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JOANN PEDERSEN,  
 Appellant,

v.

Secretary, DEPARTMENT OF  
 INDUSTRY, LABOR AND HUMAN  
 RELATIONS and Administrator,  
 DIVISION OF PERSONNEL,  
 Respondents.

Case No. 82-209-PC

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DECISION  
 AND  
 ORDER

This is an appeal of a reclassification denial. The following findings are based upon a hearing on the merits conducted by a hearing examiner appointed by the Commission.

FINDINGS OF FACT

1. In 1979, the appellant, JoAnn Pedersen, started work as a Job Service Specialist 1, Adjudicator in the Milwaukee Central office of the Division of Job Service, Department of Industry, Labor and Human Relations (DILHR). One year later she transferred to the Milwaukee South office and in January, 1981, she was reclassified to Job Service Specialist 2, the position she presently holds.

2. In May, 1982, appellant's supervisor requested reclassification of the position held by the appellant to Job Service Specialist 3. The reclassification request was denied in August because the appellant did not attain the minimum performance evaluation score. Before 30 days had expired, the appellant appealed the reclassification denial to the Commission.

3. In February, 1981, the respondent incorporated a new procedure in the reclassification of Job Service Specialist 1, 2 and 3 Adjudicators. Reclassification in such instances was based upon performing appropriate duties, achieving a specific level of performance and having spent a certain minimum time in one classification. Pertinent parts of the reclassification process as set forth in Chapter 3 of respondent's Management Handbook are as follows:

General Provisions

- A. The District Office Adjudication Supervisor will evaluate the applicant's work duties to determine whether the minimum qualifications have been met. The reclass request shall be submitted to Field Operations. Field Operations will then request evaluation. Upon completion, the Bureau of Benefits will advise Field Operations whether the applicant has met the minimum score in the level of performance category. Field Operations has the responsibility to advise the District Office Adjudication Supervisor and Personnel.
- B. The applicants for reclass are evaluated via the Wisconsin Quality Performance Index by one Disputed Claims Specialist. Any cases scoring less than 80% will be audited by another D/C Specialist if the applicant fails to achieve minimum level.
- C. 25% of all cases shall be audited by the Disputed Claims Lead Worker or designated representative thereof.
- D. The Fact-Finding Interview Index is required whenever the applicant has not been evaluated using the Fact-Finding Interview Index or had previously failed. If the Wisconsin Quality Performance Index is not attained, the Fact-Finding Interview Index evaluation will not be made.
- E. If the applicant does not meet the required minimum grade on either the Wisconsin Quality Performance Index or the Fact-Finding Interview Index, a conference between the Disputed Claims Representative, the applicant's line supervisor and/or program manager will be held. A corrective action plan to remedy the deficiencies as identified by the Quality Performance Index or the Fact-Finding Interview Index will be developed. The Reclass Request will be processed through Personnel and rejected as not meeting Performance Standards; as an appealable document must be issued...

Achievement Levels

A. Job Service Specialist 1 to Job Service Specialist 2  
...

B. Job Service Specialist 2 to Job Service Specialist 3

1. Wisconsin Quality Performance Index

20 cases will be revealed in the five major issues as follows:

- 5 Able and Available
- 4 Misconduct
- 4 Quit (excluding quit/requalify)
- 3 Suitable Work
- 4 Disqualifying Deductible Income, excluded employment or special statutory issues

"Lift Suspensions" will not be used.

In order to pass:

- a. 17 of 20 cases must have a score of 85% with not more than 1 scoring less than 75%.

If the employee does not meet the standard, we will score 5 more from the 5 categories.

OR

- b. 21 of 25 must have a score of 85% or better with not more than 1 scoring less than 75%.

OR

- c. 20 of 25 must have a score of 90% or better with none scoring less than 75%.

2. Wisconsin Fact-Finding Interview Index

The Fact-Finding Interview Index evaluation is required whenever the candidate has not had 8 interviews evaluated or had previously failed the Wisconsin Fact-Finding Interview. The same standards will apply whether the candidate is going from a Job Service Specialist 2 to 3 or from a Job Service Specialist 1 to 2.

4. The following method is used to process reclassification requests from district offices: The District Office is responsible for preparing a current position description, completing a reclassification request/report and sending these completed documents to the Field Operations Office. Field Operations reviews the documents for completeness and submits them through the central personnel office to the Bureau of Benefits for performance evaluation. The performance evaluation entails the review of cases randomly selected, using the quality performance index; and the fact-finding interview index evaluation.

If the applicant fails to meet the minimum achievement levels, Field Operations is notified. The field operations office then reviews the reclassification report to determine a plan of action and forwards information to the District Office and central personnel.

5. The procedure for processing a reclassification request for a Job Service Specialist position emanating from a District Office was employed by the respondent when they processed the request relating to the appellant's position. Nineteen (19) cases for the appellant were reviewed by the Benefit Support Section/Disputed Claims in the Bureau of Benefits -- appellant's twentieth case had not been received by the bureau at that point. Two of appellant's nineteen cases received a QPI score of less than 75%. The appellant failed to meet the quality criteria set forth in Chapter 3 of the Management Handbook which required that not more than one case score less than 75%.

6. The federal government has certain supervisory responsibilities over state unemployment compensation claims. In order to be in compliance with federal standards, the respondent adopted the federal quality performance index standard for weighing the scores given each item of the

Wisconsin QPI. The Bureau of Benefits used the method adopted from the federal QPI when it reviewed appellant's cases.

7. The 2 cases of appellant's which received scores of less than 75% were reviewed by the lead worker of the Disputed Claims Specialists, the initial scorer and were scored the same. Upon the request of the appellant's supervisor, the 2 cases were again reviewed by a third member of the Benefit Support Section/Disputed Claims team and received failing scores. The Director of the Bureau of Benefits also reviewed the same two cases and reached the same conclusions.

8. The respondent followed the procedures for processing, evaluating and reviewing the request to reclassify the position held by the appellant. Case files submitted to the Disputed Claims Specialist for evaluation were scored in accordance with the scoring system adopted by the respondent and approved by the federal government.

#### CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the position in this action.
2. The Commission has subject matter jurisdiction over this action.
3. The burden of proof is on the appellant to show by a preponderance of credible evidence that the decision to deny the request for reclassification of her position was incorrect.
4. Appellant has failed to meet her burden of proof.
5. The decision of the respondent in denying the request for reclassification of the appellant's position was correct.
6. Appellant is properly classified as a Job Service Specialist 2.

#### OPINION

Similar to Skeway v. DPI Case No. 80-83-PC, the respondent had adopted a specialized procedure for the analysis and review of requests for reclassification for Job Service Specialist positions.

The procedure for analyzing the request for reclassifying appellant's position in this appeal included a review by the Bureau of Benefits of twenty cases decided by the appellant using the Standards of the Wisconsin Quality Performance Index (QPI) and observation of eight fact-finding interviews conducted by the appellant. To progress to the second stage of review, the appellant was required to obtain a score of at least 85% on the twenty cases evaluated, with no more than one case scored at less than 75%. In reaching a decision in this appeal, the Commission can only consider whether the procedure for reclassifying appellant's position was followed and whether the scoring of such cases under the standards of QPI was valid.

No evidence was presented showing that DILHR failed to employ the specific procedure adopted for the evaluation of requests for reclassification of positions from Job Service Specialist 2 to Job Service Specialist 3. Witnesses presented by both parties primarily testified about the logic and accuracy of the scores attached to appellant's two cases which were scored at less than 75%.

The witnesses presented by the appellant were the Milwaukee field office area supervisor, appellant's supervisor and appellant's lead worker, who gave testimony on only one of the cases in question. While each of these witnesses varied in some instances with regards to reasons for his or her conclusions, each believed the appellant had investigated these cases to the degree necessary to obtain the required minimum grade on the QPI.

The respondent's witnesses consisted of the Disputed Claims Specialist and his supervisor. It is their function to score and review, under the QPI standards, all case files submitted in conjunction with reclassifications. The Disputed Claims Specialist testified in detail about appellant's two cases which received scores of less than 75%, stating

his rationale for his scoring of certain items listed on the QPI analysis form. He found appellant's performance inadequate in the categories of employer information, investigation rationale, sufficient facts and correctness of determination. His supervisor testified that he reviewed the appellant's cases which received failing grades and agreed with the scores given by the specialist.

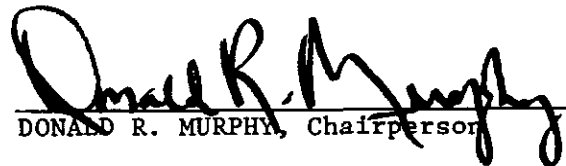
The QPI method of evaluating the performance of an adjudicator is very specific. Detailed instructions are provided the grader for scoring each item on the QPI analysis form. Despite the detailed scoring process, there is a minimal degree of subjectivity involved in scoring certain items which could engender differences of opinion.


Regardless, this examiner believes, based upon the evidence presented, that the scoring of the appellant's files was not improper or incorrect. This examiner is persuaded by the testimony of respondent's witnesses. The appellant failed to take the necessary steps to resolve issues of credibility which existed in both the case files in question. In at least one instance, a telephone call by the appellant could have provided information which would have reduced the amount of speculation involved in the decision-making process.

ORDER

Respondent's classification decision is affirmed and this appeal is dismissed.

Dated: October 28, 1983 STATE PERSONNEL COMMISSION

  
DONALD R. MURPHY, Chairperson

  
LAURIE R. McCALLUM, Commissioner

DRM:jmf

  
DENNIS P. MCGILLIGAN, Commissioner

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\*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.