

3. Appellant is a licensed nursing home administrator. He is also deputized for Waupaca County and has been appointed deputy constable by Barden. The law enforcement authority is not exercised against residents but against nonresidents who abuse the grounds during the summer when they are open to the public.

4. Funding for the Home comes primarily from general program revenues (GPR funds) and gift and bequest funds. The Home does receive some federal funding through medicaid, social security, veterans benefits and a per diem for domiciliaries. There is program revenue generated by the home exchange which amounts to about \$250.00 per day. These latter funds are kept in a separate revolving account. The Home also sells sewerage services since it has its own sewage plant. The revenue from this service goes back into the Home.

5. Appellant prepares the budget for the Home, which is sent to the central Veterans Affairs office in Madison for review by a budget analyst who has the authority to make cuts or ask for justifications.

6. Since February 1972, the number of residents using the Home as a domiciliary has decreased while the number using it as a nursing home or acute health care facility has increased.

7. From 1972 to 1976 the total budget of the Home grew from \$5,200,000 to \$6,600,000. The number of acres covered by the Home in 1972 was 170, and in 1976 it was 320.

8. Appellant is in charge of the Home in the superintendent's absence.

9. Appellant lives on the Home grounds.

10. Arlin Barden, the Home commandant, is the only appointing authority for the Home.

11. Appellant as a supervisor has effectively recommended the hiring of personnel as well as that disciplinary action be taken. There are in the

record numerous letters under only Appellant's signature where he advised personnel that hiring and disciplinary actions were apparently being affected.

12. The average ages of the male and female residents are 74 and 76 respectively.

13. The Home has an occupational therapist and a physical therapist. There are ceramics, bingo, leather and woodworking recreational programs for the residents. Sports programs are limited because residents must be permanently disabled by physical impairment or age in order to be admitted.

14. The class definition for Institution Business Administrator 1 is:

This is administrative work supervising and directing all business management and support services at an institution such as the Wisconsin Child Center, Wisconsin Children's Treatment Center, the Grand Army Home, Wisconsin School for Girls, and the Wisconsin Home for women. Employees in this class are responsible for supervising all fiscal and accounting functions, purchasing, budget preparation and control; and for coordinating all support functions within the institution such as physical plant maintenance and operation, food service and stores. The employ in this class advises the section heads in planning their functions in accordance with institution and divisional policy and insures that their activities support, promote, and are integrated with the activities of all other departments within the institution. Work is performed under the supervision of an Institution Superintendent.

The class definition for Institution Business Administrator 2 is:

This is administrative work supervising and directing all business management and support functions at such institutions as the Wisconsin Correctional Institution, the Wisconsin Correctional Camp System, Central State Hospital and the largest juvenile correctional institutions. The employe in this class is responsible for the same functions identified at the lower level, such as fiscal management, purchasing, budget preparation and control, food service, stores and maintenance operations. Work at this level differs from that at the one level by the complexity of the programs and the size and scope of the overall institution program which provides for a higher level of administrative involvement. Work is performed under the general supervision of an institution superintendent. (Emphasis Added.)

15. In the class specifications for Institution Business Administrator 1 and 2, the sections denominated "Examples of Work Performed" are identical except the latter has the following prefatory language:

Work performed as indicated below is similar in kind to that of the lower level but increases in complexity due to the increase in institution size and program variety.

16. Appellant exercises fiscal control over the Home's recreational program and nursing and medical care programs. He is in charge of the physical plant and business management programs.

17. A comparison was made between the Home and other institutions. The comparison is included in this opinion and order as Appendix A.

18. A survey of all business manager positions among others was conducted by the Bureau of Personnel. It was completed in 1972 (see Respondent's exhibit #9), at which time Appellant's position was reallocated to Institution Business Administrator 1.

CONCLUSIONS OF LAW

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

2. In appeals from the denial of a reclassification request, the burden of proof is on Appellant. Reinke v. Personnel Board, 53 Wis. 2d 123 (1971); Lyons v. Wettengel, Case No. 73-36 (11/20/74); Alderden v. Wettengel, Case No. 73-87 (6/2/75).

3. Appellant has failed to sustain his burden.

4. Appellant's position is now properly classified as Institution Business Administrator 1.

OPINION

The class specifications for Institution Business Administrator 2 identify the complexity of the programs and the size and scope of the overall institution program as the distinguishing factors between the 1 and the 2 levels. We recognize that from a sheer size comparison that the Home is among the larger institutions (see Appendix A). However, size, as used in the comparison, in and

of itself is not the sole nor even the most significant criterion. We must consider the various types of programs or services provided to the residents, the complexity of those programs as well as the complexity of the overall institution program, and the size of the institution as referred to above.

We conclude that Appellant's position at the Home simply does not meet the requirements of the higher level classification. The Home does have funding from sources other than GPR funds and Appellant is responsible for the development of the Home's budget. However, his responsibility is to the superintendent who presents it to the Madison Veterans Affairs office for approval. The central office has the final authority to modify that budget. In other areas too it appears that the Madison office has close control over the Home leaving it less autonomous than the other institutions.

An extensive record was made comparing not only the Home's size but also its programs with other institutions. We recognize that the Home provides an apparently excellent environment for its residents. It is indeed a skilled nursing facility. However, the nature of its overall program is less complex than those of the other institutions in the comparison. As stated in Respondent's brief at page 2:

. . . The Grand Army Home is a veterans nursing home with a fixed bed capacity. Commitment to the facility is voluntary on the part of the residents. Commitment to the institutions and colonies is not voluntary, and the resident population fluctuates to meet demands. The nature and needs of the resident aged and infirm population at the Grand Army Home are stable. The nature and needs of the resident populations at the institutions may change radically, i.e., from one sex to co-ed; from medium to maximum security; or from youthful offender to adult offender.

These factors enhance the complexity of the fiscal decisions at the other institutions greatly. They also affect the decisions regarding the types of programs and/or services made available to the residents, and they thereby affect the complexity of the fiscal management of those programs.

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Finally, Appellant's position has actually eroded somewhat since 1972 when the Bureau of Personnel conducted a survey of the business managers. Since then he no longer is responsible for the personnel function. Furthermore, although he asserts that he is an appointing authority, we conclude he is not. The superintendent requested in 1967 that he be named as one (Appellant's Exhibit #24), but subsequent correspondence in 1971 indicates that the delegation beyond the superintendent was not approved (Appellant's Exhibit #39).

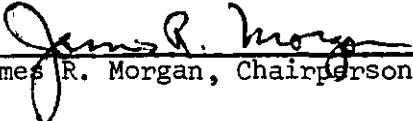
Therefore, we conclude that Appellant's position is properly classified at the Institution Business Administrator 1 level.

ORDER

IT IS HEREBY ORDERED that Respondent's action is affirmed and this appeal is dismissed.

Dated: June 16, 1978.

STATE PERSONNEL BOARD


James R. Morgan, Chairperson

Names of Institution	Classifica- tion of Business Manager	Type of Institution	No. of Inmates/ Patients as of 5/30/76	Bed Capacity	No. of Posi- tions (State Funded	Acreage	Total Budget	Insured Value	Level of Security	No. of Care Patient	No. Super vised by Business Manager
Lincoln Hills School Merrill, Wisconsin	IBA 2	Juvenile	250-255	267	164	920	\$3 Mill.	\$12,900,000	min.	0	* ³
Winnebago Mental Health Institution Winnebago, Wisconsin	Institu- tion Mgr. Service Director	Mental Health	270-275	768 315 budgeted & Staffing	545.1	125	\$9.8 Mill.	\$36,820,306	max/min	75 ICF ¹	* ³
Taycheedah Correctional Institution Taycheedah, Wisconsin	IBA 1	Prison for adults male/ female	173	132	100	232	\$1,722,327	\$ 6,134,912	min - men min/med/ max - women	0	22
Wisconsin Correctional Institution Fox Lake, Wisconsin	IBA 3	Prison male felons	578	576	200	85+ 1250 farm	\$5 Mill.	\$19 Mill	med.	0	40
Wisconsin State Prison Waupun, Wisconsin	IBA 3	Prison male felons	1,138	848	343	26+ 1000 farm	\$6.2 Mill.	\$20.5 Mill	max.	0	* ³
Wisconsin State Reformatory Green Bay, Wisconsin	IBA 3	Reformatory	703	623	251	29	\$5,160,000	\$16,263,000	* ³	0	* ³
Wisconsin Veterans Home King, Wisconsin	IBA 1	Nursing Care Facility	689	724	551	320.5	\$7,045,840	\$21,869,340	* ³	576 SNF ²	11.5

¹ Intermediate Care Facility

² Skilled Nursing Facility

³ Information not made part of the record.

APPENDIX A