

STATE OF WISCONSIN

PERSONNEL COMMISSION

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DONALD M. CHATFIELD,
Appellant,

v.

Secretary, DEPARTMENT OF
TRANSPORTATION and
Secretary, DEPARTMENT OF
EMPLOYMENT RELATIONS,
Respondent.

Case No. 83-0171-PC

* * * * *

DECISION
AND
ORDER

NATURE OF THE CASE

This is an appeal of the denial of a request for reclassification of the appellant's position from Planning Analyst 2 (PA2) to Planning Analyst 3 (PA3), which was effectuated by the Department of Transportation (DOT) on a delegated basis pursuant to §230.05(2)(a), Stats.

FINDINGS OF FACT

1. At all material times the appellant has been employed in the classified service by DOT in District 8 (Superior) in a position with the working title of District Transit Coordinator.

2. The duties and responsibilities of the appellant's position are as set forth in his position description dated April 20, 1982, Appellant's Exhibit 12, which is incorporated by reference as if fully set forth as the Commission's finding.

3. The class specifications for Planning Analyst 2, Appellant's Exhibit 1, contains the following definition and examples of work performed:

Planning Analyst 2

SRI-12

Characteristic Work of the Class

Definition:

This is professional entrance level planning work. Employees in this class perform long-range planning work requiring skills from a variety of educational backgrounds which may be applied in one of three specific programs: Agency Planning, Local and Regional Planning, Statewide Comprehensive Planning.

* * *

Local and Regional Planner

Employees in this class perform comprehensive long-range planning work of a professional nature in local and regional planning including the assembly and analysis of basic planning data and preliminary design work on comprehensive plans, and/or to assume major responsibility for providing technical assistance on complex, specific planning problems to local units of government; and to perform related work as required under supervision.

* * *

Local and Regional Planner

Develops major portions of comprehensive plans for villages and small cities where few complex planning problems are involved or selected phases of comprehensive plan for a larger and more complex community.

Compiles and analyzes census and other basic data.

Prepares preliminary drafts of zoning, subdivision or official map ordinances for smaller communities.

Assists in coordinating local and regional needs with functional agency and Bureau of Planning services.

Makes land use surveys and compiles development data in smaller communities.

Assists in developing capital improvement programs for localities and regions.

May make initial contacts with local community officials relating to planning projects.

Records planning data and outlines preliminary analysis of data on which public facilities are based.

Assists in preparing economic, sociological studies of cities or regions.

Compiles and analyzes data for reports on statewide plans.

Keeps records and makes reports.

Encourages local and regional agencies to develop and use their own planning capabilities to maximum potential.

4. The class specifications for PA3, Appellant's Exhibit 2, contain the following definitions and examples of work performed:

Planning Analyst 3

SRI-14

Characteristic Work of the Class

Definition:

This is senior professional level planning work. Employees in this class perform long-range planning work requiring skills from a variety of educational backgrounds which may be applied in one of three specific programs: Agency Planning, Local and Regional Planning, Statewide Comprehensive Planning.

* * *

Local and Regional Planner

Employees in this class perform complex, professional planning work in connection with the development of comprehensive plans and plan implementation programs including regulatory ordinances and capital improvement programs for localities within the state under general supervision.

* * *

Local and Regional Planner

Develops major segments of comprehensive plans for cities where complex planning problems are involved.

Makes initial contacts with local community officials relating to planning projects.

Coordinates the compilation and analysis of social and economic data.

Coordinates local and regional needs with functional agency and Bureau of Planning Services.

Coordinates the making of land use surveys and the compilations and analysis of such data.

Coordinates the preparation of public facilities plans and capital improvement programs for smaller communities.

Prepares drafts of reports on local plans.

Advises and assists communities in analyses of planning needs.

Prepares workable programs and drafts of planning reconnaissance reports.

Keeps records and makes reports.

Encourages local and regional agencies to develop and use their own planning capabilities to maximum potential.

5. Other positions which form a basis for comparison with the position in question for the purpose of classification analysis are as follows:

- a. District Transit and Aids Planner, Transportation District 1 (Madison), PA2, Michael J. Brolin, incumbent. The duties and responsibilities of this position are as set forth in his position description, Appellant's Exhibit 7, which is incorporated by reference as if

fully set forth. The duties and responsibilities of this position are comparable to the appellant's position in that, in summary, for the most part it is involved in assisting, reviewing, and monitoring with respect to local governments' requests for state and federal mass transit aid, and reviewing and monitoring local grants and transportation aids programs. While the appellant's position involves some planning activities which appear to be at a higher level than this position, the great majority involves day-to-day administration of transit assistance programs at the local level, which includes providing technical assistance to local units of government with respect to grant requests, reviewing applications, and monitoring local operations and use of funds.

b. Transit/Ridesharing Project Manager, District 6 (Eau Claire), Norbert A. Lehmann, incumbent, Civil Engineer 3 Transportation (CE3). The duties and responsibilities of this position are as set forth in the position description marked Appellant's Exhibit 11, which is incorporated by reference as if fully set forth. The duties and responsibilities of this position are comparable to those of the appellant's position for the purposes of classification analysis. In summary, both positions are heavily involved in providing technical assistance to and monitoring the operations of local transit programs.

c. Planning Analyst, District 2 (Waukesha), Robert G. Anderson, incumbent, PA3. The duties and responsibilities of this position are as set forth in the position description marked Appellant's Exhibit 6, which is incorporated by reference as if fully set forth. The duties and responsibilities of this position cannot be said, on the basis of this record, to compare favorably with the appellant's position. In

summary, Mr. Anderson's position is more technical and engineering-oriented than the appellant's position and functions in an urban area presenting more complex issues than are commonly associated with a rural area such as is found in the Superior district.

d. Transit Planner, Division of Transportation Assistance (Madison), Gail B. Hooker, incumbent, PA3. The duties and responsibilities of this position are as set forth in the position description marked Appellant's Exhibit 9, which is incorporated by reference as if fully set forth. The duties and responsibilities of this position are at a higher level from a classification standpoint than those of the appellant's position. In summary, Ms. Hooker's position is involved in the planning, coordinating, and monitoring of district offices, and in developing policies and procedures for transit programs, as opposed to the predominantly day-to-day administrative activities of the appellant's position.

e. Manager, Wisconsin Rideshare Program, Division of Transportation Assistance (Madison), Rhonda Wiley-Jones, incumbent, PA3. The duties and responsibilities of this position are as set forth on Appellant's Exhibit 8, which is incorporated by reference as if fully set forth. The duties and responsibilities of this position are at a higher level from a classification standpoint than those of the appellant's position. In summary, Ms. Wiley-Jones' position is involved in the planning, coordinating and monitoring of district offices, and in developing policies and procedures for transit programs, as opposed to the predominantly day-to-day administrative activities of the appellant's position.

6. The appellant's position is better described by the class specifications for PA2 than by those for PA3, and his position is most appropriately classified as PA2.

CONCLUSIONS OF LAW

1. This appeal is properly before the Commission pursuant to §230.44 (1)(b), Stats.

2. The appellant has the burden of proof of establishing the requisite facts to a reasonable certainty, by the preponderance or greater weight of the credible evidence.

3. The appellant has not sustained his burden of proof.

4. The respondents' decision denying the request for reclassification of the appellant's position from PA2 to PA3 was not incorrect.

OPINION

The issue that was agreed to for hearing was:

"Whether or not the respondents' decision to deny the reclassification of the appellant's position from Planning Analyst 2 (PR 1-12) to Planning Analyst 3 (PR 1-14) was correct." Conference Report dated September 6, 1983

In order to prevail, the appellant would have to demonstrate that the majority of the duties and responsibilities of his position are better classified at the PA3 level than at the PA2 level.

The "position summary" of the appellant's position description (Appellant's Exhibit 12) states: "This position is responsible for district level day-to-day administration of all programs currently under the authority of the Bureau of Transit." The activities of the position include the provision of "technical assistance to local governments and private transportation providers in the preparation of transit and rideshare assistance applications," reviewing grant applications, collecting data and analyzing transportation alternatives to advise local units on methods of effectively

meeting local needs, auditing transportation aid recipients, and coordinating and monitoring, "at the district level, transportation needs or improvement studies conducted by consultants under contract with the department."

The basic picture of the appellant's position that emerges is one that primarily is involved in the day-to-day provision of technical assistance, monitoring operations, and reviewing grant applications, as well as performing research and collecting, organizing, and analyzing data needed to develop concepts for transportation system planning. This type of work simply does not fit well within the PA3 definition statement for "Local and Regional Planner":

"Employees in this class perform complex, professional work in connection with the development of comprehensive plans and plan implementation programs including regulatory ordinances and capital improvement programs for localities within the state under general supervision." (emphasis supplied)

While it may be that the PA series as a whole is not particularly well-suited to this position, there are no other series included in the issue for hearing, nor are there class specifications for any other series included in the hearing record. If the appellant is to prevail, he must show that the PA3 classification is more appropriate for his position than the PA2 classification, notwithstanding that the PA series itself might not be particularly apt for this type of position.

Even though the appellant's position is not particularly well described by the PA3 class specifications, the appellant also may try to show that his job is comparable to other positions classified as PA3, or at a higher level than other PA2 positions.

The appellant's position compares favorably with the Michael J. Brolin position in District 1 (Madison), also a PA2. Like the appellant's position, this job primarily is involved in providing technical assistance to local

units of government, reviewing grant applications, and monitoring transit operations.

The Norbert A. Lehmann position in District 6 (Eau Claire) is also quite similar to the appellant's. This position is classified as Civil Engineer 3. The efficacy of this comparison is limited by two factors.

First, the respondent presented uncontroverted testimony by its personnel analyst, Ms. Thomas, that this position is not performing work that fits within the civil engineer classification, and, basically, that the position as described on the position description is misclassified. Evidence that a position is on its face misclassified weakens the weight to be attached to the comparison.¹

Second, even if the Lehmann position were concededly properly classified as a CE3, this has less probative value on the question of whether the appellant's position is more properly classified as PA3 or PA2, than does comparisons to other positions which are classified in the same (PA) series, particularly the Brolin position which is both a planning analyst and a local and regional planner.

The Robert G. Anderson position, which is a PA3 position in the Waukesha District, is very difficult to compare to the position in question. In at least one very general sense, it appears somewhat comparable to the appellant's position in that it is not involved in the development

¹The Commission wishes to point out that in many reclassification appeals, it may not be advisable to permit one or more of the parties to engage in extended attempts to show that comparison positions are not properly classified. Such efforts can involve the Commission in protracted collateral inquiries that may have very limited probative value. Compare, §904.03, Wis. Stats.: "Although relevant, evidence may be excluded if its probative value is substantially outweighed ... by considerations of undue delay, waste of time, or needless presentation of cumulative evidence." This essentially is a matter for the discretion of the hearing examiner.

of policies, procedures, and programs, but rather plays a technical role in reviewing and monitoring specific segments of local activities, applying established criteria to particular situations. However, the Anderson position has more of an engineering orientation and involves a good deal of land use planning. The respondent's personnel specialist, Mr. Thompson, testified to the effect that this more technical orientation contributed to the position's complexity, and helped support the one-level difference in classification. On the other hand, the appellant adduced some opinion to the effect that the work is comparable. See, e.g., Appellant's Exhibit 5, memo from Lee F. Crook, District Director, District 8 (Superior) to R. B. Barnes, Jr., dated July 20, 1983:

"... we do have a good understanding of the level of responsibility involved in the tasks cited as those assigned to Mr. R. G. Anderson, a PA3 in District 2, and it is our opinion that Mr. Chatfield is working at a responsibility level at least as high as that at which Mr. Anderson works."

What we have on this point is a conflict of relatively conclusory opinions. There is not a basis on this record for a conclusion by the Commission that the appellant has sustained his burden of proof on this particular question concerning the relative complexity of these positions.

With respect to the matter of independence, the respondent's personnel analyst downplayed the fact that the box for "limited" supervision was checked on Mr. Anderson's position description, while the box for "general" supervision was checked on the appellant's position description. She testified that supervisors frequently do not appreciate the significance of and distinctions between the terms when they fill out the forms. However, the narrative part of the position description contains some support for the distinction which the appellant urges.

Mr. Anderson's position description (Appellant's Exhibit 6) includes the following:

"Objectives and priorities of projects or assignments are initially established by the supervisor. However, the employee is encouraged to recommend modifications to the objectives and priorities if he feels this to be appropriate.

* * *

This employee functions with limited supervision; that is, he proceeds on his own initiative while complying with policies, practices and procedures prescribed by the supervisor."

Mr. Chatfield's position description (Appellant's Exhibit 12) includes the following:

"Objectives and priorities of the work performed by this position are normally defined in terms of accomplishing program objectives within a prescribed period of time. Examples would include reviewing and analyzing applications prior to a time specified by the Bureau of Transit or providing technical assistance in such a manner as to enable an applicant to meet an application deadline. This position has discretion to determine operational methods, procedures and timing within the limits of broad program guidelines and program application deadlines. Supervision of this position is generally limited to discussion of problems with supervisors and recommendations to resolve problem areas.

* * *

Because the position operates under a Management by Objective concept, work review consists of interaction with Supervisor & Chief regarding work loads and deadlines, program status, or problems in achieving departmental goals if any should exist.

* * *

Goals and objectives are initially established by policy and program requirements. The incumbent is free to establish and modify work activities and priorities within the parameters of those goals and objectives."

These narratives suggest that the appellant operates slightly more independently than does Mr. Anderson. However, there is an added aspect of Mr. Anderson's position description which offsets the foregoing:

"This position is unique within the District, and functions in the normal District chain of command (employee - supervisor - section chief). However, in the area of subdivision plat review and access control, a relationship exists within the Facilities Development Section of the Department's Central Office, as they translate district recommendations into official comments to local units of government. This is a close and cooperative relationship."

With respect to the significance of personal contacts, it essentially was conceded that the two positions are basically comparable.

Finally, the respondent analyzed the Anderson position in the context of its urban location. The respondent contends that the urban setting enhances the position from a classification standpoint because it is more likely to have more complex problems than a rural setting. Furthermore, the PA2 class specifications imply such a dichotomy in the "Examples of Work Performed" section under "Local and Regional Planner":

"Develops major portions of comprehensive plans for villages and small cities where few complex planning problems are involved or selected phases of comprehensive plan for a larger and more complex community." (emphasis added)

The basic thrust of the appellant's argument on the urban vs. rural question is that the rural work is more difficult because of the fact that the local units in rural areas frequently have very limited or no planning staff, and must depend on the state planner, such as the appellant, for work that larger municipalities normally would have done in-house.

One difficulty with this contention is that the kind of extra work for the state planner in the rural situation apparently is primarily at a fairly low level. For example, Mr. Wilson, one of appellant's supervisors, testified by way of example that a rural unit of government might not have the expertise to write up the specifications for a bus, and might have to rely on the appellant to perform this function, while he would not have to perform this service for a larger municipality with more professional staff. It is difficult to see how this enhances the level of complexity of the planning problems encountered, from a classification standpoint.

While it is a close question, the Commission cannot conclude that the appellant has sustained his burden of proof with respect to demonstrating

that his position is comparable from a classification standpoint to the Anderson position.

With respect to the central office PA3 positions (Gail Hooker and Rhonda Wiley-Jones, Appellant's Exhibits 9 and 8), it appears fairly clear that they are at a higher level than the appellant's position on the basis of their involvement in developing programs, policies, and procedures.

The appellant has argued that these positions cannot be compared to his because they are not "Local and Regional" planners. While the Commission agrees that this weakens the comparison, this runs to the amount or weight of probative force to assign to a comparison - it does not render invalid comparisons across different subtitles.

It also is true that these positions are responsible primarily for one program while the appellant's position is responsible for several. However, Mr. Hartz, the Director of the Bureau of Transit, testified with respect to these positions that there was a lot of programmatic overlap and consultation. He also testified that in his opinion a one salary range differential between these positions and the appellant's position was appropriate, although he felt all of these positions should be upgraded.

The appellant attempted to show that the Wiley-Jones position was not appropriately classified at a PA3 level. In addition to the conclusory remark by Mr. Hartz, mentioned above, the only other evidence of this was the fact that in the Wiley-Jones position description (Appellant's Exhibit 8); Box 10 "Name and class of employees performing similar duties" contains a PA4 and an A01 position.

However, Ms. Thomas testified that in her opinion, these designations in position descriptions lacked much weight because they frequently were

not based on well thought-out classification analyses, but rather were simply opinions of managers with little or no personnel backgrounds. She further testified that in her opinion the Wiley-Jones positions compared favorably to other PA3 positions.

The Commission is not in a position to say on this record that the validity of the Wiley-Jones comparison is appreciably eroded because there has been a serious question raised about the accuracy of its classification level.

In conclusion, this is a difficult case, in part because of the fact that a number of the positions involved don't seem very well suited for the series in which they are classified, and this makes position comparisons somewhat strained. However, the appellant has the burden of proving that his position is more appropriately classified as PA3 rather than PA2. Based on the entire record, the Commission cannot conclude that he has satisfied his burden. While he has raised some significant issues, it is reasonably clear that his job is neither a higher level than the Brolin (PA2) position nor equivalent to the Wiley-Jones and Hooker (PA3) positions.

ORDER

The respondents' decision denying the request for reclassification of the appellant's position from PA2 to PA3 is affirmed, and this appeal is dismissed.

Dated: March 14, 1984 STATE PERSONNEL COMMISSION


DONALD R. MURPHY, Chairperson

AJT:jat


LAURIE R. McCALLUM, Commissioner


DENNIS P. MCGILLIGAN, Commissioner

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