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THOMAS KARLEN,
 Appellant,

v.

Secretary, DEPARTMENT OF
 HEALTH AND SOCIAL SERVICES,
 and Administrator, DIVISION
 OF PERSONNEL,
 Respondents.

Case No. 82-204-PC

* * * * *

DECISION
 AND
 ORDER

NATURE OF THE CASE

This is an appeal, pursuant to s.230.44(1)(a), Wis. Stats., of the denial by respondent of appellant's request for reclassification of his position from Officer 5 to Officer 6.

FINDINGS OF FACT

1. At all times relevant to this matter, appellant has been employed in the classified civil service by the Bureau of Community Corrections of the Department of Health and Social Services in a position classified as an Officer 5.
2. On September 14, 1982, appellant was notified that respondent Division of Personnel had denied the request for the reclassification of appellant's position from Officer 5 (PR1-11) to Officer 6 (PR1-12). On October 11, 1982, appellant filed a timely appeal of such denial with the Personnel Commission.
3. The duties and responsibilities of appellant's position are as set forth in the position description signed by appellant on March 30, 1982, a copy of which is attached hereto and incorporated by reference as if fully set forth as a part of this finding.

4. The position standard for an Officer 6 provides in pertinent part:

This is highly responsible work in supervising the custodial program in a large institution or on a correctional farm or forestry camp. 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.

5. The position standard for an Officer 5 provides in pertinent part:

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. 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 of 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. Appellant's position does not have total responsibility for the operation of the St. Croix Community Center as required for classification as an Officer 6 on a correctional farm or forestry camp (or an equivalent facility such as the St. Croix Community Center).

7. There is a higher level administrative position above appellant's position, that of superintendent of the Center, which is responsible for the total operation of the Center.

8. Appellant's position is more accurately described by the class specifications for an Officer 5 than an Officer 6.

CONCLUSIONS OF LAW

1. This matter is appropriately before the Commission pursuant to s.230.44(1)(b), Wis. Stats.
2. The appellant has the burden of proving that respondent's decision denying the reclassification of appellant's position from Officer 5 to Officer 6 was incorrect.
3. The appellant has failed to sustain that burden of proof.
4. Respondent's decision denying appellant's reclassification was correct.

OPINION

The proper classification of a position involves a weighing of the class specifications and the actual work performed to determine which classification best fits the position. In appeals of reclassification denials, it is frequently the case that the duties and responsibilities of the subject position overlap in some respects both of the class specifications in question. The position is not entitled to reclassification because some aspects of the work involved fall within the higher class, Kailin v. Weaver and Wettengal, 73-124-PD (11/28/75).

A clear and unambiguous distinction between the class specifications for Officer 5 and Officer 6 (for positions in a forestry camp or equivalent facility such as the St. Croix Community Center) is that Officer 5 positions have a higher level administrative position above them while Officer 6 positions have total responsibility for the entire operation with no immediate supervision available.

Appellant's position is responsible for supervising most of the day-to-day operations of the St. Croix Community Center. However, the superintendent of the Center, although only physically present at the facility for one day a week, makes major management and policy decisions including decisions regarding training, movements of significant numbers of residents, using community volunteers as

escorts for residents, religious observations by residents, and resident treatment. Resident treatment decisions are made by the superintendent and the Center's social worker, who reports to the superintendent, not the appellant. The superintendent also makes all final decisions regarding major changes in operational standards and resident rules and regulations. Although appellant's position often has input into these decision, the final decisions in these areas are made by the superintendent.


The superintendent's position is a higher level administrative position above appellant's position and the superintendent is ultimately responsible for the total operation of the Center. Although the appellant's position performs some of the duties of the Officer 6 classification, this is not the standard to be applied in a "best fit" analysis of a classification decision. In this case, the Commission cannot ignore the plain language of the Officer 5 and Officer 6 class specifications. Application of this language to appellant's position leads inevitably to the conclusion that, in view of the existence of a higher level administrative position with ultimate responsibility for the total operation of the Center, appellant's position is more appropriately classified at the Officer 5 level.

ORDER


Respondent's denial of appellant's request for reclassification is affirmed and this appeal is dismissed.

Dated: March 31, 1983

STATE PERSONNEL COMMISSION


DONALD R. MURPHY, Chairperson


LAURIE R. McCALLUM, Commissioner


JAMES W. PHILLIPS, Commissioner

LRM:ers

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