

State of New Hampshire



PERSONNEL APPEALS BOARD
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89-C-113

APPEAL OF DEXTER HOWE
New Hampshire Technical Institute
Classification Appeal

On Wednesday, February 8, 1989, the Personnel Appeals Board (McNicholas, Cushman and Scott) heard the classification appeal of Dexter Howe, an employee of the New Hampshire Technical Institute. Mr. Howe had requested that his position of Laboratory Assistant 11, salary grade 11, be reclassified to a new title of Technical Assistant, salary grade 20. The Division of Personnel, following review of Mr. Howe's position, had recommended reallocation to the existing title of Intricate Equipment Repairman III, salary grade 13.

Mr. Howe appeared pro se. Also testifying in support of his appeal was Roy Ferguson, Department Chair, Electronics and Computer Technology Department, New Hampshire Technical Institute. Edward S. McCann, Classification and Compensation Administrator, represented the Division of Personnel.

Among the arguments presented for the Board's consideration in Mr. Howe's November 29, 1988 letter to the Board was that his position is "unique" and "does not fit easily into an existing specification because of the two major areas of expertise required, electronics and computer technology, and the personal contact required with students and faculty."

Both Mr. Howe and Mr. Ferguson testified that there is frequent contact between the appellant and students at the Technical Institute in the performance of his duties. The Board did not find, however, that such contact constituted actual instructional responsibilities. It did appear that the Institute has benefited from Mr. Howe's prior technical expertise, and his interest and willingness to assist the academic staff in the performance of their duties. These arguments are compelling from the standpoint of Mr. Howe's value to the Institute. They only have bearing upon an objective review of the appropriate allocation of his position to the extent that they are determined to be duties and responsibilities he is required to perform.

The Board faced three critical issues in attempting to resolve the issue of an appropriate classification and salary grade for the Appellant: 1) whether or not the specification proposed by the Division of Personnel could, as suggested, be modified sufficiently to accurately describe Mr. Howe's position responsibilities; 2) judging whether such a modified job specification would then reflect the appropriate degree allocations for the nine evaluation

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factors outlined in the Evaluation Manual for the Division of Personnel; and 3) differentiating between those duties assumed by the appellant because of his interest in the potential academic aspects of his position, and the actual duties required of him in his position.

In reviewing materials submitted by Mr. Howe prior to the hearing, including the Classification Questionnaire which he submitted as part of his position review, the Board found that Mr. Howe disagreed with the points allocated to the majority of the evaluation factors. The Board, therefore, reviewed the Classification Questionnaire in its entirety, comparing it to the Evaluation Manual. Each of the factors will be discussed individually within the context of Appellant's testimony and the information provided in his classification questionnaire.

For the purposes of comparison, the Board considered the point allocations as proposed by both the Appellant and the Division of Personnel:

	Existing title proposed by Division of Personnel	Proposed new class suggested by appellant
	<u>Intricate Equip. Repairman III</u> (S. G. 13)	<u>Technical Assistant</u> (S. G. 20)
Complexity of Duties	60	100
Education	60	60
Experience	50	80
Initiative	40	80
Errors	20	60
Personal Relationships	20	30
Supervision	10	20
Physical Effort	30	20
Working Conditions	30	30
TOTAL	320	480

COMPLEXITY OF DUTIES:

Appellant suggests that his position should be allocated at the 6th degree (100 points) for this attribute. The Evaluation Manual describes this degree as "work requiring analysis of broad problems, the planning of various interrelated activities and sometimes the coordination of effort of more than one division. May work out programs and approaches to major problems, and, in general, perform duties wherein recognized general principles may be inadequate to determine procedure or decision in all cases." In a general sense, this attribute relates to work within the context of a department, not a work unit within a division or agency. Therefore, complexity must be considered in light of its effect on the Technical Institute as an agency of the Department of Postsecondary Technical Education.

The Board did not concur with Mr. Howe's assessment of the outstanding complexity of his duties. While Appellant's position may require outstanding technical ability, the Board believed Complexity to be adequately defined by the 4th degree (60 points) as recommended by the Division of Personnel, in that his work "...Requires judgment in application of broader aspects of established practices and procedures to problems and situations not falling clearly or concisely within the limitations of accepted standards..." While Mr. Howe's assignments may require coordination of efforts between several units at the Technical Institute, they do not involve inter-divisional activities for the Department of Postsecondary Technical Education.

EDUCATION:

Appellant has recommended that this attribute be increased to the 4th degree (60 points). The Board concurs, as did the Division of Personnel in its recommendation for reallocation to the title of Intricate Equipment Repairman III. That specification also "Requires the equivalent to four years of high school plus three or four years apprenticeship or two years of technical college education to perform high skilled trades."

EXPERIENCE:

Appellant requested the Board increase this attribute to the 7th degree (80 points) requiring an employee, at entry level, to possess five to six years experience "in practical preparation in the same or related work..." to produce work of "sufficient quality, output, and performance standards as to insure continued employment." Appellant's position of Intricate Equipment Repairman III is currently rated at the 5th degree (50 points) requiring 2 years' experience in the same or related work. The Board believed that an employee with two years of college level preparation in the field of computer repair and electronics, with two years of experience in the same or related work, would be capable of satisfactory performance at an entry level in the position. Therefore, the Board denied the requested increase in points allocated to the Experience attribute.

INITIATIVE:

The Evaluation Manual defines Initiative as "the job's requirements for exercise of judgment, independent action, and creative effort in originating new methods or procedures. In addition, initiative refers to resourcefulness beyond routine practices, supervision, and regulatory procedures established by statute."

The Division of Personnel's proposed allocation for this attribute is the 3rd degree (40 points). Appellant requests the Board order an increase to the 5th degree (80 points). In reviewing this attribute, the Board again needed to consider this position as it relates to the Technical Institute and the Department of Postsecondary Technical Education as a whole. The Board was not persuaded that Appellant's position is responsible for "work limited only by [Postsecondary Technical Education] departmental policy and statute. Makes major decisions without consulting a superior unless major changes or new long term programs are involved." While fully appreciative of the technical expertise required of the Appellant in the performance of his duties, the evidence presented does not support reallocation of this attribute to the requested 5th degree.

Mr. Howe's own description of the Initiative required of his position states, "Position requires that individual independently set his own schedule and work professionally on a large variety of complicated equipment, routinely analyzing problems and making judgments to insure all departmental equipment is safe, operational, and up to department standards." Clearly, this description falls short of the definition of the 5th degree for Initiative.

ERRORS:

Appellant has requested an increase in this attribute to the 5th degree (60 points) requiring "the preparation of information and data on which department heads base vital decisions..." Again, at the risk of being redundant, the Board concluded that Mr. Howe's responsibility for the preparation of data does not extend to decision making at the departmental level for the Department of Postsecondary Technical Education. The Board did, however, believe that the specification for Intricate Equipment Repairman III, rated at the third degree, does not adequately reflect Mr. Howe's assignments and would, instead, recommend that this attribute be increased to the 4th degree, or 40 points.

PERSONAL RELATIONSHIPS:

Appellant's position, as reclassified to Intricate Equipment Repairman III, is allocated 20 points for the attribute of Personal Relationships. Mr. Howe has requested increase to 30 points. The Board did not find Mr. Howe responsible for "contacts with persons requiring considerable discussion of problems, presentation of material, and obtaining cooperation, such as is necessary for those in advanced supervisory positions and contacts made outside the department [of Postsecondary Vocational Technical Education]". Therefore, the requested increase from the 3rd to the 4th degree for this attribute was denied.

SUPERVISION:

Appellant, whose position is currently evaluated at the 2nd degree for Supervision, has requested an increase of from 10 to 20 points, or an increase to the 3rd degree. The Evaluation Manual states, "This factor is used to measure how much responsibility is required for controlling, directing, training, planning and scheduling the work of others. Consideration must be given to the NATURE of the control exercised as well as the LEVEL of the position controlled." No evidence was presented by Appellant to justify such an increase. Mr. Howe's Classification Questionnaire does not indicate supervisory duties outside of those related to "students and work-study students in a technical environment".

Allocation at the 2nd degree (10 points) would require that Mr. Howe be responsible for spending "25% to 50% of time supervising other employees doing related work while performing similar work part of the time, or where supervision is over a large number of workers on repetitive and routine work". Mr. Howe's Classification Questionnaire indicates that he does not hear or resolve complaints, recommend or take disciplinary action, recommend salary increments, interview applicants, hire, fire, recommend or approve leave requests, or exercise direct supervision over any other Technical Institute employee. Therefore, the Board found this attribute, even in the Intricate Equipment Repairman III specification, to be over-rated at the 2nd degree. The maximum number of points the Board would recommend for Supervision is 5 points, or the 1st degree.

PHYSICAL EFFORT:

Appellant's position of Intricate Equipment Repairman III is currently rated at 30 points, or the 4th degree. He has recommended decreasing the points allocated to this attribute to 20 points. Based upon the evidence presented, the Board would concur.

WORKING CONDITIONS:

Appellant has recommended no change in this attribute, which is currently rated at 30 points (the 4th degree). Based upon the testimony received, and the record before it, the Board would recommend reallocation of this attribute to 20 points (the 3rd degree). The Board did not find Appellant's position to involve "disagreeable elements or factors or combination of elements or factors of major importance such as heat, cold, fumes, wet, noise, etc., which are continuous. Exposure to lost-time accidents such as eye injuries, broken bones, hernia, loss of fingers, or some exposure to occupational disease but not incapacitating."

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The total point allocation which the Board found appropriate, after review of the evidence and each of the factors addressed in the Evaluation Manual, was 315 points. The total allocated to the specification for Intricate Equipment Repairman III is 320. Reduction of the total point allocation to 315 would place Mr. Howe's position at salary grade 12 (300 - 319), while the Division's allocation of 320 points would place Mr. Howe's position in salary grade 13 (320 - 339 points).

So as not to reduce Appellant's salary grade, the Board might conclude that Appellant's "supervision" of work-study students and technical advice to faculty could entitle him to 5 additional points for that attribute, which would increase the point total to 320.

In the past, the Board would have ordered the creation of a new classification and would have instructed the Division of Personnel to allocate to that classification the point values discussed above for each of the nine evaluation factors. With the enactment of Chapter 269:2, effective June 29, 1988, the legislature amended RSA 21-I:46 and required that, "The board shall be limited to existing job titles within the classification plan when rendering decisions regarding appeals of denial of reclassification. The board is explicitly prohibited from creating new job classifications or job titles.

The obvious difficulty in making the above findings involves the manner in which the Board must address the classification system as a whole. While it is apparent that Mr. Howe's responsibilities as presented differ from the actual point configuration for the specification of Intricate Equipment Repairman III, it is equally apparent that the Board's alteration of that configuration, and the total points assessed, would result in a lower salary grade than that recommended by the Division of Personnel in its review of the position.

Based upon the foregoing, the Board voted to deny Mr. Howe's appeal, upholding the Division of Personnel's recommendation that the position be reallocated to Intricate Equipment Repairman III, salary grade 13. The Board also voted to instruct the Division of Personnel to undertake a revision of the specification for Intricate Equipment Repairman III, making such modifications as may be required for that specification to more accurately reflect the duties and responsibilities of other employees so classified who are not employed by the Department of Transportation.

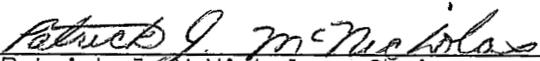
Hearing and deciding classification appeals requires that the Board view the material presented in light of the position, and not the person occupying that position. The Board's denial of Mr. Howe's appeal should not be construed as a reflection upon the obvious degree of dedication and professionalism he

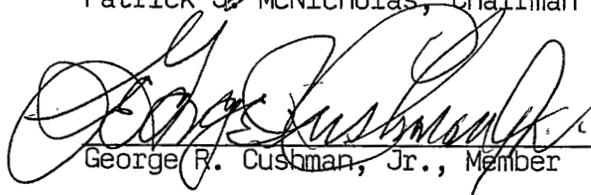
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brings to his work. The Technical Institute is indeed fortunate to have in its employ an individual with a demonstrated willingness to embrace the technological advancements in his field, and who seems eager to share his expertise with both his colleagues and the students at the Institute.

The Board must render its decision, however, based upon an objective assessment of the minimum requirements at entry level in its review of a position classification decision. Therefore, while an individual's personal qualifications and performance standards may far exceed the minimum requirements for a position, and may be of immeasurable benefit to the employing agencies, they can not be considered in assessing the appropriate position allocation at entry level.

THE PERSONNEL APPEALS BOARD


Patrick J. McNicholas, Chairman


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Peter C. Scott, Alternate Member

cc: Dexter Howe
New Hampshire Technical Institute

Mary Pillsbury Brown, Commissioner
Department of Postsecondary Technical Education

Virginia A. Vogel
Director of Personnel

DATED: August 30, 1989