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ROBERT MILLARD, ALAN ECKES,
and VINCENT PETERSON,
Appellant,

v.

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

Case Nos. 84-0076-PC,
84-0077-PC
84-0079-PC

* * * * *

DECISION
AND
ORDER

NATURE OF THE CASE

This matter is an appeal by the appellants from respondents' reclassification request denials. The following findings are based upon a consolidated hearing on the issue of whether or not the respondents' decision of February 15, 1984, denying the reclassification of the appellants' positions from Engineering Technician 3 (ET3) (PR 6-10) to Engineering Technician 4 (ET4) (PR 14-02) was correct.

FINDINGS OF FACT

1. At all times relevant to this proceeding, each of the three appellants has been employed by the Department of Transportation, Division of Highways and Transportation Facilities, Special Services Section.
2. The appellants perform duties in the Photogrammetry unit of Special Services, where they function as stereo compilation specialists.
3. As stereo compilation specialists, appellants operate optical mechanical stereoplottling instruments, used with a computer-aided photogrammetry system and electronic digitizers, to extract terrain information

from aerial photography for compiling maps and cross-sections. The maps and cross-sections are used in designing highways, calculating payments to highway contractors and purchasing land needed for highway construction.

4. Appellants Millard and Eckes spend 70% of their time operating stereoplotting instruments, compiling terrain data for cross-sections, and earth work compilations. Another 20% of their time is devoted to compiling topographic and planimetric maps. Peterson's percentages are different but he does the same work as Millard and Eckes.

5. Appellants Millard and Peterson have additional responsibilities as lead workers and coordinators in the absence of their unit lead workers. Twenty to twenty-five percent of their time is spent in this function of lead worker.

6. The position standard for the Engineering Technician series provides in part as follows:

ENGINEERING TECHNICIAN 3

Under supervision, independently performs skilled and technical duties in such areas as photogrammetrics, or field location surveying, or complex layout of structures, roadways, etc. Set up and operate intricate photogrammetric instruments, or have thorough knowledge of surveying operation and the ability to interpret rough engineering sketches; or have thorough knowledge and understanding of trigonometry and horizontal curve geometrics, and ability to lay out complex skewed, curved, and tapered structures; or the ability to lay out and complete complex and difficult plans from basic and elementary information and engineering sketches; or perform related work as required.

* * *

ENGINEERING TECHNICIAN 4

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 plants 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.

7. The Engineering Technician Series Position Standard, 1975 draft, describes a stereoplotter operator as a person who utilizes proper photogrammetric instrumentation and techniques to perform stereo compilation of maps and aerial cross-sections.

8. The instrumentation of the photogrammetry section was updated in 1978. Currently appellants operate Galileo G6 Analogue computer stereoplotting instruments. The Galileo G6 is a more complex piece of equipment than the Kelsh plotter formerly used in appellants' work unit and requires greater technical knowledge to operate.

9. Since 1975, the photogrammetry section has undergone reorganization and a reduction in work force. Seven ET3 positions were reduced to the three positions currently held by appellants. There was also a loss of an ET5 supervisory position, removing one layer of supervision over appellants. These changes placed greater work responsibility upon appellants' lead workers, leaving little time for them to function as lead workers.

10. The appellants' duties have been increased since 1975 to include checking the unit work product, making analysis, and making final decisions, formerly the responsibilities of their lead workers.

11. Appellants' positions are responsible for technical and analytical duties comparable to those assigned to plan checkers, geodetic layout specialists, location survey crew chiefs and cartographic specialists, which are

classified at the ET4 level or over. Survey crew chiefs and cartographic specialists have lead work and coordinator responsibilities respectively.

12. There is no ET series position standard requirement that ET4 positions include lead work or coordinator responsibilities. While some ET4 positions have lead work or coordinator responsibilities, other positions designated as lead work or coordinator positions lack peers or subordinates to lead. Coordinator functions are loosely defined and may be applicable to other undesignated positions.

13. The appellants' positions are more appropriately described by the ET4 classification.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over this appeal pursuant to §230.44(1)(b), Stats.

2. The appellants have the burden of establishing that respondents' decision to deny their requests to reclassify their positions was incorrect.

3. The appellants have met the burden of proof.

4. The respondents' decision to deny reclassification of appellants' positions from ET3 to ET4 was incorrect.

5. The appellants' positions are more properly classified at ET4.

OPINION

There is minimal dispute over the type of work performed by the appellants. Witnesses for both sides testified that appellants' positions have undergone change since 1975 due to reorganization and improved technology; that appellants make decisions affecting yardage computations, the integrity of data and the quality of maps under minimal supervision. The witnesses also testified that one layer of supervision has been removed from the

appellants' positions and that lead workers over these positions had been required to assume greater administrative burdens. Concomitantly, appellants' duties were extended to include responsibilities formerly carried out by their lead workers.

Respondents argue that while appellants' positions over the past ten years have changed, these changes serve only to strengthen the current level of these positions and are insufficient to warrant a higher level classification. In support, respondents direct our attention to the engineering technician series position standard draft of 1975 which lists positions responsible for setting up and operating intricate photogrammetric instruments as engineering technician 3's.

The 1975 ET series position standard identifies stereoplotter operators as persons who utilize proper photogrammetric instrumentation and techniques to perform stereo compilation of maps and aerial cross-sections. While this language in 1975 accurately described appellants' positions, it does not reflect these positions as presently constituted. The evidence is clear that since 1975, appellants' have moved from the Kelsh type plotter to the use of more complex computerized photogrammetric instrumentation with digitizers and video terminals, combined in electronic work stations which require more technical knowledge to operate. Also, in sharp contrast to 1975, appellants are left on their own to check and ensure the accuracy of their work. They edit completed projects, make decisions on cross-sections, and organize and harmonize their work with the district office.

The present case differs from Theel v. DOT & DER, Case No. 84-0074-PC. In Theel, the Commission found that the appellant was predominately involved in setting up and operating intricate photogrammetric instruments and was not

a lead worker. Theel, the appellant, also failed to establish that his position was comparable to non-lead workers classified as ET4's. In the present case, the testimony about the implementation of advanced photogrammetric instrumentation, which required greater technological knowledge to operate, is sufficient to identify appellants' positions as performing "difficult and complex technical duties," language in the position standard which identifies the ET4 classification. Also in the present case, unlike Theel, Millard and Peterson performed lead work functions approximately 20% of their time in the absence of their lead workers. The testimony also revealed that Millard and Peterson's lead worker functions were comparable to those of an aerial photographer position classified as an ET4. Neither appellants' positions nor that of the aerial photographer were benefitted with peers or subordinates. In comparing appellants' positions with cartographic specialist, ET4 (coordinator), witnesses testified that usage of the term "coordinator" was sufficiently generous to make it applicable to positions not designated coordinators.

While recognizing that respondents believe themselves to be bound by the specific language in the position standard identifying photogrammetric instrument operators at the ET3 level, it is clear the ET3 classification does not otherwise describe appellants' positions. The 1975 ET series position standard, however dated, must be construed within the context of the current technological framework and allocation patterns. The conclusion reached after assessing the various pieces of evidence is that appellants' positions are misclassified at the ET3 level and are more appropriately classified ET4. Reclassification of the Eckes position is justified based upon the increased complexity and independence attributable to the position.^{FN}

^{FN} This language was added to clarify the basis for this decision relative to the Eckes position.

ORDER

Respondent's decisions denying the reclassification of appellants' positions are reversed and this matter is remanded to the respondents for action in accordance with this decision.

Dated: June 6, 1985

STATE PERSONNEL COMMISSION

Dennis P. McGilligan
DENNIS P. MCGILLIGAN, Chairperson

Donald R. Murphy / 1985
DONALD R. MURPHY, Commissioner

Laurie R. McCallum
LAURIE R. McCALLUM, Commissioner

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