

STATE OF WISCONSIN

BEFORE THE STATE BOARD OF PERSONNEL

Beverly M. Curtis,)
Appellant,)
-vs-)
C. K. Wettengel, Director,)
State Bureau of Personnel,)
Respondent.)

MEMORANDUM DECISION

The Appellant's position is classified as a Medical Technologist 3. She is employed at Southern Colony and is in charge of the laboratory at that institution. She supervises three full time positions and one part time position. The Board for the purposes of this decision accepts Appellant's statement that she devotes 45% of her time to microbiological testing, 45% to administration and 10% to medical technology.

The Department of Health and Social Services, which operates Southern Colony, requested the Respondent to Reclassify Appellant's position from that of Medical Technologist 3 (SR 1-11) to Microbiologist 3 (SR 1-13). The Respondent Director denied the request. Appellant has appealed that action of the Director pursuant to s. 16.05 Wis. Stats.

It may well be that by a literal application of the specifications for Microbiologist 3 in an isolated posture, that Appellant's position would be identified by Microbiologist 3. She supervises a laboratory; she has the requisite training and credentials; she does microbiological testing often in difficult procedures and in experimental context.

However, the microbiologist series was created for and intended to be used only in microbiology laboratories. The laboratory that Appellant is in charge of is a general clinical laboratory.

While there is considerable overlapping, general clinical laboratories are associated with hospitals and institutions and perform all of the laboratory testing work for that particular institution. The mission of a microbiology laboratory is research, standardization of tests, development of procedures and qualifying of other laboratories as opposed to individual diagnostic testing found in a clinical laboratory.

When the microbiologist series was created, the Respondent Director represented to this Board that the microbiology laboratory had a different program significance than the clinical laboratory and should have a different series of positions. Apparently he still adheres to that view.

The Board is not persuaded that he is wrong in this conclusion, much less that his conclusion is an abuse of his discretion.

Quite simply, the Appellant cannot be classified as a Microbiologist at any level because she works in a clinical laboratory. She does not supervise a microbiological laboratory nor does she do advanced work in microbiology in such a laboratory.

She is not being unfairly treated because her position is classified favorably with the position of the chief medical technologist at clinical laboratory supervisors in state service. We find no evidence of any positions of microbiologist in any laboratories other than microbiology laboratories. The fact that there was once a Microbiologist at Winnebago State Hospital is quite immaterial. That was an error in classification that has been corrected. The position at Winnebago comparable to the Appellant's position had as its last incumbent a Medical Technologist 3 and will be filled at that level.

Counsel for the Appellant shall draft Findings of Fact and Conclusions of Law consonant with the decision.

Dated at Madison, Wisconsin

this _____ day of February, 1970.

STATE BOARD OF PERSONNEL

BY _____

Member Serpe did not participate in the consideration of this appeal.