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NORMAN R. POLINSKE, QUENTIN FREDISDORF,  
LA VERNE HENDRICKSON, IRVIN MOLDENHAUER, and  
EDWARD KANT,

Appellants,

v.

WILBUR J. SCHMIDT, Secretary, Department of  
Health and Social Services, and  
C. K. WETTENGEL, Director, State  
Bureau of Personnel,

Respondents.

Case No. 74-101

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Before: JULIAN, Chairperson, STEININGER and WILSON, Board Members.

NATURE OF THE CASE

This is an appeal by five Central State Hospital employes of the denial of a grievance requesting reclassification from Officer 5 to Officer 6.

FINDINGS OF FACT

The Appellants at all relevant times have been permanent employes in the classified service employed as Officer 5's at Central State Hospital, Department of Health and Social Services. Central State Hospital (CSH) is a maximum security institution which houses men who have been committed as not guilty by reason of mental disease or defect pursuant to Wis. Stats. S. 971.17, incompetent to stand trial, S. 971.14, as a sex deviate, S. 975.06, or pursuant to a transfer from another institution as in need of psychiatric care and treatment.

Both Officer 5 and Officer 6 positions are supervisory in nature. The class specifications for these positions include the following definitions (Emphasis supplied.):

Officer 5

Class Description

Definition: This is very responsible correctional work supervising custodial activities and/or programs on an assigned shift in a correctional institution, camp, or



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maximum security psychiatric hospital. Positions at Central State Hospital and Home for Women - Taycheedah allocated to this level function as supervisors on an assigned shift with major responsibility for the custodial program to include related administrative functions, security, discipline and order in the institution. Employees at these two institutions functioning at this level are responsible for scheduling and assigning work to other officers and have a great deal of latitude for independent action in implementing and interpreting policy, as well as solving the more complex problems related to inmate care or staff personnel. The positions allocated to this level in other larger correctional institutions serve as assistant shift supervisor and/or carry total responsibility for one administrative program such as training, scheduling or handling admissions and discharges. Employees in this class carry responsibility for the day-to-day supervision of custodial or administrative activities and programs with latitude for independent action in implementing policy and procedure and informing the shift supervisor of the status of institution security and recommending changes in policy and procedures to improve security. Also allocated to this level are positions in a forestry camp who have total responsibility for the security and care program of all inmates. Positions at this level differ from higher level camp supervisors in that they have a higher level administrative position above them who is responsible for the total camp operation. Employees performing in this capacity, assign and schedule work of other officers and develop work projects and recreational activities. Duties of all positions at this level include touring the buildings and grounds (or wards) of the institution or camp to maintain security and order with primary responsibility for meeting unusual emergency situations quickly and effectively. Supervision is received from higher level officers or staff positions who review work through conferences with the employee, personal inspection tours of the institution, and daily activity reports.

Areas of Specialization: Lieutenant in a large correctional institution, shift supervisor in a small adult correctional institution, or forestry camp security supervisor.

Officer 6

Class Description

Definition: This is highly responsible work in supervising the custodial program in a large institution or on a correctional farm or forestry camp. In an institution, positions at this level carry major responsibility on an assigned shift for the

security, discipline, and order of the institution or for more than one administrative program such as scheduling, admissions and discharges, training, or other comparable areas. Employees at this level differ from lower levels by their high degree of involvement in the development of policy and procedures, the greater size of institutions and complexity of problems encountered, and responsibility for multiple administrative programs. On a correctional farm or forestry camp, carries total responsibility (24 hours) for the entire operation, to include, planning and management of programs, scheduling and supervising other officers, and handling the more difficult inmate problems. Supervisors at this level differ from lower level camp or farm supervisors in that they have total responsibility for an operation in which inmates are housed and fed, with no immediate supervision being available.

Areas of Specialization: Captain in a large adult correctional institution, forestry camp supervisor, or correctional farm supervisor.

Appellants function as shift supervisors without the assistance of a lower level supervisor.<sup>1</sup> Those assigned night shifts are the highest ranking and thus the ultimately responsible employees at the institution at that time. Appellants have experienced over the course of the last several years growing complexities in their duties as a result of court decisions and other factors that have resulted in increased due process and other rights for patients. Their duties have also become more complex because of the requirement of handling the grievances of the unionized subordinate guards, and the wages of patients, many of whom have recently come under the coverage of minimum wage law requirements.

The Bureau of Personnel conducted a personnel management survey of institution care and custody positions, including the Officer series, in 1968 and 1969. At the time of the survey the shift supervisors at CSH were at the Officer 5 level, and the survey's determination was to retain them at that level. The survey determined shift supervisors at the Wisconsin State Prison (WSP), the Wisconsin State Reformatory (WSR),

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<sup>1</sup>Shift supervisors at the Wisconsin State Prison have an assistant supervisor.

both maximum security institutions, and the Wisconsin Correctional Institution (WCI), a medium security institution, to be appropriately classified as Officer 6's. No other institutions were allotted Officer 6's.

The survey involved, among other things, a study of the duties and responsibilities of the Officer 5 and 6 positions. As a result of this study the survey concluded, in essence, that the then current class specifications correctly identified these positions as they existed, and that there were no inequities involved in continuing these classifications. The rationale for this conclusion is summarized in the following part of the survey (Respondent's Exhibit 4), which we adopt as a finding:

These latter positions (Officer 5's) perform the same function as a Captain (Officer 6) in that they have shift responsibility on any given shift, but perform these duties on a smaller scale and scope of responsibility. (p. 22) (Emphasis supplied.)

An additional factor considered in the evaluation of the classification of the shift supervisors at the various institutions was the relative size of the institutions, based on the number of total employes, number of officers, rated bed capacity, and average daily population; as follows:

<u>Institu- tion</u>	<u>Total Employes</u>	<u>No. of Officers</u>	<u>Rated Bed Capacity</u>	<u>Avg. Daily Population Fiscal '67</u>
WSP	388	214	896	928
WSR	281	154	623	729
WCI	165	80	576	488
CSH	202	122	302	269

The February 1975 approximate populations were as follows:

WSP	-	971
WSR	-	702
WCI	-	566
CSH	-	287

The personnel officer who worked on the survey testified at the Board hearing and mentioned certain other factors to support the difference in classification among the institutions. This testimony

was uncontradicted, and we adopt it as part of our findings, which may be summarized as follows:

1. There are fewer patients per staff member at CSH than at WSP and WSR.
2. The wards at CSH are smaller than the cellblocks at WSP and WSR.
3. At CSH there is an Officer 3 in charge of each ward while this is not true of each cellblock at WSP or WSR.

#### CONCLUSIONS OF LAW

Assuming the validity of the applicable class specifications, there is little question based on the record before us that Appellants failed to discharge their burden of proof that they should have Officer 6 classifications.

The class specifications for Officer 6 contain a number of criteria for differentiating this class from lower classes. The first criterion mentioned is "high degree of involvement in the development of policy and procedures." The Appellants presented no evidence that they were involved in the development of policy and procedure.

The second criterion is "the greater size of institutions." The Appellants failed to meet their burden of proof that CSH was larger than the other institutions having Officer 6 positions. While the grounds at CSH may be physically larger than those of the other institutions, and CSH has more employes than WCI, we conclude that the most relevant criteria in making size comparisons are rated capacity and actual population, and in these areas CSH is smallest.

The third criteria is "complexity of problems encountered." The Appellants did establish that their work is somewhat more complex than it was at the time of the survey. However, there was little direct testimony about the duties and responsibilities of Officer 6

positions at the other institutions, and the Appellants failed to sustain their burden of proof that their problems were as complex as those encountered in the Officer 6 positions.

The fourth criterion is "responsibility for multiple administrative programs." The Appellants did not sustain their burden or proof that they administered any programs or that they had administrative responsibilities beyond those inherent in or collateral to shift supervisor.

However, Appellants contend that the survey and the resultant classifications are incorrect in failing to provide for an Officer 6 classification at CSH. The Respondents, as might be expected, disagree and further contend that since the Board approved the survey and the specifications pursuant to S. 16.07 (2), Wis. Stats., it cannot at this point determine that they are incorrect.

In Ryczek v. Wettengel, Wisconsin Personnel Board 73-26, July 3, 1974, we held that the fact the Board approved a reallocation does not prevent it from acting on an appeal of the reallocation by the affected employee. See pages 3-4 of that decision. For the reasons there expressed we conclude that we may properly rule on the correctness of the classifications involved in this appeal.

Section 16.07 (1), Wis. Stats., provides in part as follows:  
(Emphasis supplied.):

Each classification so established shall include positions which are substantially similar in respect to authority, responsibility and nature of work performed.

These statutory requirements provide criteria for the evaluation of classifications. As was discussed above, the class specifications for Officer 6 contain four criteria for differentiating that classification from lower classifications. These four criteria are encompassed by the three more general statutory criteria of authority, responsibility, and nature of work performed. Therefore, the analysis of the correctness

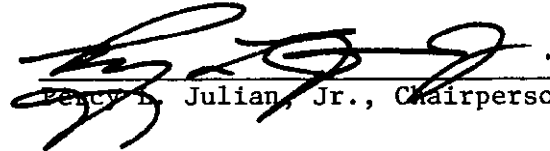
of the classification of the position tends to merge with the analysis of the correctness of the class specifications themselves. The Appellants failed to sustain their burden of proof that they performed at a level comparable to the shift supervisors at the penal institutions with regard to the correctness of their classifications. They also, at the same time, failed to sustain their burden of proving that the class specifications themselves are incorrect inasmuch as on this record there is a differential in the level of duties and responsibilities of the positions involved which satisfy the statutory criteria for a difference in classification.

ORDER

IT IS HEREBY ORDERED that the actions and position of the Respondents on this grievance be affirmed.

Dated October 17, , 1975.

STATE PERSONNEL BOARD

  
Percy B. Julian, Jr., Chairperson