

State of New Hampshire

PERSONNEL APPEALS BOARD

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PERSONNEL APPEALS BOARD

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APPEAL OF JOSEPH GRADY
Department of Transportation

September 22, 1988

On Tuesday, June 28, 1988, the Personnel Appeals Board, consisting of Commissioners Cushman and Platt, heard the classification appeal of Joseph Grady, Assistant Highway Garage Administrator, N.H. Department of Transportation. Mr. Grady, who appeared pro se, was appealing the Division of Personnel's January 25, 1988 decision to reclassify his position from its current title, Assistant Highway Garage Administrator, salary grade 27, to Administrator II, salary grade 28. Mr. Grady had requested reclassification to Administrator III, salary grade 30.

Edward J. McCann, Classification and Compensation Administrator, represented the Division of Personnel. Both parties made written submissions for the Board's consideration prior to the hearing.

In his appeal, Mr. Grady argued no desk audit of his position had occurred, that the Personnel Director's decision "appears to be based solely upon the Peat Marwick study", and that in the Division of Operations the Assistant Bureau Chiefs, specifically in the Bureaus of Traffic and Bridge Maintenance, positions similar to his are allocated at salary grade 30. Mr. Grady contended that his reclassification to Administrator III, salary grade 30 was supported by Department of Transportation leadership, despite their written acceptance of the Director's decision. Mr. Grady also argued that the Division of Personnel should not have reclassified his position to a title or grade in the new proposed classification system since that system has neither been accepted nor implemented.

The Board found that the Division of Personnel was not obliged to conduct an on-site audit when reviewing a position. The appellant stated in his written submissions that to the best of his knowledge, none of the positions under review at the Department of Transportation had been the subject of a desk audit. The Board found that this review was conducted in a manner consistent with other reviews by the Division of Personnel and complied with those requirements imposed by law. Therefore, the absence of an on-site audit was found to have no relevance to the accuracy of the review.

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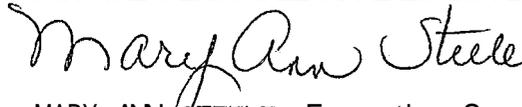
The Board found the appellant's contention that the Director's decision was based solely upon classification study guidelines to be unpersuasive. In a letter from Director Vogel to Commissioner Stickney dated October 5, 1987 (appellant's Enclosure VIII) the Director stated, "During my meeting with Mr. Laflam and Mr. Lemieux, I attempted to convey to them my perception of the intent of the Personnel Task Force as well as the General Court in regard to reducing the number of job classes... I believe we have an opportunity at this time to at least eliminate some job classes in your Department by utilizing the Administrator class series which was developed in this Division in 1984." The Director indicated in that letter that the series had been developed primarily to describe positions in the area of Health and Human Services. The appellant had requested reclassification to Administrator III. Therefore, the Board found that the appellant failed to substantiate his argument that the Division of Personnel had improperly relied upon the pending classification study to classify his position. The only remaining argument was that the appellant was not placed at a higher level in the Administrator series.

Mr. Grady argued that his position should have been allocated at the same salary grade as the Assistant Bridge Maintenance Engineer and the Traffic Systems Engineer in the Division of Operations for the Department of Transportation. The appellant did not substantiate his contention that his position responsibilities are the same as those for the two aforementioned positions. The Board concluded that the appellant did not document sufficient changes in his position responsibilities to warrant increase to salary grade 30.

The appellant stated in Appendix D Part II, Question 12 of the position classification questionnaire (appellant's Enclosure VIII), "...if 'Assistant Bureau/District Heads' are expected and required to assume the duties and responsibilities similar to those of the Administrator (and exactly the same during the Administrator's absence), the Assistant's position specifications and corresponding labor grade should be closer than five (5) labor grades. It is apparent that the majority of D.o.t. Bureaus share and operate on this premise and it is requested that the present Assistant Highway Garage Administrator be reclassified accordingly." The Board found this argument insufficient to justify increasing the appellant's position allocation to salary grade 30.

After reviewing all of the evidence and supporting documentation for Mr. Grady's appeal, the Board voted unanimously to deny the appeal, finding the appellant's position at the time of the position classification decision to be appropriately classified as Administrator II, salary grade 28.

FOR THE PERSONNEL APPEALS BOARD



MARY ANN STEELE, Executive Secretary

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cc: Joseph Grady
Department of Transportation

Virginia A. Vogel
Director of Personnel

Commissioner Wallace Stickney
Department of Transportation

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