

STATE OF WISCONSIN

PERSONNEL COMMISSION

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 GEORGE B. HAYES, \*  
 \*  
                   Appellant, \*  
 \*  
 v. \*  
 \*  
 Secretary, DEPARTMENT OF \*  
 HEALTH AND SOCIAL SERVICES, \*  
 and Administrator, DIVISION \*  
 OF PERSONNEL, \*  
 \*  
                   Respondents. \*  
 \*  
 Case No. 83-0039-PC \*  
 \*  
 \* \* \* \* \*

DECISION  
AND  
ORDER

This matter is before the Commission as an appeal from a reclassification decision. The parties agreed to the following issue for hearing:

Whether the respondent's decision denying the reclassification of appellant's position from Aide 1 to Aide 2 was correct.

FINDINGS OF FACT

1. Movement of a position from the Institution Aide 1 to Institution Aide 2 classification is based upon the "satisfactory attainment of a specified training, education or experience." §Pers. 3.01(3)(b), Wis. Adm. Code. The Aide 2 position standard sets out the following training and experience requirement:

Two years of experience as an Aide 1 or equivalent, and; satisfactory completion of the required advanced aid training program\* and demonstrated ability to provide a required level of rehabilitative and therapeutic services; or an equivalent combination of training and experience.

NOTE: In positions requiring special skills or knowledges, appropriate specialized training and/or experience may be required.

TYPICAL TRAINING PROGRAM\*  
for Advanced Aid - Therapeutic

| <u>COURSE CONTENT</u>                                | <u>HOURS</u> |
|--|--------------|
| Introduction to Course                               | 6            |
| Human Growth and Development                         | 12           |
| Behavior Patterns                                    | 12           |
| Aide-Patient Relationship                            | 12           |
| Group Dynamics: Processes and Theory                 | 12           |
| Organizing and Promoting of Social Activities        | 6            |
| Remotivation Theory & Application of Group Processes | 30           |
| Clinical Assignment Conferences                      | <u>10</u>    |
| TOTAL HOURS  | 100          |

2. At the Mendota Mental Health Institute (MMHI), an institution operated by respondent DHSS, the Aide 2 training and experience requirement is interpreted as requiring 2 years experience as an Aide 1 and either completion of MMHI's 100 hour training program or an equivalent amount of relevant training at the college level. The training program at MMHI includes certain required courses, including Assertiveness Training and Human Life Cycle. The remainder of the 100 hours program can be elected from among the various courses that are offered.

3. The appellant began working as an Aide 1 at the Central Wisconsin Center (CWC) on June 2, 1980. He completed probation at CWC and transferred as an Aide 1 to MMHI on May 18, 1981.

4. In April of 1982, the appellant transferred or demoted to a position as Power Plant Helper at the MMHI Power Plant. Upon being laid off from the Power Plant, he returned to MMHI as an Aide 1 on January 10, 1983.

5. As of February 26, 1983, the appellant had been employed by respondent DHSS as an Aide 1 for a period of two years.

6. During the period from May 18, 1981 until February 26, 1983 (including the period in which the appellant was employed in the Power Plant) the appellant took a total of 58.5 hours of Aide 2 training including all of the required courses except Assertiveness Training.

7. The appellant had signed up for an Assertiveness Training class in December of 1981 but as a consequence of the staffing situation on his unit that day, he was not permitted to attend.

8. The policy at MMHI is to not allow Aides to attend Aide 2 training sessions when to do so would mean that their units would be short staffed. This policy affected all Aide 1's at MMHI.

9. Some time after February 26, 1983, the appellant was employed by MMHI as an Aide 3 after having successfully completed an examination and an oral interview as well as having passed certain physical tests. <sup>FN</sup> The appellant would receive a higher salary as an Aide 3 if he had been reclassified to an Aide 2 in February or March of 1983.

10. Mr. Douglas Quinn-Gruber was employed as an Aide 1 at Northern Wisconsin Center for a period of twenty months commencing on July 23, 1979. He then transferred to CWC for seven weeks and then transferred to MMHI, still as an Aide 1, on May 13, 1981. By the time he reached MMHI, Mr. Quinn-Gruber had attended approximately twelve weeks of inservice training.

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<sup>FN</sup> The Commission has amended this finding after consulting with the hearing examiner and reviewing the record.

In addition, his major in college had been creative communications (secondary education). Mr. Quinn-Gruber was reclassified to the Aide 2 level on July 23, 1981, even though he had not completed 100 hours of training at MMHI.

11. Mr. Ted Keyes was hired as an Aide 1 at CWC on March 23, 1981. After seven weeks he began work as an Aide 1 at MMHI. On March 21, 1983, after Mr. Keyes had completed the 100 hour requirement at MMHI, he was reclassified to Aide 2.

13. The appellant was not entitled to reclassification from Aide 1 to Aide 2 in light of his failure to complete the 100 hour training requirement.

#### CONCLUSION OF LAW

1. This matter is appropriately before the Commission pursuant to §230.44(1)(b), Wis. Stats. (1981-82).
2. The appellant has the burden to show that the respondents' decision denying his reclassification to the Aide 2 level was incorrect.
3. The appellant has not met his burden.
4. The respondent's reclassification decision was correct.

#### OPINION

The appellant simply did not obtain the required hours of training by the time the initial two year period as an Aide 1 had been completed. The appellant argued that he actually had more hours of training than were shown on his record. However, he was unable to provide any evidence that the computer tabulation of training hours maintained by the respondent DHSS was inaccurate. In contrast, a witness for the respondents testified that she had reviewed the appellant's time sheets and had found the official tabulation to have been accurate. The fact that other Aide 1's have been

able, in the past, to document that the tabulation was incorrect as to them, does not entitle the appellant, absent similar documentation, to have his own hourly total adjusted.

The appellant also testified that he had been prevented by short-staffing situations from attending at least one and as many as five sessions for which he had been signed up to attend. He also stated that he did not bother to sign up for several training sessions because he knew that he would be unable to attend due to short-staffing.

The testimony indicated that this problem was one shared by all Aide 1's, the vast majority of whom were apparently still able to complete the Aide 2 training within the two year period. The evidence suggested that the occasional short-staffing situation made it more difficult for an Aide 1 to reach the 100 hour goal but the appellant did not establish that the staffing shortages effectively prevented his reclassification. In fact, the appellant had nearly eight additional months to attend the Aide 2 training sessions while employed in the Power Plant, where short-staffing was not identified as a concern.

The appellant also argued that he was treated differently than two other employes who were granted reclassification to the Aide 2 level. Mr. Quinn-Gruber was reclassified even though he had not completed 100 hours of Aide 2 training at MMHI. However, he had had approximately 480 hours of inservice training before reaching MMHI and had substantial college level work in communications/secondary education that was relevant to the duties of an Aide 2. In contrast, the appellant failed to identify any training outside of MMHI that could be considered equivalent to the Aide 2 training program.

Another MMHI employe, Mr. Ted Keyes, was apparently reclassified as an Aide 2 two days before the required two year period for reclassification had been completed. Assuming that Mr. Keyes should not have been reclassified until two days later, the appellant's own reclassification decision remains unaffected. The appellant is not entitled to 41.5 hours credit toward a 100 hour requirement as a consequence of the decision regarding Mr. Keyes.

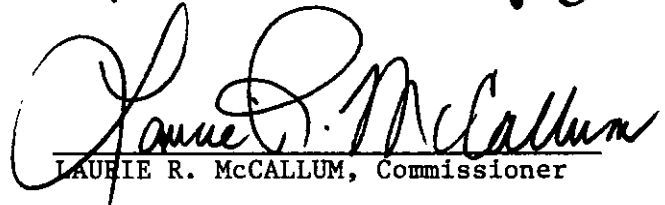
In light of the failure of the appellant to meet the 100 hours training requirement or to submit evidence of equivalent training, the respondents' decision denying appellant's reclassification request was correct.

ORDER

The respondents' decision denying appellant's reclassification request is affirmed and this appeal is dismissed.

Dated: September 28, 1983 STATE PERSONNEL COMMISSION

  
DONALD R. MURPHY, Chairperson

  
LAURIE R. McCALLUM, Commissioner

KMS: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.