

and development programs for the forest and Bearskin trail. Supervise six permanent, one seasonal, six limited term employees, and specialized crews (YCC, SBA). Receive supervision from the forest superintendent and recreation specialist. This person needs to be familiar with the policies, goals, and objectives of two major programs: forestry and parks.

3. Based on the official NH-AL Organization chart, which reflects the official DNR - prescribed organization for NH-AL, appellant is supervised by Dennis Leith, the Recreation Specialist (PS 4). Mr. Leith is supervised by Floyd Reinemann, the Forest Superintendent, NRS 4 (PR1-15). Mr. Reinemann is supervised by the Woodruff Area Director, Pete Tyler. In many respects, the recreation program operates autonomously, with little oversight from Mr. Reinemann except to provide overall direction and goals.

4. Appellant's position was reallocated from PS 1 (Pay Range 1-10) to PS 2 (Pay Range 1-11) effective April 14, 1985, following a survey. Subsequent to that reallocation, Sue Steinmetz, DNR Personnel, met with Mr. Leith and Mr. Eldred on May 30, 1985. It was agreed that it was a bad time to submit a reclassification request (as to the Leith, Eldred and Brandt positions) because it was too close to the survey. Ms. Steinmetz suggested they wait about 6 months and then resubmit their reclassification requests, and she advised them that their requests would be evaluated by comparison of their latest PD's with their 1984 PD's, not their 1985 PD's which had recently been submitted. She did not state or indicate that these forthcoming reclassification requests would be granted.

5. Over the period of about 4 years prior to the 1987 reclassification denial, appellant's position has experienced a logical and gradual change, in summary as follows:

- a) Added responsibility for monitoring the maintenance budget;

b) Added responsibility for consulting with his supervisor regarding the needs of the maintenance program, and has been given control for expending budgeted amounts for projects;

c) Added responsibility regarding Bearskin Trail, a Bureau of Parks program that was delegated to him to manage its day-to-day operation, including trail card sales, maintenance and development program, and determining expenditure of budgeted amounts;

d) Added responsibility for expanded safety programs and biannual inspections of public use areas;

e) Added responsibility for hiring and training limited term employes (LTE's);

(f) Added responsibility for the maintenance of the Youth Conservation Camp (YCC), which includes facilities that are different from the facilities within the forest and which required extensive work to bring into shape;

g) Increased difficulty of coping with workload due to the Native American treaty rights activities which have resulted in drawing off some of the maintenance personnel on a temporary basis;

h) Appellant has developed his own contacts with local government maintenance employes, whereas before his supervisors handled these contacts.

6. DNR has developed various quantitative criteria (e.g., acreage, number of visitors, campsites, etc.) to evaluate its properties from a classification standpoint. State parks are rated from Class A (smallest) to Class E (largest). State forests are rated medium, large, or major. DNR has categorized NH-AL State Forest as a major forest and considers it to be on an equivalent level to a Class E park.

7. The NH-AL State Forest recreation program is more extensive in scope than any state park recreation program as evaluated by various quantitative criteria, such as:

a) NH-AL has approximately 400 miles of snowmobile trails, of which 73 are directly administered and the remainder of which are under some kind of land use agreement, as compared to approximately 500 miles for all the state parks;

b) NH-AL has 61 miles of roads. State parks average 3-4 miles apiece;

c) NH-AL has over 100 canoe campsites; there are less than 12 in all the parks;

d) NH-AL has 162 islands which must be inspected twice a year; there are only one or two in all the parks;

e) NH-AL has 104 boat landings; state parks average 1 or 2 a piece.

f) A comparison of NH-AL to various parks whose recreation programs are administered by PS 5's was set out in Appellant's Exhibit 1, in Leith v. DNR/DER, 87-0154-PC, which exhibit has been incorporated by reference pursuant to stipulation.

The accuracy of this data has not been challenged, and it is adopted as part of this finding as follows:

Statistics	Property			
	NHAL State Forest**	Lake Wissota Work Unit*	Bong Recreation Area	High Cliff State Park
Acres	220,000	1,875	4,515	1,140
Picnic area (acres)	82	27.7	17	45
Number of shelters	1	2	6	2
Beach area (feet)	5,430	350	400	500

(continued)

Statistics	Property			
	NHAL State Forest**	Lake Wissota Work Unit*	Bong Recreation Area	High Cliff State Park
Number of parking stalls	1,270	450	980	770
Nature trails (miles)	6.8	1	1	2
Snowmobile trails (miles)	73.2***	7.3	11.5	5
Hiking trails (miles)	18.5	32	13	5.2
Cross-country ski trails (miles)	60	31.5	13	4.2
Number of campsites	1,017	81	0	53
Outdoor group camp capacity	100	80	0	80
Number of launches	90	1	1	1
Miles of roads	61	4.5	6.5	4
Visitations	1,425,823	191,872	170,935	552,153
Campers	210,101	24,976	3,962	22,510
Classified employees supervised (according to Personnel Directory)	12	3	7	5

* Includes Lake Wissota State Park, Red Cedar Trails, Hoffman Hills Recreation Area, and Chippewa Moraine. I did not include Chippewa Moraine since I had no data on it.

** Figures do not include the Bearskin State Park Trail, which is a part of the recreation program of the Northern Highland-American Legion State Forest. Figures do not include land use agreements for trails; there are hundreds of miles of these which must be inspected as per Manual Code.

*** Contract groomed. There are 350-400 miles of additional snowmobile trail covered by 22 land agreements with 13 different organizations.

8. The PS position standard, Respondent's Exhibit 2, includes the following:

A. Purpose and Use of This Position Standard

This position standard is the basic authority for making classification decisions relative to present and future positions implementing the programs and managing the property of state parks and/or forests in accordance with the rules and regulations of the Department of Natural Resources (DNR). This position standard will not specifically identify every eventuality or combination of duties and responsibilities of positions that currently exist, or those that may result from future changes. Rather, it is designed to serve as a framework for classification decision making in this occupational area.

B. Inclusions

This series encompasses superintendent and assistant superintendent positions which manage property and implement DNR programs in state parks and/or forests. Duties may include planning, coordinating and implementing grounds maintenance; building maintenance; equipment maintenance; park development; law enforcement; recreation programs; and training. Certain duties of these positions may be identified in other classifications, but they would not comprise a majority of these positions' work time.

* * *

E. Classification Factors

The following classification factors were considered during development of the Position Standard:

Factor 1 - Scope and Impact of Work:

- a. Scope (range or extent) of the goals and accomplishments; and
- b. Impact of the work both internal and external to the work unit.

Factor 2 - Complexity of Work:

- a. Difficulty in deciding what needs to be done; and
- b. Difficulty in performing the work.

Factor 3 - Discretion and Accountability:

- a. Extent to which the work is structured or defined; and

- b. Extent to which one is responsible to other authorities for actions taken or decisions made.

Factor 4 - Knowledge and Skills Required:

Breadth (variety) of knowledge normally required and used in completing acceptable work, and depth (degree of detailed understanding) of knowledge normally required and used in completing acceptable work.

Factor 5 - Personal Contacts and Their Purpose:

- a. Nature of the contacts; and
- b. Purpose of the contacts.

Factor 6 - Work Environment:

Level and frequency of risks and discomforts in employes' normal physical surroundings.

Factor 7 - Physical Effort:

Level and frequency of physical effort required of employes by normal work assignments.

F. How to Use This Position Standard

This standard is used to classify entry, developmental and objective level positions described under Section B of this standard. In most instances, positions included in this series will be clearly identified by one of the class descriptions. However, if a position develops which is not specifically identified, classification analysis will be necessary to determine the proper classification and level.

II. CLASS CONCEPTS AND REPRESENTATIVE POSITIONS

* * *

PARK SUPERINTENDENT 2

(PR1-11)

This is developmental or objective legal park superintendent work performed under the limited/general supervision of a higher level Park Superintendent. Positions at the objective level typically function as: 1) the Superintendent of a Class A park; 2) the Assistant Superintendent of a Class C park; 3) as the maintenance or public contact supervisor of a Class D park; or 4) the law enforcement and public contact or maintenance and development supervisor of a Class E park which has an Assistant Superintendent.

Representative Positions:

Public Contact Supervisor, Penninsula State Park - This position is responsible for all public contact functions including law enforcement, sticker sales, camper registration, campsite reservation, and water safety under the direction of the Assistant Park Superintendent.

Assistant Superintendent, Pike Lake State Park - This position serves as assistant park superintendent and is responsible for developing work plans, law enforcement, and development projects. Administers park operations in absence of Park superintendent.

* * *

PARK SUPERINTENDENT 3

(PR 1-12)

This is developmental or objective level park superintendent work performed under the limited/general supervision of a higher level Park Superintendent or an Area Director. Objective level positions typically function as: 1) the Superintendent of a Class B park; 2) Assistant Superintendent of a Class D Park; or 3) supervisor of the law enforcement and public contact or maintenance and development of a Class E park reporting directly to the Park Superintendent.

Representative Position:

Law Enforcement and Public Contact Supervisor, Devil's Lake - This position is responsible for planning, organizing and supervising all law enforcement and public contact activities at Devil's Lake State Park, and reports directly to the Park Superintendent.

9. Appellant's position is more accurately described by the PS 2 than by the PS 3 position standard, and is more appropriately classified as PS 2 than as PS 3.

10. By memo dated July 13, 1987, Respondent's Exhibit 2, respondent DNR denied reclassification of appellant's position to a PS 3. Appellant then filed this appeal.

CONCLUSIONS OF LAW

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

2. Appellant has the burden of proving that respondent's decision to deny reclassification of his position from PS 2 to PS 3 was incorrect.

3. Appellant having failed to sustain his burden of proof, it must be concluded that respondent's decision to deny reclassification of his position from PS 2 to PS 3 was not incorrect.

DISCUSSION

The Commission will first address appellant's implicit contention that respondent's decision concerning the classification of his position was defective because the position standard was developed for state park positions and does not adequately cover state forest positions. The language of the position standard clearly states it was intended to be used for both forest and park positions. The categorization of properties by workload occurred with respect to both park and forest properties, and NH-AL was classified as the only major (largest) forest and equated to a Class E park, the largest park category. While appellant argues in effect that NH-AL should be awarded an F or G rating, the position standard does not recognize such a rating, so to do so would be to rewrite the position standard at the PS 3 level to read as follows: "... maintenance and development supervisor... of a Class F or G park which has an Assistant Superintendent." The Commission does not have the authority to rewrite a position standard, but must apply the existing standard to the duties and responsibilities of a position to determine the correctness of the decision it is reviewing. Zhe v. DHSS & DP, No. 80-285-PC (11/19/81), affirmed, Dane Co. Circuit Court No. 81CV6492 (11/82).

There are cases where parts of a position standard become outmoded over the course of time and as circumstances change, and then classification decisions may be based on the more general concepts reflected in the position standard, as opposed to outmoded specific sections, such as

allocation patterns. This is specifically recognized by the PS position standard, which states:

"A ... This position standard will not specifically identify every eventuality or combination of duties and responsibilities of positions that currently exist, or those that may result from future changes. Rather, it is designed to serve as a framework for classification decision making in this occupational area.

* * *

F. In most instances, positions included in this series will be clearly identified by one of the class descriptions. However, if a position develops which is not specifically identified, classification analysis will be necessary to determine the proper classification and level." (emphasis added)

However, in this case, the position standard was implemented in 1985.

Appellant's disagreement with capping the property ratings at Class E (to which NH-AL, a major forest, has been equated) is a disagreement with a concept embodied in the position standard, and is not based on a theory that NH-AL went from a Class E to what should be recognized as a Class F or G property between 1985 and 1987, when this reclassification decision was made.

Appellant's position is clearly identified by the PS 2 definition in the position standard as follows:

... 4) The law enforcement and public contact or maintenance and development supervisor of a Class E park which has an Assistant Superintendent.

At the PS 3 level, this type of position is identified as follows:

... 3) supervisor of the law enforcement and public contact or maintenance and development of a Class E park reporting directly to the Park Superintendent.

Thus, to be at the PS 3 level, appellant would have to be supervised by the Park Superintendent, rather than by Mr. Leith, the Assistant Park Superintendent. This is not the case, although appellant does report directly to other supervisors with regard to certain limited aspects of his job.

Appellant contends that his maintenance duties and responsibilities are far more complex and extensive than the Park Superintendent positions located in the parks. However, the position standard bases the classification of these park positions not solely on the complexity and extent of their maintenance activities, but also on their other activities and/or their reporting relationship, which runs to the Classification Factor of Discretion and Accountability.

In conclusion, while appellant's position has experienced some growth, the position is still within the parameters of the PS 2 classification as the maintenance supervisor of a Class E or equivalent property which has an Assistant Superintendent. It is possible that such a position could grow enough, particularly through the addition of programs, to reach the point where it could be concluded that it had outstripped the concept embodied in the position standard of a maintenance supervisor of a Class E or equivalent property which has an Assistant Superintendent, and should be placed at a higher level based on this language from the position standard:

"A ... This position standard will not specifically identify every eventuality or combination of duties and responsibilities of positions that currently exist, or those that may result from future changes. Rather, it is designed to serve as a framework for classification decision making in this occupational area.

* * *

F ... if a position develops which is not specifically identified, classification analysis will be necessary to determine the proper classification and level.

However, the growth experienced in appellant's position is for the most part an outgrowth or an adjunct of his basic maintenance activities. With regard to increased workload, under this classification structure it has little significance except to the extent it were of a nature that could move a property into a different category type, and NH-AL is already at the

highest level. Therefore, it must be concluded that the changes in this position have not moved it outside its identification by the position standard at the PS 2 level.

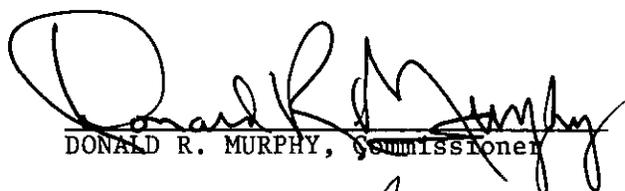
It appears that appellant's classification concerns, particularly as they relate to his contentions concerning the uniqueness of the NH-AL State Forest, could best be addressed through a revision in the position standard. While it cannot be said whether such a change would be justified, the Personnel Commission lacks the authority to make such a revision.¹

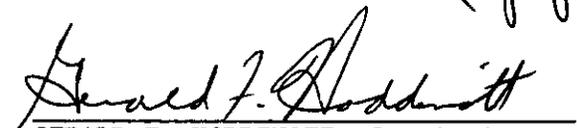
ORDER

Respondents' action denying the request for reclassification of PS 2 to PS 3 is sustained and this appeal is dismissed.

Dated: November 3, 1988 STATE PERSONNEL COMMISSION


LAURIE R. McCALLUM, Chairperson


DONALD R. MURPHY, Commissioner


GERALD F. HODDINOTT, Commissioner

AJT:jmf
JMF12/2

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¹The Commission has revised the last sentence of the proposed decision and order by deleting language that was not necessary to rendering a decision in this matter.