

STATE OF WISCONSIN

PERSONNEL COMMISSION

* * * * *

MARIANNE PEIL, *

Appellant, *

v. *

Secretary, DEPARTMENT OF *

INDUSTRY, LABOR, AND HUMAN *

RELATIONS, and Secretary, *

DEPARTMENT OF EMPLOYMENT *

RELATIONS, *

Respondents. *

Case No. 85-0062-PC *

* * * * *

DECISION
AND
ORDER

NATURE OF THE CASE

This is an appeal from respondent, Department of Industry, Labor and Human Relations' (DILHR) decision to deny reclassification of appellant's position from Clerical Assistant 1 (PR 02-04) to either Job Service Assistant 1 (PR 02-06) or Clerical Assistant 2 (PR 02-05). At the prehearing conference held on May 31, 1985, before Kurt M. Stege, Hearing Examiner, the parties agreed to the following issue for hearing:

Whether or not respondent's decision to deny the appellant's request to reclassify her position from Clerical Assistant 1 (PR 02-04) to either Job Service Assistant 1 (PR 02-06) or Clerical Assistant 2 (PR 02-05) was correct.

Hearing in the matter was held on July 16, 1985, before Dennis P. McGilligan, Chairperson. The parties completed their briefing schedule on August 19, 1985.

FINDINGS OF FACT

1. At all times material herein, the appellant was employed by respondent DILHR as a Clerical Assistant 1 in the Adjudication Unit of the Waukesha

Unemployment Compensation Office. Her leadworker was Terri Hill, an adjudication aide. In addition to Hill, the Unit consisted of one adjudicator leadworker, 6 or 7 adjudicators, 2 disputed claims technicians and 2 file maintenance clerks (including appellant).

2. A request was made to reclassify appellant's position to either Job Service Assistant 1 or Clerical Assistant 2. The reclassification request was denied by memorandum dated April 2, 1985 from Kathy Jagers, DILHR Personnel, to appellant as follows:

Per your request, I have reviewed your position for proper classification. An audit of your Clerical Assistant 1 position in the Adjudication Unit of the Waukesha Unemployment Compensation Office was conducted on March 26, 1985. Discussions were also held with your leadworker, Terri Hill and your supervisor, Rod Bodmer. As a result of these discussions, a review of pertinent materials and comparisons to the classification specifications for Job Service Assistant 1, Clerical Assistant 1 and Clerical Assistant 2, current position allocation patterns and other positions, I have determined that your position is more appropriately classified at its current level of Clerical Assistant 1 (02-04) than at the requested level of Job Service Assistant 1 (02-06) or Clerical Assistant 2 (02-05)....

By letter dated April 20, 1985, the appellant filed a timely appeal of the reclassification denial to the Commission.

3. The position standard for the Clerical Assistant series provides, in part, as follows:

A. Purpose of This Position Standard

This Position Standard is intended to be used for making classification decisions relative to present and future positions performing general clerical duties in state service. This Position Standard will not specifically identify every eventuality or combination of duties and responsibilities of positions that currently exist or those that result from changing program emphasis in the future. Rather, it is designed to serve as a basic framework for classification decision making in this occupational area.

D. Classification Factors

Individual position allocations in this series will be based on the four following classification factors:

1. Accountability;
2. Know-How;
3. Problem-Solving; and
4. Working Conditions

which include:

- a. The diversity, complexity, and scope of the assigned program, project, staff responsibilities, or activities;
- b. The level of responsibility as it relates to: type and level of supervision received, status within the organization, and degree to which program responsibility and accountability are delegated and/or assigned;
- c. The degree to which program guidelines, procedures, regulations, precedents, and legal interpretations exist and the degree to which they must be applied and/or incorporated into the program and/or activities being carried out by the position;
- d. The potential impact of policy and/or program decisions on state and non-state agencies, organizations, and individuals;
- e. The nature and level of internal and external coordination and communication required to accomplish objectives;
- f. The difficulty, frequency, and sensitivity of decisions which are required to accomplish objectives and the level of independence for making such decisions.

II. CLASS DESCRIPTIONS

The following class descriptions for the various class levels within the Clerical Assistant series are designed to provide basic guidelines for the allocation of both present and future positions, as well as to serve as a basis for comparisons with positions in other class series.

CLERICAL ASSISTANT 1

(PR2-04)

This is entry and full performance level clerical work of routine difficulty completing a variety of assigned clerical tasks. Positions allocated to this class perform clerical and/or office machine operation work where limited analysis and use of individual judgement is required. Objective level duties in this series involves the application of knowledge relative to broad policies and procedures governing tasks such as posting, sorting, coding or filing information. Tasks may also involve application of knowledge of organizational structure, work assignments and flow of work among several interrelated operating units. This classification is also used to identify positions functioning in a full performance level capacity for operation of several common office machines such as those listed in the examples of Work Performed portion of this

position standard. Work in these office settings is normally performed under general supervision.

CLERICAL ASSISTANT 2

(PR2-05)

This is lead and/or advanced clerical work of moderate difficulty in completing a variety of assigned clerical tasks consistent with established policies and procedures. Positions allocated to this level have some freedom of selection or choice among learned things, which generally follow a well-defined pattern. However, positions at this level are distinguished from the Program Assistant 1 level by the limited degree of personal or procedural control over the nature and scope of the tasks which they perform. The variety and complexity of decisions made at this level are limited. Positions may function as lead workers, directing lower-level positions as well as performing a variety of the more complex clerical operations. Receptionist positions which serve in an informative capacity as the primary or sole public contact for a state facility(s) are allocated to this level. A variety of secretarial functions may be incidentally performed for the professional staff for a small percentage of the time. Work is performed under general supervision.

4. The position standard for the Job Service Assistant series provides, in part, as follows:

A. Purpose of this Position Standard

This Position Standard is intended to be used for making classification decisions relative to present and future positions performing general clerical duties in a Job Service program while still being flexible enough to classify future positions which may involve different programs, program emphasis and/or duties and responsibilities.

D. Classification Factors

Individual position allocations in this series will be based on the four following classification factors:

1. Accountability;
2. Know-how;
3. Problem-Solving; and
4. Working Conditions

which include:

- a. The diversity, complexity, and scope of the assigned program, project, staff responsibilities, or activities;
- b. The level of responsibility as it relates to: Type and level of supervision received, status within the organization, and

degree to which program responsibility and accountability are delegated and/or assigned;

- c. The degree to which program guidelines, procedures, regulations, precedents, and legal interpretations exist and the degree to which they must be applied and/or incorporated into the program and/or activities being carried out by the position;
- d. The potential impact of policy and/or program decisions on state and non-state agencies, organizations, and individuals;
- e. The nature and level of internal and external coordination and communication required to accomplish objectives;
- f. The difficulty, frequency, and sensitivity of decisions which are required to accomplish objectives and the level of independence for making such decisions.

II. CLASS DEFINITIONS AND REPRESENTATIVE POSITIONS

The following definitions of duties and responsibilities as well as the representative positions identified for specific classification levels provide examples and patterns for both present and future position allocations, as well as to serve as a basis for comparison with positions in other class series.

JOB SERVICE ASSISTANT 1

(PR2-06)

This is job service work of moderate difficulty in the State Job Services programs. Positions allocated to this class perform complex clerical work in a specialized Job Service program area and may assist in training staff in area of specialty. Work may involve direct client or employer contact requiring tact and persuasiveness. Work is performed under general supervision in accordance with established federal and Job Service program policies and procedures.

JOB SERVICE ASSISTANT 1 - Current Position Allocations and Work Examples

Job Service Intake Clerks - Field Offices - takes unemployment compensation claims and registers clients seeking employment, answers general questions from clients regarding benefits and employment service. Intake Clerks at this level may also process claims but this is not a significant function of these positions.

Unemployment Compensation Claims Processors - Field Offices - processes difficult unemployment compensation claims. Positions specializing in the processing of straight claims or other routine claims are allocated to the Clerical Assistant series. Claims Processors at this level may also function as Intake Clerks but this is not a significant function of these positions.

5. The appellant's duties and responsibilities, in summary, include the following: filing, handling mail and scheduling disputed cases for the adjudicators. The position description estimates the appellant's duties as 70% filing, 15% handling mail and 15% scheduling. However, currently appellant spends a majority of her time scheduling, a significant portion of her time on the mail and the rest of her work day on filing and "other" duties. At the time of her reclassification request, appellant spent more time on her mail and filing responsibilities compared to now, and less time on scheduling duties.

6. The appellant is not a lead worker and does not serve as a receptionist or act as a primary or sole public contact for her unit. She also does not work as an intake clerk or a claims processor.

7. In scheduling cases for hearing before an adjudicator, appellant normally pulls files, gives them to Hill for her review and assignment to adjudicators, enters information onto standard forms in order to schedule hearings and mails notices. Occasionally, she has to contact the parties directly to set a hearing date. This involves some tact and discretion on appellant's part. However, appellant usually schedules cases for hearing by writing a date on the appropriate form.

8. Several DILHR field offices have Clerical Assistant 1's performing file maintenance and other duties like appellant.

9. The duties and responsibilities of appellant's position are more accurately described by the class specifications for a Clerical Assistant 1 and appellant's position is more appropriately classified as a Clerical Assistant 1.

CONCLUSIONS OF LAW

1. This matter is appropriately before the Commission pursuant to §230.44(1)(b), Stats.
2. The appellant has the burden of proof of establishing that respondent DILHR's decision denying reclassification of her position was incorrect.
3. The appellant has not sustained her burden.
4. The respondent's decision to deny the request for reclassification of the appellant's position was not incorrect.

OPINION

At issue is whether the appellant's position should be classified as either a Job Service Assistant 1 (PR 02-06) or Clerical Assistant 2 (PR 02-05) or remain at the Clerical Assistant 1 level (PR 02-04). In order for appellant to prevail, she must satisfy her burden of proving that her position meets either the Job Service Assistant 1 or Clerical Assistant 2 definition and is more properly classified in that classification.

According to the class specifications, a Job Service Assistant 1 performs "complex clerical work in a specialized Job Service program area." Work in this classification "may involve direct client or employer contact requiring tact and persuasiveness." Work is performed under general supervision in accordance with established program policies and procedures and is of "moderate difficulty."

Appellant argues that the duties of scheduling belong in the classification of Job Service Assistant 1. The record, however, does not support a finding regarding same. To the contrary the record indicates that while a person 'off the streets' could not perform appellant's duties they are neither "complex" nor performed other than in a routine manner. Her work is performed under general supervision and follows established guidelines and procedures. There is very little difficult decision-making or independent

discretion with respect to her work. Appellant's work is not characterized by "direct client or employer contact requiring tact and persuasiveness," in any substantial or significant way. (emphasis added). Nor does she work as an intake clerk or a claims processor, which are functions allocated to the Job Service Assistant 1 classification.

In, the alternative appellant maintains that she should be classified as a Clerical Assistant 2. According to the class specifications, a Clerical Assistant 2 performs "lead and/or clerical work of moderate difficulty in completing a variety of assigned clerical tasks consistent with established policies and procedures." Positions at this level may function as lead workers, directing lower-level positions as well as performing a variety of the more complex clerical operations. Certain receptionist positions are also assigned to this level. In contrast to a Clerical Assistant 2, positions at the 1 level do "clerical work of routine difficulty." Positions allocated to this class complete a variety of clerical and/or office machine operation work where "limited analysis and use of individual judgement is required." Objective level duties in this series involves use of knowledge relative to broad policies and procedures "governing tasks such as posting, sorting, coding or filing information."

The record is undisputed that the appellant does not perform lead work or act as a receptionist. The record is also clear that appellant's responsibilities involving the mail and filing are at the Clerical Assistant 1 level. A question remains regarding the appropriate level of appellant's scheduling duties.

With respect to this point the record indicates that appellant's scheduling responsibilities are generally routine and clerical tasks performed as a result thereto are of a simple nature. In scheduling cases the

files are first reviewed to see that everything is in order and for assignment to adjudicators by appellant's supervisor. Appellant then schedules cases for hearing usually by just writing a date on the appropriate form and sending it out. Sometimes she will have to contact the parties directly in order to schedule the hearing. This involves some discretion and use of individual judgement on her part. However, this does not involve a significant amount of appellant's time nor require a great deal of tact and persuasiveness. Basically, appellant's scheduling work involves pulling files, entering information onto standard forms, obtaining computer printouts on a routine basis, and mailing notices.

Based on the above, the Commission finds it reasonable to conclude that the Clerical Assistant 1 classification is the best fit for appellant's position. Such a conclusion is consistent with respondent DILHR's allocation of positions in this area.

As of the date of the respondent's decision, most of appellant's duties seem to be of a routine nature. As noted above, appellant has the burden of persuasion. Based on same and all of the above, the Commission concludes that appellant's position is more appropriately included in the Clerical Assistant 1 classification.^{FN}

In view of all of the foregoing, the Commission finds that the answer to the issue as stipulated to by the parties is YES, the respondent's decision to deny reclassification of the appellant's position from Clerical Assistant 1 to Clerical Assistant 2 or Job Service Assistant 1 was correct and should be affirmed.

^{FN} After conferring with the hearing examiner, the Commission has revised this paragraph to better reflect the time period relevant to the decision being reviewed.

ORDER

The respondent's classification decision is affirmed and the appellant's appeal is dismissed.

Dated: November 7, 1985

STATE PERSONNEL COMMISSION

Dennis P. McGilligan
DENNIS P. MCGILLIGAN, Chairperson

Donald R. Murphy
DONALD R. MURPHY, Commissioner *vic*

Laurie R. McCallum
LAURIE R. McCALLUM, Commissioner

DPM:jmf
VIC01/2

Parties

Marianne Peil
Route 1, Box 357 M7
Mukwonago, WI 53149

Howard Bellman
Secretary, DILHR
P. O. Box 7946
Madison, WI 53707

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