DAVID MARES, et al.,

(William C. Kopplin, Edward H. Wood, \*
Everett Graul),

Appellants,

v. \*

Secretary, DEPARTMENT OF CORRECTIONS, and Secretary, DEPARTMENT OF EMPLOYMENT RELATIONS,

Respondents.

Case No. 91-0002-PC

\* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \*

DECISION AND ORDER

#### NATURE OF THE CASE

This is an appeal pursuant to \$230.44(1)(b) of the denial of appellants' request to reclassify their positions from Power Plant Operator 2 to Power Plant Operator 3.

## **FINDINGS OF FACT**

- 1. At all times relevant to this matter, appellants (David Mares, William Kopplin, Edward Wood and Everett Graul) were employed as Power Plant Operator 2's at Oakhill Correctional Institution.
- 2. Messrs. Mares, Kopplin and Wood were reclassified from Power Plant Operator 1 to Power Plant Operator 2 in 1985. Mr. Graul was hired as a Power Plant Operator 2 in January, 1988.
- 3. The position descriptions used both to reclassify Messrs. Mares', Kopplin's and Wood's positions, and to hire Mr. Graul are identical. The following accurately describes the duties and responsibilities of all the appellants at the time of their reclassification/hire:

# TIME % GOALS AND WORKER ACTIVITIES

A. Responsible for all aspects of operation, service and maintenance of high pressure boilers and related equipment to provide steam service to

15%

nineteen buildings in accordance with DOA & DILHR standards.

- A1. Place boilers and auxiliary equipment and/or off line in response to plant load requirements or to maximize plant operating efficiency and reliability.
- A2. Adjust combustion controls to assure proper fuel utilization.
- A3. Test operate safety interlocks; safety popoff valves.
- A4. Check temperatures and pressure gauges; log readings hourly.
- A5. Check and record outside temperature every four hours.
- A6. Blow down boilers every four hours and operate water column blow downs when coming on shift.
- A7. Verify operation and settings of pressure reducing valves.
- A8. Check operating air pressure from compressor; adjust as needed.
- A9. Maintain proper level and temperatures in de-aerating feed water feed water heater.
- A10. Determine chemicals additives needed in boiler feed water; adjust additive dosage and equipment accordingly.
- A11. Keep boiler room clean and maintain safety standards as established by State, Federal, and Institution regulations.
- B. Responsibility for ensuring a safe and adequate supply of fresh (drinking) water and maintenance of equipment and supplies necessary for its distribution throughout the institution and neighboring camp.
  - B1. Monitor operation of well pump and log hourly.
  - B2. Take and record daily readings of water pumped and chlorine, lime and phosphate added; calculate ratios and record.
  - B3. Collect and test water samples daily to assure residual quantities of chlorine, lime and phosphate are within tolerances as established by DNR.
  - B4. Determine and adjust the amount of chemicals added for water softening to maximize plant operating efficiency and to reduce water hardness to acceptable levels.
  - B5. Backwash lime softening filter beds 3 times a week.
  - B6. Assist in service and repair of water softeners in A & B Buildings and School and the power plant boiler softener/dealkyalyzer.

- B7. Take and record weekly static water level and pumping level readings on both wells.
- B8. Collect periodic well water samples and forward to State Lab of Hygiene for bacterial testing.
- B9. Twice a year flush and clean mixing chamber, settling tank, troughs, etc., used in lime softening process.
- B10. Monitor, maintain and repair sewage lift pump station.
- 15% C. Maintenance of all steam distribution and condensate return lines for high and low pressure steam.
  - C1. Lay new lines as needed
  - C2. Survey lines for leaks do repairs as needed.
  - C3. Clean and repair all steam traps and strainers.
  - C4. Check and repair damaged pipe insulation.
  - C5. Clean and check heat exchangers, air handling units, univents, fan coils, connectors, radiant heat coils and pumps.
  - C6. Lubricate and/or replace seals in pumps.
  - C7. Check filters in all units regularly; replace as needed.
  - C8. Check damper operations, correct as needed.
  - C9. Check, repair, replace valves on boilers, steam lines, expansion joints, etc.
  - C10. Open, repair, and clean boiler at end of firing season or as needed during heating season, inspect and close in preparation for firing.
- 10% D. Maintenance of tool control system.
  - D1. Issue hand tools to staff as requisitioned.
  - D2. Receive back tools issued each day.
  - D3. Take follow up action to locate missing tools, report losses.
  - D4. Maintain a perpetual inventory on tools.
  - D5. Do preventive and repair maintenance on motorized tools.
  - D6. Prepare a quarterly requisition for replacement tools.
- 10% E. Performance of mechanical facility repair duties.
  - E1. Repair large and small appliances.
  - E2. Operate front end loader, fork lift, steam cleaner, and other major equipment.
  - E3. Assist with masonry, carpentry and glazing work.

- E4. Test operate emergency generator and related equipment each week.
- E5. Rebuild window screens.
- E6. Do routine plumbing work.
- E7. Assist with repair of mechanical
- E8. Inspect fire extinguishers and fire hydrants: report deficiencies.
- E9. Repair smoke detectors and heat sensors.
- 4) In late 1990, the appellants requested that their positions be reclassified. Each appellant submitted a new position description dated November 6, 1990. These position descriptions were identical to those referenced in Finding #3 above.
- 5) The specification for Power Plant Operator 2 provide the following:

Power Plant Operator 2

PR3-09

## Class Description

## Definition:

This is responsible work in the operation of coal, gas or oil fired boilers and related auxiliary equipment in a State Power Plant. Positions allocated to this class. 1) are responsible for the full range of power plant equipment operation in a power plant characterized by a high utilization of coal as a fuel as well as more than one steam or combustion driven electrical generators synchronized within the plant or with a utility. Operation of a centralized chiller may also be part of the equipment responsibility at this level; 2) function as the operator-in-charge on a shift of a State power plant with no coal firing capability but may have installed central chilling capability; or 3) function as the operator-in-charge on a shift of a plant with a coal firing capability but a low utilization of a coal as a fuel. The operator-in-charge is assigned this responsibility on a year-round basis and may or may not function as a leadworker, depending upon the number of Power Plant staff assigned to a shift. General supervision is received from a Power Plant Supervisor or a Power Plant Superintendent.

#### Examples of Work Performed

Performs all the functions identified at the Power Plant Operator 1 level and, in addition:

Boiler and auxiliary equipment operators.

Places boilers, chillers, electric generators as well as needed steam or electric-driven auxiliary equipment on-line or off-line in response to plant load requirements or to maximize plant operating efficiency and reliability.

Monitors and adjusts the operation of one or more electrical generators which require synchronization within the plant or with a utility.

Menitors and adjusts the operation of a chiller(s) within the plant which provides chilled water to an institution for air conditioning purposes.

Monitors the operation of the cooling towers and the water treatment associated with that function to maintain the proper pH to provide the maximum heat release at the lowest cost.

# Operators-in-charge of a plant on a shift

Assigns work to subordinate staff and reviews the work for conformance to work standards.

Trains subordinate staff in plant safety procedures, power equipment operation, and emergency plant operation procedures.

Performs chemical water treatment and water testing on all boiler water within the plant to assure maximum efficiency.

Regenerates water softners to assure the proper water condition for boiler use.

Assures that all record keeping required on the shift is carried out.

Adjusts boiler combustion controls to assure proper boiler efficiency.

Performs required maintenance on plant equipment to assure the proper level of plant operation.

6) The specification for Power Plant Operator 3 provide the following:

Power Plant Operator 3

PR3-10

#### Class Description

#### Definition:

This is very responsible work in charge of the operation of a power plant on a shift on a year-round basis. Positions allocated to this class are responsible on a shift for the full range of responsibilities associated with the operation of: 1) a power plant with coal burning capability and a high utilization of coal as a fuel; 2) a power plant with no coal firing capability but with an installed chilling capacity of at least 5000 rated tons of refrigeration; or 3) a power plant with a coal firing capability but a low utilization of coal as a fuel as well as the capability of

electrical generation synchronized with a utility. These positions function as leadworkers if there are other Power Plant Operator or Power Plant Helper positions assigned to the shift. General supervision is received from a Power Plant Superintendent.

## Examples of Work Performed:

Assigns work to subordinate staff and reviews the work for conformance to work standards.

Trains subordinate staff in plant safety procedures, proper equipment operation, and emergency power plant operation procedures.

Performs chemical water treatment and water testing on all boiler water within the plant.

Regenerates water softeners to assure the proper water condition for boiler use.

Assures that all record keeping required on the shift is carried out.

Adjusts controls of water and fuel feed systems, blowers, and igniters to start up or shut down boilers.

Controls the operation of boiler auxiliary equipment such as water and vacuum pumps, steam condensers, and soot blowers to insure efficient operation of boilers.

Adjusts boiler controls to provide steam at specified temperature and pressure for turbine loads according to power demands.

Observes temperature, pressure, and draft meters on panel to verify specified operation of automatic combustion control systems, feed water regulators, stoker, and burners.

Observes boiler and auxiliary units to detect malfunctions and make repairs, such as changing burner tips and tightening pipes and fittings.

Monitors and adjusts the operation of a chiller(s) within the plant which provides chilled water to an institution for air conditioning purposes.

- 7) The power plant at Oakhill Correctional Institution consists of two boilers which run on natural gas with fuel oil (#2, #5 and #6) as a backup. All the Power Plant Operator positions are classified at the 2 level.
- 8. The Taycheedah Correctional Institution power plant has three boilers. Two boilers run on natural gas with fuel oil as a back up. The other boiler runs on coal and is used approximately six months of the year during the heating season. All the Power Plant Operator positions at Taycheedah are classified at the 3 level.

9. At hearing appellants introduced the position descriptions of Sylvester Kraus, Power Plant Operator 3 at Taycheedah, dated September 17, 1990 and Jody Sylla, Power Plant Operator 2 at Taycheedah, dated April 18, 1988 for comparison purposes. Both Mr. Kraus' and Mr. Sylla's position descriptions are identical and provide the following:

Position Summary: Under the general supervision of the Assistant Superintendent of Buildings and Grounds, this position operates the Power Plant as the only employe on shift. Functions independently during periods when the Assistant Superintendent of Buildings and Grounds is not available. Performs other maintenance duties as assigned.

#### Goals and Worker Activities:

- 50% A. Provision of proper Power Plant Operation.
  - A1. Operate the power plant alone on round the clock basis with no supervision on evenings nights or weekends.
  - A2. Be able to use emergency power plant operation procedures.
  - A3. Fire coal, gas and oil boilers to assure maximum efficiency, shoveling coal, keeping carts and hopper full at all times.
  - A4. Adjust boiler controls to provide steam and pressure according to load demands.
  - A5. Operate the boiler auxiliary equipment, i.e., water pumps, steam condensers.
  - A6. Keeps records required on the shift on proper forms for steam production, water production, and amount of fuel consumed etc.
  - A7. Performs chemical water treatment and water testing on all boiler water within the plant.
  - A8. Regenerates water softners to assure the proper water condition for boiler use.

<sup>&</sup>lt;sup>1</sup> Mr. Sylla's position was subsequently reclassified to Power Plant Operator 3 using this same position description.

- A9. Adjusts water and fuel feed systems, blowers and igniters used to start up and/or shut down boilers.
- A10. Monitors the temperature, pressure and draft meters to verify specified operation of automatic combustion control systems, feed water systems, stoker and burners.
- All. Monitors boiler and auxiliary units to detect malfunctions.
- A12. Makes repairs, such as changing burner tips and tightening pipes and fittings.
- A13. Repairs grates and gaskets, and replaces when necessary.
- A14. Train new staff in plant safety and operation including emergency plant operation.
- 25% B. Provision of Proper Maintenance of Plant Equipment.
  - B1. Provide for routine maintenance of chemical pumps, water pumps, water heaters, and air compressors.
  - B2. Operate water softeners on scheduled basis to assure constant ability of soft water.

B3.

- B4. Open up boilers, inspect, dismantle and clean when needed.
- B5. Report to supervisor all maintenance performed and recommendations for major maintenance.
- B6. Assist in major maintenance projects in power plant as directed.
- B7. Functions as leadworker during 2 or more person maintenance days.
- 15% C. Provision of Proper Maintenance of Power Plant.
  - C1. Clean plant on each shift, sweeping and dusting.
  - C2. Mop and wash windows on weekly basis when needed.
  - C3. Report safety hazards to supervisor as soon as they are noted.

- 10% D. Provision of Maintenance of Buildings and Grounds.
  - D1. Assist in remodeling projects.
  - D2. Plant interior and exterior of buildings.
  - D3. Maintain and utilize skill in the following maintenance areas:

    Grounds care painting remodeling Small engine and appliance maintenance/minor repair.
  - D4. Assigns work to inmates and reviews the work for conformance to work standards. Keep time records and evaluate performance.
  - D5. Train inmates in maintenance safety procedures and proper equipment operation.
  - D6. Accurately record data on forms provided.
  - D7. Ability to diagnose systems common to power plants, their maintenance and minor repairs.
- 10) Mr. Sylla was reclassified to the Power Plant Operator 3 level based on his increased knowledge of the operation and his independence as the sole operator on a shift responsible for the operation of a power plant with coal burning capability and a high utilization of coal as a fuel. (Respondent's Exhibit #4)
- 11) While appellants are required to have a similar level of knowledge regarding the operation of the Oakhill power plant and serve as the sole operator on a shift, the Oakhill power plant does not have the capability to burn coal.
- 12) At hearing the respondent introduced the following position descriptions for comparison purposes:
- a) James Dykes Power Plant Operator 2 at Racine Correctional Institution

<u>Position Summary:</u> As the single person in charge of the plant on a shift, is responsible for complete operation of a full range of equipment used in the generation of hot water and steam heat by low pressure boilers, chilling units, and emergency generators.

## TIME % GOALS AND WORKER ACTIVITIES:

- A. Responsible for all aspects of operation, service and maintenance
- B. Responsibility for ensuring a seasonal supply of chilled water and maintenance of equipment and supplies necessary for its distribution throughout the applicable buildings.
- 15% C. Maintenance of all hot water/steam distribution and return lines for low pressure steam/hot water.
- 10% D. Maintenance of tool control system.
- 10% E. Performance of mechanical and facility repair duties.

# b) Clifford Pflugradt — Power Plant Operator 3 Green Bay Correctional Institution

Position Summary: Under general supervision of Power Plant Superintendent 3, operate power plant boilers on coal, oil or gas; operate all support systems and generators; perform required power plant maintenance.

#### Time % Goals and Worker Activities

- 75% A. Operation of Power Plant
  - A-1. Fire power plant boilers on coal, oil or gas on a shift.
  - A-2. Operate all boiler auxiliary and support systems, i.e. feed, chemical injections, etc.
  - A-3. Operate power plant electrical distribution and emergency generating equipment both turbine and diesel.
  - A-4. Take hourly readings, maintain records and make end of shift reports.
  - A-5. Act as lead worker to Power Plant helper during coal operations.
  - A-6. Operate plant equipment in a safe and efficient manner.
- 25% B. Maintenance of Power Plant and Equipment
  - B-1. Perform routine maintenance of plant equipment.
  - B-2. Assist maintenance personnel and outside technicians with emergency repairs as necessary.

- B-3. Maintain power plant building and surrounding area, i.e. painting, cleaning, etc.
- B-4. Maintain power plant security by controlling inmate access, tool and key control.
- B-5. Take steps to insure safe condition of power plant at all times.
- 13) Appellants are certified by the Department of Natural Resources (DNR) to test potable water and to sample and keep records related to water distribution and ground water. While some other institutions (King Grand Army Home, Southern Center, Waupun Correctional Institution, Winnebago Mental Health Center and Mendota Mental Health Center) have DNR certified staff, none have this responsibility to the degree that appellants do, particularly in the area of potable water and ground water testing and sampling.
- 14. Respondent denied appellants request for reclassification on the basis that no significant change has occurred in their duties and responsibilities, and that the power plant they operated did not have the capability of burning coal.
- 15. Appellants filed a timely appeal of the denial of their reclassification request.

## **CONCLUSIONS OF LAW**

- 1) This matter is properly before the Commission pursuant to §230.44(1)(b), Stats.
- 2) The appellants have the burden to prove by the preponderance of evidence that respondent's decision denying their request for reclassification was incorrect.
  - 3) Appellants have not met this burden.
- 4) Respondent's decision denying appellants' request for reclassification from Power Plant Operator 2 to Power Plant Operator 3 was not incorrect, and appellants' positions are more appropriately classified as Power Plant Operator 2's.

#### **DISCUSSION**

The issue for hearing in this case is:

Whether respondent's decision denying appellants' request for reclassification of their positions from Power Plant Operator 2 to Power Plant Operator 3 was correct.

In order for the appellants to meet their burden regarding the correctness of respondent's decision, they must show that the majority (51%) of their assigned duties and responsibilities are best described by the classification specification for Power Plant Operator 3.

The classification specification at both the Power Plant Operator (PPO) 2 and 3 level identify positions which are assigned on a year-round basis to be in charge on a shift for the operation of a power plant. Positions at both the PPO 2 and 3 may be assigned leadwork responsibilities, but the specifications do not make this a requirement at either level. In general, the distinction between the PPO 2 and PPO 3 level is that positions at the PPO 3 level are in charge of a power plant that has a coal burning capability or a chilling capacity of at least 5000 rated tons.

The specific allocation of positions at the PPO 2 and PPO 3 level are:

#### Power Plant Operator 2

... Positions allocated to this class: 1) are responsible for the full range of power plant equipment operation in a power plant characterized by a high utilization of coal as a fuel as well as more than one steam or combustion driven electrical generators synchronized within the plant or with a utility. Operation of a centralized chiller may also be part of the equipment responsibility at t his level; 2) function as the operation-in-charge on a shift of a State power plant with no coal firing capability but may have installed central chilling capability; or 3) function as the operator-in-charge on a shift of a plant with a coal firing capability but a low utilization of a coal as a fuel.

#### Power Plant Operator 3

. . . Positions allocated to this class are responsible on a shift for the full range of responsibilities associated with the operation of:

1) a power plant with coal burning capability and a high utilization of coal as a fuel;

2) a power plant with no coal firing capability but with an installed chilling capacity of at least 5000 rated tons of refrigeration; or 3) a power plant with a coal firing

capability but a low utilization of coal as a fuel as well as the capability of electrical generation synchronized with a utility.

Appellants' positions are encompassed by the second (2nd) allocation of the PPO 2 specification which identifies the operator in charge on a shift in a power plant with no coal burning capability. This allocation would also appear to appropriately identify the position of James Dykes, a Power Plant Operator 2 at Racine Correctional Institution (Finding #12). Although appellants' positions are not responsible for chilling units like Mr. Dykes, the specification does not make this responsibility a requirement to be at the PPO 2 level. Likewise, the fact that Mr. Dykes has responsibility for chilling units does not put his job at a level higher than PPO 2 unless the chilling units have a 5000 ton rating.

The positions at Taycheedah Correctional Institution occupied by Mr. Kraus and Mr. Sylla (Finding #9) are included in the first (1st) allocation of the PPO 3 specification which identifies the operator in charge on a shift at a power plant with coal firing capability and a high utilization of coal as a fuel. The Commission notes that the PPO 2 specification under the third (3rd) allocation also identifies the operator in charge on a shift at a power plant with a coal firing capability but with a low utilization of coal as a fuel.

The record does not provide any information on what is high versus low utilization of coal as a fuel. The Taycheedah Correctional Institution has one boiler which is fired by coal for approximately 6 months per year. As relevant to this case, this shows only that Taycheedah has a coal firing capability that Oakhill does not have, and provides a basis for higher classification levels at Taycheedah.

The PPO 3 specification would also appear to appropriately identify the position held by Mr. Pflugradt, a PPO 3 at Green Bay Correctional Institution (Finding #12) in that he has shift responsibility at a power plant with a coal firing capability. As with the PPO 3 positions at Taycheedah, the use of this position as a comparison is not dispositive as to the correctness of its classification but only that there is a basis on this record for identifying Mr. Pflugradt's position at the PPO 3 level.

The appellants argued that even though the power plant they work in does not have a coal firing capability, they should be classified at the PPO 3 level on an equivalency basis because of their DNR certification which allows

them to perform certain testing and sampling activities related to potable water, water distribution systems, and ground water. The major problem with this argument is that the classification specifications for PPO 2 and PPO 3 do not provide for any equivalency. In order to be classified at the PPO 3 level, the appellants must work in a power plant with a coal firing capability or a large chilling capacity.

The appellants argued further that the specification should not be a bar to their movement since they are old (1979) and outdated. While some revision of the classification specification may be appropriate, the Commission is bound by the specification currently in effect. (Zhe et al. v. DHSS and DP, 80-285-PC (11/19/81); aff'd by Dane County Circuit Court, Zhe et al. v. PC, 81-CV-6492 (11/2/82). The authority to revise classification specifications is vested with the Secretary, Department of Employment Relations by §230.09 Wis. Stats.

The appellants also tried to show that the position held by Mr. Sylla was reclassified to PPO 3 using the same position description he had for PPO 2 (Finding #9). It is not clear from the record why this occurred. One possible scenario is that Mr. Sylla transferred into the position at a PPO 2 level and then after a training period was moved to the PPO 3 level like all other power plant operators at Taycheedah. Since the appropriate classification of Mr. Sylla's position is not at issue in this case, the Commission inquiry is based on the use of this position as a comparison to those of appellants. To that extent, Mr. Sylla works as the operator in charge on a shift at a power plant with a coal firing capability as identified at the PPO 3 classification level. The appellants are operators in charge on a shift, but their power plant does not have a coal firing capability. This distinction between the type of fuel used is one of the major distinctions between the PPO 2 and PPO 3 level identified in the classification specification. While it might be argued that appellants' positions are unique and at a higher level than other PPO 2 positions, they do not have the responsibility for operation of a power plant with a coal firing capability or a large chilling capacity which is required by the classification specification for the PPO 3 level.

Consequently, appellants' positions are more appropriately classified at the PPO 2 based on their duties and responsibilities as compared to the classification specification and the other positions introduced at hearing. This decision does not reflect either on the ability or the level of performance of the

appellants, but is based on the classification specification by which the Commission is bound in making its decision.

#### **ORDER**

The respondent's action denying appellants' request for reclassification to Power Plant Opeator 3 is affirmed and this appeal is dismissed.

Dated: <u>Ucember</u> 12, 1991 STATE PERSONNEL COMMISSION

LAURIE R. McCALLUM, Chairperson

DONALD R. MURPHY, Commissioner

GERALD F. HODDINOTT, Commissioner

## Parties:

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