

STATE OF WISCONSIN

PERSONNEL COMMISSION

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 *
 ROBERT W. SCHAEFER, *
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 Appellant, *
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 v. *
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 Secretary, DEPARTMENT OF *
 NATURAL RESOURCES and *
 Administrator, DIVISION OF *
 PERSONNEL, *
 *
 Respondents. *
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 Case No. 83-0025-PC *
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DECISION
 AND
 ORDER

This is an appeal from respondent's decision denying the reclassification of the appellant's position from Environmental Engineer 3 (EE3) to Environmental Engineer 4 (EE4).

FINDINGS OF FACT

1. The appellant is currently employed in the Southern District of respondent Department of Natural Resources as District Sludge Manager.
2. Sludge is a by-product of wastewater treatment. It is created or generated in a treatment plant and must then be disposed of through acceptable means.
3. The appellant is a specialist in the engineering and soil aspect of municipal and industrial sludge management. The appellant's responsibilities are predominantly district-wide rather than state-wide.
4. The appellant does not supervise other employees.
5. The class descriptions for the Environmental Engineer 3 and 4 classifications provide the following definitions:

Environmental Engineer 3

Definition:

This is advanced technical engineering work in the areas of environmental health and protection. Employees in this class are responsible for making complicated field investigations and office studies in the development and application of sanitary measures in the state's environmental health and environmental protection programs. Work involves the review of complex engineering reports, plans and specifications, and the conducting of related field inspections and studies. Employees in this class may supervise technical assistants. Assignments are carried out independently but employees are guided by established standards and regulations. Work is reviewed for technical correctness and conformity to policies and objectives.

Environmental Engineer 4

Definition:

This is highly specialized professional engineering work in environmental health and protection. An employee in this class coordinates and evaluates a specialized phase of a sanitation program as assistant to the chief of a major section in the Division of Environmental Protection and the Bureau of Environmental Health. Work is performed independently within established policies and reviewed through conferences, reports and resulting control effectiveness.

6. The allocation pattern for classification to the EE4 level indicates that the employees at that level (who are not supervisors) a) are perceived to be experts in their areas of specialization and b) have areas of specialization which are state-wide in scope rather than district-wide.

7. Robert Behrens is classified as an EE4 (rather than an EE4-Supervisor) and is responsible for the operation and maintenance program for the Lake Michigan District of DNR. Mr. Behrens supervises two employees and he also has some state-wide training function although his primary responsibilities are on a district-wide basis.

8. The appellant's responsibilities are distinguishable from those of Mr. Behrens.

9. The appellant's position is better described by the EE3 class description.

CONCLUSIONS OF LAW

1. This matter is appropriately before the Commission pursuant to §230.45(1)(b), Wis. Stats.

2. The appellant has the burden of proving that the respondents' decision denying his reclassification request was incorrect.

3. The appellant has failed to meet that burden of proof.

4. The respondents' decision to deny the reclassification of the appellant's position was correct.

OPINION

The testimony showed that prior to becoming District Sludge Manager in approximately April of 1982, the appellant served in DNR's central office and was in charge of developing the municipal sludge program on a state-wide basis. The appellant was then transferred to the Southern District to serve as the municipal and industrial sludge program expert for the district.

The Commission is satisfied that the two class definitions in question, EE3 and EE4, are broad enough so that either one could encompass the appellant's position. However, the testimony indicated that the state has an established allocation pattern with respect to these two classifications so that only positions with a state-wide scope can be classified at the higher level, unless holding supervisory responsibility. Respondent's witness testified that there is only one position currently classified at the EE4 level and serving at the district level. That

position, occupied by Mr. Behrens, can be distinguished from the appellant's because of its continuing state-wide training function and because it holds supervisory responsibilities. Respondent also showed that the Southern District's operations and management unit coordinator was classified at the EE4-Supervisor level.

Therefore, the Commission cannot find the respondent's decision to have been incorrect.

ORDER

The respondent's reclassification decision is affirmed and the appellant's appeal is dismissed.

Dated: August 4, 1983 STATE PERSONNEL COMMISSION


DONALD R. MURPHY, Chairperson

KMS:lmr


Dennis P. McGilligan, Commissioner

Parties:

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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.