

STATE OF WISCONSIN

PERSONNEL COMMISSION

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 ALEXANDER OLSON, \*  
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                   Appellant, \*  
 \*  
 v. \*  
 \*  
 Secretary, DEPARTMENT OF \*  
 NATURAL RESOURCES, and \*  
 Secretary, DEPARTMENT OF \*  
 EMPLOYMENT RELATIONS, \*  
 \*  
                   Respondents. \*  
 \*  
 Case No. 89-0007-PC \*  
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 \* \* \* \* \*

DECISION  
 AND  
 ORDER

NATURE OF THE CASE

This is an appeal pursuant to §230.44(1)(b), Stats., of the denial of a request for reclassification from Ranger 3 to Park Superintendent (PS) 1 or 2.

FINDINGS OF FACT

1. Appellant at all relevant times has been employed by the Department of Natural Resources (DNR) in the classified civil service. Since 1981 he has served as the superintendent of the Browntown - Cadiz Springs Recreation Area, which will be referred to as Cadiz Springs. This position is classified as Ranger 3.

2. Cadiz Springs is a seasonal Class A property.

3. There are 4-6 LTE's (limited term employees) assigned to Cadiz Springs at any time. Appellant has certain responsibilities for the direction of these employees, see, e.g., appellant's position description, Respondent's Exhibit 4, A1.: "Interview, select and train LTE's." As a practical matter, appellant performs most of the day-to-day supervision and

control of these employes except for certain official tasks, such as signing certain documents, which he cannot perform due to the fact that he has not officially been assigned supervisory duties. These official tasks are performed by Reynold Zeller, a PS 3 who supervises the Green County Work Unit, which includes Cadiz Springs. Pursuant to his official position description, Respondent's Exhibit 5, Mr. Zeller is responsible for the supervision not only of appellant, but also all the LTE's in the work unit, and is also responsible for the "direction of day to day activities within the work unit," §C. Mr. Zeller's position description includes responsibility for the preparation and submission of budget requests, §A2, the preparation of operational work plans, §A1, "Preparation of reports on overall accomplishments and deficiencies" and "report financial balances and anticipated expenditures to ensure all properties operate within allotments," §A3. Appellant's position description includes "Assist with budget preparation and work plans," §A2, "Complete monthly reports," §A5, "determine purchase needs for property, prepare field orders and submit for approach [sic]," §A7, and "assist work unit supervisor with short and long-term property planning, projects and programs," §A10. In practice, Mr. Zeller neither prepares the work plan nor does the scheduling of appellant and the LTE's. Appellant does these tasks. In practice, Mr. Zeller and appellant work together on development plans and neither is called on to do much with respect to budget preparation which is primarily handled at a higher level. As a general proposition, appellant in practice operates very independently due to his extensive experience and high level of performance.

4. Appellant's position description (Respondent's Exhibit 4) reflects the following time percentages:

- 40% A. Performance of Administrative Duties
- 20% B. Maintenance of Buildings and Grounds
- 10% C. Maintenance of Equipment and Tools
- 20% D. Law Enforcement and Public Contact
- 10% E. Performance of Other Management Functions

(this includes "E2. Conduct hunter and fisherman checks on the recreation area," "E3. Assist fisheries and wildlife management personnel in maintenance of dikes, water control structures, launch sites at recreation area lakes," etc.).

5. Appellant's position has undergone certain changes, primarily as follows, see Respondent's Exhibit 6:

"1. Increased administrative responsibility [25% to 40% from 1984 to 1988] related to: hiring, scheduling, and training limited term employes; participation and development of an advisory or 'Friends' group for the recreation area; and responsibility for additional remittance accounts because of fishing licenses and wildlife stamps.

2. Increased direct contact and involvement with fisheries and wildlife managers in carrying out their functions within the recreation area."

6. The Ranger 1-4 position standard (Respondent's Exhibit 1)

includes the following:

## I. INTRODUCTION

### 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 performing maintenance and natural resources law enforcement work in parks and forests which requires certification by the Law Enforcement Standards Board. This position standard will not specifically identify every eventuality or combination of duties and responsibilities of positions that currently exist or those that result from changing program emphasis in the future. Rather, it is designed to serve as a framework for classification decision making in this occupational area.

B. Inclusions

This series encompasses positions in parks and forests performing grounds maintenance and improvements, building maintenance and repair, fees collection and campsite reservations, and natural resources law enforcement work which requires Law Enforcement Standards Board certification. Positions in this series range from those with a maintenance emphasis in the smallest parks to those with an enforcement emphasis at the largest parks and forests. Certain duties of these positions may be identified in other classifications, but they would not comprise a majority of the positions' work time.

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II. CLASS CONCEPTS AND REPRESENTATIVE POSITIONS

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RANGER 3

This is objective level maintenance and natural resources law enforcement work in parks and forests. Positions allocated to this typically function as: 1) rangers spending more than 50% of their time in natural resources law enforcement work; 2) lead-worker for maintenance in Class D or E properties; 3) function as assistant superintendent at a Class B property; or 4) superintendent of a seasonal Class A property without ongoing supervisory responsibility. In all cases, positions enforce natural resource laws, rules and regulations and report to a Natural Resource Supervisor or Park Superintendent.

Representative Position:

Under the direction of a Park Superintendent, position is responsible for the New Glarus Woods State Park, including maintenance, park programs and natural resources law enforcement. Position leads summer help and manages day use and camping facilities.

7. The Park Superintendent 1-6 position standard (Respondent's Exhibit 2) includes the following:

I. INTRODUCTION

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.

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II. CLASS CONCEPTS AND REPRESENTATIVE POSITIONS

PARK SUPERINTENDENT 1

This is entry level park superintendent work performed under the close supervision of a higher level Park Superintendent.

PARK SUPERINTENDENT 2

This is developmental or objective level 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.

8. There are some class A seasonal properties managed by PS 2's -- Tower Hill, Nelson Dewey, Rock Island, and Hoffman Hills. Two of these -- Tower Hill and Nelson Dewey -- do not have responsibility for the supervision of permanent employees. However, appellant did not establish that his position and those positions are sufficiently comparable in terms of such things as reporting relationship, budget and other administrative

responsibilities, or other factors that affect classification so as to support his argument that his position rates a PS 2 or PS 1 classification.

9. By memo of December 21, 1988, DNR, acting on a delegated basis from DER pursuant to §230.04(lm), Stats., denied a request for reclassification of appellant's position from Ranger 3 to PS 1 or PS 2, and appellant filed an appeal.

10. Appellant's position is more accurately described by the Ranger 3 position standard than by the PS 1 or PS 2 position standard, and is more appropriately classified as a Ranger 3.

#### CONCLUSIONS OF LAW

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

2. The appellant has the burden of proof to establish by a preponderance of the evidence that respondent erred in denying the request for reclassification of his position from Ranger 3 to Park Superintendent 1 or Park Superintendent 2.

3. The appellant having failed to sustain his burden, it is concluded that respondent did not err when it denied the request for reclassification of his position from Ranger 3 to Park Superintendent 1 or Park Superintendent 2.

#### DISCUSSION

Appellant's case encounters a significant barrier at the outset due to the language of the position standards. It is true, as appellant has pointed out, that both the Ranger 3 and the PS 2<sup>1</sup> standards include

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<sup>1</sup> PS 1 is the entry level for the PS series and does not otherwise have a substantive definition. Therefore, this discussion will refer only to the PS 2 classification.

superintendents of Class A properties. However, the Ranger 3 class concept refers specifically to the narrower category of "superintendent of a seasonal Class A property without ongoing supervisory responsibility...." (emphasis added), while the PS 2 concept utilizes the broader: "Superintendent of a Class A park." Since the more specific description applies to appellant's position, this alone provides a strong basis for a Ranger 3 classification in the absence of other factors favoring the PS 2 class.

Appellant has argued that he performs many supervisory type duties, but because his position has not been formally designated supervisory, he is unable to perform some of the official supervisory functions, such as signing time sheets, which is done by his supervisor, Mr. Zeller. In a similar vein, both he and his supervisor point out that some of the management of Cadiz Springs which is nominally Mr. Zeller's responsibility is either not performed to any significant extent (e.g., budget preparation) or is performed by appellant (e.g., preparation of work plans). However, Mr. Zeller still retains the ultimate responsibility and accountability for these areas because of their presence on his position description, and he gets the benefits that attach from a classification standpoint. For example, Mr. Zeller and appellant cannot both be considered the supervisors of the LTE's at Cadiz Springs. Since Mr. Zeller has that official authority and signs their time sheets, etc., he is considered the supervisor regardless of the fact that appellant in practice directs their day-to-day activities.

The appellant, Mr. Olson, argued in his initial brief:

Appealant witness, Reynold Zeller, Park Superintendent of the Green County Work Unit. Within the Green County Unit are the Sugar River Trail, New Glarus Woods State Park and Cadiz Springs Recreation Area, Mr. Zeller is also responsible for two state public hunting grounds/

wildlife areas. Mr. Zeller does not directly supervise the operations of the Cadiz Springs Recreation Area nor does he directly supervise Alexander Olson as manager of the recreation area. As property manager it is the responsibility of Alex Olson to assist or submit to his supervisor paperwork or communications as requested or required. Mr. Zeller's position description states that he is responsible for the properties within the work unit, which is correct, as work unit supervisor he is responsible for the properties to his supervisor. This responsibility continues with the District Parks Supervisor being responsible for all the state parks within the district, even though he has no direct supervision over them.

This argument misses the point that Mr. Zeller has the official responsibility for the direct supervision of Mr. Olson. This is not altered by the fact that due to Mr. Olson's experience and expertise he operates relatively independently as a practical matter. Furthermore, Mr. Zeller's relationship to Cadiz Springs is not simply that of another step further up in the chain of command (i.e., above Mr. Olson). This is because Mr. Zeller has direct supervisory authority over the Cadiz Springs LTE's and must sign their time sheets, etc., and he is responsible for much of the actual management of the property in that he is responsible, for example, for the preparation of work plans, ordering of supplies, etc. Mr. Olson's functions are limited. For example, he does not have the authority to prepare work plans, subject to Mr. Zeller's approval. Rather, he assists with the preparation of work plans (see §A2, Respondent's Exhibit 4). These points detract from the classification level of Mr. Olson's position, and also are related to why he was unable to draw favorable classification comparisons between his position and other Class A properties managed by PS 2's. He pointed out some favorable points of comparison, in terms of work load or the fact that some of them, like his, were seasonal properties and/or had no supervisory responsibility for permanent employees. However, there are other factors which go into the classification evaluation, and appellant did not present position descriptions or other evidence that



would establish that overall they were comparable from a classification standpoint. Since appellant has the burden of proof, his failure to have done this means the Commission cannot draw the favorable position classification comparisons that he has sought. To cite one example, Nelson Dewey is a seasonal Class A property with a PS 2 but without permanent subordinate employees. However, that superintendent reports directly to a PS 5 and actually prepares the budget, operational plans, etc., for the property, subject to review by the PS 5. Even with respect to Tower Hill, which had some favorable bases for comparison, in the absence of any countervailing evidence from respondent, there was not enough evidence about the property, particularly in the absence of a position description, for the Commission to be able to reach the conclusion that Mr. Olson's position is comparable from a classification standpoint.

In conclusion, because Mr. Olson's position is more specifically described by the Ranger 3 position standard than by the PS 2 position standard, and because he has not produced sufficient evidence to show that his position compares favorably from a classification standpoint to other positions, or that for other reasons recognized by the position standards and the classification system it should be at the higher level, respondent's decision denying the reclassification request must be affirmed.

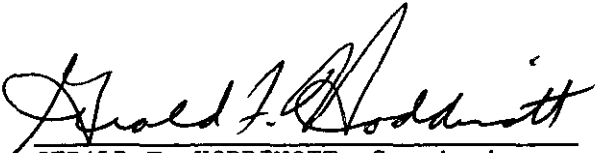
ORDER

The decision of respondent DNR to deny the request for reclassification of appellant's position from Ranger 3 to Park Superintendent 1 or Park Superintendent 2 is affirmed and this appeal is dismissed.

Dated: Sept 20, 1989 STATE PERSONNEL COMMISSION

AJT:rcr  
RCR03/2

  
DONALD R. MURPHY, Commissioner

  
GERALD F. HODDINOTT, Commissioner

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