

STATE OF WISCONSIN

PERSONNEL COMMISSION

\* \* \* \* \*  
ALLEN D. MILLER,  
Appellant,  
v.  
Secretary, DEPARTMENT OF NATURAL  
RESOURCES, and Secretary,  
DEPARTMENT OF EMPLOYMENT  
RELATIONS,  
Respondents.  
Case No. 90-0202-PC  
\* \* \* \* \*

DECISION  
AND  
ORDER

Nature of the Case

This is an appeal of respondents' decision to deny appellant's request for the reclassification of his position from Park Superintendent 2 (Park Sup 2) to Park Sup 3. A hearing was held on September 20, 1990, before Laurie R. McCallum, Chairperson.

Findings of Fact

1. At all times relevant to this matter, appellant has been employed by respondent DNR in the classified civil service as the superintendent of the Whitefish Dunes State Park. In May of 1989, appellant requested the reclassification of his position from Park Sup 2 to Park Sup 3. This request was denied by respondents on or around April 16, 1990. Appellant filed a timely appeal of this denial.

2. Appellant's position was reallocated to the Park Sup 2 level effective April 14, 1985. At that time, this position supervised 6 limited term employees and was responsible for administration and supervision of park development;

operations, including sticker sales and control and fiscal control; maintenance of land and facilities; public relations; and law enforcement.

3. Respondents' classification expert testified at the hearing that appellant's position was given credit as part of the 1985 reallocation process for the planned addition of permanent subordinate staff positions.

4. At the time of the subject reclassification request, appellant's position supervised 1.75 permanent/seasonal positions and 1.70 limited term employee (LTE) positions. Between 1985 and 1990, a picnic area had been added to the park; the number of visitors to the park had increased from 71,600 annually to 166,400; annual park revenues had increased from \$11,400 to \$84,000; and the park began presenting interpretive programs for visitors-- 5,587 were presented in 1988. In April of 1989, construction started on a new park headquarters/ interpretive center which had been in the planning stages for several months. Appellant's position had been very involved in every aspect of planning for this center. This center was completed in December of 1989.

5. The position standard for the Park Sup series states, in pertinent part:

**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; . . .

**PARK SUPERINTENDENT 3**

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; . . .

6. Respondent DNR has developed a procedure for classifying parks based on the application of a mathematical model to the tasks performed in the management of a particular park. The mathematical model is based on 150 key tasks selected by respondent DNR, the standard time for completing such tasks, and the complexity of such tasks. The figure produced by this procedure represents the complexity of the supervisory tasks required to manage the particular park. Based on the computation of these figures for each state park, parks are grouped into classifications.

7. During the course of the hearing, appellant compared certain characteristics of Whitefish Dunes State Park to certain Class B parks. The following chart is a summary of such comparisons for 1988:

<u>Park:</u>	<u>Buckhorn</u>	<u>Council Grounds</u>	<u>Gov. Nelson</u>	<u>Whitefish Dunes</u>
Acres	2918	427	422	863
Picnic Acres	27	13	10.4	2.0
Tables	87	70	100	20
Grills	34	32	0	10
Shelters	2	1	0	0
Frontage feet	1000	16,000	2200	13,700
Beach frontage	300	217	300	6300
Beach acres	0.3	4.3	0.5	30
Parking stalls	422	240	549	240
Nature trails	1.0	0.8	0.1	0
Hiking trails	5.7	3.1	4.2	12
Ski trails	6.5	3.9	4.2	12
Camping sites	45	55	0	0
Boat landings	2	1	1	0
Road miles	5.9	2.5	1.6	.5
Perm. staff	2.33	2.0	2.58	2.75
LTE staff	2.54	2.95	2.15	1.70
Sticker sales	2076	4513	4670	14,673
Park revenues	\$20,906	\$71,782	\$42,423	\$84,000
Total visits	104,501	185,951	100,408	164,520

8. Buckhorn State Park is a work unit which also contains Roche-a-Cri State Park and a wildlife area.

9. The Superintendent of Governor Nelson State Park is classified at the Park Sup 3 level. This classification was based on the master plan for the development and operation of the park. Respondent DNR acknowledged at the hearing that the expectations embodied in this plan have not been realized and that the superintendent of this park may be classified at too high a level.

10. The first-line supervisor of appellant's position is John Young, a Park Supervisor 6. Mr. Young's first-line supervisor is the District Park Supervisor for the Lake Michigan District.

11. As the superintendent of a Class A state park, appellant's position is more appropriately classified at the Park Sup 2 level than the Park Sup 3 level.

#### Conclusions of Law

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

2. Appellant has the burden to prove that respondent's denial of his request for the reclassification of his position from Park Sup 2 to Park Sup 3 was incorrect.

3. Appellant has failed to sustain this burden.

4. Appellant's position is more appropriately classified at the Park Sup 2 level than the Park Sup 3 level.

#### Decision

It is clear from the record that, in order to be classified at the Park Sup 3 level, a position which functions as the superintendent of a state park must function as the superintendent of a Class B park. It is also clear from the record that respondent DNR has classified Whitefish Dunes State Park, i.e., the park for which appellant's position functions as the superintendent, as a Class A park. The essence of appellant's

argument is that respondents failed to take into account certain changes in his duties and responsibilities and that Whitefish Dunes State Park is misclassified as a Class A park.

Appellant argues that respondents failed to take into account the planning, construction, operation, and maintenance of the parks' new headquarters/interpretive center. However, respondents are correct in asserting that, since appellant failed to show that he had been performing these duties in relation to the new facility for at least six months as of the date of the subject reclassification request, they could not be taken into consideration in reviewing the classification of his position. It is understandable, however, how this position of respondents is confusing to appellant. Respondent acknowledges in the record that the classifications of appellant's position in 1985 and the original classification of the superintendent position at Governor Nelson State Park were not based solely on the duties and responsibilities appointees to these new positions would be performing upon appointment but on the duties and responsibilities those positions were expected to assume at some future time. This practice appears to be inconsistent with the premise on which the state classification system is based, i.e., that positions shall be classified based on the duties and responsibilities actually assigned to and carried out by that position.

Appellant also argues in this regard that respondents' denial of his reclassification request failed to take into account the extent of the changes in the number of positions his position now supervises, the addition of an interpretive program, and the substantial increase in the number of visitors to the park and the number of stickers sold. Although there is no question that appellant's position is stronger now from a classification standpoint than it was in 1985, that is not enough to sustain a conclusion that appellant's position should be classified at the higher

level. Appellant would have to show instead that the duties and responsibilities of his position no longer fit within the range of duties and responsibilities encompassed by the Park Sup 2 classification but within the range of duties and responsibilities encompassed by the Park Sup 3 classification and appellant has failed to show this.

In further support of his position, appellant argues that Whitefish Dunes State Park is incorrectly classified as a Class A park. The problem with reviewing this aspect of the instant case is that respondent DNR's classification of parks has been reduced to the application of a mathematical formula not susceptible to analysis based on the information available in the record. Although the record indicates that this formula is based on the complexity of the tasks necessary for the management of a park, the record does not indicate what specific tasks have been isolated and what criteria have been applied to these tasks to assess their complexity. Without this type of evidence to review, the Commission is unable to sustain appellant's position that the park classification system is flawed or that Whitefish Dunes State Park is incorrectly classified as a Class A park.

Appellant has offered evidence comparing many of the characteristics of Whitefish Dunes State Park with those of certain Class B parks. However, it is not obvious that Whitefish Dunes State Park should be classified at the same or higher level than Buckhorn in view of the fact that Buckhorn is a work unit which includes another park and a wildlife area, that Buckhorn has camping facilities, that Buckhorn has significantly more acreage, and that Buckhorn has a much larger picnic area. All of these factors add to the complexity of managing Buckhorn State Park. It is also not obvious that Whitefish Dunes State Park should be classified at the same or higher level than Council Grounds. Despite the fact that Council Grounds State Park is comparable to Whitefish Dunes State Park in most aspects, including the total number of visits and total revenues, Council Grounds also has camping facilities

which adds to the complexity of managing this park. Although it does appear that Whitefish Dunes State Park is a more complex operation than Governor Nelson State Park in regard to most of the criteria listed in Finding of Fact 7, the value of this comparison is negated by the fact that respondents acknowledge that the superintendent of this park is probably misclassified at the Park Sup 3 level.

On this basis, the Commission concludes that appellant's position is appropriately classified at the Park Sup 2 level.

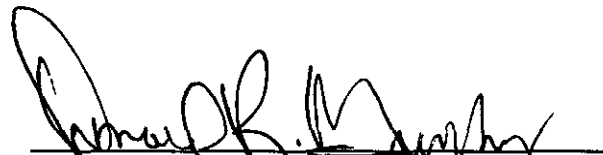
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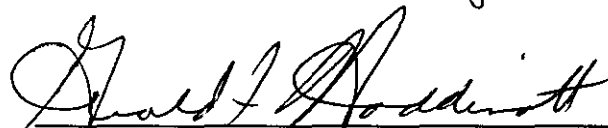
The action of respondent is affirmed and this appeal is dismissed.

Dated: December 13, 1990      STATE PERSONNEL COMMISSION

  
LAURIE R. McCALLUM, Chairperson

LRM/gdt/2

  
DONALD R. MURPHY, Commissioner

  
GERALD F. HODDINOTT, Commissioner

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