

* * * * *

KOTECKI et al.,

Appellant,

v.

Secretary, DEPARTMENT OF
TRANSPORTATION and
Administrator, DIVISION OF
PERSONNEL,

Respondents.

Case No. 82-34, 35, 36, 56,
59, 62, 63-PC

* * * * *

DECISION
AND
ORDER

These matters are before the Commission as appeals from a delegated decision of the respondent DOT, denying the appellants' reclassification requests. The issue, as determined by order of the hearing examiner, reads:

Whether the respondent's decision denying the reclassification of appellants' positions from Motor Vehicle Inspector 1 (PA5-08) to Motor Vehicle Inspector 2 (PR5-10) was correct.

FINDINGS OF FACT

1. Each of the appellants is currently classified as a Motor Vehicle Inspector 1 (MVI-1).
2. The current class specifications for both the MVI-1 and MVI-2 classification have been unchanged since September, 1967. The classifications are defined as follows:

MVI-1

This is technical work in the enforcement of state motor carrier laws and regulations. Employees in this class are responsible for enforcement of state laws relating to motor carriers; and they are empowered to make arrests for violations of these laws and regulations. The work involves operation of state trucking weighing stations for the purpose of

MVI-1 (continued)

detecting violations of motor carrier laws and may include some patrolling of public highways. Work also includes inspection of school buses, trucks, and other motor vehicles for compliance of motor vehicle safety equipment, laws and regulations. Employees work independently in the field and work is reviewed by technical supervisors.

MVI-2

This is specialized or technical investigation work to insure compliance with various motor vehicle laws and regulations. An employee in this class is responsible for investigative work relating to registration, driver control, revocation and suspension, safety responsibility and automobile and salvage dealers with authority to confiscate registration plates and drivers licenses when irregularities occur. An employee must organize and complete work with little supervision especially in regard to undercover investigations, while comprehensive reports of each case are reviewed by administrative supervisors.

3. At all relevant times, the only method for an MVI-1 to reach the 2 level has been via promotional examination.

4. Until August, 1980, the functional distinction between level 1 and level 2 of the MVI series was clear. MVI-1's were uniformed inspectors who worked at weigh stations with, predominantly, motor carrier enforcement and school bus inspection duties. Any investigative work performed by the MVI's was, for the most part, performed at the weigh station and was incidental to their own inspections. In contrast, MVI-2's wore civilian clothes and drove unmarked cars. The majority of their duties involved the conducting of investigations that were generated by other law enforcement personnel.

5. In August of 1980, there was a drastic change made in the duties performed by the MVI-2's. At that time, the bulk of the MVI-2's investigative functions were abolished.

6. Since August of 1980, MVI-2's have been put in uniform and have been assigned to perform work that previously had been performed by MVI-1's. MVI-1's and 2's are currently performing substantially similar functions so that a functional integration of MVI-1 and 2 personnel has occurred. As a consequence of the changes occurring in August of 1980, the MVI-1's have experienced a minimal increase in the percentage of time that they spend conducting investigations. They have also assumed some additional training functions.

7. MVI-1's currently spend, on the average, approximately 10% of their time conducting investigations. The vast majority of the remainder of the duties assigned to MVI is motor carrier and school bus inspection work that falls within the MVI-1 class specifications.

8. Appellants' duties and responsibilities are better described by the MVI-1 classification standard than the MVI-2 classification standard.

CONCLUSIONS OF LAW

1. These matters are appropriately before the Commission pursuant to §230.44(1)(b), Wis. Stats.

2. The appellants have the burden of proving that the respondent's decision denying the reclassification of appellants' positions from MVI-1 to MVI-2 was incorrect.

3. The appellants have failed to meet that burden of proof.

4. Respondent's decision denying the reclassification of appellant's positions was correct.

OPINION

These appeals are based primarily on the fact, as essentially conceded by the respondent, that MVI-1's in pay range 8 and MVI-2's in pay range 10 are performing substantially identical duties. The dissatisfaction of the appellants with these circumstances is understandable. Respondent concedes that, based on

their duties since mid-1980, the MVI-2's are over-classified. The respondent has decided against downgrading the MVI-2's given the classification survey of the Inspector series that has been scheduled, and delayed, for over a year. Respondent assumes that the survey, and resultant reallocation should eliminate the existing problem of the MVI-2 classification.

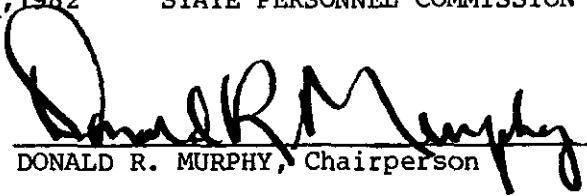
The issues of whether the MVI-2's are improperly classified, whether or not a survey will ever be conducted and/or the adequacy of the existing classification are all beyond the scope of the Commission's authority to consider, at least in this case. The only issue prescribed here is whether the positions held by the appellants fit better within the existing specifications for the MVI-1 and 2 classifications.

The appellants attempted to show that there have, in fact, been significant changes in the duties assigned to MVI-1's in recent years. It is undisputed that the MVI-1's now conduct a somewhat larger number and variety of inspections than previously. It is also clear that some additional training, responsibilities have recently been assigned to the MVI-1's. However, there was no showing by the appellants that these changes have resulted in duties that, in the majority, constitute the "specialized or technical investigation" and related work that is described in the MVI-2 class specifications. To the contrary, the evidence suggests that approximately 80% of the duties performed by the appellant inspectors consists of motor carrier inspection and school bus inspection duties that are specifically included within the MVI-1 classification specifications.

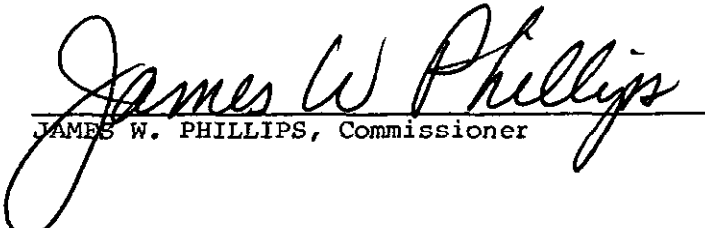
ORDER

The respondents' reclassification decision is affirmed and these appeals are dismissed.

Dated: August 5, 1982 STATE PERSONNEL COMMISSION


DONALD R. MURPHY, Chairperson


LAURIE R. McCALLUM, Commissioner


JAMES W. PHILLIPS, Commissioner

KMS:jmf

Parties:

Florian Kotecki
Route 1
Oconto, WI 54153

Patrick Bouche
124 Hillside
Oconto Falls, WI 54154

Kenneth Besiada
2466 Bonney Oak Drive
Mosinee, WI 54455

W. P. Muschinski
Route 2, Box 638
Plainfield, WI 54966

Owen Ayres
Secretary, DOT
P. O. Box 7910
Madison, WI 53707

George Whalen
424 Indiana Avenue
Stevens Point, WI 54481

Charles Grapentine, Administrator
DP
P. O. Box 7855
Madison, WI 53707

Jim Mendoza
821 Berlin Street
Waupaca, WI 54981

John Steffek
1135 Shadow Lane
Green Bay, WI 54304