

✓

STATE OF WISCONSIN

PERSONNEL COMMISSION

* * * * *
 *
 GERALD GERMANSON, et al., *
 *
 Appellants, *
 *
 v. *
 *
 Secretary, DEPARTMENT OF *
 EMPLOYMENT RELATIONS, *
 *
 Respondent. *
 *
 Case Nos. 91-0223 through 0230-PC *
 *
 * * * * *

DECISION
 AND
 ORDER

These matters arise from the reallocation of the appellant's position as a consequence of the 1990 engineer survey. Appellant Germanson seeks reallocation to the Architect/Engineer Manager 2 level rather than the 1 level. Appellants Lauersdorf, Bares and Heberlein seek reallocation to either the Architect/Engineer Manager 1 level or the Civil Engineer Supervisor 5 level rather than the Civil Engineer - Advanced 2 - Management level. Appellants Wegener, Cook, Seaman and Boldt seek reallocation to the Architect/Engineer Manager 1 level or the Architect Supervisor 5 level rather than the Architect - Advanced 2 - Management level.

FINDINGS OF FACT

1. Appellants Fred Wegener, William Cook, Helmut Seaman, and George Boldt are architects employed by the Department of Administration (DOA), Division of State Facilities Management (DSFM), Bureau of Architecture, Project Management Section as project managers. Appellants Lynn Lauersdorf, Gregory Bares and William Heberlein are civil engineers employed by DSFM as project managers. Appellant Gerald Germanson is an architect employed as the section chief of the Project Management Section of the Bureau of Architecture.
2. The Department of Administration has responsibility under §16.85(1) and (2), to "furnish engineering, architectural, project management and other building construction services whenever requisitions therefore are presented to [DOA] by any agency" and to "take charge of and supervise all

engineering or architectural services or construction work... performed by, or for, the state... except the engineering, architectural and construction work of the department of transportation...."

3. The Department of Administration's Bureau of Architecture is headed by the State Chief Architect and is divided into the Architectural Services Section, the Construction Administration Section and the Project Management Section. DOA also includes a Bureau of Engineering and Energy Management which is headed by the State Chief Engineer. That Bureau includes a Mechanical/Civil Section, an Electrical Section and an Engineering Management Section.

4. At all relevant times, project managers have exercised "single point responsibility" to insure that building projects for the State of Wisconsin are done right, on time and within budget.

5. Individual building projects, including new construction and remodeling, are assigned to a project manager who oversees the building process from conception to finished product. Throughout the process of design, development and construction, the project manager is given responsibility for working with outside architect/engineer (A/E) firms which may have been hired to serve as the A/E firm of record on the project, with DOA engineering and architectural staff who serve as reviewing experts on technical issues which arise, and with the "owner/agency" to insure that their needs as the ultimate user of the facility are being met.

6. State building projects fall into three main groups in terms of who serves as the project manager for them:

a) Those projects which involve a number of building disciplines and typically involve the largest amount of money have private A/E firms serving as the consulting firm. The appellant project managers work primarily on these projects. On average, each appellant project manager was assigned approximately 55 of these projects, representing project expenditures of \$90 million.

b) "In-house" projects involve a single construction discipline. The individual who, amongst approximately 30 architects or engineers within the DSFM (but outside the Project Management Section), has expertise in that discipline is assigned to serve as the project managers for that particular project. There may be about 100 of these "in-house" projects at a given time and they

are smaller than the first group of projects in terms of dollar size and, by definition, in terms of the number of disciplines involved.

c) The last group consists of those projects, which during the relevant time period were \$30,000 or smaller, and which were delegated to the owner agencies for management.

7. Appellant Germanson makes project manager assignments for all of these projects, and as a consequence, responds to questions coming from project managers within his section, as well as others outside of his section.

8. Appellant Germanson's position description includes the following language:

30% A. Supervise the activity of project managers who manage approved state building projects from program development through design, construction, and occupancy. Supervisory activities include projects assigned to private professional consultants, and those delegated to agencies for implementation.

A1. Give written or oral work direction as required on projects, and biweekly staff meetings.

A2. Review agency requests with project managers and provide advise to DSFM staff and the State Architect.

* * *

30% B. Administer daily activities of the Project Management Section.

B1. Coordinate the assignment of project management responsibilities with the Bureau of Engineering & Energy Management. Assign section staff as required and maintain a staffing backup system to assure continuity of project development in the event of project manager absence.

B2. Develop and publish project assignment reports.

B3. Coordinate project management assignments with Construction Superintendent assignments made by the Construction Administration section chief.

B4. Direct and coordinate the enforcement of Programs' quality control standards, and design guidelines set by technical staff in the

Bureau of Architecture, and the Bureau of
Engineering & Energy Management.

- B5. Arbitrate disputes between project manage-
ment staff, private A/E consultants, contrac-
tors, and agencies as necessary to alleviate
delays and minimize costs.

* * *

- 25% C Assist in development and implementation of poli-
cies and procedures pertaining to project develop-
ment and implementation of the state building pro-
gram.

- C1. Review competitive bidding practices, bid-
ding errors and matters relating to policies
and procedures, and make recommendations
to legal counsel and the Attorney General's
Office.
- C2. Assist in policy development, and direct the
implementation of policies and procedures
relating to the "Delegated Project" and "Small
Project" programs.
- C3. Review and handle legal problems, wage
claims, liens and disputes; submit recommen-
dations to the Division Administrator, Legal
Counsel, or Attorney General's Office as re-
quired.
- C4. In cooperation with the Bureau of
Engineering & Energy Management, develop
and maintain the Project Management
Manual to Maintain quality control and uni-
formity in handling assigned projects.

* * *

- 15% D. Manage the design and construction of projects of
prime importance, significant scope, or of a sensi-
tive nature.

- D1. Develop and maintain project communication,
keeping the Secretary, Division
Administrator, State Chief Architect, and State
Chief Engineer informed of project status.

9. Appellant Germanson's position is supervised by the State Chief
Architect, who also holds the title of Bureau Director. If a dispute is not re-
solved at Mr. Germanson's level, it is taken to the Division Administrator level.

10. The position summary in the position description for Appellant
Wegener reads:

construction of the building project to insure the plans and specifications for the project are being followed.

15. The class specifications for the Architect and Architect-Management series include the following:

B. Inclusions

This series encompasses professional architectural positions which develop building designs and review consultant's work; provide architectural services for small and /or large complex projects including: program confirmation, construction supervision, contract administration and construction management; act as project managers for the design and construction of projects ranging from minor, delegated projects to major, multi-million dollar projects, by directing the work of project architects/engineers, building construction representatives, Division of State Facilities Management and owner agency staff or by delegating projects or phases of projects to assure that the construction of state buildings is completed in accordance with approved programs, schedules and budgets....

Per Wisconsin Statutes Section 111.81, "Management" includes those personnel engaged predominately in executive and managerial functions, including such officials as division administrators, bureau directors, institutional heads and employes exercising similar functions and responsibilities." Positions will participate in the formulation, determination and implementation of management policy and establishment of an original budget or the allocation of funds for differing programs.

* * *

Architect - Advanced 1
Architect - Advanced 1-Management

This is advanced level architectural work performing very complex design, project management, troubleshooting, specification development and consultation involving architecture. Positions at this level differ from lower level positions in that the range of assignments is broader, more complex, the level of decision-making is broader allowing positions to make decisions on allocating funds for projects, and the level of direction given to the employe is general policy direction. Work is performed under general supervision.

REPRESENTATIVE POSITIONS

Department of Administration

construction of the building project to insure the plans and specifications for the project are being followed.

15. The class specifications for the Architect and Architect-Management series include the following:

B. Inclusions

This series encompasses professional architectural positions which develop building designs and review consultant's work; provide architectural services for small and /or large complex projects including: program confirmation, construction supervision, contract administration and construction management; act as project managers for the design and construction of projects ranging from minor, delegated projects to major, multi-million dollar projects, by directing the work of project architects/engineers, building construction representatives, Division of State Facilities Management and owner agency staff or by delegating projects or phases of projects to assure that the construction of state buildings is completed in accordance with approved programs, schedules and budgets....

Per Wisconsin Statutes Section 111.81, "Management" includes those personnel engaged predominately in executive and managerial functions, including such officials as division administrators, bureau directors, institutional heads and employes exercising similar functions and responsibilities." Positions will participate in the formulation, determination and implementation of management policy and establishment of an original budget or the allocation of funds for differing programs.

* * *

Architect - Advanced 1
Architect - Advanced 1-Management

This is advanced level architectural work performing very complex design, project management, troubleshooting, specification development and consultation involving architecture. Positions at this level differ from lower level positions in that the range of assignments is broader, more complex, the level of decision-making is broader allowing positions to make decisions on allocating funds for projects, and the level of direction given to the employe is general policy direction. Work is performed under general supervision.

REPRESENTATIVE POSITIONS

Department of Administration

This series encompasses professionals in the field of architects that are supervisor over a unit of architects/engineers, or other comparable function in the field of architecture. The position is involved in the recruiting, testing and selection of staff and is responsible for taking disciplinary action.

C Exclusions

Excluded from this series are the following types of positions:

1. Positions that are not supervisory as defined in s. 111.81 Wis. Stats.

* * *

Architect Supervisor 5

This is professional supervisory work in the field of architecture directly supervising a large unit (11 or more FTE) of senior architects OR a medium unit (6 to 10FTE) of Advanced 1 architects OR subordinate level architect supervisors.

REPRESENTATIVE POSITIONS

Department of Administration

Chief of Project Management - Bureau of Architecture, Division of Facilities Management. Responsibilities include managing the design and construction of projects approved by the State Building Commission. Provide supervision of and direction to advanced architects or project managers assigned to implement design and construction of projects in accordance with policies and procedures of the State Building Commission and the Division of Facilities Management and must be within approved program scope, budget and schedule.

Chief of Architectural Services - Bureau of Architecture, Division of Facilities Management. Responsibilities include directing the architectural and civil engineering staff, including the specification writer toward the optimum functional design of all 16 building types and all areas of general construction from demolition and sitework through finishes and equipment including adequacy and coordination of all integrated systems. Establish and implement policy relating to the use of materials and methods of construction for all state general construction and development policies and procedures for the review of documents. Provide leadership and direction toward the quality of all general construction through master specifications, review of documents and other appropriate means. Assume final

This series encompasses professionals in the field of architects that are supervisor over a unit of architects/engineers, or other comparable function in the field of architecture. The position is involved in the recruiting, testing and selection of staff and is responsible for taking disciplinary action.

C Exclusions

Excluded from this series are the following types of positions:

1. Positions that are not supervisory as defined in s. 111.81 Wis. Stats.

* * *

Architect Supervisor 5

This is professional supervisory work in the field of architecture directly supervising a large unit (11 or more FTE) of senior architects OR a medium unit (6 to 10FTE) of Advanced 1 architects OR subordinate level architect supervisors.

REPRESENTATIVE POSITIONS

Department of Administration

Chief of Project Management - Bureau of Architecture, Division of Facilities Management. Responsibilities include managing the design and construction of projects approved by the State Building Commission. Provide supervision of and direction to advanced architects or project managers assigned to implement design and construction of projects in accordance with policies and procedures of the State Building Commission and the Division of Facilities Management and must be within approved program scope, budget and schedule.

Chief of Architectural Services - Bureau of Architecture, Division of Facilities Management. Responsibilities include directing the architectural and civil engineering staff, including the specification writer toward the optimum functional design of all 16 building types and all areas of general construction from demolition and sitework through finishes and equipment including adequacy and coordination of all integrated systems. Establish and implement policy relating to the use of materials and methods of construction for all state general construction and development policies and procedures for the review of documents. Provide leadership and direction toward the quality of all general construction through master specifications, review of documents and other appropriate means. Assume final

responsibility for drawings and specifications and approve or redirect the work of all consultants.

17. The corresponding class specifications for civil engineer positions are substantially identical to those for architect positions.

18. The class specifications for the Architect/Engineer Manager Series include the following:

B. Inclusions

This series encompasses professional experts in the field of architecture or engineering that are predominately executive and managerial with responsibility for program management planning, policy development and implementation; program budget planning, development and implementation and exercise line responsibility for program management as well as employe supervision.

* * *

Architect/Engineer Manager 1

This is professional managerial work in the field of architecture/engineering. Positions can function as a bureau director of a small, specialized and highly complex statewide architecture/engineering program OR as a chief architect/engineer for a small, complex agency architecture/engineering services program OR as a full-time deputy to an architect/engineer manager 2 OR as an assistant director to an architect/engineer manager 3 OR as a section chief/district chief in a major complex agency architecture/engineering services program OR any other comparable architect/engineer manager position.

REPRESENTATIVE POSITIONS

Department of Administration

Construction Administration Manager - Division of Facilities Management. Responsibilities include management of construction for all projects approved as part of the State Building Program. Participates as a voting member of the Architect/Engineer Selection Committee. Develops and implements policies and procedures; construction administration of projects most sensitive in nature or of prime importance; develops and monitors the biennial and operating budgets and programs for the section.

Department of Health and Social Services

Chief, Facilities Need Analysis Section, Division of Health, Bureau of Quality Compliance. Under the general policy direction of the Bureau's Deputy Director, this position provides direction and supervision to the Department's program for State licensure and approval surveys of new and remodeled construction of general and special hospitals, nursing homes and facilities for the developmentally disabled; for Federal certification surveys for hospitals, ambulatory surgery centers, rural health clinics, outpatient rehabilitation providers, Perspective Payment Exemption for hospitals, and End Stage Renal Disease centers or units. The Section Chief provides expert engineering supervision for surveys, plan reviews and construction inspection of facilities under Title XVIII and XIX regulations and Wisconsin Administrative Codes; participates in resulting litigation as an expert witness for testimony on engineering matters; participates in the development of new state standards; provides training and expert consultation to facility administrators, staff and the general public in the area of physical plant requirements for certification and licensure; and supervises a staff of Civil Engineers at the Advanced 1 level.

* * *

Architect/Engineer Manager 2

This is professional managerial work in the field of architecture or engineering. Positions can function as chief architect/engineer in a large complex architecture/engineering services program OR as a deputy state chief architect/engineer, OR as a full-time deputy to an architect/engineer manager 3, OR any other comparable architect/engineer manager position.

REPRESENTATIVE POSITIONS

Department of Administration

Deputy Director, Bureau of Architecture - Division of Facilities Management. Responsibilities include policy development and management of architectural activity associated with the state building program, architectural consulting services by state agencies, technical evaluation of project requests. This person, as deputy, has primary, statewide authority in determining the level of quality for general construction in state facilities, providing design direction to outside professional consultants, administering architect/engineer and consultant contracts and managing architectural design and construction as approved by the State Building Commission. In the absence of the State Chief Architect this position has final authority for

Division of Facilities Management; and liaison with the
State Building Commission. (emphasis added)

19. The Department of Corrections, Facilities Management Section Chief position is filled by Len Wittke, who is the highest ranking architect or engineer in that department.

20. The Department of Health and Social Services, Engineering Section Chief position is filled by Keith Goodwin, who is the highest ranking architect or engineer in that department.

21. Appellant Germanson's position is not comparable from a classification standpoint to the position of Deputy Director, Bureau of Architecture as that position is identified at the A/E Manager 2 level. Appellant Germanson's position is also not comparable from a classification standpoint from the positions filled by Len Wittke and Keith Goodwin, the position of Deputy Director and Energy Coordinator of the Bureau of Engineering and Energy Management, or the position of State Design Engineer for Highways in the Department of Transportation's Division of Highways.

CONCLUSIONS OF LAW

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

2. Appellants Germanson has the burden of proving by a preponderance of the evidence that respondent erred by reallocating his position to the Architect/Engineer Manager 1 level rather than the 2 level. Appellants Lauersdorf, Bares and Heberlein have the burden of proving by a preponderance of the evidence that respondent erred by reallocating their positions to the the Civil Engineer - Advanced 2 - Management level rather than the Architect/Engineer Manager 1 level or the Civil Engineer Supervisor 5 level. Appellants Wegener, Cook, Seaman and Boldt have the burden of proving by a preponderance of the evidence that respondent erred by reallocating their positions to the Architect - Advanced 2 - Management level rather than the Architect/Engineer Manager 1 level or the Architect Supervisor 5 level.

3. Appellants have failed to sustain their burden of proof and the Commission concludes that respondent did not err in reallocating their positions.

Division of Facilities Management; and liaison with the
State Building Commission. (emphasis added)

19. The Department of Corrections, Facilities Management Section Chief position is filled by Len Wittke, who is the highest ranking architect or engineer in that department.

20. The Department of Health and Social Services, Engineering Section Chief position is filled by Keith Goodwin, who is the highest ranking architect or engineer in that department.

21. Appellant Germanson's position is not comparable from a classification standpoint to the position of Deputy Director, Bureau of Architecture as that position is identified at the A/E Manager 2 level. Appellant Germanson's position is also not comparable from a classification standpoint from the positions filled by Len Wittke and Keith Goodwin, the position of Deputy Director and Energy Coordinator of the Bureau of Engineering and Energy Management, or the position of State Design Engineer for Highways in the Department of Transportation's Division of Highways.

CONCLUSIONS OF LAW

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

2. Appellants Germanson has the burden of proving by a preponderance of the evidence that respondent erred by reallocating his position to the Architect/Engineer Manager 1 level rather than the 2 level. Appellants Lauersdorf, Bares and Heberlein have the burden of proving by a preponderance of the evidence that respondent erred by reallocating their positions to the the Civil Engineer - Advanced 2 - Management level rather than the Architect/Engineer Manager 1 level or the Civil Engineer Supervisor 5 level. Appellants Wegener, Cook, Seaman and Boldt have the burden of proving by a preponderance of the evidence that respondent erred by reallocating their positions to the Architect - Advanced 2 - Management level rather than the Architect/Engineer Manager 1 level or the Architect Supervisor 5 level.

3. Appellants have failed to sustain their burden of proof and the Commission concludes that respondent did not err in reallocating their positions.

OPINION

The Project Manager Appellants

This aspect of the case is relatively straightforward. The appellants, all of whom work as project managers in the Project Management Section, contend that they have supervisory responsibilities and/or management responsibilities so as to justify their classification at either the Architect Supervisor 5¹ level or the Architect/Engineer Manager 1 level.

The testimony is clear that the appellants (other than Mr. Germanson) do not have any line supervisory responsibility over state classified employees, even though they do direct the work of other state employee architects and engineers who are providing information to the appellants in their roles as project managers. Providing work direction is simply not the same thing as having authority under §111.81(19) to hire, discipline and hear grievances. The appellants also have a directory role with respect to the outside A/E firms with whom they work, and, in addition, have a role in evaluating the performance of those firms. However, even if there had been evidence that the appellants had a supervisory role with respect to consulting firm employees, the appellants still would not meet the supervision requirement. In Felsner et al. v. DER, 91-0199, etc.-PC, 7/8/92, the Commission held that non-state employees could not properly be considered as FTE's (full time equivalents) under the Civil Engineer-Transportation Supervisor 5 class specification, which requires a position to "directly supervise: (1) a large unit (11 or more FTE) of senior civil engineers." The Commission's reasoning included the following:

The class specification specifically excludes "[p]ositions that are not supervisory as defined in s. 111.81, Wis. stats."... Section 111.81(19), Stats., defines "supervisor" as "any individual whose principal work is different from that of his subordinates and who has authority in the interest of the employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward or discipline employees, or to adjust their grievances, or to authoritatively recommend such action...." (emphasis supplied) The term "employee" as used in §111.81(19), is defined, as relevant, as "[a]ny state employee in the classified service of the state."

¹References in this Opinion to the Architect Supervisor 5 class should be read to include the Civil Engineer Supervisor 5 class as well. Likewise, references to Architect - Advanced 2 include Civil Engineer - Advanced 2.

§111.81(7)(a), Stats. Therefore, to the extent that appellants are engaged in the purported "supervision" of non-state employes, their positions are not "supervisory" as set forth in §§111.81(19) and (7)(a), Stats., and therefore this part of their duties would be excluded from consideration as part of the direct supervision of 11 or more FTE's needed for classification at the Civil Engineer-Transportation Supervisor 5 level.

The language in the Civil Engineer-Transportation Supervisor 5 classification corresponds closely to the requirement in the Architect Supervisor 5 class which references "supervising a large unit (11 or more FTE) of senior architects OR a medium unit (6 to 10 FTE) of Advanced 1 architects OR subordinate level architect supervisors."

The appellants also pointed to the fact that they oversee the work of "contract employes" who assist with construction administration and are paid by the state but are not in the classified service. Even if appellants could overcome the fact that these employes are outside of the classified service and, therefore, do not meet the requirement identified in Felsner, the contract employes report to the DSFM's Construction Administration Section rather than to the Project Management Section.²

The second area of dispute is based on the appellants' contention that they perform "predominately executive and managerial functions in the field of architecture or engineering as defined in s. 111.81 Wis. Stats.," and, as a consequence belong in the Architect/Engineer Manager series. The respondent disputes the appellant's assertion that they are predominately executive and managerial. The respondent's argument in on this point lacks a firm footing in light of its view that the appellants are properly classified at the Architect - Advanced 2 - Management level. The requirements for the "Management" label at the Advanced 2 level are the same as the "predominately executive and managerial" requirement which exists for the Architect/Engineer Manager series. Therefore, because the appellants are "management" for purposes of

²The only exception to the general statement that all contract employes reported to the Construction Administration Section is Darrell Foss, a contract employe who performed design work and reported directly to Appellant Lauersdorf. The Foss position is not in the classified service so it does not meet the standard set forth in §111.81(19). Even if it did, it would not satisfy the Architect Supervisor 5 requirements for 11 or more FTE senior architects, 6 to 10 FTE Advanced 1 architects, or subordinate level architect supervisors.

the Advanced 2 classification, they are also "predominately executive and managerial" for purposes of the A/E Manager series.

Just because the appellant project managers meet the definition of management found in §111.81(13), Stats., does not mean that they are properly placed at the Architect/Engineer Manager 1 level, however. The "Inclusions" statement for the A/E Manager series specifically references "employe supervision" and, as noted above, the project managers are not supervisors in the line supervisor sense that is referenced in §111.81(19), Stats. The lowest organizational level identified in either the A/E Manager 1 definition statement or representative positions is a section chief, whereas the appellants all report to a section chief. In addition, the language of the Architect-Management specifications indicate a very clear intent to include project managers. The appellants' positions are not only specifically identified as a "Representative Position" at the Advanced 2 level, their positions, with project management responsibilities for "major, multi-million dollar projects" are specifically mentioned in the "Inclusions" section of the series and the Associate Project Managers at DOA are specifically identified at the Advanced 1 level. The Commission recognizes that there is language in the definition statement at the Advanced 2 level which might be read to be inconsistent with the view that project managers are "generalists" rather than "specialists." The Advanced 2 definition references "positions involved in ... a specialty area" and "specialists or technical consultants." However, in light of all the other language in the specifications which clearly places the appellants' project manager positions at DOA at the Advanced 2 level, the Commission finds that project management falls within the scope of a "speciality area" as that term is used in the Advanced 2 definition. As between the Advanced 2, Architect Supervisor 5 and the A/E Manager 1 specifications, the Advanced 2 is clearly the "best fit" for the appellant project manager positions.

There were numerous references in the record to the fact that the appellant project managers suffered an economic hardship as a consequence of the reallocation of their positions, and that the classification survey caused a number of positions which had historically been classified at levels below the appellants to move to the same or higher classification levels. The Commission notes that it must make its classification decisions based upon the specifica-

tions which have been developed by DER, and that pay issues are not within the scope of the Commission's analysis.

Appellant Germanson

A classification conclusion for the Germanson position is more difficult. The "Chief of Project Management" position in DOA is identified as a representative position at the Architect Supervisor 5 level. Shortly before the commencement of the hearing in this matter, the respondent revised its initial decision to allocate Mr. Germanson's position to the Supervisor 5 level and classified him at the higher A/E Manager 1 level. Mr. Germanson now seeks classification at the Manager 2 level.

The Manager 1 and 2 definition statements include specific allocations for each level, but also include a catch-all allocation for "any other comparable architect/engineer manager position." Mr. Germanson's position fits the specific allocation at the Manager 1 level for "a section chief... in a major complex agency architecture/engineering services program." In contrast, his position does not fit within any of the specific allocations at the Manager 2 level. The first allocation at that level is for positions which function as "chief architect/engineer in a large complex architecture/engineering services program." Even though the term "large" is not defined in the specifications, the various representative positions at both the Manager 1 and 2 levels indicate that the Department of Administration constitutes a "major" program, while agencies such as DOC and DHSS constitute a "large complex architecture/engineering services program." In any event Mr. Germanson is not the chief architect/engineer for his agency's architecture/engineering program. The second and third specific allocations at the Manager 2 level refer to functioning as "a deputy state chief architect/engineer" or as "a full-time deputy to an architect/engineer manager 3."

DOA denominated the position held by Charles Quagliana as the Deputy Bureau Director, and in the official organization chart, Mr. Quagliana's position is identified as the supervisor for the three section chiefs within the Bureau, including Mr. Germanson. Despite the organization chart, testimony established that Mr. Germanson and the other two section chiefs, Mr. King and Mr. Randall, are supervised by the Bureau Director position. Mr. Quagliana's position description also specifies that in the absence of the State Chief Architect, it is Mr. Quagliana who has "final authority for settlement of tech-

ments for numerous building projects are made to DSFM staff outside the Project Management Section and to the owner agencies. Mr. Germanson arbitrates disputes which arise between the project manager, private A/E consultants, contractors, and owner agencies. If these disputes are not resolved at Mr. Germanson's level, they go up to the Division Administrator level.

From the perspective of organizational hierarchy, Mr. Germanson's position is comparable to that of Douglas Randall, chief of the Construction Administration Section, which is identified as a representative position at the Manager 1 level. Both positions are at the section chief level, both are in the Bureau of Architecture and both have the same supervisor. Mr. Randall's section is larger in terms of the number of employees, although his subordinates are in lower level classifications. The distinctions between the two positions arise from the role associated with project management. The Construction Administration Section is only involved with the construction phase of a project while project management occurs throughout the course of the project. In addition, the single point responsibility concept means that the project manager is relying on the on-site construction representatives during the construction phase. However, the Germanson position still fits the specific allocation at the Manager 1 level and the specifications focus on organizational level, status as chief architect/engineer for an agency and reporting relationship. Based upon these requirements, Mr. Germanson's position is better classified at the Manager 1 level rather than the Manager 2 level.

Other comparison positions were the subject of testimony during the hearing.

The position of Deputy Director and Energy Coordinator of the Bureau of Engineering and Energy Management, filled by Craig Weiss, is clearly designated as the deputy to the State Chief Engineer. This position fits a specific allocation for the Manager 2 level and is distinguishable from the Appellant Germanson's position in terms of its role as deputy bureau director.

The position held by Len Wittke in the Department of Corrections as the Facilities Management Section Chief is the highest ranking architect or engineer in that department. Likewise, the position held by Keith Goodwin in the Department of Health and Social Services as the Engineering Section Chief is the highest ranking architect or engineer in that department. Both the Wittke and Goodwin positions fit the specific Manager 2 allocation of "chief

ments for numerous building projects are made to DSFM staff outside the Project Management Section and to the owner agencies. Mr. Germanson arbitrates disputes which arise between the project manager, private A/E consultants, contractors, and owner agencies. If these disputes are not resolved at Mr. Germanson's level, they go up to the Division Administrator level.

From the perspective of organizational hierarchy, Mr. Germanson's position is comparable to that of Douglas Randall, chief of the Construction Administration Section, which is identified as a representative position at the Manager 1 level. Both positions are at the section chief level, both are in the Bureau of Architecture and both have the same supervisor. Mr. Randall's section is larger in terms of the number of employees, although his subordinates are in lower level classifications. The distinctions between the two positions arise from the role associated with project management. The Construction Administration Section is only involved with the construction phase of a project while project management occurs throughout the course of the project. In addition, the single point responsibility concept means that the project manager is relying on the on-site construction representatives during the construction phase. However, the Germanson position still fits the specific allocation at the Manager 1 level and the specifications focus on organizational level, status as chief architect/engineer for an agency and reporting relationship. Based upon these requirements, Mr. Germanson's position is better classified at the Manager 1 level rather than the Manager 2 level.

Other comparison positions were the subject of testimony during the hearing.


The position of Deputy Director and Energy Coordinator of the Bureau of Engineering and Energy Management, filled by Craig Weiss, is clearly designated as the deputy to the State Chief Engineer. This position fits a specific allocation for the Manager 2 level and is distinguishable from the Appellant Germanson's position in terms of its role as deputy bureau director.

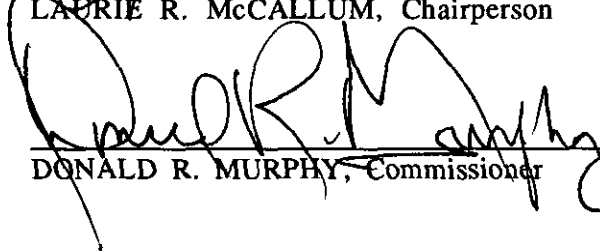
The position held by Len Wittke in the Department of Corrections as the Facilities Management Section Chief is the highest ranking architect or engineer in that department. Likewise, the position held by Keith Goodwin in the Department of Health and Social Services as the Engineering Section Chief is the highest ranking architect or engineer in that department. Both the Wittke and Goodwin positions fit the specific Manager 2 allocation of "chief

ORDER

The respondent's reallocation decisions are affirmed, and these appeals are dismissed.

Dated: May 20, 1993 STATE PERSONNEL COMMISSION


LAURIE R. McCALLUM, Chairperson


DONALD R. MURPHY, Commissioner

KMS:kms
K:D:Merits-reall (Germanson et al.)

Parties:

Gerald Germanson, Lynn Lauersdorf
Fred Wegener, Gregory Bares,
William Heberlein, William Cook,
Helmut Seaman, and George Boldt
DOA
P.O. Box 7864
Madison, WI 53707

Jon Litscher
Secretary, DER
P.O. Box 7855
Madison, WI 53707

NOTICE
OF RIGHT OF PARTIES TO PETITION FOR REHEARING AND JUDICIAL REVIEW
OF AN ADVERSE DECISION BY THE PERSONNEL COMMISSION


Petition for Rehearing. Any person aggrieved by a final order may, within 20 days after service of the order, file a written petition with the Commission for rehearing. Unless the Commission's order was served personally, service occurred on the date of mailing as set forth in the attached affidavit of mailing. The petition for rehearing must specify the grounds for the relief sought and supporting authorities. Copies shall be served on all parties of record. See §227.49, Wis. Stats., for procedural details regarding petitions for rehearing.

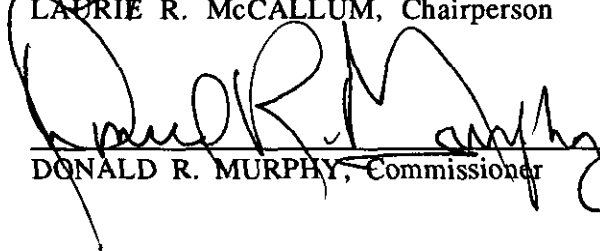
Petition for Judicial Review. Any person aggrieved by a decision is entitled to judicial review thereof. The petition for judicial review must be filed in the appropriate circuit court as provided in §227.53(1)(a)3, Wis. Stats., and a copy of the petition must be served on the Commission pursuant to §227.53(1)(a)1, Wis. Stats. The petition must identify the Wisconsin Personnel Commission as respondent. The petition for judicial review must be served and filed within 30 days after the service of the commission's decision except that if a rehearing is requested, any party desiring judicial review must serve and file a petition for review within 30 days after the service of the

ORDER

The respondent's reallocation decisions are affirmed, and these appeals are dismissed.

Dated: May 20, 1993 STATE PERSONNEL COMMISSION


LAURIE R. McCALLUM, Chairperson


DONALD R. MURPHY, Commissioner

KMS:kms
K:D:Merits-reall (Germanson et al.)

Parties:

Gerald Germanson, Lynn Lauersdorf
Fred Wegener, Gregory Bares,
William Heberlein, William Cook,
Helmut Seaman, and George Boldt
DOA
P.O. Box 7864
Madison, WI 53707

Jon Litscher
Secretary, DER
P.O. Box 7855
Madison, WI 53707

NOTICE
OF RIGHT OF PARTIES TO PETITION FOR REHEARING AND JUDICIAL REVIEW
OF AN ADVERSE DECISION BY THE PERSONNEL COMMISSION

Petition for Rehearing. Any person aggrieved by a final order may, within 20 days after service of the order, file a written petition with the Commission for rehearing. Unless the Commission's order was served personally, service occurred on the date of mailing as set forth in the attached affidavit of mailing. The petition for rehearing must specify the grounds for the relief sought and supporting authorities. Copies shall be served on all parties of record. See §227.49, Wis. Stats., for procedural details regarding petitions for rehearing.

Petition for Judicial Review. Any person aggrieved by a decision is entitled to judicial review thereof. The petition for judicial review must be filed in the appropriate circuit court as provided in §227.53(1)(a)3, Wis. Stats., and a copy of the petition must be served on the Commission pursuant to §227.53(1)(a)1, Wis. Stats. The petition must identify the Wisconsin Personnel Commission as respondent. The petition for judicial review must be served and filed within 30 days after the service of the commission's decision except that if a rehearing is requested, any party desiring judicial review must serve and file a petition for review within 30 days after the service of the

STATE OF WISCONSIN

PERSONNEL COMMISSION

* * * * *

GERALD GERMANSON, et al.,

Appellants,

v.

Secretary, DEPARTMENT OF
EMPLOYMENT RELATIONS,

Respondent.

Case Nos. 91-0223, 224, 225, 226
227, 228, 229, 230-PC

* * * * *

INTERIM
DECISION
AND
ORDER

This matter is before the Commission on a dispute as to the appropriate issue for hearing. During a prehearing conference held on January 10 and 17, 1992, the following issues were proposed by the Commission.

91-0223-PC (Germanson)

Whether the respondent's decision reallocating the appellant's position to Architect Supervisor 5 rather than to Architect/Engineer Manager 1 or 2 was correct.

91-0224-PC (Lauersdorf)

91-0226-PC (Bares)

91-0227-PC (Heberlein)

Whether the respondent's decisions reallocating the appellants' positions to Civil Engineer-Advanced 2-Management rather than to Architect/Engineer Manager 1 [were] correct.

91-0225-PC (Wegener)

91-0228-PC (Cook)

91-0229-PC (Seaman)

91-0230-PC (Boldt)

Whether the respondent's decision[s] reallocating the appellants' positions to Architect-Advanced 2-Management rather than to Architect Supervisor 5 or Architect/Engineer Manager [1] [were] correct.

The parties were provided an opportunity to file alternative statements of issue. The appellants offered the following modification "to each statement of the issue."

The Appellants propose that the phrase (or positions with equivalent pay ranges) be inserted after the words "Architect/Engineer Manager 1