

State of New Hampshire



PERSONNEL APPEALS BOARD

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APPEAL OF JOHN L. CARR, SR. Division of Plant and Property Management

January 2, 1990

Mr. John L. Carr, Jr., is a Purchasing Agent employed by the New Hampshire Division of Plant and Property Management. He appeals a reclassification decision of the Director of Personnel dated October 21, 1988.

Mr. Carr is represented by Stephen J. McCormack, State Employees' Association Field Representative. The Director of Personnel, Virginia A. Vogel, and Edward J. McCann, Classification and Compensation Administrator, appear on behalf of the New Hampshire Division of Personnel. The record in this appeal consists of the documentary submissions to the Board contained in its case file and the tape recorded record of the hearing held on March 23, 1989. The Board is greatly assisted in this appeal by a detailed packet of information, supporting documentation and argument submitted by the appellant, all of which has been reviewed in connection with this appeal.

The appeal was timely filed and the hearing conducted in accordance with the Rules of the Division of Personnel and those of the Board. The rules of evidence were generally followed, witnesses duly sworn and other aspects of the hearing were regular, unless otherwise noted in the record. At the hearing the Board received the testimony of the appellant's supervisor Mr. George Ewing, Administrator of the Bureau of Purchase and Property, Division of Plant and Property Management, as well as that of Mr. McCann, and the argument of the parties' representatives. The Division of Personnel filed Requests for Findings of Fact and Rulings of Law at the close of the hearing. The testimony is summarized as follows:

Mr. Ewing recommends Labor Grade 26 as the appropriate pay grade for each of the Purchasing Agents, irrespective of their earlier classification (I, II, or III, now merged and called simply, "Purchasing Agent"). Former Director of the Division of Plant and Property Management, Timothy Gibney, had apparently accepted Grade 23 as the pay level for these job classifications. Mr. Ewing, however, is of the view that the higher grade is more appropriate, that no Purchasing Agent is more important than another, and that the complexity of their collective duties warrants the assignment of their position(s) to the

higher Labor Grade. Mr. Ewing states that there is a high degree of specialization in the job duties of all Purchasing Agents.

Mr. McCann testified that the Commissioner of Administrative Services had delegated to the former Purchasing Agent III the authority to act as the supervisor of the Purchase and Property Bureau, and as the supervisor of the Purchasing Agents. He contends that this was the rationale behind the Labor Grade 26 designation for that position.

Referring to the Division of Personnel's Classification Manual, Mr. McCann does not believe that any Purchasing Agent currently exercises supervision warranting the attribution of 40 points to that job characteristic. He feels that 20 points is appropriate, and that all of the Purchasing Agent positions warrant the assignment of 100 points for complexity of duties under the circumstances of their jobs at the time of the job audit conducted in connection herewith. He sees the Purchasing Agents as warranting point attributions of about 525 points, in turn warranting pay at Labor Grade 23, where all of the positions are currently classified and have been since November 28, 1988, when Mr. Gibney apparently accepted that recommendation of the Division of Personnel. (We do not find Mr. Gibney's action in any way dispositive of this appeal.)

Mr. McCann indicated that Mr. Ewing's position is fairly new and presumably replaced that of the former Purchasing Agent III, in the sense that that position had previously been considered to have an enlarged supervisory function over present Purchasing Agent duties. Mr. McCann contends that, overall, the difference in the Purchasing Agent positions currently at issue is whether the third or fourth degree is appropriate for the attribute of supervision under the provisions of the Classification Manual. The Division believed that Mr. Carr was performing duties in excess of those of a Purchasing Agent I, but that he was generally performing duties similar to those of other Purchasing Agents, who should all be in Labor Grade 23.

The appellant argues that the Division of Personnel saw all of the Purchasing Agents as having the same duties and responsibilities at the time of this position review, and that it erred in classifying those duties at Labor Grade 23. The appellant contends that Mr. Gibney had no objection to eliminating the class series consisting of Purchasing Agent I, II and III, provided that the new classification of Purchasing Agent be allocated at Salary Grade 26. The appellant concurs.

The Personnel Division's position in this matter is clear from Mr. McCann's testimony. Further, the Division's contentions are that the Purchasing Agent III did not, in recent time and at the time of position review, perform the supervisory functions formerly incumbent upon that position. Accordingly, all of the Purchasing Agent positions (I, II, III), were effectively the same in duties.

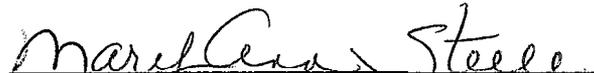
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If the Division's contentions are accepted, the only issue becomes the appropriate classification for all Purchasing Agents; that is the review needed to assure "equal pay for equal work". That is not exactly the nature of the review urged upon us by the appellant. The appellant contends that since one position in the class series once allegedly warranted Labor Grade 26, they all do. He does not account for changes in the position of the Purchasing Agent III (regarding supervision), but acknowledges, on the other hand, the enhanced responsibilities of the Purchasing Agent I, warranting reclassification to at least Labor Grade 23 as the position is currently classified. (Note Appellant's Exhibit 7, characterizing inter alia, supervision as an element of the position.)

On all the evidence, the Board concludes that the appellant has not met his burden. It accepts the Division of Personnel's arguments, as summarized above, and grants the Division's Requests for Findings of Fact and Rulings of Law insofar as they are consistent with the foregoing, otherwise we make no ruling thereon.

The instant appeal is therefore denied.

FOR THE PERSONNEL APPEALS BOARD


Mary Ann Steele, Executive Secretary

cc: Stephen J. McCormack, SEA Field Representative
Virginia A. Vogel, Director of Personnel
Albert J. Nolin, Director, Division of Plant and Property Management
George C. Jones, Commissioner, Department of Administrative Services
David S. Peck, Assistant Attorney General