State of New Hampshire

PERSONNEL APPEALS BOARD
Edward J. Haseltine, Chairman
Gerald Allard
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EXECUTIVE SECRETARY
Mary Ann Steele

88-C-120

PERSONNEL APPEALS BOARD
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Concord, New Hampshire 03301
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APPEAL OF ANNE EATON

Request for Reconsideration

At its meeting of Tuesday, March 29, 1988, the Personnel Appeals Board, Commissioners Cushman and Platt sitting, reviewed the reconsideration request filed by SEA Field Representative Stephen McCormack on behalf of Anne Eaton, Director of Workers' Compensation, Department of Labor. The appellant argued that the Board's decision of January 25, 1988 denying the appellant upgrading from salary grade 26 to salary grade 28 did not properly address the position responsibilities, particularly with regard to the attributes of Complexity of Duties and Working Conditions.

Upon review of the reconsideration request, and materials previously submitted in Ms. Eaton's appeal, the Board found no evidence to support the request for reconsideration and voted unanimously to reaffirm its decision of January 25, 1988. The reconsideration request is, therefore, denied.

FOR THE PERSONNEL APPEALS BOARD

Mary Ann Steele

Mary Ann Steele
Executive Secretary

cc: Stephen J. McCormack
Field Representative
Anne Eaton
Department of Labor
Vance Kelly, Commissioner
Department of Labor

MARCH 31, 1988

State of New Hampshire

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APPEAL OF ANNE C. EATON

January 25, 1988

On Tuesday, January 12, 1988, the Personnel Appeals Board, Commissioners Platt and Cushman sitting, heard the classification appeal of Anne C. Eaton, Director of Workers' Compensation, Department of Labor. Written arguments in support of the appeal were filed by Ms Eaton on behalf of herself and Ann B. Crane, the former incumbent. Ms Eaton was represented at the hearing by SEA Field Representative Stephen J. McCormack.

Appearing on behalf of the Division of Personnel were Director Virginia A. Vogel and Classification and Compensation Administrator Edward J. McCann. The Division filed a rebuttal to the appellants' written arguments prior to the hearing.

Absent specific requests for finding of fact by either the appellant or the Division of Personnel, the Board made the following findings.

The original request for review of the position of Workers' Compensation Director was forwarded to the Division of Personnel by Labor Commissioner Vance Kelly on June 9, 1986. That request suggested upgrading the subject position from salary grade 26 to salary grade 28. When the Classification Questionnaire was submitted by Ms Crane on June 4, 1987, Commissioner Kelly suggested increasing the position to grade 30. The Division of Personnel denied the classification request on August 28, 1987.

Some time shortly after the denial of the requested upgrading, Ms Crane retired from State Service. The appellant, Anne Eaton, assumed the duties of Director of Workers' Compensation and, on September 14, 1987, Ms Eaton and Ms Crane appealed the denial of upgrading to the Personnel Appeals Board. In that appeal the upgrading request was amended, suggesting that the position be reallocated to salary grade 29.

In written arguments, the appellant asked the Board to consider increasing the job attributes of Complexity of Duties, Initiative and Working Conditions. Upon review of testimony and written submissions, the Board voted to deny the appeal, finding the appellant's position correctly evaluated at salary grade 26. With regard to the various job attribute reallocations requested, the Board made the following findings.

Complexity of Duties

The appellant stated, "the position of Director of Workers' Compensation incorporates all the duties of hearings officers and, in addition to these hearings duties, involves a variety of administrative, supervisory and policy setting activities." However, the appellant herself indicated she "is responsible for holding hearings on an emergency basis." The Board did not consider this argument concerning the limited scope of her hearing responsibilities sufficient to justify increasing this attribute to the 8th degree as requested. Preparation of the biennial budget, administrative rule-making, and supervision of twenty staff members are functions properly addressed by the 7th degree, or "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."

Initiative

The appellant argued this attribute should be increased to the 6th degree. In support of this contention, the appellant claims to function "as the highest classified employee of the division." The Board found this argument unpersuasive. Further, the appellant stated the "planning, organizing and implementing the activities of the Division's units are seldom checked or revised by the Labor Commissioner or the Deputy Labor Commissioner." The Board found this description of duties more than adequately defined by the 5th degree, requiring "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 statute. Makes major decisions without consulting supervisor unless major changes or new long term programs are involved."

Working Conditions

In requesting an increase from the 1st to the 2nd degree for Working Conditions, the appellant argued that this attribute "should be in keeping with those of the jobs which the Director is called to fill when scheduling conflicts or staff absence create a void." Again, the Board found that the occasional nature of the appellant's contact with "irate or mentally unstable claimants" was insufficient justification to warrant increasing this attribute.

FOR THE PERSONNEL APPEALS BOARD

MARY ANN STEELE
Executive Secretary

cc: Stephen J. McCormack
SEA Field Representative

Peter Collins, Deputy Commissioner
Department of Labor

Virginia A. Vogel
Director of Personnel