

STATE OF WISCONSIN

PERSONNEL COMMISSION

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 CARL F. HENSLEY,  
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 Appellant,  
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 v.  
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 Secretary, DEPARTMENT OF  
 EMPLOYMENT RELATIONS,  
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 \*  
 Respondent.  
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 Case No. 85-0074-PC  
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 \* \* \* \* \*

DECISION  
AND  
ORDER

NATURE OF THE CASE

This is an appeal from respondent's decision denying the reclassification of the appellant's position to Natural Resource Specialist 7. At the prehearing conference held on June 27, 1985, before Laurie R. McCallum, Commissioner, the parties agreed to the following issue for hearing:

Whether the decision of respondent to reallocate appellant's position as a result of the personnel management survey of Natural Resources Specialist positions from Natural Resources Specialist 6 to Natural Resources Specialist 6 was correct.

Subissue: Whether appellant's position is more appropriately classified as a Natural Resources Specialist 6 (PR 15-06) or Natural Resources Specialist 7 (PR 15-07).

Hearing in the matter was held on September 19, 1985, before Dennis P. McGilligan, Chairperson. The appellant filed his brief on October 17, 1985. The respondent did not file a brief.

FINDINGS OF FACT

1. At all times material herein, the appellant has been employed in the classified civil service by the Department of Natural Resources as a Natural Resource Specialist 6 in the Forest Tax Unit, Bureau of Forestry,

Administrative, Forest Tax, Division of Resource Management. Appellant has a working title of Forest Tax Laws Field Specialist.

2. Effective April 14, 1985, appellant's position was reallocated from Natural Resource Specialist 6 to Natural Resource Specialist 6 as a result of a personnel survey conducted by respondent. Subsequently, appellant filed a timely appeal of this reallocation with the Commission.

3. The duties and responsibilities of appellant's position are accurately described in the position description signed by the appellant on August 8, 1984, a copy of which is attached hereto and incorporated by reference as if fully set forth as a part of this finding.

4. The Natural Resource Specialist position standard provides, in relevant part, as follows:

I. INTRODUCTION

Inclusions

This series encompasses the professional nonsupervisory resource management positions which are located predominantly within the Department of Natural Resources (DNR). These positions are primarily responsible for preserving, managing, and enhancing the State's natural resources. Within DNR, these positions are organizationally located either in the central administrative office, a district office, or an area office within a district. Within each organizational level, these positions are of the following types:

- A. Positions functioning out of the central administrative office have staff responsibility for planning, coordinating, and monitoring specialized aspects of major resource management programs on a statewide basis and/or developing policies for such programs. Group Leader and Project Leader positions in the Bureau of Research also function out of the central office, but may be physically located in a district or area. These positions and their assistants are responsible for conducting complex research studies in specialized resource programs and analyzing results for the purpose of developing improved resource management techniques.

Exclusions

E. Positions more specifically identified by other classification series are excluded from this series.

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 resource management programs and sub-programs 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, emphasis, or organizational status.

NATURAL RESOURCE SPECIALIST 6 (PR 15-06)

NATURAL RESOURCE SPECIALIST 6 - MANAGEMENT (PR 1-14)

Definition:

This is very responsible program coordinative resource management work. Positions allocated to this class typically function in one of the following capacities: 1) as an area program manager responsible for the implementation of a major resource management program in a designated area of a DNR district; 2) as an assistant district staff specialist responsible for assisting in the administration of two major resource management programs; 3) as a district specialist responsible for providing specialized resource management staff assistance within a district where the extent and complexity of the responsibilities easily distinguishes it from the objective level specialist at the Natural Resource Specialist 5 level; 4) as a county forest administrator for a large county forest where the extent and complexity of the program easily distinguishes it from objective level positions identified at the Natural Resource Specialist 5 level; 5) as a central office staff specialist responsible for independently planning, coordinating, and implementing all segments of a significant statewide program; or 6) as an advanced resource scientist performing a wide range of functions involving assessment of 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 mediating conflicts and determining resolutions. Work at this

level is distinguished by the greater complexity and depth of knowledge required and the greater scope of standards developed or decisions recommended.

Representative Positions

Positions Functioning Out of the Central Office

Environmental Education - Adult Program Coordinator - reporting to the Education and Youth Program Section Chief, this position is responsible for planning, organizing, directing, administering, and evaluating comprehensive statewide adult and teacher education programs. (This involves working directly with elementary, secondary, and post-secondary teachers statewide as well as youth group leaders); and providing program direction to district environmental education specialists and department personnel involved in educational presentations to adult and school groups.

NATURAL RESOURCE SPECIALIST 7 (PR 15-07)

NATURAL RESOURCE SPECIALIST 7 - MANAGEMENT (PR 1-15)

Definition:

This is advanced resource management program coordinative work. Positions allocated to this class typically function in one of the following capacities: 1) as a district staff specialist responsible for planning, coordinating, and monitoring a major district resource management program; 2) as an area manager responsible for the implementation of two major resource management programs in a designated area of DNR district; 3) as an area program manager responsible for a major resource management program where the extent and complexity easily distinguishes it from objective level managers at the Natural Resource Specialist 6 level; or 4) as a central office staff specialist responsible for developing and monitoring a statewide resource management program of major scope which has a significant impact on inter-state commitments and a large segment of the public. Central office positions at this level differ from those at lower levels by their responsibility for significant policy development initiatives and the widespread impact that program decisions have on the field operations as well as the state's resource in general; or 5) as a resource scientist performing the most advanced work which is distinguished by the need for advanced professional scientific knowledge in one or more scientific disciplines applied to assignments such as developing new methodologies or theories, serving as an authoritative consultant to top management or the legislature, or conducting innovative studies or projects using the latest scientific results and theories to develop new programs or policies; and the broad scope and impact of policies or standards developed. Positions within this allocation typically coordinate the work of assistants and consultants in developing broad policies or standards which control major

resource management activities statewide. Work at this level is performed under very general direction.

Representative Positions:

Positions Functioning Out of the Central Office:

State Forests and Nurseries Specialist - responsible for developing and coordinating State forest programs; reviewing and evaluating comprehensive master plan and accomplishment reports; coordinating the State wild rivers program; coordinating and directing the State forest nursery program; and conducting periodic field inspections of State forest and nursery operations.

Boundary Waters and Great Lakes Specialist - responsible for coordinating the collection, analysis and publication of Great Lakes and Mississippi River commercial and sport fishery statistics; developing long-range program goals for the Great Lakes and the Mississippi River fisheries management programs; coordinating ...

5. Appellant's immediate supervisor is Guy W. Rogers who is classified as a Natural Resource Specialist 7 with a working title of Supervisor, Forest Tax Unit. Rogers reports to a section chief and is responsible for the supervision of the unit's seven permanent staff, including appellant. Rogers is responsible for the administration of the Forest Crop Law, Woodland Tax Law and County Forest Law. In this capacity, Rogers has the responsibility of making decisions for or against entry of land based on the relevant Statutes, Wis. Admin. Code and DNR policy and in administering lands under the aforesaid laws. In contrast to Rogers, appellant is accountable to Rogers for Administration of two programs noted above - Forest Crop Law and to a lesser extent, Woodland Tax Law. In this regard appellant has the authority to recommend administrative decisions (such as entry of lands into the program) and has an assistant to help him in the administration of the above two programs. However, Rogers has total program responsibility in the

three areas noted above including budget preparation, policy and program development and implementation as well as legislative liaison.

6. From a classification standpoint, the appellant's position is at a lower level than the following positions, both of which are classified as Natural Resource Specialist 7:

a. As noted above, Guy W. Rogers presently occupies a position with this classification in the Forest Tax Unit. Also as noted above, Rogers has program responsibility for three programs, in addition to his supervisory duties. Rogers is appellant's immediate supervisor.

b. Harry C. Mills currently occupies a position with this classification in the Bureau of Forestry, Department of Natural Resources. He has a working title of County Forest Specialist and in this capacity must "provide direction and stability to the county forest program on a statewide basis." Like Rogers, he reports to a section chief and has full program responsibility.

7. From a classification standpoint, the appellant's position is also at a lower level than the following position which is classified as a Natural Resources Supervisor 4 in pay range 15-07 which is the same pay range as Natural Resource Specialist 7:

Allen J. Prey has a working title of Supervisor, Forest Pest Management and works in the Forest Pest Lab of the Department of Natural Resources. He is classified as a Natural Resources Supervisor 4. He directs "comprehensive" statewide forest pest management programs. To accomplish the programs' goals of monitoring and controlling pests in the State's forests he supervises and coordinates both professional and non-professional staff. As supervisor Prey reports directly to a section chief. He has the "responsibility for direction of the program, including training and utilization of personnel in determining the location and significance of forest pest activity, and initiating the appropriate control response to minimize detrimental impact ..."

8. From a classification standpoint, the appellant's position is at the same level as the following position which is classified as Natural Resource Specialist 6:

Jane Cummings occupies a Forest Pathologist position with this classification with the Department of Natural Resources. According to the position summary on her position description, the major goals of Cummings' position include the following:

Plan, organize, and direct projects designed to prevent, detect and suppress forest disease in Wisconsin through the Natural Resources supervisors and their staff. Work involves conducting training sessions for field personnel, cooperating with the national forestry service and University of Wisconsin, on experimental research, and providing advisory and consultative services to field personnel and private forest landowners. Direct supervision is exercised over professional and technical subordinates. Assignments are received in the form of statements of objectives, and work is reviewed by the Supervisor of Forest Pest Management for program effectiveness and adherence to departmental policy.

9. The duties and responsibilities of appellant's position are more accurately described by the class specifications for a Natural Resource Specialist 6 and appellant's position is more appropriately classified as a Natural Resource Specialist 6.

#### 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 proof of establishing that the respondent's reallocation decision was incorrect.

3. The appellant has not sustained his burden.

4. The respondent's decision reallocating appellant's position to Natural Resource Specialist 6 instead of Natural Resource Specialist 7 was not incorrect.

OPINION

The question before the Commission is whether the appellant's position should be classified as a Natural Resource Specialist 6 or a Natural Resource Specialist 7. In order for appellant to prevail, Hensley must satisfy his burden of proving that his position meets the Natural Resource Specialist 7 definition and is more properly classified in that classification.

According to the class specifications, a Natural Resource Specialist 6 performs "very responsible program coordinative resource management work." (emphasis added) Positions allocated to this class function in a number of different capacities including "as a central office staff specialist responsible for independently planning, coordinating, and implementing all segments of a significant statewide program." In contrast, Natural Resource Specialist 7 "is advanced management program coordinative work." (emphasis added) Positions allocated to this class include "central office staff specialist responsible for developing and monitoring a statewide resource management program of major scope which has a significant impact on inter-state commitments and a large segment of the public." The class specifications go on to state that "Central office positions at this level differ from those at lower levels by their responsibility for significant policy development initiatives and the widespread impact that program decisions have on the field operations as well as the state's resource in general." (emphasis added)

The record indicates that appellant is responsible for the administration of the Forest Crop Law, and to a lesser extent, the Woodland Tax Law. He performs work under general supervision and makes recommendations to his supervisor, Guy W. Rogers, regarding these programs. However, Rogers, who is classified one level higher than appellant, actually makes the program



decisions, such as for or against entry of land into these programs. Rogers also has total program responsibility for the Forest Crop Law and Woodland Tax Law as well as the County Forest Law. This program responsibility includes budget preparation, program development, policy initiative and legislative liaison. In carrying out these duties Rogers supervises seven permanent staff, including appellant. Appellant, on the other hand, has one employe who assists him in the performance of his responsibilities.

Based on the above, and the class specifications, appellant's position seems appropriately classified at the Natural Resource Specialist 6 level. The class specifications differentiate central office positions between the 6 and 7 levels based on their responsibility for significant policy development initiatives. The record clearly indicates that Rogers, not appellant, has program policy responsibilities. The record also indicates that Rogers has responsibility for three programs, instead of two for appellant, and directs (and supervises) a much larger staff than appellant in carrying out these responsibilities. Consequently, Rogers' decisions have a more "widespread" impact on field operations and "the state's resource in general" than appellant's actions. As noted previously, Rogers' position is classified at the Natural Resource Specialist 7 level while appellant's position is classified at the Natural Resource Specialist 6 level.

A conclusion that appellant's position is more appropriately classified at the Natural Resource Specialist 6 level is supported by position allocations in this series. Rogers, Harry C. Mills and Allan J. Prey all have similar program responsibilities, report directly to a section chief and are classified at the same level or pay range (one level higher than appellant). Appellant argues that the Administrative Section, Bureau of Forestry ought to

be reorganized so that his position has more responsibility and reports directly to a section chief. That might well be true. However, that is a decision for DNR, and is not an issue appropriately before the Commission in this case.

Appellant also argues that just because his supervisor is classified at the Natural Resource Specialist 7 level is no reason, in and by itself, to reject his classification at said level. This is true. Greg Samp, Personnel Specialist with the Department of Natural Resources, testified unrebutted for respondent that while it was not common in DNR to have an employe and his immediate supervisor at the same pay range it did happen. However, reclassification of appellant's position is based upon appellant's job duties, classification specifications and position allocation patterns. As noted above, after weighing these factors the Commission finds it reasonable to conclude that the duties and responsibilities of appellant's position are more accurately described by the class specifications for a Natural Resource Specialist 6 and appellant's position is more appropriately classified at said level.

Finally, appellant argues that his position should have been audited prior to the reallocation decision and that the reallocation decision was based on a faulty PD, and "not the function performed (and how it is performed)." However, at hearing appellant admitted that his PD referred to in Finding of Fact No. 3 accurately described the duties and responsibilities of his position. In addition, appellant offered no persuasive evidence that respondent acted improperly by not personally auditing his position prior to the reallocation decision or that this failure to conduct such an audit would have affected the outcome of respondent's decision.


In view of all of the foregoing, the Commission finds that the answer to the issue as stipulated to by the parties is YES, respondent's decision to reallocate appellant's position as a result of the personnel management survey of Natural Resource Specialist positions from Natural Resource Specialist 6 to Natural Resource Specialist 6 was correct.

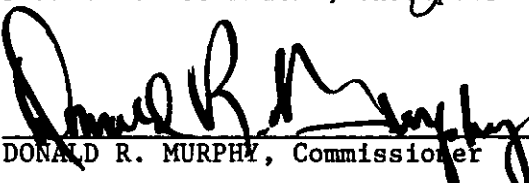
ORDER

The respondent's reallocation decision is affirmed and the appellant's appeal is dismissed.

Dated: December 19, 1985

STATE PERSONNEL COMMISSION

  
DENNIS P. MCGILLIGAN, Chairperson

  
DONALD R. MURPHY, Commissioner

Attachment

DPM:jgf  
JGF002/2

  
LAURIE R. MCCALLUM, Commissioner

Parties

Carl F. Hensley  
DNR  
518 W. Somo  
Tomahawk, WI 54487

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

**POSITION DESCRIPTION**

DER-PERS-10 (Rev. 1-78)  
 State of Wisconsin  
 Department of Employment Relations  
 DIVISION OF PERSONNEL

*Survey*

1. Position No	2. Cert/Reclass Request No	3. Agency No
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4. NAME OF EMPLOYEE  Carl F. Hensley	5. DEPARTMENT, UNIT, WORK ADDRESS
6. CLASSIFICATION TITLE OF POSITION  Natural Resource Specialist VI	8. NAME AND CLASS OF FORMER INCUMBENT  Meryl I. Castonguay (retired)
7. CLASS TITLE OPTION (To be Filled Out By Personnel Office)	10. NAME AND CLASS OF EMPLOYEES PERFORMING SIMILAR DUTIES  None
9. AGENCY WORKING TITLE OF POSITION  Forest Tax Laws Field Specialist A	12. FROM APPROXIMATELY WHAT DATE HAS THE EMPLOYEE PERFORMED THE WORK DESCRIBED BELOW?  March 1977
11. NAME AND CLASS OF FIRST-LINE SUPERVISOR  Guy W. Rodgers	13. DOES THIS POSITION SUPERVISE SUBORDINATE EMPLOYEES IN PERMANENT POSITIONS? AND ATTACH A SUPERVISORY POSITION ANALYSIS FORM (DER PERS-84). Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> IF YES, COMPLETE

4. POSITION SUMMARY - PLEASE DESCRIBE BELOW THE MAJOR GOALS OF THIS POSITION

Maintain accountability in administration of Forest Crop Law and Woodland Tax Law contract specifications on over one million acres of industrial forest land that generate approximately \$200,000. of severance annually. Act as liaison between these industries and the DNR on FCL and WTL matters. Soil management and accountability problems arising on nonindustrial private FCL and WTL lands.

5. DESCRIBE THE GOALS AND WORKER ACTIVITIES OF THIS POSITION (Please see sample format and instructions on back of last page)

RECEIVED

SEP 16 1985

Personnel Commission

(Continue on attached sheets)

TIME %	GOALS AND WORKER ACTIVITIES
T-2 %	
55%	A. Approve (and/or contact industrial representative) cutting notices and reports from industrial landowners to insure good forest management practices, and accurate reporting of stumpage removed from forest crop
50	A-1. Check cutting notices for completeness and accuracy, being certain verify that lands listed are actually under FCL.
Y	A-2. Field examine all cutting operations for compliance to sound forest principles and proper volume reporting. Communicate potential problem situations with landowner or representative to resolve.
Y	A-3. Make field examinations to approve or disapprove of the catastrophe loss request by <u>all</u> FCL landowners (both small private and industrial)
	(continued on attached sheets)

**SUPERVISORY SECTION - TO BE COMPLETED BY THE FIRST LINE SUPERVISOR OF THIS POSITION (See Instructions on Back of last page)**

a. The supervision, direction, and review given to the work of this position is [ ] close [ ] limited [ ] general.

b. The statements and time estimates above and on attachments accurately describe the work assigned to the position. (Please initial and date attachments)

Signature of first-line supervisor: Guy W. Rodgers *WGR* Date: 9/7/84

**EMPLOYEE SECTION - TO BE COMPLETED BY THE INCUMBENT OF THIS POSITION**

I have read and understand that the statements and time estimates above and on attachments are a description of the functions assigned my position (Please initial and date attachments.)

Signature of employee: Carl Hensley *CH* Date: 8-2-84

Signature of Personnel Manager: Paul J. Killigoy Date: 10-25-84

OCT 25 1984

**Goals & Worker Activities**

- Y A-4. Meet with industrial representatives periodically to review cutt reports and resolve questions.
- 15% 5 B. Make periodic reexaminations of all lands under FCL to ensure compliance with the law.
  - 4 Y B-1. Map the timber types, size, and density of all involved descrip- tions by county, from aerial photographs.
  - 4 Y B-2. Use aerial inspection techniques to check all type maps for accuracy.
  - 4 Y B-3. Ground examine suspected violations on industrial lands.
  - 4 Y B-4. Prepare a list of descriptions requiring field examinations on r industrial FCL lands and refer them to the local forester.
  - 4 Y B-5. Make a report to FTU indicating the results of the investigation and recommend necessary action.
- 5% C. Process applications of industrial owners for forest crop law entry and renewal.
  - 3 Y C-1. Verify ownership from deeds.
  - 4 Y C-2. Prepare timber type maps from the most recent aerial photos.
  - 4 Y C-3. Examine lands from the air to verify the accuracy of the timber type maps and determine eligibility.
  - 3 Y C-4. Ground examine questionable descriptions.
  - 4 Y C-5. Prepare narrative report on eligibility and forward with type maps to FTU.
  - 4 Y C-6. Testify at public hearings when requested.
- 5% D. Process applications of industrial owners for woodland tax law entry and renewal.
  - 4 Y D-1. Verify ownership from deeds.
  - 4 Y D-2. Prepare timber type maps from aerial photos.
  - 4 Y D-3. Field examine lands and prepare a land examination and practic report, a map, and a management plan, that is to be signed by the landowner.
  - 4 Y D-4. Make recommendations concerning entry or renewal of the parcel and forward the prepared package to FTU.
- 5% E. Process requests for transfer and withdrawal of industrial lands under the forest crop and woodland tax laws.
  - 3 Y E-1. Verify ownership at the time of transfer or withdrawal.
  - 4 Y E-2. Inspect lands and check for any violations of the contract (e.g., unreported cutting, change in land use, destructive cutting).
  - 4 Y E-3. Act as liaison between FTU and owner to resolve problems.
  - 4 Y E-4. Report findings of investigation to FTU.
- 5% F. Calculate timber volumes for determining termination payment on lands not renewed under FCL.
  - 4 Y F-1. Make preliminary estimates of termination costs when requeste landowner using aerial photos, type maps and standard volume
  - 4 Y F-2. Delineate timber types on aerial photos, using photo interpre techniques.
  - 4 Y F-3. Examine lands to be terminated and determine volume of standi merchantable timber. ~~Check for any unreported cutting.~~

-1	T-2	X	Goals & Worker Activities
3	Y		F-4. Summarize merchantable volumes by land description and forward to FTU for billing.
		5%	G. Supervision of Assistant Forest Tax Laws Field Specialist.
4	Y		G-1. Assign priorities, work loads, goals, etc.
4	Y		G-2. Evaluate performance.
4	Y		G-3. Discipline - reward.
		5%	H. Liaison - coordination with industrial representatives.
4	Y		H-1. Pursue silvicultural and accountability problems.
4	Y		H-2. Inform policy on one-of-a-kind situations.
4	Y		H-3. Supervision of form, etc. completion.
			I. Provide direction and assistance in the development and implementation of the Department's Affirmative Action/Equal Employment Opportunity Program.
			I-1. Implement efforts to attract, employ, advance, and retain protected group employees in permanent, project and limited term positions.
			I-2. Implement and provide information on Affirmative Action policies and procedures to all employees supervised, agency goals, harassment and discrimination policies, training and advancement opportunities.