

STATE OF WISCONSIN

STATE PERSONNEL BOARD

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EDWARD J. STANEK,

Appellant,

v.

SECRETARY, Department of Health and
Social Services and DEPUTY DIRECTOR,
Bureau of Personnel,

Respondents.

Case No. 78-12

* * * * *

OFFICIAL

OPINION AND ORDER

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

NATURE OF THE CASE

This is an appeal under s. 16.05(1)(f), Wis. Stats., from the denial of a request for reclassification of his position from Institution Registrar 2 to Institution Registrar 3.

FINDINGS OF FACTS

1. Appellant has been employed at the Wisconsin Correctional Camp System Central Office as an Institution Registrar 2 for ten years.

2. In 1977 there was 1125 inmates admitted into the camp system. In 1976 the admissions ran 1000. These admissions were all transfers from other correctional institutions. There are presently no inmates directly committed to the camp system.

3. The camp system handles juveniles, youthful offenders, male and female adults. There is a work release program. In 1977 there were 93 escapes.

4. As inmates are admitted to and maintained at the camp system, appellant may prepare all the documents needed for their files except fingerprints and photographs. Appellant does not initiate a inmate's permanent record which is done at the institution at which he is received.

5. The permanent record which is prepared at the reception center and is sent with the inmate when he or she is transferred contains the judgment conviction, a face sheet, the mandatory release date and discharge date and the security classification or evaluation. Appellant generally determines the parole eligibility date.

6. Appellant has worked with the Wisconsin Law School Legal Assistance Program through informal sessions advising both staff and students as to the Division of Corrections rules, policies and procedures. Appellant also confers individually with attorneys, judges and district attorneys. He does not conduct seminars or training sessions for any of the above groups or personnel from the division.

7. Appellant has trained the newly appointed registrar and file clerk at Oakhill on the procedures and policies related to their positions.

8. Appellant is called upon to testify in court.

9. The definitions in the class specifications for Institution Registrar 2 and 3 are as follows:

Institution Registrar 2:

This is specialized clerical work involving the operation of a medium size records unit including responsibility for maintaining records and insuring the lawful commitment and release of inmates or patients at a state correctional institution or hospital for the mentally ill. Employees in this class coordinate the work of one or more civil service employees (and, in some cases, inmates) who normally perform the more routine functions of the unit freeing the Registrar to spend more time with the most important tasks.

Registrars of the units that either (1) admit inmates primarily by transfer where records have already been initiated by a records unit in another institution, or (2) admit patients by reviewing and completing the basic admission papers after which the remainder of the record file is completed and maintained elsewhere in the institution are identified at this level in those correctional institutions or hospitals where the number of admissions averages less than 800 or 2,000, respectively, per year. Work is performed under general supervision, and considerable latitude exists for developing and revising the record system in addition to the judgment, precision, and specialized knowledge needed to handle a variety of complex situations. (Respondent's Exhibit #3; Emphasis added.)

Institution Registrar 3:

This is specialized clerical work involving the operation of a large records unit including responsibility for maintaining records and insuring the lawful commitment and release of inmates or patients at a state correctional institution or hospital for the mentally ill. Employees in this class coordinate the work of one or more civil service employees (and, in some cases, inmates). A large records unit in a correctional institution is characterized by the function of initiating permanent records upon the commitment of the inmate by the court and processing total admission of 800 or more per year. A large records unit in a hospital for the mentally ill typically processes admission for 2,000 or more patients per year which are committed by the courts or governed by other statutory authority. Employees at this level also function as expert consultants on the basis of their working knowledge of the statutes pertaining to the custody of inmates or patients. Considerable latitude exists for developing and revising the record system in addition to the judgment, precision, and specialized knowledge needed to handle a variety of complex situations. Work is performed under general supervision. (Respondent's Exhibit #4; Emphasis added.)

10. The class specifications also set forth examples of work performed. The lists for Institution Registrar 2 and 3 are identical except the latter class includes the following tasks which the former does not:

Acts as a consultant for the Division of Corrections or the Division of Mental Hygiene to explain statutes pertaining to the custody of inmates or patients to law enforcement officials, judicial officials, physicians, and the general public.

Provides training for other institution staff relating to legal aspects of admission, custody, and discharge and the procedures used at the institution. (Respondent's Exhibit #4.)

CONCLUSIONS OF LAW

1. The Personnel Board has jurisdiction to decide the issues raised in this appeal under s. 16.05(1)(f), Wis. Stats. (1975).
2. The burden of proof in appeals taken from decisions of the Director under s. 16.05(1)(f), Wis. Stats., (1975) is on appellant. Alderden v. Wettengel, 73-87 (June 2, 1975); Lyons v. Wettengel, 73-56 (November 20, 1974). Appellant must establish to a reasonable certainty by the greater weight or clear preponderance of the evidence that this position should be classified at Institution Registrar 3. Reinke v. Personnel Board, 53 Wis. 2d 125 (1971).
3. Appellant has failed to sustain his burden.
4. Appellant's position is properly classified as IR 2.

OPINION

There seem to be several distinguishing criteria between the Institution Registrar 2 and 3 classifications: the size of the records unit by number of admissions, the initiation of permanent records and the consultative function of the position. There is little doubt that the records unit under appellant readily meets the number of admissions that is set forth in the class specifications. In the last two years the camp system has processed 1,000 or more inmates per year or better than 25 percent higher than the required average. Obviously the sheer volume adds to the difficulty of appellant's work.

However, appellant's position does not meet the last two criteria mentioned. Up to the time of the hearing all inmates admitted to the camp system were transferred from other correctional institutions at which their permanent records were prepared.

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We recognize that appellant prepares some of the documents that are included in the permanent record. But we do not conclude that this is what is contemplated by the specifications.

The final criterion requires that the position in question involve consultant and training responsibilities. Again we recognize that appellant confers with attorneys and judges and that he is involved in the law school program by way of giving assistance, information and advice. However, these situations are evidently informal and are not equivalent to acting as a consultant or giving training.

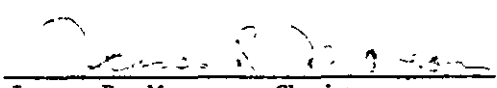
Therefore, we conclude that appellant's position is more properly classified at the Institution Registrar 2 level and that this appeal should be dismissed.

ORDER

IT IS HEREBY ORDERED that respondent's decision is affirmed and this appeal is dismissed.

Dated: June 16, 1978

STATE PERSONNEL BOARD


James R. Morgan, Chairperson