

State of New Hampshire



PERSONNEL APPEALS BOARD
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Appeal of Cheryl A. Janelle

Docket #99-C-22

Department of Safety

October 20, 1999

The New Hampshire Personnel Appeals Board (Wood, Rule and Barry) met on Wednesday, September 29, 1999, under the authority of RSA 21-I:57, to hear the appeal of Cheryl A. Janelle, an employee of the Department of Safety. Ms. Janelle, who appeared pro se, was appealing the Division of Personnel's May 18, 1999 decision denying her request for reclassification from Executive Secretary/Stenographer, salary grade 11, to Administrative Assistant II, salary grade 18. Virginia Lamberton, Director of Personnel, appeared on behalf of the Division of Personnel.

Without objection, the appeal was heard on offers of proof by the parties. The record of the hearing in this matter consists of pleadings submitted by the parties prior to the hearing, orders and notices issued by the Board, the audio tape recording of the hearing on the merits of the appeal, and documents admitted into evidence as follows:

State's Exhibits

- A. Memo from Claude Ouellette to Director Lamberton dated October 26, 1998
- B. Position Classification Questionnaire for position #10630, Executive Secretary Stenographer
- C. Approved supplemental job description for position #10630; Executive Secretary Stenographer
- D. Organizational chart for Division of State Police
- E. Decision letter to Claude Ouellette dated May 18, 1999

- F. Letter of appeal dated June 7, 1999
- G. Class specification for Executive Secretary
- H. Class specification for Executive Secretary Stenographer
- I. Class specification for Administrative Assistant II

Appellant's Exhibits

- 1. Director's Decision letter dated May 18, 1999
- 2. Position Classification Questionnaire completed by Cheryl A. Janelle dated August 23, 1998, signed by Human Resources Administrator Claude Ouellette September 29, 1998
- 3. Proposed Supplemental Job Description for position #10630 - Administrative Assistant
- 4. Organizational Chart - Division of State Police
- 5. Class Specification for Administrative Assistant II, salary grade 18
- 6. Class Specification for Administrative Supervisor, salary grade 16
- 7. Class Specification for Administrative Assistant I, salary grade 15
- 8. Class Specification for Administrative Secretary, salary grade 13
- 9. Copies of four Leave slips for Cheryl Janelle'
- 10. June 24, 1999, letter from State Police Captain Dwight Dodd to Mary Ann Steele

Ms. Janelle argued that her duties and responsibilities exceed those appearing on the class specification for Executive Secretary Stenographer. In her June 7, 1999, notice of appeal, Ms. Janelle wrote that the review of her position did not take into consideration the extent of her responsibilities in the areas of payroll, statistical reports, public relations and Worker's Compensation/Insurance. Ms. Janelle wrote:

"The [Director's decision] also states that I do not manage the office. Well, I consider the aforementioned areas as well as everything else I have listed in my Supplemental Job Description, which is enclosed, as contributing to managing the

¹ Ms. Janelle's appeal was not timely filed, as she was on approved leave when the Director's decision was transmitted to her at the Department of Safety. The Director did not object to the Board hearing the appeal despite the fact that it was not timely filed.

office, particularly when the office is vacated by all uniformed personnel which often occurs.

"I believe I fall within the scope of the job description for Administrative Assistant II. I also believe I fall within the classifications for Administrative Supervisor, Administrative Assistant I and Administrative Secretary (see classification descriptions enclosed). No employees who currently hold the aforementioned positions follow the classification description completely. Some of the duties listed are not even part of their job function.

"I believe my job position is unique and could fall into any one of the above-named categories, preferably Administrative Assistant II which I originally requested."

Ms. Janelle argued that although she has no direct supervisory responsibilities, she does train personnel on payroll functions and appraises the troop secretaries of changes in the payroll system. Ms. Janelle argued that she instructs newly hired uniformed personnel in completing their weekly duty reports, and is currently developing new payroll processes for state police personnel. Ms. Janelle argued that she has assumed responsibilities formerly assigned to a State Police Captain for coordinating State Police public relations appearances. She said that she does statistical reports on traffic activity, DWI arrests, Speed Comparisons and 55/65 MPH Courts and Warnings. Ms. Janelle said that she also is responsible for obtaining, preparing, processing and reviewing employee benefits information.

Ms. Lambertson said that although Ms. Janelle's immediate supervisor, Maj. Booth, had supported the appellant's reclassification, that request was not supported by the Department of Safety. Ms. Lambertson explained that within the Department of Safety, Maj. Booth reports to the Colonel of State Police who, in turn, reports to the Commissioner. She said that the Commissioner's secretary is classified as Administrative Secretary, salary grade 13, and that from an organizational perspective, reclassifying Ms. Janelle's position to Administrative Assistant II was illogical.

Ms. Lambertson argued that the appellant had neither the administrative or supervisory responsibilities that would be typical of the Administrative Assistant II classification. She reviewed the organizational chart for the Division of State Police, noting that the appellant had no direct reports. She also reviewed the appellant's Position Classification Questionnaire in which the appellant indicated that she had no responsibility for supervision or evaluation of subordinate employees.

Ms. Lambertson argued that Ms. Janelle's responsibility for collecting and disseminating payroll information is not equivalent to that of the Agency Payroll Officer who must prepare and certify payrolls for the agency. She contended that although Ms. Janelle has trained back-up personnel for her own position, her relationship with them would not support allocation as an Administrative Assistant, Administrative Supervisor or Administrative Secretary. She also argued that Ms. Janelle's public relations responsibilities are support functions, not administrative or managerial functions at the level of an Administrative Assistant.

On the evidence, arguments and offers of proof, the Board made the following findings of fact and rulings of law:

1. The appellant recommended revising the Scope of Work on her Supplemental Job Description to read as follows: "Perform administration of office management functions and coordinate facilitation of services to the public and other state agencies."
2. The Basic Purpose of the Administrative Assistant II classification is, "To develop and monitor administrative and office management procedures with responsibility for reviewing staff assignments for a specified organizational unit or section." Characteristic Duties and Responsibilities supporting that basic purpose include, "Coordinat[ing] office management and fiscal operations, including supervising staff engaged in purchasing, accounting and personnel functions."
3. According to the class specification, "Supervision" at the Administrative Assistant II level, "Requires direct supervision of programs or of employees doing work which differs from the supervisor, including disciplining employees, solving personnel problems, recommending

- hiring and firing employees, and developing work methods. The supervisor in this position manages a working unit or section with responsibility for employee performance appraisal."
4. The appellant reported on her Position Classification Questionnaire that she has no supervisory responsibility or authority. She indicated that she does not develop work methods, deny time off, recommend leave, manage a work unit or section, analyze staffing requirements, recommend hiring or terminating employees, conduct performance appraisals, discipline employees, solve personnel problems or interview applicants for positions.
 5. The Basic Purpose of the appellant's current classification is, "To monitor secretarial support activities for a specified organizational unit, including receiving and transcribing dictation and acting as secretarial assistant to an administrator or designated supervisor."
 6. The appellants responsibilities are more accurately described by the current classification's Scope of Work.
 7. The Administrative Assistant II classification describes a supervisory position responsible for "...direct supervision of programs or of employees doing work which differs from the supervisor, including disciplining employees, solving personnel problems, recommending hiring and firing employees, and developing work methods. The supervisor in this position manages a working unit or section with responsibility for employee performance appraisal.
 8. The Supervision factor for the appellant's current position classification, "Requires direct supervision of other employees doing work which is related or similar to the supervisor, including scheduling work, recommending leave, reviewing work for accuracy, performance appraisal, or interviewing applicants for position vacancies."
 9. Although the appellant has no direct supervisory responsibility, she is receiving credit for that factor in the allocation of her position as an Executive Secretary Stenographer, salary grade 11.
 10. There is no evidence that the appellant is responsible for taking or transcribing dictation. The appellant's position, therefore, could be reclassified to Executive Secretary, salary grade 10. However, having reviewed the position, the Director allowed the appellant to retain her current classification and salary grade, waiting until the position is vacated before reallocating it to salary grade 10.

11. The appellant did not offer evidence to support a reallocation to Administrative Assistant II, Administrative Supervisor, Administrative Assistant I, or Administrative Secretary.
12. The Director's analysis of the appellant's duties and responsibilities supports classification of the position at the level of Executive Secretary or Executive Secretary Stenographer.

Rulings of Law

- A. "The director shall establish a formal written class specification covering each position in the classified system. The purpose of the class specification shall be to identify the job functions, distinguishing factors, examination requirements, and the minimum qualifications which apply to all positions in the same class." [Per 301.02 (a)]
- B. "Allocation Review. – The employee or the department head, or both, affected by the allocation of a position in a classification plan shall have an opportunity to request a review of that allocation in accordance with rules adopted by the director under RSA 541-A, provided such request is made within 15 days of the allocation." [RSA 21-I:57]
- C. "If a review is requested by an employee, the director shall contact the employee's department head to determine how the employee's responsibilities and duties relate to the responsibilities and duties of similar positions throughout the state. The employee or department head, or both, shall have the right to appeal the director's decision to the personnel appeals board in accordance with rules adopted by the board under RSA 541-A. If the board determines that an individual is not properly classified in accordance with the classification plan or the director's rules, it shall issue an order requiring the director to make a correction." [RSA 21-I:57]

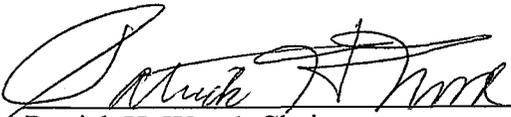
Decision and Order

The evidence offered by the appellant does not support her request for reclassification. There is no question that the appellant fills a vital support role within the Division of State Police, and that her knowledge and experience have contributed to her value as a resource within the division for newer, less experienced personnel at all levels. Those qualities, however, do not alter the fact

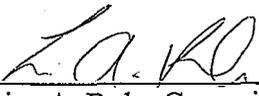
that the appellant is not responsible for coordinating office management and fiscal operations, analyzing training needs of staff and making decisions about their participation in training programs, developing and planning program policies, or supervising staff engaged in purchasing, accounting and personnel functions.

The Board found that the appellant's position is properly allocated in accordance with the classification plan and the Director's rules. Accordingly, the Board voted unanimously to DENY Ms. Janelle's appeal.

THE PERSONNEL APPEALS BOARD



Patrick H. Wood, Chairman .



Lisa A. Rule, Commissioner



James J. Barry, Commissioner

cc: Thomas F. Manning, Director of Personnel, 25 Capitol St., Concord, NH 03301
Cheryl Janelle, Executive Secretary Stenographer, Field Operations Bureau, Department
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