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 *
 TIMOTHY DOELGER, *
 *
 Appellant, *
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 v. *
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 Secretary, DEPARTMENT OF *
 NATURAL RESOURCES and *
 Secretary, DEPARTMENT OF *
 EMPLOYMENT RELATIONS, *
 *
 Respondents. *
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 Case No. 85-0011-PC *
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DECISION
 AND
 ORDER

This is an appeal by appellant Timothy Doelger from the decision of the respondent Secretary, Department of Natural Resources denying a request for reclassification of appellant's position from Environmental Specialist 4 (ES4) to Environmental Specialist 5 (ES5). The following findings of fact and conclusions of law are based on evidence presented at a hearing, May 1, 1985, before Commissioner Donald R. Murphy and a briefing schedule completed July 11, 1985.

FINDINGS OF FACT

1. At all times relevant to this appeal, the appellant has been employed in classified civil service by the Department of Natural Resources as an Environmental Specialist 4 at the department's Lake Michigan District Office.

2. On April 4, 1984, the DNR Lake Michigan District director requested reclassification of appellant from Environmental Specialist 4 to Environmental Specialist 5.

3. Based on appellant's position description dated December 15, 1983, Gregory Samp, a personnel specialist for respondent audited appellant's position and in a memorandum dated December 19, 1984, denied the reclassification request.

4. The appellant appealed the DNR reclassification decision within thirty days after receiving notice of the decision.

5. The position standard for Environmental Specialist and Environmental Specialist - Management as revised in October of 1983 is, in part, as follows:

INTRODUCTION

Major Programs

Major programs as described within this specification are in the Department of Natural Resources. As of August, 1983, these include solid waste, water supply, water resources management, water regulation and zoning, wastewater, air, and environmental impact. The extensiveness and scope of these programs varies between the districts and contributes to the complexity of the program coordination.

II. CLASS DEFINITIONS AND REPRESENTATIVE POSITIONS

The following definitions of duties and responsibilities and listings of representative positions provide examples and patterns for both present and future position allocations. Many different environmental programs and subprograms currently exist. This position standard does not attempt to cover every eventuality or combination of duties and responsibilities either as they currently exist or may exist in the future. Additionally, this position standard is not intended to restrict the allocation of representative positions to a specific classification level if the functions of these positions change significantly in level of complexity and/or responsibility. It is intended, rather, to be a framework within which classifications can be applied equitably to the present programs and adjusted to meet the future personnel relationships and patterns that develop as a result of changing programs and emphasis.

* * *

ENVIRONMENTAL SPECIALIST 4 (PR 15-04)

Definition

This is responsible environmental specialist work. Positions allocated to this class typically function as 1) a specialist responsible for implementation of a major environmental program in a portion of a district where program decisions are delegated from the district office; 2) a specialist in a district responsible for implementation of a major environmental program in a significant portion of a district where, while the program has not been decentralized to an area, the program decisions have been delegated to the position; 3) a specialist in a district responsible for planning, coordinating, and implementing a specialized aspect of an environmental program; 4) a specialist in the central administrative office with specific subprogram responsibility in an environmental program; or 5) an environmental scientist position performing work of limited scope, impact and complexity and/or with limited discretion.

Representative Positions:

* * *

Positions Functioning Out of a District Office

* * *

Water Resources Management Specialist: this position is responsible for developing and coordinating the district's basin assessment, ambient monitoring and quality assurance programs; designing studies; collecting and interpreting data; and providing technical reports and recommendations based on needs identified by the district water resources management program.

* * *

ENVIRONMENTAL SPECIALIST 5 PR 15-05)

Definition:

This is responsible environmental program coordinative work. Positions allocated to this class typically function as: 1) an area program specialist responsible for implementing all phases of a major environmental protection program in a portion of a district where program decisions are delegated from the district office, or an equivalent combination of responsibilities; 2) a district specialist responsible for providing districtwide expertise and program coordination for a significant portion of a major environmental program, or an equivalent combination of responsibilities; 3) a central office specialist responsible for providing central office coordination and/or guidance for segments of an environmental program being implemented on a statewide basis/ or 4) an environmental scientist performing a wide range of functions involving assessing unusual conditions;

evaluating incomplete or conflicting data; choosing and adopting a variety of specific scientific principles and techniques in order to develop research conclusions; developing methods and standards; evaluating programs or proposals; planning projects; coordinating work with others; and handling conflicts or unusual situations independently. Work at this level is performed under general direction.

6. In summary, appellant's duties, responsibilities and percent of time scheduled for each task described in the position description signed by him on December 15, 1983 are:

- A. Plan, coordinate and conduct large stream WLA studies districtwide to produce effluent limits that will appropriately distribute various discharges along a river system, 20%;
- B. Plan, coordinate, and conduct stream classification/reclassification studies districtwide to insure correctness of NR 104 and to assign a use class based on physical, chemical, and biological components of the system, 20%;
- C. Plan, coordinate, and conduct Fox River Toxics Monitoring Program to assess the existing situation and provide information to be used to guide future actions, 20%;
- D. Plan, coordinate and conduct small stream WLA studies districtwide to insure that discharge limits are appropriate for the receiving stream, 10%;
- E. Coordination of Drainage Basin Assessment surveys, 10%;
- F. Coordination of District Aquatic Nuisance Control program, 10%;
- G. Coordinate lab service, 50%; and
- H. Participate in other activities, 5%.

7. Appellant's first-line supervisor, an Environmental Specialist 6, is responsible for the district's water resource management program.

8. Appellant's duties and responsibilities are comparable to those in other positions, which are classified at the Environmental Specialist 4 level and consistent with the allocation pattern for the Environmental Specialist 4 classification.

9. The duties and responsibilities of appellant's position are better described by the classification specifications for the Environmental Specialist 4 than those for the Environmental Specialist 5 classification.

CONCLUSIONS OF LAW

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

2. The appellant has the burden of proving that respondent's decision denying the reclassification of appellant's position from ES4 to ES5 was incorrect.

3. The appellant has failed to meet that burden of proof.

4. Respondent's decision denying appellant's reclassification request was correct.

OPINION

The issue in this controversy is whether Position Standard, Environmental Specialist 4, Definition 3) or Environmental Specialist 5, Definition 2) best describes appellant's position. In Rasman v. DNR & DER, Case No. 85-0002-PC (7/31/85) this Commission noted that the difference between the two cited sections of the position standard are not obvious and that for clarification, they must be reviewed within the framework of the given series position standard as a whole, including descriptions of representative positions.

As in Rasman, the appellant does not have responsibility for a significant portion of a major environmental program as required for an ES5 classification. This responsibility has been delegated to appellant's first-line supervisor, who is responsible for all aspects of the Lake Michigan water resources management program. Also the appellant does not have

the independent authority envisioned by the ES5 standard. His position is comparable to the duties and responsibilities of the representative ES4 district water resources management specialist position. While appellant argues that in contrast to his "old" position descriptions he currently is responsible for planning and coordinating those functions, these planning and coordination functions are not inconsistent with the duties and responsibilities of other positions assigned to the ES4 classification.

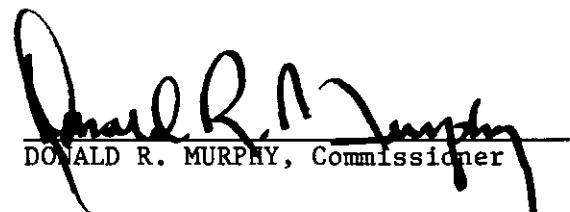
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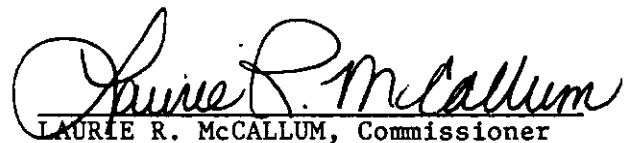
The decision of respondents' is affirmed and this appeal is dismissed.

Dated: September 26, 1985 STATE PERSONNEL COMMISSION


DENNIS P. MCGILLIGAN, Chairperson

DRM:jmf
ID9/2


DONALD R. MURPHY, Commissioner


LAURIE R. MCCALLUM, Commissioner

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