
JAMES R. HUMPHREY,

Appellant,

v.

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

Respondent.

Case No. 73-68

VERNE A. BECK,

Appellant,

v.

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

Respondent.

Case No. 73-69

DONAVON V. OLVER,

Appellant,

v.

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

Respondent.

Case No. 73-66

Before JULIAN, Vice-Chairman, SERPE and STEININGER.

OFFICIAL

OPINION

AND

ORDER

The Appellants are Review Appraisers in the Bureau of Right of Way of the Division of Highways, State Department of Transportation. As the result of a real estate survey, each was reallocated from his classification as a Right of Way

Agent 4 (SR 1-15) to the newly-created classification of Real Estate Agent 5 (SR 1-15), effective April 15, 1973. The Appellants' timely appeals followed, and, because they raise the identical issue of whether the reallocation was correct, will be considered together.

Appellants' central contention is that they have the same or similar management function as, and historically have been considered to be the equal of, the District Real Estate Supervisors (SR 1-16), and that therefore their positions should have been reallocated salary-wise to reflect this.

As Central Office Review Appraisers, Appellants' primary duties are conducting field and office reviews of appraisals made by staff and fee appraisers to determine factual accuracy, basic fairness to the parties to an acquisition and compliance with state and federal regulations. Review appraisers normally have the final word on the appraisal of a parcel of property, and in that capacity must inevitably evaluate the work of the staff and fee appraisers with a view to judging their competence. Appellants contend that this amounts to effective supervision both over the appraisal program and over the appraisers themselves, since an appraiser is unlikely to fare well with the Division of Highways if the Review Appraisers reject his work. Thus, their function is said to parallel the District Real Estate Supervisors' managerial responsibilities and to require high technical competence as well.

The position of District Real Estate Supervisor is distinguished from the position of Central Office Review Appraiser by the fact that the Real Estate Supervisor has effective supervision not of programs but of subordinate employees. The District Supervisor "effectively recommends the hiring, transfer, suspension, layoff, recall, promotion, discharge, assignment, evaluation, discipline and adjustment of grievances of subordinate employees." (Respondent's Exhibit 5a.) Appellants do none of these things though they may indirectly affect the decision of a District Real Estate Supervisor with regard to an individual appraiser.

Nevertheless, the power of decision and the responsibility therefor remains with that employee's Real Estate Supervisor and not with the Appellants. It is easily imagined that one with a highly specialized, technical competence, whose opinion of an employee may adversely affect that employee, nevertheless is not a supervisor in the foregoing sense. So it is in the instant case. We find that Appellants do not have effective supervision of subordinate employees.

On the issue of parity, it appears that the Review Appraiser's functions have remained fairly static over the years, while those of the District Real Estate Supervisor have evolved to a higher level of responsibility. Thus, the latter's reallocation to a higher classification was based upon an increase in the duties, responsibilities and authorities of the District Real Estate Supervisors.

We find that the reallocation of Appellants' positions to the Real Estate Agent 5 classification was correct, and we accordingly affirm the Respondent's action.

ORDER

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

Dated

7 November 22, 1974

STATE PERSONNEL BOARD

BY


Percy L. Julian, Jr., Vice-Chairman