

State of New Hampshire



PERSONNEL APPEALS BOARD
25 Capitol Street
Concord, New Hampshire 03301
Telephone (603) 271-3261

APPEAL OF FINANCIAL AID OFFICERS
(GOOD, CATELLO, WOICCAK, BURNS AND JACOBS)
Docket #94-C-6
DEPARTMENT OF POSTSECONDARY TECHNICAL EDUCATION

June 3, 1996

The New Hampshire Personnel Appeals Board (McNicholas, Bennett and Johnson) met on Wednesday, September 13, 1995, under the authority of RSA 21-1:57, to hear the appeals of Lorraine Good, Jackie Catello, Marcia Woiccak, Julie Burns and Susan Jacobs, employees of the Department of Postsecondary Technical Education. The appellants were appealing the Personnel Director's decision denying their request to have their positions of Financial Aid Officer (FAO) upgraded from salary grade 23 to salary grade 26. Stephen J. McCormack, SEA Field Representative, appeared on behalf of the appellants. Virginia Lamberton, Director of Personnel, appeared on behalf of the Division of Personnel.

The appellants argued that the Division of Personnel had assigned too little weight to three of the nine evaluation attributes: Skill, Knowledge and Impact.¹ The appellants argued that they enjoy complete autonomy at the colleges to which they are assigned in making student financial aid decisions. They argued that no one in the Department of Postsecondary Technical Education reviews their work or has the authority to over-turn their decisions, which are subject to only periodic review by the U. S. Department of Education. They argued that when they review a student aid application, they have sole discretion in adjusting baseline information about a student's financial situation which will later affect the amount of aid a student may expect to receive. They claimed that before 1983, when their positions were last reviewed that authority did not exist.

Ms. Lamberton said that she had received a request to review the appellants' positions on March 23, 1993, and that the agency supported having the positions reviewed but did not support an

¹ In their original appeal, which was filed pro se, the appellants claimed that the Division of Personnel erred in its assessment of five of the nine evaluation factors: Skill, Knowledge, Impact, Working Conditions and Physical Demands. The Board's decision in this instance will only address those factors taken up at the hearing on the merits.

The appellants offered several examples in support of their request for rating at the sixth level. They indicated that they had developed a "Satisfactory Progress" policy, conforming to federal guidelines, which would ensure that applicants met both qualitative and quantitative standards to receive financial aid. Mr. McCormack stated in his written arguments, "This policy was adopted at each college after it was reviewed by the Academic Deans at each school. No changes were suggested or made in the policy developed by the Financial Aid Officers, and it was subsequently published in the N.H. Technical College/Institute Financial Aid Policies Handbook."

The appellants also argued that they discovered that students at one technical college had higher initial costs for tools and supplies, the Financial Aid Officer at that college decided to redirect a significant portion of available Perkins Loan funds to that program in order to offset those initial program costs. They argued that the ability to make decisions of that nature demonstrated that the Skill factor was undervalued.

They said that by reviewing federal tax returns and their attachments, a Financial Aid Officer might discover "passive losses which distort the financial picture of a family and that family's ability to contribute toward the costs of a child's education." In those cases, they said that Financial Aid Officers could make an upward adjustment in the family's expected contribution, decreasing the amount of aid a student might receive. In other cases, if they determined that a loss of income warranted a decrease in a student's or a family's expected contribution, they could decide to increase the amount of aid a student would receive.

The Board does not believe decisions at that level warrants an increase to the sixth, or highest level, for the "Skill" factor. The Board found this work best described as analyzing and interpreting data, policy and procedures to arrive at logical conclusions or recommendations. Assessing a family's annual income or drafting a policy which implements a controlling federal regulation does not qualify as "evaluating, planning, or integrating analysis of data to formulate current and long-range solutions, strategies or policies." Accordingly, the Board found that the "Skill" factor should not be increased to the sixth level.

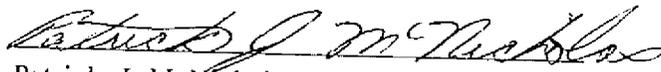
Knowledge

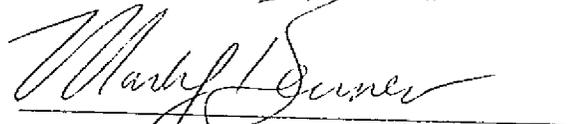
The Evaluation Manual measures "Knowledge" in terms of the educational background or technical knowledge required to meet the minimal job performance standards. The appellants argued that their positions should be rated at the fifth level because they "resolve problems of a specialized or professional nature." They affirmed that a rating at the fifth level for this factor normally would reflect a minimum education requirement on the job specification for a Master's degree, and the State does not require a Master's degree to certify as a Financial Aid Officer. However, they argued that the specialized nature of the problems they resolve warranted an increase to the fifth level for this factor.

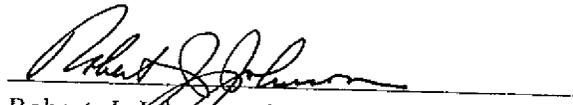
As important as these issues are, the Board does not believe that they warrant increasing the "Impact" factor from the fourth to the fifth or sixth level. The Board did not find that errors "would result in incorrect decisions at an administrative level" for the Department of Postsecondary Technical Education as a whole, or for the individual colleges in the system. The Board also did not believe that statewide programs or services would be disrupted as a result a Financial Aid Officer's error. The Board found it more likely that errors could result in disruption of services, as described by the third or fourth level for this factor.

On the evidence and argumet offered by the parties, the Board voted to deny the Financial Aid Officers' appeal, finding that there was insufficient evidence to warrant an increase in their salary grade assignment from salary grade 23 to salary grade 26. The Board found that changes in the positions since the last review in 1983 relate to volume of work, not the nature or scope of the work itself.

THE PERSONNEL APPEALS BOARD


Patrick J. McNicholas, Chairman


Mark J. Bennett, Commissioner


Robert J. Johnson, Commissioner

cc: Virginia A. Lamberton, Director of Personnel
Stephen J. McCormack, SEA Field Representative
Sarah Sawyer, Human Resources Administrator, Department of Postsecondary Technical Education

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NOTICE OF SCHEDULING CLASSIFICATION/ALLOCATION APPEALS

July 17, 1995

The New Hampshire Personnel Appeals Board, under the authority of RSA 21-I:57, will hear the classification appeals listed below on Wednesday, September 13, 1995, beginning at 9:00 a.m. in Room 411, State House Annex, 25 Capitol Street, Concord, New Hampshire. The appeals will be heard in the order listed. Appellants are allowed *ten minutes in which to present oral argument* or to answer questions from the Board. *A maximum of thirty minutes has been allotted for each hearing.* The rules for hearing classification and evaluation appeals are set forth in Part Per-A 208 of the Rules of the Personnel Appeals Board. Specifically, those rules are as follows:

Per-A 208.01 Applicability. Except as specifically set forth in this Part, the general rules contained in this Chapter shall apply to classification appeals.

Per-A 208.02 Submission by the appellant.

- (a) 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.
- (b) If it is an evaluation appeal, the appellant shall cite those attributes and degree allocations that are believed improper along with supporting justification.
- (c) If it is a classification appeal, a full explanation must be given as to why the position is incorrectly classified.

Per-A 208.03 Response by the Director. Upon receipt of this material, the Director shall have twenty (20) days to file with the Board an original and three (3) copies of any response.

Per-A 208.04 Reply by the Appellant. Upon receipt by the Board of the response of the Director, the appellant shall have ten (10) days to file an original and three (3) copies of any reply. The reply shall be limited to any new issues raised by the Director for the first time and shall contain no more than five (5) pages.

Per-A 208.05 Oral Argument. At the hearing, each party shall be given ten (10) minutes to present oral argument or to answer questions. The parties shall not submit any new material at the hearing.

NOTICE OF SCHEDULING
July 14, 1995

Although the Board has not always enforced its rules with regard to the hearing of classification and evaluation appeals, the parties to the appeals listed below shall consider themselves duly warned that the Board will conduct the hearings in these classification appeals in strict compliance with the Rules of the Personnel Appeals Board, Part Per-A 208. The parties shall not be permitted to offer testimonial evidence, and shall limit their presentations to ten (10) minutes of oral argument. The parties shall not be permitted to submit additional material at the hearing, unless such materials are specifically requested by the Board.

Requests for postponement, continuance or special scheduling will only be considered for the most exceptional circumstances. A request to postpone must be made in writing and be received by the Board within ten (10) calendar days of the date of this notice. Untimely requests will be denied, except in the event of an *bona fide* emergency.

Financial Aid Officers - Docket #94-C-6
Department of Postsecondary Technical Education

Lorraine Good, Jackie Catello, Marcia Woiccak, Julie Burns, and Susan Jacobs, employees of the Department of Postsecondary Technical Education, who are represented by SEA Field Representative Stephen McCormack, are appealing the Division of Personnel's June 1, 1993 decision denying their request for upgrading of their positions of Financial Aid Officer from salary grade 23 to salary grade 26.

White, Murray, Jordan and Rancourt - Docket #94-C-7
Department of Transportation

Verna White, Barbara Murray, Sarah Jordan and Judith Rancourt, employees of the Department of Transportation who are represented by SEA Field Representative Jean Chellis, are appealing the Division of Personnel's September 8, 1993 decision denying their request for reclassification from Clerk IV, salary grade 11, to Administrative Supervisor, salary grade 16.

Kelly Henry - Docket #94-C-11
Department of Resources and Economic Development

Ms. Henry, who is appearing *pro se*, is appealing the Division of Personnel's December 6, 1993 decision and January 21, 1994 reconsideration denying her request for reclassification from Account Clerk II, salary grade 6, to Cashier, salary grade 8.

Rene Pelletier - Docket #94-C-13
Department of Environmental Services

Mr. Pelletier, who appears with Commissioner Robert Varney of the Department of Environmental Services, is appealing the Division of Personnel's December 28, 1993 decision and February 11, 1994 request for reconsideration, denying the appellant's request for reclassification from Administrator III, salary grade 30, to Administrator IV, salary grade 32.

NOTICE OF SCHEDULING
July 14, 1995

**Dexter Howe - Docket #94-C-14
New Hampshire Technical Institute**

Dexter Howe, who appears *pro se*, is appealing the Division of Personnel's December 14, 1993 decision and February 9, 1994 reconsideration, denying Mr. Howe's request for reclassification of his position of Computer Equipment Technician (salary grade 18) to Technical Support Specialist I (salary grade 24).

**Mountain Equipment Operators - Docket #94-C-15
Department of Resources and Economic Development**

Clinton Savage, Wayne Swaim, David Perry and Frank Drew, employees of the Department of Resources and Economic Development who are represented by SEA Field Representative Stephen McCormack, are appealing the Division of Personnel's January 7, 1994 decision and March 13, 1994 reconsideration decision denying their request to upgrade their positions from salary grade 10 to salary grade 11.

For the Personnel Appeals Board



Mary Ann Steele, Executive Secretary

cc: Virginia A. Lamberton, Director of Personnel
Sara Willingham, Administrator, Bureau of Human Resources Administration
Jean Chellis, SEA Field Representative
Stephen J. McCormack, SEA Field Representative
Thomas F. Hardiman, Director of Field Operations
Dexter S. Howe, New Hampshire Technical Institute
Sarah Sawyer, Human Resources Administrator, Postsecondary Technical Education
Robert Varney, Commissioner, Department of Environmental Services
Joy Dean O'Connor, H. R. Administrator, Department of Environmental Services
Kelly Henry, Cannon Mountain Ski Area, Franconia, New Hampshire 03580
Kenneth Plourde, Business Administrator, DRED
Fran Buczynski, H. R. Administrator, Department of Transportation