

STATE OF WISCONSIN

PERSONNEL COMMISSION

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 RUTH ANN CHRISTENSEN,
 Appellant,
 v.
 Secretary, DEPARTMENT OF
 EMPLOYMENT RELATIONS,
 Respondent.
 Case No. 86-0103-PC
 * * * * *

DECISION
AND
ORDER

NATURE OF THE CASE

This is an appeal pursuant to §230.44(1)(b), Stats., of a decision by respondent to reallocate appellant's position from Job Service Assistant 2 (PR 02-07) to Employment Security Assistant 1 (ESA 1) (PR 02-06). A hearing was held on January 22, 1987, before Laurie R. McCallum, Commissioner.

FINDINGS OF FACT

1. At all times relevant to this matter, appellant has held a classified position within the state's civil service system in the Manitowoc Job Service Office of the Department of Industry, Labor and Human Relations (DILHR).
2. Pursuant to a personnel management survey, respondent Department of Employment Relations (DER) reallocated appellant's position from Job Service Assistant 2 (PR 02-07) to Employment Security Assistant 1 (ESA 1) (PR 02-06) effective March 30, 1986.
3. Appellant filed a timely appeal of such reallocation decision with the Commission.

4. Appellant acknowledges that, as of March 30, 1986, the position description which she signed on December 3, 1985, presented the following essentially accurate description of the duties and responsibilities listed in such position description:

50% GOALS AND WORKER ACTIVITIES

- A. Provision of information to all people contacting the office personally or by telephone.
 - A1. Assesses needs and uses initiative, judgment and knowledge of program, office units, emphasis and work assignments to refer clients to proper Job Service unit.
 - A2. Hands out applications for UC/work and verifies Social Security numbers.
 - A3. Gives instructions for completion of forms.
 - A4. Refers individuals to Job Information Center, self-service center.
 - A5. Receive incoming calls and directs to appropriate person or unit.
 - A6. Takes telephone messages when individuals are not available.

- 30% B. Performs routine eligibility determination follow-up contacts for WEOP with clients and employers for JTPA.
 - B1. Interviews applicants to obtain and verify applicant information and income to insure that program eligibility criteria have been met.
 - B2. Review applications for completeness of required information and to identify potential applications for the JTPA pool of eligibles.
 - B3. Questions applicants to clarify or obtain information about training, education, work history and family income status.
 - B4. Answers routine questions about JTPA and TJTC.
 - B5. Contacts employer to clarify and correct errors on TJTC vouchers.
 - B6. Reviews TJTC certifications for obtained employment reporting, enters obtained employment if appropriate.
 - B7. Performs follow-up contacts with applicants previously certified for JTPA to determine status.
 - B8. Review WEOP employment/training contract invoices and contacts employers/training facilities to insure timely and accurate reporting and payment.
 - B9. Performs telephone follow-up contacts with WEOP enrollees to determine current status.
 - B10. Performs WEOP deregistration duties.

- 5% C. Maintenance of all application files.
 - C1. Files application cards.
 - C2. Performs monthly/yearly purge.

- 5% D. Preparation of reports and records.
 - D1. Report office activities such as referrals, placements, counseling, etc., including WEOP.
 - D2. Input job orders to Job Bank.
 - D3. Type letters to employers regarding order verification.
 - D4. Secure and compile information for reports such as MA 5-20, 5-97, photocopier report.
 - D5. Responsible for keeping the MA-201 and MA 141 job order printout up to date and correct.

- 5% E. Timekeeper and payroll clerk functions.
 - E1. Maintain information on leave granted to staff.
 - E2. Prepare regular and overtime payroll records.
 - E3. Review time distribution records of staff and prepare for submission to administrative office.
 - E4. Compare time sheets with leave records to insure accuracy.

- 5% F. Leadworker responsibilities.
 - F1. Trains WEOP, JTPA and other contributed work experience.
 - F2. Schedules hours of work and keeps track of time cards, etc., for contributed staff.
 - F3. Assigns work to work experience staff such as filing, typing, reception, etc., as needed.
 - F4. Reports on performance, problems, etc., to appropriate supervisor.

5. In addition to the duties and responsibilities described in such position description, the record also indicates that appellant provides all logistical administrative support to the Sturgeon Bay branch job service office, including inputting job orders, taking hires, keeping tallies of all hires, doing file searches, checking and keying in "obtained employments," maintaining job orders including following up on job orders over 30 days old, keeping a log of pseudo Social Security numbers for those applicants who have not yet obtained a number, posting services via computer, updating and interpreting the Wisconsin Information Data Systems (WIDS) manual, and ordering supplies. Appellant has performed such duties and responsibilities for the Sturgeon Bay office since June 24, 1985. Appellant spends approximately two days every week in the Sturgeon Bay office performing such duties and responsibilities. In addition, on the

days she is not present in the Sturgeon Bay office, the work she is responsible for in the Sturgeon Bay office is brought to her to perform in the Manitowoc office. It is reasonable to infer from the record, then, that these Sturgeon Bay duties and responsibilities consume at least 40% of appellant's position's time. The record indicates that most of these Sturgeon Bay duties and responsibilities involve the use of a computer and/or the Employment Service Automated Reporting Service (ESARS) and require that appellant use and interpret the WIDS. Appellant's position description does not identify most of appellant's Sturgeon Bay duties and responsibilities and does not reflect the amount of time at appellant's position devotes to such duties and responsibilities. It is not clear from the record how the time percentages on appellant's position description should be modified to take these Sturgeon Bay duties and responsibilities into consideration. It is reasonable to infer from the record, however, that less than a majority of the appellant's position's time is devoted to receptionist duties. Many of the duties and responsibilities appellant's position performs for the Sturgeon Bay office are performed for the Manitowoc office by a Program Assistant 2 (PR 02-07) position.

6. The position standard for the ESA series provides as follows in pertinent part:

EMPLOYMENT SECURITY ASSISTANT 1

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

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 judgement situations, a greater procedural knowledge, and a greater diversity and complexity of the assigned activities. Work is performed under general supervision.

7. The following positions were offered for comparison purposes in the record:

a) Elaine Rutowski - ESA 1:

- 50% A. Receptionist for Job Information Center and Employment Assistance Area.
- 40% B. Switchboard Operation for Job Service Area.
- 10% C. Provide clerical support for Employment Assistance Unit.

b) Bernice Kimbrough - ESA 1

- 55% A. Operation of multiple position telephone switchboard to respond to incoming calls.
- 15% B. Reception and routing of job service applicants for service.
- 10% C. Monitoring of Job Information Service Center.
- 15% D. Provision of testing services to job service applicants as primary test administrator.
- 5% E. Performance of other clerical support functions as a primary or secondary back-up to other staff.

c) Ellen Nordstrom - ESA 2

- 40% A. Input and retrieval of employment service automated reporting service (ESARS) information by using a computer terminal (CRT).
 - A1. Daily terminal input of occupational codes of new applicants before mailing 200's to central computer bank so application cards may be filed and utilized by Employment Assistance staff.
 - A2. Collect new, active, inactive and ESARS applications from professional staff and daily mail.
 - A3. Determine various procedures for inputting CRT changes to applications.

- A4. Transmit job applicant information regarding application card renewals and inactivations, and changes in registered applicant characteristics to central computer bank so that application card status and identifiable applicant characteristics information will be current.
- A5. Investigate applicants with duplicate social security numbers and resolve each case using a variety of different means--usually entailing inquiries with the applicant, and one or more separate Job Service Offices and/or the Office of Management Information in Madison.
- A6. Utilize terminal to renew the applications of applicants who return the computer generated Applicant Renewal Cards to the District Office so that the applicant availability status will be correctly indicated.
- A7. Operate computer terminal to transmit job order, order adjustment, referral and referral results information so central computer systems can store information concerning activities performed in the Job Service District Office.
- A8. Inform proper staff in other offices that job orders have been closed following previously set-up procedures.
- A9. Notate each job order showing posting of order onto the CRT and file closed orders in the appropriate location.
- A10. Key inquiries into terminal to change job order information and to post referrals and referral results to active job orders, and to close job orders that are cancelled.
- A11. Using established guidelines re-open closed job orders to claim credit for late hires.
- A12. Establish and maintain routine follow-up of individuals receiving employability plans by means of a card follow-up system.
- A13. Contact individuals/employers to verify missing information necessary for using obtained employment.
- A14. Determine from renewal cards whether obtained employment or late placements can be taken by pulling applications cards and reviewing them and by using the CRT.
- A15. Post obtained employment information onto the application and into the computer bank via the CRT.

- 10% B. Coordination of records and transactions relating to WEOP timekeeping and the leave system.
 - B1. Collect all Monthly Time Distribution Reports from the WEOP staff.
 - B2. Verify leave and addition on the Monthly Time Distribution Report and compare to leave records.
 - B3. Key time distribution information into the computer terminal using a personal security access code.
 - B4. Verify final total, prepare cover sheet and batch forms for mailing.
 - B5. Check leave request forms (AD-19) for accuracy and submit to the payroll office.
 - B6. Confer with employees and/or their supervisor regarding discrepancies in either time distribution or leave slips.
 - B7. Take corrective measures to assure accurate leave information when discrepancies do occur.
- 10% C. Administer all testing originating at Job Service.
- 15% D. Maintenance of application card filing system.
- 15% E. Provision of intake and informational services.
- 10% F. Provision of Employment Assistance Unit and managerial clerical services.
 - F1. Type correspondence and reports initiated by EA supervisor and professional staff so that necessary communication can be maintained with the agency and agency users.
 - F2. Maintain operation of Centrex Call Director by answering questions, relaying messages and directing calls to appropriate staff.
 - F3. Check and prepare Monthly Operation Summary (DILHR CF-19) and Vehicle Usage Report (AD-GS-76) and submit on a timely basis to Central Purchasing.
 - F4. Train temporary Project staff on the switchboard, filing and terminal input for ESARS reporting.
 - F5. Prepare daily correspondence and envelopes for mailing and deliver to mail station.

F6. Requisition office supplies and printing orders for local office.

d) Virginia Verhagen - ESA 2

40% A. Job Applicant Assistance.

30% B. Perform ESARS Coordinator Duties

B1. Review job orders for completeness and accuracy.

B2. Report employment service activities by using proper ESARS forms and procedures.

B3. Make job order and applicant card adjustments.

B4. Record job order referrals and results to ESARS.

B5. Place all required applicant characteristics into ESARS system.

B6. Verify job orders via phone.

B7. Give information over phone to applicants regarding current job openings and explain Job Service referral procedures.

B8. Maintain Job Order Board to be up-to-date and organized.

10% C. Clerical Support

C1. Perform administrative secretary's duties in her absence such as leave accounting, time keeping etc.

C2. Prepare and type letters and reports from records and rough drafts.

C3. Attend unit meetings, take notes and type minutes.

C4. Distribute incoming mail and process outgoing mail.

C5. Maintain and order supplies as needed.

10% D. Provision of Leadership Role to Administrative Support of Employment Assistance Unit.

D1. Train contributed clerical support staff in the assigned functional area of work.

D2. Determine priorities and assign duties to contributed positions.

10% E. Provision of civil service testing.

8. Respondent acknowledges that: the duties and responsibilities listed under Goal B. of appellant's position description are ESA 2 level duties; and computer-related duties and responsibilities requiring the use of WIDS and/or ESARS are ESA 2 level duties and responsibilities.

9. The duties and responsibilities of appellant's position are clearly not comparable to those of the Rutowski or Kimbrough positions. Ninety percent of the Rutowski position's time is devoted to routine receptionist duties. At least 70% of the Kimbrough position's time is devoted to receptionist duties and the remaining duties have less scope, complexity, and diversity than appellant's position's non-receptionist duties.

10. The duties and responsibilities of appellant's position are comparable to those of the Nordstrom and Verhagen positions. Although arguably the Nordstrom position devotes a greater percentage of time to computer-related duties than does appellant's position and performs test administration duties 10% of the time, this is offset by the fact that appellant's position performs the ESA 2 level duties described under Goal B. of appellant's position description. Appellant's position and the Verhagen position devote a comparable percentage of time to receptionist and computer-related duties. The test administration duties of the Verhagen position are offset by the ESA 2 level duties described under Goal B. of appellant's position description.

11. Appellant's position is more appropriately classified at the ESA 2 level than at the ESA 1 level.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction of this matter pursuant to §230.44(1)(b), Stats.
2. The appellant has the burden to prove that respondent's decision reallocating appellant's position from JSA 2 to ESA 1 was incorrect.
3. Appellant has sustained her burden of proof.
4. Respondent's decision reallocating appellant's position from JSA 2 to ESA 1 was incorrect.

DECISION

The proper classification of a position involves a weighing of the class specifications and the actual work performed to determine which classification best fits the position. It is frequently the case that the duties and responsibilities of the subject position overlap in some respects both of the class specifications in question. The position is not entitled to classification at the higher level because some aspects of the work involved fall within the higher classification, Kailin v. Weaver & Wettengel, Case No. 73-124-PC (11/28/75), particularly if those aspects constitute less than the majority of the total duties and responsibilities of the position.

In view of the very general language of the applicable position standard, it is more useful in this case to compare the duties and responsibilities of appellant's position to those of positions classified at the ESA 1 and ESA 2 levels. (See Findings of Fact 7-10). The Rutowski and Kimbrough positions are essentially receptionist positions and their non-receptionist duties and responsibilities not only consume much less time than appellant's position's but are not comparable in terms of scope, diversity, or complexity to appellant's position's. Respondent's expert witness testified that the Nordstrom position is classified appropriately

at the ESA 2 level because of the significant percentage of time (40%) devoted to computer-related duties. However, even though appellant's position arguably doesn't devote as much as 40% of time to computer-related duties and doesn't carry out test administration duties to which the Nordstrom position devotes 10% of its time, this is offset by appellant's position's eligibility determination-related duties and responsibilities (see Goal B. of appellant's position description -- Finding of Fact 4) which respondent's expert witness acknowledged are ESA 2 levels duties and responsibilities. A similar analysis applies to the comparison of the Verhagen position with appellant's position.

Respondent acknowledges that it based its reallocation of appellant's position on the duties and responsibilities reflected in appellant's position description. If that is all the Commission had to rely upon, the Commission's conclusion would be the same as respondent's, i.e., the position description clearly indicates that appellant's position devotes a majority of time to receptionist and routine clerical duties. However, the record clearly indicates that appellant's position performs duties for the Sturgeon Bay office, most of which are not reflected on appellant's position description. Appellant also testified that she devoted more than two out of five working days each week to such Sturgeon Bay duties and responsibilities. Appellant further testified that her Sturgeon Bay duties and responsibilities mostly involve computer work and there is nothing in the record to rebut this. Respondent's expert witness acknowledged that the computer-related duties and responsibilities performed by the Nordstrom and Verhagen positions which involve interpretation of the WIDS manual and/or interpretation of ESARS are ESA 2 level duties and responsibilities. Appellant and her witnesses testified that appellant's computer-related duties and

responsibilities involve interpretation of the WIDS manual and there is nothing in the record to rebut this. Respondent's expert witness also testified that the eligibility determination-related duties and responsibilities described under Goal B. of appellant's position description and which the position description indicates consume 30% of appellant's position's time are ESA 2 level duties. The combination of these two factors -- the significant ESA 2 level computer-related duties of appellant's position which are not reflected in her position description and the significant ESA 2 level eligibility determination duties described under Goal B. of appellant's position description -- with the comparison of appellant's position to the positions offered for comparison purposes in the record, lead the Commission to conclude that a majority of the appellant's duties and responsibilities are better described by the ESA 2 level classification specifications and appellant's position is more appropriately classified at the ESA 2 level.

ORDER

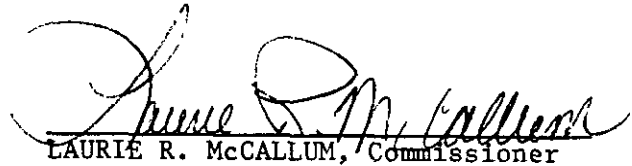
The action of respondent is rejected and this matter is remanded for action in accordance with this decision.

Dated: March 18, 1987 STATE PERSONNEL COMMISSION


DENNIS P. MCGILLIGAN, Chairperson

LRM:jmf
JMF01/2


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