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MICHAEL DUERST,

Appellant,

v.

Secretary, DEPARTMENT OF  
NATURAL RESOURCES, and  
Secretary, DEPARTMENT OF  
EMPLOYMENT RELATIONS,

Respondents.

Case No. 90-0188-PC

\* \* \* \* \*

DECISION  
AND  
ORDER

Nature of the Case

This is an appeal of a decision by respondents to deny appellant's request for the reclassification of his position from Natural Resources Technician 2 (NRT 2) to Natural Resources Technician 3 (NRT 3) or Natural Resources Specialist 2 (NRS 2). A hearing was held before Laurie R. McCallum, Commissioner, on October 5, 1990, and the briefing schedule was completed on November 1, 1990.

Findings of Fact

1. At all times relevant to this matter, appellant has been employed by respondent DNR in a position in the classified civil service classified as an NRT 2.

2. The duties and responsibilities of appellant's position are accurately described in a position description signed by appellant on October 12, 1989, which states as follows, in pertinent part:

80% A. Direct, develop and maintain Dodgeville Area fisheries habitat.

- 25% A1. Plan, design and coordinate habitat projects both lake and stream.
- 20% A2. Supervise the project and the development and maintenance crews on-site.
- 10% A3. Prepare habitat development project proposals and EIA screening worksheet.
- 10% A4. Maintain records on budget reports.
- 5% A5. Write up bid specifications for contract work.
- 5% A6. Inspect completed projects for final approval.
- 5% A7. Prepare project accomplishment reports.

10% B. Assist area fish manager with development and maintenance of area fisheries management properties.

5% B1. Coordinate and supervise property maintenance program.

5% B2. Plan, design, and coordinate property development and maintenance projects.

10% C. Assist area fish manager with all Dodgeville Area fish management activities.

3. In carrying out the duties and responsibilities of his position, appellant conducts fish surveys, recommends and implements fish habitat improvement and development projects, and writes environmental impact assessment narratives.

4. The position standard for the Natural Resources Technician 2 classification states, in pertinent part:

#### Definition

This is responsible technical work in the areas of fish, forest and game. Employees in this class (1) have specific sub-area program responsibility with minimal professional supervision available, (2) are responsible for planning, implementing and directing all district field crews on district fish, forest and game habitat improvement projects . . . Work is performed under the general guidance and direction of a Natural Resources Operations Supervisor or Natural Resource Specialist.

#### Examples of Work Performed:

##### Program Assistant

Independently coordinates, schedules and implements the specific sub-area program.

Maintains the sub-area grounds, facilities and equipment.  
Directs crews in carrying out the sub-area programs.

Assists the area professional in planning the sub-area program.

Crew Chief

Plans, implements and directs the work on district construction and fish, forest and game habitat improvement projects.  
Plans, schedules and assigns manpower and equipment needed to implement projects.  
Prepares project activity and progress reports.  
Prepare monthly payroll, time sheet and expense records.

4. The position standard for the Natural Resources Technician 3 classification states as follows, in pertinent part:

Definition

This is responsible technical work in the areas of fish, forest and game. Employees in this class: (1) direct the operations at an area habitat management station, (2) function as the primary district crew chief reporting directly to the district operations coordinator, . . . General supervision is received from a Natural Resources Operations Supervisor.

Examples of Work Performed

Area Habitat Management Station Director

Plans, implements and coordinates all fish, forest and game habitat improvement projects in an area.

Schedules, assigns and reviews the work of crews working on area habitat management station projects.

Directs habitat management station crews in equipment maintenance and repair activities.

Inspects, as the Department of Natural Resources' representative, private power and pipeline construction projects that cross state-owned property.

Prepares the habitat management station work activity and progress reports.

Prepares, records and maintains the habitat management station monthly payroll, time sheets, and expenses and vehicle records.

Crew Chief

Plans, implements and directs the work on district construction and fish, forest and game habitat improvement projects.

Plans, schedules and assigns manpower and equipment needed to implement projects.

Prepares project activity and progress reports.

Prepares monthly payroll, time sheet and expense records.

6. The position standard for the Natural Resource Specialist series provides as follows, in pertinent part:

Inclusions

This series encompasses the professional nonsupervisory resource management positions . . . Within each organizational level, these positions are of the following types:

\* \* \* \* \*

C. Positions functioning out of an area or district office having line responsibility for implementing or assisting in the implementation of resource management programs (i.e., fish, wildlife, fire control, or forestry) in a limited geographic area.

Resource management work is considered professional when the work is:

- (1) predominantly intellectual and varied requiring knowledge of an advanced type customarily acquired by a prolonged course of specialized intellectual instruction in an institution of higher learning;
- (2) involves the consistent exercise of discretion and judgment; and
- (3) is of such a character that the output produced or result accomplished cannot be standardized in relation to a given period of time.

Natural Resources Specialist 1-4--Definition

These four levels identify professional resource management work ranging from the entry to the basic objective level in an area, district, or central administrative office. . .

Representative Positions

Assistant Area Resource Manager - These positions report to the Area Resource Manager for Fish, Wildlife, or Forestry and are responsible for the implementation of the fish, wildlife, forest management, fire control, or forestry programs in a sub-area (one or two counties). General activities for all areas of specialization include: writing environmental impact assessment narratives, reviewing environmental impact statements for content, responding to public inquiries, addressing public groups, and assisting in the writing of press releases. Examples of specific activities by area of specialization include:

Assistant Area Fish Manager - conducting fish surveys, negotiating land acquisition agreements, recommending and

implementing lake and stream habitat improvement projects, and recommending lake and stream stocking quotas.

7. The first-line supervisor of appellant's position is Gene Van Dyck, the Dodgeville Area Fish Manager. Mr. Van Dyck's position is classified as a Natural Resources Supervisor 2.

8. An Assistant Area Fish Manager for the Dodgeville Area is Roger Kerr. Mr. Kerr's position is classified as a Natural Resources Specialist 5 and conducts surveys of the waters in Grant, Lafayette, and Richland counties (45%); determines the public interest in regard to investigating requests to construct dams, ponds, or new channels on waters in these three counties (10%); negotiates with landowners for the purchase of easement or fee title equity for land on trout streams in these three counties for public fishing, habitat protection, and habitat development (10%); recommends acquisition priorities and completes all paper work associated with land optioning, etc. (5%); prepares habitat development plans for easement or fee title areas and monitors the effects of such habitat development if implemented (10%); maintains easement or fee title areas (maintains fences, picks up litter, cuts brush, etc.) (15%); makes public appearances at schools, sportsman's clubs, etc., to discuss fishery programs (10%); conducts private fish hatchery investigations and maintains waters files, survey equipment etc. (10%).

9. Appellant requested the reclassification of his position from NRT 2 to NRT 3 or to a classification within the NRS series some time on or after October 12, 1989. This request was denied by respondent DNR in a memo dated April 20, 1990. Appellant filed a timely appeal of this denial with the Commission.

10. The majority of appellant's position's time is devoted to performing duties and responsibilities best described by the NRT 2 position standard.

### Conclusions of Law

1. This matter is appropriately before the Commission pursuant to §230.44(1)(b), Stats.
2. The appellant has the burden to prove that respondents' decision denying the subject request for the reclassification of his position was incorrect.
3. The appellant has failed to sustain this burden.
4. The decision of respondents to deny appellant's request for the reclassification of his position from NRT 2 to NRT 3 or to a classification within the NRS series was correct and appellant's position is more appropriately classified at the NRT 2 level.

### Decision

Appellant's position, like many positions in the classified civil service, is an amalgam of duties and responsibilities, some stronger and some weaker from a classification standpoint. The Commission's role is to determine how a position spends the majority of its time, i.e., what the primary emphasis of a position is, and which classification specifications best describe the duties and responsibilities which comprise this primary emphasis.

In this particular appeal, a distinction must first be drawn between duties and responsibilities of an NRS position and those of an NRT position. Although the position standards and position descriptions for positions in these series use some of the same language, e.g., "plans," "implements," the appropriate focus is on that which is being planned and implemented. For a position in the NRT series, that focus is the physical work of constructing a

habitat development or improvement project. This could entail determining the construction methods needed to complete the project, estimating the cost of construction, writing bid specifications and letting construction bids, scheduling and directing construction crews, maintaining construction records and preparing construction reports, and inspecting the construction when completed. For a position in the NRS series, that focus is the analytical work which precedes and follows the actual construction. This could entail surveying the existing fish resource and habitats, analyzing the results of this survey, developing proposals to develop new habitat projects or change existing ones based on this analysis, designing such projects, acquiring land needed to complete such projects, determining public reaction to proposals or completed projects, inspecting completed projects to determine if they comport with such design, and analyzing the impact of the project upon the fish resource after the project has been in place for a time.

With this distinction in mind, a review of the duties and responsibilities of appellant's position indicates that the following are NRT-type duties: part of A1 (less than 25%), A2 (20%), A4 (10%), A5 (5%), A6 (5%), B1 (5%), B2 (5%); and the following are NRS-type duties: part of A1 (less than 25%), A3 (10%), A7 (5%), C (10%). It is clear that, although appellant's position does perform some NRS-type duties and responsibilities, these do not consume a majority of his time. The primary emphasis of appellant's position continues to be related to the construction aspect of habitat development and improvement projects.

The next question is whether appellant's position is more appropriately classified at the NRT 2 or NRT 3 level. For the allocation applicable to appellant's position, the NRT 3 classification specifications require that a position "plans, implements and coordinates all fish, forest and game habitat improve-

ment projects in an area." Appellant's positions' responsibilities involve only fish habitat projects and thus fail to satisfy the requirements for classification at the NRT 3 level.

The Commission concludes on this basis that appellant's position is more appropriately classified at the NRT 2 level.

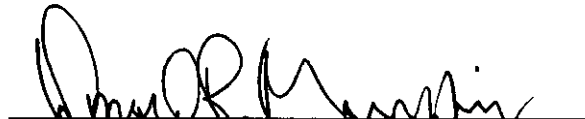
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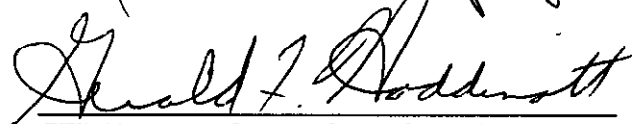
The action of respondents is affirmed and this appeal is dismissed.

Dated: January 11, 1991 STATE PERSONNEL COMMISSION

  
LAURIE R. McCALLUM, Chairperson

LRM/gdt/2

  
DONALD R. MURPHY, Commissioner

  
GERALD F. HODDINOTT, Commissioner

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