

State of New Hampshire

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98-C-151

APPEAL OF CHERYL JANELLE

August 21, 1987

By letter dated May 22, 1987, received by the Personnel Appeals Board on May 26, 1987, Cheryl A. Janelle requested a hearing before the Board to appeal the effective date of her position reclassification in the Department of Safety, Field Operations Bureau.

In her request, the appellant outlined the chronology of events which resulted, on May 14, 1987, in notification that her position had been upgraded to Executive Secretary Stenographer, salary grade 11, effective March 27, 1987. Ms. Janelle received compensation at this new salary grade retroactive to the effective date of the position upgrading.

The appellant contends that retroactive compensation associated with her position upgrading should be, "...retroactive to March 11, 1986 or at least until June, 1986..." In support of this argument, she states that "On March 4, 1986, I submitted a letter requesting an upgrading ...[t]hen on March 11, 1986 I submitted a Position Classification Questionnaire which was submitted to the Personnel and Administrative Officer for the Department of Safety." She later states, "In January, 1987, I was advised that the Questionnaire had been sent over to the Department of Personnel."

Records in the Division of Personnel indicate that Ms. Janelle's position classification questionnaire was forwarded to the Division on February 11, 1987 and received in the Division on that date. After a review of the position, the Director notified the Department of Safety in a memo dated May 14, 1987, that the position in question would be upgraded as outlined above.

RSA 21-I:54 III states in part, "The Director shall dispose of requests for reclassification or reallocation from departments or employees within 45 days of receipt of a completed request for reclassification or reallocation" (emphasis added), and further states, "No retroactive pay shall be allowed for any request disposed of within 45 days. If disposition of a request takes longer than 45 days, retroactive pay shall be paid from the beginning of the next pay period immediately following the date on which the 45-day period ended."

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The Board found that there were no material facts in dispute. The completed request for reclassification was received by the Director of Personnel on February 11, 1987. The review was completed on May 14, 1987, exceeding the 45 days described by the statute. The Board found that the 45 day period within which the Division of Personnel should have completed its review of the appellant's position ended on March 28, 1987. Therefore, retroactive pay should not have been calculated until the beginning of the next pay period immediately following March 28, 1987. The effective date of the upgrading for the purposes of computing correct salary should have been April 10, 1987, which was the beginning of the next pay period immediately following the date on which the 45-day period ended.

Based upon the foregoing, the Board voted to deny Ms. Janelle's appeal. Because the miscalculation resulting in Ms. Janelle's overpayment was due to an administrative error which would not have been discovered had she not appealed, the Board voted not to order recoupment of the overpayment.

FOR THE PERSONNEL APPEALS BOARD



MARY ANN STEELE
Executive Secretary

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cc: Cheryl Janelle, Dept. of Safety
Edwin J. Goodrich, Dept. of Safety
Commissioner Flynn, Department of Safety
Col. Iverson, Division of State Police
Virginia A. Vogel, Director of Personnel