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 THOMSEN et al.,
 (DAVID E. WILLIAMS
 ROBERT J. NEWLUN
 CHRISTIAN F. THOMSEN
 FRANK J. HINZE
 TERENCE L. McCABE
 ELISA R. HOLTZAPPLE)

 Appellants,

 v.

 Secretary, DEPARTMENT OF
 EMPLOYMENT RELATIONS,

 Respondent.

 Case No. 83-0202-PC
 [84-0202-PC]
 * * * * *

DECISION
 AND
 ORDER

This controversy is an appeal of respondent's decisions reallocating appellants' positions from Building and Ground Patrol Officer to Security Officer 4 instead of Police Officer 2.

FINDINGS OF FACT

1. At all times relevant to this controversy, the appellants have been employed in the state classified civil system as Building and Grounds Patrol Officers (BGPO's) by the Department of Health and Social Services.
2. The appellants' positions, BGPO's, were examined in a personnel management survey of Enforcement/Regulation Compliance positions which was conducted between 1981 and 1984 by personnel specialists of the respondent Department of Employment Relations.
3. One of the results of the Enforcement/Regulation Compliance survey was that on August 29, 1984, appellants' positions were reallocated from BGPO's to the new class title Security Officer 4.

4. On September 28, 1984, appellants' filed timely appeals of respondent's reallocation decisions with this Commission.

5. In summary, appellants provide security and protection services to Mendota Mental Health Institute. They have arrest powers but do not carry fire-arms; enforce various federal, state and local laws and institute policies and procedures; perform investigations; and provide emergency and other services for various areas of the institute on weekends and holidays.

6. The state position standard for Security Officer provides:

B. Inclusions

This position standard encompasses positions having responsibility for maintaining security and protecting property and persons at a state facility. Positions included in this standard may perform some enforcement duties when providing assistance to police officers or higher level law enforcement personnel. Positions having arrest powers, but primarily performing security and protection services are also described by this standard. Positions described by this standard perform security duties by maintaining a watch and patrol of State owned or leased buildings and immediate grounds to protect against trespass, vandalism, fire, theft, property damage and other hazards.

C. Exclusions

Excluded from this series are the following types of positions:

- 1) Supervisory managerial, or confidential positions as defined in s. 111.81, Stats.;
- (2) Law enforcement positions responsible for enforcement of State laws, rules and regulations pertaining primarily to the protection of lives and property of highway users;
- (3) Law enforcement positions whose primary functions emphasize enforcement activities and require arrest powers;
- (4) Law enforcement positions responsible for enforcing natural resource laws, rules and regulations; and

- (5) All other positions which are more appropriately identified by other class series.

7. The Security Officer 4 class is described in the state position standard as follows:

This is objective or lead level security and protection work. Positions at the objective level are responsible for providing security and protection services at a state facility through the enforcement of federal, state and local laws. Lead positions guide and direct the work of positions classified as Security Officer 2 and 3. Work is performed under general supervision.

Representative Position:

Under limited supervision provides security and protection services to Mendota Mental Health Institute through enforcement of various federal, state and local laws and Institute policies and procedures; performs investigative duties; provides emergency and other services for various areas on the Institute on weekends and holidays.

8. The state position standard describes the Police Officer series in the inclusion and exclusions sections as follows:

B. Inclusions

This series encompasses patrol and law enforcement positions which exercise arrest authority and are responsible for enforcing state and local laws and agency rules and regulations pertaining to the protection of persons, property and the rights of the general public against injury, loss or disturbances resulting from criminal or disorderly acts, accidents, and hazards on state-owned property.

C. Exclusions

Excluded from this series are the following types of positions:

- 1) Supervisory, managerial, or confidential positions as defined in s. 111.81, Stats;
- 2) Law enforcement positions responsible for enforcement of state laws, rules and regulations pertaining to the protection of lives and property of highway users;
- 3) Positions that perform routine security work but do not have arrest powers; and
- 4) All other positions which are more appropriately identified by other class series.

9. The same position standard defines the Police Officer 2 class as follows:

This is developmental or objective level law enforcement work performed on the site of a state agency or institution. Positions at the objective level possess arrest powers but are primarily responsible for security and patrol activities. Positions allocated to this level are distinguished from positions at the Police Officer 3 level by the narrower range of assignments which emphasize enforcement activities and by the involvement in security and patrol activities.

Positions functioning in a developmental capacity perform patrol and law enforcement on the site of a state agency or institution under close supervision and are provided the opportunity to develop the knowledge and skill necessary to perform at the Police Officer 3 level. Positions at this level, developmental or objective, must have completed a certified law enforcement program.

10. Mendota Mental Health Institute has been designated by DHSS as a care and treatment facility and the allocation pattern of all positions similar to appellants' at all DHSS treatment facilities is consistent. None hold the Police Officer classification.

11. Both Police Officers and Security Officers perform protection and security functions, but they differ on the basis of their primary or predominate function.

12. While some of appellants' duties are within the state position standard definition of Police Officer, their primary function is to provide security and protection services to Mendota Mental Health Institute and are more appropriately classed as Security Officer 4's.

CONCLUSIONS OF LAW

1. Appellants' appeals are properly before this commission pursuant to §230.44(1)(b), Wis. Stats.

2. Appellants have the burden to show by a greater weight of credible evidence that respondent's decision to reallocate their positions to Security Officer 4 was incorrect.

3. Appellants have failed to meet their burden of persuasion.
4. Respondent's decisions to reallocate appellants' positions to Security Officer 4 were correct.

OPINION

The appellants argue that they perform the same duties as any state employee classified as Police Officer. And, in fact, on the premises of Mendota Mental Health Institute, like police officers, they have the power to make arrests, issue traffic citations and, in general enforce state, and local laws and MMHI rules and regulations. These police activities, however, are included within the state position standard for Security Officer positions. Excluded from the Security Officer series are law enforcement positions whose primary functions emphasize enforcement activities and require arrest powers. In the present controversy before the Commission, appellants failed to prove that their primary functions is enforcement activities.

In reply, appellants argue that the police officer at the state capitol and the Hill Farms State Office Building is not primarily involved in enforcement activities. While this argument may have merit, appellants' failed to present sufficient evidence on this point. In addition, appellants' positions are identified in the state position standard for the Security Officer 4 class as representative positions.^{FN}

For the above stated reasons and based upon the record in this proceeding, appellants' appeals should be dismissed.

^{FN} The Commission has removed certain language from the proposed decision because it was unnecessary in light of the facts determined.

ORDER


The respondent's decision is affirmed and appellants' appeals are dismissed.

Dated: June 18, 1985 STATE PERSONNEL COMMISSION


DENNIS P. MCGILLIGAN, Chairperson

DRM:jmf
ID5/1


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