

review of appellant's position respondent denied appellant's request. Appellant's duties had not changed significantly since 1974.

4. On April 9, 1984, respondent sent a memorandum to appellant advising him that they had reviewed his position and believed that it was properly classified. The appellant appealed respondent's answer to his reclass request to the Personnel Commission on April 25, 1984.

5. At the time of the reclass review, sixty percent of appellant's time was spent managing the construction section office construction reports, records and files, and thirty percent processing pay estimates. The remaining ten percent was devoted to functions related to the two primary responsibilities.

6. The state position standards for Engineering Technician 4 and 5 positions are as follows:

ENGINEERING TECHNICIAN 4 (SR 1-11)

Under supervision, performs difficult and complex technical and/or supervisory or coordinating duties such as layout of most complex and unique structures, or independent inspection of plant fabricating routine steel structures or preparation of Planning and Research reports based upon analysis and forecast of traffic and land use patterns; or supervising a district program of marking and signing, or a medium-sized construction project, or a geodetic field crew, or a central laboratory testing unit. Incumbent must have extensive knowledge of testing procedures and specification requirements for material testing or inspection, or ability to organize, supervise, and direct a routine construction project or portions of a district traffic program, to include interpretation and application of routine plans and specifications. May perform related work as required.

ENGINEERING TECHNICIAN 5 (SR 1-13)

Under minimum supervision, performs advanced work of a technical and/or supervisory nature, normally responsible for a highly skilled technical function or the functioning of a portion of a district or central office program or project. Such duties would be as district quality control supervisor, marking and signing supervisor (complex), right-of-way plat coordinator, location crew chief (complex), project supervisor (large), or assistant area

maintenance supervisor; or in the central office, supervisor of design services, quality control, O-D studies, or planning and research studies. Also may perform related work as required. Incumbent must have thorough knowledge of program areas, and ability to organize, supervise, and direct technicians in accomplishment of specific work objectives. Must have thorough understanding of plans and specifications, and have ability to interpret and apply same. Must have extensive background in geometry and trigonometry, and/or be able to coordinate and schedule own activities with those of other related work areas, both to obtain and to give necessary and timely information.

7. Appellant's position is classified at the same level as Contract Service Technicians in other Transportation Districts.

8. Appellant's position is appropriately classified Engineering Technician 4.

CONCLUSIONS OF LAW

1. The Commission has authority to hear this matter pursuant to §230.44(1)(b), Wis. Stats.

2. The appellant has the burden of proving that respondent's decision denying the reclassification of appellant's position from Engineering Technician 4 to Engineering Technician 5 was incorrect.

3. The appellant has failed to meet that burden.

4. Respondent's decision denying appellant's reclassification was correct.

OPINION

The appellant, Robert A. Weimer, makes several arguments in support of his assertion that he should be classified as an Engineer Technician (ET) 5: In 1972, the appellant worked in the construction section of Transportation District 2 as an ET 2 while his counterpart in District 9 was at a higher classification - Engineer 3. Later the successor to the District 9 contract position was classified an ET 5. In 1980, Districts 2 and 9 merged, the

construction contract duties were shared by the former District 9 technician, an ET 5, and the appellant, an ET 4. Appellant has seniority over all the employes in the office, including the former District 9 technician.

In rebuttal, respondent's witnesses testified that District 9 (Milwaukee) was organized differently from other districts, the contract section did not utilize a contract technician but a civil engineer who was responsible for making engineering and technical contract decisions. The employe, a Mr. Bachmann, who currently shares contract duties in the merged district with appellant, was reclassified in 1972 from ET 4 to ET 5 based upon field assignments as a construction project supervisor over large construction projects and not as a result of his work in the contract section in District 9. The supervisor of Bachmann and appellant testified that Bachmann's duties are distinct from appellant's and more complex.

The Commission held in Shepard et al v. Div. of Per., Case No. 80-234, 237 and 239-PC (6/3/81) that class specifications and position standards form the framework of the State classification system. Once they are established, reclassification decisions must be made in accordance with these established precepts. Appellant's arguments regarding length of service and seniority must fail because they are not classification factors; and any consideration of evidence relevant to appellant's position and corresponding positions in 1972, must be limited to circumstances present at the time of the reclassification request.

Appellant's argument that his position is comparable to Mr. Bachmann's, a co-worker in the construction section, who is classified at the ET 5 level, has some merit. While testimony was presented by respondent that Bachmann was given the more responsible duties of reviewing construction finals, it is

doubtful that they differ significantly from those duties of the appellant. However, it is irrefutable that Bachmann obtained his ET 5 classification in 1972 for field assignments, not construction section office work and that his present classification is an exception to the allocation pattern for construction service technicians. In the opinion of the Commission for the reasons expressed and based upon the record, respondent's decision should be affirmed.

ORDER

Respondent's denial of appellant's request for reclassification is affirmed and this appeal is dismissed.

Dated: Dec. 6, 1984

STATE PERSONNEL COMMISSION


DONALD R. MURPHY, Chairperson


LAURIE R. McCALLUM, Commissioner


DENNIS P. MCGILLIGAN, Commissioner

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Parties

Robert A. Weimer
310 Park Ave., Box 44
Eagle, WI 53119

Lowell Jackson
Secretary, DOT
P.O. Box 7910
Madison, WI 53707

Howard Fuller
Secretary, DER
P.O. Box 7855
Madison, WI 53707