

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

NICHOLAS RICE, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF ADMINISTRATION,
DIVISION OF PERSONNEL MANAGEMENT and
STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondents.

Case ID: 315.0031

Case Type: PA

DECISION NO. 40967

Appearances:

Nicholas Rice, 461 Grant Street, Apt. 16A, Stanley, Wisconsin, appearing on his own behalf.

Peter C. Flood, Executive Human Resources Specialist-Advanced, Department of Administration, Division of Personnel Management, 101 East Wilson Street, 4th Floor, Madison, Wisconsin, appearing on behalf of the State of Wisconsin Department of Corrections and State of Wisconsin Department of Administration.

DECISION AND ORDER

On February 6, 2025, Nicholas Rice (Rice) filed an appeal with the Wisconsin Employment Relations Commission asserting that the State of Wisconsin Department of Corrections (DOC), Division of Adult Institutions (DAI), Jackson Correctional Institution (JCI), had wrongly denied his request that he be reclassified from a Corrections Program Supervisor (CPS) to an Institutional Unit Supervisor (IUS).

A hearing was held in Black River Falls, Wisconsin on May 13, 2025, by Commission Examiner Katherine Scott Lisiecki. The parties filed post-hearing briefs on May 30 and June 25, 2025. On October 2, 2025, Examiner Lisiecki issued a Proposed Decision and Order affirming the denial to reclassify, reallocate, or regrade Rice from a Corrections Program Supervisor (CPS) to an Institutional Unit Supervisor (IUS). No objections to the Proposed Decision were filed by the parties, and the matter became ripe for Commission consideration on November 4, 2025.

Having considered the matter, the Commission makes and issues the following:

FINDINGS OF FACT

1. Nicholas Rice (Rice) is employed as a Corrections Program Supervisor by the State of Wisconsin Department of Corrections (DOC), Division of Adult Institutions (DAI), Jackson Correctional Institution (JCI), in Black River Falls, Wisconsin.

2. Rice did not spend a majority of his time performing the duties of an Institutional Unit Supervisor (IUS). Rice did spend a majority of his time performing the duties of a Corrections Program Supervisor (CPS).

3. The IUS position description excludes positions such as Rice's, which are responsible for the programmatic or administrative direction of the unit.

Based on the above and foregoing Findings of Fact, the Commission makes and issues the following:

CONCLUSIONS OF LAW

1. The Institutional Unit Supervisor (IUS) classification is not the "best fit" for the duties performed by Nicholas Rice for a majority of the time.

2. The Corrections Program Supervisor (CPS) classification is the "best fit" for the duties performed by Nicholas Rice for a majority of the time.

Based on the above and foregoing Findings of Fact and Conclusions of Law, the Commission makes and issues the following:

ORDER

The appeal filed by Nicholas Rice is dismissed.

Issued at Madison, Wisconsin, this 22nd day of December 2025.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Peter G. Davis, Chairman

MEMORANDUM ACCOMPANYING DECISION AND ORDER

The question raised by the Rice appeal is best framed as:

Was the State of Wisconsin Department of Corrections, Division of Adult Institutions, correct when it denied Rice's request to be reclassified, reallocated, or regraded from a Corrections Program Supervisor (CPS) to an Institutional Unit Supervisor (IUS)?

The question can be answered by a comparison of Rice's duties to the duties outlined in the relevant position classification specifications. *See* Wis. Admin. Code ER § 2.04(2). The correct job classification for Rice is the one into which a majority of his duties fall. *See* Sec. 370.030(5), Wisconsin Human Resources Handbook (WHRH). That job classification is the "best fit" for Rice.

Wisconsin Admin. Code § ER 3.01(2) defines a reallocation as the assignment of a position to a different class by the administrator as provided in Wis. Stat. § 230.09(2), based upon a logical change in the duties and responsibilities of a position.

Rice was hired as a Corrections Program Supervisor (CPS) at the DOC's Jackson Correctional Institution in 2021. On November 8, 2023, Rice requested to have his position reviewed and reclassified from a CPS to an Institutional Unit Supervisor (IUS). Human Resources Specialist – Advanced and Classification Analyst Dianna McNall performed a comprehensive classification analysis of Rice's position and determined that the "best fit" classification for Rice's position was the Corrections Program Supervisor classification. On April 8, 2024, Rice appealed that decision. Executive Human Resources Specialist – Senior Amanda Eischen conducted an independent review and classification analysis and determined that Rice's position's "best fit" classification was Corrections Program Supervisor. On February 6, 2025, Rice appealed that decision to the Commission.

Employees in the IUS classification spend a majority of their time performing security functions. *See* Exhibit R-6, pg. 3. In contrast, employees in the CPS classification spend the majority of their time directing a "comprehensive specialized treatment program with responsibility for supervising professional staff engaged in providing direct counseling and treatment services to confined." *See* Exhibit R-5, pg. 3. However, it is expected that positions within the DOC, such as CPS and IUS, have some overlap in their responsibilities. Employees in the CPS classification perform some work that is similar to the work performed by employees in the IUS classification, including security functions, but are still appropriately classified as CPS. As Classification Analyst Dianna McNall wrote in her March 2024 classification analysis letter:

"Classification specifications are the basic authority for the assignment of positions to a classification under ER 2.04, Wis. Adm. Code. Classification specifications define the nature and character of the work of the classification in broad terms and are not intended to define each and every task assigned to a position. Classification decisions are based on the majority (more than 50%) of the duties assigned to a position in order to determine the best fit classification. Best fit is defined as

classifying a position “based on the majority of duties performed (more than 50 percent) [and consisting] of the work assigned to and performed by the position when compared to the class concepts and definition of the classification specification or through other methods of position analysis” (Wisconsin HR Handbook chapter 370, Sec. 370.030.5).” *See* Exhibit R-3, pg. 2.

Here, the CPS classification is the “best fit” because Rice spends the majority of his time directing a “comprehensive specialized treatment program with responsibility for supervising professional staff engaged in providing direct counseling and treatment services to confined persons within an adult correctional...facility.” According to analyses by Human Resources Specialist-Advanced Dianna McNall and Executive Human Resources Specialist – Senior Amanda Eischen, 20% of Rice’s duties involve administering AODA and other treatment programs; 20% of his time is spent planning, coordinating, supervising, and administering a security program; 20% of his time is spent supervising unit staff; 15% development and implementation of the Climate Control Report (a general supervisory duty); 10% development and implementation of overall institution goals, budget, policies, and procedures; 5% public relations; 5% compliance with federal and state laws; and 5% development and implementation of health and safety programs and policies. *See* Exhibit R-8, pgs. 1-9. Since Rice spends the majority of his time administering inmate treatment, supervising staff, and completing other general supervisory duties, Rice’s “best fit” is CPS, the classification focusing on providing comprehensive counseling and treatment to inmates.

McNall and Eischen’s analyses concluded that Rice’s position performs work similar to the duties in both the CPS and IUS classification specifications. However, because his position is intended to be the clinical supervisor of JCI’s AODA/SUD program, is principally directing a comprehensive specialized treatment program, and requires specific credentials to function as the clinical supervisor, the most specific classification specification is the CPS classification specification. Per Wisconsin Human Resources Handbook, Chapter 370, a position must be classified using the most specific classification specification that exists. Further, the Commission’s predecessor agency, the Personnel Commission, has found that “a classification specification which specifically describes the duties and responsibilities of a position provides a closer fit than a specification which only generally describes such duties and responsibilities.” *See* Dorsey et. All v. DER, Case Nos. 94-0471-PC. Therefore, because Rice’s position adheres more specifically to the CPS classification specification, the CPS classification specification is the best fit.

Rice argues that these analyses are incorrect, and that the majority of his job duties are related to security functions. He believes that supervising correctional employees, coordinating inmate custody and treatment, developing and implementing institution goals, and developing and implementing health and safety programs are all security matters. He argues that he performs the same security-related job duties as other IUS employees at JCI. However, many of the duties that he lists are not primarily security-related. For example, Rice is responsible for supervising both uniformed staff (correctional officers and sergeants) and non-uniformed staff (social workers). These are general supervisory responsibilities, not specifically related to security matters. Implementing institution goals and developing health and safety programs are not specifically security matters. Further, as discussed above, although employees in the CPS and IUS

classification specifications may perform similar work, Rice's combination of treatment and security responsibilities is a closer fit to the CPS classification specification, rather than to the general security responsibilities of the IUS classification specification.

In addition to CPS being the best fit for Rice's responsibilities, there are two important exclusions in the IUS position description that preclude Rice from being an IUS. First, the IUS position description states:

"Excluded from this classification are the following types of positions: 1. Supervisory positions which spend the majority of time coordinating a unit, or subunit, or a specialized professional program or specialized treatment program at a DOC or DHS state facility or institution who are responsible for the programmatic or administrative direction of the unit may also happen to supervise security staff (e.g., correctional officer, psychiatric care technicians) and are best classified as a Corrections Program Supervisor or another appropriate classification specification." *See* Exhibit R-10, pgs. 1-2.

Rice's duties, which require him to spend the majority of his time supervising a specialized treatment program at a DOC state institution, explicitly exclude him from the IUS position description.

Second, the IUS classification specification states:

"Excluded from this classification are the following types of positions: 2. Any position which requires certifications in CSAC (Clinical Substance Abuse Counselor), CS-IT (Clinical Supervisor in Training), ICS (Intermediate Clinical Supervisor or Independent Clinical Supervisor), Licensed Clinical Social Worker, Licensed Professional Counselor, Advanced Practice Social Worker, Social Worker, or similar." *See* Exhibit R-10, pg. 2.

As a CPS, Rice is required to hold an Independent Clinical Supervisor certification. *See* Exhibit R-12, pg. 7. The certification is necessary for Rice to perform his duties. Because he holds a clinical certification that is expressly excluded from the IUS classification, Rice is not eligible for reallocation into the IUS classification.

Rice argues that other IUS run treatment programs. As evidence, he cites Rebecca Heth's testimony that IUS Heather Wilhelm-Copas provided clinical supervision to Substance Use Treatment staff at Stanley Correctional Institution. However, Wilhelm-Copas's position description does not include specific language requiring her to administer the AODA and other treatment programs, as Rice's does. Further, Wilhelm-Copas's position description does not state that she is required to have licensures or responsibilities, as Rice's position description clearly does.

Given the foregoing, the majority of Rice's duties do not fall within the scope of the IUS classification. The CPS position is the best fit for Rice, because it most specifically describes his responsibilities to administer treatment programs. Further, Rice's duties and licensure specifically

exclude him from the IUS classification. Therefore, the Commission concludes that the State of Wisconsin Department of Corrections, Division of Adult Institutions, correctly denied Rice's request to be reclassified, reallocated, or regraded from a Corrections Program Supervisor (CPS) to an Institutional Unit Supervisor (IUS).

Issued at Madison, Wisconsin, this 22nd day of December 2025.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Peter G. Davis, Chairman