

STATE OF WISCONSIN

PERSONNEL COMMISSION

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 ROBERT L. HAMELE,
 Appellant,
 v.
 Secretary, DEPARTMENT OF
 EMPLOYMENT RELATIONS,
 Respondent.
 Case No. 85-0172-PC
 * * * * *

ORDER

This matter is before the Commission following the issuance of a proposed decision and order. The Commission has considered the appellant's objections and arguments with respect thereto and has consulted with the examiner.

The Commission adopts the proposed decision and order, a copy of which is attached hereto and incorporated by reference as if fully set forth, as its final decision in this matter, and adds the following to the opinion:

The appellant has argued that his position compares favorably with the Chief of Police and Security at UW-Madison. However, the record reflects that the UW position has more than twice as many employees under its supervision, and reports directly to the UW-Madison chancellor, whereas appellant's position reports to the administrator of the Division of Buildings and Grounds within the Department of Administration.

Dated: August 6, 1986 STATE PERSONNEL COMMISSION


DENNIS P. MCGILLIGAN, Chairperson

AJT:jmf
CHRIS/1


DONALD R. MURPHY, Commissioner

Attachment


LAURIE R. McCALLUM, Commissioner

Parties:

Robert Hamele
N9667 Corning Road
Portage, WI 53901

Howard Fuller
Secretary, DER
P. O. Box 7855
Madison, WI 53707

STATE OF WISCONSIN

PERSONNEL COMMISSION

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 ROBERT L. HAMELE, *
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 Appellant, *
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 v. *
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 Secretary, DEPARTMENT OF *
 EMPLOYMENT RELATIONS, *
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 Respondent. *
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 Case No. 85-0172-PC *
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PROPOSED
 DECISION
 AND
 ORDER

NATURE OF THE CASE

This is an appeal from respondent's decision not to reallocate appellant's position from Chief, Protective Services to Administrative Officer 2. At the prehearing conference held on September 24, 1985, before Dennis P. McGilligan, Chairperson, the Examiner proposed without objection the following issue for hearing:

Whether the respondent's decision not to reallocate the appellant's position from Chief, Protective Services (PR1-16) to Administrative Officer 2 (PR1-17) was correct?

Hearing in the matter was held on February 24 and 27, 1985, before Dennis P. McGilligan. The parties completed their briefing schedule on May 6, 1986.

FINDINGS OF FACT

1. At all times material herein, the appellant has been employed in the classified civil service by the Department of Administration as the Director, Bureau of State Protective Services in the Division of Buildings and Grounds.

2. As a result of the Enforcement/Regulation Compliance Survey (June, 1984), appellant's position was allocated to the Chief, Protective Services (PR1-16) level. On March 6, 1985, Neal Steinhoff, Administrator of the Division of Buildings and Grounds, requested that appellant's position be reviewed for possible reclassification to Administrative Officer 2. By memo dated May 7, 1985, Jackie Layman, Personnel Specialist, Department of Administration recommended to respondent reallocation of appellant's position to Administrative Officer 2. By letter dated August 6, 1985, respondent denied the aforesaid request for reclassification from Chief, Protective Services to Administrative Officer 2. On September 3, 1985, appellant filed a timely appeal of this denial with the Commission.

3. The duties and responsibilities of appellant's position are accurately described in the position description signed by the appellant on March 7, 1985, a copy of which is attached hereto and incorporated by reference as if fully set forth as a part of this finding. (see Respondent's Exhibit #6 attached)

4. The Chief, Protective Services class specification provides:

Class Description

Introduction:

This class specification reflects the results of the Factor Evaluation process using the Master Guidechart - Enforcement/Compliance and is the basic authority for classifying the position of Chief, Protective Services.

Definition:

This is responsible administrative work in the planning and direction of a complete protection and security program for the Department of Administration. The employe in this class is responsible for all law enforcement and building and grounds security activities on Department of Administration controlled property, and provision of specialized security for people authorized by the Governor as designated protectees. Work is performed with considerable independence of judgement and action and is reviewed by higher level administrators.

Examples of Worker Activities Performed

Formulates, implements and administers policies and regulations governing protection and security activities in the department.

Provides consultation to other agencies in the development of security programs.

Prepares biennial budget requests and administers the annual operating budget.

Advises legislative leaders and other state officials in the formulation of laws, policies and regulations governing security for state personnel and property.

Formulates the prescribed work methods and procedures to be followed by members of the staff; makes inspections of property, personnel and conditions of work and takes necessary steps to improve operations.

Develops and implements training programs for protective services personnel.

Plans, implements and administers the parking and safety programs for the department's state office building complexes.

Investigates suspected or alleged criminal activities and suspects in sensitive situations.

Provides continuing security for the Governor and his family and specialized security authorized by the Governor for designated persons (such as visiting dignitaries, political candidates or other people for whom a security risk exists or who may generate a security risk by their activities or affiliations).

Cooperates with local, state and federal officers in law enforcement and criminal investigation procedures and activities.

5. The Administrative Officer 2 class specification provides:

Class Description

Definition:

This is highly responsible and difficult administrative and/or advanced staff assistance work in a major state agency. An employe in this class is responsible for providing all administrative and managerial services for the agency, including directing such staff services as personnel, budget preparation, fiscal management and purchasing; and/or for administering a complex departmental program. Employes exercise broad supervision and control over large numbers of technical, professional and clerical people. An employe in this class often serves as the principle advisor to the department head in developing departmental policies and rules and in promoting needed legislation. Within a broad framework of laws, rules, and policies, employes are responsible for many decisions affecting the department's program. The work is performed with a high degree of independence subject to administrative review by the department head.

Areas of Specialization:

Staff services, general administration, specialized program administration, or any comparable specialization or combination thereof.

Examples of Work Performed:

Plans and directs the major staff services of a large department, such as personnel and fiscal management, budget analysis and preparation, purchasing, and public relations; utilizes these staff services to develop and evaluate departmental programs.

Directs management studies for the establishment of valid quantitative and qualitative standards of measurement, and directs the development of operation methods and procedures.

Plans and directs departmental programs involving administrative operation of considerable diversity and complexity.

Develops departmental policies and regulations, participates in the development and revision of legislation.

Develops programs to educate and inform the public of important departmental plans and programs which require public acceptance and cooperation.

Maintains effective working relationships with legislative committees, management executives of other departments, communications media, and organizations interested in the policies and activities of the department.

Performs related work as required.

6. In her aforesaid May 7, 1985, memo to respondent recommending reallocation of Hamele's position, Jackie Layman states, in relevant part, as follows:

Mr. Hamele functions as the Director, Bureau of State Protective Services which consists of approximately 40 employees. He has overall responsibility for developing, implementing, and directing the safety, security and parking programs on properties owned or leased by the Department of Administration throughout the state (see attached list).

Duties and responsibilities include the following: develop and maintain operating policies and procedures; develop annual and biannual budget requests; develop long and short-range goals for the bureau; oversee procurement services for the bureau and approve purchases up to \$3,000; supervise staff; conduct investigations; provide security for the Governor, his family, and other designated persons; administer the paid parking program for state office buildings; administer a safety program for DOA-administered buildings; administer the permit program for activities held on any property managed by DOA; administer a training program for building tenants and bureau staff; administer a safety program for inspection of asbestos; develop and maintain electronic security systems; and provide ongoing technical assistance. (See attached program description for detailed tasks).

As a result of the Law Enforcement Survey (June 22, 1984), Mr. Hamele's position remained allocated to the Chief, Protective Services in Pay Schedule/Range 01-16. We disagree with this determination, in accordance with ER-Pers. 2.04(2), Wis. Admin. Code, "class specifications shall be the basic authority for the assignment of positions to a class." Based on the class specification and

position comparisons, our evaluation is that this position would be better identified as an Administrative Officer 2.

The class specification for Administrative Officer 2 defines: highly responsible and difficult administrative and/or staff assistance work in a major state agency. An employe in this class is responsible for providing all administrative and managerial services for the agency, including...and/or for administering a complex departmental program. Employes exercise broad supervision and control over large numbers of technical, professional and clerical people. An employe in this class often serves as the principal advisor to the department head in developing departmental policies and rules and in promoting needed legislation. Within a broad framework of laws, rules, and policies, employes are responsible for many decisions affecting the department's program. The work is performed with a high degree of independence subject to administrative review by the department head.

Our evaluation is this is reflective of the functions performed by Mr. Hamele, i.e.:

- Administering a complex departmental program: Safety, security and parking programs.
- Employes exercise broad supervision and control over large numbers of technical, professional and clerical people: Approximately 40 employes including Lieutenants, Sergeants, Police Communication Operators, Supervisors, Police Officers, and Clerical support.
- An employe in this class often serves as a principal advisor to the department head in developing departmental policies and rules and in promoting needed legislation: Mr. Hamele often deals directly with the Secretary's Office relative to policies, procedures, legislation and sensitive issues such as hazardous materials, protest rallies, strikes, investigations, etc.
- Within a broad framework of laws, rules and policies, employes are responsible for many decisions affecting the department's program: Mr. Hamele has extensive decision making responsibilities which affect more than just this agency.
- The work is performed with a high degree of independence subject to administrative review by the department head: While organizationally Mr. Hamele reports to the Administrator, Division of Buildings and Grounds, on certain assignments he reports directly to the Secretary's Office.

7. Respondent denied this reallocation request in its August 6,

1985 memo noted above as follows:

Section ER-Pers 2.04 (2), Wis. Adm. Code, states that "class specifications shall be the basic authority for the assignment of positions to a class." To be within this rule in the instant case, we would have to determine that the Chief, Protective Services class specification was not the best description available for Mr. Hamele's position and then proceed to examine other available classifications. The most appropriate classification involved in this review is Chief, Protective Services. While the Administrative Officer 2 classification specification was considered to assist in the review of your request, the previously described classification and its representative position clearly identify Mr. Hamele's functions.

The class specification for Chief, Protective Services describes "responsible administrative work in the planning and direction of a complete protection and security program for the Department of Administration. The employe in this class is responsible for all law enforcement and building and grounds security activities on Department of Administration controlled property, and provision of specialized security for people authorized by the Governor as designated protectees. Work is performed with considerable independence of judgment and action and is reviewed by higher level administrators."

The specification also lists the following examples of work performed:

Formulates, implements and administers policies and regulations governing protection and security activities in the department.

Provides consultation to other agencies in the development of security programs.

Prepares biennial budget requests and administers the annual operating budget.

Advises legislative leaders and other state officials in the formulation of laws, policies and regulations governing security for state personnel and property.

Formulates the prescribed work methods and procedures to be followed by members of the staff; makes inspections of property, personnel and conditions of work and takes necessary steps to improve operations.

Develops and implements training programs for protective services personnel.

Plans, implements and administers the parking and safety programs for the department's state office building complexes.

Investigates suspected or alleged criminal activities and suspects in sensitive situations.

Provides continuing security for the Governor and his family and specialized security authorized by the Governor for designated persons (such as visiting dignitaries, political candidates or other people for whom a security risk exists or who may generate a security risk by their activities or affiliations). Cooperates with local, state and federal officers in law enforcement and criminal investigation procedures and activities.

This specification was approved by Howard Fuller in June of 1984. It was developed to specifically identify Mr. Hamele's position. It is not appropriate to simply overlook this classification specification.

This is especially true given the clear intent of the Wisconsin Administrative Code cited earlier.

8. From a classification standpoint, the appellant's position is at a lower level than other bureau directors (5) and section chiefs in the Department of Administration at the pay range 17 level.

9. From a classification standpoint, the appellant's position is at a lower level than the following positions which are classified as Administrative Officer 2's:

- a. Lawrence McDonnell, who is with the Department of Health and Social Services' Division of Health. McDonnell functions as the Chief, Section of Radiation Protection whose mission under administrative direction is to reduce the radiation exposure of the public from both machine and environmental sources. Duties and responsibilities include: plan and supervise program activities of the section which has responsibilities for the statewide Radiological Health Program; review survey reports of x-ray installations; plan and place in operation radiological and environmental surveys; conduct investigations to determine radioactive contamination; serve as technical consultant and provider of training relative to microwave ovens; and serve as state radiological coordinator. McDonnell spends 80% of his time on administrative duties and 20% of his time on technical services.
- b. Dave Speerschneider, a supervisor with the Division of Emergency Government, DOA. Speerschneider functions as the Director, Bureau of Plans and Preparedness. Responsibilities include independent direction, supervision and the administration of statewide functions of nuclear power plant planning, nuclear civil protection, plans review and coordination and operations preparation, 911 coordination, radiological defense, and hazardous materials safety. His position is responsible for the supervision and the direction of 16 bureau positions having statewide program responsibilities. This position also carries emergency operations officer responsibilities in times of disaster or emergencies.
- c. David Kussow, who is with the Department of Transportation. Kussow is the Chief of the Vehicle Emission Inspection Section. Responsibilities include: development and management of a Motor Vehicle Inspection Program (MVIP); oversight of a multi-station, contractor operated, inspection network; function as expert on technical aspects of vehicle emission testing; develop and recommend department policies, procedures and regulations for the operation of the MVIP; prepare and issue a formal request for proposal which will lead to a contract with a private contractor

for the performance of the MVIP; and perform on-going administrative and personnel operations of the section.

10. The duties and responsibilities of appellant's position are more accurately described by the class specifications for a Chief, Protective Services and appellant's position is more appropriately classified as Chief, Protective Services.

Conclusions of Law

1. This matter is appropriately before the Commission pursuant to §230.44(1)(b), Stats.

2. The appellant has the burden of proof of establishing that the respondent's decision denying allocation of his position was incorrect.

3. The appellant has not sustained his burden.

4. The respondent's decision to deny the request for reallocation of the appellant's position was not incorrect.

OPINION

The question before the Commission is whether the appellant's position should be classified as Chief, Protective Services (PR1-16) or Administrative Officer 2 (PR 1-17). In order for appellant to prevail, he must satisfy his burden of proving that his position meets the Administrative Officer 2 definition and is more properly classified in that classification.

In Marx v. DP, 78-138-PC (10/1/81); rev'd Dane Co. Cir. Ct., 81 CV 5798, (4/13/84); aff'd Court of Appeals District IV, No. 84-1024, (11/21/85) unreported, the Commission found that Marx's position best fit the Agricultural Supervisor 3 classification despite originally having been listed as a representative position within the definition of Agricultural Supervisor 1. The Commission reached this conclusion after reviewing all of Marx's job duties and the evolution of same and finding that his position had changed to the extent it was no longer adequately described at the Agricultural Supervisor 1 level.

This decision was reversed in Dane County Circuit Court as noted above. In said decision Judge Eich found that the Commission abused its discretion by essentially rewriting the classification without justification or explanation.

The District IV Court of Appeals reversed the Circuit Court and upheld the Commission's original decision. The Court of Appeals found that:

Marx' laboratory duties are adequately described by the definition of Agricultural Supervisor 1, but he is also a section chief and supervises the entire seed program, with attendant supervisory, laboratory and enforcement functions. Those functions fall into the Agricultural Supervisor 3 classification, and the commission's decision shows it viewed those functions or characteristics of Marx' position to outweigh the factor of supervising the seed laboratory.

The Court of Appeals further found that the weight to be given an individual position characteristic or function is for the Commission and that there was a rational basis for the Commission's conclusion that the Agricultural Supervisor 3 classification "best fit" Marx' position's duties, authority and responsibilities.

Applying the Marx standard to the facts of the instant case, the Commission must first determine whether the appellant's position has changed to the extent that it is no longer adequately described by the more specific Chief, Protective Services class specification.

Appellant argues that several programs have been added to his duties which are not listed in the CPS class specification. In addition, appellant argues that existing programs have been expanded, increasing the complexity of his duties. In particular, appellant relies on the following new/expanded assignments -- asbestos abatement, hazardous materials, Confined Entry, additional training responsibilities and increased management responsibilities -- as well as a 42% increase in the workload to support his request for the higher classification. Appellant also feels that the

statewide status and scope of his job duties was not considered when he was originally assigned to the CPS class level.

The record, however, does not support appellant's contentions. To the contrary, the record indicates that appellant's position has not materially changed since the effective date of the survey. For example, contrary to appellant's assertions the statewide status and scope of his responsibility was considered when he was assigned to the CPS class level as a result of the Survey. Those statewide responsibilities and duties which were assigned to appellant's position and recognized by the aforesaid survey classification decision include (but are not limited to) authority over buildings owned or leased by DOA throughout the state, parking sites statewide administered by DOA, the evaluation of security programs and the provision of security personnel for various state governmental units around the state, administration of permit program for activities to be held on any property managed by DOA, program and policy development and the administration of a safety program for DOA administered buildings.¹

The record also indicates that contrary to appellant's assertions the "new" programs cited by appellant above -- asbestos abatement, hazardous substances and Confined Entry -- existed in some form or fashion at the time of the survey decision. For example, appellant had safety program responsibilities for the inspection of asbestos in DOA managed and owned buildings at the time of the survey. These duties constituted only a very small part of his duties at the time and were not specifically identified on his PD. However said duties did fall under the general goal of his position

¹ Respondent's Exhibits 4 and 5 and unrebutted testimony of Paul Hanks.

at the time "to ensure a safe... environment for people... in buildings and on grounds managed by DOA." To that end, appellant was responsible for "administration of a safety program for DOA buildings." Respondent Exhibit Numbers 4 and 5. And said duties were recognized by the survey in making a classification decision on appellant's position. Unrebutted testimony of Paul Hapkes.

In the period of time prior to his reclassification request, these asbestos related duties expanded greatly so as to constitute 8% of his work duties. Nevertheless, such duties still fall within the parameters of appellant's responsibilities to direct a safety program for DOA as noted above. They also fall within the "Examples of Worker Activities Performed" under the Chief, Protective Services class specification which indicates that appellant has responsibility for planning, implementing and administering the "safety programs for the department's state office building complexes."

Confined Entry, on the other hand, was not appellant's responsibility at the time of the survey. However, again this duty falls within appellant's responsibility for developing, implementing and directing the safety program for DOA and is recognized by the Chief, Protective Services class specification.

Appellant points to a 42% increase in his workload as further justification for reclassification. As a general proposition, an increase in workload alone does not justify reclassification of a position. In the instant case, appellant has not established that his new/additional duties are appropriately classified at other than the Chief, Protective Services level.

Based on the above, the Commission finds it reasonable to conclude that appellant's position has not changed to the extent that it no longer is adequately described by the Chief, Protective Services class specification.

Appellant also contends that he is not classified in accordance with the allocation patterns for other DOA Bureau directors or section chiefs as well as certain other positions allocated to the A02 level. With respect to the comparison to DOA bureau directors and section chiefs who are at a higher pay range, none of them are law enforcement positions. Nor do any of them have a comparable specific class specification like the appellant. In addition, the Chief, Protective Services class specification describes in the definition section the nature of appellant's reporting relationship to the Administrator, i.e., "Work is performed with considerable independence of judgement and action and is reviewed by higher level administrators." This reporting relationship served as the basis for the survey classification decision involving appellant's position. Finally, unlike appellant all the DOA positions noted above are general administrative positions. As noted previously, appellant's position is best described by the Chief, Protective Services classification. Appellant has not sustained his burden of proving that his position has the requisite authority, responsibility and complexity to be classified at the same level as other A02 positions in DOA.

The Commission reaches the same conclusion with respect to appellant's contention that he compares favorably with other A02 positions in DHSS and DOT. As noted above, appellant simply did not sustain his burden of proof on this point. Appellant did offer an exhibit (Appellant's Exhibit Number 2) and some testimony that he should have been classified at the same level as Lawrence McDonnell, Dave Speerschneider and David Kussow. This evidence is somewhat conclusory. There is little specific evidence which compares appellant's position to the A02 positions with respect to such things as, for example, numbers of professional employees supervised, consequence of error, impact of decisions, inter and intra agency contact, etc., which presumably

would tend to support a conclusion as to the relative classification level or levels of the positions.²

The Commission reaches a similar conclusion regarding appellant's argument that he should be at a higher level than certain police captains. Paul Hankes testified for respondent unrebutted by appellant that if appellant was reclassified to the higher class level, it would upset the allocation pattern established by Enforcement/Regulation Compliance Survey for law enforcement personnel. Appellant argued that his police responsibilities were comparable to those of the head of UW-Police. From a classification point of view the head of one law enforcement unit might be at a different level than another. Respondent looked at these issues during the aforesaid survey from which appellant failed to appeal. In the instant case appellant is unable to show that he was improperly classified.

Finally, appellant argues that he is not at the appropriate pay range. The Commission has held that it is bound by the class specifications.

Kennedy et al v. DP, Case Nos. 81-180-PC, etc. (1/6/86). In Kennedy et al, the Commission stated:

The Commission also feels, in light of some of the arguments that have been made in this case, that it should point out that in reviewing these reclassification denials, it is limited to consideration of the existing class specifications and position standards. It lacks the authority to require that a position be reclassified or an employe be regraded to a higher level in the PA series, on the theory that this would compensate for a perceived problem with the class specifications for the series that results in positions being systematically underpaid in comparison to positions in different series. The revision of existing class specifications and position standards, and the reassignment of classification to new pay ranges, is the function of the [Secretary, Department of Employment Relations]. This Commission, in deciding appeals pursuant to 230.44(1) (a) and (b), Stats., of classification decisions, must apply the existing class specifications and position standards... (Citations omitted.)

² You can draw some conclusions from looking at the PDs. However there is just not enough evidence to support classifying appellant's position at the higher level.

Based on all of the above, the Commission finds that appellant's position is more appropriately classified at the Chief, Protective Services level. Therefore, the answer to the issue as agreed to by the parties is YES, the decision of the respondent not to reallocate the appellant's position from Chief, Protective Services (PR1-16) to Administrative Officer 2 (PR1-17) was correct.

ORDER

The respondent's classification decision is affirmed and the appellant's appeal is dismissed.

Dated: _____, 1986 STATE PERSONNEL COMMISSION

DENNIS P. MCGILLIGAN, Chairperson

DPM:jmf
CHRIS/3

DONALD R. MURPHY, Commissioner

Attachment

LAURIE R. McCALLUM, Commissioner

Parties:

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Portage, WI 53901

Howard Fuller
Secretary, DER
P. O. Box 7855
Madison, WI 53707

POSITION DESCRIPTION

Response to Inhibit # 6

DER-PERS-14 (Rev. 1-78)

State of Wisconsin
Department of Employment Relations
DIVISION OF PERSONNEL

1. Position No.	2. Cert/Reclass Request No.	3. Agency No.
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4. NAME OF EMPLOYEE Robert L. Hamel	5. DEPARTMENT, UNIT, WORK ADDRESS Department of Administration Division of Buildings and Grounds Bureau of Protective Service Rm. 41 North Capital
6. CLASSIFICATION TITLE OF POSITION Chief, Protective Service	
7. CLASS TITLE OPTION (To be Filled Out By Personnel Office)	8. NAME AND CLASS OF FORMER INCUMBENT
9. AGENCY WORKING TITLE OF POSITION Chief of Police	10. NAME AND CLASS OF EMPLOYEES PERFORMING SIMILAR DUTIES
11. NAME AND CLASS OF FIRST-LINE SUPERVISOR Neal Steinhoff, Administrator	12. FROM APPROXIMATELY WHAT DATE HAS THE EMPLOYEE PERFORMED THE WORK DESCRIBED BELOW Since 1974

13. DOES THIS POSITION SUPERVISE SUBORDINATE EMPLOYEES IN PERMANENT POSITIONS? YES NO YES, COMPLETE AND ATTACH A SUPERVISORY POSITION ANALYSIS FORM (DER-PERS-84)

14. POSITION SUMMARY - PLEASE DESCRIBE BELOW THE MAJOR GOALS OF THIS POSITION:
Incumbent is a certified/sworn law enforcement officer with statewide authority and Director of the Bureau of State Protective Service (BPS). Responsibility for developing, implementing and directing the safety, security and parking programs on properties managed or leased by the Department of Administration throughout the State of Wisconsin.

15. DESCRIBE THE GOALS AND WORKER ACTIVITIES OF THIS POSITION (Please see sample format and instructions on back of last page.)

GOALS: Describe the major achievements, outputs, or results. List them in descending order of importance.
WORKER ACTIVITIES: Under each goal, list the worker activities performed to meet that goal.
TIME %: Include for goals and major worker activities.

TIME %	GOALS AND WORKER ACTIVITIES
	(See Attached)

16. SUPERVISORY SECTION - TO BE COMPLETED BY THE FIRST-LINE SUPERVISOR OF THIS POSITION (See instructions on back of last page)

The supervision direction of this position is: direct close limited general
The statements and time estimates above and on attachments accurately describe the work assigned to the position. (Please initial and date attachments.)
Signature of first-line supervisor: *Neal Steinhoff* Date: *3-7-85*

17. EMPLOYEE SECTION - TO BE COMPLETED BY THE INCUMBENT OF THIS POSITION

I have read and understand that the statements and time estimates above and on attachments are a description of the functions assigned my position.
(Please initial and date attachments.)
Signature of employee: *Robert L. Hamel* Date: *3-7-85*

18. Signature of Personnel Manager: *Jackie Layman* Date: *5/8/85*

Position Summary

Incumbent is a certified/sworn law enforcement officer with statewide authority and Director of the Bureau of State Protective Service (BPS). Responsibility for developing, implementing and directing the safety, security and parking programs on properties managed or leased by the Department of Administration throughout the State of Wisconsin.

252 A. Management of the Bureau of Protective Service (BPS). (This activity ensures the compliance of BPS with applicable state and department laws, rules and policies, and provides for a safe and secure environment in buildings and grounds owned, leased and managed by DOA.)

- A1. Develop annual and biennial budget request for BPS to include projected needs and costs for personnel, training, equipment, contractual services and other costs necessary for the administration of BPS and direct the expenditure of funds allocated to the Bureau.
- A2. Develop operating policies and procedures to ensure the maintenance of effective security and safety programs and compliance with application laws, rules and standards.
- A3. Review operating policies and procedures developed by subordinate staff for appropriateness, legality, fairness, clarity and consistency with existing policies and procedures.
- A4. Plan and make recommendations for all personnel matters within the Bureau, including recruitment, selection and training of professional employees.
- A5. Develop short and long range goals for BPS and provide information on long range goals to the Administrator of the Division of Buildings and Grounds and the Department of Administration.
- A6. Plan for effective program coverage consistent with identified goals, budget constraints, performance standards and statutory mandates.
- A7. Evaluate program coverage and effectiveness through conferences with supervisors and subordinates, consultation with tenants, information systems and management record data.
- A8. Determine when and where contractual security services are more cost effective than the employment or assignment of staff.
- A9. Prepare the specifications for the purchase of approved contractual security services and submit them to the Bureau of Procurement for the letting of bids.

- A10. Analyze contract bids based on factors such as reputation and reliability of the vendor; quality of services; cost; training; experience and pay of employe; appearance and grooming standards; turnover of staff; absenteeism; current clients of vendor; and letting of the contract to the most appropriate vendor.
- A11. Monitor and evaluate the performance of the vendor in providing the specified security services through review of reports, information provided by bureau staff and other feedback.
- A12. Approve and endorse contract payment vouchers or terminate security contract if services are not satisfactory.
- A13. Provide liaison to the Bureau of Procurement on all aspects of the purchase of contractual security services.
- A14. Approve necessary purchases for BPS up to \$3,000 and effectively recommend purchases over \$3,000 to the Administrator.
- A15. Approve security proposals for statewide agencies prior to submitting of purchase requisitions to procurement.

10X B. Supervision of the staff and activities of the Bureau of Protective Service. (This work activity ensures a legal, safe and secure environment for all government functions, employes and the public on state property and in state facilities through the enforcement of laws, rules and regulations.)

- B1. Plan work operations and set priorities for subordinate staff to accomplish the short and long range goals of the bureau.
- B2. Assign work to subordinate staff and provide direction to subordinates in carrying out the work assignments.
- B3. Establish performance and conduct standards for subordinate staff to ensure the provision of effective security and safety and to ensure a fair evaluation of staff performance.
- B4. Meet with staff at all levels to communicate policy, discuss suggestions and resolve problems and complaints relating to internal operations.
- B5. Recommend hiring, transfer, suspension, lay-off, recall, promotion, discharge, assignment, evaluation, discipline and adjustment of grievances of subordinate employes.
- B6. Review work reports, performance evaluations and other information to determine the training needs of bureau staff to improve the provision of security and safety and to ensure compliance with the Law Enforcement Standards of the Department of Justice's Law Enforcement Standards Board.

- B7. Develop a training plan for bureau staff in accordance with identified needs and oversee the implementation of the training plan.
- B8. Assess the ability of the bureau to effectively provide security and safety by reviewing overall performance, workload, areas which are not adequately addressed or problem areas and recommend organizational or personnel changes to meet identified needs to the Division Administrator.
- 7X C. Investigation of suspected or alleged criminal activities and suspects in sensitive situations.* (This activity ensures the provision of a fair and objective investigation of suspected criminal activities by or involving state employes or officers in accordance with established rules of evidence and investigative techniques.)
- C1. Respond to compliants, investigate and protect crime scenes, advise suspects of rights, and interview witnesses.
- C2. Interrogate witnesses for purposes of determining when, why, where, etc., and provide relevant data for lie detector test where there is a question about the credibility of the witness or suspect.
- C3. Document all actions taken and preserve evidence.
- C4. Conduct prosecution follow-up where suspects have been identified. Obtain sworn compliants from District Attorney's Office to issue a warrant for arrest or search warrant, based on available information. Serve warrant, or ensure warrant is served.
- *Situations which are deemed to be sensitive involve such things as the misappropriation of state property by a state employe, the investigation of compliants where criminal activities are suspected or alleged, illegal activities on state property where employes, tenants and elected officials are implicated, situations where political sensitivities are involved, bomb threats or hostage negotiation.
- C5. Testify at court hearings regarding facts in criminal cases and cases being adjudicated (in courts of jurisdiction).
- C6. Conduct follow-up on cases to obtain additional information where there has been insufficient evidence to prosecute.
- 5X D. Provide security for the Governor and his family and specialized security authorized by the Governor for designated persons. (This activity ensures the security of such people as visiting dignitaries, political candidates or other people for whom a security risk exists or who may generate a security risk by their activities or affiliations.)

- D1. Receive written authorization from the Governor to provide specialized security for designated protectee(s), including the Governor and his family in their home, office and travel.
- D2. Gather intelligence data relating to a designated protectee and the Governor from federal, state or local law enforcement agencies, informants, public media, underground newspapers, leaflets, graffiti, plainclothes officer observations, rally attendance, general public or any other available sources.
- D3. Assess the security or threat level of a protectee or the Governor by reviewing all intelligence data gathered.
- D4. Meet with advance agents of protectee or the Governor to discuss planned activities (such as political rallies, parades and attendance at official functions) and planned routes and what security can be provided based on cost, staff availability and security risk.
- D5. Develop a security plan based on the security risk involved detailing such things as number and placement of officers, the planned activities and agreed-upon routes.
- D6. Coordinate or direct the coordination of security plans with federal, state or local law enforcement agencies where there may be overlapping jurisdictions.
- D7. Schedule and assign subordinate police or security officers as necessary to implement the security plans.
- D8. Provide training of assigned personnel on how to handle/confront chronically mentally ill persons that frequent public areas, gatherings and functions.
- D9. Develop a hostage negotiation training program for the TEC unit and other bureau employees.

15X E. Administration of paid parking program for state office buildings. (This work ensures compliance with statutory requirements for the provision and regulation of parking at any DOA owned, leased or managed building and the establishment of fees so that the revenue collected equals the cost of the parking program administration and parking facility maintenance and operation.)

- E1. Establish and direct the implementation of policies and procedures for the administration of the paid parking program such as the application process for parking spots, the payroll deduction for fees and the issuance of parking stickers.
- E2. Project program costs in consideration of "out-of-pocket" expenses such as enforcement, maintenance, lighting, stickers, taxes and program administration.

- E3. Determine individual user fees to be charged for parking based on projected program costs.
 - E4. Develop and submit proposed budget for administration of cost effective paid parking program to Administrator.
 - E5. Assist in the preparation of schedule specification and bid documents for parking lot improvement and construction.
 - E6. Direct the enforcement of paid parking rules and regulations.
 - E7. Implement and direct parking procedures on leased and state owned sites statewide in accordance with ss.16.843(2).
- 8X F. Administration of a safety program for DOA administered buildings. (This activity ensures a safe environment for persons employed or visiting in state buildings.)
- F1. Review all monthly safety inspection reports for each state building conducted by subordinate officer designated as the department safety officer.
 - F2. Review and approve or modify the safety plan for each state building developed by the department safety officer detailing what safety deficiencies exist and what measures will be taken to correct deficiencies.
 - F3. Coordinate with Risk Management Section the resolution of safety problems identified for any state building where there may be a long term or significant likelihood of exposure of people to hazardous situations or liability on the part of the state.
 - F4. Implement an annual evacuation plan of all DOA administered buildings determining when evacuation drills will be conducted and recommend approval of plan to Administrator.
 - F5. Coordinate the evacuation of state buildings with local fire and police departments to minimize and prepare for traffic or personal injury hazards.
 - F6. Assess or direct the assessment of evacuation drills for the orderly, efficient movement and flow of evacuees including handicapped persons and the timeliness of the evacuation and determine where deficiencies exist.
 - F7. Meet with designated evacuation coordinators of buildings where problems or deficiencies exist to identify the deficiencies and to determine how they may be addressed.
 - F8. Ensure monthly meetings of evacuation coordinators are held for the purpose of providing training or information and increasing awareness of the necessity for orderly and efficient evacuation.

- F9. Implement a safety inspection program to determine OSHA violations and enforce compliance with the current Ind. Codes. Inspections are to be conducted in buildings managed and leased by DOA statewide.
- F10. Develop an inspection and testing program to locate and determine quantities and quality of asbestos in DOA managed buildings statewide.
- F11. Provide department heads and division administrators with effective recommendations on removal, encapsulation, containment procedures on friable asbestos.
- F12. Develop a permanent record file of locations in state managed buildings determined to have asbestos. The file will be utilized for management information, training and determining abatement priorities.

5X G. Administration of permit program for activities to be held on any property managed by DOA including leased sites statewide in accordance with ss.16.845. (This activity allows for the departmental control of the state's potential liability for activities on state property (leased and managed) and provides a means for recovering any damages incurred for such activities.)

- G1. Receive and review request for permit and background information developed by clerical staff for activities such as band performances, rallies, farmers market, art fair or assemblies to be held on any property managed by DOA.
- G2. Seek advice and consult with Risk Management staff on those requests for permits where a likelihood of exposure to hazards or liabilities exist.
- G3. Approve or deny granting of permit based on possible costs involved for overtime of security staff, repairs, or damages, the possible hazard to people or property, and appropriateness of requested site.
- G4. Determine if a performance bond is necessary and amount of bond based on assessment of possible costs to DOA ~~for~~ overtime, services, repairs or damages.
- G5. Direct the processing of all paperwork relating to performance bonds.
- G6. Coordinate security activities and provision of services with other agencies where the activity for which a permit is approved may involve overlapping with other jurisdictions.
- G7. Determine actual cost of services provided, overtime incurred, repairs or damages required following the completion of the activity for which a permit was granted.

- G8. Provide cost information to DOA Legal Counsel for the initiation of a civil suit to recover actual costs from the individual group or agency granted the permit.
- G9. Authorize the return of performance bonds to the individual group or agency issued a permit following the completion of an activity for which no costs were incurred.
- G10. Provide any information requested by agencies or persons regarding the permit program and the requirements for issuance of permits and provision of performance bonds.
- G11. Require adequate insurance coverage by the applicant to protect people and property.
- 8X H. Provision of ongoing technical assistance. (This activity ensures the efficient use of state funds expended for security services and for claims against DOA a statewide function.)
- H1. Review plans for the Bureau of Procurement developed for the procurement of security services by or for other state agencies and buildings and determine if all necessary information is included and if the plan is workable and reasonable.
- H2. Provide technical information to the Bureau of Procurement to improve the plan for the procurement of security services.
- H3. Approve the content of the plan before the purchase of such services is allowed by the Bureau of Procurement.
- H4. Review proposed renewals or extensions of contracts for security services for other state agencies or buildings to determine if service under the contract was adequate or if the needs or requirements of service have changed.
- H5. Provide findings of review to the Bureau of Procurement prior to the renewal or extension of contracts for security services.
- H6. Assess the security of all facilities and property managed by DOA and provide recommendations to the Administrator on equipment and hardware needs and the level of security necessary for facilities and property.
- H7. Respond to requests for information or complaints from other state agencies, the Governor, constitutional officers and the general public regarding security measures, requirements or services.
- H8. Discuss needs and plans for security with legislative staff conducting hearings or committee activities if intelligence data suggest a threat exists for which security coverage is appropriate.

- H9. Develop and implement the security portion of Emergency Strike Plans.
- H10. Represent the Department of Administration before the Claims Board on injury or property damage claims.
- H11. Serve as a representative of DOA on the Emergency Government Planning Committee for the provision of protective services in the event of declared emergencies.
- H12. Provide technical information on enforcement and security functions to the department head, administrator, legislative committees and constitutional officers.
- H13. Monitor electronic alarm signals from state agency facilities throughout the state.
- H14. Provide a security consultant service for principal protection, state agencies, leased property managers statewide.

★ 52 I. Administer a training program for the building tenants and Bureau of State Protective Service employees. (This activity ensures that a training plan is developed and implemented for department employees in CPR and First Aid, for Police Officers, parking coordinators, staff and non-protective bureau employees.)

- 11. Develop a training plan for law enforcement officers requiring 32 hours of inservice training annually.
- 12. Provide four one-half segments of training for building floor captains. This inservice plan will consist of classroom training on severe weather procedures, CPR, safety in the workplace and building evacuation procedures.
- 13. Conduct an annual evacuation training exercise in coordination with the local fire department for each state office building managed by the Department of Administration.
- 14. Implement a CPR training program and an annual recertification for that training for the department and tenant employees.
- 15. Conduct annual training sessions for Assembly and Senate employees on acceptable security and safety practices.
- 16. Provide for each bureau Police Officer a total of 32 hours in 8-hour block segments of training with firearms, mechanics of arrest and good police practices each calendar year.
- 17. Provide update and recertification for bureau dispatchers (PCO's).
- 18. Schedule new police officers into recruit school training as required by the Law Enforcement Standards Board in the Department of Justice.

19. Required inservice programs to update technical skills for staff and police employes.
110. Conduct seminars for tenant employes in use of fire extinguishers, building evacuations and procedures for assisting handicapped employes.

★ 4X J. Develop and maintain electronic systems to control security perimeters, functions and monitor alarms for DOA properties. (This activity ensures that a communication center is established to receive-send signals required to monitor/control activity: building fire systems, elevator emergency phones, perimeter security, card readers, video cameras, evacuation exercises, and parking office buildings.)

- J1. Staff and maintain a twenty four hour day, seven day week central dispatch operation.
- J2. Receive/monitor electronic signals from door sensors, smoke, video cameras, panic alarms, radio signals, ring down telephone signals, computer messages, weather warning systems, and other electronic communication devices as required.
- J3. Control/monitor perimeter key card control systems utilized by tenant agencies for egress and exiting buildings.
- J4. Maintain public address capability from a central station (Room 41 North, State Capitol) to communicate directly with the Hill Farm State Office Building (A-B, D, E, L); GEF Complex Buildings 1, 2 and 3; Wilson Street State Office Building; and the Loraine Building.
- J5. Monitor all security computers, maintenance computers, paging systems, electronic sensors, ring down lines to the Senate, Assembly and Justice Department, and have all information dispatched to the agencies that need to know.

★ 8X K. Administer a safety program for the inspection of asbestos in buildings owned and managed by the Department of Administration. (This activity requires that the safety program include monitoring of contractors, state employes, provide training and inspect asbestos that is being removed or enclosed and encapsulated in state buildings.)

- K1. Implement a training program for all Buildings and Grounds staff employes.
- K2. Provide detailed training to selected maintenance personnel in each complex in the removal, maintenance and enclosing of asbestos materials.
- K3. Provide a training program for the general maintenance employe on asbestos awareness and procedures for reporting discrepancies.

- K4. Monitor construction employees to assure that the asbestos safety standards are complied with.
- K5. Monitor the inspection program (and reinspection program) to determine that the program procedures are understood and followed by the assigned complex employee.
- K6. Monitor the recordkeeping and testing program to assure that established procedures are complied with.

RH:bf/0226p

STATE OF WISCONSIN
SUPERVISORY ANALYSIS FORM

This form is to be completed by the POSITION'S SUPERVISOR for both filled and vacant positions and must be submitted as part of any Position Description for a position performing supervisory responsibilities (i.e., if #13 of the Position Description is checked YES). This form will be used to determine: 1) if the position is performing supervisory functions for collective bargaining purposes and thus should be allocated to a supervisory classification; and 2) what supervisory classification is appropriate based on the total duties of the position.

According to s. 111.81(19) Wis. Stats., a supervisor is any individual "who has authority, in the interest of the employer to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline employees, or to adjust their grievances, or to authoritatively recommend such actions" and "whose principal work is different from that of subordinates." The criteria used by the Wisconsin Employment Relations Commission to apply this definition include: the number of employees supervised; the amount of time spent supervising; the number of other persons exercising greater, similar, or lesser degrees of authority over the same employees; whether the supervisor is primarily supervising an activity or the employees performing the activity; and the amount of independent judgment and discretion exercised in supervision of employees.

POSITION IDENTIFICATION DATA

1. Department and Division Department of Administration	2. Name of Employee (if filled) Robert L. Hamele
3. Bureau, Section and Unit Bureau of Protective Service	4. Current Civil Service Classification Chief, State Protective Service
5. Name and Class of Supervisor Administrator, Div. of Buildings & Grounds	6. Name and Complete Civil Service Title of Former Incumbent (if any) ---

7. Supervisory Responsibilities

a. In view of the definition statement and criteria listed in the second paragraph of this form, is the incumbent of this position responsible for directly supervising the activities of other classified employees and/or for supervising the activities of lower level supervisors? YES X NO _____

b. List the civil service titles of permanent classified employees (full or part-time) directly supervised by incumbent. If this position supervises lower level supervisors, indicate the number of employees supervised the (se) lower level position (s) in parentheses after the classification title of the position. (NOTE: LT student, patient/inmate, and unclassified employees should be specifically identified since the direction of these types of employees is not considered to warrant supervisory status.)

2 Police Lieutenants (4 Police Sergeants, 1 PCO Supervisor), (5 PCO's), (3 LTE's)
(23 Police Officers), 1 Program Assistant, 1 Clerical Assistant

c. What percentage of this position's total time is allocated to each of the following:

- 1) Supervisory functions (i.e., hiring, dismissal, disciplining employees, performance evaluation, settling grievances)? 20
- 2) Activities relating to supervisory responsibilities (i.e., establishing operating procedures, reviewing work of subordinates, counseling subordinates on performance, training and orienting new employees, performing related administrative functions, etc.)? 30
- 3) Performance of other work activities similar to those of the employees supervised? 10
- 4) Performance of other non-supervisory work activities different from those of the employees supervised (including program administration)? 30

*NOTE: The totals of c.1), 2), 3), and 4) should equal 100%. *100

3. Organizational Relationships

List (in order of descending authority) the names and classification titles of all other positions in the employment in the chain of command over the employee listed in 7.a.

Secretary, Department of Administration

Administrator, Division of Buildings and Grounds

Attach a copy of the organization chart for the immediate work unit (i.e., the organizational unit which includes

9. Supervisory Activities

- a. Does this position have and exercise on a regular basis X the authority to change the work assignments of employees supervised as the needs of the program require? YES NO

- b. In what way(s) does this position participate in the hiring of employees under its supervision? (SELECT THE MOST APPROPRIATE ITEM.)
 - X 1) Independently interviews and selects new employees from employment lists.
 - 2) Independently interviews applicants and effectively recommends hiring.
 - 3) Participates in employment interviews and effectively recommends hiring.
 - 4) Participates in employment interviews and provides observations concerning applicants.
 - 5) May participate in employment interviews and may be consulted relative to the hiring decision.
 - 6) Briefs applicants and/or new employees on job requirements and work procedures.
 - 7) Normally does not participate in the hiring process.

- c. In what way(s) is this position responsible for initiating and/or taking formal disciplinary actions relative to the employees supervised? (SELECT THE ONE MOST APPROPRIATE ITEM.)
 - X 1) Effectively recommends formal discipline (up to and including discharge) to a level in the chain of command where such an action can be authorized.
 - 2) Effectively recommends formal discipline (up to and including discharge) to the next higher level in the chain of command, if different than #1).
 - 3) Independently gives written and verbal reprimands.
 - 4) Independently gives verbal reprimands only.
 - 5) Discusses discipline problems with higher level supervisory/management personnel and recommends written or verbal reprimand be administered.
 - 6) Counsels employees on unsatisfactory performance and/or work behavior which does not warrant formal disciplinary actions.
 - 7) Normally is not involved in recommending or initiating formal disciplinary actions or for counseling employees supervised relative to work performance.

- d. In what way(s) is this position responsible for formally evaluating the performance of the employees supervised? (SELECT THE ONE MOST APPROPRIATE ITEM.)
 - X 1) Prepares formal performance evaluations, signs as first line supervisor, and discusses evaluations with employees.
 - 2) Effectively recommends performance evaluations to higher level supervisory/management personnel and discusses or participates in evaluation discussions with employees.
 - 3) Effectively recommends performance evaluations but does not participate in discussions of evaluations with employees.
 - 4) Is consulted on contents of employee performance evaluation.
 - 5) Counsels employees on an on-going basis relative to daily work performance but is not directly involved in the formal performance evaluation process.
 - 6) None of the above.

- e. Does this position have the authority to settle work related complaints (i.e., informal grievances) of employees under its supervision prior to the filing of a formal grievance? YES X NO

- f. Is this position identified as a formal step in the employee grievance procedure? YES X NO (If no list below the name and class of the first formal step in the grievance procedures for the employees listed in 7.b.?)

Supervisor's Signature *Neal [Signature]* DATE: 3-8-85

To be completed by incumbent (for filled positions):

- I agree with the preceding statements.
- I do not feel that the preceding statements are accurate for the reasons indicated below.
- No Comment

Employee's Signature *Robert Z. Samuels* DATE: 3/7/85