

State of New Hampshire



PERSONNEL APPEALS BOARD

25 Capitol Street
Concord, New Hampshire 03301
Telephone (603) 271-3261

APPEAL OF ROGER LASANTE

Docket #97-C-6

Department of Justice

June 11, 1997

The New Hampshire Personnel Appeals Board (Bennett and Johnson) met on Wednesday, April 30, 1997, under the authority of RSA 21-I:57, to hear the appeal of Roger LaSante, an employee of the Department of Justice. Mr. LaSante, who was represented at the hearing by Charles Putnam, Assistant Attorney General, was appealing the Division of Personnel's decision to reallocate his position from Research Assistant, salary grade 18, to Personal Computer Specialist II, salary grade 20. The Department of Justice had requested that his position be reallocated to Technical Support Specialist II, salary grade 26. Virginia Lamberton, Director of Personnel, appeared on behalf of the Division of Personnel.

The appeal was made on offers of proof by the representatives of the parties. The record in this matter consists of the audio tape recording of the hearing, documents submitted by the parties prior to the hearing, notices and orders issued by the Board, and any pleadings and exhibits offered by the parties at the hearing.

At the close of the hearing, Director Lamberton submitted the Division of Personnel's Request for Findings of Fact and Rulings of Law. Insofar as those requests address the classification process, and conclusions reached by the Division, not the merits of Mr. LaSante's appeal, the Board will make its own findings..

Mr. Putnam explained that in 1995 and 1996, the Department of Justice converted its computer system from a Wang mainframe to an integrated information system with 6 servers and up to 120 nodes operating out of sites at the Department of Justice and New Hampshire Hospital. Mr. Putnam, who was personally involved in acquisition and installation of the current computer network, argued that Mr. LaSante's responsibilities for management and administration of that network had become far more complex than those described by the Personal Computer Specialist classification. He argued that Mr. LaSante was responsible for developing strategies for migration of data, allocating system and outside technical resources, and making critical decisions with respect to licensing and levels of security and file access. Mr. Putnam argued that in addition to determining what methods to use in protecting the integrity of the data and the network, the appellant's systems management responsibilities would include increasing responsibility for performing light programming duties.

Mr. Putnam admitted that Mr. LaSante had no direct supervisory responsibility. However, he argued that in a small agency such as the Department of Justice, staffing decisions are often an issue of available funding, and that due to budget constraints, the Department relied heavily on a "job sharing" approach, requiring staff to perform more diverse functions rather than relying on subordinate staff. He also noted that in the NetWare 3.12 computer environment, fewer administrative support personnel were required. He argued that Mr. LaSante's position classification should not be dependent solely upon the fact that he did not supervise a staff.

Mr. Putnam said that his department enjoyed a collegial relationship with the Division of Personnel and generally would defer to its judgment. However, he said that in this instance, the Division of Personnel was simply incorrect about the percentage of time the Network Administrator spent working on PCs themselves versus the time he spends managing the network.

Ms. Lambertson stated that in 1995, she had called together a study group of computer specialists from agencies statewide to review all the classifications related to computers and management information systems. She said that after many months, the group assisted in a restructuring of most MIS, PC and Network classifications. The current Personal Computer Specialist and Technical

Support Specialist classifications were developed as part of that process. Ms. Lambertson noted that in the past year, the Department of Administrative Services also had installed LANs in its major divisions, using integrated software applications. She said that most of the "simple programming," "troubleshooting," "data migration" and "security" functions described by Mr. LaSante are currently being performed by employees in her own division who are compensated at salary grades 13 and 16. Ms. Lambertson argued that the duties outlined on Mr. LaSante's Classification Questionnaire, and described by the appellant and his immediate supervisor during the position audit, did not support reallocation of the classification of Personal Computer Specialist II.

Ms. Lambertson briefly described the differences between PC Specialist and Technical Support Specialist positions, as outlined in her Exhibits 8 and 9, in relationship to the various evaluation factors used to classify positions. In reclassifying Mr. LaSante's position from Research Assistant II, salary grade 18, to Personal Computer Specialist II, additional points were assigned to the factors of Impact and Complexity. However, in order to support reclassification to Technical Support Specialist II, the factors of Skill, Supervision, Physical Demands, Communication and Independent Action would have to be increased, as well as additional increases in the factors of Impact and Complexity.

The Board was not persuaded that Mr. LaSante's duties and responsibilities warrant reclassification to Technical Support Specialist II. While Mr. Putnam may be correct in asserting that a position should not be classified solely on the basis of one factor such as Supervision, there is insufficient evidence that Mr. LaSante's duties and responsibilities support assessment of additional points in six of the remaining eight evaluation factors. For instance, under the "Independent Action" factor, the Board was not persuaded that Mr. LaSante's position, "Requires independent judgment in planning and evaluating work procedures and in supervising the development of professional, technical and managerial standards under administrative direction and according to broad departmental guidelines" as described in the specification for Technical Support Specialist II. Similarly, for the "Impact" factor, the Board did not find that the appellant's responsibilities require, "...responsibility for achieving major aspects of long-range agency objectives by planning short- and

long-term organization goals, reviewing recommendations for procedural changes, and developing or revising program policies..."

A Technical Support Specialist II is expected to have supervisory duties that include, "...direct supervision of other employees doing related or similar work, including scheduling work, recommending leave, reviewing work for accuracy, performance appraisal, or interviewing applicants for position vacancies." In fact, while Mr. LaSante provides some training, he has no actual supervisory responsibilities, and the Board believes the Division's review overlooked that factor in classifying his position as a PC Specialist II which, "Requires partial supervision of other employees doing work which is related or similar to the supervisor, including assigning job duties, providing training, giving instructions and checking work."

On the evidence, argument and offers of proof, the Board found that Mr. LaSante's duties and responsibilities do not support reclassification to Technical Support Specialist II, salary grade 26. Accordingly, the Board voted to deny his appeal.

THE NEW HAMPSHIRE PERSONNEL APPEALS BOARD



Mark J. Bennett, Chairman



Robert J. Johnson, Commissioner

cc: Virginia A. Lamberton, Director of Personnel, 25 Capitol St., Concord, NH 03301
Charles Putnam, Esq., Department of Justice, 33 Capitol St., Concord, NH 03301
Dan Mullen, Sr. Assistant Attorney General, Department of Justice
33 Capitol St., Concord, NH 03301