

STATE OF WISCONSIN

PERSONNEL COMMISSION

\* \* \* \* \*  
 THOMAS P. HANSEN,  
                     Appellant,  
 v.  
 Secretary, DEPARTMENT OF  
 NATURAL RESOURCES,  
                     Respondent.  
 Case No. 85-0119-PC  
 \* \* \* \* \*

DECISION  
 AND  
 ORDER

The issue in this controversy is:

Was respondent's decision not to reclassify appellant's position from Natural Resources Specialist 4 to Natural Resources Specialist 5 correct?

The following findings of fact, conclusions of law and decision are based upon evidence presented at a hearing October 15, 1985, before Personnel Commissioner, Donald R. Murphy. In accordance with the briefing schedule, all post hearing briefs included in the record were filed by December 24, 1985.

FINDINGS OF FACT

1. At all times relevant to this proceeding, the appellant has served in a permanent classified civil service position as a Wildlife Manager in the Horicon Area of the Southern District, Department of Natural Resources (DNR).

2. On May 25, 1985, in response to appellant's prior request to reclass his position to Natural Resources Specialist 5 (NRS 5), the respondent notified appellant that his reclassification request had been

denied. On June 18, 1985, appellant appealed respondent's decision to the Personnel Commission.

3. The position description dated October 30, 1984 submitted with appellant's reclassification request accurately described his goal and worker activities, and the percent of time spent on each major activity.

At that time, appellant's major work activities were:

- 30% A. Plan, organize and administer wildlife and related natural resource programs Green Lake - Marquette County Work Unit.
- 20% B. Plan, coordinate and administration of the Mecon River Youth Camp and a side camp at Devils Lake.
- 10% C. Develop and maintain habitat on wildlife areas in Green Lake and Marquette counties, involving about 22,000 acres.
- 10% D. Develop and maintain department support and public use facilities on wildlife areas and public hunting grounds, involving about 22,000 acres.
- 10% E. Acquire approximately 8,000 acres of land within project boundary of wildlife area.
- 10% F. Provide information services to the public to acquaint them with programs and make them aware of wildlife and related resource problems.
- 10% G. Preparation of master plan for Department owned property.

4. Changes that occurred in appellant's position since it was last reviewed in 1979 were: 1) addition of the side camp at Devil's Lake; 2) increased time spent with the Mecan Youth Camp; 3) movement towards maintenance of wildlife areas; 4) increased responsibilities in the goose and deer management program.

5. The state position standard for Natural Resource Specialist 4 and 5, in part, which was in force at the time of appellant's request for reclassification reads as follows:

NATURAL RESOURCE SPECIALIST 4 PR15-04)

Definition:

This is very responsible resource management work. Positions allocated to this class basically function as: 1) an assistant area resource manager responsible for the implementation of a complete resource management program (i.e., fish, wildlife, or forestry) in a geographic sub-area where the extensiveness and complexity of the program easily distinguishes it from the basic objective assistant area manager at the NRS 3 level; 2) a district office specialist responsible for providing specialized resource management staff assistance to a county's; or 3) an assistant staff specialist in the central office responsible for assisting in a specialized statewide resource program of standard scope.

Representative Positions:

Positions Functioning Out of an Area Office:

Assistant Area Wildlife Manager - reporting to the Area Wildlife Manager, this position is responsible for the implementation of the wildlife program in a sub-area of the State. This position is differentiated from lower level assistant area wildlife managers by factors such as the extensiveness of the wildlife areas, the number of public lands (county, state, or national) in the sub-area, the extensiveness of the non-game program, and the existence of unique wildlife programs (i.e., prairie chicken program, turkey-restoration program). In order for assistant area wildlife manager positions to be allocated to this level, it must be demonstrated that the factors used to justify identification at this level contribute significantly to the position's complexity.

NATURAL RESOURCE SPECIALIST 5 (PR15-05)

Definition:

This is responsible lead and/or program resource management work. Positions allocated to this class typically function in one of the following capacities: 1) as area program managers responsible for the implementation of all fish, forestry, or wildlife programs in a designated area of a DNR district; 2) as project leaders responsible for conducting complex studies in a particular resource speciality such as fish, water resources, or wildlife; or 3) as a district staff specialist in a very specialized aspect of a major resource program such as fish, forestry, or wildlife.

Representative Positions:

Positions Functioning Out of an Area Office:

Area Wildlife Manager - reporting to the Area Supervisor, this position is responsible for properly managing all wildlife programs in a designated area (typically 3 counties) of a DNR district. This position plans and implements the wildlife development and maintenance projects on public lands and wildlife areas. Responsibilities also include implementation of an area public relations program, coordinating land acquisition and sharecropping negotiations, implementing a wildlife damage control program, coordinating wildlife surveys, and guiding the work of subordinate staff.

6. The appellant served as a wildlife manager in the Horicon Area, which is in DNR's southern district. He and other area wildlife managers were supervised by Mr. Charles Eveland. Mr. Eveland, a Natural Resource Supervisor 2, was responsible for implementing the resource program for the entire area. As an NRS-2 Eveland's classification paralleled the Natural Resources Specialist 5 classification which was utilized for area managers responsible for the area resource programs.

7. The appellant was responsible for implementing resource management programs in the Green Lake - Marquette county work unit. This unit is a sub-unit of the Horicon Area. Twenty-three percent (23%) of appellant's total work time was consumed coordinating and operating the Mekan and Devil's Lake Youth Camps. It was this activity along with his increased responsibility for monitoring geese for disease which distinguished appellant's position from the NRS 3 level.

8. The appellant's position is properly described as a Natural Resource Specialist 4.

CONCLUSIONS OF LAW

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

2. Appellant has the burden of showing that respondent's decision denying reclassification of his position from Natural Resource Specialist 4 to Natural Resource Specialist 5 was incorrect.

3. Appellant has failed to meet that burden.

4. Respondent's decision denying reclassification of appellant's position from Natural Resource Specialist 4 to Natural Resource Specialist 5 was correct.

#### OPINION

There is no dispute of the facts in this controversy. Both parties agree that appellant's position description dated October 30, 1984 (Findings of Fact #3) fairly represents the duties performed by appellant at the time of his request for reclassification. However, it is appellant's position that his job assignment differs significantly from other wildlife managers and should be classified at the Natural Resource Specialist 5 level. The appellant testified that unlike other wildlife managers, he is responsible for coordinating the operation of the Mekan and Devil's Lake youth camps. This activity demands 23% of his total work time. Also, during the late fall and winter months he is responsible for the disease control and monitoring of some 250,000 Canada geese in the Green Lake and Marquette County area. This goose population is more than half the Canada goose population in the entire Mississippi River Valley basin. Appellant's uncontroverted testimony was confirmed by Joseph Frank, the Horicon Area Director.

The particular issue before the Commission is whether appellant's assignments as coordinator of the operations of two youth camps and administrator of the Canada goose disease program, which demands slightly more than 23% of his time, warrants reclassification of his position to Natural Resource Specialist 5.

The Commission in Kailin v. Weaver & Wettengel, Case No. 83-124-PC (11/28/75) said that a position is not entitled to reclassification because some aspects of the work involved falls within a higher class particularly if those duties constitute less than a majority of the total duties and responsibilities of the position. In the present case, based upon the record, appellant's position did not warrant reclassification. The increased responsibilities highlighted by appellant constitutes approximately 23% of his work responsibilities, which is less than a majority of his total duties, as required by Kailin for consideration for reclassification. Also, the testimony was that these duties were identifiable at the NRS-4 classification or lower.

In addition, the testimony was that the NRS-5 classification was allocated to area managers responsible for the resource program in the entire area. That position was held by appellant's supervisor, Mr. Eveland.

The objective level for sub-area managers was NRS-3. In 1969 appellant's youth camp responsibilities were reflected in the reclassification of his position to the 4 level while other sub-area managers remained at the 3 level until 1983.

For the reasons expressed above, the Commission believes appellant's position was appropriately classified.

ORDER

Respondent's reclassification decision is affirmed and the appeal is dismissed.

Dated: March 19, 1986 STATE PERSONNEL COMMISSION

  
DENNIS P. MCGILLIGAN, Chairperson

DRM:jmf  
ID6/1

  
DONALD R. MURPHY, Commissioner

  
LAURIE R. McCALLUM, Commissioner

Parties:

Thomas P. Hansen  
DNR  
P. O. Box 343  
Berlin, WI 54923

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