

State of New Hampshire

PERSONNEL APPEALS BOARD
Edward J. Haseltine, Chairman
Gerald Allard
Loretta Platt



EXECUTIVE SECRETARY
Mary Ann Steele

PERSONNEL APPEALS BOARD
State House Annex
Concord, New Hampshire 03301
Telephone (603) 271-3261

1988-0-109

APPEAL OF ATHENA KALIPOLITES

January 12, 1988

On June 29, 1987, Athena Kalipolites, an employee of the Youth Development Center, filed a formal request with the Personnel Appeals Board for retroactive pay for the period in which she occupied the position of Account Clerk II at the Y.D.C. The appellant was promoted to a position of Accounting Technician prior to a final decision by the Board which resulted in reclassifying her former position from Account Clerk II to Account Clerk III.

On August 4, 1987, the Board determined that the appellant was not entitled to retroactive compensation, citing the February 27, 1986 decision of the Personnel Commission on the issue of retroactive pay. The appellant filed a reconsideration request through her representative the State Employees' Association on August 14, 1987. In that request, the appellant stated there would be "no objection to the New Hampshire Personnel Appeals Board's waiting to act on said motion until a similar case, presently pending before the New Hampshire Supreme Court is decided. [Appeal of Laurent Drouin v. New Hampshire Personnel Appeals Board]"

Having now received the Court's decision in the Drouin appeal, and finding that employees who are promoted or transferred out of positions which are reclassified prior to such a decision may in certain cases be entitled to retroactive compensation for the period in which the position was occupied, the Board voted to accept Ms. Kalipolites' appeal.

The Youth Development Center is hereby directed to determine the amount of retroactive compensation to which the appellant may be entitled. The dates for retroactive compensation and supporting documentation shall be forwarded to the Division of Personnel for verification and approval. Copies of same shall then be forwarded to the Board for its review.

FOR THE PERSONNEL APPEALS BOARD

A handwritten signature in cursive script that reads "Mary Ann Steele".

MARY ANN STEELE
Executive Secretary

cc: Stephen McCormack, S.E.A.
Ronald Adams, Superintendent, Y.D.C.
Virginia Vogel, Director of Personnel

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APPEAL OF ATHENA KALIPOLITES

August 4, 1987

By letter dated June 29, 1987, Athena Kalipolites requested retroactive payment as a result of the reclassification of her former position (position #11626), an Account Clerk II position at the Youth Development Center which was upgraded to Account Clerk III by decision of the Personnel Appeals Board dated April 27, 1987. The Board has construed Ms. Kalipolites' request as seeking retroactive compensation for that period of time commencing when the request for reclassification was made and ending when she took an internal promotion to Account Technician. As a basis for her request, Ms. Kalipolites stated that she was still employed by the YDC and that she was promoted to an Accounting Technician position, prior to a hearing on the appeal of her former position. She noted that her promotion was to a position within the same class series.

The Board reviewed its decisions concerning retroactive pay adjustments in classification appeals. In a February 27, 1986 decision of its predecessor Personnel Commission regarding retroactive compensation, and in subsequent decisions of the Appeals Board, retroactive pay adjustments were permitted when the position series had been reviewed for possible reclassification. A series review was not conducted in the course of the position #11626 review. The Board therefore determined that the appellant was not entitled to retroactive payment for any portion of the time she occupied position #11626, having accepted promotion to the position of Accounting Technician. The Board therefore voted to deny the appellant's request.

FOR THE PERSONNEL APPEALS BOARD

A handwritten signature in cursive script that reads "Mary Ann Steele".

MARY ANN STEELE
Executive Secretary

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cc: Ronald Adams, Superintendent
Youth Development Center

Barbara Cote, Business Administrator
Youth Development Center

Athena Kalipolites
Youth Development Center

Virginia Vogel
Director of Personnel

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NEW HAMPSHIRE PERSONNEL APPEALS BOARD DECISION

In the Matter Of:

Account Clerk II - Youth Development Center

April 27, 1987

On April 14, 1987, the Personnel Appeals Board met, Commissioners Haseltine, Beaulieu and Platt sitting. They heard an appeal by the Youth Development Center regarding the Division of Personnel's decision denying an upgrading for the Account Clerk II position, salary grade 6, to Account Clerk III, salary grade 8. SEA Field Representative Stephen McCormack represented the Youth Development Center. Classification and Compensation Administrator Edward McCann represented the Division of Personnel. Both the appellant and the Division of Personnel made written submissions for the Board's consideration prior to the hearing.

Testifying in support of upgrading the position was Donna Martell, former Business Administrator for the Youth Development Center. Also speaking on behalf of the upgrading were Superintendent Ronald G. Adams and Athena Kalipolites, the position incumbent at the time of the initial appeal to the Personnel Appeals Board.

The Youth Development Center requested adjustment of the following attributes: Education, Initiative, Errors and Supervision. In regard to the requested point allocations, the Board made the following findings:

Education: The Board found that the position in question is more than an "entry level" position as outlined in the description of the 3rd degree for the attribute of education. Further, the Board was convinced that more than a high school education with appropriate course studies at the high school level would be required to prepare an individual for the duties of the position under appeal. The Board therefore found the 4th degree, or 60 points to be more appropriate for this job attribute.

Initiative: The present assignment of 20 points under Initiative would require that the incumbent, "...perform routine operations...working under close supervision with frequent guidance and check..." The Board was not convinced that such close supervision was available to this position, and therefore awarded the 3rd degree, or 40 points.

NEW HAMPSHIRE PERSONNEL APPEALS BOARD DECISION
In the Matter Of:
Account Clerk II - Youth Development Center
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Errors: The appellant seeks upward adjustment of this attribute from the 2nd to the 3rd degree, or from 10 to 20 points. The Division of Personnel's testimony regarding this attribute seemed to center upon the incumbent's responsibility in the area of payroll calculations. The Board, however, recognized the complexity of the student accounts and the fact that the incumbent bears singular responsibility for their proper maintenance. Based upon that information, the Board awarded 20 points to this attribute.

Supervision: The appellant contends that the incumbent in this position will exercise direct supervision over other State employees should funds become available for hiring additional, part-time staff. The Board was not convinced that 25% to 50% of the incumbent's time would be spent exercising direct supervision. This factor alone, however, should not prohibit the upgrading of the Account Clerk II position, given the fact that this position is frequently required to fill in for and back up the Accounting Technician, salary grade 11.

Based upon the foregoing, the Board voted unanimously to grant the appeal, reclassifying the position from Account Clerk II, salary grade 6 to Account Clerk III, salary grade 8.

FOR THE PERSONNEL APPEALS BOARD



MARY ANN STEELE
Executive Secretary

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cc: Stephen J. McCormack, Field Representative
State Employees' Association of N.H.

Virginia Vogel
Director of Personnel

Ronald G. Adams, Superintendent
Youth Development Center