

State of New Hampshire



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

VERNA BARBARA SARAH JUDITH
APPEAL OF WHITE, MURRAY, JORDAN AND RANCOURT
Docket #94-C-7
DEPARTMENT OF TRANSPORTATION

June 3, 1996

The New Hampshire Personnel Appeals Board (McNicholas, Bennett and Johnson) met Wednesday, September 13, 1995, to hear the appeals of White, Murray, Jordan and Rancourt, employees of the Department of Transportation, concerning their denial of reclassification from Clerk IV, salary grade 11, to Administrative Supervisor, salary grade 16. SEA Field Representative Jean Chellis appeared on behalf of the Appellants. Personnel Director Virginia Lamberton appeared on behalf of the Division of Personnel.

Ms. Chellis argued that in April of 1993, when the appellants requested a review of their positions, the Department of Transportation and the Personnel Director appeared to agree that from an organizational standpoint, the highway maintenance districts were similar to bureaus managed by an administrator. She noted that in her July 16, 1993, letter denying the request for reclassification, Personnel Director Lamberton had asserted that, "[T]he appropriate support staff supervisor for a bureau would be an Executive Secretary, salary grade 10, or a Clerk IV, salary grade 11." Ms. Chellis took exception to that statement, arguing that bureaus and sections in other departments and divisions are staffed by Administrative Supervisors, including the Bureau of Human Resources and the Certification and Recruitment Section of the Division of Personnel. She said that similar staffing existed in the Bureau of Purchase and Property, the Department of Environmental Services Bureau of Human Resources, the Department of Safety Bureau of Moorings, and Highway Maintenance in the Department of Transportation.

Ms. Chellis described each district as having a central office staff of 3 to 6 employees who are supervised by the appellants. She argued that the appellants are responsible for scheduling personnel in the district office, as well as assuming duties equivalent to those performed by Highway Patrol Foreman. She noted that the positions were last upgraded in 1975, and although they were reviewed again in 1989, their request for upgrading was not approved. She said that while the Director was correct in her assertion that duties such as "scheduling" personnel was the responsibility of Patrol Foremen in the field, the Clerks have responsibility

for scheduling office personnel and coordinating with Patrol Foremen to schedule certain administrative functions. Ms. Chellis argued that there had been a number of changes in the Clerks' duties when the 6 districts in the department were given more independent authority and the District Engineers were upgraded to salary grade 32.

Ms. Chellis referred the Board to the list of examples of "Independent Action" cited in State Maintenance Engineer Robert Hogan's July 30, 1993, request for reconsideration of the Director's decision denying the appellants' request for reclassification. In his July 30, 1993, request for reconsideration (SEA Exhibit A) Mr. Hogan asserted that most bureaus in the Department of Transportation were staffed by an Administrative Assistant I or II, although he noted that some of those positions had recently been downgraded. Nonetheless, he argued that the appellants had duties which exceeded their current classification, including the requirement that the appellants instruct field personnel, including Highway Patrol Foremen, Highway Construction Foremen, Maintenance Supervisors, Engineering Technicians and Civil Engineers on matters pertaining to administrative procedures involving accounting, personnel management, clerical supervision and business correspondence. He also argued that decentralization of many administrative functions within the Department had resulted in increased pressure in the Districts for staff to exercise independent judgement on the part of District staff in budgeting, accounting, auditing, personnel administration, personnel assistance, record keeping, permit processing and public contact.

Ms. Lamberton stated that on April 22, 1993, the appellants requested a review of positions of Clerk IV, salary grade 11 and an Account Clerk, salary grade 8, asking for their positions to be reallocated to Administrative Supervisor, salary grade 16. She argued that Administrative Supervisor positions are responsible for supervising programs, and that positions classified as Administrative Supervisor are not clerical in nature. Ms. Lamberton argued that the majority of the duties listed as "independent action" are clerical, not supervisory duties. Ms. Lamberton asserted that although there might be some similarities between the duties performed by the Appellants and the Administrative Assistant I and II positions, as those positions became vacant, they were being downgraded to Executive Secretary, salary grade 10.

Ms. Lamberton referred the Board to her decision dated July 16, 1993, detailing the nature and scope of the work performed by the appellants. In that letter she stated, "In the classified system, positions which manage the clerical and secretarial activities for a district office are typically classified at the level of Secretary II, salary grade 8 or at most (depending upon the complexity level of additional duties assigned as well as the organizational structure), as Executive Secretary, salary grade 10." The Director approved upgrading the Account Clerk,

salary grade 8, to Clerk IV, salary grade 11. No other reclassifications were approved.

Robert Hogan, State Maintenance Engineer, was present for the hearing and informed the Board that the appellants have substantial responsibility for training, and that they will be responsible for all the drug and alcohol testing which the Department was undertaking in compliance with Federal DOT regulations. Ms. Chellis argued that having responsibility for coordinating the drug and alcohol testing represented a substantial change in the positions. Ms. Chellis also argued that while there was no way to recognize the increased volume of work for which the appellants are responsible, their increased supervisory responsibilities warranted the upgrading from Clerk IV, salary grade 11, to Administrative Supervisor, salary grade 16.

At the conclusion of the hearing, Ms. Lamberton submitted Proposed Findings of fact and Rulings of Law. The Board is mindful of its obligations to respond to such proposed findings and rulings, and generally finds them helpful in focusing the issues in dispute. However, the proposed findings offered for the Board's consideration in this case provide little more than a description of the review process, offering little insight into the duties and responsibilities of the appellants which may or may not support their request for reclassification. As such, the Board will make its own findings of fact. To the extent that the Proposed Findings are consistent with the decision below, they are granted. Otherwise they are denied. The Board voted to grant the Division of Personnel's Requests for Rulings of Law.

Having considered the oral argument offered by the parties, as well as the written submissions provided for the Board's review prior to the hearing, the Board found that there was insufficient evidence of material change in the duties and responsibilities of the positions under appeal to warrant their reclassification. While there is ample evidence that the appellants perform diverse duties, and that they have experienced a substantial increase in workload, the facts in evidence do not support a finding that the appellants' positions have become supervisory in nature, or that they warrant reclassification to the level of Administrative Supervisor.

The appellants listed a number of "changes" in their duties and responsibilities including the following:

- Development and maintenance of a computer based district ledger;
- Generation of vendor pay vouchers and resolution of billing disputes;
- Preparing excavation permits;
- Providing new employee orientation (including pay, benefits, performance appraisals, job specifications, personnel rules, policies and procedures and collective bargaining agreements;
- Processing all personnel documents;
- Providing accurate employee information to benefit carriers;

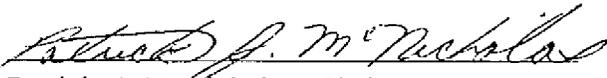
- Communicating independently, orally and in writing, with other departmental staff and vendors;
- Preparing requisitions and agency orders;
- Maintaining an integrated leave accounting record for district employees;
- Processing rental agreements; . . .
- Preparing flow charts and quarterly reports;
- Invoicing and processing property damage claims;
- Scheduling and coordinating field meetings and training programs with outside providers and instructors;
- Scheduling and supervising office custodian activities;
- Procuring rubbish removal contracts;
- Completing workers compensation claims forms.

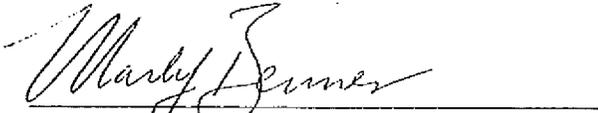
Having reviewed the specifications for both Administrative Supervisor and Clerk IV, the Board found that the duties which the appellants have described are more consistent with the nature and scope of duties described for the class Clerk IV. Of the "new" duties which the appellants listed, only the scheduling and coordinating field meetings and training programs with outside providers and instructors and the provision of new employee orientation are somewhat supervisory in nature. Otherwise, the new duties are reflective of diverse clerical functions necessary to the daily operation of the various district offices.

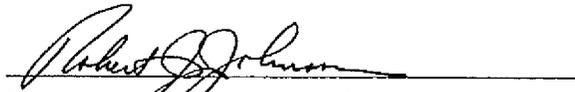
The specification for Administrative Supervisor describes a position which supervises subordinate employees within a specified agency program or work unit, supervising support staff, performing research activities, assisting in training subordinates in the functions performed within the work unit, attending meetings and training sessions, conducting meetings with subordinates to evaluate work performance, and monitoring program or work unit revenues and expenditures. By comparison, the specification for Clerk IV describes a position which performs diverse clerical duties in achieving daily objectives within a specified organizational unit. In achieving that purpose, an employee would collect, review and audit statistical data, assemble budget data and compile fiscal information for standardized reports, supervise employees performing similar clerical work including reviewing the work for accuracy. A clerk IV is also responsible for scheduling work assignments for subordinates, coding and tabulating data, updating computerized databases, retrieving information from records and coding that information for use in reports and summaries, contacting agency personnel to clarify and correct inconsistencies and errors on filed documents or invoices, and participating in agency training programs to increase technical knowledge and proficiency in the area of specialization.

The work described by the appellants more closely resembles that described by the Clerk IV specification. Their duties require them to supervise subordinate staff performing work which is similar to their own. The Clerk IV specification requires employees to perform direct supervision of other employees doing related or similar work, scheduling work, recommending leave, and reviewing work for accuracy, including performing performance appraisals. By contrast, Administrative Supervisors directly supervise programs or employees doing work which differs from the supervisor. It includes disciplining employees, solving personnel problems, recommending hiring and firing employees and developing work methods. The supervision in this position manages a work unit or section with responsibility for employee performance appraisal. There was no evidence that the "supervision" which the appellants exercise over field crews rises to the level of supervision expected of employees classified as Administrative Supervisors.

THE PERSONNEL APPEALS BOARD


Patrick J. McNicholas, Chairman


Mark J. Bennett, Commissioner


Robert J. Johnson, Commissioner

cc: Virginia A. Lamberton, Director of Personnel
Jean Chellis, SEA Field Representative
Fran Buczynski, Human Resources Administrator, Department of Transportation