
 *
 VIOLET LIEN & MARY MARSDEN, *
 *
 Appellants, *
 *
 v. *
 *
 Secretary, DEPARTMENT OF TRANS- *
 PORTATION, and *
 Administrator, DIVISION OF *
 PERSONNEL, *
 *
 Respondent, *
 *
 Case Nos. 80-27,30-PC *
 *

DECISION
 AND
 ORDER

OFFICIAL

The Personnel Commission, after consideration of the Proposed Decision and Order issued by the hearing examiner, and the objections to it which have been submitted by appellants, and after consultation with counsel, adopts the Proposed Decision and Order, attached to this Decision and Order and made a part thereof, with two modifications set forth below.

Finding of Fact #2 is amended to read as follows:

"2. The appellants' positions were reallocated as part of a statewide data processing survey effective in October, 1979. Ms. Lien's position was reallocated from Management Information Technician 3 (PR 6-10) to Engineering Technician 3 (PR 6-10), and Ms. Marsden's position was reallocated from Management Information Technician 2 (PR 6-08) to Engineering Technician 3 (PR 6-10)."

This change is made to correct an error in the Proposed Finding of Fact #2 description of the historical situation of Ms. Lien's position and is based on the uncontested assertion of Ms. Lien in her objections to the Proposed Decision.

An additional Finding of Fact is added after Finding of Fact #7.

The new Finding of Fact #8 is as follows:

"8. Appellants' duties at the time of the reallocations were: 'To coordinate and direct the activities of the mileage Certification Group of the Network Statistics Section. The major objectives of the group include the annual mileage certification of local roads (urban and rural), maintenance of the local road inventory files, and production of highway statistical data reports.' (Respondent's Exhibit #2)."

This Finding #8 is added to the Decision and Order in order to clarify the basic finding on which the hearing examiner's ultimate Finding of Fact on the proper classification of appellants' positions as a result of the October, 1979, reallocation was based.

As a result of the addition of Finding of Fact #8 to the Decision and Order, the Proposed Findings of Fact #8, #9, #10, #11 are renumbered as Findings of Fact #9, #10, #11, #12, respectively in the Decision and Order.

Dated April 3, 1981

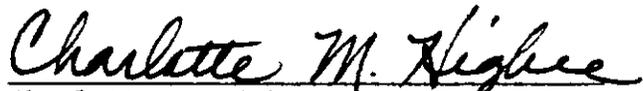
STATE PERSONNEL COMMISSION

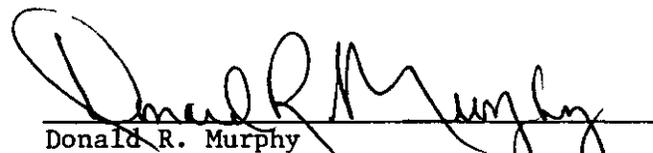
Parties:

Ms. Mary Marsden
Ms. Violet Lien
DOT, Rm. 901
4802 Sheboygan Ave.
Madison, WI 53707

Mr. Lowell Jackson
DOT
4802 Sheboygan Ave.
Madison, WI 53707

Mr. Charles Grapentine
Division of Personnel
149 E. Wilson St.
Madison, WI 53702


Charlotte M. Higbee
Chairperson


Donald R. Murphy
Commissioner


Gordon H. Brehm
Commissioner

* * * * *

VIOLET LIEN & MARY MARSDEN,
 Appellants,

v.
 Secretary, DEPARTMENT OF
 TRANSPORTATION, and Admin-
 istrator, DIVISION OF PERSONNEL,
 Respondents.

Case Nos. 80-27,30-PC

* * * * *

PROPOSED
 DECISION
 AND
 ORDER

NATURE OF THE CASE

This is a consolidated appeal pursuant to §230.44(1)(a), Wis. Stats., of the reallocation of the appellants' positions from Management Information Technician 2 (PR 6-08) to Engineering Technician 3 (PR 6-10). A hearing on this appeal was held by Commissioner Gordon H. Brehm on October 23, 1980.

FINDINGS OF FACT

1. The appellants at all times relevant have been employed by the State of Wisconsin Department of Transportation.
2. The appellants' positions were reallocated as part of a statewide data processing survey effective in October, 1979 from Management Information Technician 2 (PR 6-08) to Engineering Technician 3 (PR 6-10).
3. Appellants' work in the Department of Transportation's Bureau of Data Management in the Division of Planning and Budget and are responsible for the operation of the bureau's "Local Road Inventory and Mileage Certification System."

4. Shortly after the October, 1979, reallocation of the appellants' positions, the DOT began implementation of a program to decentralize the "Local Road Inventory and Mileage Certification System." This program included computerizing the system. Computer terminals were installed in highway district offices so that the offices could send in the necessary information to the central computer in the DOT Madison office.

5. The decentralization of the "Local Road Inventory and Mileage Certification System" substantially changed the work assignments of the appellants as reflected by the new position descriptions prepared for the appellants (Respondent's Exhibits 1 & 4).

6. As a result of the changes in the work assignments of the appellants, Ms. Lien and Ms. Marsden were reclassified from Engineering Technician 3 (PR 6-10) to Engineering Technician 4 (PR 14-02), effective June 1, 1980 (Respondent's Exhibits 1 & 4).

7. By letter dated October 16, 1980, respondent requested that the issue in these appeals be amended as follows:

"Whether or not the administrator's decision to reclassify the appellants' positions from Engineering Technician 3 (PR 6-10) to Engineering Technician 4 (PR 14-02) was correct? Subissue: Are the appellants' positions properly classified Engineering Technician 4 (PR 14-02) or 5 (PR 14-04)?"

8. According to the updated position descriptions of the appellants dated July, 1980, a summary of their job duties is as follows:

"Provide technical and procedural expertise required to functionally guide, monitor, coordinate and develop the decentralized statewide operations of the 'Local Road Inventory and Mileage Certification System.' Produce statewide statistical and inventory related reports and publications; and provide technical assistance in other highway inventory related special studies and data maintenance." (Respondent's Exhibits 1 & 4).

9. The Position Standards for the relevant Engineering Technician

Series are as follows (Respondent's Exhibit 10):

ENGINEERING TECHNICIAN 3 (PR 6-10)

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.

ENGINEERING TECHNICIAN 4 (14-02)

Under supervision, performs difficult and complex technical and/or supervisory 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.

ENGINEERING TECHNICIAN 5 (PR 14-04)

Under 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. Such duties would be as district quality control supervisor, marking and signing supervisor (complex), right-of-way plant coordinator, location crew chief (complex), project supervisor (large), or assistant area maintenance supervisor; or in the central office, supervisor of design services, quality control, O-D studies, or planning and research studies. Also may perform related work as required. Incumbent must have thorough knowledge of program areas, and ability to organize, supervise, and direct technicians in accomplishment of

specific work objectives. Must have thorough understanding of plans and specifications, and have ability to interpret and apply same. Must have extensive background in geometry and trigonometry, and/or be able to coordinate and schedule own activities with those of other related work areas, both to obtain and to give necessary and timely information.

10. At the time of the reallocation, the duties and responsibilities of the appellants' positions were better described by the position standards for Engineering Technician 3 than by the position standards for Engineering Technician 4 or 5.

11. At the time of the reclassifications, the duties and responsibilities of the appellants' positions were better described by the position standards for Engineering Technician 4 than by the position standards for Engineering Technician 5.

CONCLUSIONS OF LAW

1. This matter is appropriately before the Commission pursuant to §230.44(1)(a), Wis. Stats.

2. The appellants have the burden of proving that the respondent's reallocation of appellants' positions from Management Information Technician 2 (PR 6-08) to Engineering Technician 3 (PR 6-10) was not correct.

3. The appellants failed to sustain that burden.

4. The respondent's denial of the requests by the appellants for reallocating their positions to Engineering Technician 5 (PR 14-04) was correct.

OPINION

These positions were originally reallocated in October, 1979 as part of a statewide data processing survey. Almost immediately after the survey and reallocation was completed, the DOT Division of Planning and Budget began implementing a decentralization program for the "Local Road Inventory and Mileage Certification System." This substantially changed the job duties of the appellants.

On January 22, 1980, Bill Stambaugh, Director of the DOT Bureau of Data Management, sent a memorandum to John Roslak, DOT Director of Personnel, requesting that the reallocation of the appellants' positions be reviewed. The memo pointed out that new position descriptions had been drawn up for the appellants on the basis of the change in their job duties resulting from the decentralization (Respondent's Exhibit 7). The appellants were then subsequently reclassified from Engineering Technician 3 to Engineering Technician 4, effective June 1, 1980. Neither appellant appealed the reclassification actions.

Both appellants, in their appeals of their reallocations, had requested that they be reallocated to Engineering Technicians 4 or 5. Stambaugh's January 22, 1980, memo, which was prepared by John F. Pamperin, chief of the DOT Transportation Network Data Section, stated that "we feel that the subject positions should be more correctly reallocated to either the Engineering Technician 5 (ET 5) or ET 4 level..." Appellants testified that one of the reasons they feel their positions should more properly be classified as ET 5 was because Orville Evenson, who supervised the road certification program prior to his retirement a few years ago, was classified as an ET 5.

However, there is no question that the job duties and responsibilities have been changed considerably by the decentralization of the program.

James Zegers, a DOT personnel specialist, testified that the appellants now share the duties that Evenson was responsible for and that Evenson had additional supervisory responsibilities that the appellants do not have (see Respondent's Exhibit 30).

Zegers also testified that Jerome Olson, Richard Reed, Joseph Rocki, Gary Yapp, Arlo Tesner, and Larry Frank, all of whom are responsible for the road certification program in DOT district offices around the state and are classified as ET 5, function as lead workers with supervisory responsibilities and have responsibility for additional programs which require a higher level of engineering judgment than that required by appellants' positions (see Respondent's Exhibits 23,24,25,26,27,29).

There appears to be no dispute that appellants' positions were in a state of change because of the decentralization program at the time of the reallocation in October, 1979. When the decentralization program resulted in additional duties and responsibilities and a higher degree of technical knowledge on the part of the appellants' positions, respondent properly reclassified the positions in June, 1980.

From all the evidence and testimony presented at the hearing, the Commission concludes that the Engineering Technician 4 classification best fits the appellants' positions now and that the proper classification at the time of the reallocation was Engineering Technician 3.

ORDER

The respondent's actions in reallocating appellant's positions from Management Information Technician 2 to Engineering Technician 3 and subsequent reclassifications to Engineering Technician 4 are affirmed and these appeals are dismissed.

Dated _____, 1981

STATE PERSONNEL COMMISSION

Charlotte M. Higbee
Chairperson

Donald R. Murphy
Commissioner

Gordon H. Brehm
Commissioner

GHB:mek

Parties:

Ms. Violet Lien
DOT
P.O. Box 7913, Rm. 901
4802 Sheboygan Avenue
Madison, WI 53707

Ms. Mary Marsden
DOT, Rm. 901
4802 Sheboygan Avenue
Madison, WI 53707

Mr. Charles Grapentine
Division of Personnel
149 E. Wilson St.
Madison, WI 53702

Mr. Lowell Jackson
DOT
4802 Sheboygan Ave.
Madison, WI 53707