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 *
 LLEWELLYN DANIELS and, *
 FRAN JOHNSON, *
 *
 Appellants *
 *
 v. *
 *
 Administrator, DIVISION OF *
 PERSONNEL, *
 *
 Respondent. *
 *
 Case Nos. 81-285, 286-PC *
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 * * * * *

DECISION
 AND
 ORDER


The proposed decision and order was issued in this matter on September 7, 1983. The appellants filed objections to the proposed decision and requested oral arguments before the Commission. Oral arguments were ultimately held on April 25, 1984.

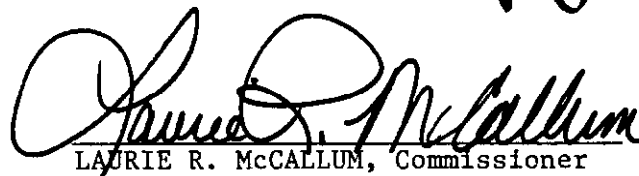
After consideration of the record and the arguments of the parties and after consultation with the hearing examiner, the Commission adopts the proposed decision and order and adds the following language to the opinion section of the decision:

The evidence indicates that while there is much overlap in appellants' duties and those of educational consultants, the following substantive differences exist: The appellants are responsible for initiating, coordinating and assisting in the development and delivery of CETA vocational education programs. The CETA programs that the appellants assist in developing are short-term, job training projects, which do not meet the definition of "comprehensive educational programs" as referenced in the classification specifications for Education Consultants. Appellants' principle involvement in developing CETA programs centers upon their knowledge and skill concerning applicable CETA rules and regulations. Appellants' target groups are persons needing vocational training.

In contrast, Education Consultants evaluate and prepare recommendations for proposed and on-going programs of instruction, which includes initiating and developing long-term educational programs, curriculum, instruction methodology and teaching methods. Education Consultants are experts in particular areas of educational specialization, including remedial studies and special teaching techniques for the handicapped.

Dated: July 5, 1984 STATE PERSONNEL COMMISSION


DONALD R. MURPHY, Chairman


LAURIE R. McCALLUM, Commissioner

KMS:jmf


DENNIS P. MCGILLIGAN, Commissioner

Parties:

Llewellyn Daniels & Fran Johnson
c/o John S. Williamson, Jr.
777 E. Wisconsin Ave., Suite 2000
Milwaukee, WI 53202

Howard Fuller, Secretary
DER*
P. O. Box 7855
Madison, WI 53707

*Pursuant to the provisions of 1983 Wisconsin Act 27, published on July 1, 1983, the authority previously held by the Administrator, Division of Personnel over classification matters is now held by the Secretary, Department of Employment Relations.

STATE OF WISCONSIN

PERSONNEL COMMISSION

* * * * *

LLEWELLYN DANIELS and,
FRAN JOHNSON,
Appellants,
v.
Administrator, DIVISION OF
PERSONNEL,
Respondent.
Case Nos. 81-285, 286-PC

* * * * *

PROPOSED
DECISION
AND
ORDER

These two cases are appeals from decisions by the administrator of the Division of Personnel's decision to reallocate the captioned appellants' positions from Vocational Education Consultant 2 and Vocational Education Consultant 1, respectively, to Education Specialists 6 instead of Education Consultants. The following findings are made after a hearing was held and briefs were filed with the Commission by the parties to these actions.

FINDINGS OF FACT

1. The appellant Llewellyn Daniels began employment with the Wisconsin Board of Vocational, Technical, Adult Education (WBVTAE) as a Vocational Education Consultant 1. He was reclassified to Vocational Education Consultant 2 in 1977 and reallocated to Education Specialist 6 in 1981.

2. The appellant, Fran Johnson, has been employed by WBVTAE since February, 1980. She held the position of a Vocational Education Consultant 1 until March, 1981, when she was reallocated to Education Specialist 6.

3. In January of 1980 the Division of Personnel (DP) was engaged in a classification survey of positions in education. The Division of Personnel made recommendations to the State of Wisconsin Personnel Board, including the abolishment of certain existing classifications and the creation of new classifications. Among those classifications recommended to be abolished were Vocational Education Consultant 1 and 2. These classifications were to be replaced with the Education Specialist series.

4. In February, 1980, the Director of WBVTAE wrote the Personnel Board expressing concern about the classification proposals in the Education Consultant and Specialist series as they related to three WBVTAE Vocational Education Consultant positions, one of which was held by Mr. Daniels. Under the survey proposals, these positions would be reallocated to the Education Specialist 6 level -- one pay range below that of their current class. It was, however, acknowledged by WBVTAE that the Education Consultant classification differed from the Education Specialist classification because a consultant was required to be an expert in a particular educational discipline or area of specialization.

5. After several discussions with DP, WBVTAE approved all survey recommendations including the Education Consultant and Specialist series. In January, 1981, the Wisconsin Personnel Board approved the Education Survey recommendations of DP, with an effective date of March, 1981. The concomitant pertinent classification specifications are as follows:

Education Specialist

I. Introduction

A. Purpose of Position Standard

This position standard is intended to be used to classify professional positions responsible for analyzing, monitoring, evaluating, and coordinating statewide educational programs and projects. Because of the wide

variety of ways in which positions can be structured in this occupational area, this position standard may not specifically identify every eventuality or combination of duties and responsibilities which may exist in the future. Rather, it is intended to serve as a basic framework for decision-making by specifically identifying and allocating to classification levels those groupings of duties and responsibilities which currently exist.

II. Class Descriptions

Education Specialist 6

This is an advanced level Education Specialist functioning in one of the following capacities:

- 1) Teacher and Staff Certification - This level identifies an advanced level specialist responsible for all certification functions and activities of the agency.
- 2) Research and Evaluation - This level identifies advanced level positions in this area which are responsible for analyzing and evaluating a wide variety of very complex state and/or federal projects and programs and for providing high level assistance to district educators in developing and implementing planning and evaluation instruments.
- 3) Program Review - Positions at this level are responsible for conducting and coordinating the most complex program reviews in the largest school districts.
- 4) Program Coordination - A position at this level functions as the coordinator of a large statewide program or of several smaller programs, such as vocational employment and training programs, with primary emphasis on reviewing and approving program operations, expenditures, and projects.

In all cases, the work at this level includes responsibility for frequently making the most difficult and unprecedented decisions in the program area. Most recommendations made at this level are readily accepted by program administrators and usually have the effect of establishing precedents and performance criteria for program clientele. In addition to performing the analytical and decision-making functions of the program, employees in this class provide a significant amount of technical assistance to local education officials in developing and improving program services. The work is performed under general supervision.

Education Consultant

PR13-09

Definition:

This is specialized professional work as a consultant in education in either the Department of Public Instruction or the State Board of Vocational, Technical and Adult Education. Employees at this class level function as experts in a particular area of specialization in evaluating and preparing recommendations for ongoing and proposed programs of instruction and staff utilization. This entails the provision of consultation, leadership, and program coordination, on a statewide basis, to education district officials, advisory committees, local education boards, teacher training institutions, public officials and the general public. The work is performed independently, subject to administrative approval, and includes initiating and developing comprehensive educational programs and effectively recommending educational policy guidelines and standards.

6. Subsequent to the Personnel Board's approval of the Education Survey recommendations by DP, the appellant's positions were reallocated from their Vocational Education Consultant classifications, which had been abolished, to the newly created Education Specialist 6 classification, effective March 8, 1981. The appellants appealed their reallocation to this Commission within thirty days of receipt of notice of the reallocation.

7. In January, 1982, the Division of Personnel, based upon the submittal of a revised position description, reconsidered the appropriate classification for the positions held by the appellants, but did not alter their previous decisions.

8. Appellants' primary responsibilities are to provide consultation, leadership and coordination between vocational education and CETA prime sponsors. This includes developing, monitoring and evaluating CETA vocational education programs, preparing recommendations for their implementation and negotiating written agreements for these program services.

9. While the appellants and Education Consultants have some equitable responsibilities of analyzing, monitoring, evaluating and coordinating statewide educational programs and projects, the appellants, in contrast to Education Consultants, are not responsible for initiating and developing comprehensive educational programs in a particular area of specialization and functioning as an expert in a given educational discipline.

10. The duties and responsibilities that are assigned to the position that each appellant occupies are better described by the class description for an Education Specialist 6 than for an Education Consultant.

CONCLUSIONS OF LAW

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

2. The appellants have the burden of proving that respondent's actions of reallocating their position to Education Specialist 6 instead of Education Consultant were incorrect.

3. Each appellant has failed to meet the burden of proof.

4. Respondent's decision to reallocate each appellant's position to Education Specialist 6 is affirmed.

OPINION

The unequivocal evidence in this matter is that from the onset of the recent Education survey and the development of the Education Specialist and Education Consultant classifications, the Education Consultant classification was for those positions that were recognized as experts in a particular educational discipline or area of specialization, and had the responsibility for the innovation and development of complete, inclusive educational programs within a specific area of specialization. It is the belief of this examiner that based upon the evidence presented, the

positions held by the appellants do not require the knowledge of an expert in a given educational discipline or area of specialization, nor do they have the responsibilities of designing and developing inclusive educational programs. It is for these reasons and based upon the record that respondent's decisions should be affirmed.

ORDER

With respect to case numbers 81-285-PC and 81-286-PC, respondent's decisions to reallocate appellants' position to Education Specialist 6 is affirmed.

Dated: _____, 1983 STATE PERSONNEL COMMISSION

DONALD R. MURPHY, Chairperson

DRM:jmf

LAURIE R. McCALLUM, Commissioner

DENNIS P. MCGILLIGAN, Commissioner

Parties:

Llewellyn Daniels & Fran Johnson
c/o John S. Williamson, Jr.
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