STATE OF WISCONSIN PERSONNEL COMMISSION

WALTER A. WIGGLESWORTH,

Appellant,

v.

Secretary, DEPARTMENT OF EMPLOYMENT RELATIONS,

Respondent.

Case No. 92-0150-PC

DECISION AND ORDER

This matter is before the Commission as an appeal from a reallocation decision. It was consolidated for hearing purposes with three other related matters, Sannes v. DER, 92-0085-PC , Smith v. DER, 92-0093-PC and Sine v. DER, 92-0103-PC. The issue for hearing in this matter reads as follows:

> Whether respondent's decision to reallocate appellant's position from Instrument Maker to Instrument Maker Journey rather than Instrument Maker Advanced was correct.

After hearing testimony from various witnesses at hearing, respondent agreed that upon receipt of updated position descriptions reflecting the testimony presented, it would change its decision as to the Sine and Smith matters and reallocate those two positions to the Advanced level.

FINDINGS OF FACT

1. The Physical Sciences Laboratory (PSL) is a facility operated by the University of Wisconsin. The appellant is employed in the unit of the facility entitled the "Mechanical Group." More specifically, the appellant is employed in the PSL machine shop. The function of the PSL that is relevant to this appeal is that it produces highly specialized scientific equipment.

2. Appellant's immediate supervisor at all relevant times has been Bill Cotter, Mechanical Shop Supervisor.

3. Appellant's position description includes the following goals:

75% A. Using lathe, milling machine, boring mills, drill presses and related machines and equipment to produce and assemble unique, precise and accurate scientific parts and assemblies.

20% B. Design and build jigs, fixtures and tools by performing machining operations that cannot be done by conventional methods. This also requires the skillful operation of machines typically found in an instrument shop.

4. The PSL is differentiated from other instrument shops within the University of Wisconsin System in terms of the capabilities of its Computer Numerically Controlled (CNC) milling machine and in terms of the physical size of the jobs it can complete due to the much larger machining equipment it has available.

5. Only two instrument makers employed at the PSL have been trained to use the CNC milling machine. The appellant has not received that training and does not operate the CNC.

6. All instrument makers in the PSL shop are expected to be capable of performing any job in the shop or machine operation with the exception of both the CNC and specialized welding processes.

7. A majority of the parts produced by the PSL must meet Ultra High Vacuum (UHV) specifications, whether or not they are being used in a UHV environment. Machining parts to UHV specifications does not entail using different machining equipment. Rather it means that care has to be taken to insure that the piece being produced is cleaned up properly so as to avoid the possibility of contamination.

8. The relevant portion of the Instrument Maker position standard, which became effective on February 9, 1992, is attached to this decision and is included as part of this finding.

9. The appellant's position is distinguishable, for classification purposes, from the position at the PSL occupied by John Sine. Mr. Sine's primary responsibility at PSL is to perform welding procedures. Since 1988, the majority of his welding time has been spent on UHV welding and necessary prep work for that welding. UHV welding is used to produce non-contaminating parts and instruments for scientific applications. Special techniques, including cleaning and leak checking, are carried out with respect to UHV

welding. Respondent agreed to classify Mr. Sine's position at the IM - Advanced level based upon the above described responsibilities.

10. The appellant's position is also distinguishable, for classification purposes, from the leadworker positions at the PSL occupied by Tim Sailor and John Randall. These two positions serve as leadworkers for the other instrument makers at PSL and have a greater role in the design of the part/apparatus being produced. The positions occupied by Mr. Sailor and Mr. Randall were allocated by respondent to the IM - Advanced level. They have appeals pending from those decisions and seek classification at the Engineering Specialist - Senior level.

11. The appellant's responsibilities are identical to those of three other instrument makers at PSL, all of whom were reallocated to the Journey level.

CONCLUSIONS OF LAW

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

2. Appellant has the burden of proving by a preponderance of the evidence that respondents erred by reallocating the appellant's position to the the Instrument Maker - Journey level rather than the Instrument Maker - Advanced level.

3. Appellant has not sustained his burden of proof and the Commission concludes that respondents did not err in allocating the appellant's position to the Instrument Maker - Journey level.

OPINION

The primary issue raised by this appeal is whether, because the majority of the work produced by the PSL instrument shop is to UHV specifications, the instrument makers who machine the parts at PSL are all entitled to placement in the IM - Advanced classification. The net effect of adopting the appellant's contention regarding UHV specifications would be that all of the instrument makers in the PSL would be allocated to the Advanced level, with no one performing at the Journey level.

A key problem with the appellant's contention is that there is very little in the way of information in this record as to what UHV machining standards are, and what additional steps are necessary to meet those standards versus the standards required for non-UHV applications/jobs. The record merely shows that there are "technical notes" on this topic, and that the design engineer will stamp "UHV part" on any blueprints for parts which are to be machined according to UHV machining standards and that these standards are designed to avoid contamination of the part and of the resulting apparatus. Without a record establishing that the procedures followed are significantly more complex and more difficult than the procedures followed in fabricating parts without the application of those standards, there is no basis to conclude that the appellant is performing above the IM - Journey level.

Appellant is one of four persons employed in the PSL's Mechanical Shop who have identical position descriptions and who do not have leadwork, CNC or specialized welding responsibilities. The appellant's position can readily be be distinguished from these other positions which have responsibilities which could at least arguably be considered a specialized area of expertise, or which have a greater responsibility for coordination and design consultation than does the appellant, whose primary role is one of fabrication. The Commission recognizes that the appellant does have certain responsibilities which could be said to fall within some of the definitional language at the IM - Advanced level. However, appellant did not identify significant aspects of the IM - Advanced work examples which he performed. The majority of the appellant's work is better described by the Entry and Journey level work examples.

Based upon the language of the specifications, the fact that the appellant's position description is interchangeable with three other PSL instrument maker positions, all of whom are classified at the Journey level, and the distinctions which exist between those positions classified at a higher level, the respondent's decision was not incorrect.

ORDER

The respondent's decision is affirmed and this appeal is dismissed.

Dated: August 23, 1993 STATE PERSONNEL COMMISSION

KMS:kms
K:D:Merits-reall (Wigglesworth)

DONALD R. MURPHY, Commissioner

JUDY M. ROGERS, 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.

II. DEFINITIONS

INSTRUMENT MAKER - ENTRY

Under limited, progressing to general supervision, performs as a highly skilled and independent machinist or tool and die maker in the design and creation of unique, highly intricate and precise scientific equipment. Recommends and aids in the layout, design and construction of research instruments utilizing their knowledge of materials, methods, and machine tools to fabricate the required item. Receives direction in the form of blueprints, sketches, and oral descriptions, which may give only details of specific components, with the remainder of the instrument design left to the initiative of the person assigned the project.

INSTRUMENT MAKER - JOURNEY

Under general supervision performs work similar to Instrument Maker-Entry positions. However, the Instrument Maker-Journey position functions more independently and with greater efficiency. This type of independence and efficiency is generally gained through one to two years of experience as an Instrument Maker or other comparable experience in machinist or tool and die work.

INSTRUMENT MAKER - ADVANCED

This is advanced level Instrument Maker work. The work performed is similar to the journey-level except that employes at this level are significantly more involved in the design phase of highly specialized parts, machinery and instruments. Advanced instrument makers are typically in constant contact with the user or client, usually graduate students, professors and researchers, functioning as a consultant to them. In addition,

advanced level instrument makers are often responsible for coordinating, assembling and testing projects. The projects may last six months to a couple of years and require thousands of individual parts. Also, employes at this level are considered experts (i.e., they have advanced knowledge, skills and experience) in a specialized area, such as, but not limited to, high vacuum welding, complex project coordination or student machine shop coordination with an emphasis on providing instruments for advanced scientific research.

III. EXAMPLES OF WORK PERFORMED

Instrument Maker - Entry & -Journey

Produce and assemble unique scientific parts using lathes, milling machines, boring mills, drill presses and other related machines and equipment.
Assist in the designing and building of jigs, fixtures and tools by performing machining operations that cannot be accomplished by conventional methods.
Repair and maintain laboratory instruments.
Design and construct laboratory, teaching and related equipment.
Performs standard welding using a variety of materials including steels, stainless steels, aluminum and other non-standard alloy metals used in the fabrication of parts and equipment.
Set up and operate machine tools for machining task at hand using standard and exotic materials and maintaining tolerances.

Instrument Maker - Advanced

With greater independence, knowledge, skill and latitude in the initiation of action, may perform any of the duties and responsibilities assigned to the Instrument Maker-Entry or -Journey, and in addition may:

Design, construct and refine sophisticated laboratory instrumentation for ultra-high vacuum, optical, particle beam and surface research.
Procure construction and supply materials for projects.
Supervise graduate students in the design and construction of specialized research instrumentation.
Function as the director of a mechanical shop facility in a large science department.
Design, construct and install complex mechanical systems; select materials to use; fabricate equipment and redesign projects.
Schedule work, maintain and calibrate machines, and manage tool, fastener and material inventories.
Maintain the machine and welding shop facility of the Synchrotron Radiation Center.
Design and construct highly specialized, complex instrumentation in the prototype phase.
Coordinate machining, welding, assembling and testing of assemblies.
Travel to facilities as required for final assembly, inspection and testing.
Direct machining and assembly work performed by other staff such as Instrument Maker-Entry and Journey positions, Mechanicians or graduate students.
Clean materials used to fabricate ultra high vacuum devices, instruments and assemblies.
Check ultra high vacuum assemblies and devices for leaks.
Maintain and calibrate high vacuum equipment and testing instruments.
Oversee and manage a department machine shop, wood shop and hydraulics laboratory.
Perform advanced design, development, construction, final assembly and testing of sophisticated equipment and precision instruments for research and instruction in the field and laboratory.