



systems, a random access microfilm machine, printing and duplicating equipment. He also designs circuitry and components relative to space, size and function requirements, makes appropriate bread-boards and prototypes, sets up electronics portions of research and scientific projects, does performance tests on electronic equipment of instrumentation, maintains a parts and materials inventory, requisitions supplies and plans purchase of new equipment, acts in the role of a consultant to staff and students, and keeps related records and reports. Work with closed circuit television equipment of all kinds requires a minority of appellant's time.

#### Conclusions of Law

In reclassification appeals, the appellant bears the burden of proving that the denial of reclassification was incorrect. Kailin v. Weaver, Wis. Pers. Bd. No. 73-124 (11/28/75). We conclude that the appellant has failed to meet this burden. While some of the work performed by appellant falls within the "examples of work performed" under the Electronics Technician 2 class specifications, this is neither unusual nor determinative in a reclassification appeal. The key point in the reclassification analysis is found in the "definition" section of the class specifications. The class specifications for Electronics Technician 1 include the following language:

"This level is the objective level for . . . those positions involved in audio-visual equipment wherein complex closed circuit television does not require the majority of the incumbent's time."

As noted in the findings, and by his own testimony, this type of work consumes a maximum of 15-20% of his time.

The advancement section of the Electronics Technician 1 specifications provides:

"Advancement to a higher level for positions in audio-visual areas must be based on the incumbent spending at least one-half of his time on a complex closed circuit television installation and repairs on equipment which is not found in an ordinary teaching laboratory."

We interpret this language to require, consistent with the definition section of the specifications cited above, that the appellant must spend at least one-half of his time on a complex closed circuit television installation and that the following language, "repairs on equipment which is not found in ordinary teaching laboratory" relates back or is additional to the first part of the requirement concerning a complex closed circuit television installation. As noted above, the definition section of the Electronics Technician 1 class specifications states: "This is the objective level for . . . positions involved in audio-visual equipment wherein complex closed circuit television does not require the majority of the incumbent's time." If the advancement section of the same class specifications were interpreted to permit advancement on the basis of repairs on equipment not found in an ordinary teaching laboratory but unrelated to a complex closed circuit television installation, the interpretation would be directly at odds with the definition section of the specifications.

There was considerable discussion concerning the question of whether portable equipment could qualify as complex closed circuit television. Inasmuch as the finding was that less than 50% of appellant's time was involved with closed circuit television of any kind, this would not qualify the position for classification at the 2 level in any event.

The appellant's supervisor expressed concern that the organizational division of the audio-visual and television operations at UW-Milwaukee discriminated against appellant because it prevented him from doing work for which he was qualified and which would qualify for classification at the Electronics Technician 2 level. In this regard, we note that it is not unusual to encounter reclassification situations where an employe is prevented from performing work at a higher level because of the way the agency is organized and the unavailability of work at the higher level. However, the fact that such an employe is prevented from performing such

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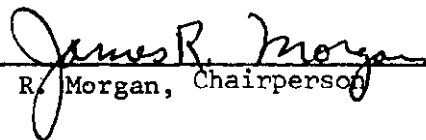
work does not entitle that employe to reclassification. C.f., Prissel v. Wettengel, Wis. Pers. Bd. 74-174, 6/16/75.

Order

The actions and decisions of the respondents are affirmed and this appeal is dismissed.

Dated 11-15, 1977

STATE PERSONNEL BOARD

  
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