

STATE OF WISCONSIN

STATE PERSONNEL BOARD

* * * * *
 *
 WALTER WALKER,
 *
 *
 Appellant,
 *
 *
 v.
 *
 *
 SECRETARY, Department of Health and
 Social Services and DEPUTY DIRECTOR,
 Bureau of Personnel,
 *
 *
 Respondents.
 *
 *
 Case No. 76-250
 *
 *
 * * * * *

OFFICIAL
ORDER

Before: James R. Morgan, Calvin Hessert and Dana Warren, Board Members.

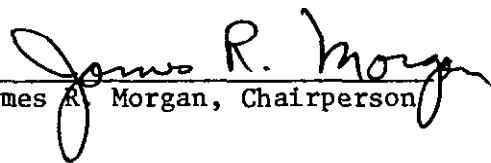
ORDER

IT IS HEREBY ORDERED that the Proposed Opinion and Order prepared by the hearing examiner is adopted with the following modification to the order pursuant to s. 16.05(1)(f), Wis. Stats. (1975).

IT IS HEREBY ORDERED that Respondent's decision denying Appellant's reclassification request is denied and this matter is remanded to the director for action in accordance with the Board decision.

Dated: May 18, 1978

STATE PERSONNEL BOARD


 James R. Morgan, Chairperson

STATE OF WISCONSIN

STATE PERSONNEL BOARD

* * * * *
 *
 WALTER WALKER,
 *
 *
 Appellant,
 *
 *
 v.
 *
 *
 SECRETARY, Department of Health and
 Social Services and DEPUTY DIRECTOR,
 Bureau of Personnel,
 *
 *
 Respondent.
 *
 *
 Case No. 76-250
 *
 *
 * * * * *

PROPOSED
OPINION AND ORDER

Before:

OPINION

NATURE OF THE CASE

As a result of the reallocation of his position from Superintendent of Buildings and Grounds 4 (PR 16-14) to Superintendent of Buildings and Grounds 4 (PR 1-06), appellant requested a review and reclassification to Superintendent of Buildings and Grounds 5 (PR 1-07). His request was denied. From said denial he perfected this appeal.

FINDINGS OF FACT

1. Appellant is a permanent employe whose position had been classified as Utility Engineer 3 from 1962 until 1970. Then the position was reclassified to Superintendent of Buildings and Grounds 3 until 1973 at which time it was reclassified to the 4 level where it has remained until the present.
2. He has worked at the Wisconsin Correctional Institution at Fox Lake in the same position since 1962.

3. Appellant is licensed by the Department of Natural Resources to operate the sewer plant, the water plant, and the solid waste disposal system at Fox Lake. He also has a state blaster's license and a state nursery license. The first three licenses are necessary because Fox Lake has its own water and sewer systems which are independent of any nearby city or town. Most of institutions operated by Respondent maintain their own water plants but only two others, Taycheedah and Northern Wisconsin Center for the Developmentally Disabled maintain their own sewage systems.

4. Appellant's duties and responsibilities as summarized in his position description are:

Under general supervision of the Business Administrator, plans and directs all maintenance operations for the institution. Supervises routine preventive maintenance projects, repairs projects and new construction of any type. Insures that the entire physical plant is maintained in good order and that the various standards and codes of the Industrial Commission are met. Performs any related duties as required. (Board Exhibit #5)

5. Appellant reports organizationally to the Business Manager at Fox Lake, however, practically he reports directly to the Warden.

6. The physical plant heating system at Fox Lake has thirteen Cleaver Brooks boilers; three 150 pound, 200 horsepower boilers, and ten 15 pound boilers. The boilers are dispersed over the 86 acres of ground. Central heating is provided through steam generated by the boilers as they burn gas and fuel oil or just gas. Their total capacity is approximately 70,000 pounds of steam per hour.

7. Fox Lake was built only sixteen years ago with the intention of keeping down the cost of operating the physical plant. The boilers selected were smaller than those used at other institutions. However, there were a greater number dispersed over the grounds instead of centrally located at one power plant. Gas combustion boilers were used because they do not require continual observation

as do coal combustion boilers. Fox Lake requires only eight people over two shifts to operate the boilers as compared to twenty at Waupun over three shifts.

8. Appellant has thirteen classified civil service positions under his supervision. In addition, he uses over a hundred inmates to work on his crews. About twenty of the latter group work only part time (two to four hours per day). The remaining eighty or more men work full eight hour shifts.

9. Appellant employs the inmates for work in the power plant. During the day shift (7:00 a.m. - 3:00 p.m.) four to five inmates and an equal number of classified employes work. Only one or two inmates work the evening shift (3:00 p.m. - 11:00 p.m.). He uses fifteen to twenty inmates to do engineering and mechanical maintenance work in addition to the classified employes.

10. A comparison at Fox Lake with other institutions under respondent's authority is found in the appendix. (See Appendix A.) The figures for this comparison are taken from the record made at the hearing.

11. The main distinction between the two classifications as interpreted by respondent is the complexity of the power plant operation. A superintendent of buildings and grounds who is in charge of the most complex operation is at the 5-level. Complexity is measured by the size of the power plant (steam generating capacity) and the number of people required to operate the plant.

CONCLUSIONS OF LAW

1. The Personnel Board has jurisdiction to hear this appeal under Section 16.05(1)(f), Wis. Stats., (1975).

2. In cases of this nature appellant has the burden of proof. Reinke v. Personnel Board, 53 Wis. 2d. 123 (1971); Lyons v. Wettengel, P.B., Case No. 73-36, (11-20-74).

3. Based upon the class specifications and a comparison with the size and complexity of the physical plant operations of various institutions, appellant's position should properly be classified as Superintendent of Buildings and Grounds 5.

OPINION

The definition of a Superintendent of Buildings and Grounds 5 is:

This is highly responsible administrative work directing the most complex physical plant operations. Employes in this class are responsible for planning and directing a program of building maintenance and repair which may include the operation of the largest steam generating plant and all phases of heating, electrical, water treatment, sewage disposal and custodial operations. Supervision is exercised over a crew of skilled, semi-skilled and unskilled employes through several subordinate levels of supervision. Limited supervision is received from an administrator through periodic reports, inspections and conferences. (Respondent's Exhibit #3) (Emphasis added.)

The definition of a Superintendent of Buildings and Grounds 4 is:

This is responsible administrative work directing a complex university, institution or statewide departmental physical plant operation. An employe in this class is responsible for planning and directing a program of buildings and grounds maintenance and repair which generally encompasses all phases of heating, ventilating, electrical, water treatment, power plant, sewage disposal and grounds operations. Supervision is exercised over a crew of skilled, semi-skilled, and unskilled employes who are engaged primarily in maintaining and repairing buildings and grounds and the various types of mechanical, grounds and heating equipment found in an institution. General supervision is received from a superintendent or business manager through periodic reports, inspections and conferences. (Respondent's Exhibit #4).

The major differences in the two class definitions are the complexity of the physical plant, the size of the steam generating plant and the nature of supervision administered and received. It appears from the record that the first two differences are the ones which are at issue in this appeal. It was not disputed that appellant received limited supervision.

A physical plant operation at an institution may include the water plant, sewer and solid waste disposal system and power plant as well as the construction,

maintenance and repair work for all grounds and buildings. At Fox Lake all of these factors are part of appellant's duties and responsibilities. At the other institutions in the comparison except Northern a sewer and solid waste disposal plant was not within the responsibilities of the Superintendent of Buildings and Grounds. (See Appendix A.)

Fox Lake's power plant was designed to minimize expenditures for energy and personnel and maximize efficiency. Although the thirteen boilers only generate 70,000 pounds of steam per hour, that capacity is sufficient to take care of the entire institution. The other institutions require at least 50 percent more steam in order to maintain a similar level. (See Appendix A.)

In addition, despite Fox Lake's design of small more numerous boilers scattered over the grounds fewer people per shift are required to attend to them. This is because they are gas and fuel oil combustion instead of coal combustion boilers.

Although appellant has fewer classified civil service employes under his supervision than other Superintendents of Buildings and Grounds 5, it has to be recognized that he has over eighty inmates who work full time. These men not only do the janitorial and sanitation work but also work in the power plant itself. Twenty to twenty-five inmates are directly involved in the operation and maintenance of the boilers.

It is true that Fox Lake is a minimum security prison so that the use of inmates for the work is possible. Whereas at the other institutions such use is evidently not possible and therefore, there is a need for additional classified employes.

We conclude that appellant was incorrectly denied a reclassification of his position to a Superintendent of Buildings and Grounds 5. We recognize that the major distinction between the 4 and 5 levels is the complexity of the physical

Walker v. DHSS & Bur. of Pers.
Case No. 76-250
Page Six

plant operation. However, we do not conclude that the only factor distinguishing the two levels is the sizes of the power plants themselves. When all factors of the Fox Lake physical plant operation are evaluated, we find it comparable to the operations at the other institutions which have Superintendents of Buildings and Grounds 5. The degree of responsibility that appellant has in operating a water plant, sewer and solid waste disposal plant and the power plant comprising of thirteen boilers dispersed over the grounds of the institution is within the scope of the responsibility identified in the class specifications for Superintendents of Buildings and Grounds 5.

ORDER

IT IS HEREBY ORDERED that Respondent's decision denying Appellant's reclassification request is rejected.

Dated: _____, 1978

STATE PERSONNEL BOARD

James R. Morgan, Chairperson

Walker v. DHS & Bur. of Pers
Case No. 76-250

Description	SGE Level	Acres	Inmate/Patient Population	Type of Institution	Operates Own Water Plant	Operates Own Sewer Plant	Location of Power Plant	Boilers Steam Generating Capacity (lbs /hr.)	Classified Employees Under SGE	Total # of Personnel Required to Operate Power Plant	Total # of Personnel Required for Engineering and Mechanical Maintenance	# of Inmates/Patients Used to Operate the Power Plant	# of Inmates/Patients Used for Engineering and Mechanical Maintenance
Fox Lake ¹	A	80	576	Wisconsin Security Prison	yes	1 yes	Dispersed	70,000	13	8	a13	0	15-20
Waupun ²	S	22	a13	Wisconsin Security Prison	yes	no	Central	185,000	30	20	5	0	0
Green Bay ³	a15	a13	a13	a13	a13	a13	a13	82,000	a13	a13	a13	0	0
Port Washington ⁴	S	a13	a13	a13	a13	a13	Dispersed	a13	a13	a13	a13	0	0
Madison ⁵	S	a-1	a13	a13	a13	a13	Dispersed	a13	a13	a13	a13	0	0
Wausau ⁶	a13	a13	a13	a13	yes	yes	a13	a13	a13	a13	a13	0	0
Central State ⁷	a13	a13	a13	a13	a14	a14	a14	a14	a14	a14	a14	0	0
Maunabo ⁸	S	a-3	270	a13	a13	a13	Central	125,000	43	12	15	0	0
Waupun ⁹	S	a13	200	a13	yes	no	Central	140,000	48	17	6	0	0
Waupun ¹⁰	S	a13	752	Institution for Profoundly Retarded	yes	yes	Central	110,000	67	12	5	0	0
Waupun ¹¹	S	a13	819	Institution for Profoundly Retarded	yes	no	Central	150,000	61	12	13	0	0
Central ¹²	a13	a13	a13	a13	a13	a13	a13	110,000	a13	a13	a13	0	0

- 1. Wisconsin Correctional Institution, Fox Lake, WI
- 2. Wisconsin State Prison, Waupun, WI
- 3. Wisconsin State Reformatory, Green Bay, WI
- 4. Port Washington Correctional Institution, Plymouth, WI
- 5. Wisconsin Boys School, Merrill, WI
- 6. Home for Women, Wausau, WI
- 7. Central State Hospital, Waupun, WI
- 8. Waunabo Mental Health Institution, Waunabo, WI
- 9. Mendota Mental Health Institution, Madison, WI
- 10. Northern Wisconsin Center for the Developmentally Disabled, Chippewa Falls, WI
- 11. Southern Wisconsin Center for the Developmentally Disabled, Union Grove, WI
- 12. Central Wisconsin Center for the Developmentally Disabled, Madison, WI
- 13. Information not made part of the record.
- 14. Waupun provides service to Central State
- 15. Testimony was that this position was an SGE 4 or less.

APPENDIX A