

STATE OF WISCONSIN

PERSONNEL COMMISSION

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 HENRY R. HORSTMAN,
 Appellant,
 v.
 Secretary, DEPARTMENT OF
 EMPLOYMENT RELATIONS,
 Respondent.
 Case No. 85-0085-PC
 * * * * *

DECISION
 AND
 ORDER

NATURE OF THE CASE

This is an appeal of a decision by the respondent to reallocate appellant's position. A hearing was held before Laurie R. McCallum, Commissioner, on October 10, 1985, and a briefing schedule was completed on December 20, 1985.

FINDINGS OF FACT

1. At all times relevant to this matter, appellant has been employed as a Natural Resources Supervisor 1 (NRS 1) with the Department of Natural Resource's (DNR's) Nevin Fish Hatchery.

2. As a result of a personnel management survey, respondent Department of Employment Relations reallocated appellant's position from NRS 1 (PRO1-12) to NRS 1 (PRO1-12) effective April 14, 1985. Appellant filed a timely appeal of such reallocation action with the Commission on May 24, 1985. Appellant contends that his position is more appropriately classified at the NRS 2 level.

3. The duties and responsibilities of appellant's position are accurately described in the Position Description signed by the appellant on June 6, 1984, as follows:

- 70% A. Supervises and coordinates the hatching and rearing of brook brown, lake and rainbow trout and coho and chinook salmon at Nevin, Westfield, Lake Mills, Token Creek, Lima Pond, Green Lake and two cooperative ponds.
- 15% B. Supervises and coordinates distribution of trout and salmon between hatcheries and from rearing sources to waters to be stocked.
- 10% C. Supervises and coordinates maintenance of hatchery grounds, rearing facilities, buildings and equipment.
- 5% D. Schedules and participates in public relations programs.

Appellant's position supervises three permanent positions.

4. The Nevin Fish Hatchery is the oldest and second largest fish hatchery in the state and is a cold-water hatchery producing brook brown and rainbow trout. The Nevin Fish Hatchery is not a brood fish station. Token Creek consists of two fish rearing ponds north of Madison and Lima Pond consists of three fish rearing ponds in Rock County. These are considered part of the Nevin Fish Hatchery.

5. The Westfield Hatchery is a cold-water hatchery producing coho and chinook salmon and trout. Green Lake Rearing Pond is a fish rearing pond which is considered part of the Westfield Hatchery. One of appellant's subordinates manages the day-to-day operation of the Westfield Hatchery. Appellant's primary responsibility vis-a-vis the Westfield Hatchery is to monitor fish productivity and mortality based on reports filed with him by the Westfield Hatchery manager to determine if productivity goals are being met.

6. The Lake Mills Hatchery is a cold-water and warm-water hatchery. Appellant's duties relate only to the cold-water aspect of the hatchery

which produces coho salmon. One of appellant's subordinates manages the day-to-day operation of the Lake Mills Hatchery. Appellant's primary responsibility vis-a-vis the Lake Mills Hatchery is to monitor fish productivity and mortality based on reports filed with him by the Lake Mills Hatchery Manager to determine if productivity goals are being met.

7. The cooperative ponds referenced in appellant's position description (see Finding of Fact #3) are fish rearing ponds in Iowa and Grant counties. The DNR provides the technology and fish food, private clubs rear the fish, and the DNR assists in stocking the fish out as legal size fish.

8. A cold-water fishery is one in which fish are reared in water temperatures of 65° F or below. Such fisheries in Wisconsin rear trout and salmon. A warm-water fishery is one in which fish are reared in water temperatures of 65° F or above. Such fisheries in Wisconsin rear true muskies, hybrid muskies, large- and small-mouth bass, hybrid pan fish, blue gills, crappies, yellow perch, whitehead, catfish, burbot, dogfish, flathead minnows, walleye, and northern pike. A cold-water fishery is a more intensive and more closely monitored and controlled operation than a warm-water fishery. The more species a fish hatchery produces, the more complex the operation since each species has its own rearing requirements, diseases, feeding requirements, and life cycles. A brood fish station is one in which fish are selected and raised for egg production.

9. Since appellant's position was first classified at the NRS 1 level, it has undergone the following changes: In 1978, the supervision of the Westfield Hatchery and Green Lake Rearing Pond was assigned to appellant's position; in 1978, the Lima Pond was developed; and, in 1983, the

State of Wisconsin took over operation of the Lake Mills Hatchery from the federal government.

10. The Position Standard for the NRS series provides in pertinent part:

NATURAL RESOURCE SUPERVISOR 1 (PR1-12)
NATURAL RESOURCE SUPERVISOR 1 - MANAGEMENT (PR1-12)

This is responsible professional supervisory resource management work. Positions allocated to this class typically function in one of the following capacities: 1) as the supervisor of a cold water or warm water fish propagation and rearing operation; 2) as the district field operations supervisor; or 3) as the district habitat and construction supervisor.

Representative Positions:

St. Croix Falls Hatchery Manager: under the direction of the district operations supervisor, this position is responsible for supervising and directing the spawning of trout and the development of brood stock; the hatching of trout; the rearing of trout species (i.e., establishing feeding schedules, determining the growth rate, monitoring conversion rates and loading capacities); the stocking and transfer of fish and eggs; and the identification, control, and prevention of fish disease. Additionally, this position controls its program budget including the purchase of equipment and supplies, maintains buildings and equipment, and maintains appropriate records and develops reports.

NATURAL RESOURCE SUPERVISOR 2 (PR1-13)
NATURAL RESOURCE SUPERVISOR 2 - MANAGEMENT (PR1-13)

Definition:

This is responsible professional supervisory resource management work. Positions allocated to this class typically function in one of the following capacities: 1) as a line assistant supervisor to a higher level program supervisor or superintendent; 2) as the supervisor of a cold-water and/or warm water fish propagation and rearing operation where the complexity of the operations easily distinguishes it from the objective level hatchery manager at the Natural Resource Supervisor 1 level; 3) as a forest superintendent responsible for a medium sized state forest; 4) as a supervisor of a district operations section; 5) as the assistant chief of district operations where the extent and complexity of the operation easily distinguishes it from objective level positions identified at the Natural Resource Supervisor 1 level; 6) as a manager of a major state nursery with responsibility for all nursery operations including production operations and facility maintenance; 7) as a work unit manager responsible for the implementation of work unit goals where a variety of complex

programs exist; 8) as the supervisor of a specialized statewide program of standard scope; or 9) as a research project leader.

Representative Positions:

Wild Rose Hatchery Manager: Under the direction of the district operations supervisor, this position is responsible for planning and directing the Wild Rose Hatchery which includes both warm and cold water species and fish culture studies, and directing outlying cold and warm water rearing pond operations. Additionally, this position controls its program budget including the purchase of equipment and supplies, maintains buildings and equipment, and maintains appropriate records and develops reports.

11. The Hatchery manager of the Bayfield Fish Hatchery performs duties similar in nature to appellant's and is classified as an NRS 2. The distinction between the two positions drawn by respondent's classification expert is that the Bayfield Hatchery is a more technologically advanced operation than the Nevin Hatchery, i.e., the equipment utilized at the Bayfield Hatchery is state-of-the-art and requires a great deal of advanced technical knowledge to operate and maintain.

12. The duties and responsibilities of the Wild Rose Hatchery manager position (the representative NRS 2 position) are much more complex than the duties and responsibilities of appellant's position due primarily to the much greater complexity involved in producing both warm and cold water species.

13. The duties and responsibilities of appellant's position are more closely comparable to the duties and responsibilities of the St. Croix Falls Hatchery manager position (the representative NRS 1 position). Although the complexity of the duties and responsibilities of appellant's position is augmented by the number of facilities for which appellant is responsible, the complexity of the St. Croix position is similarly augmented by the fact it is responsible for the development of brood stock which appellant's position is not.

14. The duties and responsibilities of appellant's position do not easily distinguish it from the representative NRS 1 position and do not, therefore, satisfy the requirement for classification at the NRS 2 level. Appellant's position is more appropriately classified at the NRS 1 level.

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 reallocating appellant's position from NRS 1 to NRS 1 was incorrect.

3. Appellant has failed to satisfy this burden.

4. Respondent's decision reallocating appellant's position from NRS 1 to NRS 1 was correct.

OPINION

The classification specifications for the NRS 1 and NRS 2 classifications are very specific. To be classified at the NRS 2 level, a fish hatchery manager position must be easily distinguishable from the objective level hatchery manager positions at the NRS 1 level. As stated in the findings, above, and as represented in the NRS position standard, the Wild Rose Hatchery manager position is so distinguishable. Not only does this position supervise the production of warm and cold water species (see Finding of Fact #8) but it is also responsible for supervising the performance and reporting of fish culture studies.

Appellant's position, on the other hand, is responsible only for the production of cold water species, does not supervise the performance or reporting of fish culture studies, and performs no duties or responsibilities not performed by the Wild Rose Fish Hatchery manager position. The scope and complexity of appellant's position are clearly not comparable to

the scope and complexity of the Wild Rose position, the representative NRS 2 position.

The NRS 1 classification is the objective level and is represented in the position standard by the St. Croix Hatchery manager position. The duties and responsibilities of appellant's position are comparable to the duties and responsibilities of this position (see Finding of Fact #13). The added scope and complexity attributable to appellant's position's supervision of several hatchery facilities is offset in the St. Croix position by its supervision of a brood fish operation.

The duties and responsibilities of appellant's position are clearly not distinguishable from the duties of an NRS 1 position as described in the NRS 1 classification specifications and the representative NRS 1 position and do not, therefore, satisfy the requirements for classification at the NRS 2 level. Appellant's position is more appropriately classified at the NRS 1 level.

It is difficult, on the basis of the record in this appeal, to determine if the duties and responsibilities of appellant's position are comparable to the duties and responsibilities of the Bayfield Hatchery manager position (see Finding of Fact #11). Since it is possible, on the basis of the language of the classification specifications alone, including the descriptions of the representative positions, to reach a decision as to the appropriate classification of appellant's position, it is not necessary and would serve no useful purpose to compare the duties and responsibilities of appellant's position to those of the Bayfield position as part of this appeal.


ORDER

Respondent's action is affirmed and this appeal is dismissed.

Dated: March 13, 1986 STATE PERSONNEL COMMISSION


DENNIS P. MCGILLIGAN, Chairperson


DONALD R. MURPHY, Commissioner


LAURIE R. MCCALLUM, Commissioner

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