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TOM R. GERSTMANN,

Appellant,

v.

Secretary, DEPARTMENT OF
EMPLOYMENT RELATIONS,

Respondent.

Case No. 92-0147-PC

* * * * *

DECISION
AND
ORDER

Nature of the Case

This is an appeal of a decision by respondent to reallocate appellant's position to the Engineering Technician-Transportation 4 classification. A hearing was held on November 4, 1992, before Laurie R. McCallum, Chairperson.

Findings of Fact

1. As the result of a personnel management survey of engineering and related positions, respondent reallocated appellant's position to the Engineering Technician-Transportation 4 (ETT 4) classification. Appellant filed a timely appeal of this reallocation with the Commission.

2. The duties and responsibilities of appellant's position during the time period relevant to this appeal are accurately described as follows:

35% A. Maintain operating budget for district routine and special maintenance programs.

A1. Prepare, within the limits of a prescribed total cost allocation, projected breakdown of operating expenses for maintenance of state and interstate highway system in each county within the district. Develop this projection by utilizing records of past expenses for such items as county equipment, county salaries, county fringe benefits, county materials, county overtime, and state furnished materials. Present this projection to supervisors for their review and approval and for their use in negotiating agreements (AFE's) for the maintenance by the counties of

the state and interstate highways within their borders. Some basic engineering knowledge is required to make recommendations relating to maintenance priorities and the type of equipment and materials required to complete certain projects.

A2. Enter project data in Financial Operating System for routine and special maintenance programs.

A3. Enter project data in Highway Maintenance system for routine and special maintenance programs. This computer application produces county AFE's; inputs county expenditure data, county furnished materials and state furnished materials data on a monthly to daily basis.

A4. Review budget figures with section chief and area supervisors for accuracy and approval.

A5. Transmit finished authorization for expenditures agreements (AFE's) to county for review and execution by appropriate official(s).

A6. Transmit executed approval for expenditure agreements (AFE's) to State Maintenance Engineer for review and execution.

A7. Coordinate changes and resolve problems as necessary. This could involve budget changes to any or all of the categories listed in A1

20% B. Manage district Salt Storage Program.

B1. Review plans for the construction of salt storage sites for compliance with applicable statutory and code requirements. This requires some basic engineering knowledge.

B2. Review and evaluate inspection reports submitted by district roadway maintenance specialists indicating whether applicable salt storage site requirements are being met. Decide, based on this report, whether compliance directives should be issued. This requires some basic engineering knowledge.

B3. Issue compliance directives and special orders to owners of storage sites that are not in compliance with applicable requirements.

B4. Utilize "Saltstor" computer application to input data necessary to update and maintain the Salt Storage Site Location Inventory. This inventory contains data for approximately 325 Salt Storage Sites. This data also produces reports and correspondence for the public,

governmental agencies, municipalities, major salt companies, and storage site owners necessary to administer and monitor the salt storage program efficiently and effectively.

B5. Coordinate relationship with the public, the Department of Natural Resources, private industry and other governmental agencies and municipalities, such as storage contractors, major salt companies and storage site owners, to achieve the salt storage program goal of protecting the waters of the district from chloride contamination.

15% C. Scan Weather System coordination and operations. Scan Weather System is a computer system which is linked to and derives its data from weather monitors located in various parts of the state.

C1. Provide weather forecast information obtained from the System to assist the district maintenance area supervisors and district roadway maintenance specialists in making decisions concerning county maintenance activities.

C2. Provide weather forecast information obtained from the System to assist the district construction, traffic and bridge maintenance section in making decisions concerning daily activities.

C3. Coordinate changes and resolve problems between the district and counties and Surface Systems, Inc., the supplier of the System.

C4. Provide training and support to maintenance section and county personnel in the use of the System.

C5. Set up displays and give demonstrations to inform the general public as well as other government agencies what the Scan Weather System is and how the maintenance section uses the System.

10% D Manage District Salt Purchase Program

D1. Coordinate implementation of purchase orders and delivery of state furnished sodium and calcium chlorides. Project district salt needs based on past utilization, forward projection to central office where bids are let, vendors determined, and purchase orders prepared.

D2. Maintain running balance inventory of chlorides to be delivered to each county in district (state furnished material); develop and utilize Power Base computer application to maintain chloride ticket inventory as well as

produce reports for Central Office Highway Maintenance review.

D3. Coordinate changes and resolve problems between the district and 5 major chloride vendors. Ascertain, e.g., from computer inventory that one county's chloride reserves getting low and arrange transfer of part of another county's allocation and coordinate delivery by vendor.

15% E. Data Processing

E1. Lotus 123: Develop applications, input data, and utilize numerous and various program functions to maintain and monitor operating budget for district routine and special maintenance programs.

E2. TSO (Time Sharing Option): enter and retrieve data (from the mainframe computer) utilized to produce various types of reports; and transfer chloride ticket data from the district office to central office highway maintenance section.

E3. Harvard Graphics: Utilize to produce graphics for analysis of district operating budget for routine and special maintenance programs.

E4. Update existing and customize new computer application to fulfill section needs.

E5. Investigate areas in which data processing can be utilized to increase section efficiency.

5% F. Miscellaneous administrative duties.

F1. Participate in the development of procedures and administrative documents such as forms pertaining to the district highway maintenance section.

F2. Manage and maintain records and reports pertinent to the internal operations of the district highway maintenance section.

F3. Compile cost breakdown for each highway maintenance project and check project costs for adherence to budget, i.e., monitor operating budget for district routine and special maintenance programs.

F4. Provide supervisors with budget forms and review project information for completeness and accuracy.

F5. Coordinate the processing of budget documents with central office highway maintenance requirements.

F6. Produce final budget documents for district highway maintenance section chief, section supervisors and for the central office highway maintenance section.

3. Positions offered for comparison purposes in the hearing record include:

a. Roger Hanson - ETT 4 - DOT Division of Highways and Transportation Services, Transportation District 5 - this position is responsible for: 35% A. providing and performing computer operations involving input, output, and retrieval for the Maintenance Section for the operating budget; annual program; long-range maintenance, special, bridge and roadside programs; accident claims; salt inventory; salt storage; winter road reports; machinery records; investigating areas in which data processing can be utilized to increase maintenance section efficiency; and providing on-site training and consultation to county personnel for use of the County Highway Expenditure Microcomputer System. 20% B. district fiscal responsibilities including checking county requisitions for accuracy and completeness; submitting requisitions to Central Office Maintenance Section; compiling cost breakdowns for each maintenance project in district; checking project costs for adherence to budget; and preparing and submitting documents to transfer money from project to project. 15% C. performing district budget responsibilities including working with area and bridge supervisors to obtain information for annual budget; providing staff with budget forms, past costs, and reviewing projecting information for completeness and accuracy; coordinating processing of budget documents with central office; compiling final budget documents for Maintenance Section chief, supervisors, and Central Office Maintenance Section; preparing and submitting budget forms required for all emergency and large damage claims projects; and assisting in development of methods and procedures such as computer utilization to streamline budget process. 10% D. processing of damage claims to DOT property, including assisting with investigations and representing the district in small claims courts in the eight counties of District 5 with authority to negotiate settlements. 10% E. performing miscellaneous administrative duties, including gathering data and preparing reports; participating in the development of district maintenance procedures, maintaining inventory records; maintaining chloride purchase and usage records and ordering salt; maintaining bituminous materials records ordering needed materials; issuing permits and collecting fees for over-width, -length, and -height trucks; processing vouchers and service agreements for waysides and rest areas; working with and keeping operational the District 5 car radio system and the Wisconsin Winter Weather System. 10% F. issuing permits for the Adopt-a-Highway Program, including reviewing applications for conformance with policies; arranging for field review and numbering of highway segments to be adopted; issuing permits; monitoring and coordinating with

county forces the pick-up activities of various civic groups; and submitting requested program reports to central office.

b. Kenneth Dann - Engineering Specialist - Transportation - Senior - this position is responsible for: routine bridge maintenance and repair activities for a 10-county district. 40%
A. conducting bridge inspections and reporting conditions of each structure on Annual Bridge Inspection Report. 18% B. preparing the annual routine bridge maintenance budget for all 10 counties. 12% C. acting as project leader on routine bridge maintenance repairs performed by county forces on state-owned bridges in district. 10% D. assisting bridge maintenance engineer in preparing structure survey report for bridge design section; computing miscellaneous quantities for special bridge maintenance and structure painting contracts; assisting bridge maintenance engineer in development of traffic control plans and preparing detail drawings of special repairs. 10% E. acting as project leader in administering structure maintenance painting contracts. 5% F. assisting bridge maintenance supervisor in preparing annual budget submission and six-year program, including recommending bridges for bridge replacement program; recommending structures for special bridge maintenance; and recommending structures for painting and estimating surface area to be painted. 5% G. acting as liaison with District Bridge Maintenance and District Area Construction Supervisors and Project Engineers on new bridges, bridge replacements, and bridge rehabilitation, including conducting final acceptance inspection with area construction supervisor and project engineer; training and advising construction personnel on bridge rehabilitation construction methods, and reviewing and clarifying bridge plans and details with area construction supervisor and project engineers.

c. Robert Bennett - Engineering Specialist - Transportation - Advanced 1 - this position is responsible for: assisting the area maintenance supervisor in planning, developing and coordinating the annual state highway maintenance program and related highway activities in Milwaukee and Racine counties. 35% A. guiding and directing general and special maintenance and roadside development work, ensuring that all operations are performed in accordance with relevant policies and procedures; inspecting all state highway facilities in the district; compiling and submitting to the Maintenance Supervisors various projects to be included in the annual maintenance budget along with a complete estimate of the costs involved; reviewing and recommending projects for the three-year highway maintenance program; developing plans and estimates for roadway maintenance and roadside development projects showing the limits of work to be completed and the estimated project costs; designing and producing a traffic flow plan in regard to detouring or restricting traffic for roadway repairs; anticipating the need for materials and supplies and initiating requisitions; reviewing ongoing repair projects and reporting on

any conditions that may require a change in procedure or funding; inspecting and taking emergency steps to repair major damage to highway facilities caused by floods or other catastrophes and developing a cost estimate for permanent repair; conducting special investigations and studies of flood control and erosion control. 20% B. coordinating and supervising the use of funds allotted under the approved budget or any other approved expenditure program, including developing and recommending new area maintenance programs. 10% C. providing instruction and guidance for winter snow and ice removal by county forces by utilizing the Wisconsin Winter Weather System; and maintaining salt storage compliance records for all storage areas in Milwaukee County. 10% D. developing and coordinating special project maintenance activities in the district. 10% E. directing landscape work and roadside improvement projects, including overseeing the preparing of PS&Es by consultants for large landscape projects, developing plans and estimates for roadside improvement and landscape projects. 10% F. conducting field inspections of hazardous material storage areas; acting as leadworker with landscape architects for development of roadside landscape PS&Es; conducting field inspections for the purpose of vegetation control. 5% G. Miscellaneous training duties

d. Robert Sobek - Engineering Specialist - Transportation - Advanced 2 - this position is responsible for: 90% A. administering construction contracts on complex projects, including applying engineering principles in the field to plans to determine if changes are needed to adequately complete the construction project, overseeing the computation of final pay quantities and submission of intermediate and final pay estimates; setting up and reviewing all project record-keeping; training employees and consultants in survey, materials testing, and inspection techniques required for a specific project; participating in MICRO 3 System set-up and refinements; inspecting contractor's work to assure it conforms to plans and specifications; meeting with property owners and public officials to explain the project; directing survey crew in layout and staking on construction projects; coordinating the protection and removal of utility lines on a construction project; and coordinating traffic control procedures and reviewing all traffic control plans 10% B. assisting design section in the review of plans and specifications, including reviewing or computing the contract quantities and preparing documents for contract letting.

4. The position standard for the ETT series states as follows, in pertinent part.

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 design and 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.

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

ENGINEERING SPECIALIST - SENIOR

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

Examples of typical duties of Engineering Specialists at the Senior 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, plans and specifications necessary for the planning, location, design and construction of highway improvement projects. The position directs one or more lower level specialists or technicians in the design activities for assigned projects. The projects at this level are medium to large projects and include reconditioning road projects with minimum to no right-of-way purchases with possibly the paving of shoulders and intersections. The large projects are usually less urban, may have environmental issues but have little controversy, and may involve a lot of grading and the alteration of an existing road. Employee may also review and coordinate consultant-prepared plans or outside agency plans of comparable size. Employee may act as assistant design squad leader for large to reasonably complex road projects.

Design Survey Crew Chief

This position directs the field work of a three or four person survey crew gathering data, locating points and objects, setting alignments and staking right-of-way; meets with landowners, utility representatives, land surveyors and local officials to inform the public of the survey and gather information as needed for the survey; directs and assigns work to lower level specialists and technicians; directs other surveys, such as right-of-way surveys and construction surveys. Work is assigned on a weekly or monthly basis and minimally reviewed. Employee assigns work within the survey crew and determines method and timing for completion of surveys.

Maintenance

Bridge Maintenance Specialist

This position assists the District Bridge Maintenance and Inspector Engineer in implementing the transportation districts planned bridge maintenance program. This level is considered to be developmental.

The duties include inspect district structures and prepare reports on the existing condition of bridges and structures in the district; direct and provide traffic control for bridge and roadway repair projects by private contractors and county work forces; determine bridge painting and repair candidates, detailing work required and estimate of costs.

Roadway Maintenance Specialist

These positions inspect, monitor and write reports for all routine maintenance activities performed on the State Trunk Highway System by the County Highway personnel in the assigned area counties; assist the maintenance supervisor in the direction, through the appropriate county supervisors, of those activities necessary to maintain the State Trunk Highways; prepare estimates and contracts needed for budget requests to program the required work; organize and coordinate manpower and equipment needs with county road superintendents and/or commissioners; maintain surveillance and control activities as may be permitted on and adjacent to highway right-of-way.

Construction Services Specialist

This position processes all construction contract documents; gathers data, reviews, recommends and processes construction project pay estimates and change orders; keeps records on all active construction projects; monitors billings from railroads and consultants; assists in preparing section budget; provides contract information to contractors, project engineers and supervisors in absence of section chief; is liason to railroads and utilities; implements the district's AA/EEO/DBE labor compliance programs; gathers data, conducts field reviews and recommends the proper action for firms not in compliance with the appropriate program; recommends certification of new or horizontal and vertical geometry of structure and compare with values cited on plans and resolves discrepancies; check plans for omission, completeness, and clarity of details and makes corrections; may compute input data for box culvert plots; analyze alternate designs for culvert sizes; compute cost data for bridges in contract lettings; maintain bridge catalog of costs and geometrics on all bridges; may check/prepare complex structural drawings; detail reinforcing steel for concrete structures; do non-structural design; compute layout dimensions.

ENGINEERING SPECIALIST - ADVANCED 1

Positions allocated to this class perform very complex assignments under the general supervision of an architect/engineer, engineer specialist supervisor, or architect/engineer supervisor.

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

District

Construction

Design/Construction Pool Project Specialist

This is the advanced level of design/construction project specialists. These positions are located in the construction and design sections or construction/design pool working the majority of the time in construction and the remainder in design. At this level, the position manages large to complex highway construction projects. The projects at times will involve more than one contract, or the employee may manage two or more highway construction projects simultaneously. The projects involve numerous bid items, large dollar values, complex layout, utility conflicts, numerous subcontractors, and various types of construction such as grading, drainage, structures, granular subbase, base course, erosion control, asphaltic, and P.C.C. surfacing, curb and gutter, storm sewer and difficult traffic handling operations. In design, this position, at this level, typically functions as a design squad consultant prepared plans; coordinates the preparation of plans, specifications and estimates for submittal to Central Office. This position works independently reviewing consultants' studies and plans and coordinating work with government units and the consultants.

Maintenance

Bridge Maintenance Specialist

This position assists the District Bridge Maintenance and Inspection Engineer in implementing the transportation districts planned bridge maintenance program. The duties include inspect repair work and documentation of daily activities of contractor; plan, layout, direct and monitor bridge maintenance and repairs performed by county bridge crews; inspect and prepare, or review, reports on the existing condition of bridges and structures in the district; recommend design and prepare plans; design and prepare traffic flow plans for bridge repairs; prepare budget compilations for bridge projects; update annual and long range bridge and maintenance budget projects.

Advanced Permits Coordinator/Permit and Utility Coordinator

This position coordinates the review and processing of complex plans and applications of all utilities; reviews with other sections of the district, the proposed utility against present and future road construction; contacts abutting property owners along highways slated for reconstruction, to inform them of the proposed project, and to obtain new or revised driveway locations; coordinates the review and processing of governmental and abutting landowner permit applications.

Engineering Specialist - Transportation - Advanced 2

This is advanced 2 level engineering specialist work in such areas as planning, design, construction, maintenance, traffic, materials and/or operation of highways , structures, and other transportation facilities for which the department may be responsible. Positions allocated to this class perform the most technically complex engineering specialist assignments involving policy, standards, and procedure development, evaluation, budget and administration. Employees at this level may function as the chief technical consultant to engineers, engineering specialists, engineer specialist supervisors, engineer supervisors and engineer managers. Work is performed under the general policy direction of an engineer manager with authority to make statewide decisions on major technical/professional matters.

6. The duties and responsibilities of appellant's position are better described by the language of the ETT 4 classification than the language of the Engineering Specialist - Transportation - Senior, -Advanced 1, or -Advanced 2 classifications.

7. The duties and responsibilities of appellant's positions are more closely comparable to those of the ETT 4 position than those of the Engineering Specialist positions offered for comparison purposes in the hearing record.

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 respondent's decision to reallocate his position to the ETT 4 classification was incorrect.
3. The appellant has failed to sustain this burden
4. Respondent's decision to reallocate appellant's position to the ETT 4 classification was not incorrect and appellant's position is more appropriately classified at the ETT 4 level than at the Engineering Specialist -Transportation - Senior, - Advanced 1, or - Advanced 2 levels.

Opinion

The issue to which the parties agreed is:

Whether respondent's decision reallocating appellant's position to Engineering Technician-Transportation 4 (ETT 4) was correct.

Subissue: Whether appellant's position is more appropriately classified at the ETT 4 level or at the

Engineering Specialist-Transportation-Senior or -
Advanced levels.

The ETT 4 classification specification describes the requirements for classification of a position at that level only in terms of the relative nature and complexity of assignments and the relative independence of decision-making vis a vis positions at other levels within the ETT series. For that reason, the Commission will look to the duties and responsibilities of other positions at the ETT 4 level to determine comparability with appellant's position. The Hanson ETT 4 position (See Finding of Fact 3.a., above) appears to have the same primary emphasis as appellant's position, i.e., administrative support, record-keeping, and data processing duties relating to district maintenance activities which require some familiarity with basic engineering principles and terminology to carry out. Although appellant's position appears to have certain higher level computer-related duties than the Hanson position, this is counterbalanced by the Hanson position's independent authority to represent the district in small claims court and negotiate settlements of claims; and to issue certain truck permits and permits for the Adopt-a-Highway program. These positions are closely comparable from a classification standpoint.

The Engineering Specialist - Transportation - Senior classification specification requires that positions classified at this level perform complex engineering specialist assignments. Such assignments, as illustrated in the representative positions listed in the specification, include directing assigned design personnel in completing studies, reports, plans, and specifications necessary for the planning, location, design, and construction of medium to large highway improvement projects; directing the field work of a three to four person design survey crew gathering data, locating points and objects, setting alignments, and staking right-of-ways; inspecting district bridge structures and preparing reports on the existing condition of bridges and other structures, directing and providing traffic control for bridge and roadway repair projects, and determining which bridges need painting and repair, detailing the work required, and estimating costs; inspecting and monitoring district maintenance activities, assisting the district maintenance supervisor in directing those activities necessary to maintain the highways in the district, preparing estimates and contracts, organizing and coordinating the manpower and equipment needs with county road superintendents, and maintaining surveillance and control activities on and adjacent to highway

maintaining surveillance and control activities on and adjacent to highway right-of-way. These duties and responsibilities require a significantly higher level of engineering knowledge than the duties and responsibilities of appellant's position; and involve the independent exercise of discretion at the program level as opposed to the program support level where appellant's position's independent discretion is primarily exercised.

The primary duties and responsibilities of the Senior level position offered for comparison purposes (See Finding of Fact 3.b., above) require the application of considerable engineering knowledge for the inspection of bridge structures; involve actual budget development; and have a significant planning component. The primary duties and responsibilities of appellant's position do not require the application of considerable engineering knowledge; involve preparing cost estimates based on prior experience for use by his supervisors in developing the district maintenance budget but do not otherwise involve budget development; and do not have a significant planning component. The duties and responsibilities of appellant's position are not comparable from a classification standpoint to those of this Senior level position.

The Advanced 1 classification specification requires that positions classified at this level perform very complex engineering specialist assignments. Such assignments, as illustrated in the representative positions listed in the specification, include managing large to complex highway construction projects involving more than one contract or managing two or more large to complex highway construction projects simultaneously--these projects involve numerous bid items, large dollar values, complex layout, utility conflicts, numerous subcontractors, and various types of construction such as grading, drainage, structures, granular subbase, base course, erosion control, asphaltic and P.C.C. surfacing, curb and gutter, storm sewer and difficult traffic handling operations, functioning as a design squad consultant preparing plans, and coordinating the preparation of plans, specifications, and estimates for submission to central office; bridge maintenance and inspection duties such as inspecting repair work, planning and monitoring bridge maintenance work, inspecting or reviewing others' inspection of bridges and other structures, recommending repair design plans, designing traffic flow plans, and preparing and updating the budgets for bridge projects; and coordinating the review and processing of complex plans and applications

and abutting landowner permit applications. These duties and responsibilities require a significantly higher level of engineering knowledge than the duties and responsibilities of appellant's position; have greater scope and complexity than the duties and responsibilities of appellant's position; and involve the independent exercise of discretion at the program level as opposed to the program support level where appellant's position's independent discretion is primarily exercised.

The primary duties and responsibilities of the Advanced 1 position offered for comparison purposes (See Finding of Fact 3.c., above) require the application of considerable engineering knowledge in planning, developing, and coordinating highway maintenance and other highway activities; involve budget development and expenditure approval; and have a significant planning component. The primary duties and responsibilities of appellant's position do not require the application of considerable engineering knowledge; involve preparing cost estimates based on prior experience for use by his supervisors in developing the district maintenance budget and processing and monitoring expenditures approved by his supervisors but do not otherwise involve budget development or expenditure approval; and do not have a significant planning component. The duties and responsibilities of appellant's position are not comparable from a classification standpoint to those of this Advanced 1 level position.

The Advanced 2 classification specification requires that positions classified at this level perform the most technically complex engineering specialist assignments involving policy, standards, and procedure development, evaluation, budget, and administration. The primary duties and responsibilities of appellant's position do not involve the development of policies or standards and the development of procedures done by appellant's position relates to the development of program support procedures such as data retrieval and document processing; do not involve program evaluation other than perhaps in the very narrow area encompassed by the district salt storage program; do not involve budget development or planning; and involve administrative support, not program administration, other than perhaps in the very narrow area encompassed by the district salt storage program. The duties and responsibilities of appellant's position do not satisfy the requirements for classification at the Advanced 2 level articulated in the Advanced 2 classification specification.

requirements for classification at the Advanced 2 level articulated in the Advanced 2 classification specification.


The primary duties and responsibilities of the Advanced 2 level position offered for comparison purposes (See Finding of Fact 3.d., above) require the application of considerable engineering knowledge in administering construction contracts on complex projects and in reviewing design plans and specifications; and considerable program administration and planning components. The primary duties and responsibilities of appellant's position do not require the application of considerable engineering knowledge; and do not have considerable program administration and planning components. The duties and responsibilities of appellant's position are not comparable from a classification standpoint to those of this Advanced 2 position.

During the course of the hearing, respondent voiced the opinion that it appeared that appellant's position was actually appropriately classified in the Program Assistant (PA) series. However, a question as to the application of the PA series to the duties and responsibilities of appellant's position was not included within the scope of the issue for hearing to which the parties agreed. In addition, at least as of the date of hearing, respondent had taken no action to classify appellant's position within the PA series and, as a result, there was no action in that regard for the Commission to review at that time.

Order

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

Dated: February 25, 1993 STATE PERSONNEL COMMISSION


LAURIE R. McCALLUM, Chairperson

LRM:dkd


DONALD R. MURPHY, Commissioner


GERALD F. HODDINOTT, 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.