

State of New Hampshire

LSP

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APPEAL OF VINCENT MICHNIEWICH

September 16, 1987

On Tuesday, July 14, 1987, the Personnel Appeals Board, Commissioners Haseltine, Platt and Allard sitting, heard the classification appeal of Vincent Michniewich, an employee of the Department of Transportation, Materials and Research Bureau. Mr. Michniewich was appealing the Division of Personnel's May 14, 1987 decision denying a request to upgrade his position from Supervising Laboratory Scientist, Salary Grade 21 to Laboratory Scientist V, Salary Grade 26.

In support of his appeal, the appellant argued that the following position attributes had been given insufficient weight when his position was reviewed: Complexity of Duties, Education, Personal Relationships, Initiative and Supervision. The Board reviewed written submissions from both the appellant and the Division of Personnel, then heard oral argument from both parties. The Board then made the following findings.

Complexity of Duties

The appellant requested that this attribute be reallocated from the 6th to the 7th degree, defined in the Evaluation Manual as, "Work carrying responsibility for consideration and analysis of major departmental problems. Requires development of data and recommendations influencing decisions on long-term policies relating to major functions. In both his written and oral presentation, the appellant contended that "...the variety of products analyzed, the indepth [sic] research required, as well as the technical competence needed in order to accomplish these tasks," justified upgrading this attribute to the 7th degree. The Board found, however, that the complexity of the work performed by the appellant was more clearly described by the 6th degree, or "Work requiring analysis of broad problems, the planning of various interrelated activities and sometimes the coordination of effort of more than one division. May work out programs and approaches to major problems, and, in general, perform duties wherein recognized general principles may be inadequate to determine procedure or decision in all cases."

Education

The appellant requested the Board upgrade this factor from the 5th to the 6th degree, or from a requirement for a four year college or university education or its equivalent in an appropriate discipline to a requirement

for the equivalent of a Bachelor's degree plus 12 to 15 hours of approved graduate work. When this factor is reviewed in conjunction with the experience requirement for the class, the Board found that an individual possessing the equivalent of a 4 year college or university education plus 5 to 6 years of experience in the field should be able to perform the work satisfactorily at entry level at the end of a probationary period. Therefore! the Board did not find upgrading of the Education attribute to be warranted.

Personal Relationships

For this attribute! the appellant argued that the 6th, or highest degree more adequately reflected the Personal Relationships requirement of the position. The 6th degree is defined as work of such "qualitative nature as to secure acceptance or support of major departmental policies!" and "explanation and interpretation of a highly technical or debatable nature so as to insure continued support and expansion of a department's program." The Board was not convinced by Mr. Michniewich's description that his contacts had significant bearing on "departmental policies." Rather, the Board found that Mr. Michniewich is responsible for on-going discussion with various company representatives and company engineers to review his agency's chemical and/or physical analysis of the product being analyzed. The Board did not find that Mr. Michniewich's position responsibilities would require him to function at the level outlined above. Rather! the Board found the 5th degree under Personal Relationships quite adequately describes the sort of relationships he must foster in the proper execution of his duties.

Initiative

As defined by the Evaluation Manual! "This factor relates to the job's requirements for exercise of judgment! independent action, and creative effort in originating new methods or procedures," and "resourcefulness beyond routine practices, supervision, and regulatory procedures established by statute." The Board fully appreciates the level of technical expertise one must possess in order to successfully perform the duties of the appellant's position. The Supervising Laboratory Scientist position currently requires "considerable initiative to perform the work, though under general direction, of devising new methods! modifying procedures to meet new conditions, and planning and performing unusual or difficult work where general instructions only are available." The Board did not find upgrading to the 5th degree warranted in that the work described by the appellant does not require, "responsibility for all planning of work limited only by departmental policy and statute."

Supervision

The appellant suggested upgrading this factor from the 3rd to the

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4th degree. The appellant's written submission claims he is responsible for assigning work, solving work problems, methods of operation, reviewing work for accuracy and for the quality and quantity of performance and "requires administration up to 75% of the time." The 4th degree for this attribute clearly calls for administration 75% to 100% of the time. The Board found the appellant's supervisory responsibilities more clearly defined by the 3rd degree, finding that the appellant's responsibilities for supervision included "advisory responsibility for instructing and directing subordinates, such as assigning work, explaining methods and maintaining flow of work," while the appellant's supervisor would be ultimately responsible for methods of operation.

After reviewing all of the documentation and testimony presented the Board found that the position of Supervising Laboratory Scientist, Salary Grade 21, is properly classified when assessed by the current standards outlined in the Evaluation Manual. Based upon that standard, the Board voted to deny the appeal.

The Board appreciates the frustration skilled, dedicated employees experience when faced with a denial of reclassification and upgrading, but must base such classification decisions upon the current standards set forth for evaluation of classified positions. The Board also appreciates the difficulty agencies such as the Department of Transportation must experience in attempting to attract and retain employees with the kind of professional background which Mr. Michniewich obviously possesses. The Personnel System Task Force and Classification Study currently underway will be addressing such situations and, perhaps, suggest a resolution not currently available under the rules, regulations and standards presently in place.

FOR THE PERSONNEL APPEALS BOARD



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Executive Secretary

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Virginia A. Vogel
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