
 DENNIS NITSCHKE,
 Appellant,
 v.
 Administrator, DIVISION OF
 PERSONNEL, and Secretary,
 DEPARTMENT OF HEALTH AND
 SOCIAL SERVICES,
 Respondent.
 Case No. 80-293-PC

ORDER

The Commission adopts the attached Proposed Decision and Order as its Decision and Order in this matter subject to the following modification.

The second paragraph in the Opinion section of the Proposed Decision is withdrawn and the following language inserted:

In Fredisdorf et al v. Division of Personnel, Case No. 80-300-PC, the Commission held that DCI/CSH was comparable in size, responsibility and complexity to the Kettle Moraine Correctional Institute (KMCI) and DCI/CSH is to be considered a "large" institution for purposes of interpreting the Officer 5/6 class specifications. While slightly different data comparing the size of KMCI and DCI/CSH was introduced in Fredisdorf et al than in the present case, the Commission comes to the same conclusion.

Dated: Sept. 23, 1982

STATE PERSONNEL COMMISSION

KMS:ers

Parties

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James W. Phillips
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PROPOSED
 DECISION
 AND
 ORDER

This is a reclassification case. The appellant, Dennis L. Nitschke filed an appeal with the Personnel Commission of a reclassification request denial by his employer and the Division of Personnel.

FINDINGS OF FACT

1. The appellant is an Officer 5, Administrative Lieutenant, at Dodge Correctional Institution, Waupun, Wisconsin, and has retained that position since July, 1979. In October, 1979, the appellant requested his employer, the Department of Health and Social Services to reclassify his position from Officer 5 to Officer 6 but the request was denied. The administrator of the Division of Personnel affirmed that decision August 11, 1980. The appellant filed a timely appeal of the administrator's decision to the Commission.

2. In 1979, Dodge Correctional Institution (DCI), a maximum security institution was opened and merged with Central State Hospital (CSH). Central State was primarily responsible for the criminally accused with mental disease, sex offenders and violent inmates transferred from other correctional institutions.

3. In summary, the appellant functions under the general supervision of the Institution Security Director. He is responsible for and oversees officers' and supervisors' work schedules, acts as first-line supervisor to all staff assigned to the security office, control center, turnkey, gatehouse, visiting room, mail and property control department and chauffeur positions. In addition, the appellant represents the security unit on the institution's Program Review Committee and assumes the Security Director's responsibilities in his absence.

4. At the time pertinent to the respondent's decision denying appellant's request for reclassification, DCI/CSH had an average daily population of 274 inmates, a rated bed capacity of 306, a work force of 279 employees and 168 security personnel. It had a larger staff and bed capacity than the Kettle Moraine Institute which was classified as being a large sized institution by the respondent.

5. The position standard for Officer 5 contains the following definition:

This is very responsible correctional work supervising custodial activities and/or programs on an assigned shift in a correctional institution, camp, or maximum security psychiatric hospital. Positions at Central State Hospital and Home for Women - Taycheedah allocated to this level function as supervisors on an assigned shift with major responsibility for the custodial program to include related administrative functions, security, discipline and order in the institution. Employees at these two institutions functioning at this level are responsible for scheduling and assigning work to other officers and have a great deal of latitude for independent action in implementing and interpreting policy, as well as solving the more complex problems related to inmate care or staff personnel. The positions allocated to this level in the other larger correctional institutions serve as assistant shift supervisor and/or carry total responsibility for one administrative program such as training, scheduling or handling admissions and discharges. Employees in this class carry responsibility for

the day-to-day supervision of custodial or administrative activities and programs with latitude for independent action in implementing policy and procedure and informing the shift supervisor of the status of institution security and recommending changes in policy and procedures to improve security. Also allocated to this level are positions in a forestry camp who have total responsibility for the security and care program of all inmates. Positions at this level differ from higher level camp supervisors in that they have a higher level administrative position above them who is responsible for the total camp operation. Employees performing in this capacity, assign and schedule work or other officers and develop work projects and recreational activities. Duties of all positions at this level include touring the buildings and grounds (or wards) of the institution or camp to maintain security and order with primary responsibility for meeting unusual emergency situations quickly and effectively. Supervision is received from higher level officers or staff positions who review work through conferences with the employe, personal inspection tours of the institution, and daily activity reports.

6. The Officer 6 position is defined in the position standard as follows:

This is highly responsible work in supervising the custodial program in a large institution or on a correctional farm or forestry camp. In an institution, positions at this level carry major responsibility on an assigned shift for the security, discipline, and order of the institution or for more than one administrative program such as scheduling, admissions and discharges, training, or other comparable areas. Employees at this level differ from lower levels by their high degree of involvement in the development of policy and procedures, the greater size of institutions and complexity of problems encountered, and responsibility for multiple administrative programs. On a correctional farm or forestry camp, carries total responsibility (24 hours) for the entire operation, to include, planning and management of programs, scheduling and supervising other officers, and handling the more difficult inmate problems. Supervisors at this level differ from lower level camp or farm supervisors in that they have total responsibility for an operation in which inmates are housed and fed, with no immediate supervision being available.

7. Dodge Correctional Institution/Central State Hospital is a "large" institution for purposes of Officer 5 and 6 classifications.

8. The appellant's position is better described by the Officer 6 position standard and most appropriately assigned to that classification.

CONCLUSIONS OF LAW

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

2. The appellant has the burden of proving that the respondent erred in denying his request for reclassification from Officer 5 to Officer 6.

3. The appellant has sustained that burden of proof.

4. The respondent erred in denying appellant's request for reclassification from Officer 5 to Officer 6, and he is entitled to said reclassification.

OPINION

The respondents, in support of their position, contend that DCI/CSH is not a large institution as required by the class specification for Officer 6 positions, but one of medium size; and that the appellant does not meet the specification requirement of being responsible for more than one administrative program.

In Fredisdorf, et al v. Division of Personnel, Case No. 80-300-PC, the Commission held that DCI/CSH was comparable in size, responsibility and complexity to the Kettle Moraine Correctional Institute (KMCI) which the respondents specified as being a large institution for purposes of job surveys. While slightly different data comparing the size of KMCI and DCI/CSH was introduced in Fredisdorf than in the present case, the Commission comes to the same conclusion.

The respondents second argument rests upon the statement that contrary to the requirements in the Officer 6 class specifications, the appellant fails to be "totally responsible for multiple administrative programs." The particular class specification referred to by the respondents is as follows:

In an institution, positions at this level carry major responsibility on an assigned shift for the security, discipline and order of the institution or for more than one administrative program such as scheduling, admissions, and discharges, training, or other comparable areas.

The respondent correctly acknowledged that the appellant was responsible for establishing daily work schedules for officers. In addition, the appellant as an administrative lieutenant provided first-line supervision to staff members, coordinated crowd control training, handled the basic scheduling of employe discipline and grievance processes, served as "clearance officer" for residents leaving the institution proper, and served on several institution committees. The record is replete with evidence which demonstrated that the appellant qualifies for the Officer 6 position, including documentation of positions with similar duties at other institutions classified at the Officer 6 level. Based upon the record before it, the Commission can only conclude that the appellant should be reclassified to the Officer 6 level.

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ORDER

The decision of the respondent is rejected and this matter is remanded to the respondents for action in accordance with this decision.

Dated: _____, 1982 STATE PERSONNEL COMMISSION

DONALD R. MURPHY, Chairperson

LAURIE R. McCALLUM, Commissioner

DRM:jmf

JAMES W. PHILLIPS, Commissioner

Parties

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