State of New Hampshire

PERSONNEL APPEALS BOARD
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APPEAL OF FINANCIAL AID OFFICERS
(GOOD, CATELLO, WOICCAK, BURNS AND JACOBS)
Docket #94-C-6
DEPARTMENT OF POSTSECONDARY TECHNICAL EDUCATION

June 3,1996

The New Hampshire Personnel Appeals Board (McNicholas, Bennett and Johnson) met on Wednesday, September 13, 1995, under the authority of RSA 21-I:57, to hear the appeals of Lorraine Good, Jackie Catello, Marcia Woiccak, Julie Burns and Susan Jacobs, employees of the Department of Postsecondary Technical Education. The appellants were appealing the Personnel Director's decision denying their request to have their positions of Financial Aid Officer (FAO) upgraded from salary grade 23 to salary grade 26. Stephen J. McCormack, SEA Field Representalive, appeared on behalf of the appellants. Virginia Lamberton, Direclor of Personncl, appeared on behalf of the Division of Personncl.

The appellants argued that the Division of Personnel had assigned toil little weight to three of the nine evaluation attributes: Skill, Knowledge and Impact.[1] The appellants argued that they enjoy complete autonomy at the colleges to which they are assigned in making student financial aid decisions. They argued that no one in the Department of Postsecondary Technical Education reviews their work or has the authority to over-turn their decisions, which are subject to only periodic review by the U.S. Department of Education. They argued that when they review a student aid application, they have sole discretion in adjusting baseline inforination about a student's financial situation which will later affect the amount of aid a student may expect to receive. They claimed that before 1983, when their positions were last. reviewed that authority did not exist.

Ms. Lamberton said that she had received a request to review the appellants' positions on March 23, 1993, and that the agency supported having the positions reviewed but did not support an

[1] In their original appeal, which was filed pro se, the appellants claimed that the Division of Personnel erred in its assessment of five of the nine evaluation factors: Skill, Knowledge, Impact, Working Conditions and Physical Demands. The Board's decision in this instance will only address those factors taken up at the hearing on the merits.

increase in the salary grade assigned to the classification. Ms. Lamberton stated that the positions were reviewed previously in 1983, at which time they were upgraded from salary grade 21 to salary grade 23. She said that after 1983, although there was a change in the volume of work associated with the positions, there was no real change in the level of work performed. She said that in order to address the increased volume of work, some part-time Financial Aid Officer positions were converted to full-time positions, and the Division of Personnel approved the creation of Program Assistant positions to work with the Financial Aid Officers. Ms. Lamberton asked the Board to note that while the Division of Personnel was reviewing these positions, her Division had received a request to allow a secretary to act as a Financial Aid Officer. She said that the request only confirmed her belief that there was no justification for an increase in either the minimum eclucational requirement or the points assigned to the "Knowledge" factor for the class.

At the conclusion of the hearing, the Director presented Proposed Findings of Fact and Rulings of Law. The Board is mindful of its obligations to respond to such proposed findings and rulings, and generally finds them helpful in focusing on the issues in tlisputc. However, the proposed findings offered for the Board's consideration in this case provide little more than a description of the review process, rather than information about the appellant's duties and responsibilities in relationship to their position classification and salary grade. As such, the Board will make its own findings of fact. To the extent that the Proposed Findings of Fact and Rulings of Law are consistent with the decision below, they are granted. Otherwise they are denied.

Skill

The appellants asked the Board to upgrade the "Skill" factor for their positions from the fifth lo the sixth, or highest, level. The Evaluation Manual defines "Skill" as the combination of preparation and learning through experience and training necessary to perform a specific job function, and measures the amount of time spent in practical preparation in the same or related work.

In order to be rated at the highest level for "Skill," a position must require skill in evaluating, planning, or integrating analysis of data to formulate current and long-range solutions, strategies, or policies of a specialized or technical nature. By comparison, the fifth level calls for skill in analyzing and interpreting data, policy and procedures OR in using equipment in order to arrive at logical conclusions or recommendations.

The appellants offered several examples in support of their request for rating at the sixth level. They indicated that they had developed a "Satisfactory Progress" policy, conforming to federal guidelines, which would ensure that applicants met both qualitative and quantitative standards to receive financial aid. Mr. McCormack stated in his written, arguments, "This policy was adopted at each college after it was reviewed by the Academic Deans at each school. No changes were suggested or made in the policy developed by the Financial Aid Officers, and it was subsequently published in the N.H. Technical College/Institute Financial Aid Policies Handbook."

The appellants also argued that they discovered that students at one technical college had higher initial costs for tools and supplies, the Financial Aid Officer at that college decided to redirect a significant portion of available Perkins Loan funds to that program in order to offset those initial program costs. They argued that the ability to make decisions of that nature demonstrated that the Skill factor was undervalued.

They said that by reviewing federal tax returns and their attachments, a Financial Aid Officer might discover "passive losses which distort the financial picture of a family and that family's ability to contribute toward the costs of a child's education." In those cases, they said that Financial Aid Officers could make an upward adjustment in the family's expected contribution, decreasing the amount of aid a student might receive. In other cases, if they determined that a loss of income warranted a decrease in a student's or a family's expected contribution, they could decide to increase the amount of aid a student would receive.

The Board does not believe decisions at that level warrants an increase to the sixth, or highest level, for the "Skill" factor. The Board found this work best described as analyzing and interpreting data, policy and proceclures to arrive at logical conclusions or recommendations. Assessing a family's annual income or drafting a policy which implements a controlling federal regulation does not qualify as "evaluating, planning, or integrating analysis of data to formulate current and long-range solutions, strategies or policies." Accordingly, the Board found that the "Skill" factor should not be increased to the sixth level.

Knowledge

The Evaluation Manual measures "Knowledge" in terms of the educational background or technical knowledge required to meet the minimal job performance standards. The appellants argued that their positions should be rated at the fifth level because they "resolve problems of a specialized or professional nature." They affirmed that a rating at the fifth level for this factor normally would reflect a minimum education requirement on the job specification for a Master's degree, and the State does not require a Master's degree Io certify as a Financial Aid Officer. However, they argued that the specialized nature of the problems they resolve warranted an increase to the fifth level for this factor.

The Board reviwed the examples offered by the appellants in support of their request for assessment at the fifth level for "Knowledge." While the examples cited describe tasks which are diverse and sometimes complex, the Board did not find that performing those tasks would require a "logical or scientific understanding to analyze problems of a specialized or professional nature in a particular field."

The skills which the incumbents need for investigating or reporting information to the Department of Education, or in negotiating between a student and vendor are not indicative of "knowledge achieved through a combination of preparation and learning through formal education or through experience in a position which requires formal education necessary to perform specific job functions," as described by the Evaluation Manual. The Board found that these examples are more indicative of the level of "Communication," "Complexity" or "Independent Action" required ol the positions under appeal.[2]

Impact

The Evaluation Manual describes the Impact factor as "the manner in which the basic purpose and job functions of a position interact with and respond to the overall needs of the agency." It also defines the "probability for and consequences of error in relation to achievement of agency goals and objectives, including the responsibility lor planning and developing agency programs, implementing operational procedures, and providing services to specific client populations." The appellants' positions are currently rated at the fourth level. They have requested an increase to the fifth or sixth (highest) level.

Ill support of their request for an increased assessment of the "Impact" factor, the appellants argued that no one in the Department of Postsecondary Technical Education reviews their work. They argued that hundreds of colleges nationwide have been barred from participation in federal financial aid programs because of high loan default rates or errors on the part of those responsible lor administering the financial aid programs. They argued that errors in their work could result in loss of funding, and that if students are unable to obtain financial aid, recruitment and retention could be compromised. They also argued that adverse publicity could affect the image of the institution.

[2] Inasmuch as the Board heard no argument and received no evidence specifically addressing the factors of "Communication," "Complexity" or "Independent Action," the Board makes no specific finding with regard to the current rating for these factors.

As important as these issues are, the Board docs not believe that they warrant increasing the "Impact" factor from the fourth to the fifth or sixth level. The Board did not find that errors "would result in incorrect decisions at an administrative level" for the Department of Postsecondary Technical Education as a whole, or for the individual colleges in the system. The Board also did not believe that statewide programs or services would be disrupted as a result a Financial Aid Officer's error. The Board found it more likely that errors could result in disruption of services, as described by the third or fourth level for this factor.

On the evidence and argumet offered by the parties, the Board voted to deny the Financial Aid Officcrs' appeal, finding that there was insufficient evidence to warrant an increase in their salary grade assignment from salary grade 23 to salary grade 26. The Board found that changes in the positions since the last review in 1983 relate to volume of work, not the nature or scope of the work itself.

THE PERSONNEL APPEALS BOARD

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Mark J. Bennett, Commissioner

Robert J. Johnson, Commissioner

cc: Virginia A. Lamberton, Director of Personnel
Stephen J. McCormack, SEA Field Representative
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