

# State of New Hampshire

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## PERSONNEL APPEALS BOARD

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### AREA PROGRAM COORDINATORS

(John Keegan, Roger Vachon, Birthe Filby)

Division of Elderly and Adult Services  
Docket #89-C-36

January 10, 1991

The New Hampshire Personnel Appeals Board (Bennett, Cushman and Johnson) met Wednesday, April 25, 1990, to hear the classification appeals of John Keegan, Roger Vachon and Birthe Filby, Area Program Coordinators for the Division of Elderly and Adult Services. The appellants were represented by their Division Director, Richard Chevrefils. Personnel Director Virginia A. Vogel represented the Division of Personnel.

On May 10, 1989, the Division of Elderly and Adult Services (hereinafter "the Division") requested that four positions of Area Program Coordinator be reallocated from salary grade 20 to salary grade 24. In support of that request, the Division contended that the positions of Area Program Coordinator had expanded, requiring that the incumbents pursue specialized program skills, that they manage contractual relationships accounting for approximately 80% of the Division's budget through 60 different contract agencies, and that they establish a network of advocates for the elderly as well as for disabled and incapacitated adults.

Director Chevrefils testified that an upgrade from salary grade 20 to 24 was appropriate in that each of the Area Program Coordinators had assumed increasing responsibility for program supervision, span of organization and community leadership. He admitted that although these characteristics were not considered evaluation factors within the plain meaning of the classification plan, they warranted review and consideration in determining appellants' appropriate salary grade allocations.

With regard to supervision and management, Director Chevrefils testified that the incumbents may not supervise people, but they do supervise program and process, including managerial oversight of services provided through contractors. He indicated that such supervision included encouraging and assuring results consistent with the terms of contracted services, overseeing expenditures on such contracts, and ensuring appropriate contract administration to assure compliance with state and federal law.

Again, Director Chevrefils argued that while "span of responsibility" may not be an evaluation factor, it is a function and should be taken into consideration in determining the appropriate level of compensation for the incumbents. He stated that each of the incumbents had developed new skill and knowledge about the disabled and incapacitated, in addition to their role as advocate for the elderly. He stated they had each been charged with acquiring "focused expertise", requiring that they each become knowledgeable and skillful in areas such as substance abuse, alcoholism, housing and transportation problems associated with the elderly and disabled adult population. Another function Director Chevrefils mentioned was "community organization and leadership responsibility", stating that each of the incumbents works with communities in developing community service networks.

Before closing his remarks, Director Chevrefils offered the Board copies of the State Plan for the New Hampshire Division of Elderly and Adult Services. Ms. Vogel noted for the record that the report submitted covered the period of October 1, 1989 to September 30, 1991, months after issuance of the reconsideration decision of the Director of Personnel dated July 25, 1989.

John Keegan, one of the appellants, offered three "vignettes" to demonstrate the nature and scope of his and his colleagues' responsibilities. He provided a written summary of these vignettes for the Board's consideration. He included discussion of his facilitating the relocation of "homemaker units" in the Town of Tilton, his providing support and technical assistance for the Pelham Senior Center, and his duties chairing a statewide task force on substance abuse and the elderly. He said he had stirred up increased agency participation and coordination, arguing this would qualify as his area of "focused expertise". Mr. Keegan offered his resume for the Board's review.

Director Vogel testified that the Division of Personnel had received requests from Appellants Keegan, Vachon and Filby for review and upgrade of their positions on Flay 10, 1989. In that request they had asked that their positions be reallocated from salary grade 20 to 24. Ms. Vogel explained that in a request for reallocation, the requesting party must demonstrate the nature and degree of change in a position's duties and responsibilities which would warrant upgrading that position.

At the time of review, the incumbents had asked for increases in the point values assigned to the attributes of Supervision, Education and Experience. The Division of Personnel and Division of Elderly and Adult Services agreed that one of the incumbents would complete a classification questionnaire for review by the Division of Personnel as an example of the work performed by each of the incumbents. John Keegan's position was chosen, and a desk audit of his position was conducted. After completing its review, the Division of Personnel did not find that the duties and responsibilities described in the classification questionnaire or in the course of the desk audit warranted increase of any of the factors suggested by the incumbent or by his supervisor, *Mr. Creed*.

With regard to the factors of Education and Experience, Ms. Vogel argued that a position review must consider the minimum qualifications for selection at entry level in a position. The Division of Elderly and Adult Services had suggested that the minimum educational requirements should be increased from a bachelor's to a master's degree or its equivalent, arguing that the positions require attaining a substantial level of technical expertise which is then shared with the various area programs. The positions are currently rated at the 5th degree (80 points) for the attribute of Education, requiring a bachelor's degree, and at the 6th degree (65 points) for the Experience attribute, requiring 3 to 4 years of experience in the same or related work. After considering the testimony and evidence submitted, the Board found that the appellants provided insufficient evidence to warrant increasing either of these attributes.

Ms. Vogel also testified that the Supervision attribute, which the appellants had suggested increasing, is currently rated at the 3rd degree (20 points). That attribute is defined in the Evaluation Manual as involving "...direct supervision over groups requiring advisory responsibility for instructing and directing subordinates, such as assigning work, explaining methods and maintaining flow of work. However, incumbent is not responsible for methods of operation". In consideration of the absence of any direct supervisory responsibility for any other employees, the Board found the 3rd degree under Supervision adequately addressed the appellants' responsibilities for provision of technical assistance and contract oversight.

In his written submission to the Board dated August 4, 1989, Director Chevrefils stated, "Recognizing that supervision is not an appropriate characterization of the Area Program Coordinator's relationship with contractors and other publics [sic], we do, however, maintain that the level

of complexity, personal relations and initiative required of an APC to meet the minimal standards of the position are not accurately reflected in their present salary grade."

With regard to the Initiative attribute, the Division of Personnel stated that Area Program Coordinators are currently evaluated at the 5th degree (80 points) and had suggested an increase to the 6th and highest degree for this attribute (100 points). The Board, upon review of the record and the Evaluation Manual, found insufficient evidence to warrant increasing this attribute as suggested, which is defined as involving "the highest ability to establish, organize and carry out policy-making activities and major departmental programs". The Board found that the 5th degree more than adequately addressed the appellants' requirements for exercise of judgment, independent action and creative effort in performing their duties.

The current evaluation for the attribute of Complexity of Duties in the Area Program Coordinator classification is the 6th degree (100 points). Director Chevrefils suggested increasing this factor to the 7th degree (125 points). Again, the Board reviewed the Evaluation Manual, which defines the 7th degree as "Work carrying responsibility for consideration and analysis of major departmental problems. Requires development of data and recommendations influencing decisions on long-term policies relating to major functions". While each of the incumbents obviously contributes to the success of the various programs regulated by the Division of Elderly and Adult Services, the Board did not find that their positions are individually responsible for the development of data and recommendations at the level defined by the 7th degree. The Board found this attribute would more properly have been allocated at the 5th degree (80 points) which the Manual defines as "Work governed generally by broad instructions, objectives and policies, usually involving frequently changing conditions and problems. Requires considerable judgment to apply factual background and fundamental principles in developing approaches and techniques for the solution of problems."

The Board is mindful that its finding, above, would result in a reduction of the points currently allocated to the Complexity of Duties attribute of 20 points, and would therefore also result in a reduction of the appellants' salary grade allocation. The Board, therefore, will defer to the Division of Personnel's assessment that this factor might be allocated at 100 rather than 80 points.

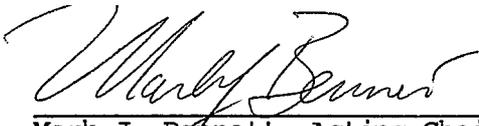
The final attribute which Director Chevrefils has suggested increasing is the Personal Relationships attribute. He recommended that this attribute be assigned at the 6th or highest degree (100 points). The Board was not persuaded that the appellants are individually responsible for "important

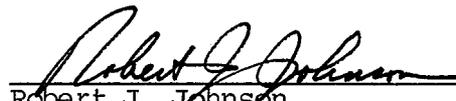
contacts of such qualitative nature as to secure acceptance or support of major departmental policies..." Absent any evidence to support such an increase, the Board voted to deny the request.

Based upon the foregoing, the Board found insufficient evidence of substantial or material change in the Area Program Coordinators' duties and responsibilities to warrant upgrading to salary grade 24. Accordingly, the appeals of Keegan, Vachon and Filby are denied.

The Board voted to grant the Division of Personnel's requests for findings of fact, to the extent that they are addressed in the decision above. The Board also voted to grant the Division of Personnel's requests for rulings of law.

THE PERSONNEL APPEALS BOARD

  
\_\_\_\_\_  
Mark J. Bennett, Acting Chairman

  
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Robert J. Johnson

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George R. Cushman, Jr.

cc: Richard Chevrefils, Director  
Division of Elderly and Adult Services

Virginia A. Vogel, Director  
Division of Personnel

Civil Bureau, Office of the Attorney General