

# State of New Hampshire



**PERSONNEL APPEALS BOARD**  
25 Capitol Street  
Concord, New Hampshire 03301  
Telephone (603) 271-3261

**APPEAL OF LAURA BOYNTON**  
**DOCKET #93 -C-9**  
**Department of Safety**

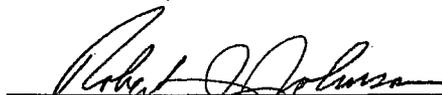
**November 17, 1993**

On October 29, 1993, Margo Hurley submitted a request for reconsideration of the Board's October 21, 1993 decision in the reclassification appeal of Laura Boynton. Ms. Hurley asked the Board to review the letter from Sgt. Hartwell, attached as Exhibit #1, and to find that Ms. Boynton's position should be upgraded from Secretary II, salary grade 8, to Executive Secretary because she has limited dispatching responsibilities and works in a State Police troop station which does not utilize surveillance cameras or protective glass. Both of those issues were addressed in the Board's October 1, 1993 decision on the merits of Ms. Boynton's appeal.

As set forth in the Board's rules, a motion for reconsideration "...shall set forth fully every ground upon which it is claimed that the decision or order complained of is unlawful or unreasonable." [Per-A 204.06 (b)] Ms. Hurley's request for the Board to "contemplate" evidence or argument which was already raised in the hearing on the merits, and considered by the Board in reaching its decision to deny Ms. Boynton's appeal does not set forth any ground upon which to claim that the Board' decision is either unlawful or unreasonable. Accordingly, her request is denied. The Board voted unanimously to affirm its decision, finding that Ms. Boynton's position is properly classified as a Secretary II.

**THE NEW HAMPSHIRE PERSONNEL APPEALS BOARD**

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

  
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Robert J. Johnson, Commissioner

  
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Lisa A. Rule, Commissioner

cc: Virginia A. Lamberton, Director of Personnel  
Margo Hurley, SEA Field Representative  
Col. Lynn Presby, Director, Division of State Police  
Richard M. Flynn, Commissioner of Safety

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### APPEAL OF LAURA BOYNTON DOCKET #93 -C-9 Department of Safety

October 21, 1993

The New Hampshire Personnel Appeals Board (Bennett, Johnson and Rule) met Wednesday, August 4, 1993, to hear the classification appeal of Laura Boynton, an employee of the Department of Safety, Division of State Police. Ms. Boynton, who was represented at the hearing by SEA Field Representative Margo Hurley, was appealing the Personnel Director's August 7, 1992 decision to reclassify her position from Secretary Typist II, salary grade 7, to Secretary II, salary grade 8. Virginia Lamberton, Director of Personnel, appeared on behalf of the Division of Personnel, Department of Administrative Services.

At the conclusion of the hearing, Director Lamberton submitted proposed findings of fact and rulings of law. While the Board is mindful of its obligations to respond to proposed findings of fact and rulings of law, and finds them helpful in focusing the Board's review on the material facts in dispute, detailed, compound findings which do not allow the Board to focus on the issues are not helpful in reaching a decision. Accordingly, the Board will make its own findings in this case. To the extent that the proposed findings are consistent with the Board's decision, they are granted. Otherwise, they are denied.

In April, 1992, the Department of Safety had asked the Division of Personnel to reclassify five Secretary Typist II positions, including the one occupied by Ms. Boynton, to Executive Secretary, salary grade 10. By letter dated August 7, 1992, the Director of Personnel advised the Department of Safety of her decision to deny the Department's request to upgrade those positions to Executive Secretary, salary grade 10, as well as her decision to upgrade those positions to a newly created job classification of Secretary II, salary grade 8.

On August 17, 1992, Ms. Boynton wrote to the Division of Personnel requesting reconsideration of the August 7th upgrading decision. In her letter, Ms. Boynton suggested that a more appropriate classification for her position might be Clerk IV, salary grade 11. Ms. Boynton believed that the Clerk IV classification would more adequately describe the variety of tasks she performs. The Director of Personnel denied the reconsideration request by letter dated September 28, 1992.

Ms. Boynton timely filed her appeal to this Board for reclassification to Clerk IV, salary grade 11. In supporting documents filed on her behalf by SEA Field Representative Hurley, Ms. Boynton suggested that the evaluation factors of Skill, Working Conditions, Physical Demands, Communications and Independent Action should each be increased by one evaluation level. The proposed point matrix, highlighting the recommended point increases, was as follows:

	Current	Proposed
Skill	Level 2	Level 3
Knowledge	Level 3	Level 3
Impact	Level 2	Level 2
Supervision	Level 2	Level 2
Working Conditions	Level 1	Level 2
Physical Demands	Level 1	Level 2
Communications	Level 3	Level 4
Complexity	Level 2	Level 2
Independent Action	Level 2	Level 3

Ms. Boynton argued that she is responsible for more than simple secretarial functions, noting specifically that she has had to learn more complicated word and data processing systems such as WordPerfect and Lotus 1-2-3, as well as having had to undergo three days of training to use the SPOTS computer information system. She also said that because Troop D where she is currently assigned does not have a full-time dispatcher and has to rely on Headquarters for dispatch services, she is asked from time to time to communicate with the Troopers by radio to schedule appointments or contact other agencies for them. Ms. Boynton also indicated that although she has no actual supervisory responsibilities, she does answer questions for the Troopers, records their leave time, generates payroll information and maintains records of personnel actions.

Ms. Hurley reviewed the information submitted by her on the appellant's behalf, also noting that Ms. Boynton works in a Troop Station where the reception/clerical work area is not equipped with protective glass or surveillance cameras, which she believed should justify an increase in the Working Conditions attribute.

Ms. Lambertson described the manner in which her Division had reviewed Ms. Boynton's position. She explained that the Clerk IV classification recommended by Ms. Boynton was inappropriate in that Clerk IV positions are primarily supervisory in nature, with responsibility for management of a clerical unit, although the position itself is not secretarial in nature.

Ms. Lambertson noted that Ms. Boynton's has no supervisory responsibilities, and that responding to questions from the Troopers in the station, tracking their leave or recording personnel actions are insufficient to warrant allocation at the current level for supervision. However, she said that in reviewing the position, her division determined that the preponderance of the responsibilities were consistent with the specification for Secretary II, and that the absence of supervisory responsibility should not result in a finding that the position would be improperly classified as a Secretary II.

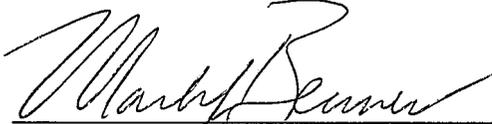
On the evidence, the Board found that the appellant's position is properly classified as a Secretary II, salary grade 8. The appellant did not persuade the Board, either in her written or oral presentation, that the duties of the position warranted increasing any of the evaluation factors in dispute. If the Board were designing a specification based on Ms. Boynton's representation of her duties and responsibilities, even if it were to grant the increase in points allocated to the factor of "Skill", it would simultaneously decrease the points allocated to the factors of "Supervision" and "Communications", increasing the total to 185 points. That point total would yield the same over-all salary grade as its current allocation.

In spite of Ms. Hurley's arguments about the absence of bullet-proof glass or surveillance cameras, the Board did not find Ms. Boynton's working conditions warranted an increase to the 2nd level. Ms. Boynton is not exposed to any more threatening an environment than any other

office worker. In fact, the presence of law enforcement officers in the same building could create a safer work environment for her than other office staff throughout State government might enjoy.

On the evidence as presented, the Board voted to deny Ms. Boynton's appeal. In so doing, the Board voted to grant the Director's proposed rulings of law, determining that the appellant did not provide sufficient evidence to support a reallocation of her position to Clerk IV as requested.

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