

STATE OF WISCONSIN

PERSONNEL COMMISSION

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DAVID C. SIEGLER,
 Appellant,

v.

Secretary, DEPARTMENT OF
 NATURAL RESOURCES and
 Administrator, DIVISION OF
 PERSONNEL,
 Respondents.

Case No. 82-206-PC

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DECISION
 AND
 ORDER

This is a reclassification case. The appellant appealed respondents' decision to deny his request for reclassification of his position from Natural Resource Technician 1 to Natural Resource Technician 2. The following findings are based upon a hearing on the merits.

FINDINGS OF FACT

1. At all times relevant to this controversy, the appellant, David Siegler, has been employed in the classified civil service by the Department of Natural Resources (DNR) as a Natural Resource Technician 1 in the Bureau of Research.

2. In the summer of 1982, based upon a request for reclassification to the Natural Resource Technician 2 level, a DNR personnel specialist audited the appellant's position. On September 24, 1982, at the conclusion of the audit, the personnel specialist wrote the appellant and advised him that his request for reclassification had been denied. On October 21, 1982, the appellant appealed the DNR reclassification decision to this Commission.

3. At the time appellant's position was audited, he worked as a Research Project Technician in the Warm Water Fishing Unit. The following is a listing of his duties as stated in his Position Description dated March 22, 1982.

TIME % GOALS AND WORKER ACTIVITIES

2% ,A. Data Collection

1% A1. Collects population data on various animal species utilizing survey techniques such as sexing, aging, mark and recapture, radio telemetry, tagging, electroshocking, setting, crowing counts, whistling counts, hooting transects, bag checks, etc.

1% A2. Collects vegetation data and associated physical, chemical, and environmental measurements required for project study objectives.

72% B. Data Compilation

45% B1. Compiles field data for computer summarization.

15% B2. Transcribes field notes and data sheets into tables, graphs, figures, etc.

1% B3. Prepares routine reports.

10% B4. Prepares cover maps.

1% B5. Identifies various plant and animal species down to genera and species.

20% C. Data Analysis

10% C1. Assists in analyzing data used to prepare technical bulletins, research reports and other technical publications.

10% C2. Key punches data into computer.

2% D. Technical Assistance

1% D1. Advises wildlife or fish management personnel on plans for private lands and waters

1% D2. Advises and assists other governmental agencies.

- 2% E. Administration & Supervision
 - 1% E1. Trains assigned personnel.
 - 1% E2. Maintains equipment such as heavy equipment, boats, motors, nets, traps, radios, receivers, transmitters, laboratory.
- 2% F. Development & Operations
 - 1% F1. Operates and maintains specialized machinery, such as water gauges, pesticide sprayers, electronic or radio telemetry equipment, etc.
 - 1% F2. Operates and maintains routine equipment, such as, chainsaws, water pumps, generators, etc.

In summary, the appellant makes proof and computer code corrections to the respondent's master fish and stream files, prepares tables and figures for technical bulletins, assists in fish specimen identification and assists in training limited term employes.

4. The state classification specification for a Natural Resources Technician 1 describes this position as:

... responsible technical work in the areas of fish, forest and game. Employees in this class function as: (1) special assistants to professionals with area program responsibility; (2) working crew chiefs over a larger permanent crew; (3) district field crew chiefs; (4) specialized equipment operators; or (5) in fish operations, serves as an assistant in a large hatchery or rearing station; or directs a small combination hatchery and/or rearing station.

This is in contrast to the state classification specifications for a Natural Resources Technician 2 which states:

Employees in this class (1) have specific sub-area program responsibility with minimal professional supervision available, (2) are responsible for planning, implementing and directing all district field crews on district fish, forest and game habitat improvement projects, (3) function as crew chiefs of a large rearing station, or (4) function as an assistant in a major fish hatchery or rough fish station. Work is performed under the general guidance and direction of a Natural Resources Operations Supervisor or Natural Resource Specialist.

5. The appellant has minimal specific sub-area program responsibilities with limited supervision. He is not responsible for

planning, implementing and diverting district field areas, nor does he function as a crew chief of a large rearing station or an assistant in a major fish hatchery or rough fish station or equivalencies, the majority of his time.

6. The majority of appellant's duties consists of data compilation for the department's fish and stream master files and best fit his present classification.

CONCLUSIONS OF LAW

1. The Commission has statutory authority to hear and decide this case.

2. The appellant has the burden of proving by a greater weight of credible evidence that respondents' decision not to reclassify his position to Natural Resources Technician 2 was incorrect.

3. The appellant has failed to sustain the burden of proof.

4. Respondents' decision that appellant's position was correctly classified is correct.

OPINION

The testimony of the appellant, his supervisor and the respondents' personnel specialist was that appellant's position description, dated March 22, 1982, correctly reflected his duties. Data compilation was listed on the position description as comprising seventy-two percent (72%) of appellant's work time. In carrying out the data compilation function, the appellant primarily reviews data collected by other fish biologists, insuring consistency and similarity, and then inputs this information into the computer as additions, deletions or corrections to the department's master fish and stream files.

The respondents' personnel specialist testified that the primary difference between the Natural Resources Technician 1 and the Natural Resources Technician 2 classifications lies in the assignment of specific program responsibilities to the position and independent action in carrying out that program. The personnel specialist testified that based upon her audits of the position and review of other comparable position descriptions, she determined that appellant's major responsibilities were too narrowly defined to be considered program responsibilities as known in Natural Resources Technician 2 positions. In her opinion the appellant functioned as the special assistant to a project leader who gave him specific assignments. The appellant lacked the specific program responsibility and accompanying accountability necessary to be classified at the Natural Resources Technician 2 level.

This testimony was controverted by insufficient probative evidence to cause the hearing examiner to be otherwise persuaded.

ORDER

IT IS HEREBY ORDERED that respondents' decision be affirmed and this appeal be dismissed.

Dated: December 7, 1983 STATE PERSONNEL COMMISSION


DONALD R. MURPHY, Chairperson

DRM:jmf


LAURIE R. McCALLUM, Commissioner


DENNIS P. MCGILLIGAN, Commissioner

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*Pursuant to the provisions of 1983 Wisconsin Act 27, published on July 1, 1983, the authority previously held by the Administrator, Division of Personnel over classification matters is now held by the Secretary, Department of Employment Relations.