

STATE OF WISCONSIN

PERSONNEL COMMISSION

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ROD RIEPL,

Appellant,

v.

DEPARTMENT OF TRANSPORTATION
and DIVISION OF PERSONNEL,

Respondents.

Case No. 78-99-PC

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DECISION

NATURE OF THE CASE

This is an appeal pursuant to §230.44(1)(b), Stats. (1977) of the denial of a reclassification request from Engineering Technician 3 (ET 3) to Engineering Technician 4 (ET 4).

FINDINGS OF FACT

1. The appellant has been employed in a position in the classified civil service which since December 8, 1975, has been classified as Engineering Technician 3 in the Department of Transportation, Division of Highways, District 9 (Milwaukee).

2. The duties and responsibilities of appellant's position during at least the approximately 6 months prior to the denial of his request on May 18, 1978, were as follows:

(a) Office work (this is a minority of appellant's work);

1. Traffic signal plans preparation. This work is conducted in the office and involves the performance of assignments given by his supervisor to "signalize" intersections. It includes preparing a layout or blue-print of the intersection and making decisions as to the

control sequence and the type and placement of various traffic and detection and control devices such as signals, conduits, conductor cables, interconnect facilities (with other intersections), etc. This planning also includes the preparation of construction notes which set forth what contractors or electricians will have to do in the completion of the plan, review of specifications, and estimates of quantity and costs, and assisting the supervisor in developing special sections of the contracts for intersection work. The appellant, in this planning, works with certain standards and codes which provide some input and direction in terms of the decisions that must be made. His work is reviewed by his supervisor to ensure that it is in accordance with specifications, regulations, division policy, and the capacity of the equipment to be used. The work is reviewed further at higher levels. The design section is responsible for the detailed drafting of the final product.

2. Assistance to freeway operation by review of plans for traffic detection design. This involves the location of traffic detection loops in pavement and the determination of the number of turns to be used in the loops.

3. Preparation of electrical service reports of replacements of defective components.

4. Coordination duties. Includes checking on electricians' and contractors' plans and coordination with

other employes, including Milwaukee County electricians who perform electrical duties in district nine.

(b) Field Work (this constitutes the majority of appellant's work);

1. Surveillance. This includes the observation of the operation of controllers, primarily actuated but also pretimed. This also includes the replacement of defective components. The appellant does not do field wiring and does not do high voltage work. The defective components are repaired centrally. The timing of the controls is reviewed and adjusted as necessary. Detection equipment is checked for proper function using specialized testing equipment.

2. Inspection of work by county electricians and providing direction on such things as adjustment of "visibility heads."

3. Works on ramp meters and counting stations. His primary involvement is in trouble shooting repairs.

4. Assists project engineer on signal installation work in areas where an engineer may not have electrical background and expertise. He also fills in for project engineers on a very short-term, no more than half-day basis.

5. Review of equipment provided by private sources for testing procedures, i.e., he places and monitors equipment and makes a recommendation on whether it should be purchased.

3. In comparison with his duties and responsibilities in 1975, the

current duties and responsibilities are more significant and complex, including the following:

- (a) The appellant performs a greater percentage and more variety of planning. This change is attributable at least in part to the fact that the appellant's efficiency has increased to the point that he has the time to do more of this kind of work.
- (b) The appellant is now able to replace components for which he would have had to call in an electrician in 1975. However, this work does not require a licensed electrician as opposed to a maintenance mechanic.
- (c) The appellant is able to wire cabinets to change counting procedures. This would have been done by an electrician in 1975.
- (d) Work coordinating with electrical utilities was not performed in 1975.
- (e) The district currently has some more complicated equipment than was possessed in 1975.

4. The request for reclassification of appellant's position was denied by the respondent DOT on a delegated basis on May 18, 1978.

5. The position standards for the engineering technician series contains the following classification descriptions for ET 3:

Under supervision independently performs skilled and technical duties in such areas as photogrammetrics, or field location surveying, or complex layout of structures, roadways, etc. Set up and operate intricate photogrammetric instruments or have thorough knowledge of surveying operation and the ability to interpret rough engineering sketches; or have thorough knowledge and understanding of trigonometry and horizontal curve

geometrics, and ability to lay out complex skewed, curved, and tapered structures; or the ability to lay out and complete complex and difficult plans from basic and elementary information and engineering sketches; or perform related work as required.

and ET 4:

- Under supervision, performs difficult and complex technical and/or lead or coordinating duties such as layout of most complex and unique structures, or independent inspection of plants fabricating routine steel structures or preparation of Planning and Research reports based upon analysis and forecast of traffic and land use patterns; or supervising a district program of marking and signing, or a medium sized construction project, or a geodetic field crew, or a central laboratory testing unit. Incumbent must have extensive knowledge of testing procedures and specification requirements for material testing or inspection, or ability to organize, supervise, and direct a routine construction project or portions of a district traffic program, to include interpretation and application of routine plans and specifications. May perform related work as required.

6. Respondents' denial of the reclassification request was based in part on the following:

Mr. Riepl's position also does not compare favorably with other non-traffic related positions which in level of responsibility are classified as Engineering Technicians 4. As examples of positions requiring a greater amount of technical and engineering knowledge, judgment and authority we cite the Assistant Design Squad Leader and the Construction Project Technician on medium projects. Both of these positions train and direct department employees, produce complete plans and specifications under limited direction or complete construction projects and furnish engineering reports on activities in which the evaluations have a considerable dollar impact or consequence.

CONCLUSIONS OF LAW

1. The commission has jurisdiction over this appeal pursuant to §230.44(1)(b), Stats. (1977).

2. The burden of proof is on the appellant to show to a reasonable certainty by the greater weight of the credible evidence, that his position should be classified at the level he alleges and that the respondent was incorrect in refusing to reclassify him to that level. See Ryczek v. Wettengel, Wis. Pers. Bd. No. 73-26 (7/3/74), Amacher v. Bureau of Personnel, Wis. Pers. Bd. No. 77-193 (6/16/78).

3. The appellant has not met this burden. He has not established that the Engineering Technician 4 classification is appropriate for his position or that the respondent was incorrect in refusing to reclassify him to that level.

OPINION

The position standard for the engineering technician series does not provide a lot of specific detail which applies directly to the particular duties and responsibilities of appellant's position. There is some generalized language which supplies a basis for comparisons. The ET 3 standard states: "Under supervision independently performs skilled and technical duties ... " (emphasis supplied). The ET 4 standard contains this language: "Under supervision, performs difficult and complex technical and/or lead or coordinating duties ... " (emphasis supplied).

There is no question on this record that the appellant's position has evolved and become more complex and responsible since 1975. The question is whether it is now at the ET 4 level. There were some comparisons made between appellant's position and other positions classified

at the ET 3 level and in the electronics technician series. In the opinion of the commission these comparisons were not particularly enlightening.

The department of transportation did make a comparison between appellant's position and positions classified at the ET 4 level which, in the opinion of the commission, is of more significance. See finding number 6, above, which tends to support the department's opinion, stated at the hearing, that they perceive a substantial philosophical break between the ET 3 and ET 4 levels, with the ET 4 level's orientation being more that of the professional engineer while the ET 3 level is more technically oriented.

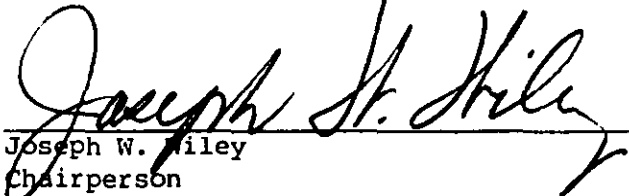
Therefore, while the appellant demonstrated that his position has become somewhat more complex and responsible since 1975, he has not, in the opinion of the commission, carried his burden of proving that his job appropriately should be classified at the ET 4 level.


ORDER

The respondents' action or decision denying appellant's reclassification request is sustained and this appeal is dismissed.

Dated: March 9, 1979.

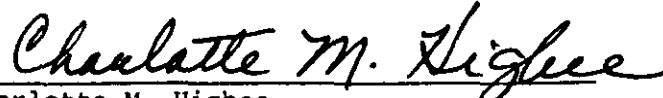
STATE PERSONNEL COMMISSION


Joseph W. Wiley
Chairperson


Edward D. Durkin
Commissioner

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2/27/79


Charlotte M. Higbee