

STATE OF WISCONSIN

PERSONNEL COMMISSION

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 \*  
 JOHN K. BRAUN and \*  
 ROBERT S. MERILA, \*  
 \*  
                   Appellants, \*  
 \*  
 v. \*  
 \*  
 Secretary, DEPARTMENT OF \*  
 TRANSPORTATION & \*  
 Administrator, DIVISION OF \*  
 PERSONNEL, \*  
 \*  
                   Respondents. \*  
 \*  
 Case Nos. 82-144-PC \*  
           82-159-PC \*  
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 \* \* \* \* \*

DECISION  
AND  
ORDER

This case is before the Personnel Commission on appeals by appellants John R. Braun and Robert S. Merila of decisions by the respondents denying reclassification of their respective positions to the Engineering Technician 5 level. The two cases were consolidated and heard by a Commission hearing examiner.

FINDINGS OF FACT

1. Appellants John R. Braun and Robert S. Merila, state classified civil service employees with permanent status, are employed by the Department of Transportation (DOT) and work at Transportation District Number 7, Rhinelander, WI and Transportation District Number 8, Superior, WI, respectively.

2. In January, 1982, the District Director of Transportation District 7 made a request to DOT Personnel for reclassification of the position held by appellant Braun from Engineering Technician 4 (ET-4) to Engineering Technician 5 (ET-5).

3. In February, 1982 the District Director of Transportation District 8 made a request to DOT Personnel for reclassification of the position held by appellant Merila from ET-4 to ET-5.

4. After a job audit by its Personnel Specialist, DOT denied the requests for reclassification of the appellants' positions. Both appellants appealed the reclassification request denials to this Commission within thirty days of receipt of the denial decisions.

5. Mr. Braun's job responsibilities consisted of assisting the District Chief Construction Engineer with construction administration. Sixty percent of his time was scheduled for district construction administrative functions, twenty-five percent for budget and project scheduling, and fifteen percent for equal opportunity labor contract compliance administration.

6. Mr. Merila, similar to Braun, spent sixty-five percent of his time administering construction functions, twenty-five percent acting labor contract compliance coordinator, eight percent preparing railroad crossing signal projects, and two percent providing first aid training to District 5 personnel.

7. In summary, the appellants primarily prepared, processed and kept records of all documents associated with each construction project in their district. This information was used to support periodic progress payments to contractors. At the completion of the project, each appellant was responsible for assembling all project records; performing a final desk audit of the plans, cross-sections, field diaries, change orders, and other project records; verifying the accuracy of the project records and sending this data to the central office in Madison for review prior to final payment to the contractor.

8. The state position standards for Engineering Technician 4 and 5 positions are as follows:

ENGINEERING TECHNICIAN 4 (SR 1-11)

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 plant 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 (SR 1-13)

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 plat 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.

The Engineering Technician Series Position Standards, which includes the above position standards, were approved May, 1967.

9. The positions of the appellants are comparable to other positions at the ET-4 level.

10. The appellants' positions are better suited to the ET-4 classification than the ET-5 classification.

#### CONCLUSIONS OF LAW

1. These matters are properly before the Commission pursuant to §230.44(1)(b) stats.

2. The appellants have the burden of proving that respondent erred in the request to reclassify their positions from ET-4 to ET-5.

3. The appellants have not sustained their burden of proof.

4. The respondent did not err in denying the request to reclassify appellants' positions from ET-4 to ET-5.

#### OPINION

The undisputed testimony in this case was that in 1974, the respondent, with the approval of the Division of Personnel, established a new working title of Construction Service Technician for the positions currently held by the appellants and upgraded such positions from ET-2 to ET-4. One of the positions used as a bench mark for the upgrade was that of appellant Braun. Since 1974, appellants' positions have not appreciably changed.

The Construction Services Technician position, held by the appellants, is an administrative office position, which requires technical engineering knowledge and supports field operations through the preparation of records, documents and reports, using data supplied by field personnel, with the function of providing documentation for pay estimates.

In reviewing the position standard and allocation pattern for ET-5 positions, we observe that, in contrast to appellants' positions, typical positions allocated to the ET-5 level have greater program responsibilities. This is exemplified by an Assistant Area Supervisor who has responsibility for making field decisions and is accountable for the maintenance program in a specific area. Appellants' positions lack the extent and level of decision making found in ET-5 positions.

Appellant John Braun asserts that his position is at the ET-5 level because he is responsible for final estimate documentation budgeting project staffing. We disagree, in Kailin v. University of Wisconsin and Burghess, Case No. 73-124 (11-28-75), this body held as follows:

In appeals of reclassification denials, it is usually the case that the employe's duties and responsibilities overlap in some respects both of the class specifications in question. The employe is not entitled to reclassification because some aspects of his work fall within the higher class. Resolution of the question involves a weighing of the specifications and the actual work performed to determine which classification best fits the position. An exact fit is very rarely possible.

We believe the above holding applies in the present case.

For reasons previously expressed, and based upon the evidence presented, we conclude that we must uphold the reclassification denials.

ORDER

Respondent's denial of appellants' request for reclassification is affirmed and this appeal is dismissed.

Dated: June 9, 1983 STATE PERSONNEL COMMISSION

  
DONALD R. MURPHY, Chairperson

  
LAURIE R. McCALLUM, Commissioner

DRM:lmr

Parties:

John K. Braun  
1340 Eagle Street  
Rhineland, WI 54501

Robert S. Merila  
P.O. Box 68  
Wentworth, WI 54894

Lowell Jackson  
Secretary, DOT  
P.O. Box 7910  
Madison, WI 53707