

Following his appointment, Appellant performed the same duties of his predecessor, Reuben Bruessel, and essentially the same as Ed Haimerl who is classified as a Craftsman Electrician. Both reported to and received assignments from Mr. Walker, and performed their duties without assistance.

Respondent, C. K. Wettengel, Director of the State Bureau of Personnel, signed a reallocation notice which changed the position of Maintenance Mechanic 2, occupied by Appellant to Maintenance Mechanic 3. The notice signed by John Gagnon, Warden, Wisconsin Correctional Institution on May 7, 1973 had an effective date of April 29, 1973. The notice provided that the reallocation was made as a result of a maintenance survey and that the pay range would not be changed. On May 23, 1973 Appellant sent written notice of appeal thereof to Respondent.

On May 25, 1973, Kenneth G. Nachreiner, Director of Personnel of the Department of Health and Social Services, sent a memorandum to John Gagnon, Warden of the Wisconsin Correctional Institution, stating that there was some question as to the duties being performed by Appellant and that in the opinion of the department there was only one Craftsman Electrician position allocated to the institution. Mr. Nachreiner suggested that this situation could be rectified by (1) changing the "Position Description" of Appellant to read that he is assisting the Craftsman Electrician rather than installing wiring and doing other electrical work or (2) classifying Appellant as the electrician and Mr. Haimerl as the maintenance mechanic. The job summary of the "Position Description" of a Maintenance Mechanic 3 was changed so that it read as follows:

"Under the general supervision of the Supt. of Buildings and Grounds, performs difficult and skilled electrical work. Performs electrical repair work on various items and assists the electrician in performance of craftsman type electrical work."

Appellant refused to sign the position description because it, in his opinion, did not adequately describe the duties he performed. He felt the reclassification was unjustified since he was doing the majority of the electrical work and, in fact, he was performing the work of a Craftsman Electrician. Mr. Walker testified that Appellant was still performing the work of an Electrician because the workload requires two electricians and that the duties of Appellant have only been slightly modified.

According to Harold Rohr, president of the Wisconsin Buildings Trade Council, and Mr. Ralph Conrad, business agent for Local 159, Appellant is an Electrician.

We find the foregoing statement of facts to be true and to be material to a determination of the issue in this case.

II. Conclusions

This Board has the authority to hear appeals from reallocation actions. (Section 16.05(1)(f).) The appeal was timely filed under Section 16.05(2).

In cases of this nature the burden of proof is upon the Appellant. Thus, Appellant is required to prove to a reasonable certainty by the greater weight of the credible evidence that he should have been reallocated to the Craftsman Electrician classification.¹

¹Reinke v. Personnel Board (1971), 53 Wis. 2d 123, 137, 191 N.W. 2d 833; Cudahy v. LeLuca (1970), 49 Wis. 2d 90, 181 N.W. 2d 374.

Appellant Should Properly Be Reallocated
to Craftsmen Electrician

Appellant claims that he has been performing the work of a Craftsman Electrician since his appointment to the Maintenance Mechanic 2 position. This claim was corroborated by his supervisor, Walter Walker, Superintendent of Buildings and Grounds of the Wisconsin Correctional Institution, Ralph Conrad, Business agent for Electrical Local 159, and Harold Rohr, president of the Wisconsin Building Trades Council. Respondent failed to submit any evidence to refute same.

The only evidence submitted by Respondent, through James Stratton, a classification analyst with the Department of Health and Social Services was to the effect that as a result of a survey only one Electrician Craftsman was required at the Wisconsin Correctional Institution. However, Walter Walker, the individual in the best position to determine need, testified that in 1964 the workload required two Craftsman Electrician positions and since that time the workload has increased. Respondent failed to offer any evidence as to the specific details of the survey and merely stated that it was taken and formed the basis of the reallocation. Accordingly, we conclude that Appellant sustained his burden of proof and that he should have been reallocated to the Craftsman Electrician classification.

ORDER

IT IS HEREBY ORDERED that the decision of the Director be reversed and this matter be remanded to him to reallocate Appellant to Craftsman Electrician classification.

Dated this 2nd day of June, 1975.

STATE PERSONNEL BOARD


Percy L. Julian, Jr., Chairperson