

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

STEPHEN MAHONEY, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0081

Case Type: PA

DECISION NO. 36121

ORDER ADOPTING ARBITRATOR'S DECISION

The above matter, arising from Respondent's decision to reallocate the Appellant's position to Financial Specialist rather than to Financial Specialist – Senior was the subject of an arbitration proceeding on November 3 and 4, 2015, pursuant to § 230.44(4)(bm), Stats. At the conclusion of the proceeding, the arbitrator orally rendered a decision upholding the Respondent's decision. The decision of the arbitrator stands as the decision of the Commission.

Signed at the City of Madison, Wisconsin, this 12th day of November 2015.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James R. Scott, Chairman

Rodney G. Pasch, Commissioner

James J. Daley, Commissioner

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NOTIFICATION OF ARBITRATOR'S DECISION

On November 3 and 4, 2015, I served as the arbitrator in the above matter. At the conclusion of the arbitration, I rendered an oral decision. I concluded that Appellant Stephen Mahoney did not meet his burden of proving by a preponderance of the evidence that his position should be reallocated to that of Financial Specialist – Senior.

Mahoney elected for this matter to be heard by arbitration pursuant to § 230.44(4)(bm), Stats. The parties agreed the following issue was before the arbitrator:

Was the Respondent's decision to reallocate the Appellant's position to Financial Specialist rather than to Financial Specialist – Senior correct, and, if not, should the Appellant's position be reclassified to Financial Specialist – Senior?

Notwithstanding that framing of the issue, to prevail in this matter it is Mahoney's burden to demonstrate that his duties are a "best fit" at the Financial Specialist – Senior classification. *Peterson v. Dept. of Admin.*, Dec. No. 32814-A (WERC, 9/2009), citing *Jackson v. State Pers. Bd.*, Dane County Circuit Court, 164-086, 2/26/79. As provided in the specifications for the Financial Specialist classification series, "best fit" is determined by finding that a majority (more than 50 percent) of duties of a position are performed at a level comparable to one of the classifications within the series. Ex.R2, p.1. It is not sufficient for Mahoney to only show that his position is not appropriately classified at the Financial Specialist level. *Peterson v. Dept. of Admin.*, Dec. No. 32814-A (WERC, 9/2009), citing *Svenssen v. Dept. of Employment Relations*, Case No. 86-0136-PC (Pers. Comm., 7/22/87).

Based upon the record created in this matter, I found that approximately 43 percent of Mahoney's duties are performed at a level comparable to a Financial Specialist – Senior, rather than at a level comparable to a Financial Specialist. From the record, I determined that the

percentage of Mahoney's duties (including routine and / or complex duties) performed at the Financial Specialist – Senior level are approximately: 20 percent performing accounts payable functions; 5 percent resolving financial errors; and 18 percent performing customer service functions. The balance of Mahoney's duties are routine functions best described by the Finance Specialist specifications, such as performing financial transactions and reconciliation and report processing. In particular, I found that Mahoney's performance of duties related to processing judgments of conviction, comprising approximately 12.5 percent of his total duties (and which Mahoney claimed to be comparable to work performed at the Financial Specialist - Senior level), is best described as routine work comparable to the Financial Specialist specifications. I found that work related to processing judgments of conviction may be complicated at times and may not be simple, but is nonetheless repetitive in nature and a procedure customary completed by a Financial Specialist.

Mahoney's position should not be reallocated to the position of Financial Specialist - Senior.

Dated at the City of Madison, Wisconsin, this 12th day of November 2015.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Karl R. Hanson, Arbitrator