



STATE OF WISCONSIN

PERSONNEL COMMISSION

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SHANNON KENNEDY-SHEAHEN,
 Appellant,

v.

Secretary, DEPARTMENT OF
 INDUSTRY, LABOR AND HUMAN
 RELATIONS, and Secretary,
 DEPARTMENT OF EMPLOYMENT
 RELATIONS,
 Respondents.

Case No. 88-0120-PC

* * * * *

INTERIM
ORDER

This matter is before the Commission for consideration of a proposed decision and order. The Commission has considered the parties' objections and arguments and consulted with the examiner. The Commission adopts the proposed decision and order, a copy of which is attached hereto, except that the Decision section is deleted and the following substituted:

Decision

The applicable provision of the position standard for the UB-Sup series provides that positions classified at the UB-Sup 2 level:

"...are responsible for supervising staff engaged in the establishment of a benefit claim, benefit record processing and maintenance activities conducted in a local office. ..."

The staff supervised by appellant's position are not engaged in the establishment of a benefit claim and, although they are engaged in benefit record processing and maintenance activities, they do so on a statewide basis, not in a local office.

The applicable provision of the position standard for the UB-Sup series provides that positions classified at the UB-Sup 3 level:

"...are responsible for supervising staff engaged in benefit records adjustment and maintenance through the use of the automated system, based on information received subsequent to an initial claim monetary determination;..."

This language could describe what the staff supervised by appellant's position do--they adjust and maintain UC records using an automated system based on information received after an initial claim monetary determination is made in a local office. Thus, a comparison of the duties and responsibilities of appellant's position to the language of the applicable classification specifications indicates that such duties and responsibilities appear to be better described by the classification specifications for the UB-Sup 3 classification than those for the UB-Sup 2 classification.

Respondents argue that appellant's position should not be classified at the UB-Sup 3 level since it is not comparable to the local office claims services supervisor positions which respondent offers as the prototypical positions for the UB-Sup 3 classification. First of all, in reviewing the correctness of a reclassification decision, it is most appropriate and useful to compare the duties and responsibilities of the subject position to those of other positions if the language of the applicable classification specifications lacks specificity or clarity. In the instant case, the UB-Sup 2 and UB-Sup 3 classification specifications appear to lack such specificity and clarity, e.g., they fail to identify those specific processes which constitute "benefit records adjustment and maintenance . . . based on information received subsequent to an initial claim monetary determination" within the meaning of the UB-Sup 3 classification specifications. The Commission concludes, therefore, that it is appropriate in the instant case to go beyond the language of the UB-Sup

position standard and to compare the duties and responsibilities of appellant's position to those of the UB-Sup 3 positions offered for comparison purposes, i.e., the local office claims supervisor positions.

The record indicates that the level of independence, the level and type of staff supervised, and the organizational status of appellant's position and the local office positions are comparable. Although the local office positions supervise extensive interaction with individual claimants, employers, and the public, appellant's position supervises some interaction with individual claimants, employers, and the public as well as interacts directly with data processing experts, private vendors of computer equipment and other goods and services, and those who utilize the expertise gained by appellant through her experience with the optical scanner system. Appellant's position has statewide responsibilities while the responsibilities of the local office positions are limited to the local office. Although the local office positions require an understanding of federal and state Unemployment Compensation benefit eligibility requirements, appellant's position also requires an understanding of such requirements. While the local office positions use such knowledge to handle individual claims, appellant's position uses such knowledge to assist in developing, maintaining, and refining a system for handling all claims, including preparing directives for use by the local offices. Although appellant's position's knowledge regarding some areas relating to UC benefit eligibility may be more general than that of the local office positions, appellant's position is also required to have detailed knowledge of the automated benefit information processing system and of direct data entry of continued claims and general knowledge of computer applications used in the benefit information processing system while the local office positions are required to have only general knowledge or limited knowledge of these areas.

In addition, appellant's position's responsibilities relating to the optical scanner are unique in the state and, as a result, she receives little guidance from others in relation to such responsibilities. The Commission concludes on this basis that the duties and responsibilities of appellant's position are at least as strong from a classification standpoint as those of the local office claims services supervisor positions.

A point has been raised regarding the correct classification of the local office positions. However, that is not the issue under consideration here. In addition, in the case of Manthei et al. v. DER, Case Nos. 86-0116, 0117, 0119-0123, 0125, 0126-PC (1/13/88), the Commission decided that the local office positions were appropriately classified at the UB-Sup 3 level. The Commission takes official notice of the Manthei decision and sees no significant basis in comparing the record in that case with the record in the instant case for reaching a different conclusion in regard to the classification of these positions.


Respondent further argues that, due to implementation of the Manthei decision and the fact that implementation of the state's comparable worth plan resulted in the change in the classifications of certain positions, including appellant's position and certain positions subordinate to appellant's position and the local office positions, without an accompanying change in the language of the UB-Sup position standard, the Commission should no longer utilize the UB-Sup position standard as the primary mechanism for classifying positions within the series but should rely primarily upon the review of comparable positions. Since the Commission has concluded, using both the position standard and the comparable position mechanisms, that appellant's position is more appropriately classified at the UB-Sup 3 level, it is not necessary to specifically address this argument.


Order

The Commission adopts the proposed decision and order, a copy of which is attached hereto and incorporated by reference, as its final disposition of this matter, subject to the foregoing discussion.

Dated: June 27, 1989

STATE PERSONNEL COMMISSION


LAURIE R. McCALLUM, Chairperson


DONALD R. MURPHY, Commissioner


GERALD F. HODDINOTT, Commissioner

LRM:lrn

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STATE OF WISCONSIN

PERSONNEL COMMISSION

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* * * * *

PROPOSED
DECISION
AND
ORDER

Nature of the Case

This is an appeal of a decision by respondents to deny appellant's request for the reclassification of her position. A hearing was held on December 1, 1988, before Laurie R. McCallum, Commissioner. The briefing schedule was completed on February 13, 1989.

Findings of Fact

1. At all times relevant to this matter, appellant has been employed as the Supervisor of the Continued Claims Processing Unit in respondent DILHR's Central Processing Section, Bureau of Benefits, Unemployment Compensation Division.

2. Effective May 22, 1988, appellant's position was reallocated from Unemployment Benefit Supervisor 1 (UB-Sup 1)(PR 01-10) to Unemployment Benefit Supervisor 2 (UB-Sup 2)(PR 01-11) to correct a pay inequity caused by the implementation of the second phase of the "comparable worth" plan

established by the Department of Employment Relations pursuant to legislation.

3. On or around July 12, 1988, appellant requested the reclassification of her position from UB-Sup 2 to UB-Sup 3. In a memorandum dated September 19, 1988, respondents denied appellant's request. Appellant filed a timely appeal of such denial with the Commission.

4. The unit which appellant supervises has the following functions: processing the continued claim cards filed with respondent DILHR by recipients of Unemployment Compensation benefits and the employer contribution cards filed by employers by the use of optical scanning equipment which reads the information written on the cards; verifying or identifying information that the scanner can not read; data entry of appropriate information for claims which present continued payment issues or which require a change in previous information, e.g., address changes; and performing accurate adjustments to claim records based on information received subsequent to an initial claim. Appellant's positions' duties include: typical supervisory functions; initiating instructional memos (Unemployment Compensation Directives--UCD's) relating to changes in procedures to be followed in processing continued claims cards and employer contribution cards as a result of changes in federal law, state law, agency procedures, and/or computer functions; recommending changes in the computer program for the continued claims processing system; rewriting the procedures manual for the unit; maintaining the security of the claim cards and employer contribution cards until acceptable microfilm is received from the Department of Administration; liaison with the equipment vendors for exceptional maintenance and/or repair; and determining the priority-usage of the equipment to ensure workload balance and timely processing.

4. Appellant's position requires detailed knowledge of the automated benefit information processing system and of direct data entry of continued claims; intermediate knowledge of the benefit eligibility provisions of Wisconsin's Unemployment Compensation law; and general knowledge of computer applications used in the benefit information processing system. Wisconsin is one of the first states to convert to an optical scanner system and, as a result, appellant gives training presentations to public and private entities locally, nationally, and internationally. This system is the only one of its kind in Wisconsin.

5. The UB-Sup 3 positions offered for comparison purposes in the hearing record are positions designated as Claims Services Supervisors in the local UC offices. These positions typically supervise the Initial Claims and Claims Assistance subunits in the local UC offices. Functions supervised by these positions include: claims taking; claims processing; claims assistance, including responding to benefit inquiries and providing advice regarding UC procedures; and monetary computations, including computing valid new claims, computing temporary total disability claims, investigating monetary rejects, identifying and resolving fraud issues, manually computing specific claims, and making contacts with employers regarding work records. Functions performed by these positions include: representing the local office in the manager's absence; and providing the public with information about unemployment compensation procedures and policy.

6. In regard to both appellant's position and the local office claims service supervisor positions, issues relating to disputed claims are referred to the adjudication staffs in the local offices.

7. The position standard for the UB-Sup series states as follows, in pertinent part:

E. CLASSIFICATION FACTORS

Individual position allocations are based upon the general classification factors described below:

1. The freedom or authority to make decisions and choices and the extent to which one is responsible to higher authority for actions taken or decisions made;
2. Information or facts such as work practices, rules, regulations, policies, theories and concepts, principles and processes which an employe must know and understand to be able to do the work;
3. The difficulty in deciding what needs to be done and the difficulty in performing the work;
4. The relative breadth, variety and/or range of goals or work products and the impact of the work both internal and external to the work unit;
5. The level and type of staff supervised;
6. Organizational status as it relates to level of responsibility;
7. The nature and level of internal and external coordination and communication required to accomplish objectives.

II. CLASS CONCEPTS

UNEMPLOYMENT BENEFIT SUPERVISOR 2

This is professional supervisory unemployment benefit work in the State Unemployment Compensation Program.

Positions allocated to this class are responsible for supervising staff engaged in the establishment of a benefit claim, benefit record processing and maintenance activities conducted in a local office. Positions at this level are involved in the interpretation and application of established guidelines and procedures which have a direct effect on claimants and employers. Work is performed under general supervision.

UNEMPLOYMENT BENEFIT SUPERVISOR 3

This is professional supervisory unemployment benefit work in the State Unemployment Compensation Program. Positions allocated to this class are responsible for supervising staff engaged in benefit records adjustment

and maintenance through the use of the automated system, based on information received subsequent to an initial claim monetary determination;...Work at this level involves a broader interpretation and application of established guidelines and procedures due to the age and type of claimant records. Work is performed under general supervision.

8. The highest level position supervised by appellant's position is in pay range 01-10. One of the local office claims services supervisor positions supervises one position in pay range 10-11. Otherwise, the highest level positions supervised by the local office claims services supervisor positions are in pay range 01-10.

9. Appellant's first-line supervisor, Robert Walrath, Supervisor of Central Processing, is classified as a UB-Sup 4 in pay range 01-13. Appellant's second-line supervisor's position is in pay range 01-18. The first-line supervisors of the local office claims services supervisor positions are classified at the UB-Sup 6 level in pay range 01-15. The second-line supervisors of the local office claims services supervisor positions are in pay range 01-16.

10. The duties and responsibilities of appellant's position are better described by the language of the classification specifications for the UB-Sup 3 classification than that for the UB-Sup 2 classification.

Conclusions of Law

1. This matter is appropriately before the Commission pursuant to §230.44(1)(b), Stats.
2. Appellant has the burden to prove that respondents' decision denying her request for the reclassification of her position was incorrect.
3. Appellant has sustained her burden.

4. Respondents' decision denying appellant's request for the reclassification of her position was incorrect and appellant's position is more appropriately classified at the UB-Sup 3 level.

Decision

The applicable provision of the position standard for the UB-Sup series provides that positions classified at the UB-Sup 2 level:

"...are responsible for supervising staff engaged in the establishment of a benefit claim, benefit record processing and maintenance activities conducted in a local office. ..."

The staff supervised by appellant's position are not engaged in the establishment of a benefit claim and, although they are engaged in benefit record processing and maintenance activities, they do so on a statewide basis, not in a local office.

The applicable provision of the position standard for the UB-Sup series provides that positions classified at the UB-Sup 3 level:

"...are responsible for supervising staff engaged in benefit records adjustment and maintenance through the use of the automated system, based on information received subsequent to an initial claim monetary determination;..."

This language accurately describes what the staff supervised by appellant's position do--they adjust and maintain UC records using the automated system based on information received after an initial claim monetary determination is made in a local office. Thus, a comparison of the duties and responsibilities of appellant's position to the language of the applicable classification specifications indicates that such duties and responsibilities are better described by the classification specifications for the UB-Sup 3 classification than those for the UB-Sup 2 classification.

Respondents argue that appellant's position should not be classified at the UB-Sup 3 level since it is not comparable to the local office claims services supervisor positions which respondent offers as the prototypical positions for the UB-Sup 3 classification. First of all, in reviewing the correctness of a reclassification decision, it is only appropriate and useful to compare the duties and responsibilities of the subject position to those of other positions if the language of the applicable classification specifications lacks specificity or clarity. Such lack of specificity or clarity is not present in the instant case in regard to appellant's position. The lack of clarity arises in this case by virtue of the fact that the duties and responsibilities of the local office claims services supervisor positions appear to be better described by the language of the UB-Sup 2 classification specifications than by that of the UB-Sup 3 classification specifications. Specifically, these positions supervise staff "engaged in the establishment of a benefit claim, benefit record processing and maintenance activities in a local office" and, through their supervision of claims taking, claims processing, claims assistance and monetary computations, are "involved in the interpretation and application of established guidelines and procedures which have a direct effect on claimants and employers" within the meaning of the UB-Sup 2 classification specifications. These positions are involved in direct contact with individual claimants and employers and the decisions made by these positions and by their subordinates involve the application of requirements, guidelines and procedures primarily established by others, e.g., state or federal statute or administrative rule, state or federal case law, state agency administrative rules or administrative decisions, and state agency procedures. In contrast, these positions do not primarily "supervise staff engaged in benefit records adjustment and maintenance... based on information received subsequent to an

initial claim monetary determination" within the meaning of the UB-Sup 3 classification specifications. These positions primarily supervise staff engaged in those steps in the UC claims process which lead up to and include the initial claim monetary determination. The Commission clearly does not have the authority to adopt respondent's theory of this case and ignore the clear language of the classification specifications. Zhe et al. v. DHSS & DP, 80-285-PC (11/19/81); aff'd by Dane County Circuit Court, Zhe et al. v. PC, 81-CV-6492 (11/2/81).

Furthermore, even if the Commission were to agree that the local office claims services supervisor positions should be regarded as the prototypical positions for the UB-Sup 3 classification, respondents' argument that such positions are clearly stronger positions from a classification standpoint than appellant's is not convincing. The record indicates that the level of independence, the level and type of staff supervised, and the organizational status of appellant's position and the local office positions are comparable. Although the local office positions supervise extensive interaction with individual claimants, employers, and the public, appellant's position supervises some interaction with individual claimants, employers, and the public as well as interacts directly with data processing experts, private vendors of computer equipment and other goods and services, and those who utilize the expertise gained by appellant through her experience with the optical scanner system. Appellant's position has statewide responsibilities while the responsibilities of the local office positions are limited to the local office. Although the local office positions require an understanding of federal and state Unemployment Compensation benefit eligibility requirements, appellant's position also requires an understanding of such requirements. While the local office positions use such knowledge to handle individual

claims, appellant's position uses such knowledge to assist in developing, maintaining, and refining a system for handling all claims, including preparing directives for use by the local offices. Although appellant's position's knowledge regarding some areas relating to UC benefit eligibility may be more general than that of the local office positions, appellant's position is also required to have detailed knowledge of the automated benefit information processing system and of direct data entry of continued claims and general knowledge of computer applications used in the benefit information processing system while the local office positions are required to have only general knowledge or limited knowledge of these areas. In addition, appellant's position's responsibilities relating to the optical scanner are unique in the state and, as a result, she receives little guidance from others in relation to such responsibilities. The Commission concludes on this basis that the duties and responsibilities of appellant's position are at least as strong from a classification standpoint as those of the local office claims services supervisor positions.

Order

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

Dated: _____, 1989

STATE PERSONNEL COMMISSION

LAURIE R. McCALLUM, Chairperson

DONALD R. MURPHY, Commissioner

GERALD F. HODDINOTT, Commissioner

LRM:lrn

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