

STATE OF WISCONSIN

PERSONNEL COMMISSION

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LELAND P. LEER,
Appellant,

v.

Secretary, DEPARTMENT OF
NATURAL RESOURCES and
Secretary, DEPARTMENT OF
EMPLOYMENT RELATIONS,
Respondents.

DECISION
AND
ORDER

Case No. 85-0125-PC

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NATURE OF THE CASE

This is an appeal of the denial by respondent DNR of appellant's request for reclassification of his position. A hearing was held before Laurie R. McCallum, Commissioner, on July 8, 1986.

FINDINGS OF FACT

1. At all times relevant to this matter, appellant has been employed by respondent DNR at its Necedah Ranger Station in a position classified as a Forest Fire Control Assistant 1 (FFCA 1). Appellant requested that his position be reclassified to the FFCA 2 level. In a memorandum dated May 6, 1985, respondent DNR denied such request. Appellant filed a timely appeal of this denial with the Commission.

2. Appellant's position is responsible for assisting in: the prevention, suppression, and pre-suppression of forest fires; the enforcement of fire laws; the maintenance of equipment, buildings, and grounds; the administration of the Necedah Sub-area; forest management; and co-operation with other functions and agencies.

3. Appellant's first-line supervisor is the Forester/Ranger assigned to the Necedah Ranger Station. In the absence of the Forester/Ranger, the duties and responsibilities of that position are carried out by the FFCA 2 position assigned to the Necedah Ranger Station. Only in the absence of both the Forester/Ranger and the FFCA 2 are such duties and responsibilities carried out by appellant's position.

4. The "fire boss" is the person responsible for fire control and suppression activities at a fire site. The "fire boss" is usually the highest level employe at the site. However, appellant, on two occasions, has served as "fire boss" despite the presence at the site of the FFCA 2 due to the fact that, on one occasion, the FFCA 2 was not present in the immediate area where appellant was working to control and suppress the fire and, on the other occasion, appellant already had the fire under control by the time the FFCA 2 arrived at the fire site.

5. The position standard for the FFCA 1 classification states, in pertinent part:

Class Description

Definition:

This is semi-skilled work in forest protection. Employees in this class serve as operators of specialized, motorized fire fighting equipment and/or as crew chiefs or scouts during forest fires. Work is performed under the general guidance and direction of a Forest Ranger, Forester, or a higher level Forest Fire Control Assistant.

Examples of Work Performed:

Operates and assists in the dispatching of crawler tractors, pumpers, tankers and other motorized equipment units in suppressing forest fires.

Serves as crew chief or scout on forest fires.

Maintains and makes minor repairs to fire fighting equipment and facilities.

Constructs fire trails, issues burning permits and assists in other pre-suppression activities.

Maintains records and prepares routine reports.

Assists in law enforcement activities.
Other assigned work may include tasks not specifically enumerated above which are of a similar kind and level.

6. The position standard for the FFCA 2 classification states, in pertinent part:

Class Description

Definition:

This is responsible semi-skilled work in forest protection. Employees in this class have specific sub-area forest fire protection program responsibility. Work is performed independently under the minimal supervision of a Forest Ranger or a Forester/Ranger.

Examples of Work Performed:

Plans, coordinates and directs fire control activities in a specific sub-area.

Operates and dispatches crawler tractors, pumpers, tankers and other motorized equipment units in suppressing forest fires.

Maintains and makes minor repairs to fire fighting equipment and facilities.

Constructs fire trails, issues burning permits and performs pre-suppression activities.

Conducts fire training sessions for concerned people in localities.

Assists in reviewing the district fire plan.

Maintains records and prepares reports.

Assists in law enforcement activities.

Other assigned work may include tasks not specifically enumerated above which are of a similar kind and level.

7. The primary distinction between the FFCA 1 and FFCA 2 classifications is that positions classified at the FFCA 2 level "have specific sub-area forest fire protection program responsibility." Respondents, in applying the FFCA 1 and FFCA 2 position standards, have consistently equated this responsibility with that of being assigned primary responsibility for carrying out the duties and responsibilities of the Forester/Ranger position in the absence of the Forester/Ranger. It is not necessary for the Commission to decide whether such application is consistent with the language of the FFCA 2 position standard since it is clear

from the record that appellant's position does not have primary responsibility for carrying out the duties and responsibilities of the Forester/Ranger in the absence of the Forester/Ranger.

8. Appellant's position does not have specific sub-area forest fire protection program responsibility. Appellant's position, therefore, does not satisfy the requirements for classification at the FFCA 2 level.

9. The duties and responsibilities of appellant's position are better described by the FFCA 1 position standard and appellant's position is more appropriately classified at the FFCA 1 level.

CONCLUSIONS OF LAW

1. This matter is appropriately before the Commission pursuant to §230.44(1)(b), Stats.

2. The appellant has the burden of proving that the respondents' decision denying the reclassification of appellant's position from FFCA 1 to FFCA 2 was incorrect.

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

4. The respondents' decision not to reclassify the appellant's position was correct.

OPINION

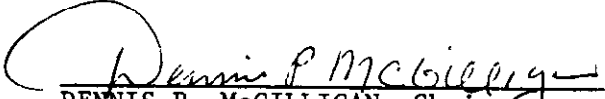
Appellant's position carries out many of the duties and responsibilities described in the FFCA 2 position standard. However, this alone is not sufficient justification for classifying appellant's position at the FFCA 2 level. The FFCA 2 position standard states that "employees in this class have specific sub-area forest fire protection program responsibility." Respondents, in applying this language of the FFCA 2 position

standard, have consistently equated this responsibility with that of being assigned primary responsibility for carrying out the duties and responsibilities of the Forester/Ranger position in the absence of the Forester/Ranger. It is not necessary for the Commission to decide whether such application is consistent with the language of the FFCA 2 position standard since it is clear from the record that appellant's position does not have primary responsibility for carrying out the duties and responsibilities of the Forester/Ranger position in the absence of the Forester/Ranger. This responsibility has been assigned to the FFCA 2 position at the Necedah Ranger Station. Although appellant has served as "fire boss" on two occasions when the FFCA 2 was present at the fire site, these were the exception rather than the rule and were the result of unusual fact situations. (See Finding of Fact 4). In addition, it is clear from the record that appellant's position does not "have specific forest fire protection sub-area program responsibility." Forest fire protection program responsibility for the Necedah sub-area is assigned to the forester/Ranger position assigned to the Necedah Ranger Station. Therefore, appellant's position does not satisfy the FFCA 2 position standard's requirements for classification at the FFCA 2 level. The duties and responsibilities of appellant's position do satisfy the requirements for classification at the FFCA 1 level and appellant's position is more appropriately classified as an FFCA 1.

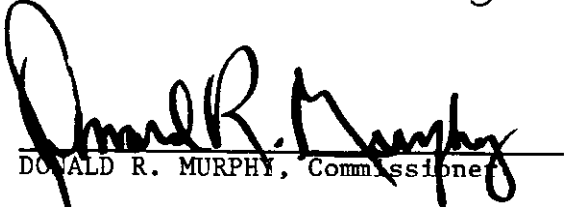
ORDER


The action of respondent's is affirmed and this appeal is dismissed.

Dated: October 1, 1986 STATE PERSONNEL COMMISSION


DENNIS P. MCGILLIGAN, Chairperson

LRM:jmf
JMF002/2


DONALD R. MURPHY, Commissioner


LAURIE R. McCALLUM, Commissioner

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