

STATE OF WISCONSIN

PERSONNEL COMMISSION

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 *
 ORVIS CURTIS, *
 *
 Appellant, *
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 v. *
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 UNIVERSITY OF WISCONSIN, *
 *
 Respondent. *
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 Case No. 79-84-PC *
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DECISION

NATURE OF THE CASE

Appellant Curtis appealed to this Commission the denial by the personnel office of the University of Wisconsin System-Madison of his request for reclassification from a Facility Repair Worker 2, to a Facility Repair Worker 3. The merits of appeal were heard on November 15, 1979 before Agnes Rona, Hearing Examiner.

FINDINGS OF FACT

1. Appellant Orvis Curtis is and has been at all relevant times herein a Facility Repair Worker 2 (FRW2) with the Housing Department of the University of Wisconsin-Oshkosh (UW-Oshkosh) and has been so employed for approximately four years.

2. On or about January 3, 1979, appellant was notified by the Personnel Director of UW-Oshkosh that his request for reclassification from FRW2 to FRW3 had been denied; appellant appealed this decision to the Office of Personnel of the University of Wisconsin System in Madison, Wisconsin, where the decision of the UW-Oshkosh Personnel Director was upheld on or about March 1, 1979; whereupon appellant appealed that decision to the State

Personnel Commission on or about April 2, 1979.

3. In response to appellant's request for reclassification, William Perket, a personnel assistant, clerk 4, at the UW-Oshkosh, performed a job audit of appellant's position which included both a desk and field audit, from which Perket concluded that appellant performed general maintenance work which came within the class specifications for FRW2. (Respondent's Exhibit 3, 6).

4. Connie Cuttell, a personnel specialist with the UW-System in Madison, audited the appellant's position in response to his appeal from the denial of his reclassification by the UW-Oshkosh. Both a field audit and desk audit were performed, as a result of which Cuttell concluded that appellant's position had not changed significantly between 1976 and 1978, that any new tasks assigned during that time were at the same skill level, that of FRW2: (Respondent's Exhibit 2, 4, 5).

5. Appellant did no electrical work in 1976, but was informed in June, 1976, by his then supervisor, that he would in the future be assigned limited repair work for electrical fixtures and circuits, and that the work would require limited electrical knowledge: (Respondent's Exhibit 1), and appellant did begin to do such work and has continued to do it to the present; that such work includes repairing lamps by cutting wire from a spool, soldering new sockets to the wire, and repairing broken light switches.

6. When appellant first worked for the Housing Department, there were few tools available for his use, but as appellant was given more tools, he was able to perform new duties; both the additional tools and

the additional duties have been part of appellant's position for approximately two years if not longer.

7. Appellant has repaired furniture in student residence halls from the beginning of his employment with the Housing Department and such repair duties consist primarily of replacing broken legs or drawers on useable furniture with good parts taken from scrapped furniture, and cutting parts to size if necessary.

8. Appellant has done repair work calling for replacement of individual tiles in student residence halls and, once prior to the job audits, he, along with a temporary CETA assistant, retiled an entire basement; appellant testified that the CETA employer taught him a good deal.

9. Other majority of tasks performed by appellant and the equipment used in the performance of such tasks are similar in complexity and skill to tasks performed by other FRW2 employes, (Respondent's Exhibit 8, 9), and are similar to a small portion of the tasks performed by FRW3 employes at other University of Wisconsin Centers and campuses. (Respondent's Exhibits 10, 11, 12, 13).

10. Appellant has been assigned additional duties since he began his employment with the UW-Oshkosh Housing Department, including limited electronical repairs, (Respondent's Exhibit 2), and window repairs, but these additional duties are within the skill and complexity level of the FRW2 classification.

OPINION

Three factors are of particular importance in this appeal. One of the factors is appellant's uncontradicted testimony that he occasionally

"manufactures" legs for furniture and metal brackets used to support bathroom partitions. While there is no question of credibility to resolve, the word "manufactures" is set out in quotations because there is disagreement among the parties as to what type of work constitutes manufacture and whether appellant's actions fit any such definition. Appellant's supervisor testified that part of appellant's duties includes replacing broken furniture legs with better legs taken from furniture otherwise no longer fit for use. Appellant testified that he cuts the legs, shapes, sands and finishes them so that they go together with the item being repaired, and that to do this work he has a table saw and a sanding machine, among other equipment. He does not begin with a piece of unshaped wood and make a part of a piece of furniture. Appellant's own description indicates his work is furniture repair, not primarily manufacture. Appellant's supervisor also testified that appellant is never required to make metal brackets as part of the work orders he is required to fill, but rather that the parts are bought ready-made and that appellant is expected to let his supervisor know when more are needed. Even if this work were assigned to appellant rather than voluntarily undertaken by him, it appears to be the kind of work which is within the FRW2 class specifications (Respondent's Exhibit 6) and is substantially similar to the kind of work possibly occasionally undertaken by other FRW2 employees in the course of their duties (Respondent's Exhibits 8, 9).

Another factor of particular importance here is the concept of substantial similarity of jobs as a crucial element of judging the propriety of a classification decision. See Delfosse v. Wettengel, No. 73-86, Pers.

Bd. 12/74. Particularly here, where the class specification for FRW2 and 3 are quite close, it is important to examine the class specification carefully and to compare position descriptions of other employees in the disputed classifications, in order to determine the best fit. See Kailin v. Weaver & Wettengel, No. 73-124, Pers. Bd. 11/75. Here, there is definite overlap between FRW2 and 3 positions both in definition and in examples of work performed. The primary difference appears to be one of emphasis, and of skill, when position descriptions of other employees are examined. While an employe classified as FRW3 does not have to be a lead worker, or a specialist or a member of a concrete crew, at a minimum the employe functions at an overall higher skill and complexity level than that of FRW2.

The third determining factor is that those of appellant's duties which could possibly be classified as either FRW2 or 3, take up less than half of his time, as indicated in both his position description and in his testimony, with respect to "manufacture" (versus repair) of furniture legs, tile repairs and screen repairs. The conclusion, based on all of the exhibits and testimony is that the majority of appellant's time is spent on duties which are at the FRW2 level, although he does spend some time at tasks which could fit into either FRW2 or 3 classification. Unfortunately, the fact that some duties could be classified at a higher level does not mean that appellant is therefore entitled to the higher classification. See Kailin v. Weaver & Wettengel, 73-124, Pers. Bd. 11/75.

CONCLUSIONS OF LAW

1. Appellant has the burden to proof, by the greater weight of the credible evidence, that respondent erroneously denied his request for

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reclassification to Facility Repair Worker 3.

2. Appellant has failed to carry his burden of proof.

3. The decision of respondent to deny appellant's request for reclassification is affirmed.

ORDER

The decision of the respondent is affirmed and this appeal is hereby dismissed.

Dated Jan. 15, 1979

STATE PERSONNEL COMMISSION

Charlotte M. Higbee
Charlotte M. Higbee
Commissioner

AR:mgd

11/30/79