

STATE OF WISCONSIN

PERSONNEL COMMISSION

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 MARIAN SKILLE, \*  
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                     Appellant, \*  
 \*  
 v. \*  
 \*  
 Secretary, DEPARTMENT OF \*  
 EMPLOYMENT RELATIONS, \*  
 \*  
                     Respondent. \*  
 \*  
 Case No. 86-0093-PC \*  
 \*  
 \* \* \* \* \*

DECISION  
AND  
ORDER

NATURE OF THE CASE

This is an appeal from respondent's decision reallocating appellant's position from Job Service Assistant 4 (02-09) to Unemployment Compensation Associate 1 (02-09). At the prehearing conference held on June 17, 1986, before Dennis P. McGilligan, Chairperson, the parties agreed to the following issue for hearing:

Was the reallocation of appellant from Job Service Assistant 4 (02-09) to Unemployment Compensation Associate 1 (02-09) instead of to Unemployment Compensation Associate 2 (02-10) or Unemployment Benefit Specialist 1 (12-02) correct?

Hearing in the matter was held on November 3, 1986, before Dennis P. McGilligan. The parties completed their briefing schedule on January 30, 1987.

FINDINGS OF FACT

1. At all times material herein, appellant has been employed in the classified civil service by the Department of Industry, Labor & Human Relations, Unemployment Compensation Division, Bureau of Benefit Fraud Operations, as a lead worker of the Affidavits Unit.

2. Effective March 30, 1986, appellant's position was reallocated from Job Service Assistant 4 (02-09) to Unemployment Compensation Associate 1 (02-09) as a result of a Personnel Management Survey. Appellant filed a timely appeal of this reallocation with the Commission.

3. The appellant's main duties and responsibilities, in summary, include the following: resolution of all affidavits pertaining to 1) missing, lost, destroyed and forged checks, 2) beneficiaries of deceased claimants, and 3) forged claim/checks (imposter) situations; provision of UC documentation in welfare fraud cases and the status verification of non-citizens; and development/implementation of special fraud detection projects including a deceased citizen crossmatching system and a bad social security number file.

4. Appellant reports directly to the bureau director, James L. McGuire who is classified as a JS Supervisor 6 (02-16). At the time of the survey, appellant led the work activities of Laurence Jensen who was reallocated as a result of the survey from Job Service Assistant 2 (02-07) to Employment Security Assistant 3 (02-08). According to Jensen's position description, he spent 65% of his time in the resolution of missing and forged checks, 20% verification of non-citizens with Immigration & Naturalization Service, 5% determination of beneficiary in deceased claimant situations, 5% certification of Unemployment data to Social Service Agencies, 3% provision of processing activities related to the Bureau's fraud detection systems and 2% provision of receptionist and typing functions. Jensen's duties and responsibilities differed from appellant's in several ways including the extent of communication inside and outside the Unit, the level of responsibility, the type of supervision received, and the difficulty of issues presented. Jensen also did not represent the department in state and federal court proceedings,

he did not train, advise or instruct local offices, and he was not considered a handwriting specialist for the department.

5. Appellant is a handwriting specialist, and provides handwriting analysis for the department, other state agencies and police organizations.

6. The Unemployment Compensation Associate position standard provides, in relevant part, as follows:

E. CLASSIFICATION FACTORS

Individual position allocations are based upon the general classification factors described below:

1. The freedom or authority to make decisions and choices and the extent to which one is responsible to higher authority for actions taken or decisions made;
2. Information or facts such as work practices, rules, regulations, policies, theories and concepts, principles and processes which an employe must know and understand to be able to do the work;
3. The difficulty in deciding what needs to be done and the difficulty in performing the work;
4. The relative breadth, variety and/or range of goals or work products and the impact of the work both internal and external to the work unit;
5. Type of supervision received;
6. Organizational status as it relates to level of responsibility;
7. The nature and level of internal and external coordination and communication required to accomplish objectives.

II. CLASS CONCEPTS

UNEMPLOYMENT COMPENSATION ASSOCIATE 1

(PR 02-09)

This is entry or objective level paraprofessional work in the State Unemployment Compensation Program.

Positions allocated to this class at the entry level perform a wide range of paraprofessional program support activities to professional and/or supervisory positions. Positions at this level are delegated authority to exercise judgment and decision making for a segment of the program in determining claimant benefit eligibility or employer contribution liability through the interpretation and

application of the Unemployment Compensation Law, its guidelines and procedures. Positions at this level are assigned progressively more difficult situations designed to develop the knowledge and skill necessary to perform at the objective level Unemployment Compensation Associate 2. Work is performed under close supervision.

Positions allocated to this class at the objective level perform program support activities that involve the broadest interpretations of established guidelines and procedures when applied to the more varied, intricate, interrelated and specialized situations presented the position in such areas as claimant benefit and/or employer records adjustment and maintenance. Positions at this level typically use the automated system as a resource to initiate changes and corrections to claimant and/or employer records. The work requires the exercise of considerable discretion and judgment and may involve the coordination of activities with other work units. The nature and type of work at this level is more complex due to the age and type of claimant and employer records adjustment and maintenance required. Work is performed under general supervision.

UNEMPLOYMENT COMPENSATION ASSOCIATE 2

(PR 02-10)

This is objective level or lead paraprofessional work in the State Unemployment Compensation Program.

Positions allocated to this class at the objective level perform a wide range of paraprofessional program support activities to professional and/or supervisory positions. Positions at this level are delegated authority to exercise judgment and decision making for a segment of the program in determining claimant benefit eligibility or employer contribution liability through the interpretation and application of the Unemployment Compensation Law, its guidelines and procedures. Work is performed under general supervision.

Also allocated to this class are positions that report directly to a senior hearing examiner responsible as the functional head of the appeal process for the area. Independence of action and a significant impact on employers and/or claimants are evident at this level. Positions at this level are characterized by their expanded responsibility, accountability, and complexity of program activities, and the degree of program knowledge required in order to carry out the objectives of the position. Positions at this level devote more time to administrative and/or service delivery activities than to actual performance of records processing, adjustment and maintenance. Work is performed under general supervision.

Positions also allocated to this class function as leadworkers for position(s) at the Unemployment Compensation Associate 1 level. Work is performed under general supervision.

7. The Unemployment Benefit Specialist position standard states, in material part, as follows:

II. CLASS CONCEPTS

UNEMPLOYMENT BENEFIT SPECIALIST 1

(PR 12-02)

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

Positions allocated to the entry level function as adjudicators and investigate, determine and render disputed claimant eligibility decisions according to State and Federal Unemployment Compensation Law. Work is performed under close supervision.

Positions allocated to the objective level are responsible for the collection of benefit overpayments from claimants; or an administrative office position responsible for recommending modifications to the automated system as it relates to employer control and payment adjustment records processing. Work is performed under general supervision.

8. As noted in Finding of Fact Number 3 appellant has responsibility on a statewide basis for the total Affidavit Program. She also has responsibility for the development and implementation of other related programs as noted in the aforesaid Finding of Fact. In carrying out these responsibilities appellant works under general supervision, keeping her supervisor updated, but making most decisions, including the major ones on her own. As her cases are often varied and complex, she must look to a procedures manual, statutes, precedents and legal interpretations for guidelines in making decisions. Her decisions and consequence of error impact on claimants and/or their families, employers, the state and court cases. While the local offices often initiate and/or conduct investigations, appellant has the authority to approve their investigations, request more information from them or reinvestigate them herself. Appellant coordinates her programs on a statewide basis within the UC division and with other agencies. She has contacts with Fraud Investigators and other UC staff; she provides information to Post Offices,

Sheriff's Offices and various court systems (where appellant is her department's sole representative on matters involving the Affidavit Program) and she gives/provides information to other state agencies.

9. From a classification standpoint, the appellant's position is at a lower level than the following position which is classified as an Unemployment Benefit Specialist 1:

Terri L. Hill occupies a position with this classification and a working title of "Adjudicator" in DILHR's Unemployment Compensation Division. According to the position summary, Hill's position is an entry level adjudicator position responsible for the investigation and resolution, of benefit eligibility issues with emphasis on but not limited to issues related to voluntary leaving, misconduct, able/available and suitable work pursuant to the Wisconsin Statutes, the Wisconsin Administrative Code and various other applicable precedents and directives.

10. From a classification standpoint, the appellant's position is at lower level than the following positions:

a. Sandra L. Greatens occupies a Hearing Office Aide-Lead Worker position with a classification of Unemployment Compensation Associate 2 (02-10) in the Unemployment Compensation Division of DILHR. Greatens assists the Senior Examiner in Hearing Office operations including review of unemployment compensation appeal cases to determine proper issue(s), time allocation and completeness of appeal packet. Greatens may determine the timeliness of an appeal. She also coordinates the scheduling of hearings; answers inquiries and explains UC policies and procedures to parties and departmental personnel. Greatens leads her unit's clerical staff which includes development and implementation of office procedures, certain limited disciplinary authority, training of staff, coordination of the unit's goals and participation, with the supervisor, in the selection and hiring of new staff. Finally, Greatens provides certain intra-office supportive functions including record keeping, overview of the office fleet, preparation of monthly car reports, maintenance of the equipment inventory and the preparation/typing of inter and intra-office communications and appeals documents.

b. Diane M. Doyle occupies an Adjudication Aide position with a classification of Unemployment Compensation Associate 2 (02-10) who under the general supervision of the Local Office Manager/Adjudication Leadworker in Menasha investigates and resolves benefit eligibility issues. Doyle's investigative activities relate to the statutory able and available provisions, retirement income deductions and removal of

previously established benefit disqualification. She may perform clerical functions under the general supervision of either the Claims Services Supervisor or the Local Office Manager and may assist in training office staff. She also provides information about computations, initial determinations, and appellate level decisions which resolve benefit eligibility questions to parties as well as responds to outside agency requests for information about Wisconsin's UC law and program and similar federal/state unemployment compensation laws.

11. The duties and responsibilities of appellant's position are more accurately described by the class specifications for an Unemployment Compensation Associate 1 and appellant's position is more appropriately classified as an Unemployment Compensation Associate 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 the respondent's reallocation decision was incorrect.

3. The appellant has not sustained her burden.

4. The respondent's decision reallocating appellant's position to Unemployment Compensation Associate 1 instead of Unemployment Compensation Associate 2 or Unemployment Benefit Specialist 1 was not incorrect.

#### DECISION

At issue is whether the appellant's position should be classified as either an Unemployment Compensation Associate 2 (02-10) or Unemployment Benefit Specialist 1 (12-02) or remain at the Unemployment Compensation Associate 1 level (02-09). In order for appellant to prevail, she must satisfy her burden of proving that her position meets either the Unemployment Compensation Associate 2 or Unemployment Benefit Specialist 1 definition and is more properly classified in that classification.

The appellant first claims that her position is more properly classified as an Unemployment Benefit Specialist 1. However, she only touched on this issue in passing in her brief. Nor did she offer any persuasive evidence at hearing regarding same. Therefore, the Commission rejects this claim.

A question remains as to whether the appellant's position should be classified as an Unemployment Compensation Associate 2 (02-10). According to the class specifications, there are three allocations at the UCA 2 level. Based on the following, the Commission finds that the appellant's position fits none of them.

The first allocation describes objective level work in a wide range of paraprofessional program support activities to professional and/or supervisory positions. These positions are delegated authority to exercise judgment and decision making for a segment of the program in determining claimant benefit eligibility or employer contribution liability through the interpretation and application of the Unemployment Compensation law, guidelines and procedures. (Emphasis Added) The record indicates that the appellant is involved in situations where the eligibility for benefits has already been determined. The appellant primarily becomes involved where a claimant has lost a check and a determination must be made about whether he/she is entitled to a check for that particular week.

Respondent provided un rebutted testimony that this allocation describes the Adjudication Aide and the Coverage Aide. Allocation patterns support this contention. The position summary for Diane Doyle describes an objective level para-professional adjudication position who under the general supervision of the Local Office Manager/Adjudication Leadworker investigates and resolves benefit eligibility issues. Doyle's investigative activities relate to the statutory able and available provisions, retirement income



deductions and removal of previously established benefit disqualification. She may perform clerical functions under the general supervision of either the Claims Services Supervisor or the Local Office Manager and may assist in training office staff.

The record indicates that Doyle's position can be distinguished from the appellant's. Doyle is making decisions about a claimant's eligibility either on an initial or continuing basis and gets involved in a broader variety of issues than does the appellant. Doyle actually determines whether someone will receive Unemployment Compensation benefits; whereas in the appellant's case, the eligibility decision has already been made. The appellant's decision making authority is more limited in the sense that she is making a determination about whether someone who lost a benefit check will get a replacement check. Doyle decides whether a claimant will get a check in the first place.

Based on the foregoing, the Commission finds it reasonable to conclude that appellant's position does not fit this allocation.

The remaining two UCA 2 allocations describe positions functioning as a Hearing Office Aide and a position which leads the work of position(s) classified at the UCA 1 level. The Hearing Office Aide reports directly to a senior hearing examiner responsible as the functional head of the appeal process for the area. Positions at this level devote more time to administrative and/or service delivery activities than to actual performance of records processing, adjustment and maintenance. They also lead the clerical staff. The appellant does not do the work of a Hearing Office Aide and leads the work of an employe who is not classified at the UCA 1 level. Thus, her position does not meet the class specifications at these two allocations.

According to the class specifications, positions allocated to the Unemployment Compensation Associate 1 level perform "entry or objective level paraprofessional work in the State Unemployment Compensation Program." The respondent reallocated the appellant's position to the objective level allocation which performs "program support activities that involve the broadest interpretations of established guidelines and procedures when applied to the more varied, intricate, interrelated and specialized situations presented the position in such areas as claimant benefit." The work here "requires the exercise of considerable discretion and judgment and may involve the coordination of activities with other work units." As noted in Findings of Fact 3, 4 and 8 this language best describes appellant's duties and responsibilities.

Appellant argues that the position standard for the Unemployment Compensation Associates series sets forth seven classification factors that should be considered in making individual position allocations. By applying these classification factors, appellant claims that she should have been reallocated to the UCA 2 classification level. While it is true that position allocations are based upon the general classification factors noted above, such allocations also must satisfy the class specifications described in Findings of Fact 6 and 7. As discussed previously appellant's position does not meet the class specifications for either UCA 2 or UBS 1 levels. However, the UCA 1 class specifications do describe appellant's position. Therefore, the Commission rejects this argument of appellant.

Appellant also argues that she has a unique job requiring classification at the higher level. In particular, appellant notes that she "is considered a handwriting specialist and represents the department at state and federal court proceedings." However, there is nothing in the applicable class

specifications to the effect that handwriting analyst skills is a classification criterion for the UBS 1 and UCA 2 classifications. Nor is there persuasive evidence in the record that appellant's court appearances warrant classification at a higher level.

Based on all of the above, the Commission finds that appellant's position is more appropriately classified at the Unemployment Compensation Associate 1 level. Therefore, the answer to the issue as agreed to by the parties is YES, the decision of the respondent to reallocate the appellant's position from Job Service Assistant 4 (02-09) to Unemployment Compensation Associate 1 (02-09) was correct.

ORDER

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

Dated: March 18, 1987

STATE PERSONNEL COMMISSION

  
DENNIS P. MCGILLIGAN, Chairperson

  
DONALD R. MURPHY, Commissioner

  
LAURIE R. MCCALLUM, Commissioner

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