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JOHN CREVISTON,  
DENNIS M. ANDERSON,

Appellants,

v.

Secretary, DEPARTMENT OF  
EMPLOYMENT RELATIONS

Respondent.

Case No. 92-0099-PC

\* \* \* \* \*

DECISION  
AND  
ORDER

Nature of the Case

This is an appeal of the reallocation of appellants' positions as the result of respondent's survey of engineering and related positions. A hearing was held on September 22, 1992, before Laurie R. McCallum, Chairperson.

Findings of Fact

1. As the result of a survey of engineering and related positions conducted by respondent, appellants' positions were reallocated to the Engineering Technician 3-Transportation classification. Appellants filed a timely appeal of this reallocation with the Commission.
2. Appellants' positions function as sign crew chiefs for the Department of Transportation, Division of Highways and Transportation Services, Transportation District 5. The duties and responsibilities of appellant's positions are accurately described in the position descriptions submitted to respondent in relation to the subject survey. These duties and responsibilities may be summarized as follows:

30% A. Installation of traffic signs, including determining what signs are needed and where they should be placed to adequately warn, regulate and guide traffic; interpreting contract plans; staking out location of new signs; with the help of others on the crew, installing traffic signs and posts, taking into account the required sign size, mounting height, lateral offset, and position for good visibility; operating, or directing the operation of a truck-mounted large auger/derrick used to auger

holes for posts, and to lift sign assemblies and other materials including electrical/signal poles; helping the marking and signing supervisor prepare plans/sketches for detour signing and special signing projects; maintaining contact and consulting with construction/maintenance project engineers so as to schedule new sign installations or removal/replacement of existing signs in order to meet various deadlines; inspecting construction and contract signing; providing direction to city and county government agencies on signing projects to ensure proper sign installation as requested.

40% B. Maintenance of signs, including, with the help of others, repairing or replacing damaged, missing, obsolete, or worn out signs and posts; conducting inventories of traffic signs in the field for condition and necessary replacement or upgrading, including inspection of sign bridges and other I-beam supports.

5% C. Coordination of field crews including, on large projects, when so directed, coordinating the work of several crews; evaluating activities and operation of assigned crew; and filling in at sign shop in absence of shop coordinator.

5% D. Maintenance of records and reports, including filling out or directing others to fill out daily activity reports and vehicle/equipment reports; itemizing all materials used on the job, and entering reports and sign orders into the computer on a daily basis; completing various forms such as sign damage reports, truck inspections, inventory of signs to be ordered, time and travel expense, etc; keeping all receipts and invoices for repairs to and fuel used by the truck and submitting to supervisor by the end of the month.

3% E. Contacts with utility companies, including making frequent contacts with utility companies to arrange for locating/marketing of their underground facilities prior to digging holes for sign posts.

3% F. Requisition of materials and supplies, including discussing upcoming projects with supervisor to assure necessary materials will be available; taking inventory of materials in stock to determine what things need to be ordered and advise supervisor accordingly; advising supervisor of what new or revised tools, equipment, or hardware should be purchased.

2% G. Train employees, including training sign helper in the proper way to assemble and erect signs; assigning duties and scheduling work activities for sign helper and auger operator who assists on signing projects; teaching new employees on the crew how to operate and maintain various pieces of equipment.

2% H. Respond to inquiries from the general public and from public officials that come in contact with in the field and advise supervisor of these contacts.

2% I. Safety duties, including planning conduct of crew activities on the road to assure their own safety and the safety of the public; advising supervisor of locations where hazards might exist or where corrective action might be warranted; making, or having others make, safety checks of truck on a regular basis, making sure necessary safety devices are on truck and with crew; in emergency situations, making decisions and taking appropriate actions to minimize hazards to personnel and the public.

3% J. Maintenance of truck and equipment, including making arrangements for repair of truck and associated equipment after conferring with supervisor; making recommendations to supervisor regarding vehicle replacement or major repairs; obtaining records, receipts, and bills for vehicle and equipment repair and providing to supervisor.

5% K. Providing assistance to electrician including, under the direction of the district electrician, erecting light poles and signal poles on both permanent and temporary electrical facilities; installing underground conduit and pull boxes; and pulling appropriate cable and wires through underground conduit systems.

Appellants' positions report to the Coordinator of the District Marking and Signing Unit who reports to the District Traffic Supervisor who reports to the supervisor of the District Maintenance Section who reports to the District Director. Appellants' positions each direct the work of a 2 to 4 person sign crew in an assigned geographical area. District 5 has three (3) sign crews, a special marker crew, and a pavement marker crew in the Marking and Signing Unit.

3. Transportation District 3 has both a Coordinator of the District Marking and Signing Unit and an Assistant Coordinator. The Assistant Coordinator position reports to the Coordinator who reports to the supervisor of the District Traffic Unit who reports to the supervisor of the district Traffic Section who reports to the District Director. The Assistant Coordinator position was classified at the Engineering Specialist-Transportation-Senior level as the result of the subject survey and, at all times relevant to this matter, has been occupied by Merlin Anderson. Engineering Specialist-Transportation-Senior is a higher level classification than Engineering Technician 3-Transportation. District 3 has five (5) sign crews, a centerline marking crew, a special pavement crew, and a sign shop. The Merlin Anderson position's duties and responsibilities relate to all these crews and may be summarized as follows:

- 70% A. Assist supervisor with crew work assignments.
  - A1. Assist with scheduling crews for field and shop operations.
  - A2. Assist in maintaining shop inventory (signs, supplies, equipment, etc.).
  - A3. Monitor operations of pavement marking crews assisting and advising as required.
  - A4. Assist with audit of vehicle records, daily activity reports, weekly time and travel expense forms, etc., and maintaining required files.
  - A5. Assist with requisitioning required signs and materials.
  - A6. Assist and/or work independently in layout of plans for new construction projects, by-pass routes and special signing.
  
- 25% B. Preparation of detour routes.
  - B1. Review established detour routes for signing requirements to comply with the MUTCD standards.
  - B2. Determine the location where detour signs are to be installed as well as unique message signs needed.
  - B3. Make sure an adequate supply of signs are available for all detours and order special signs as needed.
  - B4. Contact affected utilities prior to field auger operations.
  - B5. Direct crews and check work for compliance.
  - B6. Monitor traffic flow after completion for possible hazards.
  
- 5% C. Comply with all safety rules and programs.
  - C1. Maintain safe working conditions for self and co-workers.
  - C2. Report any unsafe conditions, equipment or actions to supervisor immediately.

C3. Wear personal safety equipment as required.

Appellants' positions perform all these duties except A1., A3., A4., and B5. in relation to the crew that each directs. Appellants' positions perform and direct the actual installation of traffic signs and the actual maintenance of signs. The Merlin Anderson position is not assigned this function.

4. The Sign Crew Chief positions in Districts 2, 7, and 8, which were classified at the Engineering Technician 3-Transportation level as the result of the subject survey, have duties and responsibilities equivalent to those of appellants' positions except that the layout responsibilities of the District 2 and 7 positions do not appear to be quite as extensive as those of appellants' positions. Transportation District 8 has no Assistant Coordinator of Marking and Signing position and the Sign Crew Chief positions are at the same organizational level as appellants' positions.

5. The position standard for the Engineering Technician-Transportation series states as follows, in pertinent part:

ENGINEERING TECHNICIAN 3

This is a developmental level and a journey level classification within a technical engineering function. At this level, the position performs technical work in planning, design, construction, testing materials, inspection, traffic marking or signing work. This level requires more technical knowledge for successful performance of the tasks assigned to the position and the employee performs the tasks with greater independence than the previous level. Crew chief and other lead positions have considerable independence and lead lower level technicians and aids

District

Traffic

Pavement Marking Crew Chief

This position places and maintains centerline, edgeline and special pavement markings within an ongoing program of district pavement markings; directs lower level aids and technicians in completing tasks related to pavement marking; operates and maintains pavement marking vehicle and equipment; maintains records and completes reports on work, crew, vehicles and equipment.

### Sign Crew Chief

This position oversees the installation and maintenance of all signs and sign supports; schedules signing activities; directs the operation or operates the necessary equipment and tools to erect and install the signs; keeps records on damages signs, sign placements, and equipment and truck repairs and maintenance. Sign placement locations include all highways under traffic, maintenance and construction projects special signing, temporary signing, and detour signing.

### ENGINEERING TECHNICIAN 4

This is journey level engineering technician work in the planning, design, construction, maintenance and operation of transportation facilities. Positions allocated to this level differ from those allocated to lower levels by assignment of different duties; independence of work; and complexity of work.

Examples of typical duties of positions at the Engineering Technician 4 level are listed below.

### Construction/Design Technician

These positions are located in the Construction and/or Design Sections or the Construction/Design pool performing construction-related activities and/or design-related activities. These positions assist the construction project manager or the design squad leader, occasionally function as the project leader for small construction projects or function as a design squad leader, or complete technical tasks in highway design and construction. Specific construction duties include: Direct foreman and superintendents of contractors and subcontractors on the larger highway construction projects; interpret specifications and plans to see that intent is followed in all phases of work-grading, culverts, granular subbase, fencing, erosion control; direct and train inspectors; direct staking crews as construction survey crew chief; assist project supervisor in keeping records, reports, diaries, final pay quantity records and inspection reports; coordinate utility work to coincide with grading operations; interpret plans to obtain necessary control, alignment and cross section data; organize staking crew and instruct and train assigned personnel; inspect asphaltic and concrete operations at individual project batch plant sites; inspect commercial asphaltic and concrete plant sites, fabrication shops, or manufacturers on materials used in bridge and highway construction projects throughout a district or the state; inspects painting of structural steel for bridges; inspects the manufacturing and fabrication of concrete and metal pipe for culvert and sewer construction; inspects paint manufacturers and samples paint used for structural steel inspect concrete paving and bridge construction operations; provide field testing and maintain records for all materials incorporated into a construction project. Specific design

duties include: Assist in preparation and completion of highway design plans and specifications; develop plans and other contract documents for proposed highway improvement project; lay out details for proposed intersections, roadway geometrics, and other design features; compute estimated construction quantities; instruct and direct other technicians; compute and plot information from field surveys for use in plan development of a design project; assist drafting personnel with the layout and drafting of details, plan sheets, and plats.

6. The position standard for the Engineering Specialist-Transportation series states as follows, in pertinent part:

#### ENGINEERING SPECIALIST - JOURNEY

Positions allocated to this class perform a wide variety of difficult journey level engineering specialist assignments under the limited to general supervision of a higher level engineering specialist, architect/engineer, engineering specialist supervisor, or architect/engineer supervisor.

Examples of typical duties of Engineering Specialists at the Journey level are listed below:

#### DISTRICT - DIVISION OF HIGHWAYS AND TRANSPORTATION SERVICES

##### Design

##### Design Squad Leader

At this level, the position directs assigned personnel in completing studies, reports, plans, documentation, and plans and specifications necessary for the planning, location, design and construction of highway improvement projects. Generally, the position is assigned only one project at a time and directs a small design squad of lower level engineering specialists or engineering technicians. The projects are generally the smaller roadway projects. Typical small projects include local road projects, intersections, small bridge replacements and safety projects. At this level, the position may also act as assistant design squad leader for more complex projects.

##### Survey Crew Chief

This position is generally located in the Construction and Design Sections of a Transportation District Office. The duties are divided between the sections with approximately 60% allocated to construction and 40% allocated to design, although the percentages can vary. In both sections, the position functions as survey crew chief. In construction, the position functions as construction crew chief, including establishing horizontal and vertical controls, training personnel, and keeping detailed diaries and records. In

design, the position functions as the survey crew chief on original surveys under the direction of the district survey supervisor. The position may also assist the project engineer on major/complex projects and function as the project manager on routine construction projects, although these duties are generally 20% or less. The position may direct lower level engineering specialists or engineering technicians.

#### ENGINEERING SPECIALIST - SENIOR

Positions allocated to this class perform complex engineering specialist assignments under the general supervision of a higher level engineering specialist supervisor, or architect/engineer supervisor.

Examples of typical duties of Engineering Specialists at the Senior level are listed below:

#### DISTRICT - DIVISION OF HIGHWAYS AND TRANSPORTATION SERVICES

##### Traffic

##### Marking and/or Signing Coordinator

This position assists the District Traffic Supervisor with the management of traffic service activities or in the absence of the supervisor directs such traffic activities; schedules and coordinates marking and signing program activities including schedules and coordinates the daily activities of all district marking and signing crews; coordinates district activities with utilities throughout the district; assist in preparation of budgets, and identify material, equipment and personnel needs; develop estimates for construction and maintenance projects requiring traffic services.

7. The duties and responsibilities of appellants' positions are better described by the language of the classification specifications for the Engineering Technician 3-Transportation (ETT 3) classification than those for the ETT 4 level, are more closely comparable to the duties and responsibilities of the ETT 3 positions offered for comparison purposes in the hearing record than those of positions at higher level classifications, and, as a result, appellants' positions are more appropriately classified at the ETT 3 level.

#### Conclusions of Law

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



2. The appellants have the burden to show that respondent's decision reallocating their positions to the Engineering Technician 3-Transportation classification was incorrect.

3. The appellants have failed to sustain this burden.

4. The appellants' positions are more appropriately classified at the Engineering Technician 3-Transportation level than the Engineering Technician 4-Transportation level.

### Opinion

The parties agreed to the following issue at the June 16, 1992, prehearing conference:

Whether respondent's decision to reallocate appellants' positions to Engineering Technician 3-Transportation instead of Engineering Technician 4-Transportation or Engineering Specialist-Transportation-Journey was correct.

However, at the commencement of the hearing, the appellants indicated that the Engineering Specialist-Transportation-Journey classification was no longer at issue, only the Engineering Technician 3- and 4-Transportation classifications.

It is clear that the functional title of appellant's positions, i.e., District Sign Crew Chief, is specifically identified at the Engineering Technician 3-Transportation (ETT 3) level in the applicable position standard. In order to sustain their burden of proof, appellants would have to show that, despite this identification at the ETT 3 level, the duties and responsibilities of their positions are better described by the definitional language of the ETT 4 classification than that of the ETT 3 classification or that the duties and responsibilities of their positions are more closely comparable to the duties and responsibilities of ETT 4 level positions than ETT 3 level positions.

The language of the ETT 3 classification specifically describes the duties and responsibilities of appellants' positions, i.e., appellants' positions perform "technical work in . . . traffic marking or signing" and are "crew chief positions" which have "considerable independence and lead lower level technicians and aids." In contrast, the language of the ETT 4 classification does not refer to traffic marking and signing duties and responsibilities or to crew chief positions but makes general reference to "engineering technician work

in the planning, design, construction, maintenance, and operation of transportation facilities." The ETT 3 language provides a closer and more specifically applicable definition of those duties and responsibilities of appellants' position than the ETT 4 language. In addition, although there were no ETT 4 positions in the hearing record, the position standard does describe one ETT 4 level position at the district level, i.e., a Construction/Design Technician. From the description presented in the position standard, it appears that this position has a broader scope of more complex and varied duties than appellants' positions and require a broader knowledge and skills base than that required for appellants' positions. In contrast, other ETT 3 positions were offered for comparison purposes in the hearing record and, overall, the duties and responsibilities of these positions are closely comparable to those of appellants' positions. These positions also function as District Sign Crew Chiefs, and, although there were some differences in assignments due either to the presence of an Assistant Marking and Signing Coordinator position in the District or to the delegation to a Sign Crew Chief position of somewhat more responsibility relating to scheduling, layout, and inventory, these differences would not justify the classification of any one of these positions at a different level than any of the others. The primary emphasis of each of these positions was the same and the majority of work time was spent on the performance of comparable duties and responsibilities. Although this difference in the delegation of scheduling, layout, and inventory responsibilities may have made one position stronger from a classification standpoint than another, the record does not show that this difference was sufficient to justify the classification of the stronger position at a higher level.

Appellants argue that, since they perform many of the same duties and responsibilities as the higher level Merlin Anderson position, they should be classified at a higher level. First of all, although appellants' positions do perform some of the same duties as the Merlin Anderson position, they do so for a single sign crew, whereas the Merlin Anderson position performs these duties and responsibilities for five (5) sign crews, a centerline marking crew, a special pavement crew, and a sign shop. In addition, the Merlin Anderson position does not perform and direct the actual installation of traffic signs and the actual maintenance of signs, which is the primary emphasis of appellants' positions. As a result, appellants have failed to show that they spend the


majority of time performing duties and responsibilities comparable to those of the Merlin Anderson position. It is not unusual for there to be an overlap of duties and responsibilities between positions classified at different levels. Such an overlap, however, is not a sufficient basis upon which to conclude that the lower level positions merits classification at the higher level. The argument is somewhat puzzling in this case since the appellants withdrew from the issue for hearing that part of the issue dealing with the Engineering Specialist-Transportation-Journey classification, i.e., a classification within the same series as the classification of the Merlin Anderson position; and the record does not indicate the relative relationship of the pay ranges to which the ETT 3 and ETT 4 classifications are assigned and the pay ranges to which the Engineering Specialist-Transportation classifications are assigned.

Based on the above, the Commission concludes that appellants' positions are appropriately classified at the Engineering Technician 3-Transportation level.

Order

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

Dated: December 17, 1992 STATE PERSONNEL COMMISSION

  
LAURIE R. McCALLUM, Chairperson

LRM/lrm/gdt

  
DONALD R. MURPHY, Commissioner

  
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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.