

STATE OF WISCONSIN

PERSONNEL COMMISSION

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 *
 DIANE ADASIEWICZ, *
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 Appellant, *
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 v. *
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 Secretary, DEPARTMENT OF *
 EMPLOYMENT RELATIONS, *
 *
 Respondent. *
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 Case No. 84-0046-PC *
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DECISION
 AND
 ORDER

This is an appeal from respondent's decision denying appellant's classification request. Appellant contends that her position should have been classified as an Officer 2 or 3 instead of an Institution Aid 3. The following are the findings of fact, conclusions of law, opinion and order based upon evidence presented at a hearing on the matter.

FINDINGS OF FACT

1. Diane Adasiewicz, appellant, has been employed at the Wisconsin Resource Center (WRC), Department of Health and Social Services in the state classified civil service since November 1, 1982, as an Institution Aid 3.

2. The Wisconsin Resource Center was established in June, 1982, as a medium security facility providing specialized care for inmates serving criminal sentences but whose disability behavior -- developmental, emotional or mental -- could not be addressed at other correctional institutions.

3. After training at the UW Oshkosh Center, appellant began work in January, 1983, as an Institution Aid 3 in the Security and Admissions unit and was supervised by an Institution Aid 5. Since October 1983, she has

worked in the mail and property room.

4. On May 2, 1983, appellant initially made a written request to the director of WRC for a change in her position to a classification covered by hazardous duty benefits, followed-up with similar requests at the bureau and division level, all of which were denied.

5. On October 27, 1983, appellant requested respondent to review her classification. She advised respondent that it was her belief that her position was the same or similar to positions classified as Correctional Officers -- at other medium security institutions -- and Officers at Central State Hospital.^{FN}

6. On February 28, 1984, respondent wrote appellant, informing her that her position had been reviewed as requested and that in their opinion her position was correctly classified as an Institution Aid 3.

7. Appellant appealed the classification action on her position by respondent to the Commission on March 12, 1984.

8. Appellant's duties as an Institution Aid 3, in the security and admission unit were:

Summary

Under direct supervision of the Institution Aid 5, this position is responsible for participating in the development and implementation of care programs, plans, and therapeutic activities for individual residents or resident groups to provide a basis on which care is conducted and to assure promotion and reinforcement of socially acceptable behavior; performance of security-related tasks, functions, and responsibilities necessary to assure a safe and secure environment in accordance with federal, state, departmental and center laws, rules, and regulations; and participation in classes, meetings, seminars, etc., to develop and improve work knowledges, abilities, and skills.

^{FN} Currently, the facility is known as the Dodge Correctional Institute, but the forensic program is located at the Mendota Mental Health Institute.

- A. Participation in the development and implementation of care programs, plans, and therapeutic activities for individual residents or resident groups to provide a basis on which care is conducted and to assure promotion and reinforcement of socially acceptable behavior.
 - A.1 Attend team meetings to provide input into care programs and plans, assist professional staff in overall care planning, and share observations and opinions.
 - A.2 Interact with residents to promote development and improvement of daily living and social skills, and to facilitate behavior change.
 - A.3 Under guidance and direction of Institution Aid 5 counsel and give feedback to residents in a one-on-one situation to assist with resolution of personal and/or family problems.
 - A.4 Under guidance and direction of Institution Aid 5 lead resident discussion groups to provide a vehicle for discussion/resolution of problems.
 - A.5 Orient new residents to the unit and facility procedures, standards and expectations to facilitate their adjustment to the environment.
 - A.6 Observe and record resident behavior and record entries to document resident progress or regress.
 - A.7 Assist the resident in his activities of daily living and function as his role model.
 - A.8 Review records to ensure comprehension of resident status and program.
 - A.9 Apply prescribed physical-control techniques as necessary to restrain residents and to prevent or minimize injuries to residents and staff (as well as damage to property) and to facilitate normal center activities.
 - A.10 Apply restraints when necessary or appropriate, to restrain or physically manage disruptive residents.
 - A.11 Cooperate in maintaining an attractive and comfortable unit environment by attention to cleanliness, ventilation, lighting, etc.
 - A.12 Respond to emergency calls in other parts of the center.
- B. Performance of security and security-related tasks, functions, and responsibilities necessary to assure a safe and secure environment in accordance with federal, state, departmental and center laws, rules and regulations.

- B.1 Monitor resident/staff/visitor behavior in assigned area to maintain security, safety, and sanitation.
 - B.2 Report breeches of security, sanitation to immediate supervisor.
 - B.3 Complete rounds at specified times or as assigned, to verify population and assure maintenance of a safe secure environment.
 - B.4 Inspect, physically and visually, resident housing areas to detect safety, and security deficiencies, and report/document findings.
 - B.5 Monitor resident mail to prevent introduction of prohibited materials to the unit.
 - B.6 Issue appropriate sanctions to residents based upon the nature and severity of any security violations, and in accordance with unit policy and procedure.
 - B.7 Complete disciplinary, incident, accident, safety, and sanitation reports to document unit activity and provide information based upon results of inspections and investigations conducted.
 - B.8 Demonstrate competency in crowd-control procedures.
 - B.9 Implement hostage plan in accordance with prescribed procedures as necessary.
 - B.10 Inventory resident property to maintain accountability and report inventory on specified forms.
- C. Participation in classes, meetings, seminars, etc., to develop and improve work knowledges, abilities, and skills.
- C.1 Participate in center inservice programs as assigned.
 - C.2 Participate in training provided outside of the center or by sources from outside the center to gain new or advanced knowledge or skill necessary to the work required to be performed.
 - C.3 Attend unit staff meetings to share information concerning problems, care programs and other situation unique to the care unit.

9. Between 1973 and 1979, Harvey D. Hoeft, a state employe currently employed as an Officer 2 at the Dodge Correctional Institute, was employed at Central State Hospital. During that period he was classified as an

Officer 2 and his duties were comparable to those described as appellant's when she worked in the WRC security and admissions unit.

10. On April 15, 1983, Central State Hospital was closed permanently, its inmates were transferred to the Mendota Mental Health Institute and the facility became Dodge Correctional Institute.

11. In April, 1982, as a result of a personnel management¹ survey, the Wisconsin State Personnel Board approved the classification specification for Institutional Aid 3 positions which contains the following definition section.

This is advanced therapeutic aid and security work or very responsible lead work.

Positions allocated to this class as a therapeutic/security aid actively participate in the treatment program and oversee the activities of residents of facilities which are populated by inmates temporarily transferred from a correctional institution or by mentally ill patients committed under the criminal code. These facilities currently include the Wisconsin Resource Center and the Forensic Unit at the Mendota Mental Health Institute. Although these facilities have an enclosed secure perimeter with entrance and exit points continually guarded by security personnel, security is an important aspect of these positions inasmuch as they are responsible for the maintenance of security within the interior of the facility and during resident activities outside of the facility.

Positions allocated to this class as a leadworker lead the work of lower level aids in an assigned area of a mental health institution or center for the developmentally disabled.

All positions allocated to this class function under the general supervision of an Institution Aid 5 or a higher level nursing or related program supervisor.

12. The definition sections for other relevant classification specifications are as follows:

¹This finding has been amended to better reflect the record. It previously referred to "planning survey."

Officer 2

This is responsible security and rehabilitative work performed in a maximum security psychiatric hospital or a correctional institution. Employees in this class have responsibility for supervising inmate or patient activities and work programs for security and rehabilitative purposes. This class is distinguishable from the Officer 1 class by its rehabilitative and inmate supervisory responsibilities. Work is performed in accordance with established rules, regulations, and oral instructions of supervising officers but with more independence of action and responsibility for patient or inmate leadership and guidance than an Officer 1. Officers 1 move to this class only upon demonstrated ability to perform advanced level rehabilitative or security services indicated herein as observed and recorded by supervisors.

Officer 3

This is very responsible security and rehabilitative work assisting in directing the operation of a correctional farm or forestry camp or lead work over other officers on an assigned post in a correctional institution or maximum security psychiatric hospital. Employees in this class have considerable responsibility for supervising inmate activities and work programs for custodial and rehabilitation purposes on an assigned shift. In addition, certain especially responsible key security posts or positions with a specific program role are defined at this level. These positions include center turnkey, mail and dining room officer, bathhouse officer, sally port officer, front gate officer, control center officer, yard officer, reception and orientation officer, and other corporate functions. This class is distinguishable from lower level classes by the greater degree of independent responsibility for the custody and rehabilitation of inmates in a minimum security setting, the assignment of lead work responsibilities over other officers, the importance placed on certain key security posts, or the degree of specialized program responsibility required at this level. Work is performed in accordance with established rules and regulations under the supervision of other Officers or a camp supervisor but daily tasks are performed with considerable discretion.

13. Employees classified as Officers at WRC have the responsibility of securing the enclosed perimeter of the facility including entrance and exit points. They are also stationed in the core of WRC and make periodic rounds of its corridors.

14. The duties and responsibilities of appellant's position are better described by the class specifications for Institution Aid 3 than those for Officer 2 or Officer 3.

CONCLUSIONS OF LAW

1. This matter is appropriately before the Commission pursuant to §230.44(1)(b), Wis. Stats.
2. The appellant has the burden of proving that respondent's decision denying her request for a change in the classification of her position from Institution Aid 3 to Officer 2 or Officer 3 was not correct.
3. The appellant has failed to sustain that burden.
4. Respondent's denial of the classification request by appellant was correct.

OPINION

Appellant's chief argument is: Between 1973 and 1979 employees at Central State Hospital classified as Officer 2's performed duties comparable to those performed by appellant as an Institution Aid 3 at WRC in 1983. If those duties were properly classified at the Officer 2 level in 1979, then they should have the same classification today. In support, appellant testified that she spent eighty percent of her time performing security and security-related tasks. She also testified that she was expected to observe the inmates, engage in conversation with them, and fill out and submit to the institute's psychologist a behavior check list for each inmate -- forty social responses -- which was carried on a clipboard. In addition, she was responsible for submitting to the psychologist a weekly behavioral report, consisting of a list of twenty behavioral activities for five inmates. Completion of these reports required the appellant to observe each inmate in the unit because inmates were not preassigned to a specific aide. While it is clear appellant devoted considerable time to

security functions, the primary emphasis of her duties was² directed toward implementing the care programs and therapeutic activities for the individual inmates of the institute. Also in support of her argument, appellant presented a witness who had worked as an Officer 2 at Central State Hospital. He testified that between 1973 and 1979 he was employed at CSH and as an Officer 2 performed duties comparable to those described by the appellant as her duties at WRC. This testimony was unrefuted, but respondent presented evidence showing that the forensic program at CHS was permanently closed in April 1983 and the facility became a correctional institution.

If an element of appellant's argument is that the Commission has authority to review respondent's decision assigning the Institution Aid 3 classification to a particular set of duties, that supposition is erroneous. In Smetana et al v. DER, Case Nos. 84-0099 et seq.-PC (8/31/84) the Commission recognized respondent's authority to establish, modify and abolish state classified civil service job classifications; and that those actions are not under the Commission's jurisdiction.

The remaining question before the Commission is whether appellant's position should be classified as an Institution Aid 3 or an Officer 2 or 3. Classification decisions are made in accordance with the established state class specifications. Shepard v. DP, Case Nos. 80-234, 237 and 239-PC (6/3/81).

The class specifications for both Institution Aid 3 and Officer 2 or 3 are similar. Both specifications require that employes holding those positions perform security work and a variety of other functions complementary to the programs of the particular institution. However, the Aid 3

² This sentence has been changed to clarify the Commission's conclusion. The proposed decision stated that "a large measure of her duties were directed..."

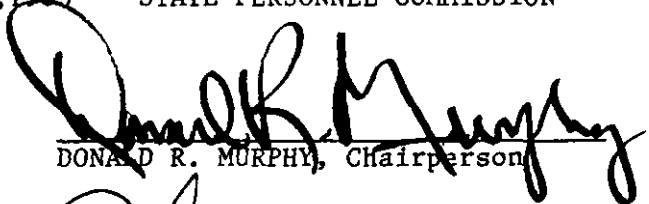
specifications, which were developed concurrently with the opening of WRC, are very specific: The class description definition specifically refers to the Wisconsin Resource Center facility and the detailed description examples of work is comparable to appellant's daily schedule. In contrast, the class specifications for the Officer 2 and 3 are more general. They refer to security and rehabilitative work performed in psychiatric hospitals or correctional institutions in accordance with established rules and instructions of supervisors, using broad, inclusive terms. It is apparent from a review of the specifications of the two classification series (Institution Aid and Officer), while recognizing some overlapping responsibilities, that they complement each other. Finally, it is evident that the duties of Officers and Aids are clearly delineated at the Wisconsin Resource Center.

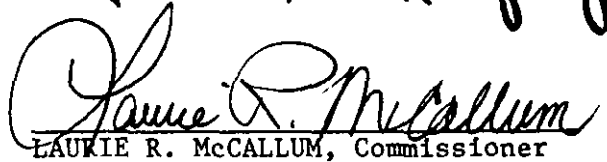
It is the opinion of the Commission that appellant is appropriately classified as an Institution Aid 3.

ORDER

Respondent's denial of appellant's request for a change in classification is affirmed and this appeal is dismissed.

Dated: Feb. 14, 1985 STATE PERSONNEL COMMISSION


DONALD R. MURPHY, Chairperson


LAURIE R. McCALLUM, Commissioner

DRM:jmf
ID3/3

CONCURRING OPINION

The main thrust of the appellant's case is that in fact the primary emphasis of her job is custody and security as opposed to therapy and treatment. However, the class specifications for Institutional Aid and Officer are not differentiated simply on that distinction. Each series recognizes dual functions of security and therapy. Furthermore, the Institutional Aid 3 class specification explicitly identifies the duties and responsibilities of the appellant's position at that classification. Even if the appellant could argue successfully that the majority of those duties and responsibilities should be characterized as custodial and security-oriented, this would not provide a basis under the prevailing Institutional Aid and Officer class specifications for an officer classification.

Dated: 2/14, 1985


DENNIS P. MCGILLIGAN, Commissioner

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