

# State of New Hampshire



## PERSONNEL APPEALS BOARD

State House Annex  
Concord, New Hampshire 03301  
Telephone (603) 271-3261

### APPEAL OF SANDRA MILLETTE (Request for Reconsideration)

November 29, 1988

By letter dated October 24, 1988, Sandra Millette, through her SEA Field Representative Stephen J. McCormack, requested reconsideration of the Personnel Appeals Board's October 5, 1988 decision in her classification appeal. In that decision, the Board unanimously voted to uphold the Division of Personnel's recommendation that the Chief X-Ray/EKG Technician position occupied by the appellant be upgraded from salary grade 12 to salary grade 13. The appellant requested that the Board upgrade her position to salary grade 18.

Based upon the record before it, the Personnel Appeals Board consisting of Commissioner Cushman, Brickett and Platt, voted unanimously at its meeting of November 22, 1988, to affirm its October 5, 1988 decision. In so doing, the Board made the following findings:

- 1) The appellant argued, "...without a complete on-site review of each contested attribute, especially Physical Effort and Working Conditions, that it is improper for the Division of Personnel to first render a negative decision, then to still disagree without actually going to the worksite."

The Board found that there is no requirement by statute or administrative rule for the Director of Personnel or the director's designee to conduct an on-site review prior to rendering a classification decision. The Board was not persuaded that this argument supported reconsideration of its October 5, 1988 decision in this appeal.

- 2) The appellant stated! "It appears the only way to actually verify our contention [that the physical effort attribute is 'highly under-rated'] would be for the Personnel Appeals Board to visit the worksite."

Per-A 208.02 of the Rules of the Personnel Appeals Board defines the manner in which Classification and Evaluation Appeals are to be conducted, and the information for which the appellant is responsible for providing to the Board for consideration in the appeal. Ms. Millette, in her original appeal to the Board, provided documentation and evidence which she believed supported her request for increase in the points allocated to the attribute of Physical Effort. Upon

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consideration of that information, the Board found that the appellant did not meet the burden of proof necessary to increase this attribute. Further, the Board did not find that a request for the Board to visit the worksite justified either reconsideration or reversal of the Board's earlier findings.

Attached to the reconsideration request were letters addressed to the Board from Ms. Millette, Ms. Dolloff and Dr. Luckoor. The first two letters reiterated the appellant's original arguments for reallocation of the attributes of Complexity of Duties, Initiative, Errors, Physical Effort, Working Conditions and Personal Relationships. The third letter summarized the scope of appellant's responsibilities and described Dr. Luckoor's opinion of the competent, sensitive and dedicated manner in which the appellant completes her assignments. None of this information was sufficient to support a finding that the Board's October 5, 1988 decision was unlawful or unreasonable.

Based upon the record before it, pursuant to the provisions of Per-A 204.06 (f) (2), the Board voted unanimously to deny the motion for reconsideration.

FOR THE PERSONNEL APPEALS BOARD



MARY ANN STEELE  
Executive Secretary

cc: Stephen J. McCormack  
SEA Field Representative

Sharon Sanborn, Human Resource Coordinator,  
New Hampshire Hospital

Virginia A. Vogel  
Director of Personnel

# State of New Hampshire

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## APPEAL OF SANDRA MILLETTE N.H. Hospital

October 5, 1988

At its meeting of June 28, 1988, the Personnel Appeals Board, consisting of Commissioners Cushman and Platt, heard the classification appeal of Sandra Millette, Chief X-Ray/EKG Technician for New Hampshire Hospital. Ms. Millette was appealing the Division of Personnel's decision denying a request to upgrade her position from salary grade 12 to salary grade 18. The Division of Personnel had recommended increasing the position to salary grade 13.

Ms. Millette was represented at the hearing by SEA Field Representative Stephen McCormack. Classification and Compensation Administrator Edward McCann represented the Division of Personnel. Both parties made written submissions for the Board's consideration prior to the date of the hearing.

The original review of Ms. Millette's position had resulted in an August 20, 1986 decision from Judy S. Bastian, former Director of Personnel, that the appellant's position be upgraded from salary grade 12 to salary grade 13. That decision was predicated upon an increase in the attribute of Physical Effort from the 2nd to the 3rd degree. The appellant argued, however, that additional points should be awarded for the attributes of Complexity of Duties, Initiative, and Errors, and that the increased allocation for the attribute of Physical Effort was insufficient for the work performed by the appellant.

In support of her appeal, Ms. Millette argued that she holds the only position of Chief X-Ray/EKG Technician and as such is head of a department at New Hampshire Hospital. She contended that she is responsible for all the technical and administrative work of that department. She described the physical demands of the position, as well as the complications of working with geriatric, disabled and/or uncooperative patients. Ms. Millette also argued that she has no immediate supervisor available to her on a day-to-day basis; that she is responsible for emergency referrals to physicians based upon her review of X-Rays or EKGs; that she makes recommendations for all equipment purchases; and that she spends most of her working day "with patients" where the physical and emotional conditions of the patients requires constantly changing "positioning" techniques.

Among the materials submitted by the appellant for consideration was a June 23, 1988 letter from Joan Dolloff, Interim Unit Director at New Hampshire Hospital. Due to the late filing of this letter, the Board allowed the Division of Personnel seven days in which to respond. Classification and Compensation Administrator Edward McCann responded by letter dated July 5, 1988. First, he objected to inclusion of the June 23, 1988 Dolloff letter in the record of the appeal. Mr. McCann argued that Ms. Dolloff was not the appellant's supervisor at the time of the 1985 position review and that "it would not be possible for her to have been involved in the operation of the X-Ray and EKG Unit in that location during the review period. "Mr. McCann did then address the issues raised by Ms. Dolloff's June 23rd letter to be included in the record, but to give it such weight as it deemed appropriate considering the fact that Ms. Dolloff did not supervise the appellant during the 1985 position review.

With regard to the specific position attributes for which the appellant requested increased points be awarded, the Board made the following findings.

#### Complexity of Duties

The appellant's position is currently rated at the fourth degree, or sixty points. The Evaluation Manual defines this as work "generally routine or standardized, but involving choice of action within limits defined by standard practice and instructions." The appellant argued that her work would be more adequately described by the fifth degree. In support of this argument, the appellant contended that her work is "governed generally by broad instructions, objectives and policies, usually involving frequently changing conditions and problems." Based upon the evidence and testimony presented, the Board voted to deny the requested increase in the attribute of Complexity. The Board found the appellant's duties to be accurately evaluated at the fourth degree for Complexity of Duties. The position responsibilities described by Ms. Millette in her classification questionnaire (SEA Attachment I) are best described as "generally semi-routine or diversified..." requiring "judgment in the application of broader aspects of established practices and procedures to problems and situations..."

#### Initiative

The second attribute the appellant believed to have been accorded insufficient weight during the position review was Initiative. The appellant contended that her work is best described by the fourth degree, requiring her to devise new methods and modify procedures, as well as "planning and performing unusual or difficult work where general instructions only are available." The Board voted to deny the requested increase for this attribute, finding the appellant's responsibilities as Chief X-Ray/EKG Technician properly evaluated at the third degree, or 40 points for Initiative.

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Errors

The appellant argued that this attribute should be increased from the fourth to the fifth degree, or from 40 to 60 points, contending that the fifth degree for this attribute "requires the preparation of information and data on which department heads base vital decisions. Works only under administrative supervision, work not verified." The principal argument offered by the appellant in support of this requested increase was the limited amount of direct supervision or consultative support provided by physicians and/or radiologists assigned to order, read and interpret X-Rays and EKGs, and to prescribe treatment. The Board did not find this sufficient justification to warrant increasing the Errors attribute to the fifth degree. The Board found the appellant's responsibilities at the time of the position review to be best described by the fourth degree, "Errors very difficult to detect, work not being subject to verification, audit, or check. Employee has considerable responsibility for accuracy as errors may cause extensive confusion, damage, delay, etc."

Physical Effort

The Board also found that increase in the Physical Effort attribute to the third degree accurately reflected the incumbent's position responsibilities. In so doing, the Board considered all aspects of the incumbent's position responsibilities including those related to administration.

The Board,, upon review of testimony at the hearing and the materials submitted by the appellant, voted unanimously to deny this appeal. The Board found that the position of Chief X-Ray EKG Technician is properly allocated at salary grade 13, and that the appellant did not substantiate her argument that any of the attributes under consideration should be increased beyond the recommendations of the Division of Personnel.

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