
JOHN W. RICHARD,

Appellant,

v.

VERNE H. KNOLL, Deputy Director,
State Bureau of Personnel,

Respondent.

Case No. 75-183

OFFICIAL

OPINION AND ORDER

Before: James R. Morgan, Calvin Hessert and Dana Warren, Board Members.

NATURE OF CASE

This appeal, pursuant to s 16.05(1)(f), Wis. Stats., contests the reallocation of the Appellant's position to the Job Service Specialist 3 level rather than to the Job Service Specialist 4 level.

FINDINGS OF FACT

At the time of this appeal, the Appellant was a permanent employe with the Job Service Unemployment Compensation Adjudication Unit at Eau Claire. Appellant's position was one of many covered by a Bureau of Personnel survey of DILHR's Job Service Division. The result of the survey was to create a new Job Service Specialist series to which the Appellant's position was re-allocated at the Job Service Specialist 3 (JSS3) level according to the position standards of that series. (see Resp. Ex. 4). The reallocation did not reduce the Appellant's pay since his new classification level was comparable to his old classification level.

Prior to the reallocation, the Appellant's classification was Unemployment Compensation Analyst 3. (U.C. Analyst 3). His primary duty as an adjudicator was to investigate disputed unemployment compensation claims. Because all other

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adjudicators in Appellant's office were U.C. Analyst 2's, he was assigned the most unusual and complex claims and assisted his supervisor with public relations. In addition, he helped train the U.C. Analyst 2's in office procedure and provided guidance in their day to day work. The Appellant did not, however, have supervisory responsibilities. His supervisor had total responsibility for the adjudication unit and was responsible for supervising the U.C. Analyst 2's.

After the reallocation, all the U.C. Analyst 2's positions were given the same classification as Appellant's position, i.e. JSS3. No change in duties resulted. The Appellant, because of his greater experience, still received the assignment of the most unusual and complex claims as well as assisting his supervisor with public relations. He also continued to train and offer guidance to the less experience of JSS3's who previously had been U.C. Analyst 2's.

The position standards for a JSS3 list many of the duties an adjudicator at that level is expected to perform.

"Adjudicator - issues non-monetary determinations on disputed unemployment compensation claims involving unusually complex issues after conducting an investigation and interviews to obtain the facts; explains determination to involved parties. Trains less experienced adjudicators. Positions at this level may assist the Adjudications Supervisor in public relations and public information programs." (Respondent's Exhibit 4, p. 5.)

The comparable provision at the JSS4 level provides:

"Leadworker, Small Adjudications Unit - guide a small unit of disputed U.C. claims adjudicators, serve as expert in all phases of the U.C. law in the geographic area, develop and conduct public relations and public information programs in the area." (Respondent's Exhibit 4, p. 6.)

The record shows that the Appellant's primary duties were to handle disputed unemployment compensation claims, train and guide less experienced adjudicators and assist his supervisor with public relations programs. The Appellant was not a leadworker. Neither was he required to be an expert in all phases of unemployment compensation law. He assisted with rather than developing and conducting public relations programs.

CONCLUSIONS OF LAW

Because all the Appellant's primary duties are listed for a JSS3 position, his position was properly reallocated using the position standards.

The Appellant argues that he carried greater responsibility than other JSS3's because he was assigned the most complex and difficult claims and because he guided the less experienced adjudicators. Yet, the position standards indicate that the Appellant as a JSS3 should be handling the "claims involving unusually complex issues". Further, as the senior and most experienced adjudicator in the office, the Appellant would be expected to assist less experienced adjudicators despite the fact that they were also JSS3's. Such assistance is explicitly provided for in the definition section of a JSS3.

"Training and guiding less experienced staff may be a function of positions in this class." (Respondent's Exhibit 4, p. 4.)

The Appellant argues that, since he does receive the most complex claims and does provide guidance and training to less experienced adjudicators, the position standards are in error because they do not recognize his greater level of responsibility over JSS3's who do not perform such work. This argument might contribute to an argument that the other positions in Appellant's office are overclassified at the JSS3 level, but if this were so, and we reach no

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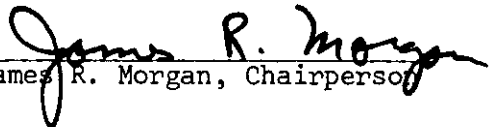
conclusion on this point, it would not mean the position standards were in error or that the Appellant's position should be reclassified, but rather that the other position should be classified downward.

ORDER

It is hereby ordered that the Respondent's action is affirmed and this appeal is dismissed.

Dated: 12-12, 1977.

STATE PERSONNEL BOARD


James R. Morgan, Chairperson