

STATE OF WISCONSIN

PERSONNEL COMMISSION

\* \* \* \* \*

STEVEN WALBRIDGE,  
                   Appellant,  
 v.  
 Secretary, DEPARTMENT OF  
 EMPLOYMENT RELATIONS,  
                   Respondent.  
 Case No. 88-0062-PC

\* \* \* \* \*

DECISION  
 AND  
 ORDER

Steven Walbridge, the appellant, is before this Commission on an appeal of a decision by the Department of Employment Relations (DER), the respondent, denying his request for reclassification of his position from Area Services Specialist 4 (ASS 4) (PR 12-04) to Area Services Specialist (ASS 5) (PR 12-05). A hearing was held on the following: Whether respondent's decision denying appellant's request for reclassification of his position from Area Services Specialist 4 (PR 12-04) to Area Services Specialist 5 (PR 12-05) was correct. Subissue: Whether appellant's position is more appropriately classified as an ASS 4 or an ASS 5. Based on the evidence presented at the hearing, the hearing examiner made the following findings.

FINDINGS OF FACT

1. Appellant, at the time of this appeal, was employed in the state classified civil service by the Bureau of Economic Assistance, Department of Health and Social Services as an Area Services Specialist 4.
2. In November 1986, appellant requested reclassification of his position to a higher level -- ASS 5. DHSS, appellant's employer,

determined he was appropriately classified at the 3 level, but it did not have delegated authority to determine ASS 5 classifications. After the in-house reclassification denial, appellant and two other employees requested respondent to review the reclassification request.

3. In reviewing appellant's reclassification request, two DER personnel specialists went to every region in the state where Area Services Specialists functioned. They talked to ASS's, their supervisors, area administrators, central office staff and the bureau director. As a result of the review, respondent modified DHSS's decision.

4. Respondent decided that neither the assigned ASS 3 classification or the requested ASS 5 reclassification was correct, but approved reclassification of appellant's position to the 4 level.

5. Appellant's position was reclassified in the spring of 1987, effective December 8, 1985, in part because of the change in appellant's special studies responsibilities to 10% of his total work time.

6. Appellant did not appeal respondent's 1987 reclassification decision, but subsequently made another request for reclassification to the ASS 5 level. He asked that his position be compared with positions in the Regulator Compliance Investigator and Equal Rights Officer series.

7. In response to appellant's new reclassification request, DHSS again reviewed appellant's position. DHSS decided it was appropriately classified.

8. Again at appellant's request and in conformity with administrative procedures, the DHSS reclassification decision was submitted to respondent for review.

9. On May 18, 1988 appellant, in a letter from respondent, was informed his reclassification request was denied.

10. On May 31, 1988 appellant appealed his reclassification request denial to this Commission.

11. Appellant's time is primarily spent reviewing randomly selected case records of recipients of Aid to Families with Dependent Children, Food Stamp, Medical Assistance and Refugee Assistance programs to insure compliance with state and federal policy, to determine eligibility status and to establish error rate.

12. Since reclassification of appellant's position in 1987, the time spent by appellant on special studies, the only significant change in his duties, increased from 10 percent to 25 percent.

13. Appellant's positions compares favorably with Unemployment Benefit Specialist 3, Random Audit Specialist positions. These positions are responsible for verifying the accuracy of unemployment benefit payments. These positions service several types of social service programs which come under the general heading of unemployment benefits programs.

14. Appellant's position does not compare favorably with positions in the Regulation Compliance Investigator and Equal Rights Officer series. Persons in these positions, in contrast to appellant who works from an established record, investigate specific complaints of rule violations and generate records used in rule violation decisions and criminal prosecutions.

15. Appellant's position does not compare favorably with Area Services Specialist 5 positions. These positions are primarily responsible for interpreting income maintenance program policies, providing direct consultation to the Division and other levels of public and private sector, and assisting the Division planning and training staff. Appellant's primary responsibility is reviewing randomly selected case records of

income maintenance program recipients to insure conformance with state and federal requirements.

16. Appellant's position is more appropriately classified as an Area Services Specialist 4 than an Area Services Specialist 5.

#### CONCLUSIONS OF LAW

1. The Commission has jurisdiction over this matter pursuant to §230.44(1)(b), Stats.

2. Appellant has the burden of proving respondent's decision denying reclassification of appellant's position from ASS 4 to ASS 5 was incorrect.

3. Appellant has failed to meet that burden of proof.

4. Respondent's decision denying appellant's reclassification request was correct.

#### OPINION

While classification specifications are the basis for making classification decisions, in instances such as this, where classification specifications are general and do not differentiate classification levels, proper classification may be determined by comparing positions performing similar work.

Appellant argues that his position should be classified at the ASS 5 level (PR 12-05) because after reclassification of the position to ASS 4 (PR 12-04), the time allocated to the special studies segment of the job increased from 1.25% to 25% of his total duties. He argues that these special studies duties are PR 12-05 level responsibilities, and it appears that he is saying this change from 1.25% to 25% in his special studies duties is enough to reclassify his position to the ASS 5 level. Also, appellant argues that his position is comparable to an Administrative

Assistant 5 (counterpart PR 12-07) position because both positions require the same base knowledge of state/federal policy and regulations.

Appellant testified about his work as a Quality Control Reviewer, including his special studies responsibilities. He testified that both position descriptions of his position reviewed by respondent, during its reclassification analysis were accurate on date signed but not inclusive. He testified that his position description, dated December 12, 1985 did not include special studies responsibilities, which began in October, 1985 and took 10% of his total work time.

Appellant's declarations stating that his position is more complex than Unemployment Benefit Specialist 3 positions and more comparable to Administrative Assistant 5 (counterpart PR 12-07) are based upon his interpretation of position descriptions of these positions and not upon his personal knowledge. He presented no evidence showing that the special studies segment of his work was at the ASS 5 level. Also, other than his conclusive declarations, he presented no evidence showing that his position compares favorably to duties identified at the PR 12-05 level.

Respondent, by its Personnel Specialist who reviewed appellant's position, presented evidence showing that appellant's position, along with others, was reviewed in the spring of 1987. At that time respondent was aware of the recent increase to 10% in the special studies segment of appellant's position, when it decided the position was comparable to Unemployment Benefit Specialist 3 positions.

It is undisputed that since reclassification in the spring, 1987, the only changes in appellant's position has been the 15% increase in special studies duties. This position change, if at the PR 12-05 level (which appellant failed to prove), is insufficient to constitute the majority of


duties in that position. The clear evidence establishes that reviewing randomly selected family assistance program records for sufficiency and error is the primary responsibility of appellant's position and that these duties are at the PR 12-04 level.

Based upon the evidentiary record, the Commission can only conclude that appellant's position is appropriately classified at the ASS 4 level.

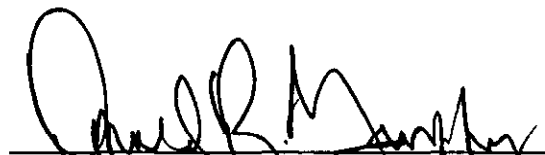
ORDER


The decision of respondent is affirmed and this appeal is dismissed.

Dated: May 18, 1989 STATE PERSONNEL COMMISSION

  
LAURIE R. McCALLUM, Chairperson

DRM:rcr  
RCR03/2

  
DONALD R. MURPHY, Commissioner

  
GERALD HODDINOTT, Commissioner

Parties:

Steven Walbridge  
DHSS  
3601 Memorial Drive  
Madison, WI 53704

Constance Beck  
Secretary, DER  
P.O. Box 7855  
Madison, WI 53707