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 ROY M. KOELLER, \*  
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                   Appellant, \*  
 \*  
 v. \*  
 \*  
 Secretary, DEPARTMENT OF \*  
 EMPLOYMENT RELATIONS, \*  
 \*  
                   Respondent. \*  
 \*  
 Case No. 86-0099-PC \*  
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 \* \* \* \* \*

DECISION  
 AND  
 ORDER

This is an appeal of respondent's decision to reallocate appellant's position from Job Service Specialist 3 (PR 12-03) to Job Service Specialist 3 (PR 12-04). A hearing was held on this matter October 30, 1986 before Commissioner Donald R. Murphy. The following findings are based upon the evidence presented at that hearing.

FINDINGS OF FACT

1. The appellant has been employed in the classified civil service in the Job Service Specialist series in Job Service, Employment Assistance Unit, Green Bay, Wisconsin.

2. At all times relevant to this matter, the appellant has been classified as a Job Service Specialist 3 (JSS 3). His current position description, dated October 7, 1985, provides the following description of his work goals and activities:

A. Provision of a full range of informational and technical services to employers including the development and implementation of an individualized service plan for each assigned account.

40% A1. Analyze each assigned employer's hiring practices, turnover and employment needs to develop a specific service plan to enhance the efficiency and effectiveness of the employer's personnel and recruiting system.

- A2. Utilize a variety of conventional and innovative marketing methods to increase usage of agency services to employers.
  - A3. Coordinate and provide the delivery of appropriate services.
  - A4. Recommend, as necessary, specific technical services which resolve identified recruitment and selection problems.
  - A5. Establish contact schedules to implement each service plan.
  - A6. Review, evaluate, and modify account service plans as necessary.
  - A7. Serve as liaison between assigned employer and other local office staff.
- B. Provision of diverse job matching services to applicants and employers.
- 25% B1. Interview employers to secure information necessary to properly write job orders which clearly state job duties and hiring requirements.
- B2. File search job orders using the applicant file to identify persons meeting the employer's hiring requirements.
- B3. Contact applicants to obtain supplemental information and/or refer them to jobs for which they are qualified.
- B4. Contact employers to follow up on the status of job openings, referrals and reverse order requirements as necessary.
- B5. Initiate additional selection and referral procedures as necessary to meet the employer's needs, such as tie-in advertising, additional recruitment efforts or intra/interstate clearance.
- B6. Conduct job development services for appropriate applicants.
- B7. Post job order referrals and complete other necessary records and reports.
- C. Lead unit staff in the provision of full labor exchange services.
- 15% C1. Determine unit work priority of work and assign duties to staff.
- C2. Provide guidance and technical assistance to staff, regarding the interpretation of policy and procedure.
- C3. Monitor and evaluate quality, quantity and timeliness of work performed in compliance with program standards.
- C4. Assist supervisor in monitoring achievement of performance standards and provide input into the preparation of employee evaluations. Recommend corrective action plans for problems identified.
- C5. Provide orientation and training to staff on an ongoing basis.
- C6. Advise supervisor of problems that are beyond the authority of the leadworker.
- D. Participation in the development and implementation of the local office marketing plan.
- 10% D1. Provide input into the development of the local office marketing plan to assure delivery of technical services to employers.
- D2. Implement assigned portions of local office marketing plan.

- D3. Participate in establishing and maintaining an active Employer Advisory Committee as a means of providing a communication link between the local office and the employer community.
  - D4. Organize and conduct seminars, conferences and workshops on a variety of employment related subjects for the employer committee and other groups.
  - D5. Plan and participate in a variety of local office activities to improve understanding of the agency and to enhance its image.
  - D6. Promote opportunities and respond to requests to make presentations describing services to employer and employment related groups.
- E. Planning and implementation of local office Employer Relations Program.
- 10% E1. Organize, maintain and coordinate an Employer Relations Program according to agency guidelines.
- E2. Prepare a plan for assigning employer accounts to staff employer's specifications and make appropriate referrals.
- E3. Provide technical assistance to other staff in the analysis of employer needs development of employer service plans, and the delivery of technical services to their accounts.
- E4. Monitor the quality of the employer relations program by reviewing schedules, service plans, results of visits and surveying selected employers.
- E5. Makes recommendations for improvement in the employer relations program.

3. Between April, 1984 and March, 1986 respondent conducted a personnel management survey of Job Service positions. Appellant's position was included in that survey.

4. As a result of that survey appellant's position was reallocated from Job Service Specialist 3 (PR 12-03) to Job Service Specialist 3 (PR 12-04).

5. On May 7, 1986 the appellant received notice from the respondent of the changes in the classification, titles and pay range of his position.

6. On May 12, 1986 the Commission received a letter from the appellant, appealing the reallocation of his position.

7. The respondent used appellant's current position description, dated October 7, 1985, in its audit of his position.

8. Appellant's position description was accurate, but did not clearly reflect his account executive inter unit responsibility nor his lead worker

function as it related to coordination of employment relations, placement and applicant registration responsibilities within the office.

9. The appellant does not function as lead worker for counseling or other advanced level staff activities. These functions are handled by the unit supervisors.

10. The following are the class concepts for a Job Service Specialist 3 position and a Job Service Specialist 4 position, which are described in the current state Job Service Specialist Position Standard:

JOB SERVICE SPECIALIST 3

(PR 12-04)

This is advanced and/or lead level professional Job Service work in the State Job Service Program. Positions allocated to this level in the field are responsible for: 1) leading placement specialists; 2) coordinating and directing the activities of a specialized program area that services a specific target group such as Local Veterans Employment Representatives or Special Program Representatives; or 3) providing a full range of informational and technical services to employers including the development and implementation of an individualized service plan for each assigned account and for participating in the local office market plan as an account executive; or 4) planning and implementing intensive group activities to assist target group participants in securing and retaining appropriate employment or perform fact finding and adjudication responsibilities in a specialized program; or 5) planning, coordinating, and providing a comprehensive community wide labor exchange service including a community based employer relations program. Work is performed under general supervision.

JOB SERVICE SPECIALIST 4

This is lead level Job Service work in the State Job Service Program. Positions allocated to this level are located in the field offices and are responsible for leading advanced level Job Service Specialists identified at the 3 level. Work is performed under general supervision.

11. Appellant's position is better described by the Job Service Specialist 3 class specifications than by the Job Service Specialist 4 class specifications and appellant's position is more appropriately classified as a Job Service Specialist 3.

CONCLUSIONS OF LAW

1. The commission has jurisdiction over appellant's appeal under §230.44(1)(b) Stats.
2. The appellant has the burden of proving that respondent's decision to reallocate his position from Job Service Specialist 3 (PR 12-03) to Job Service Specialist 3 (PR 12-04) instead of Job Service Specialist 4 (PR 12-05) was incorrect.
3. The appellant has failed to meet that burden.
4. Respondent's decision to reallocate appellant's position to Job Service Specialist 3 (PR 12-04) was correct.

OPINION

As stated in Mugan v. DNR & DER 84-0236-PC (9/85) the assignment of a position to the appropriate class involves the weighing of the class specifications and the actual work performed. This rubric holds whether the position classification action is reclassification or reallocation. Thus to prevail the appellant must show, at the time his position was audited for reallocation, he was working at the Job Service Specialist 4 level. This requires, in accordance with the holding in Kailin v. Weaver, 73-124-PC (11/28/75) that a majority of appellant's total job duties must fall within the classification sought.

The central question under the appellant's claim is whether the majority of appellant's duties meets the allocation in the Job Service Specialist 4 class specifications which states: "Positions allocated to this level are located in the field offices and are responsible for leading advanced level Job Service Specialists identified at the 3 level."

The appellant introduced evidence showing that he lead advanced level and JSS 3 personnel in job placement, employer relations and applicant registration work activities. These particular work activities were described in the record as JSS 1 or 2 level work activities.

The appellant asserts he should be classified at the JSS-4 level based on the language of class specifications. The referenced language refers to the classification level of personnel being lead, and not to work activity. It is in particular part as follows: Positions allocated to this level ... are responsible for leading advanced level Job Service Specialists identified at the 3 level. The appellant argues that the clear evidence shows he leads JSS 3 level personnel, therefore he meets the JSS 4 class specification requirements.

The JSS 3 and JSS 4 classes are both initially described, with some minor language variation, as lead level work in the state Job Service program. However, lead work allocations in these classes are differentiated on the basis of the lead worker's subordinates. JSS 4 lead work positions lead JSS 3 level positions, while JSS 3 lead work positions lead placement specialist - JSS 1 or 2 level positions. Manifestly, these two lead work allocations are distinguished on the basis of the level (complexity) of the functions performed by the subordinates. If this were not in fact true there would be no substantive difference between the two allocations.

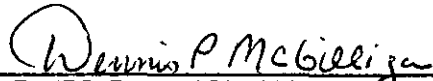
In the instant matter, the appellant leads work activities which are at the JSS 1 or 2 level. Accordingly, the appellant's position is correctly placed at the JSS 3 level.


ORDER

The decision of the respondent is affirmed and this appeal is dismissed.

Dated: March 18, 1987

STATE PERSONNEL COMMISSION

  
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DONALD B. MURPHY, Commissioner

  
LAURIE R. McCALLUM, Commissioner

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