

STATE OF WISCONSIN

PERSONNEL COMMISSION

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EDWARD M. MILLER,
 Appellant,

v.

Administrator, DIVISION OF
PERSONNEL,
 Respondent.

Case No. 82-236-PC

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DECISION
AND
ORDER

This case is an appeal by the appellant, Edward M. Miller of the decision of the respondent Division of Personnel to deny a request to reclassify his position from Chemist Supervisor 2 to Chemist Supervisor 3. The following findings are based upon a hearing on the merits.

FINDINGS OF FACT

1. At all times relevant to this controversy, the appellant was a state classified civil service employe with permanent status and employed by the Department of Natural Resources, Southeast District Air Monitoring unit as a Chemist Supervisor 2.

2. On June 30, 1981, the appellant's first-line supervisor made a formal request to his District district director for reclassification of appellant's position from Chemist Supervisor 2 to Chemist Supervisor 3. The position held by the appellant was reviewed by a DNR classification specialist, including on-site audits, discussions with the appellant and his immediate supervisor, analysis of the Chemist Supervisor 2 and 3 classification specifications and a review of comparable positions. The agency's classification specialist, upon completing her review of

appellant's position in June of 1982, determined that Chemist Supervisor 3's were responsible for directing an entire laboratory rather than supervising a specific section of a total program such as was his case, and therefore his position was appropriately classified as a Chemist Supervisor 2.

3. The appellant made a request to the DNR personnel director for a re-review of the decision by the classification specialist. As provided by the personnel administrative rules, the appellant's request was forwarded to the respondent for review.

4. Upon receipt of appellant's request for review, the respondent directed one of its personnel specialists to review the position. The review consisted of an examination of all materials submitted by DNR, an examination of the applicable classification specifications, an on-site audit of the position and discussions with the appellant and his immediate supervisor, an on-site audit of a DNR position classified at the Chemist Supervisor 3 level, consideration of changes in appellant's position since previously reviewed, and comparisons of appellant's position with other Chemist 2 and 3 positions in state service.

5. The respondent's personnel specialist observed that the following changes had occurred in the appellant's position since it was last reviewed:

An increase in the number of continuous monitoring sites and parameters measured;

An increase in the complexity of the quality control and quality assurance requirements;

The addition of responsibility for the certification of calibration standards used statewide;

An increase in the complexity of the electronics, technology and methodology involved in the monitoring operation; and

An increase in the level of independence in the performance of administrative work involved in supervising the laboratory and monitoring activities.

6. By a letter dated November 3, 1982, the respondent's personnel specialist informed the appellant that the respondent agreed with the decision of DNR regarding the appropriate classification of his position. The appellant appealed the respondent's reclassification decision to this Commission within thirty days after receiving notice of the decision.

7. In summary, the appellant was responsible for supervising the Southeast District air monitoring operations unit, for directing and initiating site installations, for assisting in planning activities for manpower, budgets and training and acting as first-line supervisor. Sixty-five percent of appellant's time is devoted to supervising the air monitoring operations unit. Another twenty percent of his time is spent supervising and initiating the purchase of the air monitoring stations' equipment. The remainder of appellant's time is spent supervising four employees (10%) and assisting in related planning activities (5%).

8. Descriptions of Chemist Supervisor 2 and 3 level positions as set forth in the state classification specifications are as follows:

Chemist Supervisor 2

Class Description

Definition:

This is responsible professional supervisory work performed in a specific section of a state laboratory. Employees in this class direct activities of personnel in their section, perform complex chemical analysis, interpret test results and act in a public relations capacity for the department on professional matters. General supervision and evaluation is received from higher level administrative laboratory personnel.

Chemist Supervisor 3

Class Description

Definition:

This is advanced professional supervisory work in chemical analysis in a large state laboratory such as one found in the General Laboratory Division of the Department of Agriculture. Employees in this class are responsible for planning, coordinating and directing the work performed in a state laboratory or evaluation unit and will act as an expert consultant on chemical analysis. Positions identified in this class differ from those supervisors at lower levels by the size of the laboratory, the complexity of programs and the degree of supervision received. Work is performed under the general supervision of an administrative head primarily through conferences and evaluation of program results.

9. Appellant's position does not compare favorably with other positions in state service at the Chemist Supervisor 3 level with respect to such classification specification factors as size of laboratory, complexity of programs and degree of supervision. The Chemist Supervisor 3 position in the DNR central office, in contrast to appellant's supervision of one unit, is responsible for supervising three district programs and coordinating certain centralized aspects of the air monitoring program, which includes some control over the Southeast District air monitoring program.

10. The appellant's position is more appropriately classified as the Chemist Supervisor 2 level.

CONCLUSIONS OF LAW

1. The Personnel Commission has jurisdiction over the subject matter in this case.

2. The appellant has the burden of proving, by the greater weight of credible evidence, that respondent's decision to deny reclassification of the position held by the appellant from Chemist Supervisor 2 to Chemist Supervisor 3 was incorrect.

3. The appellant has failed to sustain his burden of proof.
4. Respondent's decision that appellant's position was appropriately classified at the Chemist Supervisor 2 level was correct.

OPINION

The state classified civil service classification specifications differentiates Chemist 3 positions from Chemist Supervisor 2 positions on the bases of laboratory unit size, complexity of programs and the degree of supervision over the position. The appellant's position was compared with other Chemist Supervisor 2 and 3 positions in state service with respect to the variables listed in the classification specifications.

Particular attention was given to comparing appellant's duties in the Southeast District, Air Monitoring Operations unit with a Chemist Supervisor 3 position in the Air Monitoring Section of the Bureau of Air Management in the central office of DNR, held by a Bruce C. Rodger.

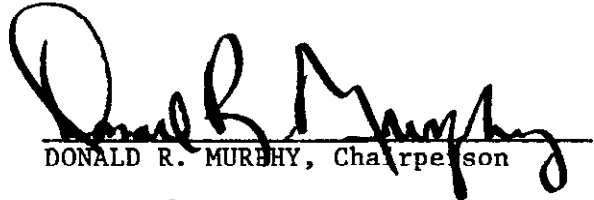
While the appellant's position contained certain air monitoring functions similar to Mr. Rodger's, the position held by Rodger was responsible for a larger operation. Also, Mr. Rodger's position had attached to it several statewide activities related to the air monitoring program. These central office responsibilities are greater in variety and scope than appellant's.

It is for the reasons expressed above and based upon the record of the hearing that the examiner believes the respondent's decision should be affirmed.

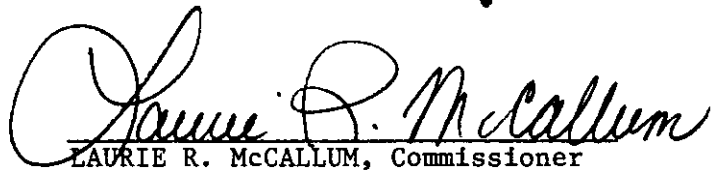
ORDER

IT IS HEREBY ORDERED that respondent's decision be affirmed and this appeal is dismissed.

Dated: December 22, 1983 STATE PERSONNEL COMMISSION


DONALD R. MURPHY, Chairperson

DRM:jmf


LAURIE R. McCALLUM, Commissioner


DENNIS P. MCGILLIGAN, Commissioner

Parties:

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*Pursuant to the provisions of 1983 Wisconsin Act 27, published on July 1, 1983, the authority previously held by the Administrator, Division of Personnel over classification matters is now held by the Secretary, Department of Employment Relations.