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ARNOLD K. GORSKE,

Appellant,

v.

C. K. WETTENGEL, Director,  
State Bureau of Personnel,

Respondent.

Case No. 73-100

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MARVIN MEITZEN,

Appellant,

v.

C. K. WETTENGEL, Director,  
State Bureau of Personnel,

Respondent.

Case No. 73-91

\* \* \* \* \*

Before AHRENS, Chairman, JULIAN, SERPE, and STEININGER.

**OFFICIAL**

OPINION

AND

ORDER

The Appellants are employed by the Department of Health and Social Services at the Winnebago State Hospital. Appellant Gorske has been employed by the State of Wisconsin for six years; Appellant Meitzen for some 21 years.

Appellants were classified as Maintenance Mechanic 2's (SR 3-10), but as the result of Maintenance Survey conducted during 1972, their positions were reallocated to the newly created classification of Maintenance Mechanic 3 (SR 3-10), effective April 29, 1973. Both filed timely appeals to this Board contesting the correctness of the Respondent's reallocation action.

At a prehearing conference held on September 6, 1973, the issue in these appeals was framed as follows: "Should the Appellants be in an appropriate classification higher than Maintenance Mechanic III at a pay range higher than salary range 10?" Subsequently, on October 26, 1973, Respondent interposed a "Request for Dismissal of Appeals" contending the Board was without jurisdiction to order the director of the Bureau of Personnel to create a new class at an appropriate higher pay range. On November 6, 1973, the motion to dismiss was denied pending resolution of the issue in the then undecided case of Ryczek v. Wettengel, Pers. Bd. Case No. 73-26, decided July 3, 1974. Respondent was given leave, however, to renew his motion to dismiss at the hearing on the merits. Respondent availed himself of this opportunity and renewed his motion at the hearing held on March 22, 1974.

Ryczek v. Wettengel, supra, determined that a reallocation was an action of the director and appealable as such even though the result of the creation of new classes which were subject to, and had received the approval of, the Board. See Secs. 16.05(1)(f), 16.07, Wis. Stats.; Wis. Adm. Code Sec. Pers 26.02(1). Should the Board reject the director's action, it may fashion its relief by remanding the case to the director for action "in accordance with the Board's decisions," Sec. 16.05(1)(f), Stats., i.e., for action not inconsistent with its opinion. This Board properly retains authority to reject classification or reallocation actions of the director which it deems to have been incorrect. Ryczek v. Wettengel, supra. Though in the instant case it would not have been proper for the director to have unilaterally created a new class, his action in allocating Appellants to the Maintenance Mechanic 3 classification is properly before the Board as to its correctness.

We find that the Board has jurisdiction of these appeals and the Respondent's renewed motion to dismiss is accordingly denied.

Turning to the merits, it is Appellants' contention that their classification does not adequately reflect the specialized nature of their work. It appears that

both Appellants do the refrigeration work at Winnebago, and both claim they're doing more refrigeration work than their position descriptions reveal. Appellants' dissatisfaction was reflected in their testimony. Appellant Meitzen testified that he felt he and Gorske's positions should be reallocated to a higher classification "because we're the only two that actually do the refrigeration work here." And Appellant Gorske put it even more succinctly when he testified, "actually, we're doing craftsman work /sic/."

While we are not without some sympathy for Appellants' claims, the burden nevertheless remains on them to establish the incorrect reallocation of their positions. The simple and determinative fact is that they have failed to meet that burden because they have failed to demonstrate that the Maintenance Mechanic 3 class description contained in Respondent's Exhibit 2 inadequately spells out the duties and responsibilities of their positions. Indeed, Appellants' position descriptions - Respondent's Exhibits 3 and 4 - state that Appellants' duties are to keep in good operating condition the heating, ventilating, air conditioning and refrigeration units in the institution in good working order. The Maintenance Mechanic 3 class description recites that "employees in this class repair and maintain the most complicated and intricate mechanical equipment associated with heating, ventilating, air conditioning, refrigeration, boiler operation, fuel storage and dispensing and electrical systems." It may be that this class description is quite encompassing, but this does not establish the fatal variance between class description and the position's duties and responsibilities which it is the Appellants' burden to show before it can be said that their positions were incorrectly reallocated and that a higher classification would be more appropriate.

On the record herein, we find that the reallocation of the Appellants' positions to the Maintenance Mechanic 3 classification was correct, and we accordingly affirm the Director's action.

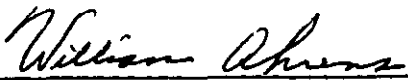
ORDER

IT IS ORDERED that the action of the Respondent is affirmed.

Dated January 2, 1975

STATE PERSONNEL BOARD

BY

  
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William Ahrens, Chairman