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MATTHEW P. COFFARO  
and JAMES M. THOMPSON,

Appellants,

v.

Secretary, DEPARTMENT OF  
EMPLOYMENT RELATIONS,

Respondent.

Case Nos. 92-0348-PC  
92-0352-PC

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INTERIM  
DECISION  
AND  
ORDER

This matter involves appeals of the reallocations of appellants' positions to Fisheries Management Technician 4 as a result of a survey. These appeals were heard on a consolidated basis.

These positions are in the DNR Southeast District, Great Lakes Research Facility (GLRF), and carry the working title of Lake Michigan Fisheries Technician. These positions have very similar duties and responsibilities. The position summaries on their position descriptions (PD's) are identical except that Mr. Coffaro's does not include the item of "monitors work unit budget" which is found in Mr. Thompson's position summary, as follows:

Conducts surveys to assess and summarize information on the sport and commercial fisheries of lower Lake Michigan and its tributaries. Conducts assessments and assists with annual report preparation on yellow perch as well as annual reports on all salmonid species in Lake Michigan. Oversees collection of biological data on yellow perch, rainbow, brook, brown and lake trout and chinook and coho salmon by conducting assessments with a wide variety of fisheries survey gear including electrofishing and netting. Assists in the collection and analysis of data for a salmonid diet study. Coordinates with District operations supervisor and hatchery supervisor regarding stocking and egg-taking efforts. Provides educational information to the public. Monitors work unit budget. This position is under the direct supervision of the District Fisheries Program Supervisor.

The other differences, in addition to Mr. Thompson's budget responsibility, are that Mr. Coffaro has a heavier responsibility for sport fisheries management and public education, while Mr. Thompson has a heavier emphasis on commercial fish projects. Appellants share responsibility at the GLRF, and

management essentially uses them interchangeably. They work under the direction of Michael A. Coshun, the district biologist, and under the supervision of James McNelly, the Fisheries Manager.

The FMT class specification (Respondent's Exhibit 1) contains the following definitions:

FISHERIES MANAGEMENT TECHNICIAN 4 - Positions at this level perform the full range of fisheries management technician duties to include both the development and implementation of a wide variety of fisheries management functions, under the general supervision of the Fisheries Biologist.

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FISHERIES MANAGEMENT TECHNICIAN 5 - This is advanced level fish management technician work. Positions at the level perform the most complex and broad scope fish management activities with significant delegation from professional or supervisory level positions. Work is distinguished from lower level fisheries management work by the amount of complex fisheries management work assigned; the assigned responsibility for the design, development and implementation of fisheries management projects; and the high degree of autonomy delegated the position due to the individual's recognized experience and expertise. (emphasis added)

The essential basis for respondent's determination that these positions are not appropriately classified at the FMT 5 level is outlined in a July 13, 1993, memo (Appellant's Exhibit 1) setting forth respondent's re-review of Mr. Thompson's position. This memo sets forth "[o]ur definition of these various aspects," (emphasis added), of the above language in the FMT 5 definition, and contains the following conclusions:

1. This position does have "significant delegation," but does not perform the "most complex" fish management activities the majority of the time, because:

a. [Y]our position does not have responsibility for all aspects ... Your position tabulates data, however, there is limited analysis; it drafts reports, but the reports are limited to presenting the data and how it was gathered, rather than explaining what the data means from a biological standpoint; and while your position does have input into work plans and budgets, it does not have the responsibility for developing and maintaining the work plans and budgets;

2. The position does not have "assigned responsibility for the design, development and implementation of fisheries management projects," as set forth in the FMT 5 definition. This language requires responsibility for a project from start to finish -- i.e., from conception to final product. "Projects do not continue indefinitely, but are expected to end in the foreseeable future, i.e., when the conclusion is reached. 'Projects' which are on-going functions of the program ... are not 'true' projects and do not meet the 'project' concept of this specification." Respondent goes on to conclude: "while there are some projects which are assigned ... they do not meet the requirements of the FMT 5 level since they are not performed for the majority of the time and the work is shared within another position [Mr. Coffaro's] within this work unit."

3. With respect to the high degree of autonomy required at the FMT 5 level, this means that "the position not only has been granted significant delegation, but also performs work independent of higher level interaction (discussions, consultation, review, etc.) ... while your position has aspects of its work which is performed with a 'high degree of autonomy delegated,' the vast majority of assignments are completed in consultation with another Fish Management Technician and with the supervisory/professional staff."

4. Compared to other FMT 5 positions, this position does not have the same degree of autonomous delegation -- i.e., those positions have "been delegated specific fisheries management projects where they serve as the sole technician for the project -- from start to finish." This level of delegation "has not occurred in your position and that which is delegated is shared with another FMT."

The key comparison in this case is the FMT 5 position in the Lake Michigan District, stationed in Sturgeon Bay, and occupied by Kenneth Royseck, which had been in the same classification as appellants' positions prior to the survey reallocations. The 1991 PD for Mr. Royseck's position (Appellants' Exhibit 6) did not, according to testimony provided by respondent, reflect the differentiating aspects of the FMT 5 level. Respondent relied on information obtained about the position in deciding to reallocate it to the FMT 5 level.

The evidence presented at the hearing supports the conclusion that Mr. Royseck's position functions very similarly to appellants' positions. Since respondent relied on and defended Mr. Royseck's position as a representative FMT 5 position which contrasts with appellants' positions, based on the criteria

respondent has developed for use in applying the language contained in the FMT 5 definition in the class specification, appellants' showing in this regard strongly supports their case.

Appellants provided testimony from two witnesses who are very familiar with the workings of Mr. Royseck's position -- Mr. Royseck himself, and appellants' leadworker, Mr. Coshun, who has worked extensively with Mr. Royseck on cooperative projects. This factor also gives Mr. Coshun a particularly good vantage point from which to compare the two positions.

Mr. Royseck testified that he does not operate independently in the execution of his projects in the manner outlined by respondent in its memo explaining its re-review conclusions (Appellants' Exhibit 1), that his projects are similar to appellants' projects, and are predominantly the same from year-to-year, but do change to some extent. He also testified with respect to reports, that he prepared first drafts for the biologist, that he consults with the biologist as he proceeds with these drafts, and that it would be "committing suicide" to write these reports and submit them without having first had this consultation and interaction with the biologist.

Mr. Coshun testified that in his opinion appellants satisfy the FMT 5 definition regarding complexity and scope due to the size of the resource involved, the interjurisdictional nature of their management responsibilities, and the complexity of the fisheries community, and that this represented a majority of their work. He also testified that Great Lakes fisheries management projects were atypical of projects statewide, because long-term projects were essential, due to the nature of the Great Lakes. He further testified that biologists in both the LMD and the SED wrote projects to address overall lakewide objectives, and that this required that they write projects that fit together so a particular species could be looked at lakewide or statewide. In connection with this, it was necessary for projects in the two districts to be similar, and they sometimes shared project management members and budgets. In Mr. Coshun's opinion, the positions in the LMD and the SED are extremely similar in their functioning and from a classification standpoint.

Another factor on which respondent relied in its decision that appellants' positions should not be at the FMT 5 level is the fact that appellants have virtually identical PD's and share many responsibilities in the district. Mr. Coshun testified that due to the nature of the district's operations and its limited resources, it was necessary that appellants be interchangeable parts of

the whole in order to accomplish what needs to be done, and that this aspect of their jobs results in increased complexity. As discussed above, he also testified that the projects in the SED were very similar to the projects in the LMD. In the Commission's opinion, appellants' positions should not have been downgraded from a classification standpoint because of this approach by management to their utilization. See Cirilli v. DP, 81-0039-PC (8/4/93) (appellants acting as team managers jointly responsible for all projects in their unit added complexity to their positions and reclassification should not have been denied on that basis).

In conclusion, appellants have presented convincing evidence that their positions compare very favorably with that of Mr. Royseck, and that they satisfy the FMT 5 definition, and the Commission concludes they have satisfied their burden of proof of establishing that respondent erred in its decision to reallocate their positions to FMT 4 rather than FMT 5.

ORDER

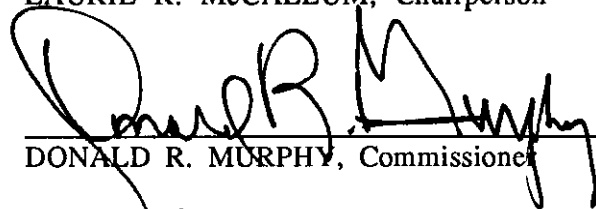
Respondent's action reallocating appellants' positions to FMT 4 rather than FMT 5 is rejected, and this matter is remanded to respondent for action consistent with this decision.


Dated: July 27, 1994

STATE PERSONNEL COMMISSION

  
LAURIE R. McCALLUM, Chairperson

AJT:rcr

  
DONALD R. MURPHY, Commissioner

  
JUDY M. ROGERS, Commissioner

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