

STATE OF WISCONSIN

STATE PERSONNEL BOARD

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DARREL C. PUF A HL,  
Appellant,

v.

DEPUTY DIRECTOR, Bureau of  
Personnel,  
Respondent.

Case No. 75-216

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# OFFICIAL

## OPINION AND ORDER

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

### NATURE OF THE CASE

This is an appeal, pursuant to Wis. Stats. § 16.05(1)(f), of the Director's action reclassifying the appellant's position to the Job Service Specialist III level.

### FINDINGS OF FACT

1. The appellant is currently employed as a Job Service Specialist III in the Job Service Division of the Department of Industry, Labor, and Human Relations.
2. He spends fifty percent of his weekly working hours in the Green Bay Job Service office. The remaining fifty percent of his working hours are spent in itinerant offices in Sturgeon Bay, Shawano, and Algoma.
3. While at the Green Bay office, the appellant's primary duty is that of issuing determinations on disputed claims for unemployment compensation. In his supervisor's absence, the appellant also assumes added responsibilities such as

answering questions from the public and other staff members, dealing with problems that need immediate attention, and assisting in the training of other employes.

4. While at the itinerant offices, the appellant continues his function of issuing determinations on disputed claims as well as assuming the added responsibilities of answering inquiries from the public regarding unemployment compensation and overseeing the claims taking operations of the offices.

5. The taking of claims in the Shawano and Sturgeon Bay offices is handled by two limited term employes in each office who work only on days that the appellant is present in those offices. In addition to participating in the hiring of these employes, the appellant trains them, oversees their work, aids them in complex cases, and approves their requests for time off. The claims taking in the Algoma office is handled solely by the appellant.

6. The appellant does not assign or review the work of other adjudicators.

7. On October 24, 1975, the appellant was reclassified from Unemployment Compensation Analyst II to his current classification of Job Service Specialist III. This reclassification resulted from a personnel management survey during which a job audit was done on the appellant's position.

#### CONCLUSIONS OF LAW

1. The Board has jurisdiction to hear this appeal. Wis. Stats. § 16.05(1)(f).
2. The standard of judgment in the correctness of the Director's action.

Ryczek v. Wettengel, 73-26, 7/2/74.

3. The burden of proof is on the appellant to show to a reasonable certainty, by the greater weight of the credible evidence, that he should have been reclassified

as a Job Service Specialist IV and that the Director was thus incorrect in reclassifying him to the Specialist III level.

See Reinke v. Personnel Board, 53 Wis. 2d. 123 (1971).  
Alderden v. Wettengel, 73-87, 6/2/75.  
Ryczek v. Wettengel, 73-26, 7/2/74.

4. The appellant has failed to carry this burden. The action of the Director must be considered to be correct.

#### OPINION

The appellant asserts that he should have been reclassified to the Job Service Specialist IV level rather than to the Specialist III level. However, he has not successfully carried his burden of showing that his position merits the Specialist IV classification. To the contrary, a review of the testimony on record, of position standards for the Job Service Specialist series, and of other positions similar to the appellant's shows the appropriate nature of the Specialist III classification.

The position standard for the Specialist III level, for example, states that "identified at this level are adjudicators responsible for complex unemployment compensation claims adjudications" and that "training and guiding less experienced staff may be a function of positions in this class." Included in the list of representative positions is the following:

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.

In contrast, the appropriate provisions of the Specialist IV standard emphasizes lead work activities in a small to medium sized staff that deals with advanced professional work. The list of representative positions includes the following description:

Field Offices

Leadworker, Small Adjudications Unit - guide a small unit of disputed UC claims adjudicators, serve as expert in all phases of the UC law in the geographic area, develop and conduct public relations and public information programs in the area.

A comparison of these positions standards with the appellant's work duties shows that the majority of his time is spent performing activities similar to those described in the Specialist III standard.<sup>1</sup> The appellant admits the accuracy of this conclusion but still asserts that the Specialist IV classification is appropriate. The facts, however, do not support this assertion. Instead, they clearly show that the appellant does not perform the lead work described in the Specialist IV position standard. He does not guide other adjudicators nor does he lead the work of any staff performing advanced professional work. The appellant does oversee the claims taking operations in the itinerant offices but these operations cannot be considered to be advanced professional work.

A review of job descriptions for other Specialist III positions further verifies the accuracy of the Director's action in reclassifying the appellant to that level.

Since the appellant has admitted that the majority of his duties fall within the Specialist III level, since he has failed to show duties and responsibilities that would qualify his position for a Specialist IV classification, and since

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1. See Findings of Fact 3, 4, and 5.

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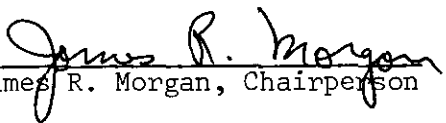
a review of other Specialist III positions does not support the appellant's contentions, the Board must conclude that the Director was correct in reclassifying him to the Specialist III level.

ORDER

IT IS HEREBY ORDERED that the Director's action is affirmed and that this appeal is dismissed.

Dated: May 18, 1978

STATE PERSONNEL BOARD

  
James R. Morgan, Chairperson