

October 20, 2011

New Hampshire Personnel Appeals Board  
Attention: Mary Ann Steele  
25 Capitol St., Room 14  
Concord, NH. 03301

Re: Appeal of Reclassification Decision for Position # 12833

Dear Ms. Steele,

After reviewing my copy of the letter to you from Ms. Jennifer Elberfeld dated October 14, 2011, I am withdrawing my appeal at this time. I have spoken with Ms. Elberfeld and I am following her recommendation. I will be resubmitting my reclassification request with some additional information that is more descriptive and complete. Thank you. I certify that I have delivered a copy of this letter to Jennifer Elberfeld, Classification & Compensation Administrator and Lisa Currier, Human Resource Administrator.

Sincerely,

  
Kimberly Lacasse  
38 David Lewis Rd  
Gilford, NH. 03249

Cc: Jennifer J. Elberfeld, Classification & Compensation Administrator  
Lisa Currier, NH DOC Human Resource Administrator

# State of New Hampshire



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

## Personnel Appeals Board Decision on State's Motion to Dismiss

### Appeal of Kimberly Lacasse (Docket #2012-C-002)

October 27, 2011

By letter dated October 14, 2011, Jennifer Elberfeld, Classification and Compensation Administrator for the Division of Personnel requested that the Board dismiss the above-titled appeal. In support of that request, Ms. Elberfeld briefly summarized the review and reclassification process, noting that although the appellant claimed she was prejudiced by the Division's failure to perform a desk audit or provide an opportunity to speak with a Classification Analyst, the Personnel Rules do not require the Division of Personnel to conduct a desk audit as part of a position review. Ms. Elberfeld also argued that the appellant's pleadings expanded on answers to questions in the original Position Classification Questionnaire, providing information to the Board in support of the appeal that may not have been available to the Classification Analyst when the position was reviewed. Ms. Elberfeld argued that if the appellant wished new information to be considered, she should instead submit a new request for reclassification to the Division of Personnel, including in that request any additional information she wished the Division to consider. Ms. Elberfeld also wrote, "At that time, Ms. Lacasse could also request a site review, which the Classification Section would consider based on staffing and time available."

The Board's rules limit those circumstances in which an appeal may be dismissed without a hearing or a review of the material facts in dispute. Specifically, Per-A 206.05 (g) states:

(g) The board shall enter an order summarily dismissing a matter if, at any time, with or without a motion of a party, it concludes that:

- (1) The appeal was not filed timely; or
- (2) The board does not have jurisdiction over the appeal or the matters addressed therein.

The decision from which this appeal arises is a letter from Ms. Elberfeld to Human Resources Administrator Lisa Currier dated September 15, 2011, denying the appellant's request for reclassification. Ms. Lacasse's appeal was

received by the Board on September 29, 2011, fourteen calendar days after the date of the decision under appeal. As such, there is no dispute that the appeal was timely filed.

There also should be no dispute that the Board has jurisdiction to hear this appeal. In accordance with the provisions of RSA 21-I:57, "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."

Rules adopted by the Board under RSA 541-A, include Per-A 207.12 (f) and (g), which state:

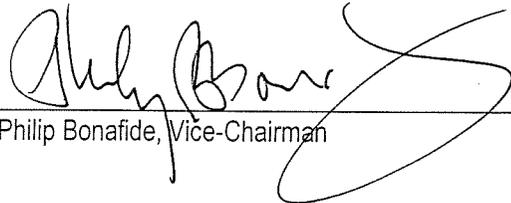
- (f) In appeals of a position reclassification or reallocation, the board shall determine if the appellant proves by a preponderance of the evidence that:
  - (1) The duties of the position have changed sufficiently to warrant reclassification or reallocation;
  - or
  - (2) The position was improperly allocated or classified in accordance with the director's rules or the classification plan.
- (g) The board shall have no jurisdiction to hear reclassification or reallocation appeals if the reason(s) given for the appeal include any of the following:
  - (1) The position is improperly classified because the personal qualifications of the employee exceed the minimum qualifications for the position in question;
  - (2) The employee has held the position for a long period of time;
  - (3) The employee has reached the maximum of the assigned salary grade of the position;
  - (4) The employee has held other positions or passed examinations that are not required for the position in question; or
  - (5) The position classification does not address the cost of living or related economic factors.

None of the arguments offered by Ms. Elberfeld in support of her request to dismiss the appeal suggest that the appellant is seeking reclassification for any of the reasons outlined in Per-A 207.12 (g), or that the Board has no jurisdiction to hear the appeal. Although the appellant argued that a desk audit would have provided a more thorough and accurate review of her duties and responsibilities, she also argued that the duties and responsibilities associated with her position that warrant reclassification under the classification plan. As such, the appellant is entitled to a hearing on offers of proof by the parties or the representatives of the parties, and an opportunity to prove by a preponderance of the evidence that the duties of her position warrant reclassification or reallocation, or that the position was improperly allocated or classified in accordance with the Personnel Director's rules or the classification plan.

Therefore, for all the reasons set forth above, the Board voted to DENY Ms. Elberfeld's request to dismiss the instant appeal.

THE NEW HAMPSHIRE PERSONNEL APPEALS BOARD

  
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Patrick Wood, Chairman

  
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Philip Bonafide, Vice-Chairman

cc: Karen Hutchins, Director of Personnel, 25 Capitol St., Concord, NH 03301  
Jennifer Elberfeld, Classification and Compensation Administrator, 25 Capitol St., Concord, NH 03301  
Kimberly Lacasse, NH Department of Corrections, 105 Pleasant St., Concord, NH 03301