

2. This position was classified at the Institution Business Administrator 3 (IBA 3) level at the time of appellant's transfer into the position effective April 10, 1988. Appellant filed a request for the reclassification of this position to the Institution Management Services Direct (IMSD) level in March of 1991. The relevant additions to the duties and responsibilities of this position between April of 1988 and March of 1991 are as follows:

1. Responsibility for developing and monitoring the WCI purchase of services budget for five inmate treatment programs.
2. Responsibility for WCI state garage operation expanded to include the 9 vehicles of the John C. Burke Correctional Center.
3. Responsibility for assuring compliance with applicable hazardous waste/material handling and disposal regulations and reporting requirements on all WCI property; and for cooperating with other state agencies in meeting new requirements and remediating problems promptly.
4. Responsibility for directing the WCI recycling plan and the Waupun area recycling program.
5. Delegated responsibility by warden for reviewing and finally deciding certain issues brought to but not decided by the Program Review Committee relating to inmate program changes and transfer recommendations.
6. Increased participation in the formulation of WCI policies relating to all areas and departments within the institution through service on the Internal Policy and Procedure Committee with the Security Director, Treatment Director, and an Inmate Complaint Department representative; and increased participation in the formulation of Division-wide and Department-wide policies through the participation on DAI central review committee charged with developing policies governing budget development and allocation, fiscal activities, and other management services-related functions. Examples of such institution-wide policies include policies relating to the inmate pay plan, canteen operations, adjustment center ventilation system monitoring process, release clothing, employee foot protection and respirator policies, recycling, inmate modified diets policy, sanitation and housekeeping, hazardous materials/asbestos handling, disturbance control, performance planning and development system, development and update of inmate handbook, hobby rules, inmate orientation, inmate movement, sick leave monitoring, forms usage and policy, work hours changes, smoking/no smoking designations, and infection control policy updates.

7. Responsibility for administration of WCI's central generating plant expanded to include service to John C. Burke Correctional Center.

8. Responsibility for monitoring receipt and disbursement of telephone commissions.

9. Responsibility for overseeing the installation and implementation of a computer software package establishing and monitoring the scheduling of routine and preventive maintenance and the repair and replacement of WCI buildings, state garage, firing range, central receiving, and central generating plant.

10. Negotiation and monitoring of contract with Dodge County relating to the inmate litigation billing system through which the State of Wisconsin reimburses Dodge County for cases initiated by inmates of state correctional institutions in Dodge County courts.

11. Membership on the WCI Due Process Committee which was established to determine whether inmates have violated disciplinary rules. The Security Director and Treatment Director are the other members of this committee.

12. Increase of 1.5 positions in the administrative unit which appellant's position oversees.

13. Increase of inmate population from 950 to 1135.

Respondents denied appellant's request for the reclassification of his position and appellant filed a timely appeal of such denial with the Commission.

3. The business administrators or Associate Wardens for Administration in the other large adult correctional institutions are classified at the IBA 3 level. WCI has the largest inmate population of these institutions. Green Bay Correctional Institution (GBCI) has the second largest inmate population. The GBCI Business Administrator position is assigned duties and responsibilities equivalent to those of appellant's position except that the GBCI position does not have purchase of services responsibilities, state garage responsibilities, inmate litigation contract responsibilities, Due Process Committee responsibilities, or area recycling responsibilities; the GBCI position is responsible for a substantially smaller telephone commissions fund, for a smaller power plant which serves only GBCI and which, as a result, does not entail a billing operation, and 35 fewer staff; and the GBCI position serves as the institution liaison to Badger Industries but appellant's position does not.

4. The business administrators of the centers for the Developmentally Disabled [Southern Wisconsin Center (SWC), Central Wisconsin Center (CWC), and Northern Wisconsin Center (NWC)] and of the mental health institutions [Mendota Mental Health Institute (MMHI) and Winnebago Mental Health Institute (WMHI)] are classified at the IMSD level. The primary distinction between the duties and responsibilities of these positions and appellant's position is the responsibility of these other positions for monitoring and assuring the institution's compliance with the requirements of the Social Security, Supplemental Security Income, Medical Assistance, and Medicare programs as well as applicable state and federal licensing, certification, and/or accreditation requirements. These responsibilities consume a substantial percentage of the work time of these positions, e.g., 40-50% at SWC. In regard to the qualification for and the receipt of Social Security benefits by residents, the business administrator position is responsible for completing and filing the necessary forms for the application for and the receipt of benefits, as well as for properly apportioning the benefits to the resident and the institution. In regard to the qualification for, the application for, and the receipt of Medicare benefits, the business administrator position is responsible for obtaining the proper releases from residents so that the Department of Health and Social Services (DHSS) can submit a claim for reimbursement of the cost of medical services provided to the resident; for preparing required demographic data, releases, and lists and costs of provided services for reimbursement under Medicare Part A; and for satisfying all the requirements for application for and receipt of benefits under Part B. In regard to the application for and receipt of Medical Assistance benefits, the business administrator is responsible for supervising the maintenance of records detailing the delivery of covered services to residents, and transmitting this to the DHSS central office. These responsibilities require the business administrator position to be familiar with the eligibility, application, reimbursement, and record-keeping requirements of each of these benefits programs as well as the state and federal certification, accreditation, and licensing requirements applicable to their institutions. These requirements are very complex and require the business administrators to oversee a very complex accounting and record-keeping operation in order to satisfy them. Receipts of monies from these entitlement programs is the primary funding source for these institutions.

5. The former incumbent of the subject position was Victor Vaade, who was appointed to the Institution Business Manager 4 position at WCI effective January 25, 1970. The duties and responsibilities of this position included the management of the business operations/administrative unit of WCI. This position was reallocated to Institution Business Administrator 3 effective June 11, 1972. In 1976, duties and responsibilities relating to the management of the business operations/administrative unit of Central State Hospital, an institution separate from WCI, were added. This addition of duties and responsibilities resulted in the creation of a new position classified at the IMSC level, for which Mr. Vaade competed and to which he was appointed. Some time after 1976 but prior to 1988, the responsibilities for Central State Hospital were removed from this position but the classification was not changed. Records indicate that the personnel unit of the employing department (then DHSS) did not review this position for classification purposes at that time or at any time prior to 1988.

6. The operating budgets and number of full-time equivalent (FTE) positions, number of FTEs in the administrative unit, and number of inmates/residents of relevant institutions are as follows:

<u>Institution</u>	<u>Budget</u>	<u>FTE's</u>	<u>Adm. FTE's</u>	<u>Residents</u>
CWC	\$45,311,700	1,087.50	201	
SWC	\$37,999,300	924.10	298	525
MMHI	\$33,059,600	637.10	112	300
NWC	\$31,866,100	775.80		
WMHI	\$27,676,100	599.87	150	251
WCI	\$16,997,750	449.80	58	1135
GBCI	\$13,836,177	295.00	47	850

One basis for the difference in the size of the operating budgets, institution staff, and administrative staff between a correctional institution such as WCI and a mental health institute or center for the developmentally disabled is the fact that inmates perform some administrative work (such as groundskeeping, laundry, food services) in a correctional institution which is performed by institution staff in a mental health institute or center for the developmentally disabled.

7. The position standard for the IBA series states as follows, in pertinent part:

Institution Business Administrator 3

Class Description

Definition:

This is highly responsible administrative work directing all the business and support services at a major institution such as the colonies for the mentally retarded, Winnebago State Hospital, Mendota State Hospital, Wisconsin State Prison, and the Wisconsin State Reformatory. The programs at these institutions are significantly broader in scope than are those directed by positions allocated to lower levels in this series. The employee in this class is totally responsible for supervising all business management and support functions including fiscal management, budget development and control, purchasing and inventory systems, food service, housekeeping, power plant, buildings and grounds maintenance, farm and personnel management. The work includes program planning, policy formulation, and the coordination of management services programs as well as serving as a member of the administrative team in the development of overall institution programs. Work is characterized by the independence for making decisions and is subject to general review by the institution.

8. The position standard for the IMSD classification states as follows, in pertinent part:

Institution Management Services Director

Class Description

Definition:

This is advanced administrative work directing a highly complex management services program for one or more of the largest institutions in the Department of Health and Social Services. Work involves administering all phases of institutional support programs including accounting, fiscal control, budget preparation and development, purchasing, food service, safety, communications, personnel, housekeeping, laundry, power plant, and building and grounds maintenance and repair. The work includes integrating and coordinating institution management services policies and programs with other programs within the institution and division, as well as with the general programs and policies of the department. Work at this level is distinguished from that of the Institution Business Administrator series by the degree of flexibility for program administration, the influence of the director's decisions on the functions of the institution, and the considerable latitude for exercising individual judgment and initiative in administering the total management services program of the institution. Employees assist the superintendent in

overall institutional program development by making decisions regarding the fiscal and managerial implications of new program proposals. Work is performed under general policy direction from an institution superintendent.

9. The duties and responsibilities of appellant's position are better described by the specifications of the IBA 3 classification than those of the IMSD classification, and are more closely comparable to those of the IBA 3 positions offered for comparison purposes than those of the IMSD positions.

CONCLUSIONS OF LAW

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

2. The appellant has the burden to show that respondents' decision to deny his request for the reclassification of his position from IBA 3 to IMSD was incorrect.

3. The appellant has failed to sustain this burden.

4. The appellant's position is correctly classified at the IBA 3 level.

OPINION

The record shows that, although there are slight variations in the specific responsibilities assigned to appellant's position and to the IBA 3 and IMSD positions offered for comparison purposes, the general nature of these responsibilities, i.e., institution administrative support, budget development and fiscal control, participation in policy-setting, are essentially comparable. What distinguishes these positions is the difference in the scope, complexity, and impact of certain responsibilities, particularly those in the area of budget development and fiscal control.

Appellant is correct in asserting that, in regard to some administrative areas such as motor vehicle repair and maintenance, physical plant, and canteen, the operation he supervises is larger than that of the operations supervised by IMSD positions. Although the record shows that appellant's greater responsibilities in these areas affect to some extent the scope, complexity, and impact of his position, the effect of these differences is not substantial and relates primarily to a difference in volume.

Appellant has also shown that his responsibilities in recommending institution, division, and department policies and in developing and

implementing policies and procedures in the administrative support area of WCI are comparable to such parallel responsibilities assigned to the IMSD positions.

Appellant argues that the difference in the number of FTE positions in both the administrative support units and the institutions as a whole between WCI and the institutions to which an IMSD position is assigned are misleading and should not be relied upon as an indicator of a difference in the scope, complexity, or impact of these positions due to the fact that inmates do work at WCI which is done by institution staff at the mental health institutions and centers for the developmentally disabled. Although the record does show that difference in the size of the operations supervised by the IMSD positions and by appellant's position is not as great as the difference in staffing levels might indicate, it should also be noted that, from an administrative support standpoint, the difference in the nature of the employment relationship engenders a difference in the complexity of the administrative support required. For example, staff employment involves merit recruitment and selection requirements, classification issues, employee benefits, collective bargaining agreements, payroll requirements, leave requirements, grievance and civil service appeal processes, affirmative action and equal employment opportunity requirements, etc., for which there is little, if any, parallel for inmate employment.

The overriding difference between the duties and responsibilities of appellant's position and the IMSD positions is the difference in the budget development and fiscal control responsibilities. The IMSD positions spend a substantial percentage of their time interpreting and applying the requirements of the Social Security, Supplemental Security Income, Medical Assistance, and Medicare programs to services delivered to residents of their institutions; and to interpreting and applying the requirements of applicable state and federal certification, licensing, and/or accreditation provisions. These requirements are very complex and affect every aspect of the administrative support operation in these institutions. Although appellant tried to draw a parallel in the record between these requirements and the system at WCI established to monitor inmate accounts, this inmate account function appears to be a straightforward bookkeeping function which is not comparable to the very complex accounting and record-keeping function supervised by the IMSD positions.

Appellant argues that the fact that his position has greater responsibility in certain administrative areas than the IBA 3 position at GBCI and carries out these responsibilities in a larger institution (See Finding of Fact 3, above) justifies classification of his position at a higher level than the IBA 3 GBCI position. Although these differences serve to make appellant's position a stronger position from a classification standpoint than the GBCI position, these differences can be encompassed within the scope of the IBA 3 specifications.

Appellant also argues the inequity of maintaining his position at the IBA 3 level when it was classified at the IMSD level before his transfer. However, the record indicates that, although the IMSD classification was justified when the position was responsible for the administrative support units of both WCI and Central State Hospital (later, DCI), the IMSD level was no longer justified when this dual responsibility was discontinued, but neither the employing agency nor DER took action to effect the reallocation of the position to the IBA 3 level at that time.

Appellant also argues that changes in his position since 1988 justify reclassification to the IMSD level. Although some of these changes, particularly those related to recommending policies at the division and department level, strengthened the position from a classification standpoint, they did not strengthen it sufficiently to move it beyond the IBA 3 level to the IMSD level, as discussed above.

The IMSD specifications were obviously created to classify positions, of which there would be only a few, with one or more responsibilities of such unusual complexity, scope, and impact as to distinguish them from other administrative support responsibilities. This comports with the allocation pattern established to classify the chief administrative positions in the institutions. The responsibilities of the positions classified at the IMSD level relating to the Social Security, Supplemental Security Income, Medical Assistance, Medicare, and state and federal certification /licensing /accreditation programs; the impact of these federal and state requirements on nearly every aspect of the institutions' programs; and the substantial percentage of time devoted by the IMSD positions to these functions, represent responsibilities of unusual complexity, scope, and impact, as contemplated by the IMSD classification specifications, and clearly distinguish these IMSD positions from IBA positions.

ORDER

The action of respondents is affirmed and this appeal is dismissed.

Dated: June 23, 1993 STATE PERSONNEL COMMISSION


LAURIE R. McCALLUM, Chairperson

LRM:rcr


DONALD R. MURPHY, Commissioner

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NOTICE

**OF RIGHT OF PARTIES TO PETITION FOR REHEARING AND JUDICIAL REVIEW
OF AN ADVERSE DECISION BY THE PERSONNEL COMMISSION**

Petition for Rehearing. Any person aggrieved by a final order may, within 20 days after service of the order, file a written petition with the Commission for rehearing. Unless the Commission's order was served personally, service occurred on the date of mailing as set forth in the attached affidavit of mailing. The petition for rehearing must specify the grounds for the relief sought and supporting authorities. Copies shall be served on all parties of record. See §227.49, Wis. Stats., for procedural details regarding petitions for rehearing.

Petition for Judicial Review. Any person aggrieved by a decision is entitled to judicial review thereof. The petition for judicial review must be filed in the appropriate circuit court as provided in §227.53(1)(a)3, Wis. Stats., and a copy of the petition must be served on the Commission pursuant to §227.53(1)(a)1, Wis. Stats. The petition must identify the Wisconsin Personnel Commission as respondent. The petition for judicial review must be served and filed within 30 days after the service of the commission's decision except that if a rehearing is requested, any party desiring judicial review must serve and file a petition for review within 30 days after the service of the Commission's order finally disposing of the application for rehearing, or within 30 days after the final disposition by operation of law of any such application for rehearing. Unless the Commission's decision was served personally, service of the decision occurred on the date of mailing as set forth in the attached affidavit of mailing. Not later than 30 days after the petition has

been filed in circuit court, the petitioner must also serve a copy of the petition on all parties who appeared in the proceeding before the Commission (who are identified immediately above as "parties") or upon the party's attorney of record. See §227.53, Wis. Stats., for procedural details regarding petitions for judicial review.

It is the responsibility of the petitioning party to arrange for the preparation of the necessary legal documents because neither the commission nor its staff may assist in such preparation.