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STATE OF WISCONSIN

PERSONNEL COMMISSION

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BRUCE WAMBOLD,

Appellant,

v.

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

Respondent.

Case No. 82-161-PC

* * * * *

DECISION
AND
ORDER

This matter is before the Commission as an appeal from the denial of a reclassification decision. At the prehearing conference, the parties agreed to the following issue for hearing:

Whether or not the respondent's decision classifying the appellant's position at the Job Service Supervisor 1 level rather than the Job Service Supervisor 2 level was correct.

FINDINGS OF FACT

1. Since January of 1982, the appellant has been employed as the processing unit supervisor in the Janesville (or GROW) District of respondent DILHR's Job Service Division.

2. Appellant's job duties and responsibilities were as described in the position summary in his position description dated April 29, 1982:

Under the general supervision of the District Job Service Director; plan, organize, control and evaluate the claims processing unit. Provide overall supervision, set and monitor standards for staff in accordance with U.C. Cost Model, set priorities, evaluate performance, develop corrective action plan, maintain discipline and morale, interview and select new employees, and promote equal opportunity in all personnel actions. Actively participate in development of local operating plan and general office policy. Provide coordination with all other district units. Responsible for assuring that affirmative action/equal opportunity goals are carried out in those transactions for which accountable. These

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activities include developing a plan for the unit and assuring that hiring, training, reclassification, promotion and retention of unit employees is in accordance with these principles. Where the unit provides direct service to the public, the supervisor is also responsible for the equitable provision of those services to all groups.

3. The position standards for the Job Service Supervisor (JS Sup) series include the following language:

JOB SERVICE SUPERVISOR 1

Definition

This is 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 employees involved in only one job service program area or perform professional job service program functions and supervise a small staff of clerical and paraprofessional employees 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

* * *

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

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JOB SERVICE SUPERVISOR 2

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 employees 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 - Field Offices - supervise a large clerical staff engaged in UC claims processing as well as client intake and registration for the district.

The specifications further define "large staff of clerical employees" for purposes of the JS Sup 1 classification as ten or more "full time equivalent permanent positions."

4. As of July, 1982, which is the date of the decision that is the subject of this appeal, the appellant's duties were limited to supervision over the processing of UC claims rather than supervision of both the intake and the processing of these claims. At that time, the appellant supervised between thirty and forty individual employees, although there were approximately eighteen full-time equivalent permanent positions under his supervision.

5. At all times relevant to this appeal, the appellant has supervised a "large staff of clerical employees involved in one job service program area," i.e. processing.

6. The appellant's position is better described by the class description for the Job Service Supervisor 1 level rather than the Job Service Supervisor 2 level.

CONCLUSIONS OF LAW

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

2. The appellant has the burden of proving that the respondent's decision to deny appellants request for reclassification of his position from JS Sup 1 to JS Sup 2 was incorrect.

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

4. The respondent's decision not to reclassify the appellant's position from JS Sup 1 to JS Sup 2 was correct.

OPINION

The appellant raised a series of arguments as to the appropriateness of the language found within the JS Sup position standards. Specifically, the appellant argued that the failure to delineate the number of supervised employes other than setting a "ten or more" requirement reasonably barred reclassification for persons supervising twenty, forty or sixty employes. The appellant also argued that the classification standards did not reflect the intense pressure, the level of responsibility or the importance of the processing unit as compared to the other program units within each district.

However, the only question before the Commission is where to classify the appellant's position given the existing position standards. The Commission simply lacks the authority to amend those standards. 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). In the Zhe case as well as in Kotecki et al v. DOT & DP, Case No. 82-34-PC (8-5-82), the Commission concluded that, even where the position standards are clearly outdated, it must apply those standards to the position(s) in question.

The existing JS Sup standards clearly place the appellant's position at the JS Sup 1 level. The staff that the appellant supervises performs a processing function as compared to an intake and processing function. In the

absence of a separable second function and regardless of the number of full-time equivalent positions over ten being supervised, the appellant's position must be classified at the JS Sup 1 level.

ORDER

The respondent's reclassification decision is affirmed and this appeal is dismissed.

Dated: January 20, 1983

STATE PERSONNEL COMMISSION


DONALD R. MURPHY, Chairperson


LAURIE R. McCALLUM, Commissioner

KMS:ers

JAMES W. PHILLIPS did not participate in the consideration or decision in this matter.

Parties

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