State of New Hampshire

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APPEAL OF RICHARD C. MURRAY

July 1, 1987

On May 26, 1987, the Personnel Appeals Board, Commissioners Haseltine and Platt sitting, heard the appeal of Richard Murray, an Accountant IV, salary grade 22 at the Department of Employment Security. Mr. Murray, represented by SEA Field Representative Stephen McCormack, was appealing the Division of Personnel's denial of his request to upgrade his position to Business Administrator III, salary grade 26. Edward J. McCann, Classification and Compensation Administrator, represented the Division of Personnel.

In his written materials, the appellant argued that, "The only differences between the Accountant IV and the Business Administrator III as detailed in the point evaluation manual are in the areas of experience, personal relationships and supervision." The Appeals Board reviewed these attributes in light of testimony given and written documentation submitted and made the following findings.

Experience: The appellant requested that this attribute be reallocated from the 7th to the 8th degree, or from a 5-6 year minimum experience requirement to a 7-8 year minimum. Neither the written nor oral testimony concerning the appellant's position in the Department persuaded the Board that a minimum of seven years' experience would be necessary for an incumbent to satisfactorily perform the appellant's duties at an entry level in the position.

Personal Relationships: The appellant requested upgrading this attribute from the 4th to the 6th degree. While it would appear that Mr. Murray's contacts have increased in complexity and importance, the Board was not convinced that the appellant's position at the time of the review supported such an increase. Mr. Murray's written materials describe his personal relationships as, "...frequent contacts with high level employees of many state agencies, State Legislative bodies, Federal agencies and private industry contacts," "consulting with business supervisor analysts and budget officers at the Department of Administrative Services," and "Working directly with high level U.S. Department of Labor regional office personnel..." The Board, however, was not persuaded that the contacts described were "of such qualitative nature as to secure acceptance or support of major departmental policies," nor that they "Require[d] explanation and interpretation of a highly technical or debatable nature so as to insure continued support and expansion of a department's program."

Supervision: The appellant requested that this attribute be upgraded from the 4th to the 5th degree, or to work which requires, "...organizing and establishing procedures of a group of subordinates...at a high level of technical, professional, or scientific competence," as described in the 5th degree for this attribute. The Board took note of Appellant's Exhibit #1 in which Deputy Commissioner Weisenburger outlined changes in the administrative structure in the Department. While it appears that the appellant's current supervisory responsibilities might be described by the 5th degree, it would appear that this increased degree of supervisory responsibility did not occur until May 1, 1987.

In reviewing this matter, the Board noted that the appellant's written materials stated, "There was only suggestion that I could be promoted to an open Business Administrator II Position. I did not request promotion but reclassification and do not require the necessity of serving another probationary period when I have clearly shown my abilities in the functioning and supervision of my section." The Board found that an incumbent's level of competency has no bearing upon an assessment of the duties and responsibilities inherent in the position occupied. The Board continually faces the dilemma of separating the person from the position and must consider only whether the job duties have changed sufficiently to warrant reclassification of that position. In this instance, the Board was not convinced that Mr. Murray's position responsibilities at the time of his position review were different from those described in the specification for Accountant IV. The Board further found that Appellant's Exhibit #1, a May 1, 1987 memo from Joseph Weisenburger, Deputy Commissioner to Al Brown, Ed Lewis and Rick Murray refers to notification of "changes in the structure of the department" and states, "The fiscal subsection shall be headed by Rick Murray who shall be the appointing authority." The Board must then conclude that it was not until May 1, 1987 that changes in the duties and responsibilities of the Accountant IV position occurred. Therefore, the Board found that the appellant's position was properly classified when reviewed as an Accountant IV. The Board further noted that reclassifications are not designed to reward exemplary employees for service rendered. In those cases, it is assumed that the appointing authority will recognize outstanding ability and performance by promoting such employees. The fact that the appellant did not wish to serve another probationary period has no bearing upon decisions to reclassify positions.

Based upon the foregoing, and in consideration of the testimony given and supporting documentation submitted, the Board found that Mr. Murray's position of Accountant IV was properly classified at the

time said position was reviewed for upgrading by the Division of Personnel. Mr. Murray's appeal is, therefore, denied.

FOR THE PERSONNEL APPEALS BOARD

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cc: Stephen McCormack, Field Representative
State Employees' Association

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