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ALFRED J. BOETCHER,

Appellant,

v.

Secretary, DEPARTMENT OF
EMPLOYMENT RELATIONS,

Respondent.

Case No. 90-0204-PC

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DECISION
AND
ORDER

NATURE OF CASE

This is an appeal pursuant to §230.44(1)(b), stats., of respondent's decision to reallocate appellant's position to Media Technician 3 (MT 3) rather than to Media Technician 4 (MT 4).

FINDINGS OF FACT

1. Appellant has been employed at all relevant times at the UW-Stout Teleproduction Center in a position in the classified civil service that was reallocated to MT 3 as a result of a communication technician survey conducted by respondent.
2. The duties and responsibilities of appellant's position are basically accurately described by his PD (position description), Respondent's Exhibit 2, dated April 16, 1990. This document contains the following "position summary" and "goals and worker activities:"

POSITION SUMMARY

As senior technician, independently maintains, critically adjusts, and operates all television production equipment including videotape editor, quadruplex, Betacam and one-inch VTR's, studio and EFP cameras, and all associated terminal equipment. Reports to Engineering Manager. The work is performed under general supervision.

TIME %	GOALS AND WORKER ACTIVITIES
55%	<p>A. Independently perform complex and emergency maintenance and adjustment of equipment for the Teleproduction Center and Instructional Technology Services-Instructional Television.</p> <p>A1. Maintain all television production equipment including videotape editor, video recorders, camera systems, video switchers, and associated terminal equipment.</p> <p>A2. Maintain local organization equipment for satellite uplink connection and WBWC-TC.</p> <p>A3. Adjust and set up to FCC and EIA specifications all television production equipment.</p>
15%	<p>B. Operation of all Teleproduction Center equipment.</p> <p>B1. Electronic field production operation and set-up.</p> <p>B2. Videotape recorder operation and set-up (One-inch/Betacam).</p> <p>B3. Videotape editing (One-inch/Betacam).</p> <p>B4. Studio, EFP, and film camera operation and set-up.</p> <p>B5. Technically evaluate program tapes.</p>
15%	<p>C. Construction and Installation</p> <p>C1. Equipment and modification/construction.</p> <p>C2. New equipment installation.</p> <p>C3. Check out new equipment per manufacturers' specifications.</p>
10%	<p>D. Administrative Responsibilities/ Miscellaneous</p> <p>D1. Compile records concerning spare parts, equipment maintenance, and tape evaluations.</p> <p>D2. Stay abreast of latest technical requirements to maintain SMPTE and EIA NTSC standards.</p> <p>D3. Compile daily time log.</p> <p>D4. Research, compare, and recommend facilities/equipment changes/upgrades.</p> <p>D5. General cleaning.</p> <p>D6. Drive mobile vehicle.</p>
5%	<p>E. Training/Consulting.</p> <p>E1. Consult with producers, directors, and other non-technical staff concerning productions.</p> <p>E2. Train lower level technicians and producers in the technical use of television production equipment.</p>

3. The UW-Stout Teleproduction Center (TPC) is attached to UW-Stout for administrative purposes but is basically independent and has a separate budget through UW Extension Telecommunications. The TPC's primary purpose is to provide production services to the Wisconsin Public Television Network. The TPC is also involved to a lesser extent in satellite uplink operations in connection with teleconferencing, and, in a very small percentage, in local origination operations in connection with the local public television network affiliate, WHWC. The TPC is not a broadcast facility, in the sense of transmitting a signal that can be received by people in their homes on standard consumer reception equipment.

4. The programming produced by TPC is produced on broadcast quality equipment and must be produced in accordance with FCC specifications because it is broadcast by FCC licensed and regulated facilities. However, neither appellant nor the TPC is required to be licensed by the FCC.

5. Some of the programming produced by TPC is broadcast statewide on the Wisconsin Public Television Network. Some of the instructional programming is distributed on a nationwide basis.

6. The UW Stout Instructional Technology Services Department is responsible for the audio-visual operation on campus. This department is separate from the TPC. Because the department lacks technical support capacity, it utilizes appellant's services in a maintenance role on a limited basis of about 20-30 hours per year. The TPC is compensated for appellant's time by the provision of support time in another field.

7. The equipment construction aspect of appellant's work is less complex in nature than that which occurs at WHA where manuals on the use of equipment are prepared and some equipment is sold to major manufacturers.

8. Appellant reports directly to the TPC Director, who provides no technical guidance to him. He functions as the senior technician at the TPC.

9. The Media Technician class specification, Respondent's Exhibit 1, includes the following:

A. PURPOSE OF THE CLASSIFICATION SPECIFICATION

This classification specification is intended to be used to classify technical positions engaged in the operation or maintenance of complex media equipment and systems. Because of the wide variety of ways in which positions can

be structured, it is recognized that this Classification Specification will not specifically identify every eventuality or combination of duties and responsibilities which may exist now or in the future. Rather, it is designed to serve as a basic framework for classification decision making by specifically identifying and allocating to classification levels those groupings of duties and responsibilities which occur most frequently.

* * *

F. DEFINITIONS OF AREAS OF SPECIALIZATION

1. Communication Arts

UW Comprehensive Institutions & WHA TV: Responsible for providing technical support to educational departments. This includes installation and maintenance on the following equipment 1) television studio and field production equipment, 2) all types of radio, television and film equipment. These positions also operate studio television equipment for production of television instructional programs and instruct clients on the use of this equipment. These positions may also produce instructional programming for classroom use.

2. Maintenance

* * *

TV Operations/Maintenance: Responsible for installing, repairing, maintaining and/or operating broadcast television equipment associated with TV production and transmission. Additional duties may include the modification, design, and construction of electronic equipment used for, or in conjunction with, television production and transmission. Satellite, fiber optics and other technologies may be employed but are normally not a major part of these positions. Also included in this allocation is the chief maintenance engineer for the closed circuit television and campus radio station at UW comprehensive institutions.

* * *

G. CLASSIFICATION FACTORS

Because of the wide variety of complex media systems and the range and scope of duties and responsibilities which may be assigned, every combination of duties and responsibilities cannot be addressed and expressed in the classification descriptions. Therefore, when allocating a position to

a classification level within this series, the same classification factors which were used to establish the classification levels should be used to compare the position to positions which have already been allocated to or specifically identified at a certain classification level. The general classification factors are:

1. Responsibility/accountability — relates to the latitude to select alternatives and assign work/priorities, and finality of the decisions made. Some specific questions to consider are:
 - a. the organizational level of the position;
 - b. the nature and type of supervision received;
 - c. the availability of other non-subordinate staff whose authority it is to make the most difficult and unprecedented program or technical decisions or interpretations;
 - d. the degree of impact decisions and work efforts have on end results; and
 - e. the consequence of error.

2. Scope/Complexity — relates to the nature, number, variety, and intricacy of tasks, steps, processes or methods in the work performed; the difficulty and originality involved in performing the work; and the effect of the work product or service both within and outside the organization. Some specific factors to be considered are:
 - a. the number and nature of technologies for which the position is responsible;
 - b. the degree to which duties can be performed while the equipment is off-line;
 - c. the degree of problem definition received and the availability and applicability of establish [sic] guidelines, routines, procedures, etc.; and
 - d. the extent of the area of impact (i.e. program-wide, agency-wide, regional, state or national coverage area, agencies external to state government, public, etc.).

3. Miscellaneous Factors
 - a. the accumulated specific (technical, professional, managerial) and general (program) knowledge necessary to perform the work satisfactorily; and
 - b. the nature and level of internal and external coordination and communication required to accomplish objectives.

H. CLASSIFICATION DESCRIPTIONS

* * *

MEDIA TECHNICIAN 3

This is either objective or advanced level work depending upon the area of specialization.

COMMUNICATION ARTS:

Positions are allocated to this class as advance level and typically function as the senior technician differentiated from the lower level technical positions by the scope and complexity of the systems for which they are directly responsible and the increased independence of action.

MAINTENANCE:

Television Operations/Maintenance: Positions are allocated to this class as an objective (full performance) level and are responsible for performing a full range of operation and/or maintenance duties. Additional duties include the modification, design and construction of electronic equipment used for, or in conjunction with, television production and transmission. Work is performed under general supervision.

* * *

MEDIA TECHNICIAN 4

This is advanced level work in the following areas of specialization:

MAINTENANCE:

Television Operations/Maintenance: Positions are allocated to this class as advance level and typically function as a Senior Technician in television operations and/maintenance. Technicians allocated to this class spend the majority of their time in the construction installation and maintenance of the most complex broadcast telecommunications equipment.

10. Appellant's position does not fit will within either of the MT areas of specialization. With respect to Communication Arts, it does not provide technical support to educational departments except for 20-30 hours per year, and it is responsible for broadcast-type rather than industrial consumer-type equipment which would be associated with typical communication arts

positions on campuses. With respect to the TV Operations/Maintenance area of specialization, appellant is not significantly involved with equipment associated with TV transmission as required by the maintenance definition, §F.2., MT class specification (Respondent's Exhibit 1).

CONCLUSIONS OF LAW

1. This matter is properly before the Commission pursuant to §230.44(1)(a), stats.
2. Appellant has the burden of proof to establish by a preponderance of the evidence that respondent's decision to reallocate his position to MT 3 rather than MT 4 was incorrect.
3. Appellant has failed to sustain his burden and it is concluded that respondent's decision to reallocate his position to MT 3 rather than MT 4 was not incorrect.

DISCUSSION

The media technician classification specification, Respondent's Exhibit 1, contain the following typical allocations (as relevant to this case) for MT 3 and MT 4:

MT 3

COMMUNICATION ARTS: ADVANCED LEVEL/SENIOR TECHNICIAN
MAINTENANCE: OBJECTIVE (FULL PERFORMANCE) LEVEL

MT 4

MAINTENANCE: ADVANCED LEVEL/SENIOR TECHNICIAN

Therefore, an advanced level/senior technician position normally would be classified at the MT 3 level if it is within the Communications Arts area of specialization, and at the MT 4 level if it is within the Maintenance area.

The parties disagreed as to the most appropriate area of specialization. In the Commission's opinion, neither the Communication Arts nor the TV Operations/Maintenance area of specialization provide a particularly accurate description of appellant's position.

The Communications Arts category is intended to and does describe positions on campuses that are responsible for "providing technical support to educational departments." Appellant's position is located physically on the

UW-Stout campus, but it is separate from the campus audio-visual support arm and, except for the extremely minor amount of 20-30 hours per year it provides technical support to the UW Stout Instructional Technology Services Department, appellant's position is not involved in "providing technical support to academic departments." Respondent stressed that appellant's involvement in the installation, maintenance and operation of television equipment falls within some of the remaining language of the Communication Arts area of specialization. However, the great majority of appellant's work is with broadcast quality equipment used to produce programming for statewide transmission in accordance with FCC specifications, whereas it is undisputed on this record that academic departments use industrial grade equipment in connection with programming not intended for use outside the campus. Therefore, appellant's work installing, operating, and maintaining equipment is more properly associated with TV Operations/Maintenance rather than with Communications Arts. Furthermore, appellant is involved in the modification, design, and construction of equipment and in satellite uplink technology, which are identified in TV Operations/Maintenance area but not in the Communication Arts area.

However, appellant's position does not fit within the TV Operations/Maintenance area either. His position has no significant responsibility with respect to equipment associated with broadcast transmission, and the definition uses the following language:

TV Operations/Maintenance: Responsible for installing, repairing, maintaining and/or operating broadcast television equipment associated with TV production and transmission. Additional duties may include the modification, design, and construction of electronic equipment used for, or in conjunction with, television production and transmission. (emphasis added) Respondent's Exhibit 1.

Inasmuch as appellant's position is not well described by the areas of specialization, it is necessary to refer to the class factors and position comparisons. This is in keeping with general principles of position classification, see e.g., Saindon v. DER, 85-0212-PC (10/9/86), as well as with the Media Technician class specification:

Because of the wide variety of ways in which positions can be structured, it is recognized that this Classification Specification

will not specifically identify every eventuality or combination of duties and responsibilities which may exist now or in the future. Rather, it is designed to serve as a basic framework for classification decision making by specifically identifying and allocating to classification levels those groupings of duties and responsibilities which occur most frequently.


The record contains little position comparison per se. However, there are certain factors which are inconsistent with placing appellant's position at the MT 4 level, which is the highest level in the media technician series.

While appellant's position is responsible for some equipment construction, Ms. Menash, the personnel specialist who coordinated the survey and who relied on technical experts who participated in the survey process for her information, testified that the media technicians at WHA did more advanced and extensive construction than appellant. Appellant's position also can be compared to the MT 4 position at ECB La Crosse. There is very little specific information on this record that would form a basis for a comparison of the extent and complexity of the equipment for which the two positions are responsible. However, even assuming the positions were at the same level in this regard, the ECB position operates under FCC licensure while appellant does not. Appellant correctly points out he has to produce a product that meets FCC specifications, but this does not equate to the same level of accountability and responsibility as actually operating under licensure. The licensee ultimately is responsible for the technical quality of whatever programming it airs. If the TPC were to produce programming that does not meet FCC specifications, it conceivably could lose a contract. If the ECB's broadcasts were to violate FCC regulations, it conceivably could lose its license and be shut down by government order. For these reasons, the Commission concludes that appellant has fallen short of satisfying his burden of proof of establishing that his position should have been reallocated to the MT 4 level.

ORDER

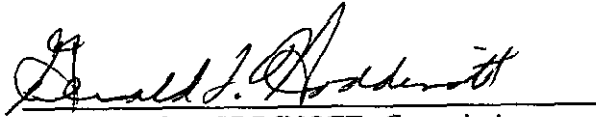
Respondent's action reallocating appellant's position to MT 3 rather than to MT 4 is affirmed and this appeal is dismissed.

Dated: May 16, 1991 STATE PERSONNEL COMMISSION


LAURIE R. McCALLUM, Chairperson

AJT/gdt/2


DONALD R. MURPHY, Commissioner


GERALD F. HODDINOTT, Commissioner

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