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 LLOYD W. GEFFERS,  
 Appellant,  
 v.  
 C. K. WETTENGEL, Director,  
 State Bureau of Personnel,  
 Respondent.  
 Case No. 73-99  
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OPINION AND ORDER

Before: JULIAN, Chairperson, STEININGER, and WILSON, Board Members.

NATURE OF THE CASE

The Appellant appeals his reallocation to the classification of Laborer from his prior classification of Laborer 2 as a result of a survey performed by the Bureau of Personnel. He contends the proper reclassification would have been to Laborer (Special).

FINDINGS OF FACT

The Appellant is a permanent employee in the classified service at Winnebago State Hospital, Division of Mental Hygiene. Effective April 29, 1973, he was reclassified from Laborer 2 (which classification was abolished) to Laborer as a result of a survey conducted by the Bureau of Personnel.

The class specifications for Laborer define the position as follows:

This is routine manual work. Employees in this class normally function as either a member of a grounds crew responsible for the maintenance of a grounds facility, or as a member of a transportation crew in an institution.

In addition, positions allocated to this class may also perform functions, such as loading and unloading trucks, providing assistance to a Motor Vehicle Operator on a garbage packer, or assisting other maintenance personnel in building repairs. Work is performed under the direction or guidance of higher level maintenance personnel.

The following "Examples of Work Performed" are set forth:

- Cuts grass using power mower and hand tools.
- Plants, trims, and cares for trees and shrubs.
- Fertilizes, rakes, seeks and waters lawns.
- Polices grounds for paper or rubbish.
- Moves furniture and assembles new furniture.
- Loads, unloads and stores supplies such as food, paper and laundry.
- Moves chairs, tables, desks, sofas, appliances, etc., using a hand truck and motor vehicle.
- Loads trash into trash pick-up vehicle.
- Other assigned work may include tasks not specifically enumerated above which are of a similar kind and level.

The class specifications for Laborer (Special) define the position as follows:

This is specialized laboring work. Employees in this class either operate a variety of equipment and motor vehicles used primarily in a grounds maintenance operation, or clean windows and other similar surfaces on the inside and outside of state owned buildings using scaffolds and/or swing stage units. Positions at this level also assist in landscaping in transporting employes and equipment to and from assigned work areas, and may also be assigned a portion of the time to custodial work, snow removal or special events crews. Work at this level is differentiated from that at the Laborer level by the fact that a majority of time is spent in the actual operation of a variety of motorized equipment in a grounds maintenance operation or in the washing of windows using a scaffold and/or swing stage unit. Direction or guidance is received from higher level maintenance personnel.

The following "Examples of Work Performed" are set forth:

- Mounts snow plows on trucks and tractors used in the snow removal operation.
- Performs snow removal functions including the operation of trucks, tractors and front end loaders, and shoveling snow.
- Operates gang mower.
- Prepares land for seeding and planting, using hand tools and machine implements such as a disc cultivator.
- Operates chain saws in clearing land and pruning trees.
- Operates snow blower, rotary broom, cinder spreader & salt spreader.
- Operates back hoe in digging trenches.
- Operates road grader.

Performs preventive maintenance to motorized vehicles such as maintaining proper fluid levels.  
May guide the work of laborers or part-time help involved in grounds maintenance.  
Other assigned work may include tasks not specifically enumerated above which are of a similar kind and level.

The Appellant's work includes the following primary tasks and equipment utilization. He mows the institutional lawns using "club cadet" tractors which are self-propelled, riding, rotary mowers that cut approximately a four foot swath.<sup>1</sup> He cuts and trims trees using a power chain saw and a front end loader that is mounted on a tractor to haul the debris away. He operates a tractor with a blade mounted underneath it that operates in somewhat the same way as does a roadgrader. In the winter he operates a Scout International truck with a front end plow and a tractor-mounted snow blower. He operates various gardening equipment including a large insecticide sprayer. He assists in maintaining the greenhouse. Approximately 75% of his work involves the use or maintenance of power-operated machinery.

With regard to maintenance of the machinery mentioned above, duties performed include changing flat tires, adding oil, changing oil when the maintenance crew is busy, and some limited tune-up work and monitoring of the machinery's operation. Appellant performs supervisory tasks involving other laborers and part-time summer help when regular supervisors are absent.

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<sup>1</sup>Gang mowers used to be used at the institution but sometime in the past were abandoned in favor of rotary equipment. The tractors in use have attachments for pulling mower units. Gang mowers are somewhat larger than the kind used by Appellant and cut a wider swath, about seven feet.

CONCLUSIONS OF LAW

Based solely on the plain language of the definitions found in the class specifications for the two positions there would seem to be little question that the Appellant's job functions qualify him for the Laborer (Special) classification. The "special" definition attempts to distinguish this level from the Laborer level by the use of this language:

Work at this level is differentiated from that at the Laborer level by the fact that a majority of time is spent in the actual operation of a variety of motorized equipment in a grounds maintenance operation or in the washing of windows using a scaffold and/or swing stage unit.

As found above, the Appellant spends approximately 75% of his time operating a "variety" of motorized equipment.

However, Respondent's position is that "variety" must be interpreted by reference to the "examples of work performed" included in the class specifications. This results in the functional equivalent of "a variety of specialized equipment," which the Respondent contends, the Appellant does not operate.

We believe, and we do not understand the Respondent to differ, that the "examples of work performed" contained in the class specifications provide no more than a general guideline by way of illustration to the interpretation of the descriptive language found in the position definition. An employee would not have to perform all of the examples in order to qualify for that classification. See Wis. Adm. Code S. Pers. 2.04 (1):

The use of particular examples of work performed shall not be held to exclude others not mentioned that are of a similar kind or level, nor is it implied that all those mentioned must be performed by all persons whose positions are so classified.

In this case, Appellant actually performs many of the functions and operates much of the machinery listed under the Laborer (Special) examples. Appellant also operates some equipment which on this record is substantially similar to listed equipment which he does not actually operate. While he does not operate a road grader, he does operate a tractor with a scraper blade mounted beneath it that performs similar functions. While he does not operate a gang mower, he does operate a self-propelled, riding, rotary mower that cuts about a four foot swath as compared to a seven foot swath for a gang mower. Given the fact that a Laborer (Special) is not required to maintain the mower blades, we have no basis for reaching a conclusion that the two machines are not sufficiently similar in terms of complexity or degree of specialization because the gang mower is somewhat larger and utilizes towed rather than self-contained mower blades.

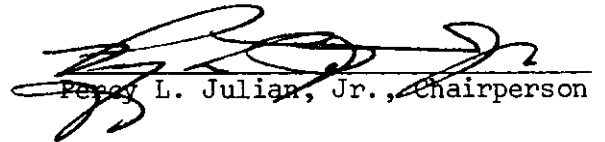
We conclude that Appellant performs a sufficient number of the listed functions and operates a sufficient number of the listed or similar machines to require that he be classified as a Laborer (Special) rather than a Laborer. We further conclude that inasmuch as this is an appeal of a reallocation that the Appellant is entitled to the appropriate difference in salary from the date of his reallocation.

ORDER

IT IS HEREBY ORDERED that the action of the Director reallocating Appellant from Laborer 2 to Laborer is rejected, and the case is remanded to the Director for further action not inconsistent with this opinion.

Dated September 30, 1975.

STATE PERSONNEL BOARD

  
Percy L. Julian, Jr., Chairperson