



of Natural Resources. Indeed, Appellant asserts that some of his functions parallel those of the "Real Estate Director's" classification (SR-20).

Appellant's duties and responsibilities include land acquisition and management, relocation assistance to persons, utilities and railroads displaced by acquisitions, and the interpretation and implementation of federal regulations as they pertain to land acquisition. It appears that in reallocating positions, the Bureau of Personnel found the Bureau of Airport Development's land acquisition program, which Appellant heads, to approximate in "scope and responsibility ... [a] highway district operation."

Appellant sets out that his Section's operations run statewide, unlike those of a single highway district's real estate section; that his relocation assistance responsibilities set him apart from Right of Way's Chief of Acquisition in that the latter is primarily concerned with appraising, appraisal reviews and negotiations concerning land acquisitions; and that, as regards DNR, Appellant's Section is involved in "condemnation situations," whereas DNR does not, as a matter of policy, use its condemnation power. His manifold responsibilities, Appellant feels, entitle him to a higher classification.

It is clear from the evidence, however, that while Appellant's duties are many, they are exercised on a relatively small scale. For example, the dollar volume of the Bureau of Right of Way's real estate acquisition for fiscal 1973 was \$20.4 million compared with a dollar volume of real estate acquisition in Appellant's division for fiscal 1973 of \$1.6 million. Similarly, the Bureau of Land Acquisition within DNR carried out approximately 500 transactions in 1973 involving some 200 parcels of land at a value of about \$8 million. The operations of Appellant's section in 1973 involved only some 90 parcels of land. Moreover, the number of personnel directly under Appellant numbered only two as compared with 30-35 in the DNR Bureau. Right of Way's Chief of Acquisition also appears to have directly supervised more subordinates than Appellant. Even the Milwaukee highway district (District 9) exceeds Appellant's Section in the size of both its

staff and its land acquisition budget for this year.

The size and scope of the program to be administered was one of the essential factors differentiating the "Real Estate Manager 1" from the "Real Estate Manager 2" in the reallocation scheme. (See Respondent's Exhibit #6.) It is to be expected that a greater variety of duties would accompany a smaller program and that with a larger program comes a greater division of labor. It is not unreasonable to differentiate classifications at least in part on the basis of the size of the section or bureau or program one administers. Appellant's reallocation to "Real Estate Manager 1" merely reflected the fact that his was a smaller program than some others.

We find that the size and scope of Appellant's position is not comparable to that of the "Real Estate Manager 2" or to that of the "Real Estate Director."

We further find that Appellant was properly reallocated to the "Real Estate Manager 1" class.

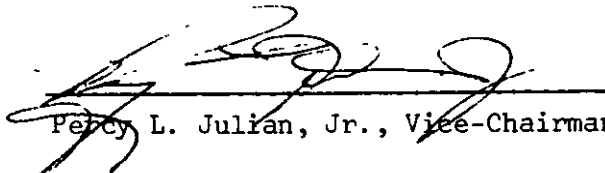
ORDER

IT IS ORDERED that the action of the Respondent is hereby affirmed.

Dated 7 November 22, 1974

STATE PERSONNEL BOARD

BY

  
Percy L. Julian, Jr., Vice-Chairman