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 JAMES A. BENDER, \*  
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                   Appellant, \*  
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 v. \*  
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 Secretary, DEPARTMENT OF \*  
 EMPLOYMENT RELATIONS, \*  
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                   Respondent. \*  
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 Case No. 86-0062-PC \*  
 \*  
 \* \* \* \* \*

DECISION  
AND  
ORDER

NATURE OF THE CASE

This is an appeal from respondent's decision denying the reclassification of the appellant's position from Teacher Supervisor 1 to Teacher Supervisor 2. At the prehearing conference held on May 6, 1986, before Donald R. Murphy, Commissioner, the parties agreed to the following issues for hearing:

1. Whether respondent's decision to deny appellant's request to reclass his position from Teacher Supervisor 1 (PR1-14) to Teacher Supervisor 2 (PR1-15) is correct.
2. If not, is appellant's position more appropriately classified as Teacher Supervisor 2?

Hearing in the matter was held on June 19, 1986, before Dennis P. McGilligan, Chairperson. The respondent filed a brief on August 12, 1986.

FINDINGS OF FACT

1. At all times material herein, appellant has been employed in the classified civil service by the Department of Health and Social Services as a Teacher Supervisor 1 at Taycheedah Correctional Institution (TCI) under the supervision of Thomas D. Olson, Education Director. Olson, in turn, reports directly to the Institution Superintendent.

2. The appellant's main duties and responsibilities, in summary, include the following: supervise Basic Education Laboratory and 2½ GPR positions assigned to laboratory; plan program, establish policies, direct instruction, prepare budget, submit monthly estimates for laboratory; coordinate on-grounds contracted programs with University and VTAE staff and serve as liaison with staff and students and represent TCI as a member of the Assessment and Education (A&E) Committee as well as perform other related institution duties.

3. The Teacher Supervisor 1 class specifications provide, in relevant part, as follows:

Class Description

Definition:

This is professional supervisory and instructional work in the educational program areas of a state school or institution. Positions allocated to this classification function as supervisory teachers having responsibility for directing the activities of a staff assigned to the specialized program area; and provide instructional guidance and support to staff and students in the educational program. The educational program identified at this level may be in the same educational areas as those found at the Teacher Supervisor 2 level. However, they differ in terms of size and level of staff supervised, educational impact and scope of program content, placement of position in organizational hierarchy, and the degree and level of supervision required in directing the program activities. Supervision is received from a higher-level supervisor and the work is reviewed through conferences and written reports

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4. The Teacher Supervisor 2 class specifications provide, in relevant part, as follows:

Class Description

Definition:

This is responsible professional supervisor and instructional work in a major educational program area of a state school or institution. Positions allocated to this classification function as supervisory teachers having complete responsibility

for a major educational program such as vocational education and training, academic education, speech pathology and audiology, physical education and recreation, and remedial education. The supervisory responsibilities identified at this level are differentiated from those of the preceding level by the scope of the program directed, size and professional level of staff supervised, placement of the position in the organizational hierarchy, and portion of time devoted to supervisory versus instructional activities. Supervision is received from an Education Director, Treatment Director, Special Services Director, or Institution Superintendent and the work is reviewed through conferences, reports, and observation.

5. In a memorandum dated March 22, 1985, the Bureau of Personnel and Employment Relations (DHSS) denied appellant's request for reclassification from Teacher Supervisor 1 to Teacher Supervisor 2. Appellant appealed this denial and Paul Hanks, then a Personnel Specialist with respondent, conducted a "re-review" of appellant's reclassification request. By letter dated March 20, 1986, respondent denied appellant's reclassification request. By letter dated April 14, 1986, appellant filed a timely appeal of the reclassification denial to the Commission.

6. In the justification accompanying the reclassification request, it was noted that the appellant's contracted program coordination had been expanded from one to two degree programs (in the VTAE system) and that the pre-existing University of Wisconsin (PREP) program had grown in offerings and had become coeducational. This caused a major increase in students, staff and facilities management responsibilities. Accordingly, the justification noted appellant's responsibilities had expanded to include developing, directing and scheduling the work activities of GPR and contracted personnel (two additional full-time teachers were assigned to TCI, doubling the site supervision component); supervising all contracted vocational training programs to ensure the best possible impact on corrections students; conducting orientation for contracted staff and acting as liaison between staff, students and the institution. The

justification asserted that the appellant's position had realized a gradual change in duties and responsibilities so that it met the definition of a Teacher Supervisor 2.

7. From a classification standpoint, the appellant's position is at a lower level than the following positions which are classified as Teacher Supervisor 2:

a. Beatrice Lynch, Teacher Supervisor 2, at Wisconsin Resource Center. The Lynch position is responsible for planning, developing, implementing, evaluating and directing the entire resident education and training program which included supervising seven Teachers, one Librarian and one Program Assistant 4.

b. A vacant Teacher Supervisor 2 position at Waupun Correctional Institution. This position is responsible for directing and supervising the academic, vocational and support services staff of the Education Department at Waupun. This responsibility included the supervision of twelve teachers, two librarians, and assisting the Education Director in the administration of the education program. This position is also responsible for supervising leisure time activities which included supervising one Recreation Director, (2.5) Recreation Leaders and one Recreation Assistant.

c. John Siedschlag, Teacher Supervisor 2, Wisconsin Correctional Institution at Fox Lake. Siedschlag, with a working title of Assistant Education Director, has direct supervision of 18 teachers and one typist. According to the job summary on his position description, Siedschlag performs the duties of supervising the Academic School program and staff (all academic education & training programs) under the general supervision of the Educational Director. Siedschlag also represents the Education Director in his absence.

d. David P. Steinert, Teacher Supervisor 2, Black River State Camp, Wisconsin Correctional Camp System. Steinert supervises five teachers and one typist in coordinating and managing the educational program at the Camp. This includes supervision of the entire educational program, coordination of federally funded educational projects and membership on the supervisory-management team at the facility.

There is no educational director at this camp.

8. From a classification standpoint, the appellant's position is at the same level as the following positions which are classified as Teacher Supervisor 1:

a. Charles Komosa -- Fox Lake Correctional Institution. This position is responsible for supervising the Adult Basic Education Program and the GED program at Fox Lake which includes supervising (4) teachers. At Fox Lake Komosa reports to the Education Director through a Teacher Supervisor 2.

b. Richard Stekel -- Lincoln Hills School. This position is responsible for supervising, under the general supervision of the Education Director, the education/recreation department. This includes the supervision of 12 Teachers 1-6 and 2 Recreation Assistants. This also includes responsibility over the pre-vocational program, the recreation program and coordination of two contracted programs (custodial and fast food) with the North Central Technical Institute. Stekel spends 75% of his work time on supervisory or related duties, 10% on the performance of work activities similar to those of employees he supervises and 15% on non-supervisory work activities different from those of supervised employees.

c. Mark Melcher -- Kettle Moraine Correctional Institution (KMCI). Melcher under the supervision of the Education Director, coordinates the University of Wisconsin (PREP) program at KMCI. He supervises the activities of 11 teachers and a Librarian. A TS2 and Vocational Education Supervisor are also employed at KMCI and report to the Education Director.

d. A vacant TSI position at the Wisconsin School for Boys is responsible for a Special Education Unit and is under the supervision of the Education Director. The position supervises 11 teachers as well as other employes.

9. The duties and responsibilities of appellant's position are more accurately described by the class specifications for a Teacher Supervisor 1 and appellant's position is more appropriately classified as a Teacher Supervisor 1.

#### CONCLUSIONS OF LAW

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

2. The appellant has the burden of proof of establishing that the respondent's reclassification decision was incorrect.

3. The appellant has not sustained his burden.

4. The respondent's decision denying reclassification of appellant's position from Teacher Supervisor 1 to Teacher Supervisor 2 was not incorrect.

#### OPINION

The question before the Commission is whether the appellant's position should be classified as a Teacher Supervisor 1 or a Teacher Supervisor 2.

In order for appellant to prevail, Bender must satisfy his burden of proving that his position meets the Teacher Supervisor 2 definition and is more properly classified in that classification.

According to the class specifications, the main difference between Teacher Supervisor 1 and Teacher Supervisor 2 with respect to running an educational program in a state institution is the "scope of the program directed, size and professional level of staff supervised, placement of the position in the organizational hierarchy, and portion of time devoted to supervisory versus instructional activities." Teacher Supervisor 1 work is defined as "professional supervisory and instructional work in the educational program areas" of a state institution. Positions allocated to this level have "responsibility for directing the activities of a staff assigned to a specialized program area; and provide instructional guidance and support to staff and students in the educational program." In contrast, a Teacher Supervisor 2 performs "responsible professional supervisory work" with "complete responsibility for a major educational program" in a state institution. (*emphasis added*)

Applying the above standards in the instant case, the Commission finds that appellant's position is appropriately classified at the Teacher Supervisor 1 level. In this regard, the record indicates that appellant supervises a relatively small staff (2.5 teacher positions) and has complete responsibility for only one educational program at TCI (Adult Basic Education). Consequently, the educational impact and scope of program content directed by appellant is limited.<sup>1</sup>

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<sup>1</sup> Bob Hable, Director of Education and Career Services, Bureau of Program Services, Division of Corrections, DHSS testified for respondent, unrefuted by appellant, that the more staff supervised and the more programs at the institution involved, the more complex the educational program at a particular institution is.

A conclusion that appellant's position is more appropriately classified at the Teacher Supervisor 1 level is supported by position allocations in this series. All Teacher Supervisor 2 positions noted in the record supervised more employees than the appellant. The majority of the TS 2 positions function in larger and more varied educational program settings. Several TS 2 positions are responsible for the entire education program at their respective institutions. In contrast, favorable comparisons are found at the Teacher Supervisor 1 level. All TS 1 positions supervise the activities of more teachers than the appellant. Three report directly to an Education Director while one reports to a TS 2. Two TS 1 positions have coordinative responsibilities for contracted programs at their institutions in addition to their responsibilities for a specialized education program like appellant. Two positions worked in a setting where the educational programs were larger and more varied than that in which the appellant operated.

Appellant also argues that his representation of the Education Department on two TCI committees, Assessment and Evaluation and Program Review meets the TS 2 definition. However, these assignments are related to appellant's responsibilities in the educational program area and there is no persuasive evidence in the record that they justify reclassification at the higher level.




ORDER


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

Dated: October 29, 1986 STATE PERSONNEL COMMISSION

  
DENNIS P. MCGILLIGAN, Chairperson

DPM:jmf  
ID4/2

  
DONALD R. MURPHY, Commissioner

  
LAURIE R. MCCALLUM, Commissioner

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