
 *
 DANIEL FARRAR, *
 *
 Appellant, *
 *
 v. *
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 Secretary, DEPARTMENT OF *
 NATURAL RESOURCES, and *
 Secretary, DEPARTMENT OF *
 EMPLOYMENT RELATIONS, *
 *
 Respondents. *
 *
 Case No. 84-0127-PC *
 *

DECISION
 AND
 ORDER

NATURE OF THE CASE

This is an appeal pursuant to §230.44(1)(b), Stats., of a denial of a request for reclassification of the appellant's position from Park Supervisor 1 to Park Supervisor 2.

FINDINGS OF FACT

1. The appellant has been employed by respondent Department of Natural Resources (DNR) in the classified civil service at Mirror Lake State Park and Subunit since 1979 in a position classified as Park Supervisor 1.

2. The duties and responsibilities of this position are described accurately in the position description marked as appellant's "Item A." This includes the following "position summary":

This position requires performance of professional level work in overall park administration. This employee functions as assistant sub work unit manager (Mirror Lake and Rocky Arbor State Parks) acting as manager during manager's absence, (involves supervising one perm. Facility Repair Worker 2, one Perm. Natural Resource Patrol Officer I; one Seas. Clerical Assistant 1; 16 Limited Term Employees (L.T.E.'s) and approximately three other employees (Community Action employees; Green Thumb employees and/or Winnebago Indian Community employees). The employee is responsible for development of sub work unit Law Enforcement policies and procedures implementation of these policies; procedures and Law

Enforcement schedules. He enforces state laws and Wisconsin Administrative Code 45 on state park property. (Employee has full arrest authority, and trains and supervises one permanent and two L.T.E. officers with same arrest authority.) Employee collects user fees and supervises subordinates in similar duties (includes 1 permanent, 1 seasonal and 7 L.T.E.). Employee promotes good public relations by providing programs and general information about park facilities, rules and regulations to sub work unit visitors.

Note: Mirror Lake - Rocky Arbor sub unit is facet of Devil's Lake work unit in the Southern District; Dodgeville area. Mirror Lake State Park is a medium size state park with 2,050 acres. Facilities available at Mirror Lake include two family campgrounds (87 campsites) one family group campground (57 campsites) and seven tent only group areas (accommodate 210 persons). Mirror Lake State Park is open year around and has hiking trails (4 miles); snowmobile trails (9 miles) x-country ski trails (3.5 miles); nature trail (1 mile); a play ground; a beach; a boatlaunch, two picnic areas, 4.5 miles of roadway and amphitheater, and 19 buildings to maintain. Mirror Lake has an annual visitation of approximately 210,000. Rocky Arbor State Park is a seasonal, way site park (225 Acres). Facilities available at Rocky Arbor include, 89 Family campsites, a picnic area and playground, a nature trail (1 mile), 2 miles of roadway and 16 buildings to maintain. Rocky Arbor has an annual visitation of approximately 80,000. The combined camping attendance of both properties is about 85,000 camper days.

3. The appellant's position reports to and is supervised by the park manager, a Park Supervisor 4. The appellant functions in the place of the manager in his absence (this is less than 40% of the appellant's total time). The appellant at all times works highly independently under general supervision, and participates in the full range of management decisions made at the park/subunit. The park manager has ultimate responsibility and accountability for the entire operation of the park/subunit. At the time the reclassification request was submitted, the appellant was operating at the full performance level.

4. The various properties (parks, etc.) in DNR are categorized by DNR in terms of workload from "A" (lowest) to "E" (highest). Mirror Lake is

classified as a "C" property, and, on this record, the Commission finds that this is an appropriate classification.

5. The park supervisor position standard, Respondent's Exhibit 1, contains the following definitions:

PARK SUPERVISOR 1 (PR 1-09)

Definition:

This is entry level supervisory work in the management of the property and the implementation of the programs of a full-time State park. Positions allocated to this class function in a developmental capacity with responsibility for assisting in the planning, coordination, and implementation of grounds maintenance, building maintenance, equipment maintenance, park development, park enforcement, and recreation program responsibilities. Work at this level is designed to provide the employe with a familiarity of the policies and procedures of park management and is performed under the direct supervision of a higher level Park Supervisor.

PARK SUPERVISOR 2 (PR 1-10)

Definition:

This is developmental or objective level supervisory work in the management of the property and the implementation of the programs of a full-time State park. Positions functioning in a developmental capacity are responsible for an increasingly difficult workload which provides the incumbent with increased proficiency and expertise in the procedures of park management and is performed under the direct supervision of a higher level Park Supervisor. Positions functioning at a full performance level are responsible for planning, coordinating, and implementing grounds maintenance, building maintenance, equipment maintenance, park development, park enforcement, and recreation program responsibilities of narrow scope in a Class A park.

6. At the time this position standard was first utilized, DNR had no assistant manager at the smaller properties (A-C). DNR used the Park Supervisor 1 classification as essentially a trainee entry-level classification. Incumbents were assigned to their own properties following the completion of

training. The Park Supervisor 2 classification also was used to some extent for trainees at larger properties.

7. The allocation pattern within DNR reflected in Respondent's Exhibit 4 for the Park Supervisor series utilizes the Park Supervisor 4 classification for superintendents of class C properties and Park Supervisor 1 or Park Ranger 2 (SR 3-09) for assistant superintendents of class C properties.

8. The request for reclassification of appellant's position to Park Supervisor 2 was submitted in March 1984 and denied by DNR on a delegated basis pursuant to §230.05(1)(a), Stats., by a memo dated July 9, 1984, Respondent's Exhibit 4.

9. As a result of a personnel survey which developed new position standards different from Respondent's Exhibit 1, the appellant's position was reallocated to Park Superintendent 2 (PR1-10) effective June 10, 1984. This reallocation did not result in any immediate salary increase, whereas the requested reclassification would have resulted in an increase in accordance with §ER-Pers 29.03(3)(c), Wis. Adm. Code.

10. With respect to the classification structure in existence at the time this reclassification request was submitted i.e., the Park Supervisor series - the appellant's position was more appropriately classified as Park Supervisor 1 rather than Park Supervisor 2.

11. DNR's decision to deny the reclassification request was not influenced by the aforesaid reallocation or by any motive to deny the appellant a salary increase.

CONCLUSIONS OF LAW

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

2. The appellant has the burden of proving that the respondents erred in denying the request for reclassification of his position.

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

4. The respondent's decision denying the request for reclassification of the appellant's position was not erroneous.

OPINION

The appellant argued at some length that his position had undergone significant change prior to the request for reclassification. However, the degree of change in the position is not really at issue.

In its denial of the reclassification request the DNR classification specialist stated, in part:

In my review of Mr. Farrar's position, I did not find that the changes are significant enough to impact on the classification level of this position. (Respondent's Exhibit 3.)

It is clear from the document as a whole, as well as the testimony at the hearing, that this language meant that the position had not changed enough so that it was identified at the Park Supervisor 2 level, not that it had not changed enough in a relative sense.

With respect to the question of the proper classification of the appellant's position in the Park Supervisor series, the evidence established that the Park Supervisor position standard was somewhat outmoded, having been based to a large extent on staffing patterns that no longer existed. In practice, DNR applied the position standard primarily with the aid of an allocation pattern, Respondent's Exhibit 4.

The appellant argued in essence in the alternative, maintaining that a literal reading of the position standard supported the classification of his

position at Park Supervisor 2, and that under the allocation pattern¹ in use, Mirror Lake should have been considered a class D property, which would have supported at least a Park Supervisor 2 as assistant superintendent.

As to the literal language of the position standard, it seems clear to the Commission that the Park Supervisor 2 definition explicitly contemplates that at the full performance level, positions must have full responsibility for a park, as opposed to functioning as an assistant supervisor. This is illustrated by a comparison of the parallel language of the Park Supervisor 1 definition, which clearly is intended in a literal sense to apply to assistant supervisors, and the Park Supervisor 2 definition:

Park Supervisor 1 ... Positions allocated to this class function in a developmental capacity with responsibility for assisting in the planning, coordination, and implementation of grounds maintenance, building maintenance, equipment maintenance, park development, park enforcement, and recreation program responsibilities.

* * *

Park Supervisor 2 ... Positions functioning at a full performance level are responsible for planning, coordinating, and implementing grounds maintenance, building maintenance, equipment maintenance, park development, park enforcement, and recreation program responsibilities of narrow scope in a class A park.
(emphasis added)

There is no question but that the appellant is and for some time has been at the full performance level, as opposed to the alternative recognized by the Park Supervisor 2 definition, the developmental level. What may appear as an anomaly within the Park Supervisor 2 definition - that both the

¹ An allocation pattern is merely a grouping of positions based on certain key characteristics -- in this case, workload analysis. The busiest properties generally tend to have the highest classification, and are grouped at the upper end of the allocation pattern. An allocation pattern is no more than an extension of the device of comparing a position with other positions as an aid to determining its proper classification.

developmental assistant supervisor and the full performance supervisor are identified at the same level - can only be consistent with the use of this class for trainees, as Ms. Steinmetz testified at the hearing originally was the case. Since the appellant's position is that of an assistant superintendent, rather than having full responsibility for the property as a superintendent, he does not meet the literal definition of a Park Supervisor 2 at the full performance level.

The appellant also attempted to demonstrate that the Mirror Lake rating as a class C property was questionable. For example, he pointed out that Mirror Lake had higher camper attendance, total reservations and total stickers sold than Yellowstone, a property rated as class D by DNR, but that Yellowstone had a higher reported visitor attendance. He suggested that since visitor attendance is a non-verifiable figure, there was some likelihood that the reported attendance figures at Yellowstone had been inflated, and that it really was not at a higher category than Mirror Lake.

The most that can be said about this contention is that it raises some questions about the validity of the Yellowstone attendance figure. However, there was by no means a preponderance of the evidence that would support a finding that Mirror Lake should properly be considered a class D property. Mr. Nelson, the DNR official in charge of the work load analysis, testified that there was not always a linear relationship between such things as sticker sales and attendance because of variables such as the relative amount of local attendance. He also testified that workload analysis involves 87 different activities, and that a difference in attendance figures would not have that great an impact on the overall property rating.

The appellant also pointed out that his position does not fit within the literal language of the Park Supervisor 1 definition. This was not disputed by the respondent. Ms. Steinmetz testified that the appellant's position would fit more closely within the language of the Park Ranger 3 (SR 3-09) classification, but that the Department of Employment Relations (DER) had approved the use of the Park Supervisor 1 classification, consistent with the DNR Park Supervisor allocation pattern. However, all of this does not make the position in question a Park Supervisor 2. As discussed above, it does not meet the Park Supervisor 2 definition, either, and this situation also is consistent with the testimony of Ms. Steinmetz that the Park Supervisor series originally was intended to be used as a progression series under staffing circumstances that no longer exist.

The appellant also suggested that the reclassification denial was motivated by a desire to save money, since a reclassification would have resulted in a salary increase, and the reallocation which did occur did not result in an immediate salary increase. There simply is no evidence to support this theory. The appellant pointed to the delay in finalizing the decision on his request beyond the original estimate given him by Ms. Steinmetz. She testified that this delay was due to workload, and that any pay adjustment that would have resulted had the reclassification been granted would have been retroactive to the date the reclassification request had been submitted. There just is nothing in the "delay" that tends to prove underlying motivation to deny the reclassification in order to save DNR money. While the reallocation decision was made prior to the reclassification decision, it is not apparent how this sequence would tend to show this motivation.

The appellant also contended that the upward reallocation of his position following the survey indicated that the reclassification should have been granted. However, the reallocation was based on a new position standard for the Park Superintendent series. This position standard was not introduced in evidence. There is nothing in this record on which to infer that it embodied the same or closely similar concepts as the pre-existing Park Supervisor position standard, which would provide a foundation for the appellant's argument.

The Commission can take official notice of the fact that many surveys result in a redefinition of classification concepts with respect to a vocational area, and a reassignment of the new classification to different ranges in the pay schedules, with the result that positions are assigned to higher pay ranges. In and of itself, such a result does not indicate that a particular position should have been at a higher level under the superseded position standard and classification scheme.

The foregoing discussion deals with the major points of this controversy. Other matters were argued which are not discussed here because they have little, if any, bearing on the significant issues.

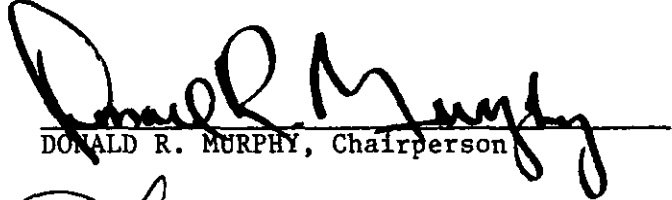
It appears to the Commission that much of the controversy between the parties is attributable to the language in the Park Supervisor position standard which contributed to the appellant's belief that he could expect to "move ahead" by reclassification. However, his position was not really described by either the Park Supervisor 1 or 2 descriptions. Under such circumstances, involving a largely outmoded position standard, the respondent DNR had little choice but to classify the appellant's position as accurately as possible, relying heavily on the allocation pattern developed with respect

to this series, until a new position standard could be developed through the conduct of a survey. The assessment of the appellant's position on the basis of the allocation pattern was not shown to have been erroneous, and the decision to deny reclassification must stand.

ORDER

The respondent's action denying reclassification of the appellant's position is affirmed and this appeal is dismissed.

Dated: Jan. 19, 1985 STATE PERSONNEL COMMISSION


DONALD R. MURPHY, Chairperson


LAURIE R. McCALLUM, Commissioner


DENNIS P. MCGILLIGAN, Commissioner

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Parties

Daniel Farrar
Rt. 1, Box 283
Baraboo, WI 53913

Carroll Besadny
Secretary, DNR
P.O. Box 7921
Madison, WI 53707

Howard Fuller
Secretary, DER
P.O. Box 7855
Madison, WI 53707