

State of New Hampshire

PERSONNEL APPEALS BOARD
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APPEAL OF NORMAN BLAIS, ALAN SMITH & DAVID O'NEAL

April 14, 1988

On Tuesday, March 29, 1988, the Personnel Appeals Board, Commissioners Cushman and Platt sitting, heard the appeal of Norman Blais, Alan Smith and David O'Neal, Forestry Maintenance Mechanics employed by the Design, Development and Maintenance Section of the Department of Resources and Economic Development. The appellants, who were represented by SEA Field Representative Stephen J. McCormack, were appealing the Division of Personnel's decision denying a request to upgrade their positions from Salary Grade 13 to Salary Grade 15. Edward J. McCann represented the Division of Personnel.

The appellants submitted written arguments in support of their appeal. The Division of Personnel submitted Requests for Findings of Fact and Rulings of Law.

The appellants requested increases in two of the 9 job attributes. With regard to those requests, the Board found the following:

Physical Effort

The appellants argued that this attribute should be increased from the fourth to the fifth degree. The requested degree is defined in the Evaluation Manual as work requiring, "...the continuous [50% or more of the time] lifting of material weighing up to 60 lbs., or frequent [10% to 50% of the time] lifting of heavy material weighing over 60 lbs. Also work requiring frequent strain [10% to 50% of the time] due to strenuous work positions." The appellants repeatedly referred to their work on fire towers and carrying materials and tools as part of the rationale for increasing this attribute. However, during testimony, the appellants indicated that approximately one-half of the year, their work is performed in the workshop at Bear Brook. The Board was not persuaded that the work described by the appellants met the criteria for increase in the attribute of Physical Effort, and thus voted to deny the increase.

Working Conditions

The appellants, whose positions are currently rated at the 4th degree, have requested an increase to the 5th degree, or, "Work involving

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unusual and the most disagreeable extremes which are continuous. Exposure to injuries resulting in partial disability such as loss of an arm, a leg, partial loss of sight, etc., or health hazards which would be incapacitating and necessitate transfer to another occupation." The appellants argued that, "The majority of the work performed by Forestry Maintenance Mechanics is performed outdoors, and as such, the incumbents are exposed to a variety of disagreeable/adverse elements and extremes." The Board found, however, that the described elements are not continuous and would not qualify the appellants for increase to the 5th degree. The Board therefore voted to deny the requested increase.

Division of Personnel's Requests for Findings of Fact

Paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 13, 14: Granted

Paragraph 9: Denied

Paragraph 12: Granted in part; no evidence presented as to total number of structures and work not limited to work on "structures".

Division of Personnel's Rulings of Law

Requests 1, 2, 3, 4, 5, 6: Granted

Based upon the foregoing, the Board voted unanimously to deny the appeal, finding the positions of Forestry Maintenance Mechanic properly evaluated and allocated at salary grade 13.

FOR THE PERSONNEL APPEALS BOARD



MARY ANN STEELE
Executive Secretary

cc: Stephen J. McCormack, SEA Field Representative

George C. Jones, Commissioner, D.R.E.D.

Virginia A. Vogel
Director of Personnel