State of New Hampshire

PERSONNEL APPEALS BOARD
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Appeal of Christine Gauiztt

Docket #99-C-21

Department of Justice

October 14, 1999

The New Hampshire Personnel Appeals Board (Wood, Rule and Barry) met on Wednesday, September 29, 1999, under the authority of RSA 21-I:57, to hear the appeal of Christine Gauntt, an employee of the Department of Justice. Ms. Gauntt, who appeared pro se, was appealing the Personnel Director's April 6, 1999 decision and May 14, 1999 reconsideration reclassifying her position from Administrative Assistant I, salary grade 15 to Accountant II, salary grade 17. Ms. Gauntt had requested reclassification to Supervisor II, salary grade 20. Virginia Lamberton, Director of Personnel, appeared on behalf of the Division of Personnel.

The appeal was heard on offers of proof by the parties. The record of the hearing in this matter consists of pleadings submitted by the parties prior to the hearing, notices and orders issued by the Board, the audio tape recording of the hearing, and documents admitted into evidence without objection as follows:

Appellant's Exhibits:

1. May 28, 1999 letter of appeal to the Personnel Appeals Board
2. April 6, 1999 letter from Virginia Lamberton to Daniel J. Mullen, Senior Assistant Attorney General, reclassifying Ms. Gauntt's position to Accountant II
3. May 14, 1999 letter from Virginia Lamberton to Christine Gauntt denying her request for reconsideration of the classification decision

State's Exhibits

A. Letter dated December 17, 1998 from Daniel Mullen to Director Lamberton

B. Position Classification Questionnaire for position #19809, Administrative Assistant I

C. Approved supplemental job description for position #19809, Accountant II

D. Organizational chart for Business Office, Department of Justice

E. Class specification for Accountant II

F. Class specification for Supervisor II

G. Decision letter dated April 6, 1999

H. Reconsideration letter dated April 15, 1999 from Christine Gauntt to Director Lamberton

I. Reconsideration response letter dated May 14, 1999

J. Letter of appeal dated May 28, 1999

Ms. Gauntt argued that the majority of duties pertain to accounting, but that she oversees three sections of the Business Office and supervises 5 1/2 employees. Ms. Gauntt said that her duties include providing fiscal information to the office administrator, assisting the grants program processing their draws for authorized expenditures, and handling purchases, travel and expenditures for the Chief Medical Officer and Drug Task Force. She said that in order to perform her work, she must be familiar with purchasing rules, contracts, administrative procedures, and waivers to over-ride purchasing contracts. She said her office handled the payments last year for 21,000 court appearances by police personnel and 13,000 witnesses through the witness payment unit. Ms. Gauntt said that management of the archives section requires her office to retrieve, distribute and arrange for retention or destruction of records and evidence for a dozen divisions within the Department of Justice. In the copy center, she said she is responsible for troubleshooting, prioritizing assignments, malting sure that evidence and confidential information doesn't leave the office, and arranging for repairs or replacements when the machinery breaks down.

Ms. Gauntt said that she manages personnel issues, and performs many tasks not typically 'involved in payroll processing or accounting. She said that her supervisory duties include

overseeing the work of subordinate employees, evaluating their performance, correcting their errors and disciplining employees who are not performing satisfactorily. She said that although she doesn't have the authority to hire or fire, she makes such recommendations to the administrator as needed.

Ms. Larnberton said that the Division of Personnel agreed with Ms. Gauntt that her position was incorrectly classified as an Administrative Assistant I. However, she said, the position did not fit the Supervisor II classification that the appellant had requested. Ms. Lamberton argued that although the appellant has many supervisory responsibilities, the overall purpose of the position involves accounting and fiscal management. Ms. Lamberton referred to the appellant's proposed supplemental job description, noting that the majority of the work listed by Ms. Gauntt involves processing payments, maintaining accounting records and providing fiscal information for use by the administrator. Ms. Lamberton also noted that the Accountant II classification provides for supervisory responsibility, defining the level of Supervision as, "Requires direct supervision of other employees doing related or similar work, including scheduling work, recommending leave, reviewing work for accuracy, performance appraisal, or interviewing applicants for positions." Ms. Lamberton noted that the full-time positions supervised by the appellant are Accounting Technicians and a Reproduction Equipment Operator, and that daily supervision of those class titles would not rise to the 3rd level for the Supervision factor which, "Requires direct supervision of programs or of employees doing work which differs from the supervisor, including disciplining employees, solving personnel problems, recommending hiring and firing employees, and developing work methods..."

After reviewing the documentary evidence and considering the parties' oral arguments and offers of proof, the Board made the following findings of fact and rulings of law:

Findings of Fact

1. Ms. Gauntt is employed in the Business Office of the Department of Justice and is responsible for supervising two Accounting Technicians, one Reproduction Equipment Operator, and two part-time Archivists.
2. Of the thirteen Accountabilities listed on the appellant's proposed/approved supplemental job description, ten relate specifically to payment processing, fiscal reporting, payroll, purchasing and general accounting duties.
3. In response to a request for information about what precipitated the permanent change in the duties of the position that necessitated a position review, the appellant wrote on the classification questionnaire, "The growth of this Agency has necessitated this position to assume greater responsibility for initiative, ability to solve problems and produce error free work without immediate supervision."
4. The appellant's supervisory responsibilities are accurately described by the class specification for Accountant II.
5. The Accountant II "Basic Purpose" accurately describes the appellant's primary job function as, "To develop accounting methods and to review agency fiscal services and controls within a specified accounting unit."
6. The Recommended Work Traits appearing on the class specification for Accountant II accurately describe the work performed by the appellant including, "Knowledge of accounting and fiscal principles and procedures and ability to apply knowledge to accounting transactions. Knowledge of the laws and regulations relating to accounting and auditing procedures in the unit concerned. Knowledge of the general principles of financial administration. Knowledge of budget and budgeting procedures. Knowledge of modern office equipment, practices and procedures. Ability to interpret and analyze financial statements and to prepare accurate accounting reports and statements. Ability to devise and install accounting methods, techniques and procedures. Ability to instruct and supervise other clerical and accounting personnel...."

7. By contrast, the "Recommended Work Traits" appearing on the Supervisor II specification begins with the requirement for, "Considerable knowledge of New Hampshire laws pertaining to specific program(s) supervised..."
8. The appellant does not supervise a specific program or programs, such as the Drug Task Force or Charitable Trusts, as suggested by the Supervisor II specification. Instead, she works in the unit that provides accounting and financial support services to those programs.

Rulings of Law

A. "The director shall establish a formal written class specification covering each position in the classified system. The purpose of the class specification shall be to identify the job functions, distinguishing factors, examination requirements, and the minimum qualifications which apply to all positions in the same class." [Per 301.02 (a)]
B. "The duties and work assignments for each position in the state classified service shall be defined by a supplemental job description established by this rule." [Per 301.03 (a)]
C. The supplemental job description shall be developed and updated by the appointing authority or the supervisor assigned by the appointing authority to oversee the work assignments of the position." [Per 301.03 (b)]
D. "Any work assignment which affects more than 10 percent of the total working time of the position shall be listed on the description by the appointing authority, designated supervisor or the employee of the position in accordance with this rule." [Per 301.03 (c)]
E. An employee's supplemental job description must include, "A statement of the scope of work for the position, which shall be related to the basic purpose section of the class specification and shall specify how the broad purpose of the specification translates into a specific role within the goals and objectives of the agency." [Per 301.03 (d) (7)]
F. The Director of Personnel is responsible for "...III. Allocating the position of every employee in the classified service to one of the classifications in the classification plan. [RSA 21-I:42, III]
G. " If the board determines that an individual is not properly classified in accordance with the classification plan or the director's rules, it shall issue an order requiring the director to make a correction." [RSA 21-I:57]

Decision and Order

Director Lamberton noted in her presentation that the appellant was a graduate of the Division's Certified Public Manager Program, that the Division was very familiar with the quality of Ms. Gauntt's work, and that Ms. Gauntt was widely regarded as a "good and valuable employee." However, reviewing a position for reclassification requires the reviewer to focus on the duties and responsibilities of the position, not on the qualities and work history of the incumbent. In this instance, the evidence reflects that Ms. Gauntt's supervisory duties and program responsibilities do not rise to the level of Supervisor II, salary grade 20. Rather, they are accurately described by the class specification for Accountant II, salary grade 17.

Therefore, on the evidence, argument and offers of proof, the Board voted unanimously to DENY Ms. Gauntt's appeal, finding that her position is properly classified in accordance with the classification plan and the Director's rules.

THE PERSONNEL APPEALS BOARD

Patrick H. Wood, Chairman

Lisa A. Rule, Commissioner

James J. Barry, Commissioner

cc: Virginia A. Lamberton, Director of Personnel, 25 Capitol St., Concord, NH 03301
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Daniel Mullen, Sr. Assistant Attorney General, Department of Justice, 33 Capitol St., Concord, NH 03301