

STATE OF WISCONSIN

PERSONNEL COMMISSION

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ROBERT F. SUTTON,

Appellant,

v.

Administrator, DIVISION OF
PERSONNEL,

Respondent.

Case No. 79-175-PC

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DECISION
AND
ORDER

OFFICIAL

NATURE OF THE CASE

This is an appeal of the reclassification of appellant's position. A hearing on the merits was held before a Hearing Examiner appointed by the Commission.

FINDINGS OF FACT

1. Appellant, Robert F. Sutton, has at all times relevant herein, been an employe in the classified civil service with the Space Science and Engineering Center (Center) of the University of Wisconsin-Madison (University).
2. From 1969 until March 25, 1979, appellant's position was classified as an Instrument Maker; on March 25, 1979, his position was reclassified to Engineering Technician 5.
3. Appellant filed a timely appeal of the reclassification decision.
4. Instrument Maker is a single level classification in which there are approximately forty (40) positions, most of which are within the University.
5. There is no natural progression of positions from Instrument Maker to the Engineering Technician classification; since 1975, however, between four and six Instrument Maker positions have been moved to Engineering Technician 5

positions in recognition of added responsibilities which had been gradually undertaken by certain employees.

6. In his position, appellant participates as a member of design teams of professional and technical employees responsible for design and manufacture of equipment used in various space science projects.

7. Appellant's contributions to the design teams include input into equipment and instrument design based on his knowledge of properties of materials and of manufacturing methods and his ability to perform precision tooling and assembly work, as well as his ability to use all of these skills to help find new answers to special environmental problems arising in space technology.

8. The instruments and equipment produced at the Center all require an extremely high level of precision in terms of the tolerances necessary in both manufacture of parts and in assembly of parts.

9. The appellant does not have authority to make or implement unilateral decisions with respect to design or manufacture of equipment.

10. The design and manufacture work done by the Center is done under contract. The Center provides portions of larger projects as part of the group of contractors which provides the complete project, over which the Center does not have control.

11. The responsibilities of appellant's position have gradually changed over a period of years to include design responsibilities in addition to those necessary to his prior classification of Instrument Maker; the increased level of complexity and responsibility as a member of a design team was the major change in appellant's position at the time of his reclassification.

12. At any given time, appellant works close to full-time or full-time on one major project which takes several years to complete.

13. From 1969 until 1975, appellant worked primarily on a project called the Orbiting Solar Observatory, to which his major contributions were in the choice of materials and manufacturing method used to produce a proportional counter to measure in space low energy x-rays which are not measurable on earth. The fabrication of the most precise parts of the instrument was done by appellant.

14. From about 1975 until mid-1978, appellant worked primarily on a project called the Pioneer Venus Probe which was ultimately launched to Venus to record, measure and transmit data about the planet. Appellant's contribution to the design team was with respect to an instrument called a net flux radiometer; appellant participated in the design and fabricated the insulation resistance mechanism, the mechanism which turned the instrument, and the flux plate which is the sensor part of the instrument, all of which work was carried out within extremely precise tolerances.

15. From about mid-1978 to the present, appellant has worked primarily on a project called the Space Telescope which is a large instrument to be launched by NASA in the space shuttle sometime in 1983 and is expected to be a long duration orbiting telescope. Appellant's primary contribution to this project is in the assembly of the thermal structural unit (TSU), a unit approximately the size of a telephone booth, which will hold the telescope instruments. The TSU has to be assembled within very precise tolerances and has to maintain the tolerances when assembled in order for the instruments within it to maintain their necessary image stability.

16. The design input of appellant into these projects was as a member

of a professional design team which included scientists and design engineers; appellant had no final accountability for the projects' success or failure.

17. The Engineering Technician 5 functions "[u]nder minimum supervision, performs advanced work of a technical and/or supervisory nature, normally responsible for a highly skilled technical function or the functioning of a portion of a district or central office program or project." (R. Ex. 7).

18. The Engineering Technician 6 functions "[u]nder minimum supervision, performs advanced work of a very complex technical or supervisory nature. This level differs from the preceding level in that the scope and complexity of the program/project supervised is greater, as is the latitude allowed in supervision." (R. Ex. 7).

19. Appellant's program-related supervisory duties do not encompass an entire project; his design duties encompass portions of projects although he may consult with respect to more than he actually designs or assembles.

20. Under the existing position standard for the Engineering Technician series, appellant's high level of technical skill is not a sufficient factor to justify classifying his position at the level of Engineering Technician 6, since the difference between the 5 and 6 levels is not in the skill required but in the duties performed and the complexity and scope of the programs supported by the position.

21. Any differences between the earth sciences and space sciences programs in terms of the amount of new technology created and research done in the space science program versus less research and more scaling-up of existing technology in the earth sciences program is not a determining factor in the position standard and does not by itself affect the classification decision; the evidence did not support a finding in any event that one area clearly

involves programs of greater scope and complexity than the other.

22. Appellant does not have the level of program-related responsibilities assigned to positions at the Engineering Technician 6 level. (R. Exs. 10, 11)

23. Appellant's position compares closely with other Engineering Technician 5 positions in terms of functioning as a member of a design team, creating working designs and fabricating equipment and instruments at high levels of complexity. (R. Ex. 8 & 9).

24. Appellant's position best fits the Engineering Technician 5 level and is properly classified at that level.

CONCLUSIONS OF LAW

1. In an appeal from a reclassification decision, the burden is on the appellant to show by the greater weight of credible evidence that his position was incorrectly reclassified.

2. Appellant has failed to carry his burden of persuasion.

3. The decision to reclassify appellant's position from Instrument Maker to Engineering Technician 5 was correct.

OPINION

The position standard for the Engineering Technician series allocates positions to different levels of classification on the basis of various classification factors. Those factors include the skill required, the nature of the duties involved and the complexity and scope of the program or project supported by a particular position. In this case, there is no dispute about appellant's skill. There is a dispute about the scope and complexity of the program or project which appellant's position supports and also some dispute about appellant's actual duties in relation to the program or project. In any classification appeal and decision on appeal, the Commission examines the

work done by the employee and compares it to the position standard and classification specifications for the desired classification and for the classification actually assigned, in order to determine where the appellant's position best fits into the classification scheme. The Commission may also look at allocation patterns for positions in certain classifications, where that consideration was part of respondent's decision-making.

The appellant's evidence focused on his level of skill in fabrication of unique precision instrumentation and on his knowledge of materials which made such fabrication possible. He also focused on the scope and complexity of the space science projects on which he worked. The intent of the evidence was to show the Commission that the appellant's position involved projects at a higher level of complexity than projects on which other Engineering Technician 5 positions were employed after reclassification from Instrument Maker. The evidence actually showed, however, that experts disagree in comparing relative complexities of scaling-up existing technology and of creating new technology. There is also disagreement about the relative difficulties and complexities of the work of design engineers and of expert machinists or instrument makers. Since the experts disagree, the Commission is not prepared to find that the appellant has successfully met his burden of persuasion on this issue and has convinced the Commission to reject the decision of the administrator.

The positions in the Engineering Technician 6 level are for the most part involved in various aspects of highway construction or maintenance building code supervision, geological work, traffic supervision, surveying and similar kinds of programs. The nature of these programs is such that they are determined to be susceptible to decision-making and supervision by an employee at

that classification level. The structure of the programs at the Center is such that many daily decisions cannot be made and the project cannot be supervised by an employee in the Engineering Technician series under current standards. The Engineering Technician 5 level, as described by current specifications, can accommodate the amount of design responsibility carried by the appellant as a subordinate member of a design team.

The Commission agrees with the appellant that because of the small number of positions similar to his which are allocated to the Engineering Technician series, it is difficult to make a comparative analysis of positions. The situation is somewhat similar to an attempt to evaluate and compare apples and oranges. The Commission recognizes that, because position classification is not an exact science, situations will arise in which a particular position does not fit neatly into a classification. The concept of "best fit" accurately describes the desired result of a classification decision. In this case, while there may not be a perfect fit for appellant's position, the Commission finds that the best fit possible under the current classification structure and the structure of the work performed at the Center is that of Engineering Technician 5.

ORDER

The decision of the respondent is affirmed and this appeal is dismissed.

Dated Feb. 17, 1980

STATE PERSONNEL COMMISSION

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