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DEAN S. RUNYAN,
 Appellant,

v.

Secretary, DEPARTMENT OF
 EMPLOYMENT RELATIONS,
 Respondents.

Case No. 94-0052-PC

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DECISION
 AND
 ORDER

This is an appeal, pursuant to §230.44(1)(b), Wis. Stats., from a decision by the respondent reallocating the appellant's position to Automotive/Equipment Technician-Senior (hereinafter, Senior). The appellant believes that his position was more appropriately classified at the Automotive/Equipment Technician-Master (hereinafter, Master) level. The hearing was conducted on August 2, 1994.

The Automotive/Equipment Technician classification specifications definition section identifies the difference between the Senior and Master levels. It states:

The three main differences between the Automotive/Equipment Technician-Senior and the Automotive/Equipment Technician-Master are that the Master-level Technician overhauls engines, transmissions and various other systems, works on all types of vehicles, including off road heavy equipment, such as dozers, end loaders, etc., and must work on diesel engines some of the time, while the Senior-level Technician does not overhaul engines, etc., and works on fewer types of vehicles.

The three differences are requirements to be classified at the higher level. These distinctions were developed in cooperation between the respondent and the Department of Natural Resources' (hereinafter, DNR) Mechanics Committee (of which the appellant was a member).

On July 1, 1994, the appellant signed a position description (hereinafter, PD) which accurately reflected his position duties and responsibilities at the relevant time. This PD demonstrates that appellant has a large number and varied responsibilities including the second and third criteria noted above. Many of the appellant's responsibilities fall into the Master classification. However, appellant's PD does not reflect that he performs the first required

criterion of overhauling engines. Similarly, the appellant's supervisor indicated that his southern district shops (of which the appellant is a part) do not overhaul engines.

Respondent identified the PDs of three other DNR mechanics. As with the appellant, the PD of Joseph Nimmer did not show that he overhauled engines and his position was allocated to the Senior level. Unlike the appellant, Mark Conkey and Michael J. Wallace's PDs reflected engine overhaul responsibilities and they were both allocated to the Master level. The appellant did not present evidence that a position that does not overhaul engines is allocated to the Master level.

The appellant appeared to argue that it is not cost effective for his shop to overhaul engines. Such a consideration is a management decision and, even assuming the appellant is correct, does not fall under the purview of the classification specifications. Based on the information provided in the prior paragraph, DNR still assigns some positions to overhaul engines and the appellant's is not one of those positions.

The respondent correctly reallocated the appellant to the Automotive/Equipment Technician-Senior level.

ORDER

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

Dated: September 21, 1994 STATE PERSONNEL COMMISSION


LAURIE R. McCALLUM, Chairperson

JE:Runyan-Prop Dec


DONALD R. MURPHY, Commissioner


JUDY M. ROGERS, Commissioner

Parties:

Dean S. Runyan
S12108 Larson Road
Spring Green, WI 53588

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

**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.)