

State of New Hampshire



PERSONNEL APPEALS BOARD

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

Appeal of Gail Mills
Request for Reconsideration
April 3, 1989

Pursuant to its order of July 28, 1988, issued in response to the Motion to Reconsider filed in the above-captioned matter the Board has completed its review of evidence related to several positions within the State classified service which report to Boards or Commissions. Based upon that review, the Board found that the appellant's position was correctly classified as an Administrative Assistant II, salary grade 18.

Having previously responded to the other arguments set forth in the appellant's Motion to Reconsider, the Board voted to deny the Motion to Reconsider.

FOR THE PERSONNEL APPEALS BOARD

A handwritten signature in cursive script that reads "Mary Ann Steele".

Mary Ann Steele
Executive Secretary

cc: Ann Spear, SEA Field Representative
Virginia A. Vogel, Director of Personnel

State of New Hampshire

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



EXECUTIVE SECRETARY
Mary Ann Steele

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APPEAL OF GAIL MILLS

July 28, 1988

By letter dated May 4, 1988, SEA Field Representative Ann Spear requested reconsideration of the Board's April 14, 1988 classification decision in the appeal of Gail Mills, an employee of the Commission on the Status of Women. In her motion, the appellant argued that the Board's decision was based upon the "opinion of the Division of Personnel, not evidence upon which findings of fact could be made." The appellant stated, "It is our understanding that the basis by which such findings and rulings are made is through a review of evidence. Such evidence would normally be provided by the party making the requests." Upon review of this argument, the Board concluded that it would grant those findings which were supported by the evidence submitted, regardless of which party provided the evidence.

Regarding the appellant's specific arguments for reconsideration, the Board found the following:

1. Although the appellant contended that communication between the Division of Personnel and the Commission on the Status of Women was incorrectly addressed to Aphrodite Georgopoulos rather than Jane Lane, the Board found no indication that such incorrect address had any effect upon the recommendations made for the position classification decision.
2. The appellant's arguments that Ms Mills' position should be allocated at salary grade 23, with a generic classification of "director" or "administrator," and that the recommended title of Administrative Assistant 11 salary grade 18 is a "glorified clerical position" are unsupported by the record.
3. The appellant argued that the Division of Personnel used a comparison of number of employees at various agencies as "the sole criterion upon which to base a decision in Ms Mills' position classification." That argument is unsupported by the record.

Ms Mills' in her motion for reconsideration, stated "we are attempting to discuss the structural similarities: that is, a volunteer or semi-volunteer board or commission meeting on occasion, with a 'director' type of paid position, handling the every day responsibilities implementing policies and goals set by the commission." In a similar case pending before the Board, the

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scope of the appellant's responsibilities vis-a-vis a board or commission has been raised as an issue on appeal.'

Due to apparent similarities presented in this appeal and that of Jean Barnes, the Board voted to review the evidence presented in both cases. The Board will also consider information requested from the Division of Personnel in the appeal of Jean Barnes (copy attached). The Board anticipates issuing a final decision within 45 days of receipt of those materials.

FOR THE PERSONNEL APPEALS BOARD



MARY ANN STEELE
Executive Secretary

cc: SEA Field Representative Ann Spear

Gail Mills, Commission on the Status of Women

Virginia Vogel
Director of Personnel

State of New Hampshire

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APPEAL OF GAIL MILLS

April 14, 1988

On Tuesday, March 29, 1988, the Personnel Appeals Board, Commissioners Cushman and Platt sitting, heard the classification appeal of Gail Mills, an employee of the Commission on the Status of Women. Ms. Mills was represented by SEA Field Representative Ann Spear. Also testifying on her behalf were State Representative Robert Hawkins, State Representative Wayne King, Commission Member Janet Allard Alosa, Commission Member Jane Lane, and Carol Muller. Edward J. McCann, Classification and Compensation Administrator and Virginia A. Vogel, Director of Personnel appeared on behalf of the Division of Personnel.

The appellant, who also briefly testified on her own behalf, was requesting that the Board order reclassification of her position from Administrative Assistant I, salary grade 15 to Executive Director, salary grade 23. The Division of Personnel had recommended, in its decision of November 6, 1987, the reallocation of the appellant's position to Administrative Assistant II, salary grade 18. On November 17, 1987, Ms. Mills requested reconsideration of the Director's decision. The Director responded on December 6, 1987 affirming the recommendation that the appellant's position be reallocated to Administrative Assistant II, salary grade 18. An appeal of that decision was filed with the Personnel Appeals Board on December 23, 1987 by SEA Field Representative Spear.

On January 11, 1988, SEA Field Representative Spear forwarded to the Board written arguments on behalf of the appellant. The Division of Personnel subsequently filed a Request for Findings of Fact and Rulings of Law, RE: Administrative Assistant I, Gail Mills.

The appellant argued that her position should be rated at the 8th degree for the Complexity of Duties attribute, stating that she gathered data and made recommendations to the Commission, and that "Commission members often rely on this participation when formulating policy." She further stated, "After the policy of the Commission is in place, it is the function of the incumbent to find and present programs which will achieve these goals." Neither that description in the appellant's original reconsideration request to the Director, nor the information presented by the appellant in written or oral presentation to the Board persuaded the Board that this attribute warranted increase to the 8th degree.

Further, the appellant testified that she is not responsible for policy decisions, as might be represented by the 8th degree. The Board therefore reviewed the Division of Personnel's proposed degree allocation for the attribute of Complexity, and found that the 5th degree adequately described the complexity of work performed by the appellant.

The appellant's written reconsideration request stated that the position under appeal would require a minimum of 5-6 years experience. The 5th degree, as proposed by the Division of Personnel in keeping with the recommended title of Administrative Assistant II, calls for Education at the 5th degree, requiring a four year college or university education. The Board found that level of education, in conjunction with 3-4 years' experience as described by the Evaluation Manual (i.e. "time spent in practical preparation in the same or related work") would be sufficient for an incumbent to perform the work satisfactorily at the end of a six-month probationary period.

The Board heard considerable testimony from the appellant's witnesses concerning her superior work performance. In the context of a classification decision, however, level of performance cannot be equated with minimum standards for entry requirements. The fact that the Commission has been fortunate enough to employ an individual whose skills appear to exceed the position requirements does not affect the proper allocation of that position in the classification plan.

The next attribute for which the appellant requested an increased allocation was Initiative. The Division of Personnel recommendation for this attribute was the 4th degree, or work which "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 found this description of the Initiative attribute properly addresses the position responsibilities as described by the appellant.

The appellant asked, in her reconsideration request, that the Director also consider increasing the attribute of Personal Relationships. As no recommendation was made by the appellant for evaluation of this factor, the Board reviewed the materials submitted by the appellant and the oral presentation by both the appellant and the Division of Personnel. The Board concurred that this attribute may be undervalued in the point spread assigned to the classification of Administrative Assistant II. The Board found, however, that the assignment of the 4th degree for Supervision in the Administrative Assistant II specification exceeds the supervisory responsibility of the appellant. If the Board were to vote to increase the attribute of Personal Relationships, it would need to simultaneously decrease the points allocated to Supervision.

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The Board then reviewed the position specification for the classification of Administrative Assistant II, and found that in a general sense, it outlines the responsibilities of the appellant, and properly addresses the level of work performed. The Board found the Examples of Work generally described the position responsibilities outlined by the appellant.

Based upon the foregoing, the Board voted to uphold the decision of the Division of Personnel, reclassifying the appellant's position to Administrative Assistant II, salary grade 18.

The Board ruled as follows on the Division of Personnel's Requests for Findings of Fact and Rulings of Law:

Findings of Fact

Paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, and 12 granted.

Paragraph 10 denied as unsupported by the evidence; the Board found, based on the evidence presented, that each of the other agencies did employ other individuals in addition to the Executive Director.

Rulings of Law

Requests 1, 2, 4, and 5 granted.

Request 3 granted to the extent discussed above.

FOR THE PERSONNEL APPEALS BOARD



MARY ANN STEELE
Executive Secretary

cc: Ann Spear, SEA Field Representative

Jane Lane, Acting Chair, Commission on the Status of Women

Virginia A. Vogel, Director of Personnel