

# State of New Hampshire



**PERSONNEL APPEALS BOARD**  
State House Annex  
Concord, New Hampshire 03301  
Telephone (603) 271-3261

89-E-110

## PERSONNEL APPEALS BOARD DECISION

In the Matter Of:  
Melody L. Gaudette  
Word Processor Operator II

May 10, 1989

The Personnel Appeals Board (McNicholas, Cushman and Bennett) met on Wednesday, March 22, 1989, to consider the classification appeal of Melody Gaudette, an employee of the Department of Environmental Services.

### I. Background and Factual Findings

Melody Gaudette is a Word Processor Operator II (Salary Grade 11) in the Water Management Bureau of the Water Resource Division of the Department of Environmental Services. She was formerly a Secretary Stenographer I in the Bureau until her position was reallocated to the present classification in July 1987.

Ms Gaudette's position was reviewed by the Division of Personnel for possible reallocation to that of a Word Processing Operations Supervisor (Salary Grade 15) pursuant to a request made by John Roller, Human Resources Coordinator II, Department of Environmental Services, on or about August 9, 1988. The Division's review of Ms Gaudette's position classification was oriented toward determining what, if any, changes had taken place in her position since the 1987 reallocation. There was no evidence presented indicating that the 1987 reallocation decision was unsatisfactory to Ms Gaudette, or others, or that it was ever appealed.

The Division, in a letter from Virginia Vogel, Director of Personnel of October 5, 1988, to John Roller, discussed its finding and notified Mr. Roller of its decision not to reallocate Ms Gaudette's position.

The referenced letter described the findings and methodology the Division used in reviewing Ms Gaudette's position and in reaching its conclusion that "... the Word Processor Operator II specification continues to describe her responsibilities within the Water Resources Division." (Vogel Letter, p. 2)

On October 31, 1988, Ms Gaudette submitted an appeal to this Board of the Division's denial of the request to reallocate her position. She indicates that she disagreed with Ms Vogel's letter in that the Word Processor Operator Supervisor in the Commissioner's Office (at DES) trains the word processors and troubleshoots in the Water Resources Division. Ms Gaudette has submitted

supplemental information regarding her appeal in memos to the Division (Ms. Mary Ann Steele) dated November 14, 1988 and December 6, 1988. While there would appear to be a possible issue regarding the timeliness of the above referenced submittal or filings, no party raised it, and we consider it to have been waived.

The gravamen of the appellant's appeal is that she disagrees with the Division's review (as set forth in Ms. Vogel's letter) that the Word Processor Operator Supervisor in the Commissioner's Office trains the word processors and troubleshoots in the Water Resources Division. She states that she performs some of these duties at V&S on various newly acquired computer hardware and software that is not in use in all locations at DES. Accordingly, she asserts that the position is improperly classified by the Division in accordance with the Evaluation Manual used by the Division and under the Classification Plan. All of the documentary evidence (listed below) received at the hearing on this appeal on March 20, 1989 has been admitted into evidence and considered in connection herewith.

At the hearing Ms. Gaudette testified (in accord with the documentary evidence she submitted) that she supervises ten people performing word processing functions and provides training to them and troubleshooting services on a variety of hardware and software, except for those provided by the Wang Company. The troubleshooting is limited to key command endeavors to resolve processing problems. The computer systems are from Wang, Sperry, IBM and Digital (9 in total) using 4 or 5 software packages such as DOS, Word Perfect, and Digital's word processing database program. The Word Processor Operator Supervisor supervises 90 and trains and troubleshoots with the Wang equipment, and in other locations. That person is not believed to be a programmer in job function.

Mr. Ken Stern, Administrator, Water Management Bureau, testified in support of Ms. Gaudette's ability and her appeal, stressing the importance of data base management and efficient use of equipment by qualified personnel. A letter (of November 14, 1988) was received from Mr. Stern as well. He contends that the Division, in its review of Ms. Gaudette's position, incorrectly assessed the work situation.

Edward J. McCann, Classification and Compensation Administrator, testified for the Division of Personnel. Mr. McCann described the review performed and related concerns, in accord with the Division's letter (from Ms. Vogel) of October 5, 1988. Mr. McCann described various point differentials between the Word Processor Operator **II** position characteristics and those for the Word Processor Operator Supervisor (summarized below). The appellant's documentary submittals of November 14 and December 6, 1988 address these to some extent. Mr. McCann's conclusion was that Ms. Gaudette's position remains correctly classified as a Word Processor Operator **II** and that changes, if any, since the 1987 reallocation have been insufficient to warrant reallocation to Word Processor Operations Supervisor (the next position in the series).

	WFO Supervisor	WFO II
Complexity of Duties	80	60
Experience	50 (2 years required)	65
Initiative	60	40
Errors (difficult to detect)	40	20
personal relationships skills	30	20
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Labor Grade	15	11
Education	Associates Degree	High School

Mr. McCann indicated a difference was appropriate due to supervision provided to others by incumbents in the two positions as well.

On review of the evidence presented, and the Division's Evaluation Manual, the Board cannot conclude that the Division made errors in reviewing Ms Gaudette's current position classification as a Word Processor Operator II and in determining that reallocation of the position to the classification of Word Processor Operator Supervisor was unsupported by that review.

It seems clear that the Water Resources Division has upgraded hardware and software since Ms Gaudette's position reallocation in 1987, and that she is a talented individual dedicated to her work, who has made the effort to learn to use the new equipment and to enhance the Division's efficiency by training others and resolving operational difficulties that arise. Although Ms Gaudette's performance as an individual may be exemplary, it is performance contemplated by the Word Processor Operator II classification according to the evidence. There is no intermediate step in the classification plan between the two positions in question here and we express no opinion as to whether or not there should be.

Accordingly, the Board denies the instant appeal and finds that the appellant's position is properly classified as a Word Processor Operator II as defined by the Division's Evaluation Manual under the classification plan.

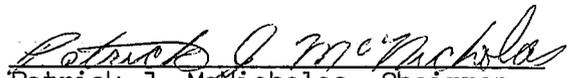
The Division of Personnel has submitted requests for findings of fact and rulings of law. We rule on these as follows: Numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 are granted in substance. Requests for rulings numbered 1 - 3 are also granted in substance.

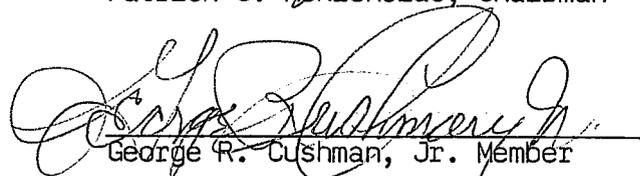
The documentary record in this matter consists of the following:

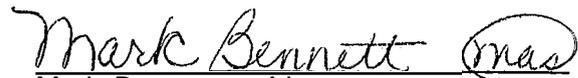
Memos from Appellant dated October 31, 1988, November 14, 1988 and December 6, 1988. Letters from Delbert Downing and Ken Stern dated November 14, 1988.

A written record of a telephone conversation between the appellant and Mary Ann Steele dated November 21, 1988.

THE PERSONNEL APPEALS BOARD

  
Patrick J. McNicholas, Chairman

  
George R. Cushman, Jr. Member

  
Mark Bennett, Alternate

DATED: May 10, 1989

cc: Melody Gaudette  
Water Resources Division

Alden J. Howard, Commissioner  
Department of Environmental Services

John Roller, Human Resources Coordinator  
Department of Environmental Services

Virginia A. Vogel  
Director of Personnel

# State of New Hampshire



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89-C-110

### RULING ON MOTION FOR RECONSIDERATION Personnel Appeals Board Decision In the Matter Of:

MELODY GAUDETTE

The Personnel Appeals Board, at its meeting of June 28, 1989, reviewed Melody Gaudette's letter of May 18, 1989 in which she requested that the May 10, 1989 decision of the Appeals Board in the matter of her classification appeal be "reversed or reserved".

Prior to reviewing the request on its merits, the Board noted that Appellant's submission was made in violation of Per-A 206.02 (c): "Copies of all papers filed by any party shall, at or before the time of filing, be served by a party or person acting for him on all other parties to the case..." That letter does not indicate that any other party to the appeal has been forwarded a copy of the request, or has any knowledge that such request has been made.

The Board (Commissioners Bennett, Cushman and Johnson) voted to affirm its decision of May 10, 1989, denying the request for reconsideration. In so voting, the Board ruled as follows:

1. The Division of Personnel's submission of Request for Findings and Rulings was accomplished pursuant to Per-A 204.04(a): "At the close of the hearing, either party may submit request for findings of fact and rulings of law." Appellant was provided a copy of same at the close of the hearing.
2. Appellants clearly bear the burden of proof in documenting changes in the duties and responsibilities of their positions sufficient to warrant reclassification or upgrading. Ms. Gaudette failed to provide evidence of changes in her position which would warrant such reclassification.
3. The Rules of the Personnel Appeals Board require that "Within twenty (20) days after filing his appeal, the appellant shall file with the Board an original and three (3) copies of any evidence (including all documents or affidavits) that he believes support his position together with any written argument that he wishes the Board to consider. This submission shall cover all aspects of the appeal." [Per-A 208.02(a)]. Ms. Gaudette's request of May 18, 1989, does not allege that new evidence supporting her requested upgrade was unavailable at the time of hearing and should be accepted now.

RULING ON MOTION FOR RECONSIDERATION  
Personnel Appeals Board Decision  
In the Matter Of:  
MELODY GAUDETTE

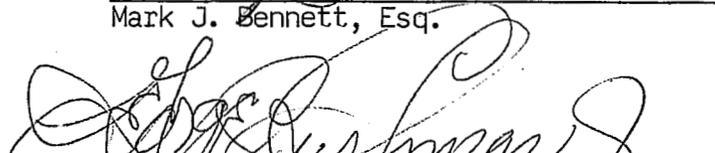
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- Appellant argues that "the original basis for denying the upgrading centered around the belief that the one and only Word Processor Operator Supervisor provided support for the Water Resources Division non-Wang equipment and software." The Board in its decision of May 10, 1989, stated, "Mr. McCann's conclusion was that Ms Gaudette's position remains correctly classified as a Word Processor Operator II and that changes, if any, since the 1987 reallocation have been insufficient to warrant reallocation to Word Processor Operations Supervisor (the next position in the series)." The Board concurred, finding insufficient evidence to of changes in the duties and responsibilities of the position to justify reclassification to Word Processor Operations Supervisor.

Appellant has not provided grounds which might support the conclusion that the Board's order of May 10, 1989 was unlawful or unreasonable. [Per-A 204.06 (b)]. Therefore, the Board voted to deny the request.

THE PERSONNEL APPEALS BOARD

  
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Mark J. Bennett, Esq.

  
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George R. Dushman, Jr.

  
\_\_\_\_\_  
Robert J. Johnson

cc: Melody Gaudette, Word Processor Operator II  
Water Resources Division

Virginia A. Vogel  
Director of Personnel

John Roller, Human Resource Coordinator  
Department of Environmental Services

DATED: June 28, 1989