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RICHARD BAKER et al,  
 (Donald Martinson, John Arneson,  
 and Dave Bonfield),

Appellants,

v.

Secretary, DEPARTMENT OF  
 EMPLOYMENT RELATIONS,

Respondent.

Case No. 92-0087-PC

\* \* \* \* \*

DECISION  
 AND  
 ORDER

NATURE OF THE CASE

This is a joint appeal of a reallocation decision pursuant to §230.44(1)(b), Stats

FINDINGS OF FACT

1. Mr. Arneson and Mr. Martinson are employed in the classified civil service in the Plumbing Shop, Physical Plant Division, UW-Madison. Mr. Baker is the shop supervisor and their immediate supervisor. Mr Bonfield is the craftworker supervisor and supervises Mr. Baker.

2. As a result of a survey and the development of a new position standard (Respondent's Exhibit 1) for the Maintenance Mechanic series, respondent reallocated appellants Arneson's and Martinson's positions to Maintenance Mechanic 1 (MM 1).

3. Mr Arneson's and Mr. Martinson's positions are basically accurately described in their 1991 position descriptions (Respondent's Exhibits 3 and 4), which summarize the positions as: "responsible for the maintenance and repair of swimming pools, water softening and other related equipment." (Respondent's Exhibit 4). While these PD's characterize appellants' supervision as limited, it in fact is general.

4 The MM position standard specifically describes the positions in question in the MM 1 definition: "This is general mechanical maintenance and repair work of a routine and relatively non-complex nature Employees in this class 1) inspect, maintain and repair specialized equipment, e.g., food

service, swimming pools, water softeners...." (Respondent's Exhibit 1). The MM 2 definition includes the following:

This is general mechanical maintenance and repair work of a more complex nature. Employees at this level are generally given instructions on more complex tasks to be completed and then go out and make the repair... Employees perform a full range of routine and more complex mechanical maintenance and repair work to building systems. Employees in this class repair and maintain electrical and electronic, plumbing and various other types of mechanical and related equipment. The maintenance and repair work includes preventive maintenance and minor repairs to HVAC equipment. The work may also include assisting higher level maintenance personnel and/or building trades craftworkers. Work at this level is characterized by the latitude to exercise individual initiative. Work is performed under the general direction of a higher level maintenance mechanic, HVAC and/or refrigeration specialist, maintenance supervisor or journey level building trades craftworker.

5 Mr. Martinson and Mr. Arneson perform many of the "examples of work performed" enumerated for MM 1 -- e.g., "Clean, lubricate and repair swimming pool filters and pumps;" "Regenerate water softeners and replace filters." Some of their work also fits into MM 2 work examples -- e.g., "Maintain chemical water treatment program."

6. The MM position standard contains the following classification factors: "Knowledge; Discretion; Complexity; Effect of Actions; Consequence of Error; Personal Contacts; Physical Effort; Surroundings; Hazards; and Leadwork/Supervisory Responsibilities." (Respondent's Exhibit 1)

7. During the survey, respondent utilized a panel of job experts to evaluate maintenance mechanic positions based on the classification factors. This panel included representatives of all classifications involved in the survey, and included three supervisors from the UW-System, including a maintenance supervisor from UW-Eau Claire.

8. The rating panel evaluated positions on the basis of the classification factors. Based on the point rankings assigned, appellants' positions were ranked the third lowest of the over 30 groups of jobs studied, and the decision was made to place them at the MM 1 level. Their positions therefore were reallocated to MM 1. (This constituted a one pay range increase.)

9. Other positions at the MM 2 level (Respondent's Exhibits 5, 6, and 7) tend to have more emphasis on repair and installation (an activity

associated with the MM 3 level), and less emphasis on servicing and maintenance, as compared to the positions in question.

10. The positions in question are better described under the MM position standard as MM 1's, and are most appropriately classified at that level

#### CONCLUSIONS OF LAW

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

2. Appellants have the burden of proof to establish by a preponderance of the evidence that respondent's decision to reallocate the positions in question to MM 1 rather than MM 2 was incorrect.

3. Appellants having failed to sustain their burden of proof, it is concluded that respondent's decision to reallocate the positions in question to MM 1 rather than MM 2 was not incorrect.

#### OPINION

The MM position standard identifies Mr. Arneson's and Mr. Martinson's positions rather specifically at the MM 1 level. This identification is found in the MM 1 definition: "Employees in the class: 1) inspect, maintain and repair specialized equipment, e.g., food service, swimming pools, water softeners," as well as in the examples of work performed: "clean, lubricate and repair swimming pool filters and pumps ... Regenerate water softeners and replace filters." Since the major distinction between the two classifications is that work at the MM 2 level is "of a more complex nature," it is difficult to make a case that work that is more or less specifically identified as MM 1 level fits within the category of "more complex."

It also is noted that the MM 2 comparison positions identified by respondent support the MM 1 level for the positions in question. The MM 2 positions tend to be more oriented to repair and installation than appellants' positions, which by comparison are more oriented to servicing and maintenance. Appellants pointed out that the MM 2 definitions and work examples do not specifically refer to the installation of equipment. However, this is referred to at the MM 3 level, and therefore this kind of work would tend to support an MM 2 rather than an MM 1 level for a position. Appellants also contended that a large part of the Johnson MM 2 PD at UW-La Crosse (Respondent's Exhibit 7) constitutes plumbing work (e.g., "Maintain, repair,

and install valves, sinks, traps, faucets, toilet seats, commodes, drinking fountains...") which should not properly be assigned to a Maintenance Mechanic. Whether or not appellants' contention is correct, it does not affect the outcome of this case -- i.e., whether the positions of Mr. Arneson and Mr. Martinson are properly at the MM 1 level.<sup>1</sup> While Mr. Arneson and Mr. Martinson function at a level of independence consistent with a higher classification level, this in itself is insufficient to justify an MM 2 classification. In this regard, it is noted that it is not unusual for experienced and highly competent employees like these to function relatively independently regardless of their classification level.<sup>2</sup>

Appellants obviously believe that the positions in question compare favorably with the other MM 2 positions with which they are familiar. However, as part of the survey, a panel of experts who were familiar with all of the job areas evaluated the maintenance mechanic jobs on the basis of the class factors and ranked appellants' positions relatively low. Appellants questioned whether the panel may have overlooked the degree of hazard involved in working with chlorine. However, information about this subject was elicited on the job composite questionnaire and factored into the "consequence of error" rating. Based on the evidentiary record before the Commission, essentially all that is present is a difference of opinion as to the significance of these positions in the context of the maintenance mechanic classification factors. Appellants have not sustained their burden of proving by a preponderance of the evidence that respondent erred when it reallocated the positions in question to MM 1.

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<sup>1</sup> Appellants' contention, if well-founded, presumably could lead to the conclusion that Mr. Johnson's position should be reallocated to a crafts series or it should be stripped of crafts-level plumbing duties. Neither of these results would have a material effect on the classification of appellants' positions.

<sup>2</sup> Their PD's reflect "limited" supervision which may be consistent with what would be anticipated for the average employe in these positions.

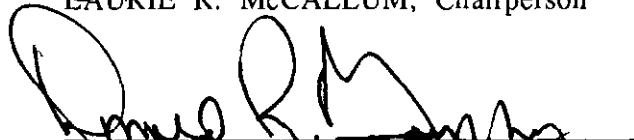
ORDER

Respondent's decision to reallocate the positions in question to MM 1 instead of MM 2 is affirmed and this appeal is dismissed.

Dated: January 8, 1993 STATE PERSONNEL COMMISSION

  
LAURIE R. McCALLUM, Chairperson

AJT:rcr

  
DONALD R. MURPHY, Commissioner

  
GERALD F. HODDINOTT, Commissioner

Parties:

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**NOTICE**  
**OF RIGHT OF PARTIES TO PETITION FOR REHEARING AND JUDICIAL REVIEW**  
**OF AN ADVERSE DECISION BY THE PERSONNEL COMMISSION**

**Petition for Rehearing.** Any person aggrieved by a final order may, within 20 days after service of the order, file a written petition with the Commission for rehearing. Unless the Commission's order was served personally, service occurred on the date of mailing as set forth in the attached affidavit of mailing. The petition for rehearing must specify the grounds for the relief sought and supporting authorities. Copies shall be served on all parties of record. See §227.49, Wis. Stats., for procedural details regarding petitions for rehearing.

**Petition for Judicial Review.** Any person aggrieved by a decision is entitled to judicial review thereof. The petition for judicial review must be filed in the appropriate circuit court as provided in §227.53(1)(a)3, Wis. Stats., and a copy of the petition must be served on the Commission pursuant to §227.53(1)(a)1, Wis. Stats. The petition must identify the Wisconsin Personnel Commission as respondent. The petition for judicial review must be served and filed within 30 days after the service of the commission's decision except that if a rehearing is requested, any party desiring judicial review must

serve and file a petition for review within 30 days after the service of the Commission's order finally disposing of the application for rehearing, or within 30 days after the final disposition by operation of law of any such application for rehearing. Unless the Commission's decision was served personally, service of the decision occurred on the date of mailing as set forth in the attached affidavit of mailing. Not later than 30 days after the petition has been filed in circuit court, the petitioner must also serve a copy of the petition on all parties who appeared in the proceeding before the Commission (who are identified immediately above as "parties") or upon the party's attorney of record. See §227.53, Wis. Stats., for procedural details regarding petitions for judicial review

It is the responsibility of the petitioning party to arrange for the preparation of the necessary legal documents because neither the commission nor its staff may assist in such preparation.