subjected to the layoff process with the same effective day (July 10, 1981) as the appellant.

4. The appellant's position also included duties and responsibilities in the Barbers, Cosmetologists, Cannery and Freezers, and Telephone apprenticeship programs. None of these programs involved statewide "jointly sponsored" apprenticeship committees. Rather, there was a statewide advisory committee with respect to each program that provided advice to the division, including advice on apprenticeship standards, but such committees did not have the authority to issue binding standards.

5. Statewide jointly sponsored or joint apprenticeship committees are composed of representatives of both labor and management. They promulgate apprenticeship standards which are binding on both industry and labor and are parties to apprenticeship indentures. Statewide nonjoint apprenticeship committees are not required to have such joint representation. Any apprenticeship standards they develop are advisory only, and they are not parties to indenture agreements.

6. During the period in question, the appellant's position was not responsible for the coordination on a statewide basis of any jointly sponsored apprenticeship and training programs.

7. The class specifications for ILTC 2, Respondent's Exhibit C-1, which were effective August, 1974, include in the definition section the following language:

This is professional staff work of a specialized nature involving the coordination on a statewide basis of jointly sponsored apprenticeship and training programs.

8. Mr. Pasqualucci's request for reclassification of his position to ILTC 2 was denied by DILHR acting on a delegated basis pursuant to §230.05(2)(a), stats., on October 14, 1981. Mr. Pasqualucci subsequently was laid off from his district job effective December 8, 1981.

9. Mr. Tetzlaff was for many years a co-employee of appellant in the central office of the Apprenticeship and Training Division. He had substantially the same duties and responsibilities as the appellant for most of that period until he started working with the firefighting committee in 1975. Over a period of time, this committee attained official state joint apprenticeship status and promulgated the standards of apprenticeship for firefighting, see Respondent's Exhibit M. As a result of his work with this committee, Mr. Tetzlaff's position was reclassified to ILTC 2 in January 1980.

10. The appellant's position did not meet the definition for classification as ILTC 2 as set forth in Respondent's Exhibit C-1.

#### CONCLUSIONS OF LAW

1. This case is properly before the Commission pursuant to §230.44(1)(b), Stats.

2. The appellant has the burden of proving by a preponderance of the credible evidence that the respondents' decision to deny his request that his position be reclassified to ILTC 2 was incorrect.

3. The appellant has not sustained his burden.

4. The respondents' decision to deny appellant's request for reclassification of his position to ILTC 2 was not incorrect.

OPINION

The language of the ILTC 2 class specifications contains a very specific criterion for classification at that level. To be so classified, work must involve "... the coordination on a statewide basis of jointly sponsored apprenticeship and training programs." (emphasis supplied) During the relevant period of about two years prior to the reclassification denial, the appellant's position was not involved with any jointly sponsored programs. The committees with which appellant worked, such as the barbers committee, did not have "joint" status, in the sense of having specific official labor and management representation requirements, and the authority to issue binding apprenticeship standards. See Respondent's Exhibit J, where this is explained.

The main thrust of the appellant's appeal was that his work was the same as Mr. Tetzlaff's, and therefore his position was underclassified or Mr. Tetzlaff's was overclassified. While there was no question that Mr. Tetzlaff worked with a state joint apprenticeship committee, Mr. Pasqualucci testified that in his opinion such work was no more difficult than work with a non-joint advisory committee. The problem with this argument is twofold. First, the ILTC 2 class specifications utilize the joint program concept as a requirement for classification at that level. Class specifications provide the basic structure of the state classification system. The specific requirements of a class specification cannot be ignored because of someone's ideas about the relative complexity of different kinds of work. This kind of evaluation is made when the classification specifications are drafted and presented to the personnel board for approval. See §230.09(2)(am), stats.

This process is very graphically illustrated on this record by appellant's Exhibit E, which contains the letter to the personnel board in 1974 which explained the rationale for the distinction between the ILTC 1 and 2 classifications:

The analysis of these [Central Office Program Coordinator] positions indicated that the scope and complexity of the jointly sponsored programs being developed and administered by central office coordinator were greater than that found in the individually [non-joint] sponsored programs. The proposed classifications of Industry and Labor Training Coordinator 1 (PR 12-04) and Industry and Labor Training Coordinator 2 (PR 12-05) were therefore developed to recognize only the central office program coordinator positions and to provide for a distinction between the level of work involved in developing and administering individual versus joint sponsored apprenticeship and training programs.

Once the specifications have been determined, they must be uniformly applied or the classification process would become a series of ad hoc decisions lacking in uniformity.

Second, despite the appellant's opinion to the contrary, the evidence on this record would support a finding, if one were necessary, that work with a joint program is more complex than work with a non-joint program, primarily because Joint Committees have more impact because the apprenticeship standards they promulgate are binding while the non-joint committees are strictly advisory. Also, because of the requirement for formal labor-management representation on joint committees, they are more likely to have a collective bargaining atmosphere.

The appellant also suggests that Mr. Tetzlaff's reclassification was defective because he worked only with one joint committee and the ILTC 2 specifications use the plural--"programs." However, the only issue before the Commission<sup>1</sup> is whether the denial of the appellant's request for re-

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<sup>1</sup>See prehearing conference report dated January 28, 1982.

classification was incorrect. The appellant lacked responsibility for any joint programs and his position could not be reclassified, regardless of the correctness of the reclassification of Mr. Tetzlaff's position. Therefore, this contention is not material to the issue before the Commission.

ORDER

The action of the respondents is affirmed and this appeal is dismissed.

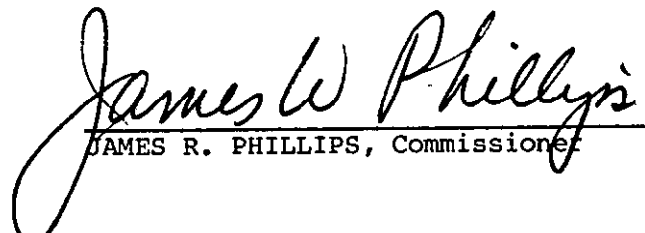
Dated: April 15, 1982 STATE PERSONNEL COMMISSION

AJT:jmf

  
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