



4. The respondent sent the appellant a reallocation notice advising him that effective March 30, 1986 the class, title and pay range of his position would be UBS-3, PR 12-04. On April 11, 1986 the appellant appealed the reallocation decision to the commission.

5. UBS-3 positions are described in the State classified civil service class specifications as follows:

This is objective or lead professional unemployment benefit work in the State Unemployment Compensation Program.

Positions allocated to the objective level function as adjudicators and investigate, determine, and render disputed claimant eligibility decisions; or verify the accuracy of benefit payments according to State and Federal Unemployment Compensation Law. Work is performed under general supervision.

Also allocated to this level are positions that conduct office investigations, determine or re-determine and render decisions involving fraudulent activities. Work is performed under general supervision.

Leadworkers of Unemployment Benefit Specialist 2 positions that are collecting claimant overpayments and initiating legal enforcement actions where the claimant has filed to respond to collection efforts are also allocated to this level. Work is performed under general supervision.

6. UBS-4 positions are described in the class specs. as follows:

This is advanced or lead professional unemployment work in the State Unemployment Compensation Program.

Positions allocated to this class at the advanced level conduct the most complex field investigations, determine or re-determine, render decisions, and present for prosecution, fraudulent benefit cases such as those where employer and claimant collusion may exist. Work is performed under general supervision.

Positions also allocated to this level are responsible for leading staff at the Unemployment Benefit Specialist 3 and lower levels that adjudicate claimant eligibility issues; or lead staff engaged in the verification of benefit payment accuracy. Work is performed under general supervision.

7. The appellant works as a Random Audit Investigator. The following is a summary description of his work:

Through detailed, in-person interviews, audit the accuracy of a randomly selected sample of benefits to determine if the information provided by and/or the actions of the claimant, employer(s) and the agency were correct and complete. Identify the cause of improper payments and, except where prohibited by statute or agency policy, take the necessary actions to effect a correct payment. Such actions may include amending the monetary computation or issuing Initial Determinations or Redeterminations. Apply the Administrative penalty provisions or recommend criminal prosecution in cases of fraudulently obtained benefits. Prepare detailed files documenting each audit and the reasons for finding a payment proper or improper. The results of each audit represent thousands of individual payments as only a very small number of payments are actually audited. As such, attention to detail and accuracy of information is vital. The ability to work independently is essential as audits are conducted statewide and extensive overnight travel is required.

(The impact of this position is to identify the types, causes and estimated effect of improper payments of the UC Reserve Fund. During the 4 quarters ending March, 1984 more than \$427,876,000.00 in benefits were made from this fund.)

8. Appellant's duties do not include the responsibility of leading staff at the UBS-3 and lower levels who are engaged in adjudicating claimant eligibility issues or verifying benefit payment accuracy.

9. While the appellant investigates and verifies the payment of benefits under state and federal UC laws, he does not conduct the most complex field investigations. Typically this latter work is performed by Fraud Investigators.

10. Appellant's position is more appropriately described by the UBS-3 classification specifications and is more suited to that classification.

#### CONCLUSIONS OF LAW

1. The commission has jurisdiction over this matter pursuant to s. 230.44 (1)(a) stats.

2. The appellant has the burden of proving that respondent's decision to allocate appellant's position to Unemployment Benefit Specialist-3 was incorrect.

3. The appellant has failed to sustain his burden of proof.

4. The respondent's decision to allocate appellant's position was correct; appellant's position is more appropriately classified at the UBS-3 level.

OPINION

This is a classic, straight forward reallocation case. The issue is whether the appellant's position should be allocated to the Unemployment Benefits Specialist 3 or Unemployment Benefits Specialist 4 level. The term, reallocation, is defined in ER-PERS 3.01(2) Wis. Adm. Code; in pertinent part as follows:

Reallocation: Reallocation means the assignment of a position to a different class by the administrator as provided in s. 230.09(2), stats., based upon: ... (f) a logical change in the duties and responsibilities of a position; ....

Section 230.09(2)(a) provides:

After consultation with the appointing authorities, the secretary shall allocate each position in the classified service to an appropriate class on the basis of its duties, authority, responsibilities or other factors recognized in the job evaluation process. The secretary may reclassify or reallocate positions on the same basis.

In the present case before the commission, the Secretary, Department of Employment Relations -- respondent, conducted a survey and developed classification specifications from April, 1984 to March, 1986 for positions, including the appellant's, in the Job Service and Unemployment Compensation Divisions of the Department of Industry, Labor and Human Relations. During the course of the survey the appellant's position was reallocated from Unemployment Benefits Specialist 4 (UBS-4) to Unemployment Benefits Specialist 3 (UBS-3). Because of the newly developed classification specifications, there was no change in the pay range of his position.

The appellant argues that while seventy-five percent (75%) of the functions performed by random audit investigators may be found in the first allocation pattern of the UBS-3 classification specification, these

positions should not be separated on the basis of fifteen percent (15%) of the work which is unique to those positions. Next he argues that random audit positions should be placed in the adjudicator progression series at an advanced level - UBS-4. To augment his argument he goes through a factor analysis of random audit positions, using classification factors and federal standards. On the basis of this factor analysis, appellant asserts that random audit investigators perform the most complex field investigations and should be classified at the UBS-4 level.

In Mugan v. DNR & DER, 84-0236-PC, (9/85), the commission said that proper classification of a position involves a weighing of the class specifications and the actual work performed to determine which classification best fits the position. In the same case, citing Kailin v. Weaver and Wettengel 73-124-PC (11/28/75), and Bender v. DOA & DP, 80-210-PC (7/1/81) the commission said: The position is not entitled to reclassification because some aspects of the work involved fall within the higher class, particularly if those aspects constitute less than a majority of the total duties and responsibilities of the position.

In the present case, even given appellant's arguments, he acknowledges that approximately seventy-five percent (75%) of his duties involve adjudication, which is allocated to the UBS-3 level. Based upon Mugan and the case cited therein, the commission can only conclude that his position is classified correctly.


ORDER

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

Dated: December 18, 1986 STATE PERSONNEL COMMISSION

  
DENNIS P. MCGILLIGAN, Chairperson

  
DONALD R. MURPHY, Commissioner

  
LAURIE R. MCCALLUM, Commissioner

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