

STATE OF WISCONSIN

PERSONNEL COMMISSION

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JOHN B. HESS, *

Appellant, *

v. *

Secretary, DEPARTMENT OF *
 NATURAL RESOURCES, and *
 Secretary, DEPARTMENT OF *
 EMPLOYMENT RELATIONS, *

Respondents. *

Case No. 85-0104-PC *

* * * * *

DECISION
 AND
 ORDER

This matter is before the Commission on appeal of a decision by respondent denying reallocation of appellant's position from Natural Resource Specialist 4 to Natural Resource Specialist 5. The following findings are based upon a hearing on the merits under §230.44(1)(b), Wis. Stats.

FINDINGS OF FACT

1. Appellant, John B. Hess, has been employed with respondent, the Department of Natural Resources, (DNR), since February 1962. He has been located at the Ranger Station, Crandon, Wisconsin, since 1971.

2. In 1982 DNR began a survey of all its assistant area forester positions. Position descriptions and addendums were solicited from each forester position. As a result of this survey, position standards for Natural Resource Specialist 1-8 and Natural Resource Specialist 6-8 (Management) were redrafted.

3. DNR, during the survey, also established 12 criteria for rating the differences between classifications within the forestry series. The

following 12 point rating criteria for forestry classifications was approved by the Department of Employment Relations (DER):

1. Forest ownership
2. Number of landowners
3. Acres of Reforestation
4. Acres of grazing
5. Cooperative state and federal programs
6. Timber types
7. Tax law application
8. Tree orders
9. School forestry programs
10. Acres in plantation
11. Acres in timber stand improvement
12. Supervisor responsibilities

4. DNR also approved the use of unique assignments as criteria for distinguishing forestry positions in the same series.

5. On May 9, 1985, appellant received notice that his position had been reallocated from Natural Resource Specialist (NRS) 3 to Natural Resource Specialist 4.

6. On June 6, 1985, appellant appealed respondent's reallocation decision regarding his position, to this Commission.

7. At the time of reallocation, appellant's position description (PD) described his worker activities, broken down into percentages, as 45%, management of DNR lands and Forest County forest; 20%, management of private forestry program; 15%, administration of private forestry program; 10%, administration of woodland tax and forest coop laws; 10%, cooperation: all DNR programs, public requests, maintaining game and fisheries public areas and five control operations.

8. Also, at the time of reallocation, appellant's PD included an addendum which provided the following: descriptions and specific areas managed by the position; description of the total population within the assigned area of the position; descriptions of any unusual or intensive management activities; description of the complexity of programs managed by

the position and a description of the position's administrative and supervisory responsibilities.

9. The position standard for the Natural Resource Specialist 1-8 cites the following classification factors:

Factor 1 - Scope and Impact of Work:

- a. Scope (range or extent) of the goals and accomplishments; and
- b. Impact of the work both internal and external to the work unit.

Factor 2 - Complexity of Work:

- a. Difficulty in deciding what needs to be done; and
- b. Difficulty in performing the work.

Factor 3 - Discretion and Accountability:

- a. Extent to which the work is structured or defined; and
- b. Extent to which one is responsible to other authorities for actions taken or decisions made.

Factor 4 - Knowledge and Skills Required:

Breadth (variety) of knowledge normally required and used in completing acceptable work, and depth (degree of detailed understanding) or knowledge normally required and used in completing acceptable work.

Factor 5 - Personal Contacts and Their Purpose:

- a. Nature of the contacts; and
- b. Purpose of the contacts.

Factor 6 - Work Environment:

Level and frequency of risks and discomforts in employes' normal physical surroundings.

Factor 7 - Physical Effort:

Level and frequency of physical effort required of employes by normal work assignments.

10. The position standard defines the Natural Resources Specialist 4 position as the objective level for NRS positions 1 through 4. Duties performed at these four levels are substantially the same. Representative

positions pertinent to this matter are Assistant Area Resource Management positions which include:

Assistant Area Wildlife Manager - conducting wildlife surveys, developing short and long-term wildlife management plans, developing and implementing habitat improvement projects, and investigating animal damage complaints.

Assistant Area Forest - advising woodland owners on timber stand improvement methods, completing management plans and making recommendations on forest crop and woodland tax applications, marking and tallying timber, and developing short and long-term timber management plans.

Forester/Ranger - reporting to the Area Forester or Ranger, the activities and responsibilities of this position are very similar to those performed by an Assistant Area Forester. In addition, this position is responsible for implementing the fire prevention, presuppression, suppression and enforcement programs in an intensive or extensive fire area.

11. The position standard defines the Natural Resource Specialist 5 position as very responsible resource management work. It distinguishes these positions from the objective level NRS 4 position on the basis of complexity of the program.

12. The representative Assistant Area Forester NRS-5 position is described as follows:

- reporting to the Area Forester, this position is responsible for the implementation of the forestry program in a sub-area of the State. This position is differentiated from lower level assistant area foresters by factors such as the extent of the forest resource, the heavy emphasis on private forestry assistance (or a comparable specialization), the extent and complexity of forest tax law entries and withdrawals, the extent of public forest land in the sub-area, and the high degree of public involvement and pressure in decisions made regarding the sub-area's forest resources. In order for assistant area forester positions to be allocated to this level, it must be demonstrated that the factors used to justify identification at this level contribute significantly to the position's complexity.

13. At the time of reallocation, appellant shared program responsibility for forest land in Forest County with co-worker Shirley Bargander.

Appellant and Bargander were classified at the same level. He did not have responsibility for all the forest land in Forest County.

14. Appellant's resource base -- number of counties assigned, number of acres by ownership of forests, acres of private forestry lands, number of landowners in assigned counties, acres in need of forestation and acres in need of cultural practices -- as described in his position description addendum, is below the statewide forester average on 10 out of 12 DNR rating criteria.

15. DNR personnel specialist, Greg Samp, testified and the commission finds that he personally reviewed appellant's position description and that appellant's duties were not clearly distinguishable from those of the objective level.

16. Appellant's duties and responsibilities do not appear to be more extensive and complex than the duties and responsibilities of a NRS 4 position.

17. Appellant's position is better described by the position standard for the NRS 4 classification than the standard for the NRS 5 classification.

CONCLUSIONS OF LAW

1. This Commission has jurisdiction of the parties and subject matter herein pursuant to §230.44(1)(b), Wis. Stats.

2. The appellant has the burden of proving respondent's decision denying reallocation of appellant's position from Natural Resource Specialist 4 to Natural Resource Specialist 5 was incorrect.

3. The appellant has failed to meet his burden.

4. Respondent's decision denying appellant's reallocation request was correct.

OPINION

This Commission has consistently held that proper classification of a position involves weighing class specifications and work actually performed to determine the classification which best fits the position. The language of the classification specification governs the assignment of a position to a particular classification. Kailin v. Weaver & Wettengel, 73-124-PC (11/28/75), Bender v. DOA & DP, 70-210-PC (7/1/81), Jones v. DNR & DER, 85-0127-PC (1/24/86)

In the present case before the Commission, appellant argues there are several reasons for reallocating his position to the NRS 5 level: Reallocation to NRS 5 is consistent with the recommendation of his supervisor. He was not given as much credit as others who managed similar resource base components. His position is similar to an NRS 5 position in Vilas County held by James Baughman.

In support of his argument appellant called two witnesses: John M. Grosman and John W. Huppert. Mr. Grosman, who supervised appellant at the time of reallocation, testified that he believed appellant's duties were similar to James Baughman's duties, when Baughman was classified as an NRS 3. Mr. Huppert, appellant's current supervisor since September 1986, previously worked with James Baughman for several years. He testified based on his observation, that both the appellant's and Baughman's positions were similar in scope. Other testimony of Grosman and Huppert placed into question the validity of resource base information used to evaluate Baughman's and appellant's positions.

Respondent's witness, Gregory Samp, a Personnel Specialist for respondent at the time appellant's position was reallocated, testified that he was involved in evaluating appellant's position as a part of a reallocation

survey. Appellant's duties, described in his 1985 position description and addendum was evaluated, using the NRS series position standard, DNR's 12 point resource based rating criteria and other distinguishing criteria. Appellant's position was found to be not easily distinguishable from the NRS 4 level.

It is the belief of this Commission that appellant has failed to present evidence sufficient to sustain his argument. While the thrust of appellant's argument appeared to be that his duties compared favorably with those of James Baughman, who was reallocated to the 5 level, it is questionable whether sufficient evidence was presented showing a comparison of duties performed by Baughman and the appellant at the time Baughman obtained the NRS 5 classification. A 1981 position description (PD) of Baughman's position was entered into evidence, but it did not include an addendum describing resource base information, which is necessary to differentiate NRS 4 positions from NRS 5 positions. Also, there was no evidence showing that Baughman's 1981 PD was a source material used for evaluating his position when it was reallocated to NRS 5. The testimony of Grosman and Huppert was very general. Neither witness provided significant specific information about the positions of Baughman and the appellant. None of their testimony included information which focused upon the reciprocal relationship between appellant's duties and the NRS 5 position standard. In addition, their testimony about the appellant's and Baughman's positions covered times not contemporaneous with appellant's reallocation. Finally, appellant's testimony about his position was substantially the same as provided in his position description. Although he urged that his position merited being classified at the NRS 5 level, he failed to identify duties which distinguished his position from those at the objective level.

For reasons as stated above and based on the record, this Commission is of the opinion that appellant has failed to meet the burden of persuasion required to prevail in this matter.

ORDER

The action of respondent is affirmed. Appellant's appeal is dismissed.

Dated: November 23, 1988 STATE PERSONNEL COMMISSION

Laurie R. McCallum
LAURIE R. McCALLUM, Chairperson

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JMF12/4

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