
 *
 JAMES W. JOBELIUS, and *
 ROBERT P. HERALD, *
 *
 Appellants, *
 *
 v. *
 *
 Secretary, DIVISION OF *
 PERSONNEL, *
 *
 Respondent. *
 *
 Case No. 80-306-PC and *
 80-250-PC *
 *


ORDER

The Commission adopts the attached Proposed Decision and Order in this matter as the decision of the Commission with the following modification. The first full sentence on page three of the Proposed Decision is removed and the following language inserted:

Appellants' job duties also parallel duties performed by employees in the department classified at the Real Estate Agent 5 level who were referred to during the course of the hearing.

Dated: Jan 8, 1982

STATE PERSONNEL COMMISSION


 DONALD R. MURPHY
 Chairperson

KMS:ers

Parties

James Jobelius
 551, 4802 Sheboygan Ave.
 Madison, WI 53707

Robert Herald
 5101 Shorecrest Dr.
 Middleton, WI 53562

Charles Grapentine
 149 E. Wilson St.
 Madison, WI 53702

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PROPOSED DECISION
 AND
 ORDER

NATURE OF THE CASE

These two cases involve reclassification. They were consolidated because in each instance the issue was the same and the respondent's witnesses were the same.

FINDINGS OF FACT

1. At all times material to this proceeding, the appellants have been employed by the Department of Transportation (DOT) in the classified civil service.

James W. Jobelius started with DOT in 1970 as a Real Estate Agent 2. Since that time he has progressed through the real estate series and in July, 1980, was reclassified Real Estate Agent 4. Subsequently, Jobelius made a timely appeal of his reclassification by the Division of Personnel to the Commission.

Appellant Robert P. Herald began his employment with DOT in 1972. Similarly to Jobelius, as the result of a reclassification request, Herald was reclassified to Real Estate Agent 4 in July, 1980. He appealed his reclassification to the Commission, well within the statutory time requirements.

2. The appellants allege that they are incorrectly classified at the Real Estate Agent 4 (PR 1-14) level and should be classified Real Estate Agent 5's, or--in Herald's case--Real Estate Agent Supervisor.

3. There are 31 employes in the bureau; the real estate section consists of a Real Estate Manager and the appellants. At the time material to the reclassification, the appellants worked in the real estate sub-unit of the Bureau of Aeronautics, assisting in the administration and implementation of all the bureau's right-of-way functions. Jobelius worked primarily as a project manager and coordinator--directing land acquisition and relocation assistance programs, reviewing appraisals, and establishing proposed price offers. Herald's main tasks were acquiring and disposing of property. This included negotiating with owners and their attorneys, coordinating the activities of appraisers, relocation specialists and attorneys, directing and closing property transactions, and monitoring projects to assure completion.

4. The class description for Real Estate Agent 5 distinguishes such positions from the preceding lower level as follows:

"The program coordinators in this class are differentiated from those of the preceding level by the scope of the programs coordinated and the program's impact upon the organization's overall real estate functions."

The class specifications for Real Estate Supervisor require that employes in these positions supervise in sub-units of district offices or assist in supervising in the central office.

5. Portions of appellants' job duties compare favorably with the Real Estate Agent 4 classification specifications. However, appellants function as central office appraisers and coordinators, duties which are at

the Real Estate Agent 5 level. Appellants' job duties also parallel duties performed by other employes in the department classified at the Real Estate Agent 5 level.

6. Appellants' positions are better described by the Real Estate Agent 5 class specifications.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction to hear and decide this matter.
2. The burden of proof which was upon the appellants was sustained.
3. The respondent's decision to reclassify appellants to the Real Estate Agent 4 level was incorrect.
4. The appellants are more appropriately classified at the Real Estate Agent 5 level.

OPINION

It is clear from the evidence that the majority of appellants' duties were at the Real Estate Agent 5 level. Composing a small unit, they had field and central office responsibilities for initial real estate appraisals and project coordination, acted as the final technical review for property appraisals and established proposed offers of price for land acquisitions. Within that context they had full responsibility to manage and coordinate assigned airport improvement projects.

The respondent acknowledged that appraisal reviews performed by appellants were at the requested classification level, but contended the scope and impact of the programs coordinated by appellants, in contrast to those in the Division of Highways real estate bureau, were at the preceding level. In essence, the respondent equated program scope and impact with land acquisition

numbers and dollar volume amounts. While respondent's argument is appreciated, we have consistently held that volume may not be a synonym for complexity, and in the instant case, the evidence does not support respondent's position. It is clear from the testimony that the range of extent of the majority of appellants' duties compare with real estate agent positions in the Division of Highways at the five level. It is also apparent that land acquisition, whether for highways or airports, have parallel relationships and impact upon their respective programs.

ORDER

The decisions of the respondent Division of Personnel to deny appellants' reclassification requests are rejected and remanded to respondents for action in accordance with this decision.

Dated _____, 1981

STATE PERSONNEL COMMISSION

Donald R. Murphy
Chairperson

Parties:

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