

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
Telephone (603) 271-3261

APPEAL OF PERLEY CHERRETTE Motion for Reconsideration

April 1, 1988

By letter addressed to the Personnel Appeals Board, dated February 12, 1988, the State Employees' Association requested reconsideration of the Board's January 25, 1988 decision denying a request to upgrade the position of Traffic Signal Technician occupied by Perley Cherrette. At its meeting of March 29, 1988, the Board, Commissioner Cushman and Platt sitting, reviewed the request and voted unanimously to uphold its original decision, therefore denying the requested reconsideration.

In his request, the appellant asked that the Board review the decision, specifically the findings related to the job attributes of Complexity of Duties, Experience, Errors and Supervision. The Board reviewed this request, which reiterated the appellant's original arguments, and was not persuaded that the record before it supported the requested degree allocations for those attributes.

The Board, therefore, voted to affirm its decision that the position of Traffic Signal Technician was properly evaluated. Further, the Board found that while the volume of work may have increased, that factor does not constitute a material change in job function or position responsibilities, the principal criteria for reclassification or upgrading of a position as described in Per 304.01(g)(1) of the "Rules of the Division of Personnel."

Based upon the foregoing, the Board voted to deny Mr. Cherrette's requested reconsideration.

FOR THE PERSONNEL APPEALS BOARD

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

MARY ANN STEELE
Executive Secretary

cc: SEA Field Representative Ann Spear

Raymond Lemieux, Personnel Officer
Department of Transportation

Virginia A. Vogel
Director of Personnel

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
Telephone (603) 271-3261

88-C-109

APPEAL OF PERLEY CHERRETTE

JANUARY 25, 1988

On January 12, 1988, the Personnel Appeals Board, Commissioners Cushman and Platt sitting, heard the classification appeal of Perley Cherrette, an employee of the Department of Transportation. The appellant was represented by SEA Field Representative Ann Spear. Classification and Compensation Administrator Edward J. McCann represented the Division of Personnel. Both the appellant and the Division of Personnel submitted written arguments for the Board's review prior to the hearing.

The appellant, classified as a Traffic Signal Technician, Salary Grade 18, was appealing the Division of Personnel's decision denying a request to upgrade his position to Salary Grade 25. At the hearing, the appellant amended his request to ask that his position be upgraded to Salary Grade 23.

In support of his appeal, Mr. Cherrette requested increases in the attributes of Complexity of Duties, Experience, Errors and Supervision. Further, the appellant argued that, "the position of Traffic Signal Technician is unique." The Board noted that Mr. Cherrette is the only employee in State government holding this classification title.

Upon review of testimony and materials submitted in conjunction with this appeal, the Board voted to deny the appeal. Absent specific requests for findings of fact, the Board made the following findings:

Complexity of Duties

The appellant's position is currently rated at the 5th degree or 80 points, defined in the Evaluation Manual 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 appellant argued that "increase in the complexity of controller trouble shooting" warranted an increase in this attribute to the 6th degree. The Board found this argument unpersuasive, finding his duties do not require working out "programs and approaches to major problems... wherein recognized general principles may be inadequate to determine procedure or decision in all cases." Thus, the Board voted to deny the requested increase to the 6th degree.

Experience

The appellant argued that this attribute warranted increase from the 6th to the 8th degree, or from a minimum of 3 to 4 years¹ experience to a minimum 7 or 8 years¹ experience. In support of this argument, the appellant contended

APPEAL OF PERLEY CHERRETTE

JANUARY 25, 1988

Page 2

that "only through many years of on-the-job training and experience could a Traffic Signal Technician be familiar with the various models, old and new. The Evaluation Manual however, specifically excludes "fundamental knowledge" and "technical ability" from consideration in rating the experience attribute. Experience is defined in terms of the minimum amount of time "spent in practical preparation in the same or related work... required by a person to satisfactorily perform the work and does not include any time of the employees spent beyond this." Further, the Evaluation Manual refers to satisfactory performance as work of "sufficient quality, output and performance standards as to insure continued employment." Particularly in light of the appellant's description of on-going training and certification through the various signal manufacturers, the Board found the appellant's position properly rated at the 6th degree.

Errors

In his original upgrading request, the appellant asked that the Errors attribute be increased from the 4th to the 6th, or highest degree. In his written argument, the appellant amended this request indicating that the 5th degree would be a more appropriate allocation, arguing that "Errors in the appellant's work could obviously be disastrous, both to the general public and to the Department of Transportation. He is in charge of installation, maintenance and repair of all traffic signals and their controllers that are used on State roads and highways. He is also continually consulted by municipalities regarding city or town signals." The Board found this description best defined by the 4th degree. The Board did not concur with the appellant's representation of his duties as warranting increase to the 5th degree which "Requires the preparation of information and data on which department heads base vital decisions." Therefore, the Board voted to deny the requested increase.

APPEAL OF PERLEY CHERRETTE

MAS DRAFT FOR BOARD REVIEW PAGE 3

JANUARY 21, 1988

Supervision

The appellant requested that the Board increase this attribute from the 3rd to the 4th degree. As defined by the Evaluation Manual, the 4th degree describes work comprised of "supervision and administration from 75% to 100% of the time." The Board found this representation of the amount of time spent by the appellant in administrative and supervisory functions unsupported by the evidence. Rather, the Board found that the majority of the appellant's time was spent in performing various equipment repairs and tests, inspecting installations of equipment, and pursuing continuing education courses provided by various signal manufacturers. Accordingly, the Board found the appellants' position properly rated at the 3rd degree for Supervision.

FOR THE PERSONNEL APPEALS BOARD

MARY ANN STEELE
Executive Secretary

cc: Ann Spear Field Representative
State Employees' Association

Raymond Lemieux, Personnel Officer
Department of Transportation

Virginia A. Vogel
Director of Personnel