

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

DEBORAH D. BOECK, Appellant,

vs.

**Chair of the Board of Directors, UNIVERSITY OF WISCONSIN
HOSPITAL AND CLINICS BOARD, and Director, OFFICE OF
STATE EMPLOYMENT RELATIONS**, Respondents.

Case 16
No. 67063
PA(der)-210

Decision No. 32307

Appearances:

Deborah D. Boeck appeared on her own behalf.

Ellen S. Hughes, Attorney and Human Resources Compliance Coordinator, University of Wisconsin Hospital and Clinics, 600 Highland Avenue, Madison, Wisconsin, 53792-2409, appearing on behalf of the Respondents.

FINAL DECISION AND ORDER

This matter is before the Commission as an appeal of a decision to reallocate Ms. Boeck's position, effective February 18, 2007, to the classification of UWHC Department Assistant, rather than to the UWHC Scheduler – Objective classification. An evidentiary hearing on the merits of the dispute was held on December 20, 2007 before Kurt M. Stege, as the designated Hearing Examiner. The parties offered oral argument at the close of the hearing and the matter was then ready for decision. The Hearing Examiner issued a proposed decision on January 15, 2008, and no objections were filed by the requisite due date of February 14, 2008.

Respondent University of Wisconsin Hospital and Clinics (UWHC) maintains medical clinics at its Clinical Sciences Center, as well as at three remote sites: East Clinics, University Station Clinics, and West Clinics.

Each facility has a laboratory where blood is drawn and some level of radiology procedures is provided.

Mammograms and bone minerals are scheduled procedures (i.e. are not handled on a walk-in basis) at the West Clinic laboratory.

Dec. No. 32307

Otherwise, laboratory/radiology work at West Clinic is provided without previously scheduling the procedure with the clientele. Patients have an appointment with a physician at one of the clinics, the physician orders lab or radiology procedures during the appointment, and the patient subsequently reports to the lab for the procedures, such as drawing blood. In other instances, the patient will report on a later, but still unscheduled, date.

Boeck works in West Clinic where she spends the majority of her time in the role of a receptionist for the lab. She and the two other receptionists, Janet Ranum and Gail Galle, greet the patients at the lab, connect the patients with their order/requisition forms that have typically been received earlier, and enter proper coding for the procedures. Boeck has no billing responsibilities. The laboratory/radiology receptionist work requires the use of multiple computer programs.

In addition to her receptionist duties, Boeck schedules appointments for bone minerals tests and mammograms. These are the only diagnostic tests scheduled by Boeck. Ranum and Galle also schedule appointments for the same two procedures, but no others.

In contrast to Ranum and Galle, Boeck:

- is the first to arrive in the morning, and she has more experience and knowledge than her co-workers. However, Boeck is not a leadworker.
- does the “blocking” for mammogram appointments, i.e. she blocks out times/dates to prevent the scheduling of any appointments during that period. However, Boeck does not have the responsibility for creating any of the templates that are used for scheduling purposes.
- periodically purges lab orders if the patients fail to show up for the lab work that had been ordered.
- Tallies the number of mammograms actually performed and the number of lab patients at the West clinic.
- reschedules patients for mammograms if rescheduling is necessary for any reason.

The relevant portions of the UWHC Department Assistant classification specification read as follows:

B. Inclusions

This series encompasses positions employed by [sic] the University of Wisconsin Hospital and Clinics which, for a majority of the time, perform administrative functions to support the programs of a hospital department/section. Positions compose and prepare correspondence; assist in budget preparation; organize and maintain office records and files; coordinate and purchase supplies, materials, services, and equipment; coordinate special projects; provide administrative functions for management staff; coordinate production of newsletters, patient education materials, or marketing tools; assist staff in meeting accreditation requirements; maintain department payroll processing and personnel recordkeeping; or process invoices for payment.

C. Exclusions

Excluded from this series are the following types of positions:

3. Positions who [sic], for a majority of the time, schedule patients for appointments or procedures. . . .

II DEFINITIONS

UWHC DEPARTMENT ASSISTANT

This is objective level work with responsibility for providing administrative support in a hospital department/section or clinic. Positions allocated to this classification differ from lower level positions in terms of scope, complexity, independence, responsibility and/or diversity of duties. Positions regularly make decisions between a wide variety of alternatives with diversified procedures or regulations. Positions allocated to this classification level are responsible for a wide range of duties associated with the general administrative functioning within a department/section. Work is performed under the general supervision and review of the supervisory and/or professional staff.

Work examples include:

Provides administrative support to supervisory, professional, and administrative staff, head of a department or program

Coordinates the production of newsletters, patient education materials, or marketing tools

Composes and prepares correspondence

Coordinates and purchases supplies, materials, services, or equipment

Maintains department payroll processing and personnel record keeping

Conducts special projects; analyzing, assembling, or obtaining information

Maintains liaison between various groups, both public and private

Makes arrangements for meetings and maintains agendas and reports

Triages incoming phone calls

Coordinates budget information

Triages incoming calls by determining urgency and/or taking messages

Prepares charge documentation

Collects demographic and fiscal data

Identifies insurance coverage and explaining information regarding billing procedures

The relevant portions of the UWHC Scheduler classification specification identify two allocations at the Objective level. The specifications read as follows:

B. Inclusions

This series encompasses positions employed by the University of Wisconsin Hospital and Clinics which, for a majority of the time, schedule patients for appointments or procedures in support of the UWHC Radiology and Clinics. Positions may schedule new and return appointments; [and] inform patients of procedures. . . .

II. DEFINITIONS

UWHC SCHEDULER – Objective

RADIOLOGY DEPARTMENT

Positions assigned to this level perform advanced level work related to the comprehensive scheduling, reception, and billing services for multiple entities in the Radiology Department. Positions at this level provide assistance in problem solving, resolving insurance verification concerns, and performing personal computer troubleshooting for department users. The position assists with orientation and training for new and existing staff, and actively participates in quality improvement projects. The position is responsible for effectively recommending and evaluating system and/or procedural changes for the prompt resolution of departmental issues. This position provides assistance in assuring patient satisfaction. Positions at this level independently perform scheduling and paperwork for basic and intermediate modalities as well as a minimum of two advanced level radiology modalities. Work is performed under general supervision.

CLINICS

Positions assigned to this level perform advanced level work related to the comprehensive scheduling; reception and billing services for multiple clinics. Positions at this level provide assistance in problem solving, resolving insurance verification concerns, complex appointment coordination, surgery scheduling at UWHC and other locations. The position assists with orientation and training for new and existing staff, and actively participates in quality improvement projects. The position is responsible for effectively recommending and evaluating system and/or procedural changes for the prompt resolution of departmental issues. This position provides leadership in assuring patient satisfaction. Positions at this level independently perform one or more of the following focuses over 50% of the time: as the Surgery Scheduler for UWHC and other locations; as a procedure scheduler for multiple procedures that require coordinating patient preparation, sequencing or processes, arranging rooms, equipment, and/or provider staff, and coordinated scheduling of multiple

appointments, diagnostics or providers for continuity, such as continuity resident scheduling. As the Surgery Scheduler the position is responsible for all phases of work required in the scheduling of operative cases to be performed at UWHC or another location. Tasks include coordinating the scheduling of diagnostic tests, pre-operative history, and physical examinations; and assuring that prior authorization for the procedure has been obtained. As the complex, coordinating scheduler, this position is responsible for coordinating appointments with multiple providers, with diagnostic testing, procedures [sic], ancillary departments, and may need to assure space, staff, equipment and suppliers [sic] are available. Work is performed under general supervision.

Mammograms are considered to be a “basic” modality for the purpose of the Scheduler classification series.

Boeck does not spend the majority of her time performing scheduling functions. She does not schedule “for basic and intermediate modalities as well as a minimum of two advanced level radiology modalities” and, consequently, does not satisfy the “Radiology Department” allocation at the Scheduler – Objective class level.

Boeck does not serve as a surgery scheduler or as a scheduler “for multiple procedures that require coordinating patient preparation, sequencing [of] processes, arranging rooms, equipment and/or provider staff and coordinated scheduling of multiple appointments, diagnostics or providers for continuity.” Consequently, she does not satisfy the “Clinics” allocation at the Scheduler – Objective class level.

For classification purposes, Boeck’s position is substantially identical to the Department Assistant positions occupied by Ranum and Galle.

For classification purposes, the Appellant’s laboratory responsibilities are similar to those of

- a. The three Department Assistant positions with lab order entry responsibilities for the UWHC’s phlebotomy laboratory.
- b. The Department Assistant position with receptionist duties for the laboratory at the University Station Clinics.
- c. The Department Assistant positions with receptionist duties at the Clinical Services Center. Boeck processes approximately the same number of patients as the receptionists at the Clinical Services Center.

None of those positions has any scheduling responsibilities.

Several individuals are employed at UWHC’s East Clinic to perform the scheduling for the Pain Clinic and the Rehabilitation Clinic at that facility and to serve as receptionists for the East Clinic laboratory and radiological services. The majority of their time is spent on their scheduling responsibilities and their positions are classified at the Scheduler – Associate level.

UWHCB conducted a review of the classification structure for certain of its support staff, and early in 2007, Respondents promulgated both the Department Assistant series and the Scheduler series. Respondents initially implemented the new class structure by reallocating Boeck's position to the Scheduler – Associate classification, effective February 18, 2007. Boeck appealed the decision to the Commission, contending that her position was better described by the Scheduler-Objective class. Respondents subsequently modified their underlying decision, and reallocated Boeck's position to the Department Assistant class, effective February 18, 2007.

The Scheduler – Associate class and the Department Assistant class are assigned to the same pay range.

The Commission issues the following

ORDER¹

Respondents' decision to reallocate the Appellant's position to the classification of Department Assistant is affirmed and this matter is dismissed.

Given under our hands and seal at the City of Madison, Wisconsin, this 12th day of March, 2008.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Judith Neumann /s/

Judith Neumann, Chair

Paul Gordon /s/

Paul Gordon, Commissioner

Susan J. M. Bauman /s/

Susan J. M. Bauman, Commissioner

¹ Upon the issuance of this Order, the accompanying letter of transmittal will contain the names and addresses of the parties to this proceeding and notices to the parties concerning their rehearing and judicial review rights. The contents of that letter are hereby incorporated by reference as a part of this Order.

UWHCB & OSER (Boeck)

MEMORANDUM ACCOMPANYING DECISION AND ORDER

This appeal arises from Respondents' decision to reallocate Ms. Boeck's position, effective February 18, 2007. Respondents' original decision classified the position at the UWHC Scheduler – Associate level. Boeck filed an appeal contending that her position was better described by the Scheduler – Objective class. Respondents subsequently modified the original decision and placed the position in the UWHC Department Assistant classification. The matter proceeded to hearing on the question of whether, as of February 18, 2007, the position was better described by the Department Assistant classification or the Scheduler – Objective class.

The Appellant has the burden of proof and must establish by a preponderance of the evidence that the Respondents' classification decision was incorrect. *MAYER ET AL. V. DHSS & DER, CASE NO. 95-0002-PC (PERS. COMM. 12/7/95)*. The burden is on the Appellant to show that the majority of her duties were better described by the Scheduler – Objective classification, rather than merely showing that the decision to classify it as a Department Assistant was incorrect. *DER (CHIAPETTA), DEC. NO. 30760 (WERC, 1/2004)*.

The parties disagree as to the accuracy of the official position description for Ms. Boeck's position. Boeck contends the document does not accurately reflect her duties in February 2007 because it does not mention her responsibilities that relate to scheduling mammograms. The "Major Responsibilities" portion of the position description is identical for all Department Assistant receptionist positions, so the Commission agrees such language is not fully accurate as to Boeck's position.² As a consequence, the Commission does not rely on Boeck's position description as a basis for our decision.

The vast majority of Boeck's duties are accurately described as follows:

Open clinic for patients: turn on computer, lights, check paper, retrieve file cabinet from lab with upcoming orders, retrieve pages and distribute to all positions.

Update census spreadsheet (lab, mammography, x-ray statistics).

Retrieve any orders from the dumbwaiter for patients who are coming in.
Stamp with date and file.

Answer phone calls.

1. Schedule mammograms and bone mineral density scans.
2. Route calls to the lab if it is a lab question.

² In contrast, the "Position Summary" portion of the position description is individualized and is accurate as to Boeck.

Check in patients for x-ray, lab, mammogram, EKG and Carewear department.

If x-ray, check for the order on the printer or locate the order in the computer system, “track” patient through Novius computer system and put order in the file rack.

If orders do not come through, call the clinic where the order came from.

Check-In Process as follows:

1. If lab:
Enter visit through [computer software] system,
Assign a page to patient,
Process through the 3M check if pt has Medicare (to be sure labs will be paid),
Enter lab order in [a second computer software] system.
If EKG, call the EKG tech and inform them the patient is here.
2. If Mammogram;
Check patient in through [computer software system],
Then “Track” them through [third] computer software,
Hand them a history form and have the patient proceed to the Ladies waiting area.
3. If Carewear;
Make sure patient has checked in at the Registration desk,
Inform the patient that someone will be with them shortly.

Review the Mammogram schedule to be sure all patients are scheduled 366 days after their last mammogram (otherwise insurance may not cover the cost.) If it under 365 days, notify the patient and if they still want to proceed, they will need to sign a Financial Responsibility Form before having the Mammogram. Otherwise, the appointment can be rescheduled.

Reschedule patients who are scheduled into times that have been blocked by the Mammogram Department, e.g. due to meetings and equipment down time. Enter the information into the computer that certain times are “blocked.”

Review any messages left on the Lab/Radiology voicemail and call patients back if necessary.

Update Provider spreadsheets/directories.

Purge orders if a patient never shows up.³

³ The bulk of this language is drawn from an exhibit, but some modifications have been made for it to be consistent with testimony of the witnesses.

Boeck's supervisor is MaryLu Betz. Betz testified that Boeck spends approximately 5% of her time scheduling mammograms. The record shows that Boeck spends substantially less time scheduling bone density tests than mammograms. Appellant failed to provide evidence showing that the majority of her time was spent on her scheduling responsibilities, rather than on her lab receptionist responsibilities. Therefore, the Commission must conclude that Boeck spends the majority of her time as a lab receptionist.

The class specifications

The basic authority for classifying positions is the classification specifications as they are written and approved. DWD & OSER (SCHULTZ), DEC. NO. 31326-A (WERC, 4/2007).

The descriptive language found in the Department Assistant specification is quite general:

This is objective level work with responsibility for providing administrative support in a hospital department/section or clinic. Positions allocated to this classification differ from lower level positions in terms of scope, complexity, independence, responsibility and/or diversity of duties. Positions regularly make decisions between a wide variety of alternatives with diversified procedures or regulations. Positions allocated to this classification level are responsible for a wide range of duties associated with the general administrative functioning within a department/section. Work is performed under the general supervision and review of the supervisory and/or professional staff.

The specifications set forth work examples, but specify that the examples are not all-inclusive. Nothing in the Department Assistant specifications excludes the Appellant's position.

In contrast, the Scheduler series includes some very specific requirements for classification at the Scheduler – Objective level. The specifications identify only two allocations at the Objective level:

RADIOLOGY DEPARTMENT

Positions assigned to this level perform advanced level work related to the comprehensive scheduling, reception, and billing services for multiple entities in the Radiology Department. . . . Positions at this level independently perform scheduling and paperwork for basic and intermediate modalities as well as a minimum of two advanced level radiology modalities. . . .

CLINICS

Positions assigned to this level perform advanced level work related to the comprehensive scheduling; reception and billing services for multiple clinics. . . . Positions at this level independently perform one or more of the following focuses over 50% of the time: as the Surgery Scheduler for UWHC

and other locations; as a procedure scheduler for multiple procedures that require coordinating patient preparation, sequencing or processes, arranging rooms, equipment, and/or provider staff, and coordinated scheduling of multiple appointments, diagnostics or providers for continuity, such as continuity resident scheduling. As the Surgery Scheduler the position is responsible for all phases of work required in the scheduling of operative cases to be performed at UWHC or another location. . . . As the complex, coordinating scheduler, this position is responsible for coordinating appointments with multiple providers, with diagnostic testing, procedures [sic], ancillary departments, and may need to assure space, staff, equipment and suppliers [sic] are available. . . .

Bonnie Allbaugh, Director of Ambulatory Nursing and Clinic Operations since 1994, participated in the development of the new specifications that were implemented on February 18, 2007. She explained that the Scheduler series, which is divided into Associate, Objective and Senior levels, places basic scheduling at the Associate level, complex scheduling at the Objective level, and lead work at the Senior level. She further explained that only some clinics had the “complex” scheduling work which entails surgery scheduling or scheduling for multiple, related procedures. She testified that mammograms are a “basic” procedure and not a complex procedure for scheduling purposes.

There is nothing in the record to support a conclusion that Boeck satisfied the requirements identified in the specifications (and set out above) for classification at the Scheduler – Objective level, either in the Radiology Department allocation or the Clinics allocation. She does not perform the type of complex scheduling that is required for classification at the Objective level.

Comparison positions

Comparison positions are an appropriate tool for use when classifying positions. DWD & OSER (SCHULTZ), DEC. NO. 31326-A (WERC, 4/07), citing SANDERS & HUBBARD V. WIS. PERS. COMM., 94-CV-1407, 1408, DANE COUNTY CIRCUIT COURT, 11/27/96.

The Respondents’ reallocation decision is strongly supported by comparison to the Ranum and Galle positions, both of which perform very similar work as Boeck at the West Clinic and are also classified at the Department Assistant level. The Appellant has identified several distinctions between her duties and those of her two co-workers. However, the distinctions are not significant in the context of the two classifications that are at issue. The Scheduler – Objective class does not identify “blocking,” order purging or rescheduling responsibilities as determinative characteristics.

There was evidence produced at hearing regarding the positions at the East Clinic that are assigned to the Scheduler – Associate classification and have some lab receptionist responsibilities. Boeck appeared to argue that her duties are not identical to those assigned to these East Clinic positions which somehow supported classifying her position at the higher Objective level. The argument has no real bearing on this case because Boeck has failed to

identify any Scheduler – Objective positions that perform similar duties to her own responsibilities. In addition, Allbaugh testified that the majority of the time spent in these East Clinic positions is scheduling for both the Pain Clinic and the Rehabilitation Clinic, rather than serving as lab receptionists.

The majority of Boeck's time is spent performing laboratory receptionist responsibilities. This responsibility is better described by the Department Assistant class than the Scheduler – Objective class. Even if the Appellant had been able to establish that she spent the bulk of her workday performing scheduling functions, she has failed to show that she is working at the Scheduler – Objective level. Therefore, her appeal must be denied.

Dated at Madison, Wisconsin, this 12th day of March, 2008.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Judith Neumann /s/

Judith Neumann, Chair

Paul Gordon /s/

Paul Gordon, Commissioner

Susan J.M. Bauman /s/

Susan J.M. Bauman, Commissioner