

STATE OF WISCONSIN

PERSONNEL COMMISSION

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JOHN BOLDT,

Appellant,

v.

Administrator, DIVISION OF  
PERSONNEL,

Respondent.

Case No. 81-96-PC

\* \* \* \* \*

DECISION  
AND  
ORDER

This is a reallocation case. Appellant alleges respondent's reallocation of his position from Teacher 5 to Librarian 2 was incorrect, and that his position should have been reallocated to the Teacher 5 level. The following findings, conclusions, opinion and order are based upon the record made at the hearing on this matter held by the Personnel Commission.

FINDINGS OF FACT

1. Appellant was hired in 1972 by the Department of Health and Social Services (DHSS) as a Teacher 2 to perform duties as librarian and audiovisual coordinator at the Wisconsin State Reformatory at Green Bay, Wisconsin. From that time to date appellant has continued to be employed in that position. During that period he has advanced through the Teacher classification series to the Teacher 5 level. When initially hired, appellant was required to be certified as a teacher by the Department of Public Instruction.

2. In 1977, DHSS agreed to follow Department of Public Instruction (DPI) guidelines requiring certain non-teaching positions in institutional education programs which fit within the state's definition of a public school to be occupied by a person certified as a teacher by DPI. In DHSS

institutions with primarily an adult population, employes in educational programs, who did not teach, were not required to be certified by DPI.

3. On March 18, 1981, the respondent reallocated appellant's position from Teacher 5 to Librarian 2. Prior to the reallocation the Wisconsin State Reformatory at Green Bay, Wisconsin became a facility for adult inmates and the name was changed to Green Bay Correctional Institution.

4. On April 7, 1981, appellant appealed respondent's decision to reallocate his position to the Librarian 2 classification.

5. The state Position Standard for Teacher 5 is as follows:

Inclusions

This [teacher] series encompasses all professional positions performing formal academic instruction work within the institutions and schools of the Department of Health and Social Services and the Department of Public Instruction.

Exclusions

Positions which do not require a certificate to teach and positions which are supervisory or managerial in nature are not allocated to this series.

Entrance and Progression Through the Series

Entrance into this series will normally be by competition since it will typically involve a movement between positions. Progression through this series will be by reclassification as incumbents attain specific training and experience.

CLASS DEFINITION

Teacher 1 - 6 (PR 13-01), (PR 13-02), (PR 13-03), (PR 13-04), (PR 13-05) and (PR 13-06) respectively.

These six teacher levels identify positions which have the primary responsibility in a formal education program of a school or institution for providing instruction to students in one or more certifiable subject areas through the use of lectures, demonstrations and/or audio visual aids. Allocation to any of these levels is based upon the training and experience of the incumbent rather than the duties and responsibilities of the position. Consequently, objectives and tasks of higher level positions will be very similar to those of lower level positions. Therefore, the

key allocation factors are the following training and experience requirements.

For the purposes of evaluating training and experience, all Teacher positions are considered to be either Degree or Non-Degree ...

Teacher 5 (Degree)

A Master's degree (which the employing department has determined is appropriate for the position) from an accredited college or university and certification as a Teacher by the Department of Public Instruction or the State Board of Vocational Technical and Adult Education, with no teaching or other experience or additional relevant credits necessary.

(or)

A Bachelor's degree from an accredited college or university and certification as a Teacher by the Department of Public Instruction or the State Board of Vocational, Technical and Adult Education plus 30 additional relevant credits approved by the employing department, with no teaching or other work experience necessary.

Teacher 5 (Non-Degree)

A Standard Five-Year Certificate from the State Board of Vocational, Technical and Adult Education plus 18 additional relevant credits approved by the employing department, with no teaching or other work experience necessary.

6. The following is the state Position Standard for a Librarian 2 position.

Inclusions

This position standard describes service oriented positions in a library which are performing coordinative and analytical work which is considered to be "professional" in nature as defined by §111.81(11). This currently includes work that (a) is predominantly intellectual and varied rather than routine mental, manual, mechanical or physical work; (b) involves the consistent exercise of discretion and judgment; (c) is of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time; and (d) frequently requires knowledge of an advanced type.

Positions will function in a variety of libraries such as agency libraries (e.g., DILHR, Justice), and reference-research libraries (e.g. , DPI-Reference and Loan, Historical Society).

Positions function a majority of the time as a specialist or generalist in a library.

Exclusions

This [Librarian] position standard specifically excludes the following types of positions:

- 1) All supervisory, management and confidential positions;
- 2) Positions which perform clerical or paraprofessional functions;
- 3) Positions which are more appropriately identified by other class series such as Library Associate, Library Services Assistant or Library Consultant;
- 4) Positions which perform classroom teaching and require teacher certification;
- 5) Positions involving archives or curatorial work;
- 6) Positions involving the application of accepted principles and techniques of Medical Records Librarians covering the development, maintenance, analysis and use of diagnostic therapeutic medical records should be allocated to the Medical Records Librarian class ...

Librarian 2

This is professional library work in a state agency or institution. Positions allocated to this level function either as 1) the chief librarian in a state agency responsible for all library operations including cataloging, circulation, acquisitions, reference, and in addition performs a variety of administrative tasks associated with planning, organizing, and directing all department library operations; 2) a subject matter specialist performing a wide range of library functions in addition to establishing policies and procedures affecting their specialty area, which transcends departmental boundaries. Positions may in addition function as leadworkers of lower level personnel. Positions at this level function under the general supervision of administrative staff or higher level supervisory librarians. It should also be noted that positions of a similar kind, level scope and complexity will also be allocated to this classification.

7. At the time of the reallocation decision by respondent, appellant's job responsibilities as recorded in the signed position description dated April 11, 1980, were as follows:

60% A. Provision of school media services to residents and educational staff at the Green Bay Correctional Institution.

A1. Receive, process and schedule residents' requests for

time in the school media center and Law Library.

- A2. Instruct and supervise residents selected to assist professional staff in media center.
- A3. Complete resident job performance evaluation forms when requested by guidance or social service staff.
- 15% B. Provision of reference and intertype library coordination to residents and staff.
  - B1. Instruct residents and educational staff in the selection, use, production and evaluation of audio-visual equipment and materials
  - B2. Answer reference questions from residents and educational staff as time and resources permit. forward reference questions when appropriate and necessary to other affiliated libraries and governmental agencies.
  - B3. Consult and coordinate media services and programs with other Division of Corrections librarians.
- 10% C. Provision of media center materials
  - C1. Evaluate and recommend for purchase library materials and equipment. Forward orders to Education Office for approval and processing.
  - C2. Receive, process, and prepare for circulation new media center materials.
  - C3. Weed media center collection to provide current materials for residents and teaching staff use.
- 10% D. Provision of administrative media center services.
  - D1. Consult with teaching staff to provide and promote curriculum related learning materials for classroom and individual study.
  - D2. Supervise and coordinate cleaning and maintenance of school media center.
  - D3. Receive and process library grant application forms. Consult with education supervisor regarding possible sources of library funding and library services.
  - D4. Assess current media program for weaknesses and develop long-range goals for improvement.
  - D5. Submit a list of items to be included in institution budget for equipment needed in school media center.

5% E. Participation in extra curricular programs or activities.

E1. Serve on Adjustment Committee when assigned.

E2. Attend conventions, seminars, workshops and inservice training as directed.

E3. Serve on various committees as directed.

E4. Participate in special program areas as they arise.

5% F. Security

F1. Perform non-teaching work during time of crises (riot, lockdowns).

Appellant does no classroom teaching.

8. When implementing the Library Survey, which included appellant's position, the respondent classified a number of positions which required no formal teaching as teacher positions. Those positions were all located in primarily juvenile populated institutions.

9. Respondent, also as consequence of the survey, excluded from the Teacher classification series all positions which did not have formal teaching responsibilities and were in primarily adult populated institutions.

10. Respondent's decision to reallocate appellant's position from Teacher 5 to Librarian 2 is consistent with the allocation pattern for positions in the Teachers and Librarian classification series.

11. Appellant's position is more appropriately classified as a Librarian 2 than as a Teacher 5.

#### CONCLUSIONS OF LAW

1. This matter is appropriately before the Commission pursuant to §230.44(1)(a), Wis. Stats.

2. The appellant has the burden of proving that the respondent erred in reallocating his position from Teacher 5 to Librarian 2.

3. The appellant has not sustained that burden.

4. The respondent did not err in reallocating appellant's position from Teacher 5 to Librarian 2.

#### OPINION

The appellant argues that at the time he was initially hired, he was required to have a teacher's certificate from the Department of Public Instruction and his position continues to compare favorably with similar non-teaching librarian positions, which the respondent has determined to be within the Teacher classification series.

The evidence in this case is plain. When the appellant was hired in 1972 at the Correctional Institution in Green Bay, it was primarily populated by juvenile residents. As manager of the library which was an integral part of the institution's educational program, the appellant along with other non-teachers in the program, was required to be certified as a teacher by DPI. All persons involved in the institution educational program had to be certified by DPI in order to meet the state qualification of a public school.

Over the next several years the institution at Green Bay shifted from a facility for juvenile residents to one for adult residents, while appellant's duties, as a librarian with no formal teaching responsibilities, remained basically unchanged. At the time appellant was reallocated to Librarian 2, the institution in which he worked was primarily populated with adult residents. Similar positions in all institutions housing primarily adult residents were classified as Librarians. Those institutions did not require teacher certification for non-teachers involved in academic programs.

It is clear from the evidentiary facts that while the appellant assisted patrons in the use of the library facilities at the Green Bay Correctional Institution, he had no primary responsibility for providing instruction to students in any subject area as a part of the educational program at that

institution. It is equally apparent that at the time of reallocation, there was no requirement for the appellant to be certified as a teacher by DPI in order for him to maintain his position or carry out his job responsibilities.

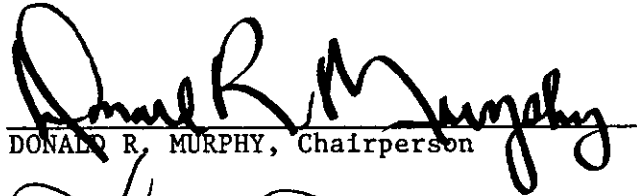
For all the reasons stated and based upon the record respondent's decision should be affirmed.

ORDER

The respondent's reallocation decision is affirmed and appellant's appeal is dismissed.

Dated: September 28, 1983

STATE PERSONNEL COMMISSION

  
DONALD R. MURPHY, Chairperson

  
LAURIE R. McCALLUM, Commissioner

  
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.