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 \*  
 WILLIAM P. CARROLL, \*  
 \*  
 Appellant, \*  
 \*  
 v. \*  
 \*  
 Secretary, DEPARTMENT OF \*  
 EMPLOYMENT RELATIONS \*  
 \*  
 Respondent. \*  
 \*  
 Case No. 86-0112-PC \*  
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DECISION  
 AND  
 ORDER

Nature of the Case

This is an appeal pursuant to §230.44(1)(b), stats., of the reallocation following a survey of Mr. Carroll's position from Job Service Specialist 2 (JSS 2) (PR 12-02) to the new JSS 2 classification (PR 12-03). He contends his position should have been reallocated to Job Service Specialist 3 (JSS 3) (PR 12-04).

Findings of Fact

1. The appellant, Mr. Carroll, has at all relevant times been employed by the Department of Industry, Labor and Human Relations (DILHR) in the Job Service office in Kenosha.

2. As a result of a personnel management survey, appellant's position was reallocated from JSS 2 to JSS 2 in the newly-developed series.

3. The Job Service Specialist position standards (Respondent's Exhibit 2) contain the following "class concepts" for JSS 2 and 3:

JOB SERVICE SPECIALIST 2

(PR 12-03)

This is the objective level for professional Job Service work in the State Job Service Program. Positions allocated to this level in the field: 1) are responsible for varied placement work such as Placement Specialist or; 2) are responsible for a program

specialty area such as Disabled Veterans Outreach Program, Refugee or, Wisconsin Employment Opportunity Program or; 3) are assigned a specialized program as a caseload manager. Work at this level requires independence of action, thorough knowledge of Job Service Programs, guidelines, procedures, and departmental policies that relate to the work assigned. A conscientious application of knowledge to the task assigned and the ability to anticipate and alert management to a developing problem, are characteristic features of this classification. Positions at this level are distinguished from positions at the lower level by their increased program knowledge accountability, complexity, and variety or occupational diversity of the clients served. Work is performed under general supervision.

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 information 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. (emphasis added)

4. The appellant's position is accurately described by his position description, Respondent's Exhibit 1, as follows:

WORKING TITLE

Placement Specialist - Employment Assistance Unit

14. Position Summary

Under general supervision, conduct intake and job seeking skills instruction services on a group or individual basis. Perform varied placement functions for applicants and employers, including job order taking, file search, selection/referral, job order verification and follow-up and account maintenance.

15. Goals and Worker Activities

55% A. Provision of diverse job matching services to applicants

and employers.

A1. Interview employers to secure information necessary to properly write job orders which clearly state job duties and hiring requirements.

A2. File search job orders using the applicant file to identify persons meeting the employer's hiring requirements.

A3. Contact applicants to obtain supplemental information and/or refer them to jobs for which they are qualified.

A4. Contact employers to follow up on the status of job openings, referrals and reverse order requirements as necessary.

A5. 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.

A6. Conduct job development services for appropriate applicants.

A7. Post job order referrals and complete other necessary records and reports.

20% B. Provision of other labor exchange services to employers.

B1. Provide full range of account services to assigned employers.

B2. Plan, schedule, and conduct employer contacts using appropriate communication techniques to promote Job Service services and solicit job openings.

B3. Serve as liaison between assigned employer accounts and other local office staff.

B4. Provide employers with a wide variety of information regarding employment related matters.

B5. Record appropriate employer information in a timely and accurate manner. Gather, record, and update appropriate employer information in accordance with established procedures.

25% C. Registration of applicants and provision of job seeking skills instruction services on a group or individual basis.

C1. Collect occupational-related information during registration process, assign the proper classification code(s) for job matching, and question applicants as necessary to clarify or expand the work history.

C2. Provide job seeking skills instruction to enhance applicants employability.

C3. Provide and explain local labor market information.

C4. Explain the local office selection and referral process and other services available such as testing, counseling and referral to other services.

C5. Review application and complete all recording/reporting requirements.

5. The appellant prepared and submitted to his supervisor a position description more closely resembling the model account executive position description, Appellant's Exhibit 1, developed by DILHR. However, his supervisor refused to sign this position description.

6. The appellant's position is better described by, and more properly classified as, JSS 2, rather than as JSS 3.

#### Conclusions of Law

1. This appeal is properly before the commission pursuant to §230.44(1)(b), stats.

2. The appellant has the burden of proof.

3. The appellant has not sustained his burden of proof.

4. The respondent's decision to reallocate appellant's position from JSS 2 to JSS 2 instead of JSS 3 was not incorrect.

#### Decision

The appellant contends that he was and has been doing account executive work for many years. He argues that due to staff shortages, he and other employes have to perform a full range of services that can't be distinguished from account executive work identified at the JSS 3 level.

The model position description for JSS 2 placement specialist, Appellant's Exhibit 2, contains a number of elements in Goal B that are common or similar to account executive functions identified at the JSS 3 level. However, it is clear both from the testimony of Cornell Johnson of DER, who worked on the survey, and from the position standard and the model position descriptions, that the difference between the account executive, identified at the JSS 3 level, and the placement specialist, identified at the JSS 2 level, is that the former has a greater emphasis on marketing and developing an individualized service plan for each assigned employer, while the latter has a greater emphasis on specific placement functions. If a position has a minority of duties and responsibilities of an account executive nature, it is appropriately classified as a JSS 2. Given the fact that appellant's supervisor refused to approve a position description which more closely resembled the JSS 3 account executive position description, it must be inferred that Kenosha Job Service management disagrees with appellant's contention that a majority of his work is at the JSS 3 level. The official position description (respondent's Exhibit 1) which was signed by management and relied on by DER in reallocating appellant's position clearly is at the JSS 2 level.

The fact that an employe and management may differ on the appropriate categorization of the employe's duties and responsibilities does not mean that the commission automatically must accept management's characterization. The commission will look to the preponderance of the evidence as to the level, from a classification standpoint, of an employe's position. The supervisor's contention is normally just another piece of evidence, the weight of which will vary from case to case.

In this case, the appellant has presented his own conclusions that the majority of his work is of a JSS 3 account executive nature. This assertion

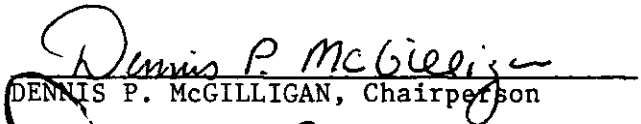
is directly contradicted by his official position description, signed by management, which clearly describes a JSS 2 placement specialist position, and by the fact that management has refused to approve a position description which contains a majority of the work at the JSS 3 account executive level. On this record, there is not a preponderance of evidence that appellant's position is at the JSS 3 level.

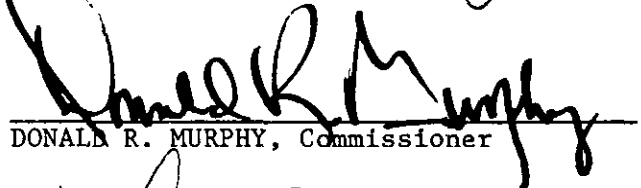
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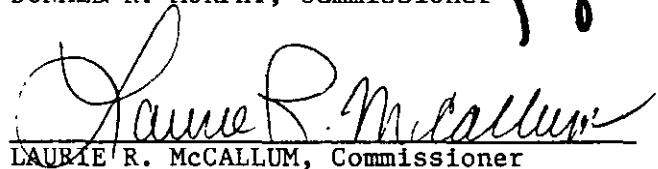
Respondent's action reallocating appellant's position from JSS 2 to JSS 2 in the new series is affirmed, and this appeal is dismissed.

Dated: January 8, 1987

STATE PERSONNEL COMMISSION

  
DENNIS P. MCGILLIGAN, Chairperson

  
DONALD R. MURPHY, Commissioner

  
LAURIE R. MCCALLUM, Commissioner

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BAJ2/3  
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