

STATE OF WISCONSIN

PERSONNEL COMMISSION

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 *
 KAREN OGHALAI, *
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 Appellant, *
 v. *
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 Secretary, DEPARTMENT OF *
 EMPLOYMENT RELATIONS, *
 *
 Respondent. *
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 Case No. 83-0161-PC *
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DECISION
AND
ORDER

NATURE OF THE CASE

This case is an appeal pursuant to §230.44(1)(a) Wis. Stats., of the reallocation of appellant's position from Planning Analyst 4 (PR 1-15) to Social Services Specialist 2 (PR 12-7). Appellant alleges that her position should have been reallocated to the Program and Planning Analyst 6 (PR 1-16) level. The following findings of fact, conclusions of law, opinion and order are based upon the evidence presented at a hearing on this matter.

FINDINGS OF FACT

1. The appellant, Karen Oghalai, has been employed in the Wisconsin Classified Civil Service, in her current position, in the Division of Community Services, Department of Health and Social Services for five years.

2. On July 7, 1983, Ms. Oghalai received notification from respondent that her position had been reallocated from Planning Analyst 4 to Social Services Specialist 2. Ms. Oghalai appealed the reallocation to the Commission on July 28, 1983.

3. The duties and responsibilities of appellant's position as described in her current position description in pertinent part as follows:

- 20% A. Evaluate program needs, analyze alternatives, secure approval of and assist in development of a statewide client-specific information system for use by county departments of social services and state regional offices which allows for tracking and monitoring of children in substitute care, meets local agency reporting and planning needs, provides data for Department monitoring and meets state and federal laws and regulations (specifically Public Law 96-272).
- 20% B. Evaluation of substitute care and permanency planning program areas, identification of problem areas and alternative solutions and formulation of Bureau positions and policies for improved statewide program operation.
- 20% C. Analysis of information, issues and problems identified by DCS regional child welfare program staff, county departments of social services foster care staff, and foster care and permanency planning advocacy groups regarding child care programs and the permanency planning initiative. Recommend policy and procedural action to help assure equal and efficient application of services and statewide compliance with Department and federal child welfare and permanency planning requirements.
- 10% D. Evaluation and planning to assure an effective statewide system of determining individual client eligibility for state and federal funds for child placement.
- 10% E. Analyze, plan and implement a foster care maintenance rate system for all state-funded foster care placements made by Wisconsin public agencies which assures uniform payments for comparable situations and meets other state and federal requirements.
- 10% F. Analyze current policy, recommend alternatives and implement new standards and guides for use by public and voluntary child welfare agencies to insure the quality care of children in substitute care placements.
- G. Plan and monitor the provision of foster parent liability insurance in accordance with Wisconsin statutes and the best interests of the children served in foster care programs in Wisconsin.
- 10% H. Perform other evaluative and planning assignments as directed by the Chief of the Permanency Planning

Section or the Bureau Director to support miscellaneous child welfare administrative or program efforts.

4. The position standard for the Program and Planning Analyst series specifically excludes positions performing analytic functions in programs, such as social services, requiring highly specialized training, experience or specialized knowledge of the program service provided or service provision techniques.

5. The position standards for the Social Services specialist series defines a Social Services Specialist 2 as follows:

This level represents the primary functional area of responsibility for providing social services consultation in specialized program areas. Specialized staff consultative service in a district or region can be included at this level depending upon the organizational relationship, the duties assigned and the depth and scope of the program involved. Central office consultants and program specialists at this level, in addition to their consultative roles, are involved in the planning, development and implementation of services and service related programs under the direction of higher level program supervisors or administrators. A limited number of field consultants are allocated to this level on the basis of consultative services in selected program areas which require highly specialized training and skills.

6. Other positions in appellant's unit which are concerned with similar social services programs, have comparable planning and analytic functions and are classified at the Social Service Specialist 2 level.

7. Typically the positions classified at the Program and Planning 6 level located in appellant's agency are responsible for planning a wide variety of social service programs including the program serviced by appellant.

8. While representative positions listed in the position standard for the Social Service Specialist 2 classification appear to differ from the position held by appellant, specialization in a social services program makes it the best fit.

CONCLUSIONS OF LAW

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

2. The appellant has the burden of proving that respondent erred in reallocating her position to Social Services Specialist 2 instead of Program and Planning Analyst 6.

3. The appellant has failed to sustain that burden.

4. The appellant's position is more appropriately classified at the Social Service Specialist 2 level than a Program and Planning Analyst 6.

OPINION

There is no dispute about the work performed by appellant. Her current position description is accurate. She acknowledges that her work is performed based upon her extensive technical knowledge, serving as the unit's expert in the areas of the uniform foster care rates, state and federal child welfare system needs and requirements, and foster care liability insurance.

The appellant also states that she provides consultation to top management, leads statewide advisory groups, analyzes trends and develops policy and budget recommendations. However, all of these functions are within the social services foster care program, which is encompassed in respondent's children, youth and families program. These responsibilities, which are highly specialized, fit within the Social Services Specialist series.

The appellant appealed the reallocation from Planning Analyst 4 to Social Services Specialist 2 because the current classification has a lower maximum pay range. She also believes that her work

responsibilities have expanded in scope and level of complexity since July 1979, and meet the standards of the Program and Planning Analyst 6 classification. Using the Program and Planning Analyst position standard factoring system she ranks her position as follows:

Factor 1 - Scope and Impact	S-4, I-4	(195 points)
Factor 2 - Complexity of Work	C-5±	(210 points)
Factor 3 - Knowledge and Skills Required	KS-5	(140 points)
Factor 4 - Personal Contacts	NC-3, PC-4	(95 points)
Factor 5 - Discretion and Accountability	D-4,A-1	(130 points)
Total		770 points

Based upon appellant's analysis of her position, 770 points would place the position at PR 1-18, two pay ranges more than requested.

In opposition, respondent's witness Anthony Milanowski testified that, using the factoring system, appellant's position would not meet the minimum point range (505-605) for the Program and Planning Analyst 6 class. He stated that appellant, in her analysis, erroneously included factor 2 - complexity of work and factor 5 - accountability which are applicable only to managerial and line supervisory positions.

While the appellant correctly used the factor evaluation method in her analysis, she misinterpreted it. Based upon a clear reading of the position standard factor evaluation guidelines and appellant's undisputed duties and responsibilities, it is apparent, as argued by respondent, that appellant erroneously applied factors to her position which are exclusive to managerial and line supervisory positions. When factored correctly, the point total for appellant's position is less than required for a Program and Planning Analyst 6 classification.

Appellant's objection to the pay range maximum of her current classification can not be addressed by the Commission. While §230.09(2) Wis. Stats., authorizes respondent to assign a classification to a particular

pay rate or range, decisions made under this authority are not appealable to the Commission. Smetana et al v. DER, Case No. 84-0099-PC et seq. Wis. Pers. Comm. (8/31/84).

Regarding the question of reallocation, based upon the evidence in the record, we believe respondent's decision was correct and should be affirmed.

ORDER

Respondent's decision is affirmed and appellant's appeal is dismissed.

Dated: Nov. 8, 1984 STATE PERSONNEL COMMISSION

DRM:jab
JEN3


DONALD R. MURPHY, Chairperson


LAURIE R. McCALLUM, Commissioner


DENNIS P. MCGILLIGAN, Commissioner

Parties

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