

State of New Hampshire

PERSONNEL APPEALS BOARD
Edward J. Haseltine, Chairman
Gerald Allard
Loretta Platt



EXECUTIVE SECRETARY
Mary Ann Steele

PERSONNEL APPEALS BOARD
State House Annex
Concord, New Hampshire 03301
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APPEAL OF KENNETH ALLEN AND LAWRENCE GAFFNEY

Request for Reconsideration
March 30, 1988

By letter dated February 12, 1988, Robert P. Dowst, Director, Public Works and Transportation, filed with the Personnel Appeals Board a request for reconsideration of the Board's January 25, 1988 decision in the classification appeals of Kenneth Allen and Lawrence Gaffney. In its decision, the Board denied the appellants' request for upgrading to a new title of Clerk of the Works III, salary grade 25, finding the appellant's positions properly allocated at their current title of Clerk of the Works II.

The appellants asked that the Board reconsider its findings relative to the proper degree allocation for the attributes of Experience and Supervision.

After consideration of the record before it, the Board voted to affirm its decision, denying the requested reclassification.

First, the appellants addressed the issue of supervision. In support of their argument for increasing this attribute to the fourth degree, the appellants stated, "As defined by Webster supervision is, 'the action, process or occupation of supervising; esp: a critical watching and direction (as activities or a course of action) syn see oversight,' which is defined as 'watchful and responsible care'."

The Evaluation Manual, however which is applied in reviewing classification appeals, defines supervision as the measure of "how much responsibility is required for controlling, directing, training, planning and scheduling the work of others. Consideration must be given to the NATURE of the control exercised as well as the LEVEL of the position controlled." The Board did not find that the appellants were responsible for the degree of supervision described by the fourth degree involving "responsibility for assigning work, discipline, solving work problems, methods of operation, reviewing the work of subordinates for accuracy, and also for the quality and quantity of performance. Requires supervision and administration from 75% to 100% of the time." The appellants' responsibility as described in the Classification Questionnaire is principally that of inspection. The actual supervision of staff, and level of staff supervised, is a function of the contractors employed in construction projects inspected by the appellants. The Board, therefore, reaffirmed its ruling that the appellants' positions are properly allocated in their current specification and point allocation.

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The second attribute for which the appellants requested reconsideration was experience. Upon review of the record, the Board reaffirmed its decision that the individual possessing 7 to 8 years of experience would be able to perform the required duties as an entry level in the position.

Based upon the foregoing, the Board reaffirmed its decision of January 25, 1988 and denied the requested reconsideration.

FOR THE PERSONNEL APPEALS BOARD

A handwritten signature in cursive script that reads "Mary Ann Steele".

MARY ANN STEELE
Executive Secretary

cc: Ann Spear, Field Representative
Raymond Lemieux, NHDOT Personnel Officer
Wallace Stickney, NHDOT Commissioner
Virginia A. Vogel, Director of Personnel

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01/25/88

The NH. Personnel Appeals Board, Commissioners Platt and Cushman sitting, heard the classification appeals of Kenneth Allen and Lawrence Gaffney on Tuesday, January 12, 1988. The appellants were represented at the hearing by SEA Field Representative Ann Spear. Classification and Compensation Administrator Edward J. McCann represented the Division of Personnel.

The basis for this appeal is the Division of Personnel's August 21, 1987 decision denying a request to upgrade the appellants' positions in the Department of Transportation, from Clerk of the Works II, salary grade 23 to a new title of Clerk of the Works III, salary grade 25. Both the appellants and the Division of Personnel submitted written materials for the Board's consideration prior to the hearing.

The first attribute for which the appellants requested an increased point allocation was Supervision. The appellants, currently rated at the 3rd degree for Supervision, have requested an increase to the 4th degree. In support of this request, the appellants argue that they "exercise direct supervision in the form of assigning or scheduling work, checking or reviewing work, and instructing personnel, evaluating work performance, hearing and resolving complaints, recommending disciplinary action, interviewing job applicants and recommending action, and recommending leave requests, over various other positions." The appellants further stated, "We contend that the jobs held by the two appellants are so heavily supervisory in nature that they should be allocated the fourth degree." Position Classification Questionnaires submitted by the appellants (SEA Exhibits II and III) do not support this argument. Messrs. Allen and Gaffney both described their supervisory duties as occupying 5% of their time. The 4th degree for supervision "Requires supervision and administration 75% to 100% of the time." Accordingly the Board voted to deny the requested increase, finding the appellants position correctly evaluated at the 3rd degree, involving "direct supervision over groups requiring advisory responsibility for instructing and directing subordinates. . ."

The second attribute addressed by the appellants was Experience. Currently rated at the 8th degree or 7 to 8 years' experience, the appellants argued that this attribute should be increased to the 9th degree which would require 9 or 10 years experience. Upon review of the Evaluation Manual and the position specification for Clerk of the Works II, the Board, was not persuaded that the position responsibilities required an increase in this attribute to the 9th degree. The Board found this attribute correctly rated at the 8th degree.

APPEALS OF KENNETH ALLEN AND LAWRENCE GAFFNEY
Page 2

Based upon the foregoing, the Board found the appellants¹ described duties and responsibilities do not warrant increases in either Experience or Supervision. Accordingly, the Board voted to deny the appeal.

FOR THE PERSONNEL APPEALS BOARD

MARY ANN STEELE
Executive Secretary

cc: Ann Spear, SEA Field Representative
Raymond Lemieux, Personnel Officer, DOT
Wallace Stickney, Commissioner, DOT
Virginia Vogel, Director of Personnel