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 ELAINE G. RUTOWSKI,
 Appellant,
 v.
 Secretary, DEPARTMENT
 OF EMPLOYMENT RELATIONS,
 Respondent.
 Case No. 86-0072-PC
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DECISION
 AND
 ORDER

NATURE OF CASE

This is an appeal pursuant to §230.44(1)(b), stats., of the reallocation of appellant's position from Job Service Assistant 2 (JSA 2) (PR02-07) to Employment Security Assistant 1 (ESA 1) (PR02-06), as a result of a personnel management survey.

FINDINGS OF FACT

1. The appellant at all relevant times has been employed in the classified civil service by the Department of Industry, Labor and Human Relations (DILHR) in the Milwaukee South Job Service office in a position with the agency working title of Information Clerk.
2. As a result of a personnel management survey appellant's position was reallocated from JSA 2 (PR02-07) to ESA 1 (PR02-06). Pursuant to §ER-Pers. 29.03(3) e. 2, Wis. Adm. Code, the appellant did not incur a salary reduction as a result of this transaction.
3. The duties and responsibilities of appellant's position may be summarized as follows:

40% - Inputs applicant information into computer. This involves the input of new employment registrations and updated changes, checking for completeness and correct codes prior to input.

60% - This is divided among the following:

A. Receptionist/switchboard operator. Schedules applicant interviews, receives and routes calls to appropriate Job Service entity and responds to routine questions, utilizing knowledge of Job Service programs and operations, takes messages and maintains related records and reports.

B. Provides information and instructions to applicants using the self-service Job Information Center. This includes checking applications to determine if applicants are properly registered, updating records, and reviewing job orders selected by applicants to determine if orders are still open.

C. Provision of clerical support function - typing, etc.

4. Another Job Service position classified as ESA 1 is the information clerk position for the Employment Assistance/Special Emphasis Unit in Milwaukee, occupied by Bernice Kimbrough (Respondent's Exhibit 7). The duties and responsibilities of this position are in summary as follows:

55% - Switchboard operator. This includes routing callers to appropriate entity and answering general questions about available services.

15% - Receptionist. This includes updating applicant registrations on computer, scheduling interviews, and providing routine information about Job Service programs and services.

10% - Monitoring Job Service Information Center. This includes explaining the center to new applicants, checking status of job orders, maintaining supply of pamphlets and other materials, etc.

15% - Provision of testing services to applicants. Administer and score tests in accordance with established testing procedures and maintain related reports and records.

5% - Perform clerical support functions - typing, operation of CRT to update computerized applicant records, etc.

5. A position in Job Service classified as ESA 2 is the unit support clerk position at Baraboo occupied by Deborah Stainback (Respondent's Exhibit 5). The duties and responsibilities of this position are, in summary, as follows:

30% - ESAR's reporting. Inputs information into ESAR's system. This includes input of information regarding new and existing applications, job order information, job referral results, and Job Service reportable services utilized.

30% - Job Order, Employer and referral applicant activity. Includes referral of order information and applicants to appropriate staff, contacting employees to verify results of referrals and status of orders and updating order information, data input regarding job orders, and associated record-keeping.

20% - Test Administration. Administers and scores proficiency and aptitude tests and maintains related records.

15% - Maintenance of applicant files and information flow. Maintains applicant files; handles walk-in traffic and incoming phone calls, providing information and referring to appropriate staff.

5% - Procures and maintains supplies and materials.

6. A position in Job Service classified as ESA 2 is the "Unit Support Clerk" in the Madison District/WEOP office occupied by Vicki Smith (Respondent's Exhibit 6). The duties and responsibilities of this position are in summary as follows:

30% - Provision of support services for WEOP staff. Includes scheduling of enrollment appointments for clients referred by Social Services, typing, providing information and routing people contacting office to appropriate staff, reviewing staff ESARS reports and WEOP allowance records for completeness and adherence to established program policies and procedures prior to submission to other units, and making routine record entries and handling.

30% - Provision of employment-related assistance to WEOP registrants. This includes answering questions and referring people who call in and walk in to appropriate staff, updating case records and alerting staff to employment and training needs, posting information and informing registrants as to use of self-service center, typing resumes, etc., for applicants, and providing training and guidance to WEOP registrants participating in office-based Work Experience opportunities.

20% - Function as Computer Reporting Network (CRN) coordinator between WEOP and social services. This includes handling and distributing reports and scheduling interviews based on reports, and preparing appropriate forms.

20% - Provision of clerical support for WEOP unit. This includes handling requisitions, typing, etc.

7. A position in Job Service classified as ESA 2 is the "Unit Support Clerk" position at the Milwaukee South office occupied by Carol White (Respondent's Exhibit 3). The duties and responsibilities of this position are in summary as follows:

40% - Input applicant information into computer via CRT using appropriate ESOPS formats. This includes the input of new and updated registrations, checking for completeness and correct codes prior to input.

25% - Provides test administration services. This includes scheduling, administering, and scoring aptitude and proficiency tests in accordance with prescribed policies and procedures.

20% - Provides services to applicants as relief receptionist and switchboard operator. This includes referring people to appropriate staff, scheduling interviews, and providing information and instruction on how to use the self service area.

15% - Performs various clerical duties - typing, etc.

8. A position classified as ESA 2 is the "Claims Services Assistant" at the Milwaukee South Unemployment Compensation (UC) Division office occupied by Maria Diaz (Respondent's Exhibit 4). The duties and responsibilities of this position are in summary as follows:

30% - Investigation and resolution of benefit inquiries. this includes responding to inquiries relating to payment/nonpayment status of UC claimants, interpreting claim card informational document messages for individuals to clarify claim status, instructing claimants as to appropriate actions based on interpretation of information document, determining and resolving problems associated with returned UCB-23, and authorizing payment of benefit checks in accordance with Benefit Information Processing System procedures where claimant is due additional checks.

25% - Taking of all types of initial claims. This includes determining the type of claim to be taken, giving claimant the proper interview, reviewing work history and waiving or requiring public employment office work registration, and applying or waiving work search requirement.

20% - Recomputation of monetary data. This includes obtaining additional information, referring matters to adjudication unit, and interpreting appeal tribunal decisions and Commission Reviews to determine action necessary to get claim to pay and take that action.

10% - Coordination of file management and mail functions.
Monitor file maintenance, search for missing file records, etc.

5% - Other duties - Clerical support and monetary computation.

9. The Employment Security Assistant position standard (Respondent's Exhibit 2) contains the following "Class Concepts" for ESA 1 and 2:

EMPLOYMENT SECURITY ASSISTANT 1 (PR 02-06)

This is clerical work in Job Service and/or Unemployment Compensation Programs. Positions allocated to this class perform routine record maintenance and forms processing activities which require the application of established standardized guidelines and procedures a majority of the time. Work is performed under general supervision.

EMPLOYMENT SECURITY ASSISTANT 2 (PR02-07)

This is complex clerical work in the Job Service and/or Unemployment Compensation Programs. Positions allocated to this class interpret and apply established guidelines and procedures in records maintenance, forms processing and direct client services. Positions at this level differ from lower level positions in the frequency and variety of applied discretion and judgment situations, a greater procedural knowledge, and a greater diversity and complexity of the assigned activities. Work is performed under general supervision.

10. On this record appellant's position is better described by the ESA 1 definition than by the ESA 2 definition.

CONCLUSIONS OF LAW

1. This matter is properly before the Commission pursuant to §230.44(1)(b), stats.
2. The appellant has the burden of proof.
3. The appellant has not sustained her burden of proof.
4. The respondent's decision to reallocate the appellant's position from Job Service Assistant 2 (JSA 2) (PR 02-07) to Employment Security Assistant 1 (ESA 1) (PR 02-06), as a result of a personnel management survey, was not incorrect.

DECISION

The key language in the ESA 1 and 2 definitions as set forth in the ESA position standard is as follows:

ESA 1: "...perform routine record maintenance and forms processing activities which require the application of established standardized guidelines and procedures a majority of the time...." (emphasis added)

ESA 2: "... interpret and apply established guidelines and procedures ... Positions at this level differ from lower level positions in the frequency and variety of applied discretion and judgment situations, a greater procedural knowledge, and a greater diversity and complexity of the assigned activities...." (emphasis added)

The most significant distinction between the ESA 1 and 2 levels is the degree of interpretation of established policy and the amount of judgmental discretion exercised. Appellant presented little evidence that her job requires a significant degree of such interpretation and exercise of discretion. A key aspect of her case was her contention that 40% of her job, rather than 10% as set forth in her position description, was involved in operation of a CRT to input applicant data into a computer system. While the Commission has so found, it by no means follows that this work is at the ESA 2 level. Ms. Rutowski did testify that she checks applications for completeness and accuracy, but there was no indication this involved any significant degree of policy interpretation or exercise of discretion. Also, while Ms. Rutowski clearly must have a fair amount of knowledge about the agency and its programs in connection with her functions as a receptionist and switchboard operator, there is little indication on this record that this involves a significant degree of policy interpretation or exercise of discretion.

In addition to the language of the position standard, another tool of classification is position comparison. This proved to be a somewhat frustrating exercise, because at least on the record that was made at this

hearing, there was no particularly coherent classification pattern of positions similar to Ms. Rutowski's. While her efforts at the hearing served to point up some of these anomalies, she failed to satisfy her burden of proof that her position is at the ESA 2 level.

Appellant's position is somewhat similar to the ESA 2 positions occupied by Stainback, Smith, and White. However, the White and Stainback positions are distinguished by test administration function, and the Smith position by the Computer Reporting Network Coordinator function. The respondent apparently relied on these functions to allocate these positions to the ESA 2 level. Based on the record as presented at this hearing, it appears to be questionable whether these functions are at the ESA 2 level. However, this does not really help Ms. Rutowski. It tends more to raise the question of why those positions are classified at the ESA 2 level rather than the question of why Ms. Rutowski's position is not at the ESA 2 level.

Ms. Rutowski objected to consideration of the Diaz ESA 2 position because it is in a different program area (UC). However, while this means the comparison should be given somewhat less weight as evidence than one that is "closer to home", it does not mean the comparison has no probative value. The Diaz position has to exercise a good deal of discretion and engage in interpretation of UC policy, and is a good deal stronger in this key area of the ESA 2 definition than Ms. Rutowski's position.

The only other ESA 1 level position presented on the record was Ms. Kimbrough's. This job is very similar to Ms. Rutowski's, except, like the Stainback and White positions, it has a test administration component. This raises the obvious question of why it is not at the ESA 2 level, like

the Stainback and White positions, but again, this does not help Ms. Rutowski's case.


Based on these position comparisons, it cannot be said that Ms. Rutowski's position is more properly classified at the ESA 2 level rather than the ESA 1 level. However, because of the questions raised by this hearing about the pattern of allocation of this type of position, the Commission would urge respondent to audit Ms. Rutowski's position and to reevaluate its classification.

ORDER

Respondent's decision to reallocate appellant's position from JSA 2 to ESA 1 instead of ESA 2 is affirmed and this appeal is dismissed.

Dated: January 8, 1987 STATE PERSONNEL COMMISSION


DENNIS P. MCGILLIGAN, Chairperson


DONALD R. MURPHY, Commissioner


LAURIE R. MCCALLUM, Commissioner

AJT:baj
BAJ1/2

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