

State of New Hampshire



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

89-C-112

APPEAL OF STEVEN GEDDES - Reconsideration Request

December 14, 1988

By letter dated October 10, 1988, SEA Field Representative filed with the Personnel Appeals Board a request for reconsideration of the Board's September 22, 1988 decision in the classification appeal of Steven Geddes, an employee of the Youth Development Center. In his appeal, Mr. Geddes alleged that his position had been improperly allocated at salary grade 17 when that position of Vocational Education Student Placement Coordinator was established in 1983. The Board's decision of September 22, 1988 denied the appeal.

Upon review of the record in this appeal and the appellant's arguments in his October 10, 1988 reconsideration request, the Board voted unanimously to affirm its original decision, finding the appellant's position properly allocated at salary grade 17. In support of this decision, Commissioners Cushman and Platt, at their meeting of October 12, 1988, reaffirmed their earlier findings:

When the position of Vocational Education Student Placement Coordinator was created, the agency and the Division of Personnel concurred with establishment of that position at salary grade 17. An error was subsequently made in formulation of the position specification and resultant point allocations. Upon review of the experience attribute, the Board found allocation of 50 points appropriate for the stated duties and responsibilities, and correction of the specification an appropriate remedy to the problem.

The appellant provided no evidence to persuade the Board to overturn its decision of September 22, 1988. Therefore, the Board voted unanimously to deny the request for reconsideration, finding that the position of Vocational Education Student Placement Coordinator currently is, and has been since initial establishment, properly allocated at salary grade 17.

FOR THE PERSONNEL APPEALS BOARD

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

MARY ANN STEELE, Executive Secretary

cc: Stephen J. McCormack, SEA Field Representative
Ronald Adams, Superintendent, Youth Development Center
Virginia A. Vogel, Director of Personnel

State of New Hampshire

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EXECUTIVE SECRETARY
Mary Ann Steele

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89-C-112

APPEAL OF STEVEN GEODES

September 22, 1988

On Tuesday, June 28, 1988, the New Hampshire Personnel Appeals Board, consisting of Commissioners Cushman and Platt, heard the appeal of Steven Geddes, Vocational Education Student Placement Coordinator for the Youth Development Center. Mr. Geddes was represented at the hearing by SEA Field Representative Stephen McCormack. Edward McCann, Classification and Compensation Administrator, represented the Division of Personnel. Both parties to the appeal made written submissions for the Board's consideration prior to the hearing.

In his March 21, 1988 letter of appeal, the appellant stated, "It is the contention of the State Employees' Association that the position of Vocational Education Student Placement Coordinator needs to be reclassified from Salary grade 17 to Salary Grade 18, retroactive to June 15, 1983." In support of this argument, the appellant stated that the position under appeal was established with the approval of the Department of Personnel in a new classification of Vocational Education Student Placement Coordinator. When established, the position's minimum qualifications included a requirement for three years of experience, and therefore should have been rated at the 6th degree, or 65 points for that attribute. That attribute, however, was assigned 50 points, resulting in a total of 410 points and assignment of salary grade 17 to the position. The appellant then argued that the Director, in her March 8, 1988 letter to YDC Superintendent Adams, "render[ed] a decision in 1988, which changes a decision that was made in 1983, without going through the required process of the established Personnel Rules..."

In his presentation, Mr. McCann argued that when the Youth Development Center had requested establishment of a position of Vocational Education Student Placement Coordinator, he had suggested that the position be classified instead as a Guidance Counselor, salary grade 16. In his May 13, 1983 memorandum to then Business Administrator Carol Tonkin, Mr. McCann wrote, "Although I am not entirely convinced that it is necessary to establish a new job classification nor that Salary Grade 17 is appropriate for that class, I am aware of the fact that I am not completely knowledgeable about the education program at the Youth Development Center and I have depended on the organizational chart and existing job specifications in order to arrive at a decision on your request. To make an arbitrary judgment that an agency must use an existing job class and its assigned grade when establishing a position

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that will only be in existence for a limited time is not entirely fair. As such, this Department does approve the establishment of a new class of Vocational Education Student Placement Coordinator at Salary Grade 17. This decision is based on the information provided by Ms Kingsley and Mr. Sheridan and should be considered as an exception to our general policy."

The materials submitted by the appellant (SEA Exhibit #8) indicate that ten days later, the Department of Personnel sent a draft job specification for the classification of Vocational Education Student Placement Coordinator to the Youth Development Center. That memorandum also requested that the Youth Development Center "review the draft and make any additions, deletions and/or corrections that you feel would be desirable in order to improve the specification content" and to return the draft within 30 days. The agency responded in a June 8, 1983 memorandum from Carol Tonkin (SEA Exhibit #9) with minor corrections to the text. There were no other corrections noted or requested.

YDC Educational Director, Janis Kingsley and YDC Superintendent Adams both testified that there had been no changes in the position content since its establishment in 1983. They argued that the specification should not be altered in order to match the point allocation for that position. They therefore contended that the Department of Personnel, when establishing the position, should have allocated the Vocational Education Student Placement Coordinator at salary grade 18. Mr. McCann reiterated that Personnel would have no reason to insist upon allocation of this position at salary grade 18 when the agency had requested it be established at salary grade 17, and Personnel's first recommendation had been for establishment at salary grade 16.

The appellant contended that it was inappropriate to alter the specification for a position in order to make that specification correspond to the assigned point spread. Further, the appellant argued that it was inappropriate for the Division of Personnel to undertake a review of the position when such a review had not been requested by the agency. Mr. McCann testified that the agency had, in fact, asked for review of the specification and salary grade in a February 12, 1988 letter from Mr. Adams to Mrs. Vogel. Mrs. Vogel then responded on March 8, 1988 (SEA Exhibit #5) that an error had occurred when the original draft specification was written calling for three years of experience.

During the course of the hearing, the Board requested additional information from Mr. McCann concerning whether or not the Youth Development Center had ever requested, or the Division of Personnel ever conducted a classification review of the position of Vocational Education Student Placement Coordinator. The Board requested that if such a review had been conducted, Mr. McCann provide the date of the review, the Division of Personnel's recommendations and final outcome of the review. The Board further requested information concerning the classification and salary grade of the position to which the Vocational Education Student Coordinator reported.

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By letter dated July 5, 1988, Mr. McCann responded to the issues raised by the Board during the hearing. In that letter, Mr. McCann indicated that the position of Vocational Education Student Placement Coordinator, when established, reported to the Education Director (salary grade 20) and to the Principal (salary grade 18) and *it* would, therefore have been unreasonable to establish the Vocational Education Student Placement Coordinator at the same grade as one of the positions to which he reported. Mr. McCann also informed the Board that on January 18, 1985, former Superintendent John Sheridan had requested that the Division of Personnel review all classes in the Education Unit at the Youth Development Center. The Vocational Education Student Placement Coordinator position was occupied at the time by James Bernier. On May 20, 1986, the Division of Personnel issued a decision in that classification review, finding that the position was properly allocated at salary grade 17. Neither the Youth Development Center nor the position incumbent at the time appealed that decision.

Upon review of the record, the Board voted unanimously that the position of Vocational Education Student Placement Coordinator occupied by Steven Geddes is properly allocated at salary grade 17. Further, the Board found that sufficient review of the position had occurred since establishment of the position in 1983. The Board did not, therefore, find *it* unreasonable for the Director of Personnel to make a correction to the specification consistent with the requirements of the position.

Based upon the foregoing, the Board voted to deny the appeal of Steven Geddes.

FOR THE PERSONNEL APPEALS BOARD



MARY ANN STEELE
Executive Secretary

cc: Stephen J. McCormack, SEA Field Representative

Ronald G. Adams, Superintendent, YDC

Virginia A. Vogel, Director of Personnel