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CARL BATHA,

Appellant,

v.

Secretary, DEPARTMENT OF
EMPLOYMENT RELATIONS,

Respondent.

Case No. 90-0134-PC

* * * * *

DECISION
AND
ORDER

This matter is an appeal pursuant to §230.44(1)(b), Stats. of the reclassification of appellant's position from Natural Resources Supervisor 5 (NRSup 5) (PR 01-16) to Natural Resource Administrator 2 (NRA 2) (PR 01-17) instead of NRA 3.

FINDINGS OF FACT

1. At all times relevant, appellant, Carl Batha, was employed by the Department of Natural Resources (DNR) at its Southern District office as a program supervisor for wild life management, a position in the classified civil service.
2. The appellant reports directly to James March, the Assistant District Director, who is classified as a Natural Resource Administrator 3.
3. On March 20, 1990, as a consequence of a study conducted by DNR and respondent, the appellant was notified that, effective December 31, 1989, his position was reclassified from Natural Resource Supervisor 5, Management (PR 01-16) to Natural Resource Administrator 2 (PR 01-17).
4. On April 4, 1990, appellant appealed the reclassification decision to the Commission.
5. The study conducted by DNR and respondents was made to determine the impact of a recent DNR reorganization.

6. The reorganization included dissolution of Area Director positions which were responsible for implementing all department programs in a designated geographic area.

7. Upon removal of the Area Director in appellant's district, appellant became directly responsible for the entire wildlife management program in the Southern District.

8. Appellant's duties and responsibilities at the time of this reclassification action were as follows:

14. POSITION SUMMARY

This position is the leader for the wildlife management and endangered resources program for the 14 counties of the Southern District. Program priorities and work plans are established and implemented, budgets allocated, and accomplishments evaluated. Four professional-level (mgt.) supervisors and one (represented) staff specialist are directly supervised. A close liaison must be maintained among central office agency staff and other professionals (University of Wisconsin; U.S. Dept. of the Interior, Fish & Wildlife Service; Department of Agriculture, Animal & Plant Health Inspection Service; and Forest Service, etc.). The Southern District not only has the largest wildlife workload of the state, it also has the most critical (highest priority) workload.

15. GOALS AND WORKER ACTIVITIES

Time % Goals and Worker Activities

- | | |
|-----|---|
| 55% | A. Supervise the Southern District's wildlife management program. |
| | A.1 Establish the priorities. |
| | A.2 Direct and implement the work plans. |
| | A.3 Allocate the budgets in line with the work plan. |
| | A.4 Settle the conflicts that arise regarding program changes affecting objectives and/or budgets. |
| | A.5 Conduct field investigations to ensure dynamic program management, efficiency, and adherence to policy. |
| | A.6 Establish the wildlife land acquisition priority and scrutinize options. |
| | A.7 Formulate recommendations for hunting and trapping season changes. |
| | A.8 Evaluate master plans for wildlife management elements. |

- A.9 Serve as a catalyst for wildlife employee operational and development innovations.
 - A.10 Implement wildlife employee in-service training programs.
- 20%
- B. Supervise area wildlife managers (3 National Resource Supervisor 3), the director of the state game farm (Natural Resource Supervisor 2), and a private lands wildlife management biologist (Natural Resource Specialist 5) and directs the recruitment of permanent employees.
 - B.1 Assign and prioritize employee objectives.
 - B.2 Evaluate employee performances as a supervisor and program leader.
 - B.3 Review accomplishment of the work plan in relation to priorities and the workload.
 - B.4 Direct corrective actions of employees when and where necessary.
 - B.5 Provide for implementing an affirmative action/equal employment opportunity program.
 - B.6 Take appropriate action on employee complaints and grievances to ensure a fair and orderly settlement of disputes.
 - B.7 Recruit, interview and evaluate applicants for all permanent employees and recommends appointment of qualified candidates to establish a professionally skilled work force.
- 10%
- C. Coordinate the Southern District's Endangered Resources and Natural Area program.
 - C.1 Establish work plans and detail management activities.
 - C.2 See that surveys are conducted properly and timely.
 - C.3 Conduct audits and approve annual accomplishment reports.
 - C.4 Arrange for the protection of endangered species and natural areas.
- 10%
- D. Administer the Southern District's Scientific Collector's Permit program.
 - D.1. Develop the District policy.
 - D.2 Review submitted annual reports for compliance and purpose.
 - D.3 Approve and issue permits for collecting flora and fauna for bonafide research projects.

- 2% E. Administer the District Falconry Permit program.
 - E.1 Supervise the falconry program to ensure permittee compliance with applicable state and federal regulations.
 - E.2 Administer written exams, equipment inspections, and conduct interview of prospective falconers.
 - E.3 Review annual reports to ensure protection of the raptor resource and the sport of falconry.
 - E.4 Approve and issue falconry permits.

- 3% F. Administer the Southern District's Wildlife Rehabilitation program.
 - F.1 Develop the District (Southern Wisconsin) policy.
 - F.2 Review applicants from citizens and determine qualifications.
 - F.3 Inspect facilities when necessary.
 - F.4 Educate cooperators to state and federal laws.
 - F.5 Issue permits.
 - F.6 Evaluate for performances of cooperators.

9. The position standard for the Natural Resource Administration series, in regards to positions assigned to DNR's district offices, provides as follows:

MAJOR PROGRAMS

. . . as described within this specification . . . include Solid Waste, Water Supply, Water Resource Management, Water Regulation and Zoning, Wastewater, Air Environmental Analysis and Review, Fish Management, Wildlife Management, Forest Management, Fire Control, Parks Research, and Resource Management and Environmental Protection Law.

NATURAL RESOURCE ADMINISTRATOR 2

Definition:

Positions allocated to this class typically function in one of the following capacities: . . . (2) as a chief of a multi-faceted program section in a DNR district office with responsibility for planning and directing the implementation of departmental policies district wide; . . .

NATURAL RESOURCE ADMINISTRATOR 3

DEFINITION:

Positions allocated to this class typically function in one of the following capacities: (1) as the assistant district director of a DNR district with responsibility for planning and directing the implementation of all resource management or environmental protection programs in the district where the components of the departmental program are fully developed and operational in the district; . . .

10. The only district program supervisor positions which are classified at the NRA 3 level are those responsible for two major programs as identified in the NRA 1-5 position standard.

11. Appellant's position is similar to other DNR district program supervisor positions classified at the NRA 2 level which are responsible for important functions not identified in the position standard as a "major" program.

12. Appellant does not function as the assistant district director.

13. Appellant's position is better described by the specifications for the NRA 2 classification than those for the NRA 3 classification.

14. The duties and responsibilities of appellant's duties are comparable to the duties and responsibilities of NRA 2 positions offered for comparison by respondent.

CONCLUSIONS OF LAW

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

2. Appellant has the burden to prove the decision by respondent to reclassify his position to the NRA 2 level was incorrect.

3. Appellant has failed sustain this burden.

4. Respondent's decision to reclassify appellant's position to NRA 2 was correct.

DISCUSSION

There is little dispute over the facts in this case. Appellant is a district program supervisor for wildlife management in the DNR Southern District Office. His duties include supervising the state game farm. Appellant contends his position should be classified at the NRA 3 level, because his workload is significantly greater than the workloads of five other district wildlife supervisors. In support, he presented exhibits which showed that historically his position was classified one step higher than corresponding positions in other districts, in recognition of the added responsibilities of the game farm. Also he contends his wildlife management responsibilities, which include the game farm, are as great as those positions assigned two major programs, e.g., the position of Chuck Adams, a Forest Management/Fire Control Supervisor, who is classified a NRA 3.

In response, respondent's witness, Susan Steinmetz, a DNR personnel specialist, testified that appellant's duties had not changed since 1983, except for the supervisory responsibilities added after the dissolution of area director positions. Steinmetz also stated that a heavy workload does not necessarily mean more complexity. She stated that complexity is a function of such factors as scope, impact, and specialized knowledges and skills needed to discharge duties. In addition, Ms. Steinmetz testified that only district program management supervisors with two major programs, as identified in the NRA position standard, were reclassified to the NRA 3 level.

The Commission has consistently held that its authority in reclassification cases is to fit reclassification into existing position specifications.¹ The position standard for the NRA series requires that a position in the district office function as an assistant district director in order to be classified a NRA 3. The only exception to this requirement is in those instances where the position is responsible for two major programs identified in the position standard. Appellant's position does not function as an assistant district director position and is responsible for only one major program. Even though appellant argues that his

¹Kailin v. Weaver and Wettengel, 73-124-PC (1975), Marx v. DP, 78-138-PC (1981), Zhe et al. v. DP, 80-285, 286, 292, and 296-PC (11/19/81).

state game farm responsibilities are equivalent to responsibilities for a major program, the drafters of the classification specifications did not reach that conclusion. On this basis, the Commission concludes appellants position is more appropriately classified at the NRA 2 level than the NRA 3 level.

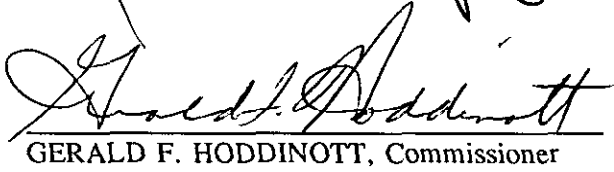
ORDER

The action of respondent is affirmed and this appeal is dismissed.

Dated: June 12, 1991 STATE PERSONNEL COMMISSION


DONALD R. MURPHY, Commissioner

DRM/gdt/2


GERALD F. HODDINOTT, Commissioner

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