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 CONNIE SCHROCK, et al. \*  
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                   Appellants, \*  
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 v. \*  
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 Secretary, DEPARTMENT OF \*  
 HEALTH AND SOCIAL SERVICES, \*  
 and Secretary, DEPARTMENT OF \*  
 EMPLOYMENT RELATIONS, \*  
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                   Respondents. \*  
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 Case No. 88-0146-PC \*  
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 DECISION  
 AND  
 ORDER

This matter is before the Commission on an appeal of respondents' decision to reallocate the positions held by appellants to Therapy Assistant 2 instead of Therapy Assistant 3. A hearing was held on appellants' appeal in which testimony was given, exhibits were received into evidence, and post-hearing briefs were submitted. The following findings of fact, conclusions of law, opinion and order are based on the record made at said hearing.

FINDINGS OF FACT

1. At all times relevant, appellants, Constance Schrock, Linda Boxrucker and Bonnie Maier were employed by respondent at its Central Wisconsin Center, Sherman Academy for Vocational Education (SAVE).

2. The respondent, Department of Health and Social Services, is a state agency which administers the state's health and social programs.

3. In February, 1988 respondent's Bureau of Personnel (BPER) received a request from appellants for reclassification of their positions from Institution Aid 2 to Therapy Assistant (TA) 3.

4. In a memorandum to appellants dated November 23, 1988 BPER denied appellants' reclassification request and reallocated their positions, effective October 25, 1987, to the Therapy Assistant 2 level.

5. On December 20, 1988 appellants appealed the BPER decision to this Commission.

6. Sherman Academy was established in 1983. It provides vocational/educational training for adult residents from Central Wisconsin Center and clients, who come from the community to the academy for day-treatment services.

7. The academy was divided into eight sections: Cans/Target Pins, Recycling, Clerical, Homeliving, Assembly, Provocational Skills, Arts and Crafts and Baking.

8. The day at the academy was divided into four periods — three for client contact with staff and one for lunch and leisure.

9. At least two academy staff members were assigned to each section. The academy staff to client ratio was at least one to four. In addition, unit staff from the Central Wisconsin Center (CWC) grounds must be present.

10. The "Team" concept was used in serving the clients at Sherman Academy. Staff from various occupations and professions were utilized in providing for the academy's clients.

11. In 1983, appellants transferred from Institution Aide 2 positions in various units of CWC to their current positions at Sherman Academy.

12. At Sherman Academy, appellants spent the majority of their time implementing work skill activities, which were designed to be therapeutic and provide vocational training for its clients.

13. Appellants duties and responsibilities have not significantly changed since the transfer.

14. On June 8, 1988, appellants affirmed that their assigned duties were:

- 70% A. Provision of direct services
  - A1. Develops and implements adult programs in assigned community areas.
  - A2. Orients client training around appropriate skills and behaviors as determined by the Transdisciplinary Team. — (Sherman Team)
  - A3. Maintains a safe and well structured program, as evidenced by good organization of programs, environment, and daily schedules.
  - A4. Uses a client centered, proactive approach in all dealings with clients and staff.
  - A5. Demonstrates knowledge of reinforcement techniques by supplying reinforcement consistently and appropriately.
  - A6. Interacts appropriately with clients in the program setting re: age, sex, functional level, etc.
  - A7. Successfully uses adaptive equipment for training clients to facilitate skill acquisition and performance.
  - A8. Identifies necessary program modifications and initiates changes with the approval of the Sherman team.
  - A9. Compiles adequate data/records according to accepted procedures.
  - A10. Effectively orients individual clients to program areas.
  - A11. Effectively implements individual client goals, and related program objectives.
  - A12. Implements programs for community based clients as assigned.
  - A13. Assists in transporting clients to and from program.
  - A14. Drives assigned vehicles for program activities as assigned.
  - A15. Provides assistance to clients promoting self-help and independence in feeding facilitation and personal hygiene
- 10% B. Program Preparation.
  - B1. Uses preparation/non-programming time appropriately and efficiently.
  - B2. Participates in the evaluation and periodic assessment of clients to determine needs, functioning level, and appropriateness to specific program.
  - B3. Prepares sequentially appropriate and realistically written, goals on assigned clients.
  - B4. Organizes program content based on written objectives and client evaluations.
  - B5. Completes necessary reports and paperwork promptly.
  - B6. Assists in obtaining materials for program areas.
  - B7. Obtains materials for program areas including pick up and delivery.
  - B8. Participates in job procurement.
- 15% C. Team Responsibilities.
  - C1. Attends scheduled meeting and staffings as assigned.

- C2. Participates actively and appropriately in discussions/team meetings.
- C3. Contributes meaningful information to the team.
- C4. Participates in team planning and programming.
- C5. Provide in the general orientation of new staff regarding program areas, schedules, data collection systems, etc.
- C6. Acts as liaison person between the team and the living unit program aides.
- C7. Provides information about programming to interested persons (parents, inservice groups, tours, etc.)
- C8. Provides orientation of students/volunteers regarding client programs, schedules, data collection systems, etc.

5% D. Other Duties.

- D1. Maintain special drivers license for vehicles required for program operation as needed.
- D2. Oversee with staff from the Shaw Management Company in building security and maintenance.
- D3. Participates in in-service training and continuing education opportunities.

15. Since 1986, appellants have been supervised by Ms. Marlene Duffield-Lomas, who is the supervisor for the academy and CWC living unit 1. Ms. Duffield-Lomas spends fifty percent of her time at the academy and provides minimal supervision of the academy staff.

16. Academy staff member, John Larsen, a teacher and Leanette Reeves, an Institution Aide 2 served as program leaders in Ms. Duffield-Lomas' absence. When Ms. Reeves transferred to another position her scheduling responsibilities were assigned to Ruth Gerhardt, who was a teacher.

17. The Therapy Assistant 2 class is defined in the state position classification standards as follows:

This is the objective level class of the Therapy Assistant series. Employees engage in therapy, rehabilitative, education and related programs with a minimum amount of direct supervision and guidance. Professional staff members or advanced level therapy assistants provide program guidelines and the individual employee is expected to carry through using his own skills and abilities. Work of this nature may be found in a state institution, or as an adjunct to professional social work or community service projects. Persons in this class supervise and instruct patients or clients in specified activities which are of therapeutic or educational value or participate in a service in a community service program.

18. The Therapy Assistant 3 class is defined in the state position classification standards as follows:

This is advanced semi-professional work involving program responsibility for therapy, rehabilitation, and related programs. Employees guide a complete section or area of the therapeutic, rehabilitation, treatment, or training program. In addition employees in this class function as group leaders assisting professional staff members in implementing programs and teaching new techniques to less advanced assistants as well as participants of community action or service projects. Work is performed under the general supervision of a professional staff member.

19. Therapy Assistant 3 positions, in physical and occupational therapy, which were audited in connection with appellants' reclassification requests, all have a specialty area within their particular discipline. They also assist physical or occupational therapists in implementing programs.

20. Therapy Assistant 3 positions at CWC are exemplified by that of Laurie Reese, a TA 3 who is specifically responsible for coordinating a recreational therapy program for seventy-eight residents. She supervises four limited team employees in implementing the therapy program. In addition, Reese works in Center Base I where she works with forty-three residents as a function of the living unit program.

21. When the appellants requested reclassification, two Sherman Academy positions, with comparable duties, held by Jerin Robertson and Donald Brereton were classified at the TA 3 level. Subsequently, BPER audited their positions, concluded Robertson and Brereton were incorrectly classified and working at the TA 2 level and took corrective action with regard to these positions.

22. Appellants' positions are comparable to TA 2 positions at CWC, Southern Wisconsin Center (SWC) and Winnebago Mental Health Institute.

23. The duties and responsibilities assigned to appellants' positions are those appropriately classified at the Therapy Assistant 2 level.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over this matter pursuant to §230.44(1)(b), stats.
2. Appellants have the burden of proving respondent's decision to deny reclassification of their positions was incorrect.
3. Respondent's decision to deny reclassification of appellants' positions was correct.

OPINION

The appellants argue that they have established that their positions should be classified at the Therapy Assistant 3 level. The specific question in this matter is whether appellants' duties and responsibilities are at the level described in the state position classification standard for Therapy Assistant 3 positions. This standard requires that a Therapy Assistant 3 must "guide a complete section or area of the therapeutic, rehabilitation, treatment or training program and function as group leaders assisting professional staff members in implementing programs...." The Commission finds that appellants did not establish that their positions were at the TA 3 level.

The evidence clearly shows that appellants are not working at the Therapy Assistant 3 level. Both, appellant, Linda Boxrucker and SAVE supervisor, Marlene Duffield-Lomas testified that SAVE used the "Team" concept. It was explained that under this concept, staff from various disciplines were brought together to serve the residents at Sherman Academy. Basic programatic decisions are made as a team. Later, daily vocational activities are carried on by residents under the instruction of staff. Usually, at least two staff employes work together in an activity section instructing residents. Neither staff employe has programatic or

supervisory authority over the other. Differences between staff employes working together in an activity section are referred to Ms. Duffield-Lomas.

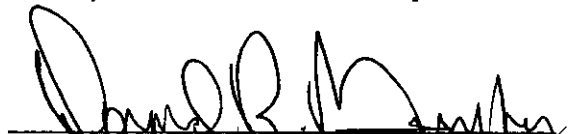
The position classification standard for a Therapy Assistant 3 require employes at this level to direct — i.e., be in charge of a complete section or area of a particular treatment program. In contrast, the appellants each work with at least one other staff employe in a treatment program (vocational/educational) work skill activity. Appellants' work parallels that of TA 3 positions but it has less scope, responsibility and authority than TA 3 positions.


ORDER

Respondent's decision not to reallocate appellants' positions to the Therapy Assistant 3 level is affirmed and appellants' appeal is dismissed.

Dated: January 10, 1990 STATE PERSONNEL COMMISSION

  
LAURIE R. McCALLUM, Chairperson

  
DONALD R. MURPHY, Commissioner

  
GERALD F. HODDINOTT, Commissioner

DRM:gdt  
JMF10/1

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