

STATE OF WISCONSIN

PERSONNEL COMMISSION

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 *
 LEONARD CODY, LANNY ROSS, *
 PATRICK COFFEN, STEPHEN HUTTS,*
 ROBERT NITKE, *
 *
 Appellants, *
 *
 v. *
 *
 Secretary, DEPARTMENT OF *
 NATURAL RESOURCES and *
 Secretary, DEPARTMENT OF *
 EMPLOYMENT RELATIONS, *
 *
 Respondents. *
 *
 Case Nos. 82-214, 215, 216, *
 217, 219-PC *
 *
 * * * * *

DECISION
AND
ORDER

NATURE OF THE CASE

These are appeals of reclassification denials that were consolidated for hearing.

FINDINGS OF FACT

1. The appellants are DNR employes who at all times material have been employed in the classified civil service at the Woodruff Area Office in positions classified as Natural Resources Assistant 2 (NRA 2).

2. The duties and responsibilities of the appellants' positions were the subject of a stipulation, the parties having agreed that they were as set forth in Appellants' Exhibits 19-23. Therefore, these exhibits are incorporated by reference as if fully set forth as the Commission's findings as to the duties and responsibilities of the subject positions.

3. The class specifications for NRA 2, Respondents' Exhibit 1, contain the following definition:

This is semi-skilled work in the areas of fish, forest and game. Employees in this class function primarily as (1) assistants to professionals with area program responsibility; (2) working crew chiefs over a small crew; (3) equipment operators; or (4) any comparable combination of the above. Greater independence, initiative, and latitude in performance of duties distinguishes this class from the Natural Resources Assistant 1 class. Work is performed under the general guidance and direction of a Natural Resources Technician or Natural Resources Specialist.

4. The class specifications for Natural Resources Technician 1 (NRT 1), Respondents' Exhibit 2, contain the following definition:

This is responsible technical work in the area 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 large 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.

5. The appellants' positions fit within the NRA 2 classification as "working crew chiefs over a small crew."

6. The appellants' positions do not fall within any of the categories in the NRT 1 classification.

7. The appellants' positions are best described by the NRA 2 class specifications and most appropriately classified as NRA 2.

8. Respondent DNR, acting on a delegated basis, pursuant to §230.05(2)(a), Stats., denied the appellants' for reclassification of their positions, and timely appeals were filed with this Commission.

CONCLUSIONS OF LAW

1. These matters are appropriately before the Commission pursuant to §230.44(1)(b), Stats.

2. The appellants have the burden of proving that the respondents' decision denying the appellants' reclassification request were incorrect.

3. The appellants have not sustained their burden.

4. The respondents' decision denying the requests for reclassification of the appellants' positions, and determining that their present classification of NRA 2 was appropriate, was not incorrect.

OPINION

The stipulated issues in this case as set forth in the prehearing conference report are as follows:

"Whether the decision of the respondents denying the reclassification of the position in question was correct.

Subissue: Whether the appellants' positions are more properly classified as Natural Resource Assistant 2 or Natural Resource Technician 1,2, or 3."

The class specifications for NRT 2 and 3 were neither made a part of the record, nor addressed by the parties in their presentation or argument of the case, and these classifications will not be addressed in this decision.

In its denial of these reclassification requests, DNR personnel has taken the position that these jobs are appropriately classified as NRA 2 because they fit into the NRA 2 criterion of "working crew chiefs over a small crew." The NRT 1 definition contains 5 criteria. The appellants have argued that they fit within the category of "working crew chiefs over a large permanent crew," which DNR disputes, and that disagreement has been the focus of this proceeding.

The class specifications do not define large and small crews. Ms. Steinmetz, the DNR personnel specialist, testified that pursuant to her definition, a large crew would consist of 8-10 permanent or seasonal (but not limited term) employes, while a small crew would consist of 5 or less.

The main thrust of the appellants' case has been to look at some NRT positions from other DNR units, and to argue that there are not enough

lower-classified permanent and seasonal employees assigned to those units to support the numbers of NRT's, based on the "large crew" criterion.¹

The problem with the appellants' contention is that there are 5 categories set forth in the NRT 1 definition, only one of which is "working crew chiefs over a large permanent crew." There is nothing in this record to lead to the conclusion that these other NRT positions are at that level because they have been deemed "working crew chiefs over a large permanent crew." Insofar as this record is concerned, certain of the position descriptions for these positions to "crew chiefs" could as well be consistent with one of the other NRT 1 categories, "(3) district field crew chiefs." For example, in the position descriptions for certain NRT 1 positions at Wild Rose with "crew chief" working titles, there are also references to district activities.

The appellants have the burden of proof and must establish to a reasonable certainty, by the greater weight or preponderance of the evidence, all facts necessary to their case. See Jackson v. State Personnel Board, Dane Co. Circuit Court No. 164-086 (2/26/79). This they have not done.

The appellants have raised a collateral issue concerning position descriptions. In initial proceedings in this matter, the parties were in disagreement concerning the proper content of the appellants' position descriptions. Ultimately, the appellants and their representative sat down

¹If all that could be established by this were that these other positions were misclassified based on the DNR's criteria, this would not in itself justify reclassification of the appellants' positions. However, the appellants' approach is material to an attempt to show that DNR's large/small criteria in actuality are more flexible than as testified at the hearing.

with management and worked out stipulated position descriptions. See Appellants' Exhibits 19-23.

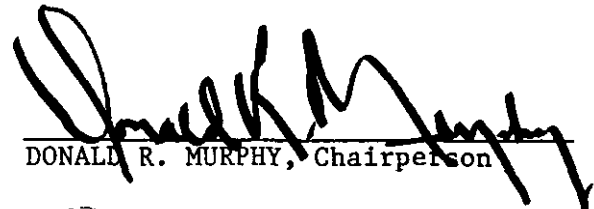
In their post-hearing brief, the appellants assert that the position descriptions of the other employees at the Woodruff hatchery are inaccurate and that a similar process should be followed to revise their position descriptions.

Unfortunately, the Commission cannot address this matter. It involves employees who are not parties to these appeals, and it is outside the scope of the issues noticed for hearing. Compare, Wisconsin Telephone Co. v. Department of Industry, Labor and Human Relations, 68 Wis. 2d 345, 228 N.W. 2d 649 (1975).

ORDER

The respondents' actions denying these reclassification requests are affirmed, and these appeals are dismissed.

Dated: June 26, 1984 STATE PERSONNEL COMMISSION


DONALD R. MURPHY, Chairperson

AJT:jat


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.