



Appellant's letter of March 10, 1975, is clearly a direct response to this paragraph.

In an opinion and order entered November 25, 1975, Pulliam & Rose v. Wettengel, Wis. Pers. Bd., 75-51, we held that facts very similar to these established an equitable estoppel. There, the Appellants were advised by various agency employes to pursue a matter as a grievance. This prevented the Respondent Director from relying on the resultant untimeliness of the appeal on a motion to dismiss.

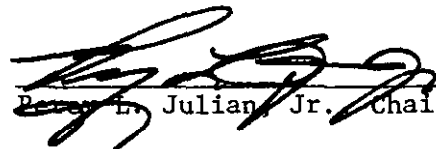
In this case the Appellant relied on the incorrect advice contained in the March 3, 1975, letter and erroneously filed his appeal with the agency personnel manager. For the reasons expressed in Pulliam & Rose we conclude that the Respondents are subject to the doctrine of equitable estoppel and may not equitably argue that this appeal was untimely filed.<sup>1</sup>

ORDER

IT IS HEREBY ORDERED that the Respondents' motion to dismiss is denied.

Dated December 22, 1975.

STATE PERSONNEL BOARD

  
Percy H. Julian, Jr., Chairperson

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<sup>1</sup>We further note that had the agency promptly sent the March 10, 1975, letter of the Appellant to the Board the appeal would have been timely in any event.



PERSONNEL OFFICE  
PHONE: (414) 963-4463, 963-4464

March 3, 1975

RESPONDENT'S

Mr. William D. Moritz  
Associate Library Director  
University of Wisconsin-Milwaukee

EXHIBIT # 5

Dear Mr. Moritz:

This letter is written in response to the reclassification request for Wallace LaMarche, currently classified at the Electronics Technician 1 level.

After a detailed review and audit of the position, we conclude that the position is correctly classified at the current level.

The primary function of the position is the maintenance and repair of audio-visual equipment belonging to Media Distribution. The incumbent maintains and repairs all portable color and black and white television sets on campus (permanently mounted sets are the responsibility of IML), ten public-address systems, tape recorders, film-strip projectors, 8mm projectors, power amplifiers and other audio-visual equipment. In addition, the incumbent maintains the Library's Media Access Dial System and operates television projection units in Enderis Hall.

The duties and responsibilities mentioned above correspond with those identified in the position standard for Electronics Technician 1, which states:

"Positions allocated to this class perform moderately complex electronics work involving installation, maintenance, repair, calibration, modification, construction and/or simple design of ...audio-visual...instrumentation and equipment. 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."

Closed circuit television on the UWM campus is handled by the Instructional Media Laboratory and positions are staffed by trained television engineers in the Broadcast Engineering Technician series. Although the incumbent does some closed circuit work, it is limited to use of one video tape cassette machine in Enderis Hall and requires under five percent of the incumbent's time.

The position standard is quite detailed concerning the possibilities for advancement in the Electronic Technician series. The standard is rigid and contains a special subtitle on advancement which states:

"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".

Advancement in areas other than audio-visual is generally limited to positions performing highly responsible work on highly technical and complex scientific equipment. All positions classified at the Electronics Technician 2 level on the UWM campus fit in this category and include positions in Physics and Engineering.

Writing a letter declaring a position at its objective level (no current possibilities for advancement in the series) and denying a reclass is never easy. The difficulties are compounded in this case by the fact that Mr. LaMarche is an outstanding employe with vast experience and qualifications. Were reclassification based on the raw talents of the incumbent rather than on the duties and responsibilities required by the position our decision might be different. But this is not the case.

It follows that we cannot reclassify the position to the Electronics Technician 2 level as requested.

This action may be referred to the Director of the State Bureau of Personnel for further review by submitting a written request to this office within fifteen days of the receipt of this letter. Such a request must include the reasons why this action is felt to be inappropriate.

Sincerely,



Richard A. Wueste  
Classification Analyst



Robert F. Schmidt  
Manager of Personnel Services

cc: Wallace LaMarche  
Dennis Wojtecki  
Marianna Markowetz  
Reclass File  
P-file

RAH/bjl



THE LIBRARY  
PHONE: (414) 963-4785

March 10, 1975

Mr. Robert F. Schmidt  
Manager of Personnel Services  
University of Wisconsin-Milwaukee  
Personnel Office  
Milwaukee, Wisconsin 53201

Subject: Appeal of Denial of Reclassification

Reason: The Responsibilities, Quantity, and Complexity of the Work Performed by the Incumbent are Considerably Above Normal for an Electronics Technician I

Dear Sir:

Essentially I am the only audio-visual repair man on a campus of nearly 25,000 students. This requires the maintenance of approximately 300 pieces of equipment. This includes such complex units as Media Dial Access, video tape recorders, and television projection units.

Within the past two years the areas serviced have expanded as follows:

1. Sixty channel Media Dial Access System
2. Library microform and microfilm viewers
3. Two classroom television projection units
4. Audio systems in three new departmental buildings
5. Repair service for several departments that previously did not use this repair facility

The twenty years of industrial experience that I have had, ranging from the maintenance of very complex military equipment during environmental tests to designing military electronics equipment as a senior engineer, enables me to function with above normal efficiency.


BOARD'S

EXHIBIT # 1.

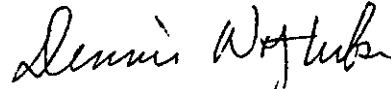
March 10, 1975

I believe I have shown that, as indicated in Mr. Wueste's letter, exceptional quality and quantity of work is being performed. The refusal to reclassify the position denotes that exceptional work cannot be rewarded.

Sincerely,



Wallace La Marche  
Electronics Technician I



Dennis Wojtecki, Supervisor  
Media Distribution

W1/m

cc: Richard A. Wueste  
William D. Moritz  
Marianna Markowetz