

- 80% Coordinates Relocation Order activity between the Central Office of the Bureau of Real Estate, District offices of the Division of Highways, the Division Office of the Federal Highway Administration, Facilities Development Section, Maintenance Section and the Highway Commission.
1. Reviews right of way plats for compliance with standards set forth in the Design Manual and for sufficient information to permit writing of accurate description of land to be acquired, and for appraisers who will appraise the land to be acquired.
 2. Prepares formal submittals of Relocation Orders and Right of Way plats for presentation to the Highway Commission by the Director, Bureau of Real Estate.
 3. Prepares and submits Relocation Orders and Right of Way plats from Counties, Cities, etc. to the Facilities Development Section and the Division Office of the Federal Highway Administration to obtain their approvals.
 4. Maintains records of all Relocation Order activity on an individual project basis by county and district.
 5. Orders and distributes prints of all Right of Way plats to interested parties and maintains a file of all current right of way plats.
- 18% Coordinates sign acquisition activity between the Central Office of the Bureau of Real Estate, District offices of the Division of Highways, Division Office of the Federal Highway Administration, The Maintenance Section and the Highway Commission.
1. Reviews sign acquisition plats for compliance with standards set forth in the Design Manual and to accurately show the location of each sign to be acquired.
 2. Prepares formal submittals of Sign Acquisition Orders and Sign Acquisition Plats for presentation to the Highway Commission by the Director, Bureau of Real Estate.
 3. Maintains records of all Sign Acquisition Order activity on an individual project basis by county and district.
 4. Orders and distributes prints of all sign acquisition plats to interested parties and maintains a file of all current sign acquisition plats.
- 2% Orders prints of plats and sends them out in response to requests from individuals, firms, and district offices. (Appellant's Exhibit #1.)

5. Appellant reviews all but design aspects of relocation plats.

6. Appellant works independently under the general direction of his supervisor.

7. Appellant reviews relocation orders and the accompanying right of way plats. However, he does not do any field review. A relocation order is an instrument by a government body, permitting acquisition of lands and interests in land so that highway improvement can proceed. A right of way plat is a pictorial representation developed by a district officer or government unit for submission. A relocation order is developed from the right of way plat.

8. Appellant has the authority to challenge a proposed order but not to change it.

9. The only guidelines appellant has is a single chapter, "Standards for Development of Right of Way Plats," in the Design Manual which was prepared by the facilities development section.

10. Appellant works directly with district employes, giving informal guidance as needed. He does not conduct formal training sessions.

11. In the late 1960s and early 1970s there were federal legislative changes which increased the amount of money available to state and local governments for the building of highways. The state is responsible for overseeing the use of the funds. The result of the changes was an increase in the volume and complexity of appellant's job.

12. Appellant is the only person who is performing these duties and responsibilities.

CONCLUSIONS OF LAW

1. The Personnel Board has jurisdiction over this appeal under Section 16.05(1)(f), Wis. Stats.
2. The burden of proof is on the appellant to show that he should be reclassified in the manner he alleges. Alderden v. Wettengel, Pers. Bd. Case No. 75-87 (6/2/75). The standard of judgment is that of a reasonable certainty, by the greater weight of the credible evidence. Reinke v. Personnel Board, 53 Wis. 2d 123 (1971).
3. The appellant has failed to meet his burden.
4. Appellant's position is properly classified as a Real Estate Agent 2. Respondent's action should be affirmed and this appeal should be dismissed.

OPINION

The definitions for Real Estate Agent 2 and 3 as set forth in the respective class specifications are:

Real Estate Agent 2

This is responsible professional real estate work performed in connection with state improvement projects. Employees in this class function at the full performance level in a major real estate program, such as appraisal and negotiation, lands management, and/or relocation assistance. Work at this level can be differentiated from that of the preceding level, by the variety and complexity of real estate activities performed and the independence of action in performing these activities. The real estate functions are carried out in accordance with state and federal guidelines and the final product is generally subject to the review of a higher level agent and/or supervisor.

Real Estate Agent 3

This is advanced professional real estate work performed in connection with state improvement projects. The employees in this class function as a real estate specialist responsible for handling the most complex situations in the area of appraisal and negotiation, lands management

and/or relocation assistance. The work in this class differs from that of lower level real estate agents in the complexity and sensitivity of real estate situations encountered with the employees in this class functioning as professional staff experts providing judgmental guidance in areas where no guidelines or standards currently exist. Work is performed independently under the general direction of a real estate supervisor.

The duties and responsibilities of appellant's position are unique. Because of his demonstrated competency and ability, he works very independently. Therefore, with respect to the degree of supervision, appellant is certainly working at the 3-level if not perhaps even higher.

However, when a comparison is made between his duties and responsibilities and the definitions, it is clear that the level of responsibility and the complexity of the duties is found at Real Estate Agent 2 level. Appellant's primary function is to coordinate the relocation order activity and the sign acquisition activity among the central office of the Bureau of Real Estate, District Offices of the Division of Highways, the Division Office of the Federal Highway Administration, facilities development section, maintenance section and the Highway Commission.

While we conclude that this work involves a degree of expertise, we do not find that it is of the complexity indentified by the 3 level. There is a design manual with at least one chapter of twenty-six pages which is applicable to appellant's work and by which he measures compliance of the right-of-way sign acquisition plats with standards set forth therein.

Furthermore, while appellant provides guidance to others in the department or questions which arise in his area of expertise, such guidance does not reach the level of formal or informal training. He discusses

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questions with individuals through correspondence or over the telephone.

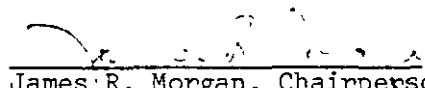
There was no showing that appellant handles problems of as complex or sensitive nature as the Real Estate Agent 3. We do not doubt appellant's abilities nor his performance. However, we cannot conclude that his position should be classified other than at the Real Estate Agent 2.

ORDER

IT IS HEREBY ORDERED that respondent's action is affirmed and that this case is dismissed.

Dated: June 16, 1978

STATE PERSONNEL BOARD


James R. Morgan, Chairperson