

State of New Hampshire

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



EXECUTIVE SECRETARY
Mary Ann Steele

PERSONNEL APPEALS BOARD
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Concord, New Hampshire 03301
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APPEAL OF ROBERT LEE
Department of Transportation

January 12, 1988

99-C-007

On Tuesday, November 24, 1987, the Personnel Appeals Board, Commissioners Platt and Cushman sitting, heard the classification appeal of Robert Lee, Traffic Research Engineer, salary grade 28, of the Bureau of Transportation Planning and Systems Management of the Department of Transportation. The appellant, who was represented by SEA Field Representative Ann Spear at the hearing, appeared appealing the Division of Personnel's decision denying a request to reclassify his position to Civil Engineer VI, salary grade 31. At the hearing, the appellant amended his appeal, asking that the Board upgrade his current position title of Traffic Research Engineer from salary grade 28 to salary grade 31.

Edward J. McCann, Classification and Compensation Administrator, represented the Division of Personnel. After receiving testimony and reviewing the materials submitted by the parties prior to the hearing by both parties, the Board voted to deny the appeal, finding the appellant's position properly allocated at salary grade 28.

The appellant argued that three position attributes be reallocated as follows: Experience from the 8th to 9th degree, Initiative from the 5th to 6th degree, and Education from the 5th to the 7th degree, resulting in an over-all evaluation factor increase of 65 points.

The Board was not persuaded by either the written or oral presentations that any of the requested increases were warranted. Again, the Board was faced with the difficult task of looking at the requirements of the position occupied by the appellant, and not the level of skill or breadth of experience the appellant brings to his work. The Board found that an individual with a Bachelor's degree and "seven years experience in the practice of civil engineering with at least four years specialty in the area of traffic research" would be able to assume the position responsibilities at an entry level in the position. Thus, the appellant's argument that "Undergraduate courses are not offered that keep pace with the changes and advancements in

APPEAL OF ROBERT LEE
January 11, 1988

traffic research engineering" did not persuade the Board that this attribute had been under-valued. Additionally, the Board found no justification to warrant increasing the Initiative attribute to the highest level, or that requiring "the highest ability to establish, organize, and carry out policy-making activities and major departmental programs..." Reviewing the appellant's argument that his work has become significantly more technical and complex, the Board noted that his position is already rated at the highest degree under the attribute of Complexity of Duties, which properly addresses the argument that "the position requires the highest ability to establish, organize and carry out activities and programs which have a major departmental impact." The Board did not find this description consistent with the definition of the 6th degree for Initiative requiring "the highest ability to establish, organize and carry out policy-making activities..."

Based upon the foregoing, the Board hereby denies Mr. Lee's appeal.

.. FOR THE PERSONNEL APPEALS BOARD



MARY ANN STEELE
Executive Secretary

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cc: Ann Spear, Field Representative
State Employees' Association

Raymond J. Lemieux, Personnel Officer
Department of Transportation

Virginia A. Vogel, Director of Personnel
State of New Hampshire

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APPEAL OF ROBERT LEE
Request for Reconsideration

April 18, 1988

At its meeting on March 29, 1988, the Personnel Appeals Board, Commissioners Cushman and Platt sitting, reviewed the reconsideration request filed February 1, 1988 by SEA Field Representative Ann Spear on behalf of Robert Lee, an employee of the Department of Transportation. In that request to the Board, the appellant asked the Board to reconsider its January 12, 1988 decision denying reclassification and upgrading of the position of Traffic Research Engineer.

In support of his request, the appellant argued that allocation to the highest degree for the attribute of Initiative was consistent with his current allocation for Complexity of Duties. The Board, however, found that there is no requirement that Complexity and Initiative both be at the same point level. Further, the Board determined that neither the written nor oral presentation at the hearing substantiated the requested allocation at the highest degree for Initiative. Therefore, the Board found its original decision was supported by the record.

The appellant further argued that post-graduate studies were required for any incumbent to satisfactorily perform the required duties. The appellant's arguments, however, did not persuade the Board that such education would be necessary at an entry level in the position. Obviously, the State profits from the expertise and experience of employees such as Mr. Lee. However, arguing that Mr. Lee will not always be in the position of Traffic Research Engineer has no bearing on proper allocation of his position, and is insufficient to justify increasing the Education and Experience attributes for the position of Traffic Research Engineer to the 7th and 9th degree respectively.

Based upon the foregoing, the Board voted to reaffirm its decision of January 12, 1988, and voted to deny the requested reconsideration.

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: Ann Spear, SEA Field Representative
Richard Pucci, Administrator, Dept. of Transportation
Virginia A. Vogel, Director of Personnel