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JOHN C. GERSETH,

Appellant,

v.

Secretary, DEPARTMENT OF
EMPLOYMENT RELATIONS,

Respondent.

Case No. 90-0205-PC

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RICHARD CRISP,

Appellant,

v.

Secretary, DEPARTMENT OF
EMPLOYMENT RELATIONS,

Respondent.

Case No. 90-0206-PC

* * * * *

DECISION
AND
ORDER

NATURE OF THE CASE

These cases have been consolidated for hearing purposes. They are appeals pursuant to §230.44(1)(b), stats., of the reallocation of appellants' positions from ET4 (Electronic Technician 4) (PR06-12) to MT2 (Media Technician 2) (MT2) (PR06-12).

FINDINGS OF FACT

1. Appellants have been employed at all relevant times at the UW-EC (University of Wisconsin-Eau Claire) in positions in the classified civil service in the MDC (Media Development Center). These positions were reallocated from ET4 to MT2, effective April 8, 1990.

2. The basic elements of appellant Gerseth's position are accurately described by the PD (position description) dated April 18, 1990, Respondent's Exhibit 3. The position summary on that PD is as follows:

This position works independently, under general supervision of the Electronics Coordinator in the Media Development Center. It is responsible for the installation, maintenance and repair of two professional audio recording facilities, satellite and cable distribution systems, and television production facility. This position also consults with faculty, staff and students to determine their needs for specialized equipment and to access the causes of any trouble they may be encountering.

A copy of the more detailed listing of the position's duties and responsibilities as set forth in the PD is attached to this decision as part of the appendix.

3. The basic elements of appellant Crisp's position are accurately described by the PD dated May 3, 1990 (Respondent's Exhibit 2), which contains the following position summary:

This position works independently under general supervision of the Electronics Coordinator in the Media Development Center. It is responsible for the installation, maintenance and repair of the color television studio in the Fine Arts building. This building also maintains almost all the campus video recorders and camera equipment. It is responsible for the campus clock system and Facilities Management's paging system. Finally, this position consults with faculty, staff and students to determine their needs for specialized equipment and to assess the causes of any troubles they may be encountering.

A copy of the more detailed listing of the position's duties and responsibilities as set forth in the PD is attached to this decision as part of the appendix.

4. UW-EC is unique within the UW-System in having a centralized media and electronics media operation. Appellants' responsibilities include a wide range of non-media electronic equipment such as clocks and photographic equipment, in addition to television and audio equipment.

5. The basic elements of the MT3 position occupied by Alfred Boetcher at the UW-Stout Teleproduction Center are accurately described by the April 16, 1990, PD, Appellant's Exhibit 11, which contains the following 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.

This PD also contains a 15% goal for construction and installation.

6. The UW-Stout Teleproduction Center has had a contract with WHA-TV for some TV production that is aired statewide. Most if not all of the TV production at UW-EC is in a limited amount carried out by students in the journalism and speech programs which is transmitted over the campus and local cable systems. Videotaped instructional programs have been prepared on campus that have had national and international distribution. Video tapes of forums and seminars have been prepared on campus and broadcast on the campus and community cable systems.

7. The MT classification specification, Respondent's Exhibit 1, contains the following definitions (as relevant of MT2) and MT3 and related concepts:

MEDIA TECHNICIAN 2

This is either experienced entry, progression (developmental) or objective level work depending upon the area of specialization which describes the position.

MAINTENANCE:

* * *

Television Operations/Maintenance - Positions are allocated to this class as experience entry or progression level. Work is performed under close supervision.

COMMUNICATION ARTS:

Positions are allocated to this class as objective (full performance) level. Work is performed under general supervision.

* * *

MEDIA TECHNICIAN 3

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

COMMUNICATIONS 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.

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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 televi-

sion and campus radio station at UW comprehensive institutions.

8. Appellants' positions are most closely described by the communication arts area of specialization as opposed to TV operations/maintenance, due primarily to the limited nature of TV broadcasting at UW-EC, which is primarily associated with academic instruction and which has a limited distribution.

9. While both appellants are at the objective level, neither functions as "the senior technician" as set forth in the MT3 class definition, Respondent's Exhibit 1, p. 7, as appellants function at about the same level in terms of the scope and complexity of the systems for which they are responsible.

10. Appellants' positions are not comparable from a classification standpoint to the MT3 position at UW-Stout Teleproduction Center, Appellants' Exhibit 11, primarily because the UW-Stout position has more of a TV broadcast orientation in connection with the production contract with WHA-TV, and because it functions as the senior technician.

11. Appellants' positions are better described by the MT2 classification than by the MT3 classification.

CONCLUSIONS OF LAW

1. These cases are properly before the Commission pursuant to §230.44(1)(b), stats.

2. Appellants have the burden of proof to establish by a preponderance of the evidence the facts necessary to show that respondent erred in reallocating their positions from ET4 to MT2 rather than MT3.

3. Appellants having failed to sustain their burden, it is concluded that respondent's decision to reallocate appellants' positions from ET4 to MT2 rather than MT3 was not incorrect.

DISCUSSION

It is undisputed that appellants function at the objective level and under general supervision. Looking to the material areas of specialization in the MT class specification (Respondent's Exhibit 1), jobs at the full performance level under general supervision are allocated to the MT2 level if considered "Communication Arts" and to the MT3 level if considered "Maintenance: Television Operations/Maintenance." When one looks at the definitions of

these areas of specialization, both parties agree that appellants' positions do not fit exactly into either definition. However, on an overall basis, they are more accurately described in the Communication Arts area rather than the TV Operations/Maintenance area.

The main element of the TV Operations/Maintenance area definition is "Responsible for installing, repairing, maintaining and/or operating broad-cast, television equipment associated with TV production and transmission." (emphasis added) The Communication Arts definition includes the following key language:

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.

There is very little TV production and broadcasting occurring at UW-EC. What occurs is primarily news programming produced by the journalism and speech departments that is limited in its dissemination to the campus and local community cable systems. This can be contrasted, for example, with the UW-Stout Teleproduction Center which produces programs for WHA-TV. Given the limited degree of TV production and transmission which occurs at UW-EC, and the fact that what is being done is in connection with academic departments' programs, it is more accurate to characterize appellant's positions as providing technical support to academic departments through installing and maintaining television and other equipment rather than as installing, repairing and maintaining broadcast television equipment associated with TV production and transmission. Therefore, although appellants are involved in some activities that are mentioned in TV Operations/Maintenance, most notably the design, construction and modification of electronic equipment, since this is not primarily in connection with TV production and transmission, the Communication Arts area is a more appropriate designation for their positions.

Within the Communication Arts area, the MT3 definition refers to advanced level positions which "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." While appellants' work involves a high level of complexity, there is no basis on this record to conclude they are at the

advanced versus the objective level. There was testimony about the problems associated with some of the equipment at UW-EC and the need for creativity in designing, constructing and modifying some of this equipment, there is nothing in the record to show this is more advanced than objective level work that would be performed by other MT2's. Some degree of comparison was made to the Boetcher MT3 position at UW-Stout, but the PD for this position explicitly describes it as the senior technician. It is clear that neither appellant would be considered more advanced or senior with respect to the other. Neither can be considered the senior technician at UW-EC.

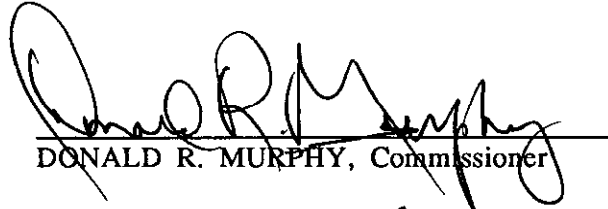
With respect to the general class factors ("Responsibility/Accountability, Scope/Complexity, Miscellaneous Factors") contained in the class specifications, Respondent's Exhibit 1, appellants' positions cannot be compared successfully with the MT3 position at UW-Stout (Appellants' Exhibit 11). Because of the greater emphasis on TV production associated with the WHA-TV contract, and the wider dissemination of the material produced, that position has greater impact and consequence of error. Also, as discussed above, it has the status of senior technician.

Finally, appellants contend that the original intent of the survey was to address problems with radio and TV broadcast technician positions, not electronics technicians. The Commission has made no findings on this point because it is unable to see how this area is material to these reallocation appeals. Even if the union and DER had discussions about certain problems and DER agreed to conduct a survey to attempt to address these problems, there is nothing that legally would restrict DER to looking only at the positions which generated the concern.

ORDER

Respondent's action reallocating appellants' positions from ET4 to MT2 is affirmed and these appeals are dismissed.

Dated: June 12, 1991 STATE PERSONNEL COMMISSION


DONALD R. MURPHY, Commissioner

AJT/gdt/2


GERALD F. HODDINOTT, Commissioner

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