

State of New Hampshire



PERSONNEL APPEALS BOARD

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APPEAL OF JOHN KLUN Docket #93 - C-7 Public Utilities Commission

September 17, 1993

The New Hampshire Personnel Appeals Board (McNicholas, Bennett and Johnson) met Wednesday, July 7, 1993, to hear the classification appeal of John Klun, an employee of the New Hampshire Public Utilities Commission. Mr. Klun appeared at the hearing pro se. Personnel Director Virginia A. Lamberton appeared on behalf of the Division of Personnel.

Mr. Klun's appeal arose from the Personnel Director's July 2, 1992, decision denying the Public Utilities Commission's request that Mr. Klun's position be upgraded from Management Systems Administrator I, salary grade 27, to Management Systems Administrator II, salary grade 29, and her subsequent refusal to reconsider that decision.

In his July 15, 1992 reconsideration request, P.U.C. Chairman Douglas Patch stated that the original reclassification request had been hurriedly prepared, resulting in a poorly constructed request. He provided a list of "characteristic duties and responsibilities" for Mr. Klun's position, and a list of tasks outside Mr. Klun's data processing responsibilities, which he asked the Director to review. The Director responded on September 8, 1992, affirming her original decision that Mr. Klun's position was properly classified as a Management Systems Administrator I, salary grade 27.

On September 22, 1992, Mr. Klun appealed that decision. In support of his appeal, he submitted copies of the following:

- 1) February 14, 1992 letter from former Commission Chairman Larry Smuckler requesting upgrading of Mr. Klun's position
- 2) Mr. Klun's completed position classification questionnaire, signed by former Chairman Smuckler on February 18, 1992
- 3) Mr. Klun's supplemental job description approved by the Division of Personnel on September 18, 1991
- 4) July 2, 1992 decision of the Director denying the request to upgrade Mr. Klun's position of Management Systems Administrator I
- 4) Commission Chairman Patch's July 15, 1992 request for reconsideration of the Director's decision denying the request to upgrade Mr. Klun's position of Management Systems Administrator I
- 5) September 8, 1992 reconsideration decision of the Director affirming her denial of the request to upgrade Mr. Klun's position
- 6) P.U.C. organizational chart dated August 17, 1992
- 7) Class specification for Management Systems Administrator I
- 8) Class specification for Management Systems Administrator II

- 9) Class specification for Data Processing Manager II
- 10) July 1, 1992 summary of evidence for the July 7, 1993 hearing
- 11) Letter from Commission Chairman Patch dated September 23, 1992, supporting Mr. Klun's appeal

The Director of Personnel submitted the following materials in support of her decision denying the request to reclassify Mr. Klun's position:

- 1) October 4, 1991 letter to Director Lamberton (Vogel) from former Chairman Smuckler requesting approval to award Mr. Klun a one-step increment at the time of his lateral transfer into the position of Management Systems Administrator I
- 2) October 24, 1991 letter from Director Lamberton (Vogel) to former Chairman Smuckler denying the October 4, 1991 increment request
- 3) Management Systems Administrator I supplemental job description approved by the Director of Personnel on July 1, 1992
- 4) Organizational Chart for the Department of Transportation, Bureau of Data Management
- 5) Organizational Chart for the Department of Employment Security, Data Processing
- 6) Organizational Chart for the Department of Labor
- 7) Class specification for Management Systems Administrator I, established 12-24-92
- 8) RSA 21-G:6 - Organization of the Executive Branch

Mr. Klun argued that the only substantive difference between the Management Systems Administrator I and II specifications was required work experience, with the higher level position requiring an additional year of experience. He also argued that the class specification for Data Processing Manager II, salary grade 33, differs only slightly from the description of his own work, which the Director of Personnel found to be an accurate description of his duties and responsibilities. In his letter to the Board dated September 22, 1992, Mr. Klun offered the following argument in support of his appeal:

"[T]he Personnel Director concurred that the description of the duties in the Request for Reclassification accurately reflect the position's duties and responsibilities. It should be further noted, that the wording in the Reclassification Request is nearly identical to that used to describe the duties and responsibilities of a Data Processing Manager II, LG 33."

The differences between the Management Systems Administrator I and II specifications are minimal and do not immediately suggest a two salary grade difference between the two levels of classification. However, that observation alone is insufficient to justify increasing the appellant's position from salary grade 27 to salary grade 29. The appellant did not provide sufficient evidence to support a finding that an employee at entry level in his position would require a bachelor's degree and eight years of experience to be able to perform the job satisfactorily. Accordingly, the Board voted to deny the appellant's request for reclassification to Management Systems Administrator II, salary grade 29.

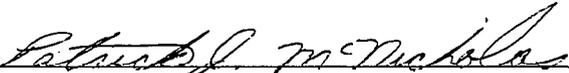
The Board also considered Mr. Klun's arguments with regard to the Data Processing Manager II classification, salary grade 33. The Data Processing Manager II specification describes a higher level of managerial function than that which is required in Mr. Klun's position at the Public Utilities Commission. The specification makes particular reference to the delegation of supervisory responsibility to "subordinate information system managers", and evaluation of their work flow or data preparation. The record reflects that Mr. Klun is responsible for the management of the Commission's information systems, that he participates in developing the Commission's long term strategic plans, agency budget and priorities, that he supervises three

support staff positions. The Board has little doubt that Mr. Klun enjoys the full confidence of the Commission members and is viewed by them as a "department head" within the Commission itself. However, the appellant does not supervise subordinate management level employees, with responsibility for evaluating the performance of their data processing output or overall work performance. The Board did not find that Mr. Klun's duties were sufficiently similar to the Data Processing Manager II classification to justify reallocating his position to that title or grade.

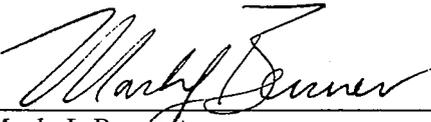
The Board has little doubt that the appellant could be an extremely attractive candidate for positions such as Management Systems Administrator II or Data Processing Manager outside the Commission, and that the Commission would hope to dissuade him from seeking more lucrative employment elsewhere. However, as a matter of fact, the classification plan makes no such allowances. The classification plan assesses only the minimum requirements of a position, not the ability of the incumbent to perform additional or more difficult tasks than those required of the position.

On the evidence, the Board voted to deny Mr. Klun's appeal. At the close of the hearing, Personnel Director Lamberton had submitted Requests for Findings of Fact and Rulings of Law. The Director's requests are granted to the extent that they are consistent with the decision above, otherwise, they are denied.

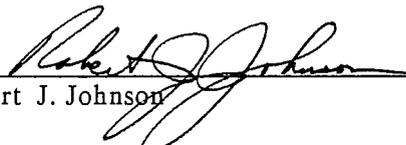
THE PERSONNEL APPEALS BOARD



Patrick J. McNicholas, Chairman



Mark J. Bennett



Robert J. Johnson

cc: Virginia A. Lamberton, Director of Personnel
John Klun, Management Systems Administrator, Public Utilities Commission
Douglas Patch, Esq., Chairman, Public Utilities Commission