

State of New Hampshire



PERSONNEL APPEALS BOARD

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APPEAL OF ROGER BALLARD Department of Health and Human Services Docket #89 - C-43

April 21, 1994

The New Hampshire Personnel Appeals Board (McNicholas, Bennett and Rule) met Wednesday, July 8, 1992, to hear the classification appeal of Roger Ballard, an employee of the Department of Health and Human Services. Mr. Ballard, who is currently classified as a Supervisor IV, salary grade 24, had requested that his position be reclassified and upgraded to Administrator I, salary grade 26. Mr. Ballard appeared pro se. Virginia Lamberton, Director of Personnel, appeared on behalf of the Division of Personnel.

The appellant's position is assigned to the Office of Quality Assurance in the Department of Health and Human Services. In his Classification Questionnaire, he defined the primary function of the position as follows:

Exercise administrative and supervisory control of technical and professional employees who conduct, or supervise those who conduct, Federal and State mandated Quality Control audits of Aid to Families with Dependent Children, Medicaid, Food Stamp, State Supplement, and Child Support cases. Oversees operation of Claims Processing Assessment System.

The only two evaluation attributes in dispute at the time of the reclassification decision were the attributes of Initiative and Complexity.¹ Mr. Ballard's position was allocated at the sixth degree (100 points) for the attribute "Complexity of Duties" and at the fourth degree (60 points) for the "Initiative" attribute. He had requested an increase of one degree in each attribute to the seventh degree (125 points) and the fifth degree (80 points) respectively.

In conducting its review of this position, the Division of Personnel found that Mr. Ballard's classification of supervisor IV was assigned the sixth degree for Complexity of Duties, involving analysis of broad problems, planning of various interrelated activities, and sometimes coordinating the efforts of more than one division. Additionally, the Division of Personnel

¹ Mr. Ballard's position was evaluated and classified prior to the effective date of the current rules of the division of personnel, utilizing the former rules and prior Evaluation Manual.

found that Mr. Ballard's duties involve working out approaches to major problems and performing duties wherein general principles may be inadequate to determine procedures or decisions in all cases. The seventh degree which he had requested would require the development of data and recommendations influencing decisions on long-term policies relating to major functions. The Division of Personnel found that Mr. Ballard's work assignments did not rise to that level, but rather that the seventh degree better described the duties performed by Mr. Ballard's supervisor, George Cummings.

Having reviewed the materials submitted by both parties and in consideration of the testimony by Mr. Ballard and Ms. Lamberton, the Board concurred with the Division of Personnel. Although the appellant's supervisor may rely on Mr. Ballard to assist him in analysis and planning for major departmental problems, the actual responsibility for those duties lies with the appellant's supervisor. Accordingly, the Board voted to deny the request for an increase of 25 points for the Complexity of Duties attribute.

Mr. Ballard argued that the "Initiative" attribute should be increased from the fourth to the fifth degree. The Division of Personnel argued that the degree of initiative already assigned to the appellant's position defined a job of considerable judgment and independent decision making, and accurately reflected the nature of the duties assigned. The Division further argued that the position held by the appellant's supervisor was already allocated at the fifth degree, and that positions should not be classified in such a manner that a subordinate and a supervisor at this level should not be assigned the same degree for this attribute. The Board does not agree.

The fifth degree for "Initiative" is defined as follows:

Requires outstanding ability to perform complicated work of a high professional level, working independently on broad general assignments that present new and changing problems with responsibility for all planning of work limited only by departmental policy and state statute. Makes decisions without consulting superior unless major changes or new long term programs are involved.

The record reflects that as Mr. Ballard's supervisor has been required to devote more of his time to challenging the propriety of federally mandated programs and expenditures, Mr. Ballard has assumed a growing responsibility for the financial audit functions of the quality assurance function in his department. Based on the information supplied by the appellant and by the Division of Human Services, it appears that actual "consultation" between Mr. Ballard and his supervisor on matters related to planning occur only when major changes or new long term programs are involved. According to information submitted by the Division of Human Services, the appellant's supervisor sees his own role as more akin to that of a lobbyist than an administrator in the common sense of the word.

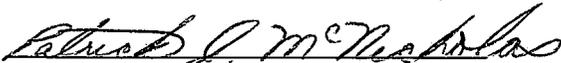
The appellant is responsible for managing the State's fiscal audit portion of the quality assurance program for federally funded AFDC (Aid to Families with Dependent Children), Medicaid, and Foodstamps, as well as auditing aid to the elderly within the State. While he may not be responsible for the over-all policy-making aspects of the Office of Quality Assurance, he participates in planning and policy making, and appears to be almost solely responsible for the on-going management of the Office of Quality Assurance. The Board found there was

sufficient evidence to warrant increasing the "Initiative" attribute as requested.

While the Board is mindful of its obligation to respond to proposed findings of fact and rulings of law and finds them helpful in focusing the review on the material facts in dispute, detailed, compound proposed findings which do not allow the Board to focus on the issues are not helpful in reaching a decision. To the extent that the proposed findings are consistent with the Board's decision, they are granted. Otherwise, they are denied.

Inasmuch as neither party submitted specifications for the Board's review of any other positions in the class series, the Board lacks specific information upon which to make a recommendation for a correction as required by the provisions of RSA 21-I:57. However, it seems logical that if the evidence will not support reclassification of Mr. Ballard's position to Administrator I, but his responsibilities exceed those of a Supervisor IV, the Director may wish to consider reallocating the position to the level of Supervisor V.

THE PERSONNEL APPEALS BOARD


Patrick J. McNicholas, Chairman


Mark J. Bennett, Commissioner


Lisa A. Rule, Commissioner

cc: Virginia A. Lamberton, Director of Personnel
Roger Ballard, Office of Quality Assurance
Sandra Platt, Administrator, Health and Human Services
Dr. Harry Bird, Commissioner