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 JEROME L. LEITERMAN,  
 Appellant,  
 v.  
 Secretary, DEPARTMENT OF  
 EMPLOYMENT RELATIONS,  
 Respondent.  
 Case No. 92-0557-PC  
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FINAL  
DECISION  
AND  
ORDER

There were no objections filed by the parties regarding the Proposed Decision and Order. However, after consulting with the hearing examiner, the Commission in adopting the attached Proposed Decision and Order as the Final Decision and Order makes the following modifications:

1. After the second sentence in paragraph two, page one of the Proposed Decision and Order add:

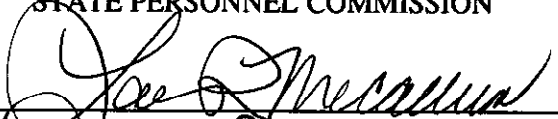
KMSF-NU was classified as a Class A property.


2. The last sentence in paragraph two, page four of the Proposed Decision and Order is revised to read:

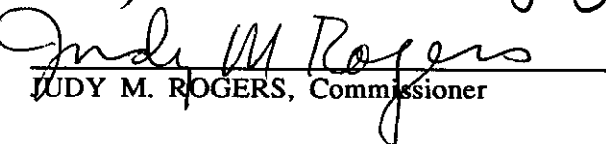
Appellant performs these duties, along with other superintendent duties, only in Adams' absence and is not responsible for the administration, direction, supervision and implementation of these programs.

Dated: September 9, 1994

STATE PERSONNEL COMMISSION

  
LAURIE R. McCALLUM, Chairperson

  
DONALD R. MURPHY, Commissioner

  
JUDY M. ROGERS, Commissioner

DRM:rcr

X

Parties:

Jerome Leiterman  
DNR - Northern Unit  
Kettle Moraine State Forest  
N1765 Hwy. G  
Campbellsport, WI 53010

Jon Litscher  
Secretary, DER  
P.O. Box 7855  
Madison, WI 53707

**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.

Pursuant to 1993 Wis. Act 16, effective August 12, 1993, there are certain additional procedures which apply if the Commission's decision is rendered in an appeal of a classification-related decision made by the Secretary of the Department of Employment Relations (DER) or delegated by DER to another agency. The additional procedures for such decisions are as follows:

1. If the Commission's decision was issued after a contested case hearing, the Commission has 90 days after receipt of notice that a petition for judicial review has been filed in which to issue written findings of fact and conclusions of law. (§3020, 1993 Wis. Act 16, creating §227.47(2), Wis. Stats.)

2. The record of the hearing or arbitration before the Commission is transcribed at the expense of the party petitioning for judicial review. (§3012, 1993 Wis. Act 16, amending §227.44(8), Wis. Stats.)

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JEROME L. LEITERMAN,  
 Appellant,

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Secretary, DEPARTMENT OF  
 EMPLOYMENT RELATIONS,  
 Respondent.

Case No. 92-0557-PC

\* \* \* \* \*

PROPOSED  
 DECISION  
 AND  
 ORDER

As a result of the Science Survey conducted by the respondent Department of Employment Relations (DER), appellant Jerome Leiterman's position was reallocated from Park Superintendent - 4 to Park Manager 2, effective April 19, 1992. After receiving notice of this reallocation, appellant filed a timely appeal of respondent's reallocation decision to this Commission, alleging that his position should have been reallocated to the Park Manager - 3 level. On December 3, 1993, a hearing was held before Personnel Commissioner Donald R. Murphy. The subsequent posthearing briefing schedule agreed to by the parties was completed February 25, 1994. The following facts, discussion and conclusions are based on the evidence presented at the hearing.

In 1986 appellant was appointed Assistant Superintendent at Peninsula State Park. At PSP appellant's duties included administering the unit's visitor protection and public contact programs. In May 1990 appellant laterally transferred from PSP to Kettle Moraine State Forest - Northern Unit (KMSF-NU) as the Assistant Superintendent. Appellant was holding this position at the time of respondent's Science Survey and does so currently. Appellant's duties during the survey and as described in his position description signed by him on June 18, 1990, were:

<u>Time %</u>	<u>Goals and Worker Activities</u>
10%	A. Assistant to the Superintendent
10%	B. Supervision of Employees

35%	C.	Direction of Maintenance of Recreational and Service Facilities
10%	D.	Administration of Departmental Management Systems
10%	E.	Development of Recreational Facilities
15%	F.	Visitor Protection
10%	G.	Implementation of Non-Route Programs

The state classification specifications for Park Manager positions provides:

## **PARK MANAGER 2**

Under the general supervision of a higher level Park Manager or District Parks Manager, positions typically function as (1) the Superintendent of a Class C park; (2) a work unit manager over Class C properties; or (3) the Assistant Superintendent of a Class B property.

### Representative Positions

Park Superintendent, Merrick State Park - Supervise employes in all facets of park operations. Ensure maintenance, public contact and law enforcement programs at Merrick and management and supervision of the Buffalo River Trail in conjunction with the work unit manager. Develop project requests; coordinate use agreements; plan and direct long-range park plans and management objectives. Coordinate buildings and grounds maintenance program. Supervise and participate in public contact, public relations and educational programs. Provide for visitor safety and security. Manage the Buffalo River State Trail.

Park Superintendent, Whitefish Dunes State Park - Supervise and administer the activities pertaining to the management and development of Whitefish Dunes State Park. Supervise employes. Implement administrative systems (control expenditures, ensure remittances, complete reports, purchase supplies and services). Direct visitor protection and maintenance activities. Develop recreational facilities. Implement a public relations program. Manage park lands.

Assistant Superintendent, Bong Recreational Area - Collaborate with Bong State Recreation Area's Superintendent on overall recreation area administration. Function as superintendent in their absence. Supervise park personnel performing maintenance/development duties. Develop policies and procedures to guide implementation of the maintenance program. Perform visitor protection and public contact duties.

Wisconsin Rapids Area Parks Work Unit - Reporting to the District Parks Program Manager, this position's responsibilities include: manage the work unit consisting of Buckhorn and Roche-A-Cri State Parks; serve

as coordinator for the Ice Age National Trail in Juneau and Adams Counties; and provide recreation expertise to other programs within the area. Maintain all records and reports. Supervise permanent and temporary staff. Direct the visitor protection, public contact, interpretive services and maintenance and development programs.

### **PARK MANAGER 3**

Under the general direction of the District Parks Program Manager, positions typically function as (1) the Superintendent of a Class B park; (2) a Work Unit Manager over Class B and some Class C properties; or (3) the assistant superintendent within a Class A property with significant responsibility for the maintenance and development and visitor protection programs within the property and having full authority to act in the managers' absence.

#### Representative Positions

Assistant Manager, Peninsula State Park - This position serves as the Assistant Park Superintendent and is responsible for the administration of the daily activities within the park including: supervising personnel; planning, organizing, and implementing of maintenance and development projects; and budget monitoring.

Superintendent, Yellowstone Work Unit - Plan, organize and supervise all functions of the Yellowstone Lake Work Unit which includes Yellowstone Lake State Park, Belmont Mound State Park, First Capitol State Park, the Pecos Trail and the Yellowstone Wildlife Area. Direct law enforcement, public contact, building and ground maintenance and development, and concession corporation activities within the properties. Develop and control budget and revenue collection programs. Acquire and manage lands and improvements. Coordinate property efforts with other department and other agency functions.

Superintendent, High Cliff State Park - Serve as Property Superintendent at High Cliff State Park with responsibility for the total administration and management of the property. Supervise permanent, seasonal, limited term, and volunteer staff. Perform administrative duties. Administer fiscal policies. Direct maintenance and development work. Perform and supervise law enforcement activities. Implement a public relations and interpretive program.

Appellant argues that his position fits allocation pattern 3 of the Park Manager 3 class and is comparable to Peninsula State Park, Park Manager 3 position held by Marsha Peters. The record shows that, unlike appellant's position, the Peters' position is responsible for administering visitor protection.

About the Peters' position, appellant argues conversely that it does not meet all requirements of the Park Manager 3 classification specifications, that

it has limited responsibility in the "maintenance and development" of the golf course. However in making this argument, in which appellant references item F7 in Peters' position description (Appellant's Exhibit 5), appellant ignores Goal D which shows that Peters spends 15 percent of her time in the "Administration of the Park's Grounds, Trails and Building Maintenance." The 18-hole golf course is a part of Peninsula State Park. Nonetheless, the question presently before the Commission is whether appellant's position fits the Park Manager 3 classification specification. If, in fact, the Peters' position is not at the 3 level, the Commission would not compound the error by finding in appellant's favor for that reason.

The record also shows that Walter Adams, KMSP-NU superintendent and appellant's immediate supervisor, is responsible for that unit's visitor protection program. Adams designated approximately 10 percent of his time to directing public contact, visitor protection and interpretive programs. Appellant performs these duties, along with other superintendent duties, in Adams' absence.

As the Commission stated in Jordan v. DER, Case No. 92-0609-PC (1/11/94), classification decisions may not be made on temporary assignments or acting duties. Therefore, based on the record, appellant's position is not favorably comparable to the Peters' position and is more closely aligned to positions at the Park Manager 2 level, as represented by Wayne Schutte's position at Devils Lake State Park (Respondent's Exhibit 6). The Schutte position, like appellant's, is not directly responsible for the visitor protection program.

ORDER

Respondent's decision is affirmed and this appeal is dismissed.

Dated: \_\_\_\_\_, 1994      STATE PERSONNEL COMMISSION

\_\_\_\_\_  
LAURIE R. McCALLUM, Chairperson

DRM:rcr

\_\_\_\_\_  
DONALD R. MURPHY, Commissioner

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JUDY M. ROGERS, Commissioner

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