

STATE OF WISCONSIN

PERSONNEL COMMISSION

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ARLENE CONRADY,
 Appellant/Complainant,

ANITA JANOWSKI,
 Complainant,

v.

Secretary, DEPARTMENT OF
 INDUSTRY, LABOR AND HUMAN
 RELATIONS and Administrator,
 DIVISION OF PERSONNEL,

Respondents.

Case Nos. 80-363-PC
 81-PC-ER-9
 81-PC-ER-19

* * * * *

DECISION
 AND
 ORDER

These three cases were consolidated for hearing purposes. Case No. 80-363-PC was filed by Ms. Conrady as an appeal from a reallocation decision. The parties in that case agreed to the following issue for hearing:

Whether or not the administrator's decision to reallocate appellant's position from Job Service Assistant Supervisor 3 (PR 1-9) to Job Service Supervisor 2 (PR 1-11) instead of Job Service Supervisor 3 or 4 (PR 1-12) or (PR 1-13) was correct?

The other two cases were filed as discrimination complaints. Each complaint alleged discrimination by respondent Department of Industry, Labor and Human Relations (DILHR) on the basis of sex in regard to classification and wages. An initial determination was issued on November 24, 1981, finding "no probable cause" as to both complaints. Complainants filed a timely appeal and the parties agreed to the following issue for hearing:

Whether there is probable cause to believe that the respondent discriminated against the complainant[s] in the reallocation of their positions.

At the hearing, the parties agreed that both DILHR and the Division of Personnel (DP) were the appropriate respondents.

FINDINGS OF FACT

1. Complainants are both females and are protected from discrimination pursuant to the Fair Employment Act. (Subch II, Ch. 111, Wis. Stats.)

2. At all times relevant to these proceedings, the complainants were employed as intake and processing supervisors at Job Service district offices operated by respondent DILHR.

3. Until September 18, 1980, the complainant's positions were classified as Job Service Assistance Supervisor 3's (JSAS 3) which was assigned to pay range 1-09. The JSAS 3 classification specifications provided as follows:

Definition

This is very responsible paraprofessional supervisory work in the Department of Industry, Labor and Human Relations. Positions allocated to this level typically supervise a large clerical staff performing complex and varied job service program activities. Major responsibilities include coordinating activities internally and with other work units, setting priorities, and developing new methods for accomplishing work. General supervision is provided by a District Director or professional-level supervisor.

Representative Positions

Supervisor, Large Job Service Intake Claims Processing Unit Field Offices - Supervise a large clerical staff engaged in all UC claims intake, client registration, UC claims processing, and clerical support activities in a geographic area of the state.

Supervisor, Employer Records Section, Bureau of Coverage and Contributions - Administrative Office - Supervise a large clerical unit in the maintenance of subject employer records and follow-up files, processing and routing of correspondence, provision of employer coverage and contribution information as requested by other sections.

4. In 1976, the State of Wisconsin began conducting a classification survey of the approximately 10,000 clerical positions found within 166 different classifications. A classification survey is the process by which the state reviews current classified positions within a certain broad category and determines whether positions within the category are being properly compensated for their responsibilities. The Job Service Assistance Supervisor classification was among those classifications reviewed.

5. After field auditing approximately 1000 positions, respondent DP developed a revised set of class specifications which were presented to the Personnel Board for approval in April of 1979.

6. The Personnel Board is responsible for approving any recommendation by DP to "establish, modify or abolish classifications" (§230.09(3)(am), Wis. Stats. 1979) or to assign or reassign classifications to their appropriate pay rate or range (§230.09(2)(b), Wis. Stats. 1979).

7. DP's April proposal would have "revised" the JSAS classification series. The Board refused to approve the proposal. The minutes from the meeting in which the proposal was rejected (August 21, 1978), state:

The Division of Personnel recommendation that Job Service Assistance Supervisors 1, 2, and 3 be placed in pay ranges 1-07, 1-08, and 1-09 respectively should be disapproved. Evidence presented to the Board raises very serious questions relating to equal pay for equal work. Both oral testimony and written submissions tended to support a conclusion that the work done by Job Service Assistance Supervisors, all women, is substantially similar to the work done by Job Service Supervisors, all or nearly all men. Chairperson Gibson noted that the Division has already begun to restudy these classifications and therefore recommended that the Board take no action on this portion of the

Division's recommendation until it has received the product of the Division's further study in this area.

8. DP subsequently conducted field audits of some of the JSAS positions and concluded that additional responsibilities assigned by DILHR to the intake and processing supervisors justified classifying their positions in the Job Service Supervisor (JS Sup) series which had been used to classify certain professional positions within Job Service. The JS Sup position standards, which had been drafted in 1975, included the following language:

I. Introduction

Inclusions

This series encompasses most professional supervisory positions within the Job Service Division of the Department of Industry, Labor and Human Relations which are oriented toward providing employment services or unemployment insurance to Wisconsin workers and employers. Supervisor as used in this series entails the effective recommendation of hiring, transfer, suspension, layoff, recall, promotion, discharge, assignment, evaluation, discipline and adjustment of grievances of three or more permanent full-time equivalent, subordinate employes. Minimal time is spent in the actual performance of staff job service functions.

* * *

II. CLASS DEFINITIONS AND REPRESENTATIVE POSITIONS

The following definitions of duties and responsibilities as well as the representative positions identified for specific classification levels provide examples and patterns for both present and future position allocations. Many different programs and subprograms currently exist within the overall job service program area and this position standard does not attempt to cover every eventuality or combination of duties and responsibilities either as they currently exist or may exist in the future. Additionally, this position standard is not intended to restrict the allocation of representative positions to a specific classification level if the functions of these positions change significantly in level of complexity and responsibility. It is intended, rather, to be a framework within which classifications can be applied equitably to the present program and also adjusted

to equitably meet future personnel relationships and patterns that develop as a result of changing programs and emphasis.

JOB SERVICE SUPERVISOR 1

PR1-03

Definition

This is responsible professional supervisor job service work in the department of Industry, Labor, and Human Relations.

Positions in the field offices allocated to this level typically supervise a small unit of professional and paraprofessional staff engaged in placement activities or comparable specialty.

Positions in the administrative office at this level typically perform advanced professional job service work and supervise clerical and paraprofessional staff in related activities.

Work is performed under general supervision.

Representative Positions

Field Offices

Supervisor, Small WIN Job Development Unit - supervise a small staff (see chart) of professionals and paraprofessionals in job placement and follow-up activities for WIN participants; plan WIN job development function and coordinate work with other WIN units.

Supervisor, Small Placement Unit - supervise a small staff of professionals and paraprofessionals in job placement activities.

Office Supervisor, Small Hearing Office, Bureau of Legal Affairs - oversee and coordinate the operations support activities for a small unemployment compensation hearings office including the supervision of clerical staff and the performance of advanced professional level functions.

JOB SERVICE SUPERVISOR 2

PR1-04

Definition

This is very responsible professional supervisory job service work.

Positions in the field offices allocated to this class typically 1) carry responsibility for a job service program activity which is a major emphasis of the field office such as Employment Assistance including the supervision of a small unit of professional and paraprofessional staff or 2) supervise a medium

unit of professional and paraprofessional staff engaged in placement activities.

Positions in the administrative office allocated to this class carry independent responsibility for planning, monitoring, evaluating and consulting in a statewide job service program including the supervision of support staff.

Work at this level is performed under general supervision.

Representative Positions

Field Offices

Supervisor, Small Adjudications Unit - supervise a small unit of disputed Unemployment Compensation Claims Adjudicators, serve as expert in all phases of the Unemployment Compensation law in the geographic area, develop and conduct public relations and public information programs in the area. Positions in this category report directly to a Job Service District Director.

Supervisor, Medium-sized Placement Unit - supervise a medium-sized unit of professional and paraprofessional staff in job placement and follow-up activities for WIN participants.

Administrative Office

No positions are currently allocated to this class in the administrative office.

9. DP proposed to the Personnel Board that it abolish the old JSAS series and revise the JS Sup series to include the intake and processing supervisor positions.

10. On September 18, 1980, the Board approved DP's proposal. The net effect of the change was to add a new JS Sup 1 classification (at pay range 1-10) to the bottom of the old JS Sup series for small intake and processing units, to renumber the levels from the old series accordingly without effectively changing the pay ranges and to expand the new allocation pattern for the JS Sup 2 (formerly the 1) level (pay range 1-11) to include supervisors of large intake and processing units. The new position standard include the following language:

II. CLASS DEFINITIONS AND REPRESENTATIVE POSITIONS

The following definitions of duties and responsibilities as well as the representative positions identified for specific classification levels provide examples and patterns for both present and future position allocations. Many different programs and subprograms currently exist within the overall job service program area and this position standard does not attempt to cover every eventuality or combination of duties and responsibilities either as they currently exist or may exist in the future. Additionally, this position standard is not intended to restrict the allocation of representative positions to a specific classification level if the functions of these positions change significantly in level of complexity and responsibility. It is intended, rather, to be a framework within which classifications can be applied equitably to the present program and also adjusted to equitably meet future personnel relationships and patterns that develop as a result of changing programs and emphasis.

JOB SERVICE SUPERVISOR I

PR1-10

Definition

This is responsible professional supervisory Job Service work in the Department of Industry, Labor and Human Relations.

Positions allocated to this level perform professional job service program functions and supervise a large staff of clerical employes involved in only one job service program area or perform professional job service program functions and supervise a small staff of clerical and paraprofessional employes engaged in UC claims processing as well as client intake and registration activities.

Work at this level is performed under general supervision of the District Director or equivalent organizational position.

Representative Positions

Field Offices

Supervisor Client Intake and Registration - Field Offices, supervise a large clerical staff performing client intake and registration duties.

Supervisor Claim's Processing Unit - Field Offices - supervise a large clerical staff engaged in processing UC claims.

Supervisor Intake and Claims Processing Unit - Field Offices - supervise a small clerical staff engaged in UC claims processing as well as client intake and registration for the district.

JOB SERVICE SUPERVISOR 2

PR1-11

Definition

This is responsible professional supervisory job service work in the Department of Industry, Labor and Human Relations.

Positions allocated to this level typically: 1) perform professional job service program functions and supervise a staff of clerical employes in the administrative office; 2) supervise a small unit of professional and paraprofessional staff engaged in placement activities, adjudication activities, or a comparable specialty area; 3) perform professional job service program functions and supervise a large clerical and/or paraprofessional staff engaged in UC claims processing as well as client intake and registration activities; or 4) function as a UC Hearing's Office Manager.

Work is performed under general supervision of the District Director or equivalent organizational positions.

Representative Positions

Field Offices

Supervisor Intake and Claims Processing Unit - supervise a large clerical staff engaged in UC claims processing as well as client intake and registration for the district.

Supervisor, Small WIN Job Development Unit - supervise a small staff (see chart) of professionals and paraprofessionals in job placement and follow-up activities for WIN participants; plan WIN job development function and coordinate work with other WIN units.

Supervisor, Small Placement Unit - supervise a small staff of professionals and paraprofessionals in job placement activities.

Office Supervisor, Hearing Office, Bureau of Legal Affairs - supervise hearing office program functions on a regional basis involving unemployment compensation appeals and supervise a clerical staff. Perform quality control review of decisions appealed, determine and issue subpoenas when required, grant or deny hearing postponement requests, and makes decisions of administrative law/policy with regard to the appeal rights of the parties and the observance of "due process."

JOB SERVICE SUPERVISOR 3

PR1-12

Definition

This is very responsible professional supervisory job service work.

Positions in the field offices allocated to this class typically: 1) carry responsibility for a job service program activity which is a major emphasis of the field office, such as Employment Assistance including the supervision of a small unit of professional and paraprofessional staff, or 2) supervise a medium unit of professional and paraprofessional staff engaged in placement activities.

Positions in the administrative office allocated to this class carry independent responsibility for planning, monitoring, evaluating and consulting in a statewide job service program including the supervision of support staff.

Work at this level is performed under general supervision.

Representative Positions

Field Offices

Supervisor, Small Adjudications Unit - supervise a small unit of disputed Unemployment Compensation Claims Adjudicators, serve as expert in all phases of the Unemployment Compensation law in the geographic area, develop and conduct public relations and public information programs in the area. Positions in this category report directly to a Job Service District Director.

Supervisor, Medium-sized WIN Job Development Unit - supervise a medium-sized staff of professional and paraprofessionals in job placement activities.

Supervisor, Medium-sized WIN Job Development Unit - supervise a medium-sized unit of professionals and paraprofessional staff in job placement and follow-up activities for WIN participants.

Administrative Office

No positions are currently allocated to this class in the administrative offices.

11. On or about September 26, 1980, respondent DILHR notified the complainants that their positions, which had previously been in pay range 1-09, would be reallocated to the JS Sup 2 classification in pay range

1-11. Because both of the complainants were already being paid at a rate above the PSICM (permanent status in class minimum) rate of pay for pay range 1-11, neither one received any increase in pay as a consequence of the reallocation. As a consequence of being reallocated to a "professional" series, the complainants were no longer certified for time-and-a-half for overtime.

12. Ms. Conrady is the intake and processing supervisor in the Waukesha Job Service office. A copy of her position description is attached hereto and incorporated by reference as if fully set forth as a part of this findings. Some of the responsibilities set out in Ms. Conrady's position description are further explained as follows:

- a. The intake procedure involves the taking of the initial claim form (UC-15) from the claimant registering for unemployment compensation benefits. The form must be complete. Its information is subsequently fed into a computer for retrieval. After the claim is filed, appellant's unit sends a report or request for additional information to the employer who returns the report which is then reviewed by appellant's unit. Based on the existing law, the appellant's unit then issues a determination as to whether the claimant is eligible for benefits. Those issues arising from specific objections raised by the employer to the payment of unemployment compensation are forwarded to the adjudication's unit in the district office for determination.
- b. The appellant must have a working knowledge of state and federal statutes relating to unemployment compensation. Her knowledge is based primarily on the Job Service Directives (JSDs) that are sent out from the administrative office in Madison on a nearly daily basis. The appellant is responsible for making sure that her staff is also aware of all important changes in the substantive and procedural aspects of unemployment compensation law.
- c. In addition to the JSDs, the complainant relies upon the following sources of information during the course of her normal work and in order to answer questions that may arise:
 1. An essentially outdated procedural manual prepared by the administrative office in Madison.
 2. The statutes themselves, including revisions as they occur.

3. An instruction sheet for the benefit of the employer to assist them in completing forms.
 4. A digest of important UC cases as prepared by the administrative office in Madison.
- d. As part of the intake and processing procedure, complainant's staff is responsible for forwarding to the adjudications unit any claims which, on their face, appear to be fraudulent.
 - e. The complainant receives numerous telephone calls from claimants and their legislators demanding information as to the status of their UC claims. The complainant also fields questions from claimants, employers, and attorneys seeking information about the UC process, clarifications as to the bottom line of a determination rendered by an adjudicator, or the dollar amount of the benefits in dispute. The complainant does not advise individuals whether they should appeal an adjudication decision.
 - f. The complainant must allocate staff constantly between the various positions of the intake and processing function to insure that the office is operating at full efficiency. The complainant also allocates staff and makes all of the arrangements with an employer to perform mass claims taking, which shifts the taking of initial claims from the Job Service office to the place of employment.
 - g. The complainant is responsible for preparing that portion of the district's plan of service relating to the intake and processing function. The plan of service is a document prepared annually that sets forth a plan for achieving the goals that have been established for the district. Appellant reviews the unit's work on a quarterly basis to determine whether the plan's goals have been met.
 - h. A cost model is utilized within the district's adjudication and processing units. Once each week, the complainant tabulates the amount of work done by her unit. She then compares the number of persons permitted by federal reimbursement limitations for generating that amount of work. If the actual size of the processing staff is less than the permitted level, the current staffing level is satisfactory. However, if the existing staff numbers more than the permissible staff level based upon the amount of work produced, adjustments must be made to achieve a satisfactory rating. The cost model is based upon federal standards because the administrative and staffing costs for the UC program are paid by the federal government. Federal mandate also requires that 87% of all new claims be paid within three weeks of when they are initially filed. It is the complainant's responsibility to determine whether LTE

hiring or layoffs are necessary in order to comply with the cost model.

- i. Complainant Conrady also oversees the intake and input functions performed at Job Service branch offices in her district. However, she does not actually supervise any employes in the branch offices.
- j. As of October, 1980, complainant supervised a staff numbering between 25 and 30 employes. Of that number, 8 were permanent employes, 16 were seasonal employes and the remainder were limited term employes.

13. Ms. Janowski performs substantially similar duties as those performed by Ms. Conrady, except that Ms. Janowski serves in the Milwaukee downtown office of Job Service.

14. As of October, 1980, thirteen persons serving as intake and processing supervisors were classified at the JS Sup 2 level. Twelve of the thirteen were females, one was a male.

15. The position of hearing office manager is very similar to the positions filled by the complainants. Both involve the supervision of non-professionals and require substantial understanding of the UC claims process. As of September, 1980, there were four hearing office manager positions within the State, one each in Milwaukee, Madison, Fox Valley and Eau Claire. The position description for one of the positions includes the following summary:

Under the limited supervision of the Senior Examiner, the office manager is responsible for the supervision of the clerical staff, supportive staff (Job Service Assistants) and court reporter at the Milwaukee Hearings Office. The office manager is responsible for the coordination of the appeals process, scheduling of unemployment appeals (approximately 40% of the states U.C. appeals), communicating with parties of record and sound management of the hearing office.

16. The hearing officer manager positions also have the following characteristics:

- a. The regional hearing office reviews decisions made by district adjudicators that have been appealed. The decisions at the regional level are rendered by hearing examiners.
- b. The primary function of the hearing office manager is to schedule and coordinate administrative hearings and the issuance of administrative decisions.
- c. The hearing office manager responds to requests by parties or their counsel for postponements and for the issuance of subpoenas.
- d. The hearing office manager also discusses cases with the parties and, based upon existing case law, may suggest that a party either proceed or withdraw their appeal.
- e. The senior examiner who supervises the hearing office manager also has substantial contact with the parties and their counsel regarding both substantive and procedural matters.
- f. The hearing office manager relies upon the following sources of information during the course of their work and in order to answer questions that may arise:
 1. Job Service Directives.
 2. Decisions issued at the hearing office level.
 3. Decisions issued by the Labor, Industry Review Commission.
 4. Decisions issued by state courts.
 5. A digest of important UC cases as prepared by the administrative office in Madison.
- g. A federal mandate requires that 60% of the cases must have decisions issued within 30 days of the date of appeal to the hearings office.
- h. The hearing office manager is not responsible for preparing a plan of service although s/he is responsible for maintaining the plan once it becomes effective.

17. As of August, 1980, two males and two females occupied positions as hearing office managers. They were classified under the old Job Service Supervisor standards (Finding of Fact #8) as follows:

- a) The Eau Claire office manager, a female, was classified as a JS Sup 1 in pay range 11.

- b) The Fox Valley office manager, a male, was also classified as a JS Sup 1.
- c) The Madison office manager, a female, was classified as a JS Sup 2, in pay range 12.
- d) The Milwaukee office manager, a male, was also classified as a JS Sup 2.

18. Pursuant to the revised Job Service Supervisor position standards adopted by the Personnel Board on September 18, 1980, the hearing office manager positions were specifically identified within the JS Sup 2 specification.

19. Subsequent to the adoption of the new standards, all of the hearing office manager positions were assigned to correspondingly higher levels within the new JSS series which had no effect on their pay ranges. In addition, the Fox Valley position was reclassified to the next higher level and pay range. As a consequence, two of the three positions in pay range 12 were filled by males and the only position at pay range 11 was filled by a female.

20. Other than the fact that the hearing office manager position operates on a regional rather than district level, a fact which is already reflected in the JS Sup 2 class standards, there is insufficient distinction between the hearing office manager and intake and processing supervisor positions to justify classifying three of the four managers at the JS Sup 3 level.

CONCLUSIONS OF LAW

1. These matters are appropriately before the Commission pursuant to §230.44(1)(a) and .45(1)(b), Stats.:

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2. Ms. Conrady has the burden of proving that the respondent's reallocation decision was incorrect and that her position is more properly classified at the JS Sup 3 or 4 levels.

3. The appellant has failed to meet that burden of proof.

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4. Respondents are subject to the provisions of the Wisconsin Fair Employment Act.

5. Complainants have established that there is probable cause to believe that they were discriminated against on the basis of sex in regard to the classification of their positions.

OPINION

Case No. 80-363-PC

The evidence in this matter showed that there was substantial similarity in terms of the work performed by Ms. Conrady and the hearing office managers. This observation is reflected in the fact that the position standard for the Job Service Supervisor series adopted by the Personnel Board at its September 18, 1980 meeting identified hearing office manager positions at the same level as that of a supervisor, such as Ms. Conrady, of a large intake and processing unit.

Once the new standards were approved, Ms. Conrady's position was reallocated to the JS Sup 2 level which specifically identifies those positions supervising a large intake and processing unit. Three of the four hearing office manager positions stayed at the same pay range to which they had been assigned prior to the survey. However, this was one pay range above that assigned to the new JS Sup 2 level. In addition, the fourth hearing office manager position (in the Fox Valley region) was moved up a pay range and, therefore, an additional level within the JS Sup series.

The evidence in this matter does not support Ms. Conrady's argument that her position was not properly identified at the JS Sup 2 level. The logical conclusion to be reached in this matter is that hearing office managers were misclassified and not Ms. Conrady. The Commission is required to apply the properly adopted class specifications as they have been approved by the Personnel Board. The Commission lacks the authority to amend the standards as approved. Wambold v. DILHR & DP, Case No. 82-161-PC (1/20/83); Zhe et al v. DP, Case No. 80-285-PC (11/19/81), affirmed in Zhe et al v. Wis. State Pers. Commn., 81 CV 6492 (Dane County Circuit Court, 11/2/82). The Commission concludes that the reallocation of Ms. Conrady's position was consistent with the position standards and was correct.

The appellant relies on two provisions in §230.09, Stats., in arguing that respondent's reallocation decision was incorrect:

- (1) The administrator shall ascertain and record the duties, responsibilities and authorities of, and establish grade levels and classifications for, all positions in the classified service subject to the approval of the board. He or she shall use job evaluation methods which in his or her judgment are appropriate to the class or occupational groups. Each classification so established shall include all positions which are comparable with respect to authority, responsibility and nature of work required. Each classification shall be established to include as many positions as are reasonable and practicable....
- (2) (b) To accommodate and effectuate the continuing changes in the classification plan as a result of the classification survey program and otherwise, the administrator with approval of the board shall, upon initial establishment of a classification, assign that class to the appropriate pay rate or range, and upon subsequent review, the administrator with approval of the board may reassign classes to different pay rates or ranges. The administrator shall apply the principle of equal pay for work of equivalent skills and responsibilities when assigning a classification to a pay range. The administrator shall give notice to appointing authorities and the personnel board in order that they may make recommendations prior to final action being taken on any such assignment or reassignment of classes. (Emphasis added)

With respect to the first provision, the evidence suggests that the hearing office manager positions also should have been classified at the JS Sup 2 level, just as they were identified in the position standard. However, this observation does not mean that Ms. Conrady's position should be reallocated beyond the JS Sup 2 level. To do so would be inconsistent with the position standard and also would be inconsistent with the allocation pattern for the positions of supervisor of a small WIN job development unit, supervisor of a small placement unit, supervision of a small adjudications unit, and supervisor of a medium-sized WIN job development unit.

The second provision in §230.09, Stats., relied upon by the appellant requires the application of the equal pay principle when assigning a classification to a pay range. See 1979 Opinions of the Attorney General 191 (OAG 69-79). The Commission has previously ruled that as long as the Personnel Board must approve of the assignment of a pay range or rate to a classification, the pay range is not appealable as a decision of the administrator under §230.44(1)(a), Wis. Stats. (1981-82). WFT v. DP, Case No. 79-306-PC (4/2/82). Therefore, the Commission lacks the authority to consider appellant's arguments in this area. Even if the Commission was determined to have jurisdiction, there is nothing in the record to indicate that any classification within the JS Sup series has been assigned to an incorrect pay range. The appellant's case was premised on the classification of her particular position as compared to the classification of the hearing office manager positions. It did not focus on the assignment of a pay range to the JS Sup 2 or JS Sup 3 classification titles.

In light of the appellant's failure to show that the respondent's reallocation decision was inconsistent with the duly adopted position standards, Ms. Conrady's appeal must be dismissed.

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The complainants argue that the reallocation of their positions constitute discrimination based upon sex in violation of the Wisconsin Fair Employment Act.

The evidence showed that respondent DP's recommendation to the Personnel Board in April of 1979 to place the JSAS 1, 2, and 3 classifications in the 1-07, 1-08 and 1-09 pay ranges, respectively was not approved. The Board's Minutes specifically state:

Evidence presented to the Board raises very serious questions relating to equal pay for equal work. Both oral testimony and written submissions tended to support a conclusion that the work done by Job Service Assistance Supervisor, all women, is substantially similar to the work done by Job Service Supervisors, all or nearly all men.

After further review, respondent submitted a second recommendation, to abolish the JSAS series and place the intake and processing supervisors in the JS Sup series. This proposal was subsequently adopted by the Board and was embodied in a new position standard for the JS Sup series which specifically identified both supervisors of large intake and processing units and hearing office manager positions. The new position standard went into effect on September 18, 1980. The parties stipulated that as of October, 1980, twelve of thirteen intake and processing supervisors classified at the JS Sup 2 level were women. Two of the three hearing office manager positions which ended up being classified at the JS Sup 3 level were occupied by men as of October, 1980. The only hearing office manager position classified at the JS Sup 2 level was filled by a woman as of that date.

This evidence is sufficient to find probable cause to believe that discrimination occurred. §PC 4.03(2), Wis. Adm. Code. Practically no reliable testimony was addressed at the hearing that attempted to justify

the classification of the three hearing office manager positions at a level above that specifically identified for the positions within the JS Sup position standards. The bulk of the evidence supported the complainants' contention that their positions were classified at a lower level than the three hearing office manager positions even though they perform substantially similar work. The minutes of the Personnel Board and the male/female composition of the JS Sup 2 intake and processing supervisors and the JS Sup 2 and 3 hearing office manager positions justify the probable cause finding under these circumstances.

Relief

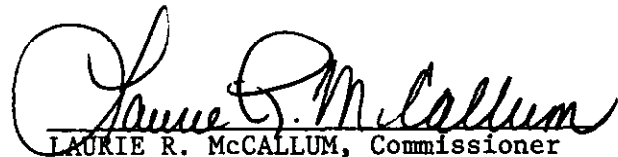
Until a hearing on the merits has been held, it would be inappropriate for the Commission to comment on the issue of relief.

ORDER

The initial determination issued on November 24, 1981, in Case Nos. 81-PC-ER-9 and 81-PC-ER-19 is reversed and these cases shall be set for conciliation in accordance with §PC 4.04, Wis. Adm. Code. Respondents' reallocation decision is affirmed with respect to Case No. 80-363-PC, and the appeal is dismissed.

Dated: November 9, 1983 STATE PERSONNEL COMMISSION


DONALD R. MURPHY, Chairperson


LAURIE R. McCALLUM, Commissioner

KMS:jmf


DENNIS P. MCGILLIGAN, Commissioner

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*Pursuant to the provisions of 1983 Wisconsin Act 27, published on July 1, 1983, the authority previously held by the Administrator, Division of Personnel over classification matters is now held by the Secretary, Department of Employment Relations.

POSITION DESCRIPTION

DER-PERS 10 (Rev. 1-78)
 State of Wisconsin
 Department of Employment Relations
 DIVISION OF PERSONNEL

1 Position No 005370	2 Cert/Reclass Request No. 80-787	3. Agency No 445
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4 NAME OF EMPLOYEE Arlene M. Conrady	5 DEPARTMENT, UNIT, WORK ADDRESS DILHR/Job Service 137 Wisconsin Ave. Waukesha, WI 53186
6 CLASSIFICATION TITLE OF POSITION Job Service Supervisor 2	
7 CLASS TITLE OPTION (To be Filled Out By Personnel Office)	8 NAME AND CLASS OF FORMER INCUMBENT Mathilde E. Kamp
9 AGENCY WORKING TITLE OF POSITION UC Intake and Processing Manager	10 NAME AND CLASS OF EMPLOYEES PERFORMING SIMILAR DUTIES Dorothy Hoenen
11 NAME AND CLASS OF FIRST LINE SUPERVISOR Bill Richard JS Supervisor 5	12 FROM APPROXIMATELY WHAT DATE HAS THE EMPLOYEE PERFORMED THE WORK DESCRIBED BELOW? 1975

13 DOES THIS POSITION SUPERVISE SUBORDINATE EMPLOYEES IN PERMANENT POSITIONS? Yes No IF YES, COMPLETE AND ATTACH A SUPERVISORY POSITION ANALYSIS FORM (DER PERS 84).

14 POSITION SUMMARY - PLEASE DESCRIBE BELOW THE MAJOR GOALS OF THIS POSITION **This position is managerial and supervisory. Under the general supervision of the office manager, this position is responsible for the planning, organizing, staffing, directing, coordinating and controlling of the Waukesha Intake and Processing Programs. Responsibility for full compliance with all equal opportunity and affirmative action policy, procedures and regulations shall be an integral part of all job functions listed below.**

APPELLANT'S

15 DESCRIBE THE GOALS AND WORKER ACTIVITIES OF THIS POSITION (Please see sample format and instructions on back of last page)

- GOALS. Describe the major achievements, outputs, or results. List them in descending order of importance
- WORKER ACTIVITIES: Under each goal, list the worker activities performed to meet that goal.
- TIME %: Include for goals and major worker activities

EXHIBIT # 1
 (Continue on attached sheets)

TIME %	GOALS AND WORKER ACTIVITIES
60%	<p>A. Directing the staff and program</p> <p>A1. Implement all components of the approved Intake and Processing Programs.</p> <p>A2. Conduct staff meetings as required in order to: receive input in the form of criticism, suggestions, innovations or staff needs; maintain staff awareness of current operational procedures; update staff on changes, new policies and new procedures, and to inform staff on a variety of subjects based on communications received from the Administrative office and from other sources.</p> <p>A3. Conduct staff training in groups or individual sessions on how to work with new forms and procedures; changes in current forms and procedures; manual changes & modifications so that all staff members will be working with current information.</p>

16 SUPERVISORY SECTION - TO BE COMPLETED BY THE FIRST LINE SUPERVISOR OF THIS POSITION (See instructions on Back of last page)

- a The supervision, direction, and review given to the work of this position is | | close | | limited | | general
- b The statements and time estimates above and on attachments accurately describe the work assigned to the position. (Please initial and date attachments.)

Signature of first-line supervisor Bill Richard Date 10/3/80

17 EMPLOYEE SECTION - TO BE COMPLETED BY THE INCUMBENT OF THIS POSITION

I have read and understand that the statements and time estimates above and on attachments are a description of the functions assigned my position. (Please initial and date attachments)

Signature of employe Arlene M Conrady Date 10/3/80

18. Signature of Personnel Manager _____ Date _____

Time

- A4. Assign other duties to staff members as appropriate in order to accomplish program objectives.
- A5. Respond verbally and in writing to policy and procedural questions, raised by staff members, after reviewing and interpreting appropriate policies and procedures.
- A6. Under the direction of the manager, implement new policies and procedures timely to avoid working with and distributing outdated information.
- A7. Complete and submit appropriate personnel documents timely in order to fill vacancies promptly.
- A8. Interview candidates for staff vacancies to recommend hiring, or not hiring certain individuals.
- A9. Discuss hiring recommendations with immediate supervisor to secure supervisor input.
- A10. Take appropriate staff disciplinary actions in certain situations in order to correct behavior or performance.
- A11. Plan for staff training needs.
- A12. Participate in all appropriate components of the labor agreement as a representative of management.
- A13. Establish work, vacation, overtime schedules.
- A14. Examine quality of work performed.
- A15. Assign work to others.
- A16. Direct and coordinate office functions as performed by staff.
- A17. Make recommendations for additional staffing - cost model.
- A18. Resolve personnel grievances.
- A19. Counsel, evaluate and discipline employes.
- 20% B. Coordinate the U.C. Intake and Processing Programs.
 - B1. Coordinate changes in responsibilities of individual staff members, as required by the circumstances to avoid duplication and conflict.
 - B2. Communicate with individual staff members verbally and in writing to clarify roles and responsibilities in the event of disagreement or misunderstanding.
 - B3. Coordinate all of the activities of the U.C. Intake and Processing staff toward achievement of Program goals.
 - B4. Coordinate the activities of the U.C. Intake and Processing staff with other Program Managers in order to avoid working at cross purposes and to direct the efforts expended by all staffs toward accomplishment of overall Job Service objectives.
 - B5. Meet with representatives of Job Service, DILHR, and other State agencies, as required, to coordinate matters of importance affecting Waukesha U.C. Intake and Processing Unit, and take appropriate subsequent actions.
 - B6. Communicate with the office manager verbally and in writing on issues which affect working relationships within the U.C. Intake and Processing Unit, and between U.C. Intake and Processing Unit and other Job Service Units, and outside agencies.
 - B7. Review adjudication decisions to determine effect on monetary issuance
 - B8. Interpret policy and procedures and inform staff.
 - B9. Answer more complex inquiries from employers, claimants and other agencies.
 - B10. Interpret policies and procedures.
 - B11. Attend meetings and conferences.
 - B12. Develop and maintain sources of information.
 - B13. Recommend agenda items.
 - B14. Participate in meetings by giving factual information on request and carry out details of decisions reached as directed.

Time
10%

- C. Organizing the staff and the Program under the direction of the manager.
- C1. Define the mission and goals of the local program in order to identify individual staff members roles.
 - C2. Write Position Descriptions (PD) and Management by Objectives (MBO) for each staff member in order to clearly define individual staff members responsibilities and goals.
 - C3. Review PD's with manager for critical review and take recommended actions.
 - C4. Discuss with each staff member, individually, their PD for the following purposes; to allow for questions and input; to consider modifications, to ensure that each staff member become knowledgeable of their role in the overall organizational structure.
 - C5. Modify local organizational structure to meet anticipated or un-anticipated situations.
 - C6. Organize program components into a logical and meaningful sequence in an effort to attain the highest possible level of achievement.
 - C7. Delineate and establish lines of communication between staff members; between staff members and Manager; and between staff members and other employees and managers in the office.
 - C8. Compile data for reports requiring overall knowledge of the technical activities of a unit.
 - C9. Gather, compile, write materials on work load, cost studies and budget justifications - Plan of Service.

9%

- D. Control of Program Operations.
- D1. Review the Cost Model on a continuing basis for the purpose of comparing earned expenditures and actual expenditures.
 - D2. Review weekly and monthly performance reports, thoroughly, each time it is received, to compare the actual level of achievement to the planned level of achievement in the Unit.
 - D3. Monitor various program components while in progress in order to evaluate the effectiveness of the components and of the staff.
 - D4. Implement changes in staff performance, in order to raise the achievement level, when monitoring discloses a lower achievement level than planned.

1%

- E. Miscellaneous Management Activities.
- E1. Other duties as assigned.